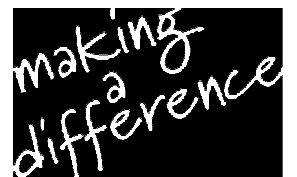


# Council

Monday 5th December  
2011  
7.00 pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees (or summaries of business undertaken in private) for up to six years following a meeting.
- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, upon request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its Committees etc.
- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, all items of business before the Executive Committee are Key Decisions.
- (Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:  
**[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)**

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact  
Ivor Westmore  
Committee Support Services**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH  
Tel: (01527) 64252 (Extn. 3269) Fax: (01527) 65216  
e.mail: [ivor.westmore@bromgroveandredditch.gov.uk](mailto:ivor.westmore@bromgroveandredditch.gov.uk) Minicom: 595528**

# Welcome to today's meeting.

## Guidance for the Public

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### **Agenda Papers**

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### **Chair**

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### **Running Order**

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

**Refreshments** : tea, coffee and water are normally available at meetings - please serve yourself.

### **Decisions**

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### **Members of the Public**

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### **Special Arrangements**

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### **Further Information**

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### **Fire/ Emergency instructions**

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

The emergency **Assembly Area** is on **Walter Stranz Square**.

# Declaration of Interests: Guidance for Councillors

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DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

**OR**

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

**and**

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).

# Council

5th December 2011

7.00 pm

Council Chamber Town Hall

## Agenda

### Membership:

Cllrs:	Anita Clayton (Mayor)	Bill Hartnett
	Peter Anderson	Roger Hill
	Michael Braley	Gay Hopkins
	Rebecca Blake	Robin King
	Andrew Brazier	Wanda King
	Juliet Brunner	Alan Mason
	David Bush	Phil Mould
	Michael Chalk	William Norton
	Simon Chalk	Jinny Pearce
	Greg Chance	Brenda Quinney
	Brandon Clayton	Mark Shurmer
	Andrew Fry	Luke Stephens
	Carole Gandy	Debbie Taylor
	Adam Griffin	Derek Taylor
	Malcolm Hall	

<b>1. Welcome</b>	<p>The Mayor will open the meeting and welcome all present.</p> <p>The Mayor's Celebrant, Ms June Saville, will lead the Council in a moment's reflection.</p>
<b>2. Apologies</b>	<p>To receive any apologies for absence on behalf of Council members.</p>
<b>3. Declarations of Interest</b>	<p>To invite Councillors to declare any interests they may have in items on the agenda.</p>
<b>4. Minutes</b> Chief Executive	<p>To confirm as a correct record the minutes of the meeting of the Council held on 17th October 2011.</p> <p><b>(Minutes circulated in Minute Book 5 - 2011/12)</b></p>
<b>5. Communications and Mayor's Announcements</b>	<p>To receive a report from the Mayor on civic matters which have arisen since the last meeting or events which may be occurring in the near future.</p> <p>To give notice of any variation to the items listed in the Forward Plan and/or items accepted as "Urgent Business".</p> <p>(No separate report / oral update)</p>

# Council

5th December 2011

<p><b>6. Leader's Announcements</b></p>	<p>To receive a report from the Leader on matters considered to be of significance to the Council.</p> <p>(No separate report / oral update)</p>
<p><b>7. Questions on Notice</b> (Pages 1 - 2) Chief Executive</p>	<p>To consider the following Question for the Leader, which has been submitted in accordance with Procedure Rule 9.2:</p> <p><u>"White Ribbon Campaign"</u> (Councillor Juliet Brunner)</p> <p>(Question attached)</p>
<p><b>8. Motions on Notice</b> Chief Executive</p>	<p>There are no Motions on Notice in accordance with Procedure Rule 11.</p>
<p><b>9. Executive Committee</b> (Pages 3 - 134) Chief Executive</p>	<p>To receive the minutes and consider the recommendations and/or referrals from the following meetings of the Executive Committee:</p> <p><u>15th November 2011</u></p> <p>Matters requiring the Council's consideration include:</p> <ul style="list-style-type: none"><li>• Gritting and Snow Clearance – Redditch Borough Council Approach;</li><li>• North Worcestershire Community Safety Partnerships – Proposed Merger;</li><li>• Safeguarding Children and Vulnerable Adults Policy;</li><li>• Overview and Scrutiny Committee;</li><li>• Worcestershire Shared Services Joint Committee;</li><li>• Minutes / Referrals – Constitutional Review Working Party – 10th November 2011 – Meeting Cycles; and</li><li>• Sandycroft – Future of Site.</li></ul> <p>(Reports and decisions attached)</p> <p><b>(Minutes circulated in Minute Book 5 – 2011/12)</b></p>

<p><b>10. Regulatory Committees</b> (Pages 135 - 138) Chief Executive</p>	<p>To formally receive the minutes of the following meetings of the Council's Regulatory Committees:</p> <table border="0"> <tr> <td>Audit and Governance Committee -</td> <td>15th November 2011</td> </tr> <tr> <td>Planning Committee -</td> <td>3rd October 2011</td> </tr> <tr> <td></td> <td>5th October 2011</td> </tr> <tr> <td></td> <td>2nd November 2011</td> </tr> </table> <p>(Report and decision from the Planning Committee attached)</p> <p><b>(Minutes circulated in Minute Book 5 – 2011/12)</b></p>	Audit and Governance Committee -	15th November 2011	Planning Committee -	3rd October 2011		5th October 2011		2nd November 2011
Audit and Governance Committee -	15th November 2011								
Planning Committee -	3rd October 2011								
	5th October 2011								
	2nd November 2011								
<p><b>11. Urgent Business - Record of Decisions</b> Chief Executive</p>	<p>To note any decisions taken in accordance with Standing Order 36 and/or the Overview and Scrutiny Procedure Rules (Constitution), as specified.</p> <p>(None to date).</p>								
<p><b>12. Urgent Business - general (if any)</b></p>	<p>To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in her by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.</p> <p>(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting and/or on the Leader's Forward Plan.)</p>								
<p><b>13. Exclusion of the Public</b></p>	<p>Should it be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting in relation to any items of business on the grounds that exempt information is likely to be divulged it may be necessary to move the following resolution:</p> <p><b>“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs (to be specified) of Part 1 of Schedule 12 (A) of the said Act, as amended.”</b></p>								

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**[Subject to the “public interest” test, information relating to:**

- **Para 1 – any individual;**
- **Para 2 – the identity of any individual;**
- **Para 3 – financial or business affairs;**
- **Para 4 – labour relations matters;**
- **Para 5 – legal professional privilege;**
- **Para 6 – a notice, order or direction;**
- **Para 7 – the prevention, investigation or prosecution of crime;**

**may need to be considered as ‘exempt’.]**

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(Note: Anyone requiring copies of any previously circulated reports, or supplementary papers, should please contact Committee Services Officers in advance of the meeting.)

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**REDDITCH BOROUGH COUNCIL****COUNCIL**

5th December 2011

**QUESTIONS TO THE LEADER****“White Ribbon Campaign”**

The following Question to the Leader has been submitted in accordance with Procedure Rule 9.2 by Cllr Juliet Brunner:

*“As Portfolio Holder for Community Safety, may I thank the Leader of the Council for joining me in wearing the white ribbon to express her fullest support for the “16 Days of Action” campaign against domestic abuse, taking place in Redditch – and across the world – from 25<sup>th</sup> November to 10<sup>th</sup> December?”*

*As the Leader is aware, domestic abuse encompasses a wide range of violent, threatening and controlling behaviours between family members or persons who have had an intimate relationship. Domestic abuse has serious consequences for the health and wellbeing of individuals, families and communities in our town.*

*Domestic abuse is linked to a higher proportion of recorded crime in Redditch than in any other district in Worcestershire, and yet it is also the case that many individuals facing abuse suffer in silence through reasons of shame, fear and hopelessness. I ask that the Leader support me in working with the Council and other agencies to address these problems.*

*Finally, I am sure that the Leader will join me in recognising the excellent work undertaken by a range of departments within the Borough Council - including SureStart, Housing Options and the Community Safety Team - who operate a range of services providing specialised emotional support, housing advice and home security improvements to victims and survivors of domestic abuse to help them lead happier and safer lives?”*



**REDDITCH BOROUGH COUNCIL****COUNCIL**5th December 2011

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**108. GRITTING AND SNOW CLEARANCE – REDDITCH BOROUGH COUNCIL APPROACH****RECOMMENDED that**

- 1) **the following policy be adopted with regard to gritting and snow clearance:**

**Redditch Borough Council will strive to keep the following areas clear of snow and ice and safe to use:**

- a) **crematorium and cemeteries to allow funerals to continue;**
- b) **Redditch Borough Council staff car parks to ensure that there are suitable parking areas for Council staff who are getting into work to provide essential services;**
- c) **key Council sites like the Town Hall and district centres to assist local shops and businesses and enable residents to access services; and**
- d) **gritting/snow clearance at other areas including Council sheltered accommodation will only be carried out subject to available resources; gritting/snow clearance at Council owned sheltered accommodation will be to allow the home Support Service Access to residents.**



**EXECUTIVE  
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APPROACH**

Relevant Portfolio Holder	Councillor Brandon Clayton – Housing, Local Environment and Health
Portfolio Holder Consulted	Yes
Relevant Head of Service	Guy Revans – Head of Environmental Services
Wards Affected	All Wards
Ward Councillors Consulted	N/A
Key Decision	

**1. SUMMARY OF PROPOSALS**

This report details the Council's joint approach to gritting and snow clearance, working with Worcestershire County Council (WCC) and Bromsgrove District Council, and proposes the Council's policy in relation to gritting and snow clearance on its own land. Members are asked to note the actions which resulted from the Overview and Scrutiny Committee Gritting Review and subsequent meetings with WCC. The report also provides Members with information on how gritting and snow clearance is carried out and also information on how disruptions to waste collection services are handled during bad weather events.

**2. RECOMMENDATIONS**

The Committee is asked to **RECOMMEND** that

- 1) **the following policy be adopted with regard to gritting and snow clearance:**

**Redditch Borough Council will strive to keep the following areas, listed in priority order, clear of snow and ice and safe to use:**

- a) **Crematorium and cemeteries to allow funerals to continue;**
- b) **Redditch Borough Council staff car parks to ensure that there are suitable parking areas for Council staff who are getting into work to provide essential services;**
- c) **Key Council sites like the Town Hall and District Centres to assist local shops and businesses and enable residents to access services;**

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d) **Gritting / snow clearance at other areas will only be carried out subject to available resources;**

**and to RESOLVE that**

- 2) **the Council will not provide grit bins on any highway land but may provide grit bins on its own land to enable gritting to take place, for example at Leisure sites; and**
- 3) **further publicity be undertaken to ensure that residents are aware of how the Council will deal with gritting / snow clearance and what to do when bad weather affects their waste collection service.**

**3. KEY ISSUES****Financial Implications**

- 3.1 Gritting and snow clearance work is carried out using existing labour resources and an existing budget for purchase of rock salt which is purchased via Worcestershire County Council who have an effective procurement arrangement in place. Careful management of rock salt is needed to ensure that it is used effectively and lasts throughout the winter season.

**Legal Implications**

- 3.2 Redditch Borough Council has no responsibility for gritting or clearing snow from roads or footpaths, this falls to WCC as the Highways Authority. However, as an owner of land the Council needs to undertake reasonable endeavours to make that land safe.
- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

**Service / Operational Implications**

- 3.4 Redditch Borough Council is not responsible for gritting roads and footpaths as this falls to WCC as the Highways Authority. The primary purpose of this report is to set out the Council's priorities in relation to gritting and snow clearance of Council land and the report recommends the adoption of the policy which outlines how the Council will approach gritting and snow clearance.
- 3.5 Further to the O&S Task and Finish Review of gritting and snow clearance which was carried out in Spring 2011 and subsequent

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meetings, a number of actions have been carried forward. These include:

- i) Further improved communications between WCC and RBC regarding winter maintenance activities;
- ii) Improved mapping of gritting route maps;
- iii) Continued partnership working on salt supply and sharing of resources;
- iv) Option of additional grit bins (see recommendation 2);
- v) Sharing information on local contacts who may be able to assist with winter maintenance operations.

3.6 This report clarifies a number of issues in relation to gritting and snow clearance:

- a) Gritting Redditch Borough Council land – local policy;
- b) Partnership working with WCC and BDC;
- c) Gritting of roads and paths;
- d) Provision and filling of grit bins;
- e) Disruption to waste collection services.

**Gritting Redditch Borough Council land**

3.7 Carrying out gritting and snow clearance will always be subject to having available resources and in the first instance, operatives delivering services which cannot be delivered in snow and ice conditions – such as mechanical sweeping – will be diverted onto gritting and/or snow clearance. The table below summarises how resources are deployed onto gritting and snow clearance tasks:

<b>Type of weather event</b>	<b>Resource available</b>
Ice / frost	Mechanical sweeper drivers
Light snow	All cleansing operatives
Heavy snow	All cleansing, grounds maintenance, waste collection and housing operatives

3.8 The decision to undertake gritting and/or snow clearance is based on a number of factors including:

- i) Information received via WCC;
- ii) Local conditions / localities, such as the crematorium site;
- iii) Nature of the frost and prevailing weather conditions;

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- iv) Resources available;
  - v) Any previous gritting recently carried out (for instance, if this was done the day before, it may not need to be done again);
  - vi) Crews when on site will also make assessments about where gritting is needed – for example, half a car park may have thawed by the time they arrive there.
- 3.9 The Council treats a small number of areas and it is recommended that the Council adopt a policy to clarify the gritting work that will be carried out:
- a) Crematorium and cemeteries to allow funerals to continue;
  - b) Redditch Borough Council staff car parks to ensure that there are suitable parking areas for council staff who are getting into work to provide essential services;
  - c) Key Council sites like the Town Hall and district centres to assist local shops and businesses and enable residents to access services.
- 3.10 Gritting / snow clearance at other areas including Council sheltered accommodation and leisure sites will only be carried out subject to available resources; gritting/snow clearance at Council owned sheltered accommodation will be to allow access for Home Support Service Officers.
- 3.11 Where gritting / snow clearance is carried out, this will be done to allow a sensible route for pedestrians and/or vehicles to access properties or facilities.
- 3.12 The Council is procuring specialist equipment to assist in gritting and snow clearance activities. This will be funded from within existing budgets.

Partnership working with WCC and BDC

- 3.13 Effective partnership working has developed between Redditch Borough Council, Worcestershire County Council and Bromsgrove District Council. During bad weather events, regular conference calls are held where information is shared with regards to weather conditions, priority work and resources available. The Council will continue to work in partnership with Worcestershire County Council and Bromsgrove District Council to co-ordinate the effective use of resources to enable gritting and snow clearance to take place at agreed prioritised locations.



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Gritting of Roads and Paths

- 3.14 WCC carry out gritting of primary and secondary routes when there is the risk of snow or ice forming on the roads and detailed gritting routes are shown on the WCC website. With limited resources and available finance it is essential that the Primary Network is treated first and the Secondary Network will be treated in severe weather conditions and only after the Primary Network has been successfully treated. It is not reasonably practicable to provide the service on all roads or to ensure all surfaces are kept free of ice or snow at all times, even on the treated parts of the network.
- 3.15 WCC do not generally treat footways as priority is always given to the road network. However, in prolonged periods of adverse conditions footways in town centres will be treated after the road network has been successfully treated.
- 3.16 Redditch Borough Council does not carry out gritting of any roads other than at the request of WCC. Redditch Borough Council treats a small number of areas (see section 3.9 above) and will also carry out gritting / snow clearance through agreement with WCC at identified sites which WCC own, as part of our partnership working to maximise resources during bad weather events.

Provision and filling of grit bins

- 3.17 WCC provide grit bins at strategic points across the County and the locations are shown on plans which are available on the WCC website. In siting a bin, the County take into account various criteria such as proximity to a junction and gradient. During bad weather events, WCC may ask the Council to fill grit bins as their resources may be deployed on other emergency works; these agreements are made on a day to day basis through regular conference calls. WCC make available additional salt supplies if the Council is asked to undertake any work on their behalf.
- 3.18 Owing to the cost of providing and maintaining grit bins and a need to ensure consistency with the approach by WCC, Redditch Borough Council does not provide any grit bins on any WCC land (see recommendation). Grit bins may be provided at certain council owned sites – such as Forge Mill Museum – so that there is a ready supply of grit which on site staff can use as needed.

**EXECUTIVE  
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- 3.19 An effective decision making and communications process has been put in place when waste collection services are disrupted by bad weather events. Operational teams will make decisions as to whether it is safe to make collections based on a number of factors. Officers rely on being able to get from and to locations using specialised vehicles. They must think of the safety of other road users, pedestrians and Council staff and make sure they do not put anyone at risk. Refuse vehicles can have a weight of up to 26 tonnes and they are much bigger than most household delivery vehicles. It is essential that people do not drive on roads when drivers make a judgement that is not safe to do so.
- 3.20 Once decisions are made, regular updates are issued at 08:00, 10:00 and 12:00 daily. Information is provided to Members, Customer Service Advisors, the Communications Team and senior Officers with alerts and information being posted on the website, phone lines and other social media like 'Facebook' and 'Twitter'. It is important to give out a clear and simple message – often this will be to 'leave out your bin until we have been to collect it'. Last year this process proved to be very successful and bad weather Frequently Asked Questions are provided on the website.
- 3.21 Further publicity is planned to ensure that residents are aware of how the Council will deal with gritting / snow clearance and what to do when bad weather affects their waste collection service.

**Customer / Equalities and Diversity Implications**

- 3.22 There has been no public / stakeholder consultation or service sampling on this subject. However, when there are bad weather events of snow and ice, the Council will receive a large number of calls from residents and businesses. It is therefore important to have a clear approach to gritting and snow clearance and to provide as much information as possible through the Council's website. Frequently Asked Questions and information are available on the Council's website and on the WCC website.
- 3.23 Direct.gov provides advice regarding clearing snow and ice from pavements as follows:

***“Prevent slips***

*Pay extra attention to clear snow and ice from steps and steep pathways - you might need to use more salt on these areas. If you clear snow and ice yourself, be careful - don't make the pathways more dangerous by causing them to refreeze. But don't be put off clearing*

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*paths because you're afraid someone will get injured. Remember, people walking on snow and ice have responsibility to be careful themselves. Follow the advice below to make sure you clear the pathway safely and effectively."*

**4. RISK MANAGEMENT**

There are two key risks associated with this issue:

Business risk – failure to carry out effective gritting / snow clearance at prioritised agreed locations will result in a loss of business and negative impact, both financial and reputation.

Social risk – failure to carry out effective gritting / snow clearance at prioritised agreed locations can have a negative impact on local residents and communities – e.g. access to local shops.

**5. APPENDICES**

None.

**6. BACKGROUND PAPERS**

None.

**7. KEY**

O&S = The Council's Overview & Scrutiny (Committee)  
WCC = Worcestershire County Council

**AUTHOR OF REPORT**

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**REDDITCH BOROUGH COUNCIL**

**COUNCIL**

5th December 2011

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**109. NORTH WORCESTERSHIRE COMMUNITY SAFETY PARTNERSHIP -  
PROPOSED MERGER**

**RECOMMENDED that**

- 1) Redditch Borough Council approve the merger of Redditch Community Safety Partnership with Bromsgrove Community Safety Partnership and Wyre Forest Community Safety Partnership resulting in the creation of a North Worcestershire Community Safety Partnership; and**
- 2) subject to endorsement by each of the Responsible Authorities of the merger, authority be delegated to Officers to take the necessary steps to implement the merger, including the establishment of governance arrangements and entering into any agreements, also subject to endorsement by the relevant Community Safety Partnerships.**



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**NORTH WORCESTERSHIRE COMMUNITY SAFETY PARTNERSHIPS -  
PROPOSED MERGER**

Relevant Portfolio Holder	Councillor Juliet Brunner, Portfolio Holder for Community Safety and Regulatory Services.
Portfolio Holder Consulted	Yes.
Relevant Head of Service	Angela Heighway, Head of Community Services.
Wards Affected	All Wards
Ward Councillors Consulted	
Key Decision	Yes.

**1. SUMMARY OF PROPOSALS**

In order to discharge its duties in relation to crime reduction under the Crime and Disorder Act 1988, Redditch Borough Council currently hosts and participates in the Redditch Community Safety Partnership (RCSP). The purpose of this report is to update members on the issues currently affecting the RCSP and seek Members approval to the Strategic Partnership arrangements being changed. Specifically, this report sets out proposals for the merger of the Redditch Community Safety Partnership (RCSP) with Bromsgrove Community Safety Partnership (BCSP) and Wyre Forest Community Safety Partnership (WFCSP). This would result in the creation of a North Worcestershire Community Safety Partnership (NWCSP).

**2. RECOMMENDATIONS**

**The Executive Committee is asked to RECOMMEND that**

- 1) Redditch Borough Council approve the merger of Redditch Community Safety Partnership with Bromsgrove Community Safety Partnership and Wyre Forest Community Safety Partnership resulting in the creation of a North Worcestershire Community Safety Partnership; and**
- 2) subject to endorsement by each of the Responsible Authorities of the merger, authority be delegated to Officers to take the necessary steps to implement the merger, including the establishment of governance arrangements and entering into any agreements, also subject to endorsement by the relevant Community Safety Partnerships;**

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and to RESOLVE that

- 3) **Members note the continuation of locality-based operational and responsive partnership working through the operational Tasking Group and its theme groups; and**
- 4) **Members note the intention to review the County-wide partnership arrangements by 2014.**

**3. KEY ISSUES****Financial Implications**

- 3.1 RCSP receives Home Office grant each year to fund community safety activity. In recent years this grant has reduced and will face further reductions in 2012/13. Table 1 shows the level of Home Office grant received by, or expected to be allocated to, RCSP.

