06 November 2019
To: All Councillors

As a Member or Substitute of the Governance and Resources Committee, please treat this as your summons to attend a meeting on Thursday 14 November 2019 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

   Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

   05 September 2019

3. PUBLIC PARTICIPATION

   To enable members of the public to ask questions, express views or present petitions, IF NOTICE HAS BEEN GIVEN, (by telephone, in writing or by electronic mail) BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.

4. INTERESTS

   Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

   Interests that become apparent at a later stage in the proceedings may be declared at that time.
5. **QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15.**

To answer questions from Members who have given the appropriate notice.

6. **EXTERNAL AUDIT FEE LETTER FOR 2018/19**

To receive the External Audit Fee Letter for the financial year 2018/19.

7. **ARC LEISURE MATLOCK – REPAIRS TO MAIN POOL**

To consider a report seeking approval for an additional expenditure of £11,268.04, as part of the revised estimates for 2019/20, for necessary repairs and that Freedom Leisure be reimbursed the sum of £11,268.04 (including VAT) from the District Council’s Revenue Budget to cover the cost of remedying a latent defect at Arc Leisure Matlock.

8. **RISK MANAGEMENT – CHIEF EXECUTIVES ANNUAL REPORT**

To receive the Chief Executive’s Annual Report and consider approval of the District Council’s Risk Management Policy and Strategy.

9. **PROPOSED LICENCE TO UNDERTAKE WORKS – UNIT 16 BLEINHEIM ROAD, ASHBOURNE AIRFIELD INDUSTRIAL ESTATE**

To consider a report seeking approval for the District Council to enter into a short term licence to undertake necessary repair works on third party land at Ashbourne Airfield Industrial Estate. Also to consider approval for the works to be funded through the approved Capital Programme contribution and for delegated authority to be given to officers to negotiate implementation of the repairs, as part of the construction contract to deliver Ashbourne Airfield Link Road when let.

10. **PROPOSED LEASE OF LAND AT DERBY ROAD / BLEINHEIM ROAD, ASHBOURNE**

To consider a report seeking approval for an additional lease for a term of 29 years to be granted to Central England Co-operative Ltd on the terms as stated in paragraph 3.1 of the report.

11. **INTERNAL AUDIT REPORTS CONCLUDED UNDER THE 2019/2020 OPERATIONAL AUDIT PLAN**

To consider approval of the Internal Audit reports produced in respect of the 2019/2020 Internal Audit Plan and also the progress made by management in implementing the agreed audit recommendations.

12. **DERBYSHIRE DALES SAFEGUARDING POLICY - MEMBERS’ UPDATE**

To note an update on the District Council’s revised Safeguarding Policy.

13. **REWARD & RECOGNITION POLICY**

To receive and consider the adoption of the District Council’s new employment policy on Reward and Recognition.
14. **FAMILY FRIENDLY POLICY**
To receive and consider the adoption of the District Council’s new employment policy on Family Friendly issues.

15. **JOINT CONSULTATIVE GROUP: MINUTES OF 15 OCTOBER 2019**
To receive the Minutes of the Joint Consultative Group meeting held on 15 October 2019.

16. **ASHBOURNE MEMORIAL PAVILION AND RECREATION GROUND**
To consider arrangements for the leasehold transfer of buildings and land at Ashbourne Recreation Ground to enable ARGSCP to secure funding to provide new changing pavilion facilities and improved sports pitches.

Members of the Committee - Councillors Jacqueline Allison, Sue Bull (Chair), David Chapman (Vice Chair), Paul Cruise, Tom Donnelly, Steve Flitter, Alyson Hill, Susan Hobson, David Hughes, Michele Morley, Garry Purdy, Mike Ratcliffe, Claire Raw, Mark Salt, Peter Slack, Colin Swindell and Mark Wakeman.

EXTERNAL AUDIT ADDITIONAL FEE LETTER FOR 2018/19

PURPOSE OF REPORT

This report provides information about an additional fee for external audit for the financial year 2018/19.

RECOMMENDATION

1. That the “Additional Fee Letter 2018/19” from the External Auditor be noted.

2. That Council approves the additional spending of £750 as part of the revised estimates for 2018/19.

WARDS AFFECTED

None

STRATEGIC LINK

None

1 REPORT

1.1 The Council’s external auditor, Mazars, has written to inform the Council of an additional audit fee for the financial year 2018/19.

1.2 A copy of the letter is shown at Appendix 1. The external auditor has requested that it be brought to Members’ attention. The reasons for the additional fee are explained in the letter.

2 RISK ASSESSMENT

2.1 Legal

There are no legal risks arising from this report.

2.2 Financial

The additional fee of £750 for 2018/19 will be included in the revised estimates for 2019/20, which are to be considered at the Council meeting on 21 November 2019. The financial risk is assessed as low.
3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Karen Henriksen, Head of Resources
Telephone: 01629 761284
e-mail: karen.henriksen@derbyshiredales.gov.uk

5 ATTACHMENTS

Appendix 1 – Additional Fee Letter 2018/19 from Mazars
Dear Karen

**Derbyshire Dales District Council - Additional Fee Letter 2018/19**

When we issued the Annual Audit Letter for 2018/19 on 15 August 2019, we reported that we had not yet finalised our audit fees for the year. We indicated that if the final fee varied from the fee reported of £29,487 plus VAT, we would write to the Chief Financial Officer setting out the proposed variation and any reasons for the variation, and seeking agreement to it. Any variations to the final fee will also require the approval of Public Sector Audit Appointments Limited (PSAA), which manages the contracts for our work.

You will recall that the fees from the 2018/19 audit year, were set by PSAA at 23% less than the fees for previous years, following the latest national procurement. It is envisaged that where additional work is undertaken beyond that normally expected a fee variation would be appropriate.

We have now assessed the final costs of our audit for 2018/19 and are seeking an additional fee variation of £750 plus VAT, making a total audit fee for the 2018/19 audit of £30,237 plus VAT.

The reasons for the variation are the significant additional work required as part of the audit this year in relation to accounting for IAS 19 pensions, in light of the national issues that arose, particularly in relation to the McCloud judgement.

These issues were summarised on page 10 of our Audit Completion Report, and resulted in amendments to the financial statements as set out on page 14 of the Audit Completion Report.
Significant matters discussed with management:

There have been significant issues this year relating to accounting for pensions. These issues are not specific to the Council, but are national issues impacting on all local government bodies. There have been two issues:

- Guaranteed Minimum Pension (GMP) indexation and equalisation – this issue relates to the move to a single-tier new State Pension and equalisation of the GMP benefits between males and females, which has been accounted for to varying degrees by each actuary, and

- The McCloud judgement – this was referenced in the Council’s draft financial statements. It relates to claims of discrimination in respect of protections offered to some, but not all, pension scheme members as part of reforms to public sector pensions. In December 2018, the Court of Appeal ruled in a test case that this did amount to unlawful discrimination. At the time the Council was producing its draft financial statements, the Government intended to appeal to the Supreme Court and the outcome was uncertain. During the audit period, the Government has not been granted leave to appeal, meaning that some form of restitution across all public sector pension schemes is more certain, requiring the estimated impact of this to be reflected in the pension disclosures in the financial statements, subject to materiality considerations.

Neither of these issues had a significant impact on the Council in terms of a bottom-line impact on the General Fund balance, although in practice, both these issues will place upward pressure on employers’ pension contributions reflecting an increased pension liability to recover over the life of the scheme.

The additional work included but was not limited to:

- Assessing the impact of each of these issues as they emerged;
- Communicating and discussing the implications with your officers as the position became clearer;
- Discussing and agreeing the additional steps that would be required to address these issues;
- Reviewing the additional information provided by your officers and by the actuary to assess its reasonableness;
- Considering and following up on issues raised by our own consulting actuary; and
- Checking the amendments to the financial statement disclosures when they had been made.

In arriving at the additional fee variation, I believe we have been fair minded, and we have absorbed an element of our additional costs. However, I believe that a fee variation of £750 plus VAT and an additional contribution by the Council to our additional costs in relation to this work is both reasonable and justified in the circumstances.

Please feel free to contact me if you would like clarification on any point.

Yours sincerely

Gavin Baker
Director
ARC LEISURE MATLOCK – REPAIRS TO MAIN POOL

PURPOSE OF THE REPORT

This report outlines recent problems experienced with the main pool at Arc Leisure Matlock and the actions taken to arrange the necessary repairs. It explains the position relating to responsibility for the problems and seeks approval for the costs to be funded from the District Council’s Revenue Budget.

RECOMMENDATION

1. That Council be requested to approve additional expenditure of £11,268.04 as part of the revised estimates for 2019/20.
2. That Freedom Leisure be reimbursed the sum of £11,268.04 (including VAT) from the District Council’s Revenue Budget to cover the cost of remedying a latent defect at Arc Leisure Matlock.

WARDS AFFECTED

Matlock All Saints

STRATEGIC LINK

The effective maintenance of the Council’s property assets contributes to the aim of ensuring value for money and the aim of providing excellent services as expressed in the Corporate Plan.

BACKGROUND

Under the Leisure Operating Contract from 1st August 2018, Freedom Leisure are responsible for the repairs and maintenance of the 4 Leisure Centre buildings and replacement of lifecycle items (subject to lease arrangements in respect of Bakewell and Wirksworth).

Responsibility for defects within the Council’s leisure facilities depends on the origin of those defects. Defects that were identified in the building surveys forming part of the contract and those caused by the contractor will be their responsibility, whereas those defects not identified in the building surveys (known as latent defects) remain the Council’s responsibility under the terms of the contract. There are also some items which had either failed or were in fault at the date of the transfer that remain the Council’s responsibility (known as transfer defects).
1 REPORT

1.1 In March 2019 a section of tiling on the base of the main swimming pool at Arc Leisure Matlock in March 2019 failed. Freedom Leisure informed the District Council of this failure and arranged for the necessary remediation and repair work to be undertaken by their contractors. Freedom Leisure now wish to apply for the cost of the repair and remediation from the Council via a variation notice.

1.2 This defect was not identified in the building survey that forms part of the contract and neither is it considered to have been caused by the contractor. As such this defect is considered to be a latent defect and therefore the responsibility of the Council.