Table 1

<b>Financial year</b>	<b>Funding</b>
2010/11	£90,327
2011/12	£107,400
2012/13	£56,086

- 3.2 Furthermore, from April 2013 onwards, whatever Home Office grant remains will transfer to the West Mercia Police and Crime Commissioner (PCC). The PCC will have considerable freedom to allocate such resources that may remain as he or she deems appropriate. This may result in CSPs receiving no funding via this route.
- 3.3 At present Home Office grant is used by RCSP to fund a number of staff, on fixed term contracts, hosted by Redditch Council and Worcestershire County Council. Home Office grant is also used by RCSP to fund project delivery. Reductions in this funding will challenge RCSPs ability to retain staff and deliver projects. Community Safety staff who are mainstream funded will not be affected by the grant funding arrangements via the PCC.
- 3.4 At present there is not an intention to pursue a shared staffing structure across North Worcestershire. Bromsgrove and Redditch currently operate a shared community safety team. There is ongoing dialogue in respect of support to a revised NWCSP which will release Officer capacity across the three Districts.



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- 3.5 At this stage, there are no cashable savings to be realised as a result of the merged Partnership arrangements, however, the benefits of such a shared Partnership arrangement are outlined within the report at 3.20 to 3.24.

**Legal Implications**

- 3.6 RCSP is a statutory partnership which is responsible for co-ordinating the response of local agencies to crime and disorder and associated issues (namely substance misuse, anti-social behaviour, other problems adversely affecting the environment and reducing re-offending). Under section 5 of the Crime and Disorder Act 1998 Redditch Borough Council is a "Responsible Authority". As such the Council has two main legal duties:-
- a) under sections 5 and 6 of the Crime and Disorder Act 1998 the Council and the Police in partnership, are required to collaborate with each other to develop and implement strategies and plans for dealing with crime and disorder and associated issues; and
  - b) under section 17 of the same Act, the Council is required to have due regard to the impact of each of its functions on crime and disorder and associated issues.
- 3.7 In a NWCSPP, Redditch Borough Council would retain these responsibilities. Any conflicts of interest between the member authorities may require an 'authority lead' for each Council. It is proposed that this would be passed up to Director level and Head of Service.
- 3.8 The other Responsible Authorities within RCSP are Worcestershire County Council, West Mercia Police, West Mercia Police Service, Herefordshire and Worcestershire Fire and Rescue Authority, Worcestershire Primary Care Trusts and the West Mercia Probation Trust.
- 3.9 The additional Responsible Authorities under a NWCSPP would be Bromsgrove District Council and Wyre Forest District Council.
- 3.10 Section 5 of the Crime and Disorder Act 1998 as amended by S97(3) of the Police Reform Act 2002 and S108 of the Policing and Crime Act 2009, sets out the circumstances in which the Responsible Authorities for each CSP area can join together to work as a combined partnership in order to carry out their functions under section 6 to 7 of the Act. Any such merger must be in the interests of reducing crime and disorder, combating misuse of drugs and / or reducing re-offending.

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It is also important that all the relevant responsible authorities have agreed to take such action.

**Service / Operational Implications**

- 3.11 Over the last ten years, partnership working has contributed to a sustained fall in crime and disorder across all communities in North Worcestershire. This has been supported by the local CSPs. The landscape in which the three CSPs operate has changed and is continuing to change. In multi-tier local authority areas the Home Office has encouraged CSPs to look at their structures and consider merging where this would create greater coterminosity across agency boundaries, stronger strategic influence but not affect the delivery of crime reduction.
- 3.12 As a result of this changing landscape the Worcestershire Responsible Authorities decided to review how the CSPs were operating and would be able to operate in the future. Also a number of Partners were highlighting logistical problems servicing the current partnership meetings and activities at the strategic decision making level.

**The current partnership landscape in Worcestershire**

- 3.13 There are currently four statutory CSPs in Worcestershire: South Worcestershire (a merged partnership of Malvern, Worcester and Wychavon districts), Bromsgrove, Redditch and Wyre Forest. Joint working between the CSPs on both strategic and operational matters is well established although on an informal basis. Each CSP has operational Tasking Groups that deliver the projects/interventions for the Partnership within the District. These local Tasking Groups are supported by directly employed local authority Officers. There is no proposal to change the local direct delivery arrangements at this time.
- 3.14 In addition there is a countywide strategic group, the Safer Communities Board, made up of senior Responsible Authorities representatives and wider stakeholders. This Board, through a Community Safety Agreement, sets the strategic priorities countywide and provides funding for CSPs. This Board also has a statutory standing. Sitting alongside the partnerships are a significant number of other groups that support the CSPs and the Safer Communities Board. There is also a higher spatial level strategic approach to community safety through the West Mercia Criminal Justice Board, which includes senior criminal justice and upper tier Local Authority representation and is currently in part preparing for the introduction of the new Police and Crime Commissioners (PCCs).

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Consultation on future partnership structures and priorities

- 3.15 A Task and Finish Group was commissioned by the Safer Communities Board to undertake a review of partnership working within Worcestershire. A key element of this work was to confidentially interview senior representatives of the Responsible Authorities, CSPs and key stakeholders to establish their views of current and potential future working arrangements. These interviews were undertaken by an Inspector from West Mercia Police who was independent from the current arrangements.
- 3.16 There were a wide range of views and observations amongst all Responsible Authorities however there was unanimous agreement that the current status quo of four CSPs was unsustainable and two options were considered:-
- a) to restructure into one County based CSP or; and
  - b) to move to two CSPs, north and south and the Safer Communities Board as the strategic County Group.
- 3.17 At the meeting of the Safer Communities Board on the 22nd September 2011 by majority vote the recommendation was that “the Board agrees to the restructuring of the current CSP arrangements into two CSPs (North and South Worcestershire) and one County Strategic Community Safety Board and recommends this decision to the Worcestershire Responsible Authorities”.
- 3.18 A number of Responsible Authorities agreed that any partnership arrangements would need to be reviewed when there was a relationship developed with the new PCC.
- 3.19 The report outlining the findings of the Safer Communities Board Task and Finish Group (Appendix 1) has been presented to the following:-
- a) the Worcestershire Chief Executive Panel on 16th September 2011 were in support for a North Worcestershire and South Worcestershire CSP arrangement;
  - b) the Safer Communities Board on 22nd September 2011 recommended by a majority of the Responsible Authorities for a merged North CSP (subject to Responsible Authorities formal approval); and

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- c) Redditch Community Safety Partnership have been part of the Task and Finish Group and have supported the proposal for a merged North CSP.

Benefits of Merging

- 3.20 Redditch CSP have supported the proposal to create a NWCSP.
- 3.21 The greatest benefit in creating a merged partnership is viewed to be the release of Officer capacity to allow the operational staff time to deliver community based initiatives and projects to the communities of Redditch.
- 3.22 With recent funding announcements all partners are having to review their ability to attend a wide range of partnership meetings. Whilst not an issue at the moment there is the real potential that less senior representatives of Partner organisations may not be able to service 4 CSPs across the County.
- 3.23 A merged CSP will significantly address this issue and ensure the correct representation at a strategic level.
- 3.24 Other benefits include:-
- a) the new partnership would be coterminous with West Mercia 's North Worcestershire Basic Command Unit and would reflect the local authority shared services ethos;
  - b) a reduction in the number of meetings that partnership Officers and statutory members are expected to attend;
  - c) pooling of expertise, knowledge, skills and resources to more effectively tackle crime and disorder; and
  - d) achieve enhanced local delivery by effectively using limited resources on a co-ordinated basis across the three districts.
- 3.25 Any structures, resources and working arrangements put in place will need to be judged on this basis. Officers are currently drafting the governance and working arrangements.

Way Forward

- 3.26 Home Office Ministers are clear that they see local partnership working as crucial, and that they do not wish to dictate local structures and mechanisms.

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Partnerships are free to arrange themselves according to local need and in order to facilitate this and the Home Office has simplified the process for merging CSPs down into three stages as follows:-

a) Stage 1

All Responsible Authorities across the areas wishing to merge must submit a joint application. Before this can be done they will all need to agree to the merger and must also have consulted with their local stakeholders on the merits of the proposed merger.

b) Stage 2

The Home Office Community Safety Unit will consider the application submitted; if the application demonstrates that all partners are in favour of the merger and that it will be in the interests of reducing crime and disorder, combating misuse of drugs and / or reducing re-offending, the application will be forwarded to Ministers for approval.

c) Stage 3

If Ministerial approval is received the Home Office Community Safety Unit will inform the partnerships involved and liaise with Home Office Legal Advisers for an order to be raised. A copy of the order, showing the date on which the partnerships will be legally merged will be sent to the partnership.

- 3.27 Once approval is confirmed then Lead Officers for community safety across North Worcestershire will facilitate the required process.

**Customer / Equalities and Diversity Implications**

- 3.28 A North Worcestershire CSP would provide the right strategic infrastructure and environment for supporting local implementation teams to deliver the vision of Redditch, "an enterprising community which is safe, clean and green".
- 3.29 There are no associated impacts to customers with the merge of Redditch CSP.

**4. RISK MANAGEMENT**

The main risks of *not* merging the CSPs are that partners may not be able to properly resource individual CSPs. The merged partnership will be coterminous with West Mercia Police area.

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Reducing the number of meetings that partners are expected to attend will enable Partners to dedicate more time to delivery. The future of community safety funding is uncertain. By pooling expertise, knowledge, skills and resources at a strategic level will support the continued delivery of initiatives to tackle crime and disorder in all the Council areas.

**5. APPENDICES**

Appendix 1 - Safer Communities Board - Future Worcestershire Community Safety Partnership arrangements

**6. BACKGROUND PAPERS**

Guidance on merging Community Safety Partnership Areas Under Section 5 of the Crime and Disorder Act 1998 as Amended by Section 97(3) of the Police Reform Act 2002 and Section 108 of the Policing and Crime Act 2009.

<http://www.homeoffice.gov.uk/publications/crime/csp-merger-guidance?view=Binary>.

**7. KEY**

CSPs - Community Safety Partnerships.

PCC - Police and Crime Commissioner.

NWCSP - North Worcestershire Community Safety Partnership.

RCSP - Redditch Community Safety Partnership.

BCSP - Bromsgrove Community Safety Partnership.

WFCSP - Wyre Forest Community Safety Partnership.

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**Safer Communities Board  
22 September 2011  
Future Worcestershire Community Safety Partnership  
arrangements**

<b>Purpose of Report</b>	<p>1. To consider the current issues and challenges facing community safety partnership working and how future working arrangements in Worcestershire can be organised to best meet these challenges.</p> <p>2. To propose outline options for future partnership structures and working arrangements that better target strategic priorities, taking account of the views and observations of Responsible Authorities and key stakeholders. The report is not a detailed business case.</p>
<b>Background</b>	<p><b>1. Introduction:</b> Community Safety responsibilities are primarily set out in the Crime and Disorder Act 1998 (as amended), with specific reference to s17 of the Act: Responsible Authorities, which includes Local Authorities, the Police, the Police Authority, Fire and Rescue Authority, Primary Care Trusts, and Probation Trusts, are required to develop policy and operational approaches to prevent crime and disorder, combating the misuse of drugs and alcohol, and anti social behaviour and other behaviour likely to adversely affect the local environment and to reduce reoffending. This report sets out future policy and funding issues, the operational landscape for community safety and considers the views and requirements of Responsible Authorities and key partners, in the revision of future partnership working and the key issues that need to be addressed to position Worcestershire to meet some significant challenges ahead.</p> <p><b>2. The current partnership landscape in Worcestershire:</b> There are currently four statutory Community Safety Partnerships in Worcestershire: South Worcestershire, Bromsgrove, Redditch and Wyre Forest. They operate in localities and focus upon local delivery and partnership working on community safety issues and fulfilling their duties under the Act. There is a County Strategic Group, the Safer Communities Board, made up of senior Responsible Authorities</p>

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representatives and wider stakeholders, which through a Community Safety Agreement, sets the strategic priorities for the Countywide partnerships and provides funding for CSPs and wider s17 activities.

Sitting alongside the partnerships are a significant number of other groups that support CSPs and the SCB.

There is also a higher spatial level strategic approach to community safety through the West Mercia Criminal Justice Board, which includes senior criminal justice and upper tier Local Authority representation and is currently in part preparing for the introduction of the new Police and Crime Commissioners.

The partnerships have been subject to a range of funding and performance frameworks over a number of years and to some extent have developed organically. The latest arrangements through the Comprehensive Area Assessment, Local Area Agreement, the Place Survey and National Indicators have gone and Partnerships can now decide how they are best organised.

The Safer Communities Board has agreed that a review of community safety partnership working across Worcestershire is required against the backdrop of changing Government priorities, severe pressures upon public finances, 60% reductions community safety fund grant, the introduction of Police and Crime Commissioners from November 2012 and the logistical problems faced by partner organisations in servicing current partnership meetings and activities.

**3. The emerging national policy landscape:**

The Government recognises the successes of community safety partnership working and its contribution to reducing crime over many years. However with significant pressures outlined above in public sector funding affecting all Responsible Authorities, policy changes in criminal justice and community safety, the reduction of Whitehall control and top down performance management and the development of localism with closer working with communities and the voluntary sector, the Government has clearly signalled that local areas are free to operate their statutory functions in whichever way they believe will work most effectively.

There are a number of key issues that require detailed consideration and will influence how partnerships most effectively carry out their roles and responsibilities. These are briefly summarised as follows:



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**i. Public sector resource reductions.**

There are reductions of 60% in community safety fund grant for use across Worcestershire between 2009/10 and 2012/13. This Home Office fund which is paid to Worcestershire County Council and provides revenue for CSPs and other key activities (see Table 1 page 9), will transfer to the PCC from April 2013, with the PCC completely free to commission and distribute funding as they choose. This is a significant risk to partnerships and how they currently fund their activities, including staffing resources.

This is compounded by significant budget reductions for Local Authorities and other Responsible Authorities.

Capital funding from the Home Office has also completely ceased. This was £176,000 in 2009/10 and £88,000 in 2010/11. Difficult decisions about how future funding is allocated and utilised will have to be made and there will need to be a reconsideration as to what other resources, community safety or otherwise can be made available or targeted to support community safety priority objectives. In future it will be vital to ensure that Worcestershire is able to highlight the effectiveness of meeting community safety priorities, to obtain grant funding support from the PCC, when control over these budgets passes to them.

**ii. Current Government policy**

The Government has recognised the importance of partnership working in ensuring safer communities and reconfirmed its support for the principles of the Crime and Disorder Act and s17 Responsible Authorities.

Subject to some minor changes, the most recent statutory Instrument (No 1230, 2011 The Crime and Disorder Formulation and Implementation of Strategy regulations 2011), confirms retention of the functions and requirements of CSPs and for a County Strategy Group to prepare a Community Safety Agreement on behalf of the Responsible Authorities.

The Government has set out its key Criminal Justice and Community Safety priorities in a number of policy and strategy statements covering, Domestic Abuse, Sexual Violence, Drug and Alcohol recovery Reducing Reoffending and Preventing Violent Extremism. Additionally there are specific Criminal Justice reforms (introduction of Police and Crime Commissioner), commissioning the voluntary sector, Localism, abolition of top down targets (LAA/NIs), performance by results and the wider Government policy agenda on welfare reform and economic growth.

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The recent riots in England have reemphasised Governments focus on some of these issues, notably reducing reoffending and the social and economic prospects of some sections of the community, which reflects the wider policy focus beyond just criminal justice, that is required to tackle these priority areas, reflecting the cross cutting nature of the community safety agenda.

There is a clear focus upon recovery and rehabilitation and the need for a multi agency approach to areas such as housing, training and employment, life skills and personal development, to ensure reductions in reoffending and substance misuse. This will require joint commissioning and better joining up of operational activities through clear strategic planning, to ensure effective interventions and support for localities.

These are key points for Partnerships to consider and how their strategic and operational activities are structured and operated, in a way that most effectively meets outcomes for local people.

**iii. Police and Crime Commissioners:** This is a central piece of Government policy under the Police Reform and Social Responsibility Bill currently progressing through Parliament. The PCC will be established at West Mercia level from November 2012, with a range of powers including a reciprocal duty to cooperate with CSPs and to have regard to each others priorities for the purpose of fulfilling the s17 responsibilities. PCCs will as stated above take responsibility for community safety grant. The PCC could make Community safety grants to other organisations and so it will be critical to ensure that Worcestershire has very clear and robust strategic and partnership plans that also meet the PCC priorities. Currently preparation for the introduction of the PCC and any transitional arrangements is being made through the West Mercia Criminal Justice Board and Worcestershire is represented by WCC alongside the other Upper Tier local Authorities.

Arrangements will also be taking place to set up the scrutiny arrangements around the PCC function through the Police and Crime Panel for West Mercia, which will be coordinated with key partners by WCC.

Whatever partnership arrangements are agreed in Worcestershire, they will have to be effective and straightforward for the PCC to deal with at a WM spatial level.

Key changes to Police structures and operating levels, together

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with the strategic alliance with the Warwickshire Police force, will place increasing pressures on the Police regarding their input and at what level this can take place.

**4. Worcestershire Strategic Community safety priorities:**

These are set out in the SCB Community Safety Agreement 2011/12. There is a focus upon Countywide coordination of strategic priorities: reducing reoffending, domestic abuse, drug and alcohol misuse, ASB, Preventing Violent Extremism. These have to be the focus for partnership working, although recognising there will always be local issues that may fall outside this wide range of the current priorities. These priorities align with Government priorities and are therefore likely to be to a significant extent reflective of the PCC s expectations.

**i. Reducing Reoffending:**

This is a very complex area of work being developed in Worcestershire and also across other areas of West Mercia. Local Authorities and CSPs have a significant contribution to make in relation to building on existing work relating to Prolific and Priority Offenders and the wider services such as housing, youth work, drugs and alcohol reduction and education, which are key to the pathways to reducing reoffending.

Working at West Mercia Criminal Justice Board (WMCJB) level and in future with the PCC, is a challenge because of the size of West Mercia and the number of Local authorities and partners to be engaged. This will be the sort of issue that the WMCJB has to be able to manage effectively and particularly with the advent of the PCC, where we must be able to work in unison. Top level WMCJB strategic agreement has to filter into organisations operational activity and effective internal communications within partnership organisations is critical to achieve this. It will be vital to ensure that full partnership engagement takes place at the outset as West Mercia Police begin to develop their new approach to IOM and reducing reoffending.

The Government will be monitoring this work closely as reducing prison numbers, reducing reoffending and getting people off welfare and into work are major policy objectives.

**ii. Drug and Alcohol misuse:**

The Drug and Alcohol Action Team (DAAT), which is hosted by WCC is clearly the lead partnership agency for the delivery of a reduction in drug and alcohol misuse through commissioning of

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services across the County. There is close working in a number of areas although some CSPs and partners are more involved than others. There is an excellent opportunity for the new contractor appointed by DAAT in April 2011, CRI, to develop new relationships with CSPs and partners and make a real difference in localities. The Recovery agenda (moving to sustaining long term recovery from drug and alcohol misuse), will enable good links to be made with other agencies, particularly the voluntary sector and to engage with volunteers, who are seen as a key to supporting this new approach. There is clearly a role for CSPs to support this work in their localities.

**iii. Domestic Abuse:**

There is very good partnership working on DA and in particular through the DA Forum and the accredited activity of the Multi Agency Risk Assessment Conferences (MARAC) and Independent Domestic Violence Advisors (IDVA), which are undoubtedly are having a very significant impact upon safeguarding and protecting families and individuals. There are strong links between agencies and provider organisations. The new responsibility for Domestic Homicide Reviews is coordinated through the Safer Communities Board on behalf of the CSPs, by the Domestic Abuse Co-ordinator. There is a Strategy and plans in place, with specific groups reporting back to the Forum. Currently the Forum and workgroup structures are being reviewed to reduce the burden on partners. There are close links to both Adult and Childrens Safeguarding Boards

**iv. Anti Social behaviour:**

Tackling ASB is a significant work stream for CSPs and much of their successful activity in the community relates to this. It is sometimes difficult to quantify success and this is a very real challenge for future outcomes frameworks that have to be developed locally post LAA. ASB is a major issue in many communities and it will be important to clearly understand concerns and adopt best practice from across the County and elsewhere to tackle this. The Government will be making a variety of announcements on future policy and has recently confirmed the rolling out of the 101 police telephone number for reporting number for ASB incidents.

Work is required to better define this whole area of work as ASB/hate crime/safeguarding/harm prevention (such as the Pilkington case) heavily overlap and there are developments in all of these areas, particularly within the Police, that require clear communication and cooperation with all partners.

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Therefore a clearer understanding of priorities is required to ensure improved joined up working.

**v. Preventing Violent Extremism:**

This is an area that we are working hard to increase awareness of and embed understanding of, across the partnerships through support from the County Prevent Coordinator, a post which comes to an end in January 2012. Although there is a proportionate response to be taken to a perceived low risk, we must not be complacent (see the events in Norway). This is a Government priority and relates to its overall counter terrorism strategy.

It is proving challenging to engage all partners on Prevent although ultimately it is all partners responsibility to ensure that this policy area is developed locally. This relates very closely to community cohesion and integration work which again is for all (not just a community safety issue). But there is a slow recognition by some in Worcestershire to recognise the potential significance and associated risk of not doing this work and this needs to be addressed at a senior corporate level. The PCC will undoubtedly be looking at this.

**5. Outcomes/performance framework.**

This is how we assess the effectiveness of meeting strategic priorities, but it has often been very challenging to develop a consistent and meaningful approach within a complex partnership context.

With the ending of the LAA and National Indicators there is a need to develop a new outcomes framework that reflects progress made towards meeting the strategic priorities. This is currently under construction and has to ensure that local delivery is actually shown to be making a difference. There will need to be clear CSP accountability for supporting these Countywide strategic priorities and the new outcomes framework, post the LAA, will be agreed and introduced to assist with this objective. It is important to be able to demonstrate effectiveness not only through the partnership but to local communities and the PCC. A move to consideration of medium to longer term outcomes, rather than short term target management is something that has to be developed.

**6. Commissioning of Community Safety services.** There is significant multi million pound operational and commissioning activity of direct and indirect community safety activity, much of which is at County level, primarily through WCC. This for instance includes the WCC Community Safety team, Drug and

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Alcohol Action team, Domestic Abuse and, Supporting People (including support and housing for vulnerable people, ex offender people who misuse substances, people with mental health problems and domestic abuse services). The majority of the services commissioned are in the voluntary and independent sectors and provide services to local communities across Worcestershire.

There are many other commissioning arrangements in localities and across and beyond county level through other Responsible Authorities.

However there is more scope for joint commissioning of Community Safety activity and many projects have been individually grant funded or remain as part of previous schemes that were joint funded or receive contributions as part of Government funded processes. There is a need to review this approach and to make best use of existing funding resources, to where practical, commission services strategically, using pooled funding to reflect joint responsibilities. This is for instance currently being considered in relation to future provision of key preventative Domestic Abuse services such as the MARAC and IDVAs.

Commissioning can be complex and a specialist area of work but there are commissioning teams within Responsible Authorities able to consider this area of work and this should be a focus for revised partnership working arrangements.

**7. Worcestershire Partnership:** Future priorities and Governance Structures of the Worcestershire Partnership are under development. At present the SCB is a Theme Group of the Worcestershire Partnership, but this is likely to change. However the community safety agenda is recognised as being an important cross cutting issue that affects many key activities. We will continue to work closely with the Partnership as it finalises its priorities and working arrangements.

**8. Future Partnership Funding**

There is a huge financial challenge to partnership working from 2012/13 and beyond. Agreement needs to be reached on Community Safety fund allocation for 2012/13 and this will be a factor in any discussions that will be taking place on merger arrangements.

Table 1 sets out the last two years allocation figures and provisional figures for 2012/13. For 2012/13 it only includes the Community Safety Fund at this stage and the funding split between CSPs is based upon the needs formula utilised by the

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SCB this financial year. This formula was agreed as reflective of the relative needs of localities based upon the key priorities and it is recommended that the needs based funding formula, subject to any technical update, is retained for the 2012/13 allocations.

2012/13 will be the last year that the WCC Community Safety Fund is available before it transfers to the PCC.

The level of any possible additional funding from WCC community safety budget to the SCB in 2012/13 has not been finalised at this stage, due to consideration of internal community safety priorities, future commitments and internal reductions to that budget. However it is likely that if an allocation is made to the SCB, this will be substantially reduced and any such funding will be targeted towards commissioning and the support of services and activities that meet the strategic priorities, rather than a general grant to CSPs. It is therefore reasonable to assume for planning purposes that there will be no additional CSP funding in 2012/13, other than as set out provisionally in Table 1.

Although a speculative view at this stage, there can be no assumptions about how the PCC from April 2013 onwards, will allocate funding and it may be reasonable to assume that this will be used to commission services across and within West Mercia and not to sustain structures or fund posts.

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Table 1 Community safety funding in Worcestershire

<b>Funding</b>	10/11	11/12	12/13 Provisional*
Community Safety Fund	£575,000	£544,338	£275,000
WCC Community Safety Grant Contribution	£132,000	£100,000	TBC
	<b>£707,000</b>	<b>£644,338</b>	<b>TBC</b>
<b>Expenditure</b>			
SCB Commissioning	£32,975	£20,000	TBC
Drug and Alcohol Action Team	£89,000	£69,000	TBC
WCC Community Safety Team	£35,000	£28,000	TBC
Bromsgrove CSP	£87,574	£71,695	£37,440
Redditch CSP	£90,327	£107,400	£56,086
S Worcs CSP	£269,882	£238,858	£124,735
Wyre Forest CSP	£102,995	£109,385	£57,122
	<b>£707,000</b>	<b>£644,338</b>	<b>TBC</b>

\*Figures based upon using the same funding SCB formula split on 2011/12.

### **9. Worcestershire consultation on future partnership structures and priorities:**

This consultative review has been steered by the SCB Policy and Commissioning Group, primarily through delegation to a small task and finish group. A key element of this work has been to confidentially interview senior representatives of the Responsible Authorities, CSPs and key stakeholders to establish their views of current and potential future working arrangements, structures and governance. The interviews were carried out by an Inspector at WM Police. The review also



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presents an opportunity to restate the key strategic priorities that are in place in Worcestershire and how these can best be delivered. Some of the key issues highlighted by partners who were interviewed will be brought back to the Board and partners at a later date for discussion and further consideration. The issues around review and potential restructure have been discussed in many Fora and are well trailed. There has to be an agreement amongst the Responsible Authorities on future structures and governance, to ensure that future arrangements can be successfully developed and critically, agreed, understood and formally signed up to.

The Home Office has just issued new Guidance on the merging of CSPs and there is experience of CSP merger in South Worcestershire where the 3 CSPs joined together in April 2003.

**Future Community Safety Partnership structure:**

There were a wide range of views and observations amongst the Responsible Authorities. What is unanimously agreed is that the current status quo of four CSPs and the SCB is not sustainable and is not supported.

The other two options that were considered were:

- i. To restructure into one County based CSP or,
- ii To move to two CSPs, north and south and the SCB as the strategic county group. This would involve a merging of the three current other CSPs, (Bromsgrove, Redditch and Wyre Forest).

There was a division in views on these two options and these are broadly summarised as follows:

**Three** of the Responsible Authorities considered that that single countywide CSP would be the most effective approach from their organisations perspective.

**Six** Responsible Authorities are strongly in favour the north and south CSP and SCB option, primarily because of the need to maintain a local focus on delivery and localism, political and other differences between the north and south of the county and that one CSP is not enough to effectively cover a large area like Worcestershire.

**Three** of the Responsible Authorities consider that ultimately a single CSP would probably be the most appropriate approach, but because of the significant changes taking place at the present time, the need to focus upon delivery, the logistics and lack of capacity of planning and agreeing a single CSP, the

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need to prepare for the PCC and concerns about the scale of a single CSP operation, that two CSPs and a slimmed down SCB would be the preferred option.

However this should be reviewed at a future specified date when there is a relationship developed with the PCC and the future funding and policy landscape becomes clearer and settled, and the effectiveness of the new structures can be assessed.

If the north and south CSP structure is agreed, the Safer Communities Board will retain its responsibility for coordinating the countywide strategic approach through the Community Safety Agreement. It is proposed that the membership of the SCB is reduced to include only senior Responsible Authority representatives as voting members with consideration given to incorporating a small associate membership of non voting key stakeholders, perhaps on a "virtual " basis" or through an annual stakeholder meeting.

The frequency of meetings is likely to reduce and SCB sub groups would also be reviewed to rationalise the level of meetings. The Domestic Abuse Forum is already reviewing its own arrangements.

**Commentary:**

In terms of deciding what the future partnership structures should be, there is a range of views. But to effect change and specifically agree CSP mergers, all Responsible Authorities have to be in agreement for a submission to be made to the Home Office, and for the Home Secretary to make the relevant Order.

In trying to take an overview of the responses, it would appear that the majority of Responsible Authorities (and stakeholders) are in favour of, with some prepared to accept at the present time, a model comprising two CSPs, north and south, with a leaner County Strategic Group This would also then require the other Responsible Authorities who favour a single CSP to agree to this approach.

This would be subject to a future review of the effectiveness of the revised structures.

As would be expected there are a range of views about current and future approaches and many views clearly relate to the current structural arrangements across the whole partnership landscape as being too complex and onerous to operate within. The ability to service and support partnership activity and the divergence of views over a single or two CSPs is broadly, (but

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not exclusively), reflected in the difference in responses between the Local Authorities and those Responsible Authorities that have a county or wider area of operation.

In terms of the logistics of change, the establishment of two CSPs and a County SCB would, primarily involve the merger of the three existing Northern CSPs and subject to agreement by the Responsible Authorities, a reasonable target date for the new partnership structures should be April 2012.

The establishment of a single CSP would clearly be a more extensive project, which would involve reviewing arrangements across all local Authority areas and detailed consideration and agreement of funding and budgets and management arrangements and accountability and would almost certainly not be resolved by April 2012.

It will require strong and clear leadership from all Responsible Authorities to ensure that the transition and change is managed effectively and that organisationally there is a consistent approach taken.

The current strategic priorities are broadly accepted and this is reflected in the strategic assessment across the County and National policy requirements. There are some partners who are unclear about their role or their input in supporting some areas of work and certainly there is recognition that some outcomes are unclear at present. This is not surprising to some extent post LAA and National Indicators, although there is work being undertaken to develop a new outcomes framework, which is always challenging in a complex partnership arena. The partnership review presents an opportunity to reflect upon and re emphasise the importance of the strategic priorities and how partnerships have duties against many of these, as well as having a clear role to support a wide area of related activity. Clearly as new working arrangements are developed partners and stakeholders need to be fully engaged and help shape new partnership arrangements while at the same time maintaining delivery against the strategic and local priorities.

Future development and training approaches to help overcome the complexity of partnership working across so many different disciplines needs to be considered, to ease some of the of the frustrations and difficulties reflected by partners.

It is strongly recommended that the new partnership arrangements are underpinned by a clear Memorandum of

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Agreement signed upto at Chief Executive or equivalent level, which sets out requirements, expectations, working arrangements and accountability of community safety partnership arrangements. This will be assisted by restating partnership objectives and reflecting that we are all working in a significantly different environment to that inhabited by responsible Authorities and CSPs in the recent past.

**Conclusion:**

There is a clear rationale and support to change the way partnerships operate and with it there will need to be a change of approach and in some instances culture, to ensure effective joint working. The funding levels of the past that have enabled many activities to take place have receded. But that also presents opportunities to do things differently and find new ways of supporting communities. Many of the current partnership arrangements and activities have developed in a piecemeal and organic fashion often dictated by Government and this is an opportunity to reshape them to meet the current agenda and priorities.

There is a lot of excellent work that is carried out and the positive impact upon people's lives is widely recognised. Although very challenging in the light of funding reductions, there is a clear responsibility on partners to work in different ways to engage with, support and protect local communities and vulnerable people across Worcestershire.

**Recommendations:**

- 1. That the Safer communities Board agrees to the restructuring of the current CSP arrangements into two CSPs (North and South Worcestershire) and one county strategic Community Safety Board and recommends this decision to the Worcestershire Responsible Authorities.**
- 2. To recommend that the three North Worcestershire CSPs to immediately progress the merger into a single North Worcestershire CSP. The responsible Authorities to progress to merger and obtain appropriate local approvals and Home Office agreement to the merger by 1 April 2012 or earlier.**
- 3. That the Safer Communities Board to continue as the strategic coordination body for community safety in Worcestershire, subject to a review of its operations and membership and this to be limited to the voting**

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**Responsible Authorities for Worcestershire, with a limited associate non voting membership to be agreed.**

**4. Agreement to continue with the needs based allocation formula for the Community Safety Fund (subject to a needs update for 2012/13) for allocation to CSPs in 2012/13.**

**5. Subject to recommendations 1-3 above and agreement to CSP merger taking place, a Community Safety Partnership Memorandum of Agreement to be developed and agreed by the Responsible Authorities by 1 April 2012, setting out the purpose and operational requirements of the agreed partnership arrangements.**

**6. Subject recommendations 1-3 above, a completed review of the functioning of the new community safety partnership structures and operations is to take place by April 2014.**

**Background  
Papers**

None



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110. **SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY**

**RECOMMENDED that**

**the Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure attached at Appendix 1 of the report be approved.**





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**SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY**

Relevant Portfolio Holder	Councillor Juliet Brunner, Community Safety & Regulatory Services
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Acting Head of Community Services
Wards Affected	All Wards
Ward Councillor Consulted	N/A
Key Decision	

**1. SUMMARY OF PROPOSALS**

To approve the adoption of the Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure attached as Appendix 1.

**2. RECOMMENDATIONS**

**The Executive is asked to RECOMMEND to Council that**

**the Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure attached at Appendix 1 of the report be approved.**

**3. KEY ISSUES****Financial Implications**

- 3.1 The Policy recommends that in accordance with national guidance Criminal Record Bureau (CRB) checks are renewed every 3 years. A CRB check currently costs £44 and the Council currently has 224 employees with CRB checks. This equates to £3300 per annum (based on a even split over 3 years). The budget for CRB's is contained within each Head of Service budgets.

**Legal Implications**

- 3.2 District Councils have a duty under Section 1 of the Children Act 2004 to ensure that their functions are discharged with regard to the need to safeguard and promote the welfare of children. Section 11 of this Act sets out specific duties and the key features are:
- a) senior management commitment to the importance of safeguarding and promoting children's welfare;
  - b) a clear statement of the agency's responsibilities towards

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children available for all staff;

- c) a clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children;
- d) service development that takes account of the need to safeguard and promote welfare and is informed, where appropriate, by the views of children and families;
- e) staff training on safeguarding and promoting the welfare of children for all staff working with or (depending on the agency's primary functions) in contact with children and families;
- f) safe recruitment procedures in place;
- g) effective inter-agency working to safeguard and promote the welfare of children; and;
- h) effective information sharing.

3.3 Working Together to Safeguard Children 2006 Statutory Guidance comments specifically on the following, which have overlap with the duties and work of district councils:

- a) Housing authorities and registered social landlords (RSLs) – both generally in their roles as assessors of need and contact with families, but specifically in the provision of accommodation for vulnerable 16 and 17 year olds. Supporting People arrangements should reflect identification of particular vulnerabilities, including the protection of the public and specifically children by considering the safe and controlled accommodation of sex offenders;
- b) Sport, culture and leisure services – staff, volunteers and contractors who provide services have a varying degree of direct contact with children and their families and arrangements and codes of practice need to be in place to govern the provider and ensure that matters of concern are noticed and reported;
- c) Community Safety Partnerships – domestic abuse, risk from sex offenders, bullying, adolescent vulnerability, and anti-social behaviour all have a vulnerability and safeguarding component where risks of children are both direct and secondary. Local Safeguarding Children Boards are asked to monitor the numbers of child and young people who are victims of crime as well as ensuring that young offenders' vulnerabilities are properly considered.

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- 3.4 In respect of Vulnerable Adults, Local authorities also have the responsibility to work with partners to ensure that vulnerable adults, who are at risk of abuse, receive protection and support.
- 3.5 The Legal Services Manager has been consulted with regard to the legal implications.

**Service/Operational Implications**

- 3.6 Redditch Borough Council currently has service specific Safeguarding Policies for Children's Centres and Leisure and Cultural Services.

It is proposed that a new updated corporate Policy and Procedure be adopted as detailed in Appendix 1.

- 3.7 The Policy covers the safeguarding of both children and young people and vulnerable adults. This is in line with recent recommendations by the Worcestershire Safeguarding Board.
- 3.8 In the past cultural or leisure services within District Council's have been given responsibility for leading on the safeguarding agenda. However, there is a corporate responsibility for the Council and its partner's functions to ensure that children and young people grow up in a safe environment and vulnerable adults are safeguarded. This role also extends to the funding and grant giving, work with the voluntary & community sector, our community leadership, our housing function and community safety responsibilities. Therefore it is proposed that the corporate lead will be the responsibility of the Head of Community Services.
- 3.9 The Policy includes the need for a Senior Manager, with 2 deputies, to be appointed as Safeguarding Advisors. The role of the Safeguarding Advisor is to provide advice and guidance to other Council Officers in adhering to the Policy and procedures, together with ensuring the Council regularly reviews its duties in respect of safeguarding. In the absence of the Head of Community Services, the two deputies will be the Head of Leisure and Cultural Services and Head of Housing.
- 3.10 In line with national good practice guidance the Policy requires the renewal of CRB checks every 3 years. The Government announced in July that they are currently reviewing the CRB vetting and barring scheme. The Policy will be updated to reflect any changes.
- 3.11 An Officers working group has been established to regularly review the policy and council procedures to ensure satisfactory compliance. The initial tasks of the Working Group being to review the CRB procedures as new Government guidance is received; to establish a training

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programme for Officers and Members; to undertake an audit of the Council's duties in respect of Section 11 of the Children's Act 2004; and to ensure that all Council contracts and grant funding include a clause to ensure that appropriate safeguarding standards are met by third parties.

### **Customer / Equalities and Diversity Implications**

- 3.12 The policy will assist in ensuring that all customers, in particular vulnerable residents, are adequately safeguarded and their welfare promoted.

### **4. RISK MANAGEMENT**

If the proposed policy is not accepted, the Council will potentially be at risk of not administering its legislative duties as set out in Section 3.2.

### **5. APPENDICES**

Appendix 1 - Safeguarding Policy and Procedure

### **6. BACKGROUND PAPERS**

Children Act 2004.

Working Together to Safeguard Children 2006 Statutory Guidance.

### **7. AUTHOR OF REPORT**

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Appendix 1



**Draft**

**Safeguarding Policy and Procedure  
(Children, Young People and Vulnerable Adults)**

**Redditch Borough Council and Bromsgrove District Council**

**August 2011**

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**1.0 Introduction**

Redditch Borough Council and Bromsgrove District Council are fully committed to safeguarding the welfare of all children, young people and vulnerable adults by taking all reasonable steps to protect them from physical, emotional and sexual abuse and neglect. This policy and procedure is an overarching document under which individual, service specific procedures may sit.

This policy and procedure will place clear guidelines for safeguarding children, young people and vulnerable adults and promoting their welfare as well as protection employees and other adults in a position of responsibility from potential allegations of abuse. In this context, the term 'employee' is used to include all council employees, full or part time, volunteers and anyone working on a paid or unpaid basis on behalf of the Council's.

This policy has been cross-referenced to other policies and procedures of the Council's which promote the safety and welfare of those for whom this policy is to protect: Disciplinary and Grievance, Dignity at Work, Code of Conduct, Comments and Complaints, Whistle Blowing, Diversity, Equal Opportunities, Recruitment, Health and Safety.

Redditch Borough Council and Bromsgrove District Council support Worcestershire Safeguarding Children Board (WSCB) Inter-Agency Children Protection procedures for safeguarding children and Worcestershire County Council's Adult Protection Policy and Procedures.

For ease of reading this policy, Redditch Borough Council and Bromsgrove District Council will be referred to as '*the Council's*', and

Children, young people and vulnerable adults will be referred to as '*children and vulnerable adults*'.

SIGNATURE

.....  
Portfolio Holder  
Bromsgrove District Council

SIGNATURE

.....  
Portfolio Holder  
Redditch Borough Council



## **1.0 POLICY STATEMENT**

### **1.1 Introduction**

It is the policy of Redditch Borough Council and Bromsgrove District Council (to be known as 'The Council's') that all children, young people and vulnerable adults have a right to protection and for their welfare to be paramount. The following child protection procedures will be formally adopted and made known to all employees.

By the nature of the organisation, it is inevitable that various degrees of contact with children/vulnerable adults will occur and it is therefore our policy to have in place clear guidelines for safeguarding children/vulnerable adults and promoting their welfare as well as protecting our employees and other adults in a position of responsibility from potential allegations of abuse. The term 'employees' is used to include all council employees, full or part time, volunteers and anyone working on a paid or unpaid basis on behalf of The Council's.

We expect agencies and organisations and other stakeholders, with a remit for working with children and vulnerable adults, that we work with or who hire our facilities, to adhere to our procedures as a minimum standard or operate their own effective safeguarding children and vulnerable adult policy.

This policy relates to children and young people under the age of 18 and to vulnerable people over the age of 18. The policy and procedures apply to all children, young people and vulnerable adults regardless of gender ethnicity, disability, sexual orientation or religion.

This policy has been cross-referenced to other policies and procedures of the Council's, which promote the safety and welfare: Equality and Diversity Policy (see 1.4), Health and Safety Regulations, Disciplinary and Grievance Policies, Equal Opportunities Policy, Harassment Procedures, Recruitment Policy, Confidential Reporting Policy. This policy also links to policies of external organisations (see 6.0 Links to other Policies).

This policy has been produced in line with the Standards for Safeguarding & Protecting Children in Sport (Child Protection in Sport Unit 2003) and 'Working Together to Safeguard Children' 2006.

**Legislation most relevant to safeguarding and promotion of the welfare of children and vulnerable adults**

**Children Act 2004, Section 11, Statutory Guidance**

Requires a range of organisations (including District Councils) to make arrangements for ensuring that their functions, and services provided, are discharged with regard to the need to safeguard and promote the welfare of children. Organisations must take all reasonable measures to ensure that the risks of harm to children's welfare are minimised; and where there are concerns about children and young people's welfare, all agencies take all appropriate actions to address those concerns, working to agreed local policies.

**Working Together to Safeguard Children 2006, Statutory Guidance**

Chapter 2, 2.8 lists responsibilities of organisations working with children, which mirror Section 11 and thus reinforces the guidance as detailed above.