1.3 The total cost of this defect, including remediation measures, repair works and loss of income amounts to £11,268.04, inclusive of VAT. The details of the claim are as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost including VAT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial call out 24 March 2019</td>
<td>£1,819.64</td>
</tr>
<tr>
<td>Rubber matting – to make safe for continued controlled usage</td>
<td>£319.64</td>
</tr>
<tr>
<td>Rectifying works – completed overnight</td>
<td>£7,290.00</td>
</tr>
<tr>
<td>Loss of income in relation to swimming gala</td>
<td>£440.76</td>
</tr>
<tr>
<td>Additional lifeguarding hours to ensure safety</td>
<td>£1,398.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£11,268.04</strong></td>
</tr>
</tbody>
</table>

1.4 A similar issue relating to defective tiling in the training pool at Arc Leisure Matlock was considered by the Committee in June 2016. At this time the centre was still directly operated by the District Council and the concerns then related to whether the defect could be considered to be due to faulty workmanship and whether the costs could be reclaimed from the contractors who had installed the tiling the first instance. Legal advice was obtained which stated that the civil burden of proof to take action was not met. There was no evidence that the defect was due to faulty workmanship and therefore any attempt to take action to recover costs would be high risk and was also likely to be high cost. It was recommended that this advice be reviewed should any similar defect come to light.

1.5 This advice has now been reviewed by the Council’s Legal Team, who have indicated that this would again be a very costly claim to pursue, with no direct evidence to prove who was liable. Their recommendation is that the Council should not pursue a claim in this case.

2 RISK ASSESSMENT

2.1 Legal

Legal comments are shown in the body of the report in relation to bringing a claim against the contractors. The failure to carry out relevant repairs could leave the Council liable for damages due to personal injury and thus it is vital that all risk is reduced but repairing and monitoring the tiling in the pools.

2.2 Financial

There is no provision for this proposed expenditure in the revenue budget for 2019/20. The sum of £11,268 has been included in the draft revised estimates for
2019/20 that are to be considered by Council on 21st November. This additional expenditure can be offset by savings made elsewhere in 2019/20. The financial risk associated with the report recommendations is assessed as low.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Tim Braund, Head of Regulatory Services, Tel: 01629 761118, Email: tim.braund@derbyshiredales.gov.uk

Mike Galsworthy, Estates and Facilities Manager, Tel: 01629 761207, Email: mike.galsworthy@derbyshiredales.gov.uk

5 BACKGROUND INFORMATION

Report to Governance and Resources Committee 9 June 2016

6 ATTACHMENTS

None
RISK MANAGEMENT - CHIEF EXECUTIVE’S ANNUAL REPORT

PURPOSE OF REPORT

The Council’s Risk Management Policy and Strategy requires the Chief Executive to report to Members, by way of an annual report, on the Council’s risk management arrangements and how key strategic risks are being managed.

This report describes the Council’s risk management processes and working practices, which ensure that risk management arrangements continue to be effective, timely and fit for purpose, providing the Council with the correct levels of insight and support in relation to its risk exposure.

RECOMMENDATION

That the report and risk management arrangements be approved.

WARDS AFFECTED

Not applicable

STRATEGIC LINK

Effective Risk Management provisions enable significant risks to be identified, controlled and monitored so contributing to the provision of all services.

1 REPORT

1.1 Introduction

The Council’s Risk Management Policy and Strategy, approved by this Committee in September 2018, requires the Chief Executive to report to Members, by way of an annual report on the Council’s Risk Management arrangements and how key strategic risks are being managed.

This report describes the current risk management processes and working practices, which have been developed to ensure they continue to provide the Council with the correct levels of insight and support in relation to its risk exposure. The report illustrates the strategic risks and scores them as high (red), medium (yellow) or low (green). The report also shows the actions that are planned to mitigate or reduce the risks.
1.2 Background

The Council operates a risk management programme whereby risks associated with the Corporate Plan, its key strategic objectives and individual Service Plan Key Actions are formally assessed.

The Council identifies risks at two levels:

- **Strategic Risks:** These are the risks that will significantly impact the Council in the delivery of its Strategic Objectives and Corporate Plan; and

- **Operational (Service) Risks:** These are the risks which will impact on the delivery of each service at an operational level. Managing these risks will assist each Head of Service in the delivery of their Service Plan objectives and key actions.

Relevant individuals (the Risk Management & Continuity Hub) meet on a quarterly basis to discuss the risks facing the Council and the delivery of its objectives. Those risks highlighted during these sessions are analysed and prioritised and further actions identified. These are captured within the Operational and Strategic Risk Registers.

An essential part of the process involves ensuring all risks have clear ownership. Service Managers are required to identify the key internal controls for each risk they are responsible for and to identify mitigating controls. The risk management methodology provides guidance for risks to be scored, enabling officers to report risks which may prevent them from achieving their required aims.

Risks are regularly reported to the Risk Continuity Group, which in turn reports quarterly to the Corporate Leadership Team, ensuring that risks, risk management etc. are challenged and reported effectively.

Further guidance on the Council’s risk management processes and procedures can be found in the [Risk Management Policy and Strategy](#); dated September 2018.

1.3 Recent developments and achievements

The Council remains committed to ongoing risk management activities. Risk management practices and procedures are well embedded. The Risk Continuity Group continues to be well attended; key actions arising in the last twelve months include:

- Regular reviews of the strategic risk register
- Regular discussions relating to events being held in the District
- Preparation of the draft annual report
- Discussions relating to areas of risk highlighted by Zurich Municipal
- Analysis of insurance claims 2016/17 to 2018/19.

1.4 Current strategic risks

1.4.1 Strategic Risks are considered by relevant officers and documented within the Strategic Risk Register. Those risks identified and reported to the Corporate Leadership team in October 2019 are as follows:
1.4.2 A comparison of current risks with the chart shown in last year’s report shows a reasonable static overall situation, as illustrated in the table below:

<table>
<thead>
<tr>
<th>Level of Risk</th>
<th>Rating</th>
<th>Number of risks 2018</th>
<th>Number of risks 2019</th>
<th>Direction of travel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low</td>
<td>1 - 4</td>
<td>0</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Medium</td>
<td>5 - 16</td>
<td>10</td>
<td>11</td>
<td>-</td>
</tr>
<tr>
<td>High</td>
<td>17 - 25</td>
<td>3</td>
<td>3*</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*includes 1 new risk

1.4.3 The strategic risk for legal challenge in respect of contracts, liabilities, compliance and safeguarding has been reduced from “high” to “medium”. This reflects improvements in contractual and procurement processes and increased staff knowledge and awareness in how to be ‘contract safe’, in order to protect the Council from potential litigation and financial loss. The resources available in Legal to support this have been reviewed and enhanced but are still limited. Contract standing orders were updated in May 2019 and officer training has taken place.

1.4.4 A new risk “EU Exit” has been added to the strategic risk register in 2019/20. This risk addresses the potential impact of the EU Exit on services and the Council’s plans to deal with any disruption. At the time of writing the report the strategic risk has been assessed as “high”. Key areas that have been considered include disruptions to supply of vehicle fuel and parts, ICT resilience, access to data, financial losses and waste disposal. A more detailed operational risk register is also in place for EU Exit.
1.4.5 Business continuity management planning and exercises took place in July and October 2019 and further exercises are planned for 2019/20.

1.5 **Strategic Risk Action Plan**

Service managers and the Risk Continuity Group have identified that the following further mitigating actions are required in order to further mitigate strategic risks and reduce the Council’s risk profile.

<table>
<thead>
<tr>
<th>Strategic Risk</th>
<th>Mitigating Actions Identified</th>
</tr>
</thead>
</table>
| Financial Resilience                               | • Update the Medium Term Financial Strategy to set out the approach to achieving the savings that will be required from 2020/21 onwards.  
• Assess impact of Local Government Finance Settlement on Budget for 2020/21. The indications are that the settlement for 2020/21 will be in line with that for 2019/20.  
• Clearer picture on outlook expected when government announces details of 75% rate retention and the results of the Fair Funding Review.  
• 2020/21 settlement expected to be better than anticipated in Medium Term Financial Plan but funding position for 2021/22 onwards is still very uncertain, with a risk of significant change. |
| Resource: Capacity and Capability                   | • Consider use of additional hours, temporary staff, external secondment and external agencies for resource support  
• If required, neighbouring authorities could be approached for resource support.  
• More focus on PDRs  
• Learning and Development policy will address skills for the future rather than separate succession planning  
• Plan being developed to address age profile of depot employees and provide future resilience  
• Delivery of Learning and & Development Programme  
• Dales INSIGHT (training for managers) to be re-run in November 2019  
• CLT is actively considering Resources, Resilience & Priorities in regard to emerging corporate plan  
• Need to manage the new council agenda (e.g. climate change) as there is a risk that too much focus on new projects will leave little capacity for ongoing service issues |
| Data Protection & Information Governance            | • Review contracts to ensure DPA and GDPR is addressed;  
• Set out the Council’s policy on data protection governance arrangements and complete an appropriate risk assessment.  
• Deliver DPA training to Members, especially those recently elected, & register councillors with ICO.  
• Continue to raise staff awareness of Data Protection / GDPR requirements. |
| Legal challenge in respect of contracts etc. | • Consideration of contract management and procurement operations to ensure that risks are assessed and performed at the relevant levels/timelines etc.  
• Provide guidance on consultation issues for relevant officers.  
• Roll out PSS Live to ensure that there is a record of inspections, reducing the risk of successful compensation/insurance claims  
• Review limit of indemnity for official indemnity insurance  
• Due diligence over insurance limits of liability & contractual terms of contractors  
• Finalise SLA with County Council (awaiting signature) for procurement support and draft programme of key procurements over next 3 years  
• Updated safeguarding policy reported to G&R Committee in July for approval; final amendments to be agreed.  
• Member workshops for safeguarding |
| **Current Score 16** |  
| **Target Score 12** |

| Business Continuity & Emergency Planning | • Mutual aid possibilities with other organisations being explored  
• Consider impacts on strategic partners e.g. CAB  
• Unified communications as part of telephone system replacement programme |
| **Current Score 12** |  
| **Target Score 9** |

| Continuity of Service (where there is an External Supplier) | • Review contracts to ensure exit strategies are included and documented. Where these are not in place discuss with suppliers how these could be implemented.  
• Identify alternative/temporary solutions for key contracts and minimum delivery requirements.  
• New arrangements being developed to replace Arvato contract.  
• New waste and recycling contract being procured.  
• Develop suite of contracts to include provisions to mitigate this risk.  
• Ensure new contracts have a sensible share of risks and liabilities.  
•  |
| **Current Score 10** |  
| **Target Score 10** |