**1.2 Responsibilities**

The Council's will:

- Commit elected Member support for the safeguarding of children and vulnerable adults. This will be the relevant portfolio holder for each Council.
- Accept the responsibility to implement procedures to provide a duty of care for Children/vulnerable adults, safeguard their well-being and protect them from abuse
- Respect and promote the rights, wishes and feelings of children/vulnerable adults
- Recruit, train and supervise its employees to adopt best practice to safeguard and protect young people from abuse and to reduce the likelihood of allegations made against them
- Require employees and Members to adopt and abide by the Council's Code of Conduct, Code of Behaviour for Employees, and the Council's Safeguarding Policy and Procedures
- Make people feel confident in reporting any safeguarding issues
- Respond to any allegations appropriately and implement the appropriate disciplinary and appeals procedures
- Be committed to working together with other local authorities, Police, National Governing Bodies, Children's and Adults Services, and the Worcestershire Safeguarding Children Board (WSCB) in accordance with their procedures

**1.3 Principles**

The guidance given in the procedures is based on the following principles:

- The welfare of child/vulnerable adult is the primary concern
- All children/vulnerable adults, whatever their age, gender, racial origin,

religious belief, disability and sexual identity have the right to protection from abuse

- It is everyone's responsibility to report concerns but it is the responsibility of Children's Services/Vulnerable Adult Board and/or Police to determine whether or not abuse has taken place
- All incidents or allegations of suspicious poor practice or abuse will be taken seriously and responded to appropriately
- Confidentiality will be upheld at all times and in line with the Data Protection Act
- There is a consistent understanding of acceptable behaviour of children towards other young people within any organised activity, service or programme. (Appendix E: Code of Conduct for Young People)
- Discrimination, prejudice and oppressive behaviour or language is unacceptable within all activities, programmes or services

### **1.4 Equality & Diversity Statement**

The Council's recognise and celebrates the diverse nature of the people who live, work in and visit the Towns and who work for the Council's and their partners / contractors.

1. The Council's are guided by their core value that people will be treated fairly and according to their needs
2. The Council's support and promotes equality of opportunity in employment and service delivery
3. The Council's oppose all forms of unlawful or unfair discrimination on the grounds of age, disability, gender, race, religion or belief or sexual orientation
4. The Council's accept that they have a unique and influential position in the community as a major employer and quality service provider. They also accept that they have a moral obligation to bring about positive change through their extensive contact with the community and their grant-aiding powers for community organisations

## **2.0 RECOGNITION OF POOR PRACTICE, ABUSE AND BULLYING**

### **2.1 Introduction**

It is not always easy to recognise a situation where abuse may occur or has already taken place. Council employees have a responsibility to act if they have any concerns about the behaviour of an individual towards a child or vulnerable adult. The Council's encourages and expects employees to discuss any concern they may have about the welfare of a child/vulnerable adult immediately with their line manager or other designated officer within their services own local policy.

The line manager or other designated officer will in turn discuss the matter with the Council's Safeguarding Advisor (see – Essential Contacts, page 27) when appropriate.

## **2.2 Poor Practice**

Poor practice includes any behaviour that contravenes the Council's Code of Behaviour for Employees (Appendix D) and the Council's Code of Conduct.

## **2.3 Abuse and Neglect**

Abuse and neglect are forms of maltreatment of a child/vulnerable adult. Somebody may abuse or neglect a child/vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children and vulnerable adults may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children.

### **2.3.1 Physical Abuse**

Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm to a child or vulnerable adult. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child/vulnerable adult whom they are looking after.

*Within a sports context an example might be hitting as punishment or training beyond a child's developed ability.*

### **2.3.2 Neglect**

Neglect is the persistent failure to meet a child/vulnerable adult's basic physical and/or psychological needs, likely to result in the serious impairment of the child's/vulnerable adult's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to:

- provide adequate food, clothing and shelter (including exclusion from home or abandonment);
- protect a child from physical and emotional harm or danger;
- ensure adequate supervision (including the use of inadequate care-givers);
- ensure access to appropriate medical care or treatment.

It may also include neglect of, or unresponsiveness to, a child/vulnerable adult's basic emotional needs.

### **2.3.3 Emotional Abuse**

Emotional abuse is the persistent emotional maltreatment of a child/vulnerable adult such as to cause severe and persistent adverse effects on the child's/vulnerable adult's emotional development. It may involve conveying to

children/vulnerable adults that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on the child/vulnerable adult. These may include interactions that are beyond the child's/vulnerable adult's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child/vulnerable adult participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying, causing children/vulnerable adults frequently to feel frightened or in danger, or the exploitation or corruption of children/vulnerable adults. Some level of emotional abuse is involved in all types of maltreatment of a child/vulnerable adult, though it may occur alone.

*Within an arts context an example might include constant criticism of the child/vulnerable adult and undermining their efforts or subjecting them to unrealistic pressure to consistently perform to high expectations.*

#### **2.3.4 Sexual Abuse**

Sexual abuse involves forcing or enticing a child/vulnerable adult to take part in sexual activities, including prostitution, whether or not the child/vulnerable adult is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children/vulnerable adults in looking at, or in the production of, sexual online images, watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

*In swimming and related activities, which might involve contact with children/vulnerable adults, situations where sexual abuse might go unnoticed could be created.*

#### **2.3.5 People with a disability**

Children/vulnerable adults with a disability are particularly vulnerable to abuse for several different reasons more often than not depending on their impairment. Dependency on others may make a child/vulnerable adult feel powerless to report abusive treatment. Different communication methods or an individual's lack of vocabulary might also prove to be a barrier for a child/vulnerable adult wanting to communicate their concerns.

#### **2.3.6 Race and Racism**

Children/vulnerable adults from black and minority ethnic groups (and their parents/carers) may have experienced harassment, racial discrimination and institutional racism. Although racism can cause significant harm, it is not, in itself, a category of abuse. The experience of racism is likely to affect the responses of the child/vulnerable adult and family to assessment and enquiry processes. Failure to consider the effects of racism undermines efforts to protect children/vulnerable adults from other forms of significant harm. The effects of racism differ for different communities and individuals, and should not be assumed to be uniform. Attention should be given to the specific needs of those of mixed parentage and refugees. In particular, the need for neutral, high-quality, gender-appropriate translation or interpretation services should be taken into account

when working with people whose preferred language is not English. All organisations working with children and vulnerable adults, including those operating in areas where black and minority ethnic communities are numerically small, should address institutional racism, defined in the Macpherson Inquiry Report (2000) on Stephen Lawrence as 'the collective failure by an organisation to provide an appropriate and professional service to people on account of their race, culture and/or religion'.

### **2.3.7 Identifying Signs of Possible Abuse**

There are certain signs of abuse, both in a child/vulnerable adult's appearance and behaviour, which may alert an individual to the possibility that abuse, is occurring. Some of these signs are common to all types of abuse; others are more specific.

Knowing the signs to be aware of is essential for recognising a real or potential problem. However, the presence of any one sign in itself may not necessarily mean abuse is occurring, and conversely, a child/vulnerable adult who is being abused may show none of the obvious signs. Such factors make the issue of abuse more complex, but all concerns and suspicions should be reported and acted upon accordingly. The following are indications that a child/vulnerable adult may be being abused:

- Unexplained bruising or suspicious injuries
- An injury for which the explanation seems inconsistent
- The child/vulnerable adult describes what appears to be an abusive act involving him/her
- Unexplained changes in behaviour (becoming very quiet, withdrawn, outbursts of temper)
- Inappropriate sexual awareness or engaging in sexually explicit behaviour
- Distrust of adults, particularly those with whom a close relationship would normally be expected
- A child/vulnerable adult has difficulty in making friends
- Changes in appearance such as weight loss

Remember that at all times the welfare of the child/vulnerable adult is paramount. If a child/vulnerable adult's behaviour or your observations give rise to concern then talk to them sensitively to find out if there is anything wrong, giving consideration to the procedure detailed in 4.2.2, or discuss your concerns with your line manager or other designated officer. It may be appropriate to raise your initial concerns with parents/carers (see 4.3.2).

## **2.4 Bullying**

Bullying may be defined as deliberately hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. It can take many forms, but the three main types are:

- physical (e.g. hitting, kicking, theft)
- verbal (e.g. racist or homophobic remarks, threats, name-calling)
- emotional (e.g. isolating an individual from the activities and social acceptance of their peer group).

The damage inflicted by bullying can frequently be underestimated. It can cause considerable distress to children/vulnerable adults, to the extent that it affects their health and development, or, at the extreme, causes them significant harm (including self-harm).

Bullying in sport: refers to HWSP CP Policy available from The Council's Sports Development Officer.

### **2.4.1 Action the Council's will take:**

Whatever its form, bullying is unacceptable within The Council's and it will always be challenged and addressed appropriately. There is an expectation on the ground that 'low level' incidents will be dealt with by employees. However, incidents that are serious e.g. causing marks and injuries or bullying (regardless of seriousness) that persists despite efforts to deal with it should be referred (see 4.6). If in doubt employees should contact their line manager.

### **3.0 SAFE RECRUITMENT AND SELECTION PRACTICES**

#### **3.1 Recruitment, training and disclosure checks of employees who will have direct or indirect contact with children/vulnerable adults**

An enhanced CRB can only be requested if the post requires the employee to undertake Regulated Activity, defined as “Involves contact with children (under 18) or vulnerable adults (adults receiving treatment/healthcare, living in sheltered housing or residential accommodation, receiving domiciliary care in their own home etc. NB – being 'elderly' does not mean you are classed as vulnerable) and is: **of a specified nature**, e.g. teaching, training, care, supervision, advice, treatment, transport etc; **OR in a specified place**, e.g. schools, children’s homes & hospitals, juvenile detention facilities, adult care homes etc **AND** is carried out either

**frequently** - once a week or more. This covers regular repetitive activity;

**intensively** - four or more days in a 30 day period

**overnight** - between 2 – 6am”

***These posts would require an Enhanced CRB check to be completed***

The majority of The Council’s posts will not be required by law to have a CRB check. However, each post needs to be adequately risk assessed by the Head of Service to ensure that the person doing this work does not pose a risk to children or vulnerable adults. This will allow measures to be identified and put in place therefore mitigating the risks. For example, it may be decided a CRB check **is** necessary.

Heads of Service are responsible for checking that managers have undertaken procedures to ensure enhanced CRB forms are completed as appropriate by employees within their respective service areas, in accordance with the policy above.

If an employee feels that they are being asked to complete a CRB check without reasonable justification the employee should make a formal request to the Head of Resources for the decision to be reviewed.

The Council's recognise that anyone may have the potential to abuse children/vulnerable adults in some way and that all necessary steps are taken to ensure unsuitable people are prevented from working with them.

##### **3.1.1 Pre-selection checks must include the following:**

- All potential candidates will have to fill in the Council’s Application Form;
- All applicants working with children/vulnerable adults and meeting the Regulated Activity definition will be subject to an Enhanced Criminal Record Bureau (CRB) check prior to any work being offered in a paid or voluntary capacity;
- A minimum of two written references will be taken up and may be confirmed by telephone;
- Employees who are required to have an Enhanced CRB will have a check every 3 years.



### 3.1.2 Interview and Induction:

All employees will be required to undergo an interview under the guidelines of The Council's Recruitment and Selection Policy. All employees will receive an informal induction upon commencement of employment.

During the *recruitment process* the Manager will:

- Check that the application form has been completed in full (including CRB form);
- Substantiate the qualifications.

During the *induction process* the Manager will ensure:

- The job requirements and responsibilities are clarified;
- The Council's Code of Conduct, Code of Behaviour for Employees, and the Council's Safeguarding Children and Vulnerable Adults Policy are signed up to;
- The safeguarding children and vulnerable adults' procedures are explained and training needs identified.

### Portability:

**CRB checks are not portable.** If a prospective employee comes to The Council's requiring a disclosure check a new CRB will be processed.

### 3.1.3 Training:

In addition to pre-selection checks, the safeguarding process includes training after recruitment to help employees to:

- Analyse their own practice against established good practice, and ensure their practice reduces the likelihood of allegations against them;
- Recognise their responsibilities and report any concerns about suspected poor practice or possible abuse;
- Respond appropriately to concerns expressed by a child/vulnerable adult;
- Work safely, effectively with children/vulnerable adults;

The Council's require:

- It is mandatory for employees working with children, young people and/or vulnerable adults attend recognised children/vulnerable adult protection awareness training as soon as this can be arranged following their appointment. This will include seasonal workers;

- Employees will have to update their children/vulnerable adults Protection training every 2 years;
- Training levels are appropriate to the employees contact with children/vulnerable adults and their responsibilities for the welfare within The Council's;
- Relevant portfolio holders and CMT will be required to attend awareness briefing sessions for children/vulnerable adult protection;
- Designated Safeguarding Advisor will receive specific training to support their more enhanced role.

### **3.2 Code of Behaviour for Employees working with Young People and / or Vulnerable Adults**

In order to ensure adherence and understanding, all individuals working for or on behalf of The Council's will apply The Council's Code of Behaviour for Employees (Appendix D) and The Council's Code of Conduct as they relate to their particular role with children/vulnerable adults.

Children and young people and vulnerable adults taking part in The Council's activities will be expected to treat each other with mutual respect and dignity. The Council's employees will ensure that acceptable standards of behaviour are communicated to participants and adhered to e.g. Code of Conduct for Young People (Appendix E).

### **3.3 The Council's Guidance and Procedures relating to activities and services**

In the course of preventing abuse to children and vulnerable adults, The Council's have established guidance and procedures related to activities and services.

#### **3.3.1 Use of photography, video recording, image recording and mobile phone cameras**

There is national evidence that some people have used events as an opportunity to take inappropriate photographs or film footage of children.

When using professional photographers or inviting the press to a The Council's activity, The Council's will:-

- Provide a clear brief about what is considered appropriate in terms of content and behaviour.
- The photographer must wear identification at all times during the event.
- Not allow unsupervised access to young people or one to one photo sessions at events.
- Young people and their parents will be informed to report any concerns to the event organiser.
- Concerns raised over inappropriate or intrusive photography will be reported to the event organiser who will discuss the matter with their line manager and refer it to the police if needed

- See The Council's Operating Procedures – Photographic Permission document.

### **3.3.2 Organised photographic opportunities**

- The majority of promotional and press releases are organised through the Communications Team. These are generally agreed by both parties in advance. We undertake not to use the young person's image(s) unless we have written consent for both the taking and publication of films or photographs from the parent, carer or Head Teacher in the case of schools.
- When a media photographer arrives at our venue he/she will be required to have formal ID and have it to hand at all times. If there is any doubt about the ID the Communications Manager (or Communications Officer) should be contacted.
- The image rights will be negotiated between the Communications Manager (or Communications Officer) and the photographer
- The Council's will ensure that the young person's name(s) are not mentioned in their publications if requested by the parents/guardians or schools in line with their Child Protection Policy.
- Written consent (on The Council's Consent form) on behalf of an under 18 year old must be obtained on The Council's organised photographic opportunities.

### **3.3.3 Unofficial photographic and filming opportunities taken by parent/carers and others**

#### **A) Parks and Open Spaces and Nature Reserves**

It is not practical to control unofficial filming and photography in parks and open spaces and nature reserves that are owned by The Council's.

If concerns are raised during:

- An event organised by The Council's or outside bodies
- Normal operating hours

They should be reported to the event organiser or directly to the Police. As the incident is in the public domain, this should be reported as a police matter and The Council's have no direct responsibility to act, other than contacting the police to respond.

#### **B) Civic Halls, Community Centres and Museum**

These facilities are managed by The Council's and may be visited by members of the public or hired for private functions/events.

All hirers will be made aware of The Council's Safeguarding Children, Young

People and Vulnerable Adults Policy. It is the responsibility of the hirer to communicate their own policies and arrangements to parents/carers, although these should not contravene the policy of The Council's.

All events organised by The Council's at these facilities will be covered by the Council's policy under 3.3.1/3.3.2.

### **3.3.4 Letting procedure**

The Council's facilities will be managed in line with the Safeguarding Children, Young People and Vulnerable Adults Policy. Minimum standards in relation to safeguarding are incorporated as part of the normal operating procedures for each facility.

### **3.3.5 Internet**

Children and young people on work experience or others participating in one of our clubs may need supervised access to the internet. The Council's access to inappropriate web sites and chat rooms is prevented by specialist blocking software. There are systems in place for monitoring usage of the internet and all employees have log in passwords, which can easily be traced. Any employees discovered to have accessed or placed *sexually abusive images of children and young people or vulnerable adults* on the Internet will be subject to the Internet Security Policy and The Council's Disciplinary procedures.

### **3.3.6 Voluntary organisations and service providers working with young people**

All 'employees' working for voluntary organisations or outside bodies commissioned to provide services will be required to sign to declare they will abide by the Council's Code of Behaviour for Employees (Appendix D). Further guidance and procedures relating to activities and services can be found in Appendix F.

- Work Experience and Extended Work Experience
- Trips, Tours and Holiday Clubs
- Residentials
- Transporting young people
- Lost/Found young people
- Procedure for dealing with lost young people
- Procedure for dealing with found young people
- Procedure for dealing with young people who decide to leave the activity
- Restraining young people
- Our policy on working in schools
- Guidance for employees to do home and site visits
- Our policy on working with Agency employees

## **4.0 PROCEDURES FOR MANAGING ALLEGATIONS AGAINST PEOPLE WHO WORK WITH CHILDREN/VULNERABLE ADULTS**

### **RESPONDING TO DISCLOSURES, SUSPICIONS AND ALLEGATIONS**

#### **4.1 Introduction**

The procedures should be used in respect of all cases in which it is alleged that a person who works with children/vulnerable adults has:

- behaved in a way that has harmed, or may have harmed, a child/vulnerable adult;
- possibly committed a criminal offence against, or related to, a child/vulnerable adult; or
- behaved towards a child or children/vulnerable adult in a way that indicates s/he is unsuitable to work with children/vulnerable adults.

There may be up to three strands in the consideration of an allegation:

- a police investigation of a possible criminal offence;
- enquiries and assessment by children's social care/vulnerable adults service about whether a child or vulnerable adult is in need of protection or in need of services;
- consideration by The Council's of disciplinary action in respect of the individual.

#### **4.2 Responding to Disclosures**

##### **4.2.1 Actions to Take:**

The individual receiving information concerning a disclosure should:

- React calmly so as not to frighten the child/vulnerable adult;
- Tell the child/vulnerable adult he/she is not to blame and that it was right to tell;
- Take what the person says seriously;
- Keep questions to an absolute minimum to ensure a clear and accurate understanding of what has been said;
- It is likely that the person will be frightened and unsure of what will happen. Be open and honest in explaining to the person what will happen next;
- Do not make promises to keep the information a secret. The children/vulnerable adults must be told that the information will be passed on. Explain to them that concerns will have to be shared with someone who is in a position to act;
- Complete an Incident Report Form (Appendix B), the exact questions asked

and the answers given – using the same vocabulary as the children/vulnerable adults;

- The recording should be completed as soon as possible and on the same working day. It should be signed and dated;
- Do not take sole responsibility: Contact your line manager or other designated officer, stating that you wish to discuss a possible child/vulnerable adult abuse incident and pass on the Incident Report Form. They will contact/consult with the Council's Safeguarding Advisor when necessary. This way you can begin to protect the child/vulnerable adult by referring concerns to the appropriate agencies and so that you can get some support for yourself in what could be a difficult situation. (Appendix A – A Guide to Procedures).

Not all children/vulnerable adults are able to express themselves verbally. In this instance where there are concerns an Incident Report Form (Appendix B) should be completed and the same procedures for making a referral followed.

#### **4.2.2 Actions to be avoided:**

The individual receiving the disclosure should not:

- Panic
- Dismiss the concern
- Probe for more information than is offered
- Speculate or make assumptions
- Make negative comments about the alleged abuser
- Approach the alleged abuser
- Make promises or agree to keep secrets

#### **4.3 Responding to suspicions, indications, allegations of abuse**

It is not the responsibility of those working for The Council's to take responsibility or to decide whether or not child abuse is taking place. However, there is a responsibility to report concerns in order that appropriate agencies can make enquiries and take any necessary action to protect the young person. The Local Authority Designated Officer (LADO) should be informed of all allegations.

##### **4.3.1 Children's Services**

Under The Children Act 1989 Social Services (now under Children's Services) have a legal responsibility to investigate any allegation of child abuse, and to work with the Worcestershire Safeguarding Children Board, (WSCB), to ensure the welfare of children. Enquiries may be carried out jointly with the police. If action needs to be taken urgently and out of office hours, then the Police or the Children's Services Emergency Duty Team will deal with the enquiry. The LADO should be informed of all allegations.

##### **4.3.2 Sharing Concerns with Parents**

The Council's are committed to working in partnership with parents and carers where there are concerns about their child. In most situations any initial concerns about a child will be shared with parents and carers, as there may be a reasonable explanation that clarifies initial concerns. For example, if a young

person seems withdrawn, there may be a reasonable explanation. He/she may have experienced an upset in the family, such as a parental separation, divorce or bereavement.

#### **4.3.3 When it is Not Appropriate to Share Concerns with Parents**

Circumstances may arise, where sharing concerns with parents may put a young person at greater risk, (e.g. where a parent or carer may be responsible for abuse or not able to respond to the situation appropriately). In these situations or where concerns still exist, any suspicion, allegation or incident of abuse will be reported to The Council's Safeguarding Advisor as soon as possible and recorded appropriately.

Advice and guidance should be sought from the LADO with respect to consulting with parents.

#### **4.3.4 Designated Officer**

The Council's have identified designated Safeguarding Advisor(s) at a senior manager level in Community Services to handle child protection and vulnerable adult issues (see – Essential Contacts) in liaison with Human Resources and Legal Services.