| Health & Safety | • Continue to grow and develop the Safety Committee.  
• Ensure that the RCG is informed of risks on a regular basis to reflect risks in the department and strategic risk registers.  
• Engage with providers to identify any proactive measures that the Council could take, if not already being performed.  
• Tree & Footpath Risk Assessments ongoing |
<p>| <strong>Current Score 12</strong> |<br />
| <strong>Target Score 8</strong> |</p>
<table>
<thead>
<tr>
<th>Task</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refine inspection reporting regime</td>
<td>Ensure regular inspections take place and are recorded</td>
</tr>
<tr>
<td>Review asbestos register</td>
<td>Ensure that this is up to date.</td>
</tr>
<tr>
<td>Continue to update fire risk assessments</td>
<td></td>
</tr>
<tr>
<td>Update risk assessments in relation to rock falls and monitor</td>
<td>In accordance with survey</td>
</tr>
<tr>
<td>Develop maintenance programme for rock faces</td>
<td></td>
</tr>
<tr>
<td>Procure new cash collection contract</td>
<td>To include toilets and illuminations</td>
</tr>
<tr>
<td>Safeguarding</td>
<td>Implement recommendations from Internal Audit Review</td>
</tr>
<tr>
<td></td>
<td>Consider internal safeguarding workshops</td>
</tr>
<tr>
<td></td>
<td>Updated safeguarding policy to be reported to G&amp;R Committee in November for approval</td>
</tr>
<tr>
<td></td>
<td>Mandatory training for members</td>
</tr>
<tr>
<td></td>
<td>Specific training for safeguarding officers</td>
</tr>
<tr>
<td></td>
<td>Ensure all employees complete online training</td>
</tr>
<tr>
<td></td>
<td>Quarterly meetings to review policy and reflect on incidents</td>
</tr>
<tr>
<td></td>
<td>Introduction of a safeguarding group</td>
</tr>
<tr>
<td>Planning &amp; Local Plan</td>
<td>Ongoing Local Plan monitoring</td>
</tr>
<tr>
<td></td>
<td>Developer contribution SPD in preparation</td>
</tr>
<tr>
<td></td>
<td>Housing Delivery Test Action Plan being formulated</td>
</tr>
<tr>
<td></td>
<td>Statutory Review Local Plan by 2022 to determine if longer term changes to residential patterns required</td>
</tr>
<tr>
<td>Policies &amp; Decision Making</td>
<td>Further training as necessary</td>
</tr>
<tr>
<td></td>
<td>Member workshops on keys areas for savings e.g. commercialism, Public conveniences</td>
</tr>
<tr>
<td></td>
<td>In depth risk assessments for commercial projects</td>
</tr>
<tr>
<td>Ashbourne Airfield Link Road</td>
<td>Section 73 variation granted but not yet implemented</td>
</tr>
<tr>
<td></td>
<td>Understanding and expediting landowner agreements</td>
</tr>
<tr>
<td></td>
<td>County Council remains scheme promoter</td>
</tr>
<tr>
<td></td>
<td>New outline planning permission required post March 2020.</td>
</tr>
</tbody>
</table>
2 RISK ASSESSMENT

2.1 Legal

The report documents an effective system of risk management, which aims to identify, control and mitigate risk. Whilst not all risk can be mitigated, the measures currently in place provide for low legal risk.

2.2 Financial

There are no financial risks arising from this report.

3. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4. CONTACT INFORMATION

Karen Henriksen, Head of Resources, Telephone 01629 761284
Email: karen.henriksen@derbyshiredales.gov.uk
5. BACKGROUND PAPERS
None.

6. ATTACHMENTS
None.
PROPOSED LICENCE TO UNDERTAKE WORKS – UNIT 16 BLEINHEIM ROAD, ASHBORNE AIRFIELD INDUSTRIAL ESTATE

PURPOSE OF REPORT

This report recommends entering into a short term licence to undertake necessary repair works on third party land. The works are required to enable the discharge of additional surface water from a section of road owned and maintained by the Council resulting from the proposed construction of Ashbourne Airfield Link Road to facilitate new industrial development.

RECOMMENDATION

1. That a short term licence is agreed and entered into at the appropriate time on the terms stated in paragraph 3 of the report.

2. That approval is given to undertake the works, funded through the approved Capital Programme contribution, and delegated authority given to officers to negotiate implementation as part of the construction contract to deliver Ashbourne Airfield Link Road when let.

WARDS AFFECTED

Ashbourne South

STRATEGIC LINK

The licence will enable the progression of the adoption of Blenheim Road and help facilitate the connection of Ashbourne Airfield Link Road, a priority scheme for the District Council, in support of the corporate priority of Business Growth and Job Creation.

1 BACKGROUND

1.1 The District Council owns an unadopted section of Blenheim Road as shown edged in red and unshaded on the plan at Appendix.1. (The green shaded area shows the extent of the current adopted public highway).

1.2 To help facilitate the Ashbourne Airfield Link Road project, Blenheim Road requires upgrading to an adoptable standard which will include the diversion of surface water.

1.3 As part of the investigation report into the road upgrade, undertaken by Aecom, a covered culvert has been identified to which surface water can be directed. The areas requiring repair are on third party land so the permission of the land owner is required, hence this report.
2 CURRENT SITUATION

2.1 The culvert is shown in blue on the plan at Appendix 1 and runs under Blenheim Road draining into an open watercourse on Snipesmoor Lane. Aecom consider this culvert to be suitable for use on the proviso that it requires some repairs to carry the additional water.

2.2 In order to undertake these works, the Council will need to enter into a licence agreement with the land owner on the basis of the provisionally agreed terms at paragraph 3 of this report.

2.3 Derbyshire County Council has been out to tender on the Ashbourne Airfield Link Road scheme. The scope of the tender identified a programme of remedial works to Blenheim Road, including culvert repairs on private land as part of necessary repairs to the current highway drainage system. Works will need to be arranged to minimise disruption to the business occupying third party land.

2.4 The tender assessment process is currently in progress and a verbal update will be given at the meeting. Subject to progress with the Ashbourne Airfield Link Road project and confirmation with partners of the proposed delivery programme, the timescale for undertaking the repairs will be determined.

3 PROPOSED TERMS

3.1 The provisional licence terms agreed with the third party land owner are set out below. As the construction works will take place under a contract, items 3.1.4 to 3.1.6 below will be negated by contractor’s undertaking and insurance.

3.1.1 Licence fee of £1 payable on demand.

3.1.2 Licence duration approximately 2 weeks.

3.1.3 Licence access land, work areas (1 and 3) and compound (area 2) are shown on the plan at Appendix.2.

3.1.4 The Council will comply with statutory requirements and reinstate land on completion of works.

3.1.5 The Council will insure and indemnify against claims resulting from the works.

3.1.6 The Council will repair any subsidence resulting from the works for a period of 3 months after completion.

3.1.7 The Council would need to meet the other parties reasonable legal costs.

3.2 The areas required for works and a site compound are indicated as 1-3 on the plan at Appendix.2 of this report with the access land shaded yellow.
4 **RISK ASSESSMENT**

4.1 **Legal**

The proposed terms protect the Council’s interest. The legal risk is therefore low.

4.2 **Financial**

The cost of the licence and the planned works can be contained within the provision made in the capital programme. The financial risk is, therefore, assessed as low.

4.3 **Corporate Risk**

The ability to undertake the works on third party land will enable the District Council to progress works required for the adoption of the section of Blenheim Road in District Council ownership at the appropriate time thereby supporting this priority scheme. The Corporate risk associated with progressing the works described in the report is considered low.

5 **OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors have also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 **CONTACT INFORMATION**

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Giles Dann, Economic Development Manager  
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Email: giles.dann@derbyshiredales.gov.uk

7 **BACKGROUND PAPERS**

None.

8 **ATTACHMENTS**

Appendix 1 – Blenheim Road

Appendix 2 - Site Compound
PROPOSED LEASE OF LAND AT DERBY ROAD / BLEINHEIM ROAD, ASHBOURNE

SUMMARY

This report recommends extending the demise of an existing lease between the District Council and Central England Co-operative Ltd of an area of former roadway verge at the junction of Derby Road and Blenheim Road in Ashbourne to incorporate an additional strip of land to extend the car park of a newly developed convenience store and associated retail units.

RECOMMENDATION

That an additional lease for a term of 29 years is granted to Central England Co-operative Ltd on the terms stated in paragraph 3.1 of this report.

WARDS AFFECTED

Ashbourne South

STRATEGIC LINK

The lease as proposed will support the operation of a newly developed convenience store and will therefore be in support of the corporate priority of Business Growth and Job Creation.

1 BACKGROUND

1.1 The report concerns a section of District Council owned verge land at the junction of Derby Road and Blenheim Road at the entrance to Ashbourne Industrial Estate. The land in the District Council’s ownership is shown edged in light brown on the plan at Appendix 1. The adjacent site shown edged in blue was formerly a vehicle showroom and was acquired and developed by Central England Co-operative Ltd (the Co-Op) for use as a convenience store in June last year. Additionally, 2 units within the building have been sub let by the Co-Op to Greggs and Queens fish and chip shop.

1.2 At the time of the store development, the Co-Op requested and were granted a lease of a strip of land of area 220 sq.m (shown shaded mauve) for a 30 year term at a rent of £4,500 per annum to allow development of a customer car park at the store.

2 CURRENT SITUATION

2.1 Since the store has been trading, there have been some problems with congestion in the car park and accordingly the Co-Op has now asked for an additional strip of land of area 176 sq.m. to be included in the lease.
2.2 The additional area is shown edged red in the plan at Appendix 1.

3 PROPOSED TERMS

3.1 Since there is already a lease in place of the larger car park area, it is proposed to grant an additional lease of term 29 years of the subject area at a rent of £3,600 per annum subject to the following terms:-

3.1.1 29 year business lease with tenant break clause at year 14.

3.1.2 Rent £3,600pa subject to 3 month rent free period to allow for capital works

3.1.3 5 yearly rent review to RPI (1%pa collar and 5%pa cap)as per existing lease.

3.1.4 Use limited to car park and signage (subject to planning)

3.1.5 Tenant to repair, insure and undertake capital works.

3.1.6 Tenant to reinstate at end of term.

3.1.7 Tenant to pay the Council’s legal and surveying fees up to £360 and £250.

3.1.8 Tenant to pay Public Open Space advertising costs up to £400.

4 PLANNING

4.1 It is noted that there have been problems with large vehicles parking on the highway adjacent to this unit and causing an obstruction to other road users. This issue was addressed as part of the Planning Consent for the store development which required the road to be marked with double yellow lines for which the Co-op have made a contribution. Discussions with Derbyshire County Council have established that the timescale for the consultation process, including dealing with objections and modification and ultimate creation of the required Order could take up to 12 months.

4.2 The recommendations made in this report are in the District Council’s role as land owner and are entirely without prejudice to any decisions made by the Council in its role as Local Planning Authority.

5 VALUATION/ ASSET MANAGEMENT

5.1 The Council’s Valuer considers the rent payable to represent the best price reasonably obtainable for the subject site.

5.2 The leasehold disposal of an area of underused or surplus land on the terms suggested is in accordance with the District Council’s Asset Management Plan 2019-2023.

6 CONSULTATION

Ashbourne Town Council and Ashbourne South Ward Members have been consulted on the proposed lease and any comments received will be reported verbally at the meeting.
7 OTHER EXPRESSIONS OF INTEREST

In addition to various general expressions of interest in development sites/opportunities across the District and the expressions of interest forming part of this report, no other specific expressions of interest have been received in relation to all the sites/properties included in this report.

8 RISK ASSESSMENT

8.1 Legal

The proposed terms protect the Council’s position. The legal risk is low.

8.2 Financial

The proposed terms and valuation issues are set out in the body of the report. The financial risk is assessed as low.

8.3 Corporate Risk

The ability to undertake the works on third party land will enable the District Council to progress works required for the adoption of the section of Blenheim Road in District Council ownership at the appropriate time thereby supporting this priority scheme. The Corporate risk associated with progressing the works described in the report is consider low.

9 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors have also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

10 CONTACT INFORMATION

Mike Galsworthy, Estates & Facilities Manager
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Email: mike.galsworthy@derbyshiredales.gov.uk

11 BACKGROUND PAPERS

None.

12 ATTACHMENTS

Appendix 1 – Additional area of land
INTERNAL AUDIT REPORTS CONCLUDED UNDER THE 2019/20 OPERATIONAL AUDIT PLAN

PURPOSE OF REPORT

This report asks the Committee to consider the internal audit reports produced in respect of the 2019/2020 Internal Audit Plan and also to consider the progress made by management in implementing the agreed audit recommendations.

RECOMMENDATION

That the report be approved.

WARDS AFFECTED

None

STRATEGIC LINK

Internal Audit’s service aims and objectives are the provision of an independent service, which objectively examines, evaluates and reports to the Council and its management on the adequacy of the control environment. This contributes to the Council’s core values of being open and transparent when making decisions and using public resources ethically and responsibly.

1  SUMMARY

1.1 The 2019/20 Operational Audit Plan was approved by the Governance and Resources Committee on 28th February 2019. It provides a framework by which service functions are reviewed to test and report on the adequacy and effectiveness of risk management systems and the internal control environment within the Council. This report details the results of the internal audit reviews undertaken during the year.

1.2 The Committee’s terms of reference also require that it “considers the reports produced in accordance with the Audit Plan and responses to the recommendations made therein”.

2  REPORT

2.1 Attached, as Appendix 1, is a summary of reports issued since this committee last considered a report for audits included in the 2019/2020 Internal Audit Plan.

2.2 Reports are issued as Drafts with five working days being allowed for the submission of
any factual changes, after which time the report is designated as a Final Report. Fifteen working days are allowed for the return of the Implementation Plan.

2.3 The Appendix shows for each report a summary of the level of assurance that can be given in respect of the audit area examined and the number of recommendations made / agreed where a full response has been received.

2.4 The assurance provided column in Appendix 1 gives an overall assessment of the assurance that can be given in terms of the controls in place and the system’s ability to meet its objectives and manage risk in accordance with the following classifications:

<table>
<thead>
<tr>
<th>Assurance Level</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantial Assurance</td>
<td>There is a sound system of controls in place, designed to achieve the system objectives. Controls are being consistently applied and risks well managed.</td>
</tr>
<tr>
<td>Reasonable Assurance</td>
<td>The majority of controls are in place and operating effectively, although some control improvements are required. The system should achieve its objectives. Risks are generally well managed.</td>
</tr>
<tr>
<td>Limited Assurance</td>
<td>Certain important controls are either not in place or not operating effectively. There is a risk that the system may not achieve its objectives. Some key risks were not well managed.</td>
</tr>
<tr>
<td>Inadequate Assurance</td>
<td>There are fundamental control weaknesses, leaving the system/service open to material errors or abuse and exposes the Council to significant risk. There is little assurance of achieving the desired objectives.</td>
</tr>
</tbody>
</table>

2.5 Five reports have been issued, 2 with a conclusion of “Substantial Assurance” and 3 with a conclusion of “Reasonable Assurance”. 6 recommendations have been made and these are in the process of being implemented by management.
2.6 Attached at Appendix 2 is the current position at the 4th November 2019, of internal audit recommendations made as a consequence of audit reviews. 30 recommendations have been satisfactorily implemented since the last report, 11 recommendations are in the process of being implemented and 11 recommendations have not passed their implementation date. Appendix 2 gives a commentary next to each recommendation describing the progress made.

3 RISK ASSESSMENT

3.1 Legal

There are no legal considerations arising from the report

3.2 Financial

There are no financial considerations arising from the report.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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Jenny Williams, Internal Audit Consortium Manager
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6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1 - Summary of Internal Audit Reports Issued end July 2019 – 4th November 2019
Appendix 2 – Review of outstanding audit recommendations as at 4th November 2019
## Derbyshire Dales District Council

Internal Audit Consortium - Report to Governance and Resources Committee

Summary of Internal Audit Reports Issued end July 2019 – 4th November 2019

<table>
<thead>
<tr>
<th>Report Ref</th>
<th>Report Title</th>
<th>Scope and Objectives</th>
<th>Overall Opinion</th>
<th>Date</th>
<th>Number of Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>D007</td>
<td>Budgetary Control</td>
<td>To ensure that there are sound procedures in place that are operating</td>
<td>Substantial</td>
<td>14/8/19</td>
<td>4/9/19</td>
</tr>
<tr>
<td>D008</td>
<td>Main Accounting</td>
<td>To ensure that there are sound procedures in place that are operating</td>
<td>Reasonable</td>
<td>3/9/19</td>
<td>24/9/19</td>
</tr>
<tr>
<td>D009</td>
<td>Corporate Targets</td>
<td>To ensure that a sample of Corporate Targets are interpreted and calculated correctly</td>
<td>Substantial</td>
<td>10/9/19</td>
<td>1/10/19</td>
</tr>
<tr>
<td>D010</td>
<td>Members Allowances</td>
<td>To ensure that allowances are paid at the correct rate and that all claims are legitimate</td>
<td>Reasonable</td>
<td>30/9/19</td>
<td>21/10/19</td>
</tr>
<tr>
<td>Report Ref</td>
<td>Report Title</td>
<td>Scope and Objectives</td>
<td>Overall Opinion</td>
<td>Date</td>
<td>Number of Recommendations</td>
</tr>
<tr>
<td>------------</td>
<td>-------------------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------</td>
<td>--------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>D011</td>
<td>Non Domestic Rates</td>
<td>To ensure that bills are raised promptly and accurately and that debt collection procedures are in operation</td>
<td>Reasonable</td>
<td>2/10/19</td>
<td>0</td>
</tr>
</tbody>
</table>
### REVIEW OF OUTSTANDING AUDIT RECOMMENDATIONS AT 4TH NOVEMBER 2019

<table>
<thead>
<tr>
<th>Service</th>
<th>Recommendations</th>
<th>Comment</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Safeguarding</strong></td>
<td>The Council’s commitment to safeguarding should be promoted on the website with a dedicated page containing relevant information including a copy of the Safeguarding Policy and the procedures for members of the public to follow in the event of any concerns they may wish to raise <em>(High)</em></td>
<td>In progress. Safeguarding policy approved by G &amp; R Committee on 11/7/19 but required further discussion relating to suggested amendments. Agreed amendments to be made and reported back in November. The Policy is going back to G &amp; R committee for approval on the 14th November 2019. Webpage work complete.</td>
<td>Amber</td>
</tr>
<tr>
<td>March 2017</td>
<td>Consider producing posters based on the policy’s flowchart to display throughout the Council’s facilities to promote safeguarding and provide contact details <em>(Medium)</em></td>
<td>Posters and information to be distributed in conjunction with training. The new policy will be made available to all staff via SIDD immediately after 14 November committee.</td>
<td>Amber</td>
</tr>
<tr>
<td></td>
<td>Safeguarding training for Members (particularly those on the Licensing Committee) be provided once the Safeguarding Policy has been approved <em>(High)</em></td>
<td>Currently being organised and will have taken place before end of March 2020.</td>
<td>Amber</td>
</tr>
<tr>
<td><strong>Clean &amp; Green</strong></td>
<td>Under the responsibility for safe custody of inventory items the Head of Community &amp; Environmental Services delegate appropriate officers (this would need to be someone with sufficient knowledge of the tools and equipment to ensure that they are identified and recorded accurately) with the following tasks – completion, maintenance and safe custody of inventories; authority for certifying disposals; and annual confirmation of assets held <em>(Medium)</em></td>
<td>We have implemented a form that is authorised by the Environmental Services Manager for any equipment/tools disposal. The Garage Foreman has an up to date asset register.</td>
<td>Green</td>
</tr>
</tbody>
</table>
Once complete, the ‘Quick Guide to Procurement’ currently being revised by the Procurement Hub should be promoted to ensure that budget holders in particular, are aware of the requirement to comply with procurement procedures and to be mindful of triggers to undertake a tender exercise (Medium).

Training was given to all staff by the procurement team. The re-tendering of various areas of the depot is underway and ongoing. Currently the following have been re tendered and are in compliance with the procurement regulations:
- Flail mowing
- Weed spraying
- Agency
- Uniforms
- Purchasing of equipment e.g. new vehicle ramp
- Training

The following are being worked on:
- Tyres
- Small Tools
- Other supplies (sand, soil etc.)
- Skips

<table>
<thead>
<tr>
<th><strong>Main Accounting</strong></th>
<th><strong>March 2018</strong></th>
<th><strong>Review the method of closing accounts within Agresso to ensure that the account history reflects the status of all users accurately and consistently (Low)</strong></th>
<th><strong>Recommendation confirmed as implemented by discussions with the Financial Services Manager</strong></th>
<th><strong>Green</strong></th>
</tr>
</thead>
</table>

Introduce a procedure to ensure that all journal transfers are reviewed and authorised prior to processing by use of the electronic approval function within Agresso (Medium).

Discussions with the Financial Services Manager highlighted that although the approval of journals would give greater control to the system this has not been implemented and is unlikely to be implemented. Due to the Accountancy section being small it may not always be practical to authorise all journals prior to processing. Robust budget monitoring procedures should highlight any errors if a journal has been processed incorrectly. A review of high value journals (over £30,000) is undertaken by the Financial Services Manager and the Senior Accountant. The annual review by external audit did not raise any concerns regarding this issue.  