The Council's Safeguarding Advisors (SA) have undertaken an Enhanced Disclosure and will receive appropriate training and information.

The Safeguarding Advisors will be responsible for informing Children's Services of any alleged incident of child abuse without delay and will be required to follow this up in writing within 24 hrs of the report (see Appendix C – The Council's Safeguarding Advisor Roles and Responsibilities). In the event that the first named Safeguarding Advisor is unavailable, the person with the concerns will contact the other designated officer(s). In the event that neither officer can be contacted then Children's Services should be contacted directly. All incidents reported directly to Children's Services must also be reported to The Council's Safeguarding Advisor at the earliest opportunity. (see - Essential Contacts)

#### **4.3.5 Expert Advice**

If you are not sure what to do, contact the Council's Safeguarding Advisor. You can also obtain advice by telephoning the local Children's Services department or via the Access Centre or call the NSPCC 24-hour free phone Helpline. The Police also have specially trained child protection teams who will give guidance and support. (see – Essential Contacts). Please note that Children's Services are happy to discuss any concerns you may have about child protection and will be able to advise on whether it is necessary to make an official referral.

#### **4.3.6 Records and Information**

Information that is passed to Children's Services or the Police must be as helpful as possible. It is therefore essential that a detailed record be made at the time of the disclosure/concern using the Incident Report form (Appendix B).

All alleged incidents of child abuse are to be reported to the Police or Children's Services without delay. Referrals made by telephone to Children's Services or the Police are to be confirmed in writing within 24 hours. A record will be kept of the name and position of the Officer to whom the concerns were passed, of advice given, together with the date and time of the call and agreed actions including feedback to the Council's Safeguarding Advisor.

#### **4.4 Allegations against the Council's Employees**

Child abuse can and does occur outside the family setting. It is crucial that those involved in delivering an activity or providing a service are aware of the possibility and that all allegations are taken seriously and appropriate action taken. It is important that any concerns for the welfare of the child, arising from abuse or harassment by an employee should be reported immediately to the SA (Appendix A– A Guide to Procedures).

##### **4.4.1 Seek Advice**

Occasions may arise where the Council's Safeguarding Advisor is informed of situations where there is uncertainty about whether the allegation made constitutes abuse and is therefore unclear about what action to take. Allegations made may be about poor practice but those responsible should always seek advice if there is any doubt as the incident may be one of a series of incidents which together cause concern.

##### **4.4.2 Confidentiality**

If you have concerns about an adults' behaviour towards a young person it is important that you share your concerns with your line manager and/or the Council's Safeguarding Advisor. It is acknowledged that it may be difficult for an individual to report his / her concern about a colleague's practice and The Council's will support and protect anyone who (without malicious intent), reports an incident of poor practice or suspected abuse involving a Council employee. Procedures outlined in the Confidential Reporting Policy will be adhered to. The Council's will ensure that confidentiality for all concerned is maintained in all incidents of suspected child abuse. Information will be handled and disseminated on a "need to know" basis only. This includes the following people:

- Parents of the person who is alleged to have been abused.
- The person making the allegation
- Children's Services/Police
- Appropriate officers within The Council's including the Safeguarding Advisor, Human Resources and Head of Service
- The alleged abuser (and parents if the alleged abuser is a young person)
- Advice should be sought from Children's Services or Police before any approach is made to the alleged perpetrator, or the parents if the alleged perpetrator is a young person

The Council's Safeguarding Advisor will be responsible for ensuring that the information is stored in a secure place (by Human Resources) where access will



be limited to certain designated people. Data Protection legislation will be upheld and strictly adhered to. All concerns will be taken seriously and managed accordingly within the policies and procedures of The Council's and for the welfare of young people.

#### **4.4.3 If the referral relates to an incident of child/vulnerable adult abuse outside of The Council's activity or service**

- Concerns should be reported to the to the Safeguarding Advisor as in section 4.3.4
- The Council's Safeguarding Advisor will notify the local Children's / Vulnerable Adult Services or the Police
- No further action will be taken under The Council's procedures
- The Council's may need to explore any support required for the young person/vulnerable adult and person making the referral

#### **4.4.4 If the referral relates to an incident of child/vulnerable adult abuse within The Council's activity or service**

- Concerns should be reported to the line manager who will refer to the Safeguarding Advisor as in section 4.3.4
- The Council's Safeguarding Advisor will notify the local Children's / Vulnerable Adult Services or the Police
- The Council's Safeguarding Advisor will deal with any media enquiries and decide (in consultation with HR and Senior Management) on any action required to suspend the individual involved following advice from Children's/ Vulnerable Adult Services and/or the Police
- A full investigation will be conducted in line with the disciplinary procedures. (Appendix A – A Guide to Procedures)

#### **4.4.5 Action if there are Concerns**

The Council's Safeguarding Advisor will judge whether the disclosure is poor practice alone or suspected child abuse and in doing so may discuss with Children's/Vulnerable Adult Services to clarify concerns before reaching a decision.

#### **4.4.6 Poor Practice**

If the Council's Safeguarding Advisor considers the allegation to be poor practice, it will be dealt with as a misconduct issue and in line with Council's Disciplinary Procedure referred to the employees Line Manager.

#### **4.4.7 Allegation against the Safeguarding Advisor**

If the Council's Safeguarding Advisor is the subject of the suspicion or allegation, the Head of HR or Director of Leisure, Environmental and Community Services will be responsible for taking the appropriate action outlined above.

#### **4.4.8 If an allegation is made against you**

If you are the person who is the subject of an allegation, the situation will be explained to you in due course and you may be asked to stop working for The Council's whilst investigations take place. This may result in suspension whilst an investigation is carried out, ensuring all parties involved are protected.

Following the investigation, the appropriateness of you returning to work will be assessed and will be dependent on the outcome of the Council's internal investigation and all other available information (including information from the Police and Children's / Vulnerable Adult Services). The Council's will assess on a case-by-case basis the support that can be offered to an individual who has an allegation made against them.

#### **4.4.9 Internal Enquiries and Suspension**

The Council's Safeguarding Advisor will make an immediate recommendation to the Head of Service/HR about whether to suspend an employee accused of abuse pending a Children's/Vulnerable Adult Services or Police investigation.

Irrespective of the findings of the Children's/Vulnerable Adult Services or Police enquiries, The Council's will assess all individual cases under the disciplinary procedures to decide whether an employee should be reinstated and how this can be sensitively handled with other employees.

This decision may be difficult in incidents where there is insufficient evidence to uphold any action by the Police. In this instance The Council's will make a decision based on all available information that could suggest that more likely than not the allegation is true. The welfare of young people/vulnerable adult will always remain paramount and disciplinary procedures will be drawn to a conclusion to ensure the protection of young people/vulnerable adults.

#### **4.4.10 Support to Deal with the Aftermath**

Consideration will be given to what support The Council's can offer to young people and their parents/carers and employees. Details of Helplines and support groups will be provided. (see – Essential Contacts)

Referrals to Occupational Health or counselling may be available through HR for employees.

Consideration will also be given about what support may be appropriate to the alleged perpetrator of the abuse.

#### **4.5 Allegations of Previous Abuse**

Allegations of abuse may be made some time (often years) after the event (e.g. by an adult who was abused as a young person or by an employee who is still currently working with young people). In this instance The Council's will follow the procedures as previously outlined and will report the matter to Children's/

Vulnerable Adult Services or the Police as other young people/vulnerable adults may be at risk.

Any individual who has a previous criminal conviction for offences related to abuse is automatically excluded from working with children and vulnerable adults.

#### **4.6 Action if bullying is suspected**

Any allegations of bullying within any council activity will be taken seriously and steps taken to eliminate the actions.

##### **4.6.1 Action to help the Victim and Prevent Bullying**

In order to prevent bullying from occurring and to help victims of bullying, The Council's will:

- Encourage all children/vulnerable adults to speak and share their concerns by creating an open environment.
- Investigate all allegations and take action to ensure the victim is safe.
- Speak with the victim and the bully(s) separately.
- Reassure the victim that you can be trusted and will help them although do not promise to keep the information confidential.
- Keep a record on Employees Personal File for 15 months of what is said.
- Report any concerns to the person in charge of the particular activity where the bullying is occurring. If the person in charge feels that they cannot deal with the allegation or the abuse is severe and/or persists, the Council's Safeguarding Advisor will be informed.

##### **4.6.2 The Council's employees have a responsibility to deal with the individual's accused of bullying by:**

- Talking with the bully to explain the consequences of their behaviour.
- Seeking an apology from the bully to the victim.
- Informing the bully's parents/carers.
- Insisting on the return of "borrowed" items.
- Imposing sanctions as necessary such as suspension or even exclusion will be considered.
- Encouraging and supporting the bully to change behaviour.
- Informing the Council's Safeguarding Advisor of all incidents and actions.
- Keeping a written record on Employees Personal File for 15 months of all incidents and actions taken.
- Ensuring the presence of a second individual as a witness when dealing with the incident.
- After the incident/incidents have been investigated and dealt with, each case will be monitored to ensure repeated bullying does not take place.

#### **5.0 REVIEW OF POLICY AND PROCEDURES**

This policy and procedural document has been issued by Redditch Borough Council and Bromsgrove District Council and had Committee approval on 04/10/11 (Redditch) and 05/10/11 (Bromsgrove). It will be subject to review in October 2012 and every 3 years thereafter or whenever there is a significant

change in the organisation or relevant legislation.

It will be the responsibility of the Head of Community Services in conjunction with the Corporate Management Team to notify employees of any changes in the documentation and / or changes in relation to their roles and responsibilities.

**6.0 LINKS TO OTHER POLICIES AND GUIDANCE**

**Code of conduct**

**Recruitment policy**

**Disciplinary and grievance policy**

**Complaints procedure**

**Equality and diversity policy**

**ICT Policy and procedures**

**Whistle Blowing policy**

**Health and Safety regulations**

**Harassment and bullying policy**

**Worcestershire Vulnerable Adults Policy**

**Independent Safeguarding Authority**

**Worcestershire Safeguarding Children's Board (WSCB) policies and guidance**

## 7.0 ESSENTIAL CONTACTS

### The Council's Safeguarding Advisors

#### Senior SA

Head of Community Services - 01527 881747  
- 01527 64252 ext 3122

#### Deputy SA

Head of Leisure and Cultural Services - 01527 881742  
- 01527 64252 ext 3384  
Head of Housing - 01527 64252 ext 3304

#### Departmental Contacts

Human Resources Manager - 01527 64252 ext 3385

#### WSCB: Local Authority Designated Officer (LADO) for North Worcestershire:

John Hancock and Sue Haddon - 01905 752800

#### Worcestershire Children's Services / Vulnerable Adults

(8.30 am - 5.00pm M-F) - 0845 607 2000  
(24 hour – for use outside of office hours) - 01905 768054

#### West Mercia Constabulary

- 0300 333 3000  
- 0845 6000 303 (Minicom) or  
- 01905 723888

#### Police Family Protection Units (Child

Protection & Domestic Violence) Kidderminster - 01562 826104

#### Nightstop

- 01527 66036

#### National Contacts

**NSPCC 24 hr Child Protection Helpline** - 0808 800 5000 (Free phone)

#### Childline UK

- 0800 1111 (Free phone)

[www.childline.org.uk](http://www.childline.org.uk)

#### Victim support

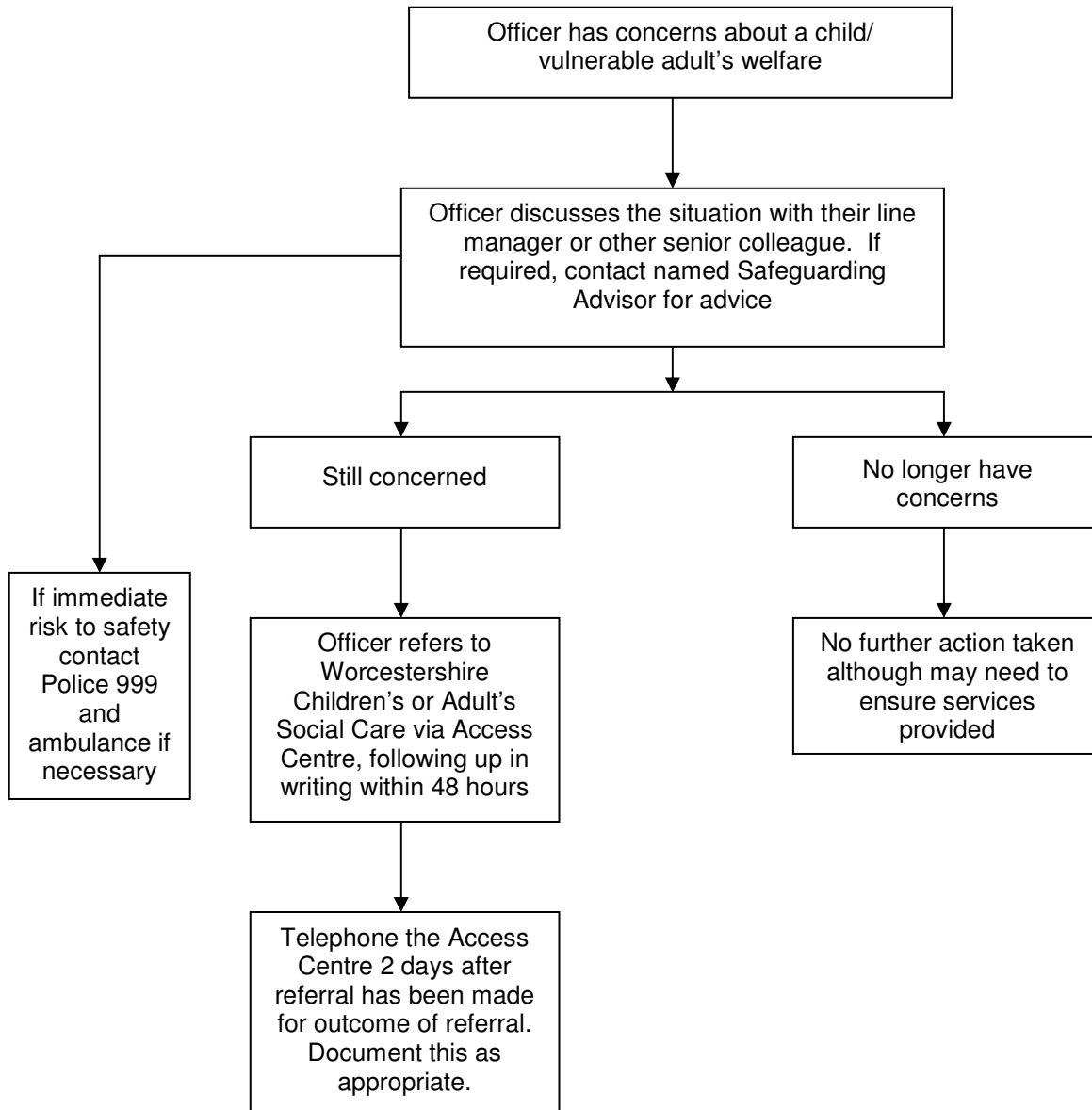
- 0845 3030 900 (Support line)  
- 01527 66462 (Local)

8.0 APPENDIX

## Appendix A

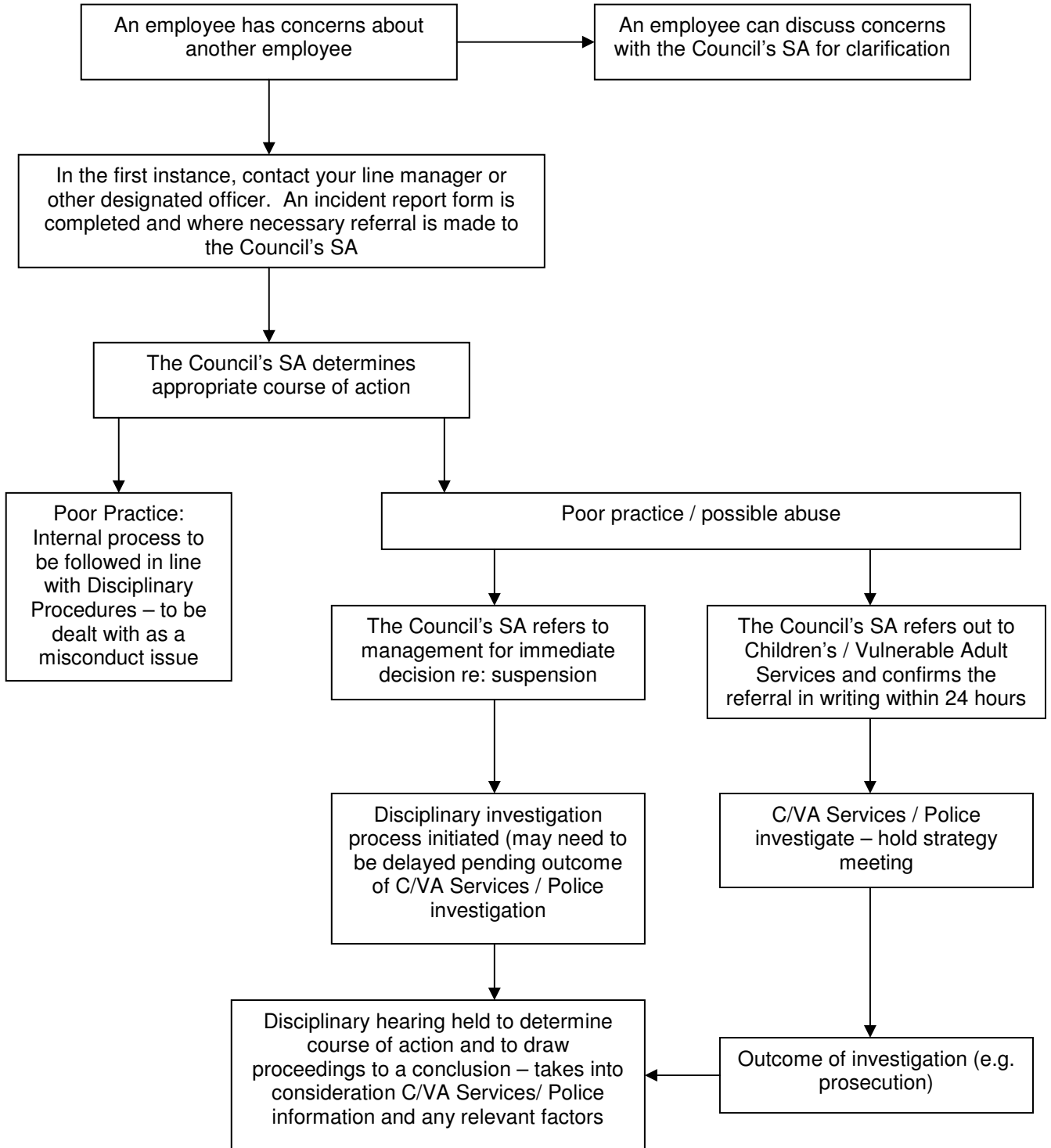
A Guide to Procedures

## Flow Chart 1

**Process following identification of concerns**

Flow Chart 2

**You have concerns about the behaviour of an employee towards a young person / vulnerable adult**





## Appendix B

**The Council's Child / Vulnerable Adult Protection Incident Report Form****Reporting an incident that has been disclosed to you**

***Depending on the circumstances, and if the risk is very high, do not spend time filling in this form but go straight to your line manager who will contact Children/Vulnerable Adult's Services immediately***

Your Name	
Your Position	Contact No:
Child's/VA Name	
Child's/VA Address	
Parents/Carers name and address Contact No.	
Child/VA's age and date of birth	
What is the child's/VA's ethnic origin	
Does the child/vulnerable adult have a disability? If yes give details.	
Date and time of disclosure	
Venue where disclosure was made	
Are you reporting your own concerns or passing on those of somebody else? Give details.	
Brief description of what has prompted concerns: include dates, times etc of any specific incidents	
Any physical signs? Behavioural signs? (NB Do not ask the child/VA to show you)	
What exactly did the child/VA say? What did you reply? (NB. Do not question the child. You can reassure. Just listen. Continue on a separate sheet if necessary).	

Has anyone been alleged to be the abuser? If so, give details?
Details of actions taken so far:
Details of actions you intend to take:
Name and contact details for witnesses to the incident:
Contact details to whom this information has been passed to:  Name  Position  Organisation  Date and time that the information was forwarded
Agree action, including feedback from statutory agency:
Signature:  Date:
<i>This form should be placed in a sealed envelope, marked Confidential and for the attention of Head of Community Services, Senior Safeguarding Advisor, Redditch Borough and Bromsgrove District Council's, Telephone: 01527 881747 or 01527 64252 ext 3122.</i>

Redditch Borough and Bromsgrove District Council's will only collect and process personal information provided on this form for no other purpose than for the purpose of safeguarding children/vulnerable adults.

**Redditch Borough and Bromsgrove District Council Safeguarding Advisor  
Roles and Responsibilities**

**The role of the designated person is to:**

- Be available to any employee or child/vulnerable adult to discuss any protection or poor practice concerns.
- Receive referrals or reports of possible child/vulnerable adult abuse or poor practice.
- Have an understanding of legislation and government guidance relevant to this role.
- Have an understanding of the roles and responsibilities of the statutory agencies within the field of child/vulnerable adult protection.
- Responsible for child/vulnerable adult protection - establish contact with the senior member of Children's Services Department / Vulnerable Adult Services within Worcestershire.
- Provide information and advice on child protection within the organisation and act as a local source of advice on child/vulnerable adult protection matters.
- Ensure that The Council's Safeguarding Children, Young People and Vulnerable Adults Policy is adhered to and support the interest of children, young people and vulnerable adults on The Council's activities and events.
- Ensure that Children's/Vulnerable Adult Services or Police are informed of relevant concerns about individual children/vulnerable adults.
- To establish contact with the Worcestershire Safeguarding Children Board (WSCB)/Worcestershire Safeguarding Adults Board (WSGA) and to be aware of local procedures.
- Manage the administration/organise the paperwork and record the information received.
- Ensure that appropriate information is available at the time of referral and that the referral is confirmed in writing following the correct procedures.
- Maintain accurate records relating to the concerns raised and/or ongoing investigations affecting The Council's.
- Keep relevant people within the organisation informed about any action taken, along with any further action required.
- To uphold confidentiality as appropriate, in all protection matters.
- Advise the organisation of child/vulnerable adult protection training needs

### **The Council's Code of Behaviour for Employees working with Young People and Vulnerable Adults**

This Code of Behaviour outlines good practice when working with young people/vulnerable adults. An environment which allows bullying, shouting, racism, sectarianism or sexism is not acceptable.

#### **You must:**

- Treat all young people/vulnerable adults equally, and with respect and dignity.
- Provide an example of good conduct you wish others to follow.
- Ensure that whenever possible there is more than one adult present during activities with young people/vulnerable adults or at least that you are within sight or hearing of others.
- Provide a male and female employee to accompany young people/vulnerable adults when trips are organised.
- Respect a young person/vulnerable adult's right to personal privacy. Encourage them to feel comfortable and caring enough to point out attitudes or behaviour they do not like.
- Build a balanced relationship based on mutual trust that empowers young people/vulnerable adults to share in decision-making processes.
- Give enthusiastic feedback rather than negative criticism.
- Recognise the needs of every young person/vulnerable adult as an individual.
- Secure parental/carers consent in writing to acting *loco parentis* if the need arises to give permission for the administration of emergency first aid or medical treatment.
- Have emergency contact and medical details for participants in their care.
- Remember that someone else might misinterpret your actions, no matter how well intentioned.
- Be aware that even physical contact with a young person/vulnerable adult may be misinterpreted.
- Recognise that special caution is required when you are discussing sensitive issues with young people/vulnerable adults.
- Operate within The Council's Policies, Procedures and Guidance.
- Challenge unacceptable behaviour and language and report all allegations/suspensions of abuse.
- Ensure access to a phone or mobile.
- Give guidance and support for inexperienced employees.

**You must not:**

- Have inappropriate physical or verbal contact with young people/vulnerable adults.
- Allow yourself to be drawn into inappropriate attention-seeking behaviour/ make suggestive or derogatory remarks or gestures in front of young people/vulnerable adults.
- Take a young person/vulnerable adult alone on car journeys, however short.
- Give a young person/vulnerable adult your personal telephone number.
- Jump to conclusions about others without checking facts.
- Either exaggerate or trivialise child/vulnerable adult abuse issues.
- Show favouritism to any individual.
- Rely on your good name or that of The Council's to protect you.
- Believe 'it could never happen to me'.
- Take a chance when common sense, policy or practice suggests another more prudent approach.

**What action will be taken if an employee breaks the Code of Behaviour?**

1. If a decision needs to be made which potentially could contravene this code of a minor nature then there should be appropriate discussions with the Line Manager and risk assessments carried out.
2. If any of the above should occur you should report them immediately to the Line Manager and ensure a written record of the event is completed.
3. If the incident was deemed to be of a more serious nature then the incident would be dealt with through The Council's Disciplinary process.
4. Parents/carers should also be notified of the incident:
  - If you accidentally hurt a young person/vulnerable adult
  - If they appear to be distressed in any manner by your actions
  - If a young person/vulnerable adult misunderstands or misinterprets something you have done or said

N.B It may sometimes be necessary for employees to do things of a personal nature for a young person/vulnerable adult, particularly if they are very young or disabled. These should only be carried out with the full understanding and written consent of parents/carers and the individuals involved. Employees should be responsive to the person's reactions. In the event that the person is fully dependent on you, talk with him/her about what you are doing and where possible give choices. This may be for example where you are involved in any dressing or undressing of outer clothing or where there is physical contact or lifting/assisting to carry out activities. Individuals are advised to avoid completing tasks for which you are not appropriately trained.

**The Council's Code of Conduct for Young People**

This policy will be characterised by a positive, child centred approach to caring for young people. We recognise the need for rules within any setting and the necessity for managing difficult behaviour.

This policy will ensure that young people are treated fairly and are protected under the UN Convention on the Rights of a Child.

**The aim of the policy is:**

- To ensure that young people are safe and treated fairly at all times.
- To respect and value each young person as individuals.
- To encourage co-operative and kind behaviour between young people.
- For young people to take responsibility for their own behaviour.
- For young people to take pride in their own and others good behaviour.
- To give employees specific guidelines on how behaviour will be managed.

**We expect young people to:**

- Treat everyone equally with respect and sensitively regardless of their gender, ethnic origin, cultural background, sexual orientation, religion or political affiliation.
- Know and abide by the rules and spirit of the event.
- Avoid violence and rough play and help anyone that may be injured.
- Accept the decisions of those in authority without question or complaint.
- Exercise self-control at all times.
- Give maximum effort and strive to achieve your best.
- Learn to accept success and failure, victory and defeat with humility and dignity respectively and without excessive emotional displays.
- Abide by the instructions of the employees and officials provided they do not contradict the spirit of this code.
- Treat everyone how you would like to be treated.
- Do not use foul, sexist or racist language at any time.
- Be a good sport, applaud good performance.
- Remember to have fun, improve skills and feel good.

**When working on activities organised by The Council's employees will:**

- Give priority to the best interests of the young people in decisions that they make about them.
- Keep young people safe from all harm and protect them.
- Wherever possible let young people have a say in what affects them.
- Treat young people respectfully at all times.
- Be consistent and fair, keeping promises (where possible) made to young people.
- Actively work to help all young people feel welcome, happy and at ease.

**What action will be taken if young people break their code of conduct?**

1. A warning and explanation of why the behaviour is unacceptable.
2. A record is made in the Community Development Section Low Level Incident Book with an explanation of the incident.
3. Employees will employ their own system of warnings and minor sanctions e.g. time out (5 minutes max); 3 strikes and you are out. Young people must be aware of these sanctions from the outset.
4. If the young person's safety and/or others is being compromised due to their behaviour prompt action should be taken by the employee.
5. A session ban may be imposed.
6. Parents/carers are informed if their child is involved in unacceptable behaviour.
7. A behaviour contract between the young person, parent/carers, and The Council's employees may be agreed to get the young person back into the mainstream.
8. In some circumstances a young person may be permanently banned from participating on the Council's schemes.

## The Council's Guidelines and Procedures for Activities and Services

### 1. Work Experience and Extended Work Experience

- It is important to distinguish between work experience and extended work experience (sometimes called work placement). Work experience refers to Key Stage 4 children going into a work environment for 1 – 2 weeks. Extended work experience refers to young people experiencing a working environment, possibly by undertaking work based learning over a longer period of time, 1 or 2 days per week, to achieve vocational qualifications.
- This is arranged by schools and Further Education providers and Local Education Authorities with employers or training organisations contracted to carry out this function, and can be either a full or part time basis. The Council's takes approaches through Human Resources and each Division has an Officer to manage enquiries and liaise with employees.
- It is good practice to arrange a pre visit interview with the candidate. This may be the schools procedure in any event. The responsible teacher may advise the young person to telephone the manager before the start date if time does not allow an interview.
- Section Heads should ensure that Risk Assessments are in place for work experience students.

### 2. Trips, Tours and Holiday Clubs

- All trips, tours and holiday clubs will undergo the necessary level of preparation and will cover Health and Safety requirements such as risk assessments. Where Play schemes are registered with OFSTED their standards will be adhered to.
- It is vital that any transport arrangements pay due regard to safeguarding young people/vulnerable adults and that adequate supervision is provided if young people/vulnerable adults are taken on trips and tours. Parents and carers must be notified and sign a form giving permission for young people/vulnerable adults to attend.
- **Recommended ratios** must be adhered to before commencement. In some cases employees may consider it appropriate to increase the level of supervision depending on the activity and the nature of young people/vulnerable adults taking part. Normally the ratio adult: child/vulnerable adult over 8 is 1:12, under 8 is 1:8.
- A person will be nominated to be the lead Officer on outdoor transported trips. If parents/carers and volunteers accompany any trip or activity, then they will be under the direction of that nominated person. The use of parents/carers or volunteers shall not compromise employees to child/vulnerable adult ratios and in no way substitute the "duty of care" the Council's should be showing. At no time should persons



accompanying their own children be left alone with children who are not their own – although we do recognise that parents/carers have a valuable and crucial role to play.

- A complete list of all children/vulnerable adults will be drawn up and head counted on departure and arrival. All children/vulnerable adults should be seen to be picked up on return unless specifically told otherwise in writing and signed for by the parent/carer in advance. A verbal undertaking is not acceptable. It is the duty of the parent/carer to inform employees of this wish.
- In the event of a “new” person being requested to collect a child, an additional registration form must be completed by the parent/carer. At no time will a child/vulnerable adult be handed over without full confirmation by the parent/carer.
- In the event that a parent/carer fails to collect a child/vulnerable adult then 2 employees must be present at all times. We ask a parent/carer to inform us of any likely delays as soon as they are known. If no parent/carer has arrived then it is the duty of the lead Officer to try to make contact with the parent/carer. If no parent/carer has arrived after 30 minutes then the Police should be called. It is important to gauge what response time may be expected and advice sought therein from the Police.
- Before each trip, the lead Officer must have registration forms, first aid kit, medical notes and medicines (if appropriate) and a mobile phone. Any hospital referrals must be relayed to parents/carers immediately.
- When organising a trip the lead Officer must nominate an employee who is ‘on call’ should there be an emergency. This Officer must have all the trip details (including names and contact details of participants) so that parents/carers can be contacted if necessary.

### **3. Residentials**

- The Council’s do not organise residentials for young people/vulnerable adults. However, from time to time employees may be involved in a partnership project that may include an overnight stay.
- On these occasions the Council’s employees will provide secondary support to the organising body such as Connexions (PAYP), Youth Service. The lead organisation must have a policy on residentials which the Council’s employees must be aware of before taking part in the event.
- A Welfare Plan must be drawn up prior to the residential by the lead organisation.

### **4. Transporting Young People/Vulnerable Adults**

- A reputable transport company with the appropriate insurance will be used.
- Sufficient supervisors (team managers, coaches, parents) will be present on the coaches.

- Each person will have a seat and seat belt regulations will be adhered to.
- Parents/carers will be provided with details of both pick up and drop off points and times.
- Employees of a supervisory capacity will have the following information for each participant
  - Name / contact number.
  - Pick up / drop off point and time.
  - Name of parent/carer collecting the participant.
  - Emergency contact number.
  - Medical details.
- Participants will not be left unsupervised.
- It is not good practice to take young people/vulnerable adults alone on journeys, however short. Where this is unavoidable, it should be with the full knowledge and consent of the parents/carers, and someone in charge of the organisation. Employees should be able to state the purpose and anticipated length of the route. You must be insured for business use. The child/vulnerable adult should sit in the rear seat. If there were 3 young people/vulnerable adults in your care, two should sit in the back and one in the front. When the first child/vulnerable adult is returned to the parent/carer the remaining young people/vulnerable adults should be sat in the back seats.

## **5. Lost/found young people/vulnerable adults**

- When operating from a building we will endeavour to make all inside and outside areas as secure as possible. Whilst great care is taken to ensure the young people/vulnerable adults in our care are always accounted for, we do however have procedures for lost and found children/vulnerable adults (see following pages).
- If young people/vulnerable adults are on outdoor trips the lead Officer is responsible as identified above. In the case of outdoor sites such as parks and nature reserves, employees are aware of the potential risk of lost young people/vulnerable adults and how to deal with these situations.
- Lost young people/vulnerable adults will only be handed over to the designated person named by the parent/carer on the registration form. In the case of parks and open spaces where young people/vulnerable adults are not on official trips, but nonetheless leisure users, the handing over of young people/vulnerable adults will only be done at the behest of Police involvement.

## **6. Procedure for dealing with lost young people/vulnerable adults**

- On suspicion of a lost young person/vulnerable adults the Officer will conduct a roll call without alarming them.

- The lead Officer and one extra employee will conduct a thorough search of the building and grounds and the immediate vicinity.
- Employees conducting the search and remaining employees will ensure a calm manner and normal routine will be conducted.
- If the young person/vulnerable adult is not found, the Police and the parent/carer will be contacted. The SA will be informed.
- A full report will be produced on the Council's *Incident, Accident or Ill-Health Form*.
- The relevant authorities will be informed.
- Employees will work closely with the Police, parents/carers, and other authorities to ensure all relevant information is made available to aid the safe recovery of the young person/vulnerable adults.
- The incident will be evaluated and fully discussed with the employees and SA, Children/Vulnerable Adult's Services and the Police and, if appropriate, procedures reviewed. Policies will be amended if necessary.

#### **7. Procedure for dealing with found young people/vulnerable adults**

- Get to the child/vulnerable adults height, show them your name badge and tell them where you work. In the first instance try to find out their name, giving the child/vulnerable adult time to respond as they may be extremely distressed. If that proves difficult then look for a discarded jumper or coat, as often there are name tags in clothing. Do not physically touch the young person/vulnerable adult to find out these details and seek another employee, as soon as possible, to help. Take the young person/vulnerable adult's name, age, address and telephone number if possible. If you cannot obtain any details at all then you must call the Police.
- Carry out a brief search of the immediate area with the young person/vulnerable adults. Mostly lost young people/vulnerable adults are near their family who are simply obscured by people or objects. Ask the young person/vulnerable adult where they last saw the parent/carer/guardian. Older young people have sometimes been left on site by parents who are to return later, be vigilant as to where and how long young people are waiting for parents to return.
- Small young people/vulnerable adults may become very distressed. In this case 2 employees should stay with the young person/vulnerable adult all the time, preferably the one person who has made initial contact – this avoids confusing the youngster/vulnerable adult. Alert all other employees on duty. Never leave a young person/vulnerable adult unattended. If a young person/vulnerable adult refuses to stay then call the Police immediately and stay vigilant to their direction. At no time put the young person/vulnerable adult in a vehicle. (see Appendix F, section 4. Transporting Young People/Vulnerable Adults). At the discretion of the SA contact the Police after 30 minutes of unsuccessful search. If out of normal hours and the SA is not available contact the Police directly and inform the SA at the next possible time.

- If the parents/carers are found, ask for identification. Do not release young people/vulnerable adults to anyone under the age of 16.

**8. Procedure for dealing with young people who decide they wish to leave the activity (Play Scheme) that you are in charge of**

- The Council's Play schemes operate a **closed access policy** (see the Council's Play Development Policies and Procedures)

Should a young person leave the session without prior permission employees will:

- Employees will try to find out why the young person wishes to leave and sort out the issue if possible.
- Gently restrain the young person if they are a danger to themselves, employees or venue property.
- Follow the young person home if employees' ratio permits (although this would be unlikely).
- Refer to registration form and contact parent/guardians immediately.

**9. Restraining young people/vulnerable adults**

- Employees should consider using physical force towards a young person/vulnerable adult only when they are in danger or there is a danger to others.
- Any incidents of this kind will be recorded on the Incident Form and reported to the SA and to parents/carers on the same day.
- The Council's recognises that at all times employees might need to intervene and that unease and unwillingness to act appropriately could lead to the needs of the children/vulnerable adults being neglected, or their safety being put at risk.

**10. Our policy on working in schools**

- Employees who visit schools in the course of their duties have during curriculum or extra curricular time to deliver an activity or service should wear the official the Council's Identification badge.
- During curriculum time for the Council's employees who are in close contact with young people such as sports coach, plumber, builder, grounds maintenance, play leader, artist, ranger, **a teacher must always be present** (at least within sight of the group). The teacher has *loco parentis*, which is the legal responsibility for the young people.
- When the Council's are responsible for organising the activity at a school during extra curricular time and are 'hiring' the facility e.g. gymnasium, hall, field area, then an employee from the school should be on site. The person in charge of the activity should be familiar with the school site and its regulations. The Head Teacher has responsibility for all employees working on their premises.

- The Line Manager of the employee working in schools should check the schools Child Protection Policy and the reporting route.

#### **11. Guidance for employees to do home and site visits**

- Where it is practical to do so employees should prearrange the visit, preferably in writing.
- Colleagues should be notified of the date, time, address of the visit and the expected return time of the Officer.
- Employees should wear/show the Council's Identification badge/card.
- If a young person/vulnerable adult answers the door and the adult who has made the appointment is not present (and has made no other arrangements) the member of the Council's employees should not enter the premises but rearrange the visit.
- Refer to (Appendix B) and Code of Behaviour for Employees Working with Children/Vulnerable Adults (Appendix D).
- Inadvertent contact with young people/vulnerable adults on their own may occur (e.g. refuse collectors pulling a bin out from a rear garden and coming into contact with a scantily clad young person) in which case they should leave the area and report the incident to their Line Manager.
- Refer to Intranet for more detailed guidance.

#### **12. Our policy on working with Agency employees**

- Wherever an agency is used to supply temporary employees the Council's will provide a copy of our Safeguarding Children, Young People and Vulnerable Adults Policy and Procedure.
- The agency will be required to supply The Council's with their own policy/procedures for The Council's reference.
- Agency employees who have the potential to be in contact with young people/vulnerable adults in the course of their temporary duties must undergo a CRB check before commencing employment.



**REDDITCH BOROUGH COUNCIL**

**COUNCIL**

5th December 2011

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113. **OVERVIEW AND SCRUTINY COMMITTEE**

**Meeting of the Chair with the Leader of the Council – Feedback**

**RECOMMENDED that**

**the quarterly meetings between the Chair of the Overview and Scrutiny Committee and the Leader of the Council be removed as a requirement from the Council's Constitution.**







# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

## MINUTES

### Present:

Councillor Phil Mould (Chair), Councillor Mark Shurmer (Vice-Chair) and Councillors Peter Anderson, Andrew Brazier, Simon Chalk, Andrew Fry, Bill Hartnett, Gay Hopkins, Brenda Quinney, Alan Mason and Luke Stephens

### Also Present:

Michael Collins (Vice Chair of the Standards Committee)  
Mrs S Boyd and Mrs M Morley (petitioners representing the war memorial petition).

### Officers:

C Felton, L Hadley, J Staniland and L Tompkin

### Committee Services Officer:

J Bayley and M Craggs

#### 94. APOLOGIES AND NAMED SUBSTITUTES

There were no apologies for absence.

#### 95. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest nor of any party whip.

#### 96. MINUTES

##### RESOLVED that

the minutes of the meeting of the Committee held on 27th September 2011 be confirmed as a correct record and signed by the Chair.

.....  
Chair

# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

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## 97. ACTIONS LIST

Members considered the latest version of the Committee's Actions List.

As requested at the previous meeting, information on the number of affordable housing units that had been provided as part of the new housing development at Windsor Heights had been circulated amongst Members. All actions had subsequently been completed.

### **RESOLVED that**

**the Committee's Actions List be noted.**

## 98. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE FORWARD PLAN

The Committee reviewed the contents of the Forward Plan and considered whether any items were suitable for scrutiny.

Members noted that road gritting and snow clearance arrangements had formed the subject of a Short, Sharp Scrutiny review earlier in the year. Under these circumstances the Committee concurred that Members had appropriate expertise in the subject to make a useful contribution to the Executive Committee's decision making process through pre-scrutiny of a report on gritting and snow clearance, which was due to be considered by the Executive Committee on 15th November 2011. Consideration of this item would also provide the Committee with an opportunity to assess progress that had been made in relation to gritting and snow clearance procedures since the review had concluded.

Finally, Members requested further information on the options to be considered by the Executive Committee on 6th December 2011 regarding the Children's Centres Contract.

### **RESOLVED that**

- 1) **the report *Gritting and Snow Clearance - Redditch Borough Council Approach* be received at the Committee meeting on 8th November 2011 for pre scrutiny; and**
- 2) **the Executive Committee minutes for 4th October 2011 be noted.**

# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

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**99. TASK & FINISH REVIEWS - DRAFT SCOPING DOCUMENTS**

There were no draft scoping documents.

**100. TASK AND FINISH GROUPS - PROGRESS REPORTS**

The Committee received the following reports in relation to current reviews.

a) Facilities for Disabled People – Chair, Councillor Alan Mason

The Group was to reconsider the scope of the review following concern that this was too wide.

The Group had not met since the last Committee meeting, however was hoping to meet during the week commencing Monday 24th October.

b) Promoting Sporting Participation – Chair, Councillor Luke Stephens

The Group had recently held a meeting to review what it had learned so far. The Council's Head of Leisure and Cultural Services, had attended the meeting to provide his perspective.

The Council's Sports Development and Physical Activity Manager had been invited to attend the Group's next meeting on 27th October to discuss local provision for disabled sporting participation.

c) Youth Service Provision – Chair, Councillor Simon Chalk

Signage for the Local Democracy Day on 20th October promoting youth participation had been agreed at the Group's most recent meeting.

The next meeting of the Group was scheduled for 19th October.

**RESOLVED that**

**the update reports be noted.**

# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

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## 101. HEALTH OVERVIEW AND SCRUTINY COMMITTEE

Councillor Brenda Quinney provided an update on the work of the Worcestershire Health Overview and Scrutiny Committee (HOSC), as Redditch Borough Council's representative.