Green
| Housing Benefits November 2018 | Consideration should be given to accounting for specific departmental bad debt provisions and write offs. This would ensure that any invoices written off are debited to the originating department/cost centre **(Low)** | With the adoption of IFRS19 the accounting requirements do not require specific bad debt provisions. |

A method of recording and documenting the revised integrity checks introduced by the Benefits Manager should be established to ensure that outcomes can be assessed in terms of claim volumes and under or overpayments of benefit. **(Medium)** | A specific folder has been created in the Arvato filing system listing all of the additional system reports run on the database to identify ‘riskier claim assessments’. A limited number of reassessments has followed and so it has not been necessary to maintain a statistical record of outcomes. Notes will be made on individual case records where a claim has been corrected. These additional checks are above and beyond the scope of checking demanded by the contract with the Council but act to ensure the integrity of the database is maintained. **(Green)** |

To strengthen controls periodic reconciliations should be introduced. The reconciliations should include: - • Benefit postings from the Benefits system agree to amounts received by the Council Tax system • Payment totals reports agree to the total of private tenant rent allowance payments as per the Agresso financial management system. **(Low)** | The Academy application is an integrated system and so internal balancing and reconciliation shouldn’t be necessary as the system posts Council Tax Benefit internally without the need for a relevant interface. The work has started for 2019/20 and will be available for inspection when the Benefits audit commences later in the year. **(Green)** |

Management should review the void inspection process and procedures to ensure that properties requiring inspection are being visited/reviewed on a periodic cycle. It should be verified that there is adequate documentation/system notes to support inspections made. **(Medium)** | A review of the void inspection process was completed by Arvato Management following the previous NNDR audit. It has subsequently come to light by Management that inspections taking place are not being adequately documented and there is not sufficient documentation to prove the validity of the inspection process. It was evidenced during this audit that action has been taken by Management to introduce monitoring spreadsheets for inspections and that additional staff have been assigned to bringing the inspection process up to date. Delayed due to **(Amber)** |

National Non Domestic Rates January 19 | | |
<table>
<thead>
<tr>
<th><strong>Leisure Contract Management</strong>&lt;br&gt;<strong>January 19</strong></th>
<th><strong>To strengthen controls a periodic check of adjustments and changes input from Valuation Office schedules should be undertaken to confirm the accuracy of amendments made to the Academy system (Low)</strong></th>
<th>Although the recommendation was agreed in principle, due to the additional work involved in re-checking the input of the Valuation Schedules data and the minimal times that this issue has occurred, this recommendation has not been progressed. It was agreed with Head of Revenues that this would be re-assessed during the next full NNDR audit.</th>
<th><strong>Yellow</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Leisure Contract Management</strong>&lt;br&gt;<strong>January 19</strong></td>
<td><strong>Continued efforts should be made to resolve the outstanding matters relating to the pension bond as specified in clause 22 of the contract to ensure the financial risk to the authority is minimised. (Medium)</strong></td>
<td>Pensions bond has been signed and passed to DCC.</td>
<td><strong>Green</strong></td>
</tr>
<tr>
<td><strong>Leisure Contract Management</strong>&lt;br&gt;<strong>January 19</strong></td>
<td><strong>In conjunction with the Contractor an outcomes scorecard should be developed and agreed. The scorecard should be used as a basis for monitoring performance against key performance indicators (Medium)</strong></td>
<td>Outcomes scorecard agreed, just awaiting some baseline figures to set a target.</td>
<td><strong>Amber</strong></td>
</tr>
<tr>
<td><strong>Leisure Contract Management</strong>&lt;br&gt;<strong>January 19</strong></td>
<td><strong>To ensure there is adequate monitoring of the Leisure Contract in respect of high level and operational indicators addressed in the contract, performance monitoring procedures should be developed and reported through quarterly contract management meetings. If all performance measures are not to be reviewed and reported management should formally risk assess which measures are to be included (High)</strong></td>
<td>Quarterly meetings take place, however due to change in management the last quarterly report will be a 6 month report.</td>
<td><strong>Green</strong></td>
</tr>
<tr>
<td><strong>Leisure Contract Management</strong>&lt;br&gt;<strong>January 19</strong></td>
<td><strong>The operation of the Leisure Contract should be placed on the risk register for Community Development (Medium)</strong></td>
<td>Added to the risk register.</td>
<td><strong>Green</strong></td>
</tr>
<tr>
<td><strong>Leisure Contract Management</strong>&lt;br&gt;<strong>January 19</strong></td>
<td><strong>As detailed in Schedule 6 of the agreement methods should be established in conjunction with the Contractor to identify a system for reporting performance failures. The calculation of performance adjustment points and</strong></td>
<td>Monthly meetings take place with centre managers who report on the 25 elements. A more structured report needs implementing.</td>
<td><strong>Amber</strong></td>
</tr>
<tr>
<td><strong>Consequently financial adjustment to the monthly contractual payment should be undertaken if required</strong> <em>(Medium)</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>It must be ensure that as per Schedule 14 of the contract that the Contractor has adequate public liability insurance cover</strong> <em>(High)</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Public liability insurance certificate received.</strong></td>
<td><strong>Green</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Procurement March 19

<table>
<thead>
<tr>
<th><strong>A Service Level Agreement with Derbyshire County Council must be formalised as soon as possible to ensure that access to specialist procurement advice is available and continuous</strong> <em>(High)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SLA finalised - Awaiting Signature, currently with DCC</strong></td>
</tr>
</tbody>
</table>

### To strengthen Procurement Procedures CLT members and budget holders should be reminded of the need to submit a business case to CLT for approval prior to entering in to a framework. Following approval from CLT it should be ensured that a contract is put in place with the relevant supplier in advance of the contract commencing** *(High)* |
| **Completed - Chief Executive advised CLT of this in April** | **Green** |

### Procurement flowcharts should be updated to outline the process for using a framework agreement** *(Medium)* |
| **Completed – Flow chart now on SIDD** | **Green** |

### In conjunction with the Financial Services Manager a procedure to analyse spend by supplier for PayPal purchase should be implemented** *(Low)* |
| **Details from payments made to suppliers via PayPal can be identified from reports of payments over £250 which are published on the Council’s website and are coded to individual supplier ID numbers.** | **Green** |

### Cash and Bank March 19

| **Confirmed that April, May, June and July reconciliations completed. August reconciliation not finalised due to reports not being available from the Income Management System, currently being investigated by IT.** | **Green** |

### Procedural notes and guidance should be documented for the completion of the daily cash book and bank reconciliation process.** *(Medium)* |
| **Evidenced that procedure notes have been completed.** | **Green** |

### Garage Inventory and

<p>| <strong>It must be ensured that Financial Regulations and Standing Orders in relation to procurements are</strong> |
| <strong>Agresso system implemented 3 quotes for items over £1,000.</strong> | <strong>Green</strong> |</p>
<table>
<thead>
<tr>
<th><strong>Procurement April 19</strong></th>
<th><strong>Compliance Details</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>To ensure that there is sufficient budgetary control and monitoring of purchases/supplier spend the current method of raising purchase orders retrospectively should be ceased. To ensure segregation of duties orders should not be placed with suppliers until an official purchase order has been raised and authorised (High)</td>
<td>Done. Purchase order raised on Agresso and order placed by e mail.</td>
</tr>
<tr>
<td>A revised inventory schedule should be implemented to accurately record purchases, disposals and issuing of equipment and tools to comply with Financial Regulations. The inventory schedule must be a continuous record with items only being removed two years after disposal (High)</td>
<td>Implemented</td>
</tr>
<tr>
<td>Separate equipment/tools inventories should be maintained for all departments within Environmental Services e.g. garage, parks (Medium)</td>
<td>Inventory has been introduced. Re-labelling of equipment as requested to property of DDDC is in progress after which equipment will be allocated to section supervisors.</td>
</tr>
<tr>
<td>A disposal form should be introduced for all equipment and tools with an original purchase price over £100. The disposals must be authorised by the Environmental Services Manager and evidence retained on file (Medium)</td>
<td>Implemented.</td>
</tr>
<tr>
<td>When tools/equipment are purchased and issued to members of staff/teams that do not work within the garage an appropriate method of signing over custody and safe ownership of the items must be devised (Medium)</td>
<td>Replacement equipment for other sections will no longer be purchased by the Foreman unless requested to do so and in that case a transfer note will be raised. Memo circulated to supervisors to advise of procedure change.</td>
</tr>
<tr>
<td>It must be ensured that all equipment and tools belonging to the Authority are marked as the property of DDDC (High)</td>
<td>Target Date 31/12/19 – in progress</td>
</tr>
<tr>
<td>Tools and equipment should be added to the inventory in a prompt and timely manner (Medium)</td>
<td>Implemented.</td>
</tr>
<tr>
<td>Task Description</td>
<td>Target Date</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>The inventory should be checked and verified on an annual basis by an independent person with any discrepancies being investigated <em>(Medium)</em></td>
<td>Target Date 31/3/20</td>
</tr>
<tr>
<td>Mechanics employed by the Authority should be reminded that personal tools and equipment are left at the Council premises at their own risk and will only be covered by the Councils insurance policy up to a limit of £250. <em>(Low)</em></td>
<td>Employees informed.</td>
</tr>
</tbody>
</table>
| Procedures should be implemented to ensure that fuel invoices are reviewed and monitored to ensure: -  
  • That valid Council fleet vehicles are being fuelled  
  • That milometer readings follow on  
  • That mileage per litre of fuel appears reasonable  
  • That any anomalies / queries are investigated *(Medium)* | It has been found that fuel station assistants occasionally get the registration numbers wrong or miss a number. This in itself is not a great problem as long as the next number is correct. | Green  |
| To ensure that the fuelling of vehicles can be accurately monitored Dove Service Station should be requested to log the odometer readings on their monthly invoices *(Low)* | Odometer readings are recorded on separate slips which the crew hand in to supervisors.  
A sheet to show that Dove usage is being monitored has been developed and is being used. | Green  |
| ICT Disaster Recovery April 19  
Action the review to update the ICT Storage, Backup and Replication Policy after the back-up solutions have gone out to tender, summer 2019. *(Low)* | Target Date 31/01/20 | Yellow |
| Gifts and Hospitality and Declarations of Personal Interest April 19  
To strengthen controls consideration be given to amending the format of the register to enable details of gift and hospitality rejected as well as accepted and to include space for the Monitoring Officer to sign off entries as evidence of review *(Medium)* | Response from Head of Corporate Services – This will require an amendment to the Code of Conduct | Amber  |
<p>| The requirement for employees to declare gifts and hospitality accepted and rejected should periodically be published on SIDD <em>(Low)</em> | Response from Head of Corporate Services - Will follow on from the above if agreed. | Amber  |</p>
<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Response</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debtors June 19</td>
<td>An annual report should be prepared by the Miscellaneous Income Officer and reported to the Head of Resources showing customer balances greater than £500 that are over 12 months overdue. The report should detail recovery action taken to date and the originating department that raised the invoice (Low)</td>
<td>Target Date 30/4/20</td>
<td>Yellow</td>
</tr>
<tr>
<td>Car Parks July 19</td>
<td>A monthly reconciliation of expected card income against that credited to the Council’s bank account and posted to the ledger to confirm that income due is received should be introduced. The AIB statements should be used as part of the reconciliation process (Low)</td>
<td>Implemented</td>
<td>Green</td>
</tr>
<tr>
<td></td>
<td>Ticket invoices must be reviewed prior to payment to ensure that advertising income has been deducted if appropriate (Medium)</td>
<td>Implemented</td>
<td>Green</td>
</tr>
<tr>
<td></td>
<td>BSU must be informed of any price increases to season tickets and permits as soon as practical to ensure maximum income is achieved by the Authority (Medium)</td>
<td>Implemented</td>
<td>Green</td>
</tr>
<tr>
<td></td>
<td>Consideration be given to introducing periodic checks of tickets/permits and rover passes sold to ensure each ticket can be accounted for and income has been posted to the Agresso system (Medium)</td>
<td>Implemented</td>
<td>Green</td>
</tr>
<tr>
<td>VAT July 19</td>
<td>Consideration be given to producing a VAT manual which provides guidance for departments when raising invoices/credit notes to ensure VAT is treated consistently and correctly. When complete the manual should be placed on SIDD (Medium)</td>
<td>Target Date 31 March 2020</td>
<td>Yellow</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Target Date</td>
<td>Priority</td>
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</tr>
<tr>
<td>Budgetary Control</td>
<td>The budget timetable should be reinstated to ensure the preparation of budgets can be completed in and advance and progress monitored <em>(Medium)</em></td>
<td>Target Date 31 January 2020</td>
<td>Yellow</td>
</tr>
<tr>
<td></td>
<td>To strengthen the budget monitoring process the possibility of producing seasonal profiled budgets for service areas where there are seasonal trends/fluctuations should be considered (e.g. Car Parking Income) <em>(Low)</em></td>
<td>Target Date 30 November 2019</td>
<td>Yellow</td>
</tr>
<tr>
<td></td>
<td>To assist budget holders with budget monitoring consideration be given to producing a summary report to highlight significant variances against budget. For example a variance greater than £2,000 or 10% of budget <em>(Low)</em></td>
<td>Target Date 31 January 2020</td>
<td>Yellow</td>
</tr>
<tr>
<td>Main Accounting</td>
<td>The current user list of Agresso should be reviewed and any leavers removed from the system. System access should be removed upon receipt of leavers notifications from Payroll <em>(Low)</em></td>
<td>Target Date 30 November 2019</td>
<td>Yellow</td>
</tr>
<tr>
<td></td>
<td>User access levels should be reviewed to ensure only Accountancy employees can initiate journals entries within the general ledger <em>(Medium)</em></td>
<td>Target Date 30 November 2019</td>
<td>Yellow</td>
</tr>
<tr>
<td></td>
<td>To strengthen controls the ability to create and delete general ledger codes should be restricted to Accountancy staff <em>(Medium)</em></td>
<td>Target Date 30 November 2019</td>
<td>Yellow</td>
</tr>
</tbody>
</table>
DERBYSHIRE DALES SAFEGUARDING POLICY – MEMBERS’ UPDATE