At its most recent meeting on 18th October 2011, the HOSC received a presentation on the performance of the Out of Hours service across the county. The service was said to be performing well in Worcestershire, especially when compared to the national picture. Members subsequently suggested that the greater use of this service needed to be further promoted in Redditch.

Members heard that new procedures had been introduced at the Alexandra Hospital to improve the quality of care for elderly residents. Extra beds had also been provided on a full time capacity for general use.

Councillor Quinney informed Members that she would also be updating the HOSC on the performance of the new stroke service at the Alexandra Hospital.

### **RESOLVED that**

**the report be noted.**

## 102. PETITION - WAR MEMORIAL

The Committee considered a petition regarding the Redditch War Memorial.

The Chair invited lead petitioner and other members of the public to speak to the petition. The invited speakers informed the Committee that in recent months there had been a noticeable increase in anti-social behaviour around the War Memorial. In particular, Members heard that members of the public were regularly sitting on the Memorial itself. This was attributed to a lack of nearby public benches. It was also reported that excess litter had damaged the aesthetic appearance of the area.

It was reported that Skateboarders were often in and around the area whilst others rode quickly through on bikes. The increased noise that had resulted was incongruous to the expectation that the area should be a place for quiet reflection. Members sought clarification on the legality of riding a bike in a pedestrian area.

# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

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Taken altogether it was felt that such anti-social behaviour was not only disrespectful but also potentially upsetting for those who wished to remember deceased loved ones in a quiet and peaceful setting. Furthermore, it was felt that some residents would be especially sensitive to this prior to Armistice Day.

Members were firmly supportive of the principle behind the petition and expressed concerns about anti-social behaviour beside the war memorial. However, it was suggested that many of those who were acting in an anti-social manner could be unaware that their actions would be considered by others to be disrespectful. It was subsequently proposed that some residents needed to be reminded of the Memorial's significance.

Members considered various options developed by Officers for swiftly restoring the area to its full respectability (Appendix A). The first of these options would be to install planters around the war memorial, which could be moved as and when required. The second option would involve installation of chain linked barriers around the war memorial.

The Committee concluded that they were keen to ensure that any measures taken to deter people from sitting on the War Memorial and reduce anti-social behaviour in general did not compromise public access to the area nor reduce its aesthetic appeal. Under these circumstances Members favoured the installation of planters around the War Memorial.

## **RECOMMENDED that**

- 1) that planters be installed around the war memorial to deter people from sitting on the war memorial;**
- 2) a campaign of education about the war memorial be launched to increase awareness of the purpose of the war memorial;**
- 3) the Executive Committee ask Officers to investigate the possibility of introducing improved signage for the war memorial;**
- 4) the Executive Committee ask Officers to investigate the possibility of introducing seating in the area;**
- 5) the Executive Committee ask Officers to investigate the possibility of installing an extra litter bin in the area and**

# **Overview and Scrutiny Committee**

Tuesday, 18th October, 2011

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**RESOLVED that**

- 1) Officers provide an update to the Committee in approximately six months on the effectiveness of the actions taken to tackle anti-social behaviour around the War Memorial; and**
- 2) the petition be noted.**

**103. PORTFOLIO HOLDER ANNUAL REPORT - HOUSING, LOCAL ENVIRONMENT AND HEALTH**

The Committee received a written report which detailed the performance of services within the remit of the Portfolio Holder for Housing, Local Environment and Health, Councillor Brandon Clayton.

On the basis of the information contained within the report Members requested that the following questions be addressed by the Portfolio Holder in his Annual Report to the Committee, which was scheduled to be delivered on 8th November 2011.

- 1) What action has been taken to provide more social housing in Redditch?
- 2) What are the current trends in relation to:
  - a) homelessness enquiries to Redditch Borough Council?
  - b) the number of statutorily homeless people being housed by Redditch Borough Council?
- 3) What affect on the capital programme will the purchase of the housing stock have?
- 4) What action is Redditch Borough Council taking to reduce the number of empty properties within the town to as close to zero as possible? What obstacles, if any, are there in relation to reducing the number of empty properties?
- 5) What initiatives are you considering to increase the rates of recycling in Redditch?

**RESOLVED that**

**the content of the written performance report be noted.**

# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

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## 104. PORTFOLIO HOLDER ANNUAL REPORT - COMMUNITY SAFETY AND REGULATORY SERVICES WRITTEN REPORT

The Committee received a written report which detailed the performance of services within the remit of the Portfolio Holder for Community Safety and Regulatory Services, Councillor Juliet Brunner.

On the basis of the information contained within the report Members requested that the following questions be addressed by the Portfolio Holder in her Annual Report to the Committee, which was scheduled to be delivered on 29th November 2011.

- 1) What affect will the cuts in Police numbers have on crime and disorder in Redditch?
- 2) What will the future provision of Police Community Support Officers (PCSOs) be in Redditch?
- 3) To what extent have the location of CCTV cameras in Redditch been reviewed and, in particular, how possible would it be to relocate CCTV cameras from existing locations to areas of greater need if considered necessary?
- 4) What action, if any, is planned to address the noise caused by scrap metal dealers? To what extent can this be addressed through licensing processes?
- 5) What will the implications of the introduction of directly elected police commissioners for community safety budgets? What implications, if any, will there be for CCTV systems in the town?

**RESOLVED that**

**the content of the written performance report be noted.**

## 105. MEETING OF THE CHAIR WITH THE LEADER OF THE COUNCIL - FEEDBACK

The Chair expressed concern that the quarterly meetings with the Leader of the Council had not been as productive as initially hoped and commented that the discontinuation of these meetings would not prevent dialogue as and when necessary.

# **Overview and Scrutiny Committee**

Tuesday, 18th October, 2011

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It was suggested that inviting Officers to officially record the meetings could increase their productiveness. However, the Chair suggested that this would be unlikely.

Members were informed that as the meetings were now a requirement as part of the Council's constitution, any proposal for its termination would need to be approved by the Constitutional Review Working Party.

## **RECOMMENDED that**

**the quarterly meetings between the Chair of the Overview and Scrutiny Committee and the Leader of the Council be removed as a requirement from the Council's constitution.**

## **RESOLVED that**

**the report be noted.**

### **106. JOINT WORCESTERSHIRE SCRUTINY CHAIRS' AND VICE CHAIRS' NETWORK MEETING - FEEDBACK**

The Chair provided feedback from the Worcestershire Scrutiny Chairs' and Vice-Chairs' Network meeting on 3rd October 2011 at Malvern District Council.

Members were advised that a number of issues were discussed at the meeting, including the effectiveness of local scrutiny in relation to health, and crime and disorder. The meeting reaffirmed the Chair's view that scrutiny was working well in Redditch. In particular, Redditch Borough Council's arrangements for Crime and Disorder Scrutiny and for receiving regular updates from the Council's representative on the Health Overview and Scrutiny Committee were considered to be representative of good practice.

The Committee debated the feasibility of attending a county-wide scrutiny training session. It had been commented that Members had already received two scrutiny training sessions at the start of the municipal year. However, the Committee was keen to work with other Councils over the delivery of joint scrutiny training where appropriate. It was therefore suggested that the Council should offer to be involved in scoping training session to help make it more worthwhile and that further consideration be made after the costs involved had been confirmed.



# Overview and Scrutiny Committee

Tuesday, 18th October, 2011

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**RESOLVED that**

- 1) **the subject of joint scrutiny training be considered at a following meeting of the Committee, following confirmation of the financial costs involved; and**
- 2) **the report be noted.**

**107. REFERRALS**

There were no referrals.

**108. WORK PROGRAMME**

Members were advised that the written performance report for services within the remit of the portfolio for Leisure and Tourism would be received at the Committee meeting on 29th November 2011 at the request of the Chair. The meeting scheduled for 3rd January 2012 had subsequently been cancelled due to lack of business.

At its next meeting on 8th November 2011, the Committee was due to receive an appeal to the decision of Council on 5th September 2011 regarding the petition to preserve green belt land in Brockhill. An explanation for the appeal would be provided in the agenda pack for the meeting.

The Committee would also receive at a meeting on 29th November 2011 a presentation on the implementation of the housing trailblazers' scheme. The scheme had links to the scrutiny review of homelessness that was completed in 2006.

Finally, Members were advised that a series of provisional dates had been set in early 2012 for parliamentary scrutiny seminars. Expressions of interest were to be submitted to relevant Officers.

**RESOLVED that**

**the Committee's Work Programme be noted.**



**REDDITCH BOROUGH COUNCIL**

**COUNCIL**

5th December 2011

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114. **WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

**Worcestershire Regulatory Services Enforcement Policy**

**RECOMMENDED that**

**the Council adopt the Worcestershire Regulatory Services Enforcement Policy.**



**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**

**THURSDAY, 29TH SEPTEMBER 2011 AT 4.00 P.M.**

PRESENT: Councillors Mrs. L. Hodgson (Chairman), M. Braley (Vice-Chairman), M. A. Bullivant, Mrs. B. Behan, P. Grove (during Minute No's 12/11 to 17/11), P. Harrison (substituting for Councillor J. Baker), P. Mould, A. N. Blagg, D. Thain, F. Lankester, K. Jennings, Mrs. E. Stokes and M. Hart

Also in attendance: David Evans, Audit Manager, Audit Commission (during Minute No. 12/11)

Observers: Mr. V. Allison, Deputy Managing Director, Wychavon District Council, Mr. I. Pumfrey, Head of Customer and Environmental Services, Malvern Hills District Council and Ms. A. Scarce, Committee Services Officer, Bromsgrove District Council

Invitees: Councillor J. Riaz, Licensing Chairman, Worcester City Council

Officers: Ms. J. Pickering, Mr. S. Jorden, Ms. C. Flanagan, Mrs. D. Randall, Mr. I. Edwards and Ms. P. Ross

9/11 **APOLOGIES**

Apologies for absence were received from Councillors J. Baker, Wyre Forest District Council and C. B. Taylor, Bromsgrove District Council.

10/11 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

11/11 **MINUTES**

The minutes of the meeting of the Worcestershire Shared Services Joint Committee held on 23rd June 2011 were submitted.

With reference to an undertaking given at the previous meeting, the Executive Director, Finance and Corporate Resources, Bromsgrove District Council apologised to Members for not having provided this information and agreed that more detailed information on miscellaneous expenses would be provided in future reports to the Joint Committee.

**RESOLVED** that the minutes be approved as a correct record.

12/11 **AUDIT COMMISSION ANNUAL GOVERNANCE REPORT 2010/2011**

A copy of the Annual Governance Report for 2010/2011 was considered. The Chairman welcomed Mr. D. Evans, Audit Manager from the Audit Commission to the meeting. Mr. D. Evans informed Members that he would present the report in the absence of Ms. L. Cave, District Auditor, who had submitted her apologies.

The Executive Director Finance and Corporate Resources, Bromsgrove District Council informed Members that this was the first year that accounts had to be prepared in compliance with The International Financial Reporting Standards, which had resulted in additional work for officers.

Mr. D. Evans informed Members of the minor issues and amendments that had been raised with the Executive Director Finance and Corporate Resources, Bromsgrove District Council. Officers had accepted these minor revisions and he asked the Joint Committee to consider these before approving the Annual Governance Report 2010/2011.

Mr. D. Evans responded to questions from Members with regard to the Joint Committee being considered as a 'smaller relevant body'.

**RESOLVED:**

- (a) that the Audit Commission Annual Governance Report 2010/2011 be noted;
- (b) that the Statement of Accounts 2010/2011 not be amended to reflect the issues raised by the Audit Commission for the reasons discussed during the meeting; and
- (c) that the letter of representation on behalf of the Joint Committee be approved.

13/11 **STATEMENT OF ACCOUNTS 2010/2011**

Consideration was given to the report relating to the financial information for the year 2010/2011. The Statement of Accounts reflected the position from June 2010 to March 2011 for the new Worcestershire Regulatory Services and therefore was the first set of accounts referred for approval by the Joint Committee.

**RESOLVED** that the Statement of Accounts 2010/2011 be approved.

14/11 **WORCESTERSHIRE REGULATORY SERVICES PERFORMANCE INFORMATION APRIL - JUNE 2011**

The Committee considered a report which detailed the performance data for Worcestershire Regulatory Services for the period April 2011 to June 2011.

The Head of Worcestershire Regulatory Services responded to questions from Members with regard to future reporting. He informed Members that he was due to meet with the Joint Committee Management Board to discuss future reporting including a comprehensive list of key outcomes and performance

measures. Once determined this information would be made available to Joint Committee Members during 2012.

**RESOLVED** that the performance data for Worcestershire Regulatory Services for the period April 2011 to June 2011 be noted.

15/11 **PROJECT MANAGEMENT SUPPORT**

Mr. I. Edwards, Regulatory Services Project Manager provided Members with details of the current project management resources arrangement and the reduction in days due to the increased demand on the Project Manager from the Worcestershire County Council's Bold Programme.

Members were further informed that on 14th September 2011 the Worcestershire Regulatory Services Management Board had accepted the proposal to seek to recruit a full / part time Project Manager to manage delivery of the remaining Information Communications Technology (ICT) and Transformation products.

The Chairman expressed sincere thanks to Mr. I. Edwards for his contribution as Regulatory Services Project Manager.

Further discussion followed on the development of a robust ICT operating system and the role of Systems Thinking in order to determine the ICT needs and requirements for Worcestershire Regulatory Shared Services. The Head of Worcestershire Regulatory Services confirmed to Members that they would be advised of the procurement process and once developed the ICT Project Plan would be shared with the Joint Committee.

16/11 **WORCESTERSHIRE REGULATORY SERVICES ENFORCEMENT POLICY**

The Committee considered a report which sought to provide a Worcestershire Regulatory Services (WRS) single Enforcement Policy to be used across the county in relation to all enforcement activities.

The Head of Worcestershire Regulatory Services informed Members that The Regulators Compliance Code was fairly prescriptive in terms of what needed to be included within an Enforcement Policy, seeking to ensure that local authorities took a measured approach to enforcement. The Enforcement Policy would allow the service to operate in a consistent way across the county in relation to all enforcement matters.

The Legal Service Manager, Redditch Borough Council responded to questions from Members regarding minor changes to the WRS Enforcement Policy, Introduction. Comments received from the legal team at Bromsgrove District Council and Redditch Borough Council for inclusion within the policy had not been received in time to incorporate into the Enforcement Policy presented at the meeting.

Following further explanation and discussion with the Legal Service Manager, Redditch Borough Council with regard to the minor changes it was

**RESOLVED** that the agreed changes to the Worcestershire Regulatory Services (WRS) Enforcement Policy, Introduction, be incorporated and Members receive a copy of the WRS Enforcement Policy with the published Joint Committee minutes.

**RECOMMENDED** that, subject to the agreed changes to the Worcestershire Regulatory Services Enforcement Policy, Introduction, the Council for each Member Authority adopts the policy.

17/11 **WORCESTERSHIRE REGULATORY SERVICES JOINT COMMITTEE**  
**BUDGET MONITORING APRIL 2011 - JULY 2012**

The Committee considered a report which detailed the financial position for the period April 2011 to July 2012.

The Executive Director Finance and Corporate Resources, Bromsgrove District Council introduced the report and informed the Committee that there were no major issues to report in relation to the financial position April 2011 to July 2012.

Following further discussion, the Executive Director Finance and Corporate Resources, Bromsgrove District Council agreed to provide Joint Committee Members with more detailed information on miscellaneous expenses.

**RESOLVED:**

- (a) that the Executive Director Finance and Corporate Resources, Bromsgrove District, be tasked to provide Joint Committee Members with more detailed information on miscellaneous expenses by 10th October 2011, and
- (b) that the financial position for the period April 2011 to July 2012 be noted.

The meeting closed at 5.17 p.m.

Chairman



**WORCESTERSHIRE SHARED SERVICES JOINT COMMITTEE**  
**PROTOCOL FOR REFERRAL OF DECISIONS TO MEMBER AUTHORITIES**

- Minutes of each Joint Committee to be drafted and agreed with the Chairman and Head of Regulatory Services within 10 working days.
- The Committee Services Officer who supports the Joint Committee to email the final minutes, for information, to the members of the Joint Committee and those officers who represent the member authorities on the Management Board.
- The Committee Services Officer to email the final minutes to the Democratic/Committee Services Manager of each member authority who shall ensure that the minutes are submitted to the next possible meeting of their authority's Executive/Cabinet.
- In the event that all matters within a set of minutes are resolved items the Executive/Cabinet will receive the minutes for information only.
- In the event that a set of minutes contains any recommendations, the Committee Services Officer will provide each authority's Democratic/Committee Services Manager with a full copy of the relevant report(s). Any such report(s) shall accompany the minutes when submitted to the Executive/Cabinet.
- The Executive/Cabinet shall consider and determine each recommendation which falls within its delegated powers. If a matter does not fall within its delegated powers, the Executive/Cabinet shall make a recommendation to the full Council. The Democratic/Committee Services Manager shall be responsible for ensuring that any recommendations from the Executive/Cabinet are referred to their full Council.
- The Democratic/Committee Services Manager for each member authority shall email the Committee Services Officer who supports the Joint Committee to confirm that recommendations have been considered and whether they were approved.
- The Committee Services Officer shall maintain appropriate records of recommendations and the outcome from each member authority.
- In the event that a recommendation is not approved by all member authorities, the Head of Regulatory Services shall report the outcome to the next possible meeting of the Joint Committee for information and consideration of any consequential action.



# Worcestershire Regulatory Services

*Supporting and protecting you*

## JOINT COMMITTEE

Date: 29<sup>th</sup> September 2011

### ENFORCEMENT POLICY

#### Recommendation

That Members recommend the adoption of this policy by the individual partner authorities.

#### Contribution to Priorities/ Recommendations

This policy will apply to all WRS functions involving enforcement action so will impact across all service priorities.

#### Introduction/Summary Background

Local authorities have, for some time, been required to produce and publish an Enforcement Policy to demonstrate how national regulation will be enforced in their areas. The attached policy document seeks to provide Worcestershire Regulatory Services with a single policy that can be used across the county in relation to all enforcement activities. The policy will need to be adopted by partners as it relates to legal process, a reserved matter.

#### Report

Local authorities have been encouraged to produce Enforcement Policies for many years, but particularly with the introduction of the Enforcement Concordat, created by LACORS (Local Authority Co-ordinators of Regulatory Services, formerly LACOTS.) The idea of the concordat was to provide businesses with a clear framework within which regulation would take place and to provide this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

These provisions have, in the main, been superseded by the Regulator's Compliance Code, issued by the Better Regulation Executive, under the Legislative and Regulatory Reform Act 2006, and now maintained by the Local Better Regulation Office. The Regulators Compliance Code is fairly prescriptive in terms of what needs to be included in an Enforcement Policy, seeking to ensure that local authorities take a measured approach to enforcement. The Code encourages local authorities to try to use informal means to resolve issues of non-compliance before taking formal action, unless there are immediate risks or there is evidence of consent or connivance involved in the commission of the

offences.

Before putting a case before the Courts, local authorities also need to have regard to the Code for Crown Prosecutors, which lays down the very basic provisions for evidential sufficiency and public interest before a case can be considered a sound candidate to be taken to Court.

The attached policy meets the criteria of both of these documents and provides businesses with a clear picture of how the service will go about its enforcement activities. This should allow it to easily integrate with existing policies within the partner authorities and will allow the service to operate in a consistent way across the county in relation to all enforcement matters.

Improved consistency is something that businesses crave, so there is a level playing field for all of those in competition. They continue to claim that there are significant differences in the way local authorities enforce legislation across the country and that this is detrimental to business performance. A recent report from the Local Better Regulation Office called "From the Business end of the telescope" continues to highlight business concerns about inconsistency. Local Government, through LACORS, has frequently challenged business on their evidence for these claims, but adopting this common approach to enforcement would go some way to reducing such perceptions within Worcestershire.

**Financial Implications**

None

**Sustainability**

Not applicable

**Contact Points**

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**Background Papers**

Enforcement Policy attached.  
"From the Business End of the Telescope" is available from the Local Better Regulation Office and can be found on their website at:  
<http://www.lbro.org.uk/docs/from-the-business-end-of-the-telescope.pdf>



## **Worcestershire Regulatory Services Enforcement Policy**

### **1. Introduction**

In June 2010, seven Local Authorities in Worcestershire set up a Joint Committee under Section 101 of the Local Government Act 1972, comprising Members of the Authorities, to oversee the delivery of regulatory services across the County on their behalf, by a single body called "Worcestershire Regulatory Services".

The regulatory services to be provided include Trading Standards, on behalf of Worcestershire County Council and Health & Safety, Environmental Health and Licensing administration on behalf of Bromsgrove District Council, Malvern Hills District Council, Redditch Borough Council, Worcester City Council, Wychavon District Council and Wyre Forest District Council

This Enforcement Policy will be applied by Worcestershire Regulatory Services in relation to the services it provides on behalf of these Authorities and it has been adopted by each of them. It is distinct from the general Enforcement Policy of the individual Local Authority, which applies to any other service provided by them, for example, Planning.

The primary aim of Worcestershire Regulatory Services is to ensure compliance with the legislative framework within which they operate so that, consumers, businesses, employees, individuals and the environment are protected, and transactions are fair and equitable. Fair proportionate and effective enforcement is essential to protecting the health, safety and economic interests of all concerned, and there is a range of tools available to the Service to achieve this.

Generally we will provide advice and support those seeking to comply and at the same time tackle those who choose not to comply, using proportionate action. The detail on how and when action may be taken is outlined in the body of this policy.