PURPOSE OF REPORT

This report provides an update on the Council’s Revised Safeguarding Policy.

RECOMMENDATION

That the Safeguarding Policy as amended is noted.

WARDS AFFECTED

All wards

STRATEGIC LINK

Contributing to the District Council’s aims for a clean, safe and thriving environment, District and community by keeping public places safe, tackling crime & anti-social behaviour.

1. REPORT

1.1 All Local Authorities have a duty to safeguard children and vulnerable adults and, where they do not have a statutory lead for adult or child care services, they must work in partnership with their upper tier authority to ensure they are safeguarded against abuse.

1.2 At a meeting of this Committee on 11th July 2019 a new Safeguarding Policy was approved, subject to retrospective amendment where necessary to ensure full compliance with safeguarding legislation, for which delegated authority was given to the Head of Community and Environmental Services, following consultation with Councillor Clare Raw.

1.3 Following detailed discussions with Councillor Raw, the revised Policy Document, which is now live and which may be accessed on the Council’s website, is deemed to comply fully with current legislation. A copy is attached as an appendix to this report.

1.4 The key amendments contained within the revised policy may be summarised as:

- providing a clearer distinction between Child Safeguarding Referrals and Vulnerable Adult Safeguarding Referrals
- making it clear that responsibility for referring Safeguarding concerns rests primarily with the employee/Member, who will have access to full support and guidance from the Safeguarding Officer or appointed substitute.
1.5 A programme of training and raising awareness of safeguarding issues and the revised policy itself is to be established for all Council employees and Elected Members.

2 RISK ASSESSMENT

2.1 Legal

The policy sets out measures required to be in place locally to protect those least able to protect themselves and to provide the vision and direction to ensure that the legal framework, including powers and duties, is clear, and proportionate. The legal risk is therefore low.

2.2 Financial

The cost of officer time in developing the policy has been contained within existing budgets. The implementation of the policy is not expected to incur costs in excess of budgets. The financial risk of the recommendations of this report is therefore assessed as low.

Failure to approve or implement the safeguarding policy could lead to sanctions (e.g. fines); the risk of that approach would be assessed as high.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Ashley Watts
Head of Community & Environmental Services
Email: ashley.watts@derbyshiredales.gov.uk
Tel: 01629 761367

5 BACKGROUND PAPERS

None

6 ATTACHMENTS

Safeguarding Policy (as amended) September 2019
Derbyshire Dales District Council

Safeguarding Policy

Date of issue | Sept 2019
Review date | Sept 2022
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   1.1. Aim of the policy
   1.2. Key principles
   1.3. Responsibility to Act

2. Scope

3. Process

4. Recruitment and Employment

5. Learning and Development

6. Health and Safety

7. Guidance for photographs at Council managed facilities and events

Appendix

a) Definitions of Abuse Appendix A
b) Safeguarding Referral Quick Reference Guide Appendix B
c) Reporting Form Appendix C
d) Consent Forms for photography Appendix D
e) Work Experience Appendix E
f) Shared information Appendix F
g) Roles and Responsibilities Appendix G
h) Policy on Criminal Background Checks Appendix H
i) Operation Liberty briefing note and referral form Appendix J
j) Glossary Appendix K
k) Key Contacts Appendix L
INTRODUCTION

Derbyshire Dales District Council (referred to as ‘the Council’) is committed to ensuring that all children and vulnerable adults are protected and kept safe from harm.

The Council as a Local authority has a duty under Section 11 of the Children Act 2004 and The Care Act 2015 to ensure that their functions, and any services provided on their behalf, are discharged having regard to the need to safeguarding and to promote the welfare of children, and keep them safe from harm, and to work with partners to ensure that vulnerable adults, who are at risk of abuse, receive protection and support.

The Council has a responsibility to safeguard and promote the wellbeing of children and vulnerable adults so that they enjoy a safe and positive atmosphere free from harassment and bullying. However, not all children and vulnerable adults have positive experiences in their life, and the Council is committed to improving the welfare of children and vulnerable adults by encouraging good practice. The Council does not directly provide social or personal care services but is aware that safeguarding issues in its customers/ service users may arise in providing its general services.

The purpose of the Safeguarding Policy is to make explicit the responsibilities of all professionals, volunteers and agencies working together to protect those most at risk from harm and abuse. All Local Authorities have a duty to safeguard children and vulnerable adults and where they do not have a statutory lead for adult or child care services, they must work in partnership with their upper tier authority and other partner agencies to ensure they are safeguarded against abuse.
1.1. Policy Aim

This policy aims to:

- Implement and maintain systems of working practice to safeguard children and vulnerable adults taking part in Council activities
- Ensure that adults, children and their parents have confidence in Council staff, policies and practices in respect of the safe supervision of children and vulnerable adults
- Ensure that concerns about abuse are reported promptly to the appropriate authorities
- Ensure that Council Staff are aware of the legal framework regarding safeguarding, including the principles of making safeguarding personal for adults
- Ensure we work in partnership with local organisations and people by contributing where possible to the development of individual safety plans, particularly around Vulnerable Adults Risk Management Meetings (VARM)
- Offer guidance and support to all employees, volunteers and Councillors involved in Council activity to assist them in recognising, reporting and responding to the signs of possible abuse
- Work where possible with partners to prevent abuse occurring, such as providing early information and support to vulnerable adults, or signposting families struggling with complex issues such as mental health or alcohol
- Ensure that the Council’s role and responsibility in protecting children and vulnerable adults from abuse is clear
- Raise awareness around safeguarding both of children and vulnerable adults and extremism
- Live up to our Corporate Plan to promote fairness and equality
- Raise awareness of issues and procedures
- Work in compliance with the Derby and Derbyshire Safeguarding Children Procedures (http://derbyshirescbs.proceduresonline.com/) and the most relevant legislation relating to Vulnerable Adults (Derbyshire Adults Safeguarding Board).
- Ensure those experiencing Domestic Abuse are signposted to receive appropriate support
- Review the Policy every 3 years or whenever there are relevant changes in legislation
1.2. **Key Principles**

Guidance given in this policy document is based on the following key principles:

- The welfare and protection of children and vulnerable adults is the primary concern.
- All children and vulnerable adults, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse.
- All incidents of suspected poor practice and/or allegations should be taken seriously and responded to quickly and appropriately. This includes allegations of poor practice against employees, volunteers, Councillors and contractors.

1.3. **Responsibility to Act**

It is not the responsibility of any employee of the Council or elected Member to decide whether or not abuse is taking place. There is, however, a responsibility to act on any concerns and to protect children and vulnerable adults in order that appropriate agencies (Police, DCC Children’s Social Care and Adult Social Care) can make enquiries and take necessary action. The flowcharts in Appendix B provide a ‘quick reference’ guide for referring suspicions of abuse, both in respect of children and vulnerable adults. The report forms in Appendix C provide a template for recording such concerns and action.

2. **SCOPE**

The policy covers all of the functions and services of the Council, as well as the operations of partners, contractors and voluntary organisations that deliver services on its behalf, unless they have their own policy which has been recognised as an adequate substitute.

The policy covers children and vulnerable adults who are affected by the services delivered by or on behalf of the Council.

The Council recognises that Derbyshire County Council’s (DCC) Children’s Social Care Service and the Police are the lead agencies in the District with regard to Child Protection. Derbyshire Adult Social Services is the lead agency with regard to vulnerable adults. The Council also recognises that everyone has a responsibility for identifying and reporting Safeguarding concerns and this includes all employees and Elected Members who come into contact with children and vulnerable adults. Young
people and families within our community also have a role to play as well as the community at large.

It considers that all children and vulnerable adults should be treated equally and fairly. As a service provider, the Council is committed to equality. The Council will endeavour to work with parents and other relevant parties to organise the environment and to plan activities to ensure that all children and vulnerable adults are able to take part at levels appropriate to their needs. Language and cultural requirements will also be taken into account.

2.1 **Working Partners**

The Council regularly works with partners and contractors from a variety of sectors. This policy will be drawn to the attention of, and made available to, all agencies and organisations in joint working situations.

Certain professional bodies may also have additional policies. Members of professional bodies need to contact their body to find out about any additional child protection policies they must apply. If the allegations are made against a qualified coach/leader/teacher, the senior manager will also need to inform the relevant National Governing Body.

2.2 **Contractors**

Contractors will be expected to follow the Policy unless they have their own Policy, which has been recognised as an adequate substitute. Should the Contractor make a referral to Call Derbyshire, the Safeguarding Officer or appointed substitute should be informed, using either the SIRF found in appendix C or equivalent form.

Safe recruitment practice will include those persons who may not have direct contact with children, but because of their presence will still be seen as safe and trustworthy.

The principles of safe recruitment will, therefore, be included in the terms of any contract drawn up between the Council and contractors or agencies that provide services for, or adults to work with, children and vulnerable adults for whom the Council provides is responsible.
The Council will monitor compliance with these contracts that will also include a requirement that the provider will not sub-contract to any personnel who have not been part of a safe recruitment process.

3. PROCESS

3.1 Recognition of Abuse, Bullying and Extremism

The Definitions of Abuse are located in Appendix A of this document.

It is not always easy to recognise when a Safeguarding referral needs to be made. Council employees are not expected to be experts at recognising such situations, but employees do have a responsibility to undertake basic awareness training so that they are able to identify potential instances of Safeguarding. If they have any concerns about the safety of a child or vulnerable adult they are advised to contact Call Derbyshire on 01629 533190 where appropriate advice and guidance can be given.

It is important to note that any concerns about an adult’s safety should be discussed with the adult first and that their views are carefully noted before a Safeguarding referral is made. This is a key part of making care personal to an individual, as defined in the Care Act 2014.

All employees have an opportunity to discuss any concerns they may have about the welfare of a child or vulnerable adult with their line manager or another appropriate senior member of staff, but must do so as soon as possible to prevent undue delay in making any subsequent safeguarding referral.

3. 2 Responding to Suspicions and Allegations of Abuse and Poor Practice

There are a number of barriers that exist which prevent a child or vulnerable adult from telling others about abuse, some of the main barriers are that they may:

- Be scared because they may have been threatened
- Think they will be taken away from home
• Believe they are to blame, or they may feel guilty
• Think it happens to others
• Feel embarrassed
• Not want their abuser to get in trouble
• Have communication or learning difficulties
• Not yet have the vocabulary to describe what has happened
• Be afraid that they won’t be believed
• Think they have already told someone e.g. by dropping hints
• Have told someone before and weren’t believed, so what’s the point in trying again

We take any allegation seriously and investigate immediately and thoroughly.

Action to be taken if a disclosure or allegation is made:
• React calmly
• Reassure the person that they were right to tell you
• Do not make promises of confidentiality, let the person know that you may have a duty to report concerns, seek consent to share the information
• Try to reduce any questions you may choose to ask, to an absolute minimum and concentrate on listening to the person. Questions should never be leading, they should consist of Who? Where? When? What?
• Make a full written record of what has been said, heard and/or seen as soon as possible using a Safeguarding Incident Report Form (SIRF). There are different forms for children and vulnerable adults and both are detailed in Appendix C
• If you believe there is an imminent danger to life or a crime is in progress, contact the Police immediately on 999
• If you believe there is a Safeguarding issue contact Call Derbyshire and immediately thereafter notify the Safeguarding Officer (or his substitute) of your actions, and pass on the completed SIRF at the earliest opportunity
• If you are unsure whether or not the matter should be a Safeguarding referral, complete a SIRF and discuss your concerns with the Safeguarding Officer (or his substitute) as soon as possible, preferably on the same working day
• If you believe that a crime has been committed, encourage the victim to report it to the Police
Actions to be avoided:
- Panic
- Allow shock and/or distaste to show
- Probe to find out more information than offered
- Speculate or make assumptions
- Make negative comments about the alleged abuser
- Make promises to agree to keep it a secret
- Discuss the issue with anyone other than the Safeguarding Officer or his substitute

3.3. Safeguarding Children - Sharing concerns with parents/carers

The Council’s policy is that the welfare of children is the paramount concern. In this respect any disclosure from a child must be believed and similarly any concern of an employee or Member of the Council must be acted upon by referral to Derbyshire County Council. The County Council are the lead body for investigating referrals and they have formal procedures and guidelines for involving parents/guardians or carers in those investigations.

Whilst the District Council will co-operate with the County Council in any investigation and in furtherance of their procedures where appropriate, officers and members should not be discussing their concerns in the first instance with parents/guardians or carers for the following reasons:

- To do so may place the child at even greater risk, particularly where it is suspected that the parent/guardian or carer may be responsible for the abuse
- To do so may compromise the investigation by DCC or a criminal investigation
- To do so may put the employee at risk

It is, however, appropriate for officers to make note of the behaviour or any comments made by parents/guardians or carers (without actively engaging with them) and to make a written record of those observations on the referral form. If in doubt speak to the Safeguarding Officer (or substitute). If you believe the child is at immediate risk please call 999.
3.4. Safeguarding Vulnerable Adults, sharing concerns with relatives/carers or friends

The Council’s Policy is that the welfare of vulnerable adults is the paramount concern. In this respect any disclosure from a vulnerable adult must be believed and similarly any concern of an employee or Member of the Council must be acted upon by referral to Derbyshire County Council.

It should not automatically be assumed that a vulnerable adult will have a carer or responsible parent/guardian. Vulnerable adults, whatever their circumstances, are ‘Adult’ and will therefore have a right to privacy and equality. The role of protecting any adult from risk could conflict with their individual rights to make decisions for themselves, even when those decisions carry the risk of eventual harm. There is a balance to strike between protection and autonomy.

Whilst staff may recognise signs and signals which might indicate that someone is being abused, many incidents will come to light because the person discloses this themselves. Any conversation should always be directly with the vulnerable adult and should not involve relatives/carers or friends for the same reasons as set out in 3.3 above.

It is important to seek consent from the vulnerable adult to share the disclosed information and further explain the reason for doing so and the process that will follow. However, do not promise ‘not to share’ information. In some circumstances a vulnerable adult may not consent to information sharing and, whilst it in important wherever possible to respect those wishes, Safeguarding legislation and guidance does support information sharing if there is sufficient need, examples of which are:

- The adult lacks capacity to consent (MCA 2005)
- For the Prevention and Investigation of Crime (CDA 1998)
- There is a risk to other people
- There is a risk to children (CA 1989)
- The adult is under duress or coercion
- There is evidence of Domestic Abuse which meets MARAC criteria
- The alleged Abuser is in need of care and support
- Staff or Elected Members are implicated
Some adults may be at risk from their own self-neglect but fall outside the definition of ‘Vulnerable Adult’. Although this is a serious issue which must be addressed, Derbyshire County Council has determined that it is not a matter to be dealt with through Safeguarding Policy’ but should instead be referred to Adult Social Services to initiate an assessment.

**Vulnerable Adults Risk Management (VARM)**

This is a formal process for assessing, recording and planning the management of risk in situations where a vulnerable and capacitated adult requires support but will not engage with agencies.

If a person is vulnerable and is at risk of significant harm then safeguarding procedures should be followed in the first instance, but if they do not meet the threshold for safeguarding, or multi agency support in managing that person if required, a VARM can be called by agency to try and help support and manage the individual’s needs.

The VARM process should be considered in the following circumstances:

- Where the person is perceived to have the capacity to make the decision(s) that is /are creating significant concern about their safety (risk of significant harm).
- Where there is no perpetrator and the risk arises from the capacitated individual’s refusal to engage with services and/or self-neglect in one or more areas of their life
- Where there is an alleged perpetrator and the person refuses to engage with risk management
- Where existing care management and health and social care involvement has failed to resolve the issues/risks identified which are causing concern

### 3.5. Reporting Procedure

If you believe a child or vulnerable adult to be at immediate risk call 999.

If you believe there is a safeguarding issue make a referral to Call Derbyshire (01629 533190) and immediately notify the Council’s Safeguarding Officer or appointed substitute. Details of the Council’s designated Safeguarding Officer and substitute are given in (Appendix K). If you are unable to contact either, then the Chief Executive should be notified as soon as possible and within the same working day.
Employees and Elected Members responding to a suspicion of abuse or poor practice should complete an SIRF (Appendix C). In doing so, please note:

- your report may be required later as part of a legal action or disciplinary procedure
- the time and date
- the name of the place and a description of the scene
- the names of people involved
- separate out factual information from your own opinions
- the report should be dated and signed and passed to the Safeguarding Officer without delay and during the same working day
- retain any original documentation (this may be required as evidence at a later date if there is a criminal investigation or prosecution)
- if you are dealing with a recent assault, which may be a potentially criminal matter, or where violence is ongoing, you should call emergency support e.g. the police or ambulance

The form should be sent to the Safeguarding Officer via email and a phone call should be made to make them aware. The Safeguarding Officer will be responsible for retaining all documentation in accordance with the principles of GDPR.

The Safeguarding Officer should:

- Ensure the report is comprehensive
- Ensure that the parents of the child or vulnerable adult are informed of the incident and provided with a copy of the report, providing it is deemed safe to do so and does not place anyone in a position of greater risk
- Arrange a follow-up meeting to discuss the incident with the employee/Member within 24 hours of the referral if possible and address any support needs or further actions identified
- Write up the meeting with the employee and obtain the employees signature to the accuracy of the discussion notes
- Keep all records of the incident in a secure locked cabinet
- Consider further training or revisions to operational procedures to reduce the risk of this type of incident recurring. Training could include preventative measures and strategies
3.6 **Action to be taken if there are concerns about a member of staff**

Any concerns about the welfare of a child or vulnerable adult arising from abuse or harassment by an employee or Elected Member of the Council must be acted upon immediately. It can often be difficult to report a fellow employee or Elected Member, but the Council assures all employees that it will fully support and protect anyone who, without malicious intent reports their concerns about colleagues practice or the possibility that a child or vulnerable adult may be being abused or harassed.

Employees and Members should familiarise themselves with the Council’s *Whistle Blowing* Policy. If the concern or allegation is clearly regarding poor practice then the line manager and appropriate senior manager (usually Head of Service) should deal with it as a misconduct issue and follow the Council’s Disciplinary Procedure.

However, if you believe there is a safeguarding issue follow the procedure outlined in section 3.5 above and immediately notify the Safeguarding officer, who will:

- In instances involving an employee, inform the relevant Head of Service and HR Manager, who will follow the Council’s disciplinary procedure.
- In instances involving an Elected Member, inform the Head of Corporate Services and Chief Executive.

Independent of any investigation by Police, Children’s Social Care or Adult Care, the Council may, in following that procedure, suspend the individual accused of abuse, pending further investigation.

The Council will assess all individual cases under its disciplinary procedure to reach a decision in relation to the allegations and the person’s employment on the available information. Employment decisions can be taken before and independently of the outcome of any legal investigation.

3.7 **Malicious Allegations**

The Council takes any allegation seriously and will refer immediately to DCC all Safeguarding incidents. However, it is also recognised that it is possible for an employee to become victim to false or malicious allegations. Employees are
encouraged to protect themselves from false accusations by adopting ‘Good Practice’ at all times.

**Good Practice guidelines for employees**

Examples of how to create a positive environment when working with children and vulnerable adults:

- Work in an open environment, avoid private or unobserved situations
- Treat all children and vulnerable adults with equal dignity and respect
- Put the welfare, success and achievement of each child first, before the winning or achieving of goals
- Make activities enjoyable and promote fair play
- Maintain a safe and appropriate distance with children and vulnerable adults
- If physical contact is necessary for demonstrating skills etc., explain and discuss these actions with the person first
- Recognise that caution is required especially when dealing with sensitive moments e.g. when dealing with bullying, bereavement or abuse
- Keep up to date with technical skills, qualifications and insurance requirements
- Be an excellent role model, this includes not drinking alcohol or smoking in the company of children and vulnerable adults in any work related environment
- Give constructive feedback rather than negative criticism
- Recognise the development needs of the children and vulnerable adults and avoid excessive training or competition.

**Things to avoid**

You should **NEVER** allow or take part in any of the following:

- Engage in rough physical or sexually provocative games
- Engage in or allow any form of inappropriate touching
- Allow children and vulnerable adults to use inappropriate language unchallenged
- Make sexually suggestive comments to a child, even in fun
- Reduce a child or vulnerable adult to tears, as a form of control
- Allow allegations made by a person to go unchallenged, unrecorded or not acted upon
- Do things of a personal nature for a child or vulnerable adult that they can do for themselves including things like applying sun cream
- Transport or take children or vulnerable adults to their home unsupervised
• Administer medication unless specifically trained and approved by the person’s parents to do so.
• Take a child or vulnerable adult to the toilet unsupervised

**Whenever communicating with children or vulnerable adult online:**
• Always use age-appropriate language in your communications and make sure all your communications are relevant to the work or the project you’re involved in
• Use your allocated Council accounts to communicate with children and young people via email or social media, never personal accounts
• Use your allocated mobile or tablet to communicate with young people
• Understand how different social media platforms work and what their age limits are

### 3.8. Confidentiality and Sharing Information

Sharing information is essential in working to safeguard children and vulnerable adults. It is also essential to enable early intervention to help children, vulnerable adults and their families who need additional services to achieve positive outcomes. A key factor in many serious case reviews has been a failure to share information.

Derby and Derbyshire each have a Sharing of Information Protocol which can be located on the Safer Derbyshire website at [www.saferderbyshire.gov.uk](http://www.saferderbyshire.gov.uk) to ensure that effective communication is made across all organisations.

Personal information held by the Council is subject to a legal duty of confidence and will normally only be disclosed to third parties with the consent of the subject of the information. In some circumstances, however, the safety and welfare of a child or vulnerable adult dictates that information must be shared, without seeking consent, or where consent has not been given.

**Sharing information as part of preventative services:**

• Obtaining consent should be the first consideration
• Where this is not possible the key factor on deciding whether to share confidential information without consent is proportionality i.e. whether the proposed sharing is a proportionate response to the need to protect the public interest in question
In making the decision you must weigh up what might happen if the information is shared against what might happen if it is not, make a decision based on reasonable judgement and record it.

Sharing confidential information without consent in the public interest is normally justified:

- Where, in the interest of the child or vulnerable adult, reasonable concerns identify that their health or development will be impaired without the provision of services
- Where there is evidence that a child or vulnerable adult is suffering or is at risk of suffering significant harm
- Where there is reasonable cause to believe that an individual may be suffering or at risk of suffering significant harm
- To prevent significant harm arising to children and vulnerable adults or serious harm to adults, including through the prevention, detection and prosecution of serious crime
- If it is believed that an individual is showing extreme view or radicalised behaviours

Every effort should be made to maintain confidentiality, and information should be handled on a need to know basis. This includes the following:

- Members of the team undertaking an internal investigation, co-ordinated through the Safeguarding Officer
- The Adult who is alleged to have been abused
- The person making the allegation
- Child/Adult Care Services
- Police

Any information should be stored in a secure place with limited access and in-line with data protection laws.

3.9. Expert advice

If you are not sure what to do, but believe that there may be a Safeguarding issue, please contact the Safeguarding Officer (or substitute), if these are not available then contact Call Derbyshire on 01629 533190. The staff will give you guidance and support through the process. Please ensure you inform the Safeguarding Officer if you have
sought the advice of Call Derbyshire, so a full log of Safeguarding cases can be recorded.

3.10 Handling of difficult situations

There may be situations when individuals pose an immediate risk to others, property or themselves. There are two types of simple control methods can be used:

- Simple physical presence as control. This involves no contact e.g. standing in front of an exit.
- Holding or touching to persuade a child or vulnerable adult to comply with verbal requests e.g. holding a person’s hand or using the shoulders to steer a person away from a situation.

Wherever possible, steps should be taken in advance to avoid the need for these control methods through dialogue and diversion. If a situation is approaching the point where these methods will not or do not work or if the person is threatening or using violence then the police should be contacted immediately. If other adults are present in the area they should, if possible, be moved away from the situation.

If a situation is approaching the point where these methods will not or do not work or if the person is threatening or using violence then the Police should be contacted immediately.

4. RECRUITMENT AND EMPLOYMENT

Derbyshire Dales District Council will take all reasonable steps to prevent unsuitable people from working with children and vulnerable adults. Few posts require a DBS check as the District Council does not directly provide social or personal care services. In particular, it will:

- Ensure all staff with responsibility for recruitment and selection are trained
- Evaluate the need for Disclosure & Barring Service (DBS) check, for all vacancies/new posts
- As appropriate, identify requirement in job advertisement/candidate profile
- As appropriate, ensure previous experience of working with children and vulnerable adults (and also any apparent gaps in employment history) is covered at interview
• Confirm identity of prospective appointee
• Take up two references (one from current or most recent employer) and, as appropriate, Disclosure & Barring Service (DBS), prior to offering the successful candidate the appointment

5. **LEARNING AND DEVELOPMENT**

The Council has a responsibility to ensure all new staff undertake an induction programme which includes both corporate and service induction. As part of this induction programme, the Council will ensure staff are made aware of and understand their responsibilities in respect of the Safeguarding Policy. Elected Members are required to undertake Safeguarding training as part of their induction.

The Council will also provide on-going learning and development to ensure employees are confident and competent in carrying out their responsibilities and that they are aware of how to recognise and respond to safeguarding concerns.

All new appointments undergo the Council’s formal induction, in which line managers will go through this Safeguarding Policy. Employees will be required to sign to acknowledge their understanding of the policy and procedures and that they will abide by them. There are also two training models on LOLA (the e-learning system) for Safeguarding Children and Vulnerable adults.

5.1 **Work Experience Placements**

Work Experience placements for anyone under 18 or for a vulnerable person should be managed in line with the Council’s policy for work experience. Any such placements should be first discussed with the HR Manager and a risk assessment carried out prior to the placement. In most cases an assessment will also be carried out by the school, college or County Council.

Guidance for Work Experience Placements are covered in Appendix E of this document.
6. HEALTH & SAFETY

Under health and safety law, the Council has the same legal and moral responsibilities for the health, safety and welfare of children and vulnerable adults, as its employees.

Protecting the health and safety of children and vulnerable adults should comply with the Council’s legal responsibilities but at the same time not restrict the child’s or vulnerable person’s right to autonomy, privacy or dignity.

We should also take into account that children or vulnerable adults may be
- Inexperienced;
- Have not been trained; and
- May not pay enough attention to health and safety

Risk assessments will be carried out for all activities involving children and vulnerable adults before they start in employment, on work-experience, or participate in supervised Council activities. The risk assessment will determine the level of supervision the child or vulnerable adult requires.

All children and vulnerable adults will be inducted before they start in employment and work-experience, or participate in supervised Council activities. The risk assessment will determine the level of supervision the child or vulnerable adult requires.

An accident, incident or a near miss to a child or vulnerable adult should be reported to your line manager, in accordance with Health and Safety reporting.

7. GUIDELINES FOR PHOTOGRAPHY AND FILMING AT COUNCIL MANAGED FACILITIES AND EVENTS

Anyone wishing to use photographic/film/video equipment at the Council’s facilities and/or events may do so only with the permission of the Council. Permission will only be granted once a photographer has signed to say he or she will abide by the conditions for use of photographic and filming equipment.
These conditions are:

- Any image taken will be used only for the purposes stated on the Photography and Filming Request Form
- Any images are taken with the permission of the subjects (examples of which are given in Appendix D). When the data subject happens to be a minor (under 16 years old), parental consent must be obtained.
- Proof of identity may be required in order to grant permission to use the photographic filming equipment
- The Council reserves the right to withdraw permission to use photographic filming equipment immediately without prior warning. Failure to stop photography when asked may result in the photographer being asked to leave or reporting the incident to the police
- The photographer should take steps to make themselves easily recognisable to members of the public (e.g.: the use of a badge, banner, vest etc.)
- The photographer should be sensitive to other users/participants and as far as reasonably possible restrict the images taken to those of the subject(s).
- If at any time another user in the area where the photographs are being taken complains about the activity then the photography or filming must stop immediately
- In the case of dance shows, productions and private hiring of Council facilities it is the responsibility of the organisers/hirers to inform parents/carers of the individuals attending the event that photographs will be taken
- It is the responsibility of any commercial photographer taking images at Council facilities to obtain written permission of any subjects included in their photographs to use the images before publication
- Images may only be taken in the areas shown on the date indicated on the Photography and Filming Permission Request form
- If for any reason the details shown on the permission request change, the form should be returned to the Council for alteration. If, when challenged, a discrepancy is found between the Photographer