The Service must also have regard to the various general duties imposed on the partner authorities e.g. section 17 of the Crime and Disorder Act, and the general powers given to local government for the promotion of well being under the Local Government Act. We are obliged to comply with the Human Rights Act 1998, so we will take its provisions into account when taking decisions relating to enforcement action.

This enforcement policy is a statement of how the Service will carry out its enforcement duties and, in addition, what business and citizens in Worcestershire can expect from our enforcement staff.

### **2. Policy Scope**

We are committed to providing an effective service with officers carrying out their duties in an equitable, practical and consistent manner. To achieve this we have adopted the principles of the following:

- The Regulators Compliance Code (BIS)
- Local Government Regulation's Home Authority Principle,

- Local Better Regulation Office's Primary Authority Principle.
- The Crown Prosecution Service Code for Crown Prosecutors (as amended.)
- The Food Safety Act 1990 Code of Practice
- Human Rights Act 1998 and the European Convention on Human Rights.

We will also comply with any statutory requirement placed upon us and seek to align our procedures with best practice.

The Policy applies to actions in relation to all of the legislation enforced by the Service. Enforcement action includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law and goes beyond just formal enforcement action such as prosecution.

### **3. General Principles**

Prevention is better than cure and our role therefore involves actively working with businesses to advise on and assist with compliance. Where we consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy.

The majority of cases involving regulatory matters will relate to businesses, however, there will be some cases put before the Courts that relate to individuals, particularly those involving noise nuisance. These cases will be treated in the same way as those involving businesses and the general principles outlined around proportionality of action, for example trying informal approaches before resorting to formal action and the Courts, will be followed.

Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. We recognise the positive impact that the service can have on economic progress and growth in the local economy and see it as part of our role to encourage and support the growth of legitimate business activity within the legal framework provided by central government.

### **4. Risk**

We will ensure that our resources are targeted where they will be most effective. We will ensure that intelligence and risk assessment inform all aspects of our approach to regulatory activity, including:

- Data collection and other information requirements;
- Inspection programmes;
- Advice and support programmes;

- Enforcement activity and sanctions.

We will normally use the appropriate Government risk assessment scheme to inform any inspection programme, but, where these do not exist, we will consult and involve businesses and other interested parties in designing any risk methodologies that are created within the Authority, and publish the details. In the absence of other factors, when determining risk, we will consider:

- Compliance history and potential future risks
- The existence of effective management systems
- Evidence of recognised external accreditation
- Management competence and willingness to comply

We will also use intelligence to direct inspection based projects, targeting goods or business where there are known issues. Obviously, a complaint may also trigger a visit if that is the most appropriate response. We will review our approach to regulatory activities from time to time, in order to remove any unnecessary burdens from businesses.

## **5. Advice and Guidance**

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their obligations. This will be provided promptly, in clear, concise and accessible language, using a range of appropriate formats and media. Information will cover all legal requirements relating to our regulatory activities, as well as changes to legal requirements. Where changes are of great significance, we will look at the best ways of informing businesses of the changes e.g. through newsletters, mail-shots or seminars.

We will provide targeted and practical advice through personal visits, telephone and promote self service via our website. We will try to maximise the accessibility and effectiveness of advice to ensure efficient use of resources and we will involve businesses in developing both the content and style of regulatory guidance to help ensure that it meets their needs.

When offering advice, we will clearly distinguish between statutory requirements and advice or guidance aimed at improvements above minimum legal standards. We seek to provide proportionate advice, the content of which will help achieve compliance but impose the minimum burden required on the business concerned. Advice will be confirmed in writing, if requested.

Where a business knows it has a problem and seeks advice to remedy the situation, it will not normally trigger enforcement action. Where appropriate we will seek to support the remedial action to prevent future problems, however, we must reserve the right to take enforcement action in serious cases.

Generally, we will provide our advisory services free of charge however we reserve the right to charge a reasonable fee for services beyond the basic advice and guidance necessary to help ensure compliance. We would take account of the needs and circumstances of smaller businesses and others in need of help and support in deciding whether or not to charge. Charging will be in line with any guidance issued by the Local Better Regulation Office in relation to the Primary Authority principle.

We will engage with local businesses to assess the effectiveness of our information and advice services by asking them how effective our work is in raising businesses' awareness and helping them to understand legal requirements, including the extent to which they incur additional costs from obtaining external advice in order to understand and comply with legal requirements.

## **6. Inspection**

We will ensure inspections and other visits to businesses only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, or where we act on relevant intelligence. We will focus our efforts on businesses where intelligence and risk assessment shows there is a higher likelihood of non-compliance or which pose a more serious risk to regulatory outcomes. Some processes by their nature present a greater risk to health or the environment, or due to their complexity, may make it more difficult to ensure compliance. These are the areas where we will focus our inspection resources.

When we visit or carry out inspections, we will give feedback to businesses to encourage and reinforce good practice. We will also share information about good practice amongst businesses, and with other regulators.

Where we and another regulator have a shared interest in a business we will work together to ensure that our activities can be rationalised to minimise the burden on the business, where such action is both of benefit to the business and does not harm the standard of enforcement for either regulator.

We will also take account of the circumstances of small, businesses, including any difficulties they may have in achieving compliance.

## **7. Information Requirements**

Worcestershire Regulatory Services do not require large quantities of information from businesses on a routine basis. When determining what data we may require, we will consider the costs and benefits of data requests to businesses and,

- Limit the data that we request to that which is either appropriate, or required by statute e.g. food registration, licensing applications, etc,
- Minimise the frequency of collection and seek the information from other sources where relevant and possible.

We will work with our fellow local regulators to minimise the information we request from businesses, and we will seek to maximise our data sharing within the provisions of the Data Protection Act. We will seek to use compatible collection methods to give consistency.

We will involve businesses in vetting data requirements and form design for clarity and simplification. We will also ensure that, where possible, data can be returned electronically.

## **8.0 Enforcement Action**

In accordance with good practice, we will:

- Publish our Enforcement Policy;
- Report on our enforcement activities year on year to interested parties through an Annual Report;
- Follow-up enforcement actions where appropriate;
- Be transparent in the way in which we enforce requirements and, apply and determine penalties (when such powers are made available.)

When considering what action should be taken, we will look to:

- Be proportionate to the nature of the offence and the harm caused,
- Change the behaviour of the offender;
- Eliminate any financial gain or benefit from non-compliance;
- Address the harm caused by regulatory non-compliance, where appropriate;



- Deter future non-compliance,
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, and
- Avoid perverse incentives that might influence the choice of sanctioning response.

When considering formal enforcement action, we will, when appropriate, discuss the circumstances with those suspected of a breach (usually by way of formal interview,) and take these comments into account when deciding on the best approach, (unless immediate action is required to prevent or respond to a serious breach or where to do so would be likely to defeat the purpose of the proposed enforcement action.)

We will ensure that clear reasons for any formal enforcement action are given to the person or entity at the time the action is taken. These reasons will be confirmed in writing at the earliest opportunity. Complaints and relevant appeals procedures for redress will also be explained at the same time.

### **8.1 Deciding what enforcement action is appropriate**

In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The business's past performance and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;

There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action;
- Informal Action and Advice;
- Fixed penalty Notices;
- Penalty Charge Notices;
- Statutory Notice;
- Formal closure
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution.

### **8.2 No Action**

There will be circumstances where a contravention may not warrant action, or it may be inappropriate. Many minor contraventions can be dealt with via advice and/ or assistance.

### **8.3 Informal Action and Advice**

For minor breaches of the law we will give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the

non-compliance. Where the advice required is detailed, or there are potentially serious implications from the failure, the advice will be provided in writing. Failure to comply could result in an escalation of enforcement action.

Where ever possible we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is recommended best practice.

#### **8.4 Statutory Notices**

Officers of the Service have the power under various pieces of legislation to issue notices that:

- Prohibit the sale or distribution of goods where relevant provisions may have been breached,
- Require a business to take specific actions to remedy an identified problem,
- Require a business to desist from particular activities that may not comply with legal requirements.
- Require any person to take action to ameliorate or stop nuisances being caused by their actions

Notices may require immediate action where, for example, there are risks to public health or safety, or an immediate risk of environmental damage or serious nuisance. In other circumstances, a reasonable amount of time will be given, depending on the circumstances, to rectify the problem.

Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with (a breach of the notice) we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work.

In certain limited circumstances e.g. under the provisions of food safety legislation, where an authorised officer is satisfied that there is an imminent risk of injury to health from the condition of the premises, the officer may serve notice to close the premises. This would be immediately followed by an application to a Magistrates Court to confirm the closure.

All notices issued will contain details of any Appeals process that may be available to the recipient.

#### **8.5 Fixed Penalty Notices**

Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may chose to administer a FPN on a first occasion, without issuing a warning. They will be used in appropriate circumstances to give a fast and measured response to the situation.

#### **8.6 Penalty Charge Notices**

Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money in recognition of the

breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning in appropriate circumstances.

### **8.7 Institution of Legal Proceedings**

Once an officer has completed his/ her enquiries, they will submit a case report to a senior officer, independent of the investigation, who will decide, using the criteria below, the most appropriate course of action.

Where the law has been broken, there is a range of enforcement options available to seek compliance with the law. Under normal circumstances, a process of escalation will be used until either compliance is reached or there is no option other than to instigate proceedings. Exceptions would be where there is a serious risk to public safety or the environment, or the offences have been committed deliberately or negligently or involve deception, or where there is significant economic detriment. Each case is unique and will be considered on its own facts and merits.

The senior officer will take into consideration the requirements of the Code for Crown Prosecutors and other relevant codes before deciding whether or not to authorise the institution of legal proceedings.

Firstly the senior officer will have to be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each defendant on each charge (i.e. that a jury or bench of Magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged). To this end, the senior officer will look at all the available evidence, reliability of witnesses, supporting documentation and any other matters relating to the investigation. Only when this evidential test has been satisfied will the public interest to proceed with the prosecution be considered.

In deciding whether a prosecution will serve the public interest, the senior officer will balance factors for and against the prosecution carefully, fairly and impartially. Some factors may increase the justification to prosecute whereas others may militate against. Below are some of the matters to be taken into consideration for and against criminal proceedings. This is not an exhaustive list and, as such, each case is taken strictly on its own individual merits:

#### **Factors in Favour of Prosecution.**

- The offender was in a position of control within the business,
- The offender acted dishonestly, wilfully or negligently.
- The product or service was aimed at a vulnerable group or person.
- The product or service has caused or had the potential to cause physical or mental injury or suffering, significant harm or loss.
- The offender has received advice or a warning concerning the circumstances of the offence or similar matters.
- The offender has previous convictions that are relevant.
- The offence, though not serious in its self, is widespread in the area where it was committed.
- There are grounds to believe that the offence is likely to be continued or repeated, for example by a history of recurring conduct.

- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent.

**Factors which would mitigate against the need for a prosecution**

- The offence was minor in nature and as a result of a genuine mistake or misunderstanding, which did not involve significant negligence.
- The offender is elderly, or was at the time of the offence suffering from significant mental or physical ill health, which contributed to the commission of the offence, and the offence was neither serious nor likely to be repeated.
- The loss or harm could be described as minor and was as a result of a single incident, particularly if it was caused by a failure of judgment.
- The offender put right the loss or harm caused prior to the intervention of the Service.
- Prior to the Service's intervention, the offender had introduced adequate steps to prevent further similar offences.
- The defendant was a youth at the time of the offence.
- There has been a long delay between the offence and any potential court action, unless either:
  - (i) The offence is serious,
  - (ii) The delay has been caused by the defendant or his/ her legal representatives,
  - (iii) The offence has only recently come to light, or
  - (iv) The complexity of the offence meant that there has been a long investigation.

**8.8 Proceeds of Crime Applications**

Some cases taken by the service can lead to applications being made under the Proceeds of Crime Act 2002 (POCA) for confiscation of assets. These are the most serious cases or where there is persistence of offending over a long period of time or where the offences are deemed to be "lifestyle crime" under POCA. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

**8.9 The use of Simple Cautions**

Where the public interest justifies it, we will consider offering a Simple Caution (or Reprimand/ Final Written Warning if the offender is under 18.) In offering a Simple Caution, we will take account of the Home Office Guidelines in relation to the cautioning of offenders, and the Code for Crown Prosecutors. Where the offender is under 18 and a formal approach is being considered, appropriate bodies such as the Youth Offending Team will be consulted.

A Simple Caution requires an admission of guilt on behalf of the offender, however there is no sentence and there is no recorded conviction. A caution will remain on record for a period of 2 years and may be cited in Court should a further offence be committed and prosecuted during that time.

**8.10 Injunctions**

Some legislation includes provisions for obtaining enforcement orders against traders. This process involves the civil courts rather than the criminal courts. The purpose of these provisions is to prevent traders from continuing with conduct that harms the collective interests of consumers, but it is only available for specific criminal and civil legislation.

The enforcing authority is required to follow a procedure involving consultation with the trader and the Office of Fair Trading (OFT) before proceeding to formal action. An order can proceed without consultation where the OFT feels that action should be brought without delay, however, written permission is required from the OFT to instigate proceedings in all cases.

Generally, we will attempt to obtain undertakings that the offending conduct will cease before moving to the formal stage. The conduct will normally be identified from recurring complaints. In determining whether the number of complaints is sufficient for action, consideration will be given to the seriousness of the complaints, the size of business, and whether it trades locally, regionally or nationally. Action may also be considered after a single complaint where the conduct is seriously detrimental and repetition must be prevented.

Where the Service fails to gain written assurances from the trader, or where such assurances are breached, action to obtain an enforcement order through the civil courts will be considered, using a process similar to that described above for other formal actions.

#### **8.11 Anti Social Behaviour Orders and Criminal Anti Social Behaviour Orders**

This is a civil process. Where the non-compliance identified during an investigation amounts to antisocial behaviour such as persistent targeting of an individual or a group of individuals in a particular area then, following liaison with the relevant partner Council's Anti-Social Behaviour Unit where appropriate, an ASBO or CRASBO will be sought to stop the activity.

#### **8.12 Refusal, Suspension and Revocation of Licence**

Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application. In such cases the Licensing Committee or Sub-Committee will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition, in relation to the Gambling Act 2005, applications for premises Licence, the Licensing Committee can exclude a condition of licence.

In most circumstances, a license may be considered for suspension, revocation, or the application of further conditions, where officers become aware of either the commission of offences relating to the conduct of the business, or breaches of existing conditions or similar controls. These matters will be heard before the Licensing Committee (or a Sub-Committee,) of the relevant partner Authority, and the elected members will determine what action should be taken.

#### **9.0 Additional Information**

The Senior Managers involved in making the more serious decisions will also have regard to legal advice from the relevant partner Head of Legal Services. Once the Regulatory Service reaches a decision to prosecute, or to instigate civil proceedings, the relevant Partner Authority's Legal Services Department must authorise the action before implementation.

#### **9.1 Standards and Accountability**

We will, in consultation with businesses and other interested parties, set and publish clear standards and targets for our service and performance. These will include:

- Regulatory outcomes (e.g. proportions of businesses that comply,);
- Performance standards for contact with businesses;
- A commitment to ensuring costs to businesses of regulatory interventions are proportionate; and
- A commitment to dealing with any negative perceptions of businesses and other interested parties relating to these issues.

We will create effective consultation and feedback opportunities to ensure we have continuing cooperative relationships with businesses and other interested parties. We will ensure our officers provide courteous and efficient services to businesses. We will enable them to interpret and apply relevant legal requirements and ensure that they enforce requirements fairly and consistently between like-businesses in similar situations. We will take account of comments from businesses and other interested parties regarding the behaviour and activity of our staff.

### **9.2 Liaison with other regulatory bodies and enforcement agencies**

Where appropriate, enforcement activities within Worcestershire Regulatory Services activities will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

Where an enforcement matter affects a wide geographical area beyond the County boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.

Worcestershire Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples include:

- Government Agencies
- Police Forces
- Fire Authorities
- Other Statutory Bodies
- Local Authorities

### **9.3 Further Information**

Anyone requiring further information on this policy should contact Worcestershire Regulatory Services by writing to:

Worcestershire Regulatory Services  
PO Box 866  
Wyatt House  
Farrier Street  
Worcester  
WR1 9DP

Or by e-mail to:

[wrsenquiries@worcsregservices.gov.uk](mailto:wrsenquiries@worcsregservices.gov.uk)







**REDDITCH BOROUGH COUNCIL**

**COUNCIL**

5th December 2011

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115. **MINUTES / REFERRALS - CONSTITUTIONAL REVIEW WORKING PARTY – 10TH NOVEMBER 2011**

**Meeting Cycles – Executive Committee / O&S**

**RECOMMENDED that**

**meetings of the Executive Committee and Overview and Scrutiny Committee be scheduled on a 4-weekly cycle, rather than the current 3-weekly cycle in future calendars of meetings.**



Urgent Referrals from the  
Constitutional Review Working Party - 10<sup>th</sup> November 2011

1) **MEETING CYCLES – EXECUTIVE COMMITTEE / O&S**

The Executive Committee is asked to RECOMMEND that

**meetings of the Executive Committee and Overview and Scrutiny Committee be scheduled on a 4-weekly cycle, rather than the current 3-weekly cycle in future calendars of meetings.**

(Members noted that this would free up a number of meeting nights for Members mid-week, and that additional meetings could always be set to meet any exceptional need. Urgent agreement is sought, in view of the fact that meeting timetables for the new municipal year are currently being constructed. This matter is for full Council decision, as part of the constitutional arrangements.)

2) **HOUSING APPEALS**

The Executive Committee is asked to RESOLVE that

- 1) **for the reasons detailed within the report, the amended Housing Appeals Procedure attached at Appendix 1 to the attached report be approved and adopted with immediate effect; but**
- 2) **Officers seek further legal advice as to possible alternative means for a Member-level involvement in appeals against Officer decisions (with regard to Homelessness and Housing Allocation cases); and**
- 3) **Employment Appeal Processes be similarly reviewed in due course, subject to any necessary further consultation, negotiation and report.**

(Report attached)

(Full Minutes of the CRWP meeting will be submitted to the next meeting of the Executive Committee.)



By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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By virtue of paragraph(s) 1, 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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**REDDITCH BOROUGH COUNCIL**

**COUNCIL**

5th December 2011

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46. **CHURCH HILL DISTRICT CENTRE APPLICATION**  
**EXTENSION OF TIME FOR COMPLETION OF PLANNING**  
**OBLIGATION**

**RECOMMENDED that**

**the Scheme of Delegation to Officers be updated to include authority, in consultation with the Committee Chair, to vary such deadline dates in similar circumstances in the future.**



**PLANNING  
COMMITTEE**

2nd November 2011

**CHURCH HILL DISTRICT CENTRE APPLICATION  
EXTENSION OF TIME FOR COMPLETION OF PLANNING OBLIGATION**

Relevant Portfolio Holder(s)	Cllr Jinny Pearce, Planning, Regeneration, Economic Development & Transport.
Portfolio Holder Consulted	No – as relates to a Planning Application / Planning Committee
Relevant Head of Service	Ruth Bamford, Head of Planning & Regeneration Services
Wards Affected	Church Hill Ward
Ward Councillors Consulted	No – as relates to a minor administrative adjustment only
Not a Key Decision	

**PLANNING APPLICATION 2011/227/FUL**

**PROPOSAL      MIXED USE DEVELOPMENT INCLUDING MEDICAL CENTRE AND RETAIL BUILDING WITH CAR PARKING AND LANDSCAPING, 51 DWELLINGS, NEW HIGH STREET AND ASSOCIATED OPEN SPACE TO FORM A REGENERATED DISTRICT CENTRE.**

**LOCATION        CHURCH HILL DISTRICT CENTRE,  
TANHOUSE LANE, REDDITCH.**

**WARD            CHURCH HILL**

**DECISION      PLANNING RESOLUTION MADE AT PLANNING COMMITTEE ON 3RD OCTOBER 2011.**

**1.      Summary of Proposals**

- 1.1      This application was reported to Planning Committee for determination at its meeting on 3rd October 2011. The Committee resolved that planning permission would be granted, subject to a planning obligation in the form of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended). The resolution required that this agreement be completed by 22nd November 2011.
- 1.2      Owing to the content, nature and complexity of this document and the number of parties to it, Officers now consider it unlikely that this date is realistic for the completion of the agreement. Therefore, in order for Officers to be able to progress the agreement and reach the outcome resolved by the Committee, it has been agreed, in consultation with the Committee Chair, Cllr Michael Chalk, that a further length of time be

## **PLANNING COMMITTEE**

2nd November 2011

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added to that originally resolved in order that the matter may be completed appropriately.

- 1.3 Officers consider that it would be more constructive, and would concur with the Committee's wishes, as confirmed by Cllr Chalk, to continue the process towards the conclusion of the legal agreement than to issue a refusal at a point when the matter is nearing completion.
- 1.4 Therefore, a more realistic date has been agreed within which it is considered likely to be able to complete the agreement but without delaying the project at all.

### **2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that:**

- 1) **the change of date for the completion of the planning obligation from 22nd November 2011 to 23rd December 2011 (or 31st January 2012) be noted;**

**and to RECOMMEND that:**

- 2) **the Scheme of Delegation to Officers be updated to include authority, in consultation with the Committee Chair, to vary such deadline dates in similar circumstances.**

### **3. IMPLICATIONS**

No specific implications for any party have been identified other than as detailed in the summary above or in the original Application report to the Committee.

The Legal Services Manager and Democratic Services Manager have been consulted and have raised no objection to any aspect of this report and associated course of action.

### **AUTHOR OF REPORT**

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Tel: 01527 64252 Extension 3374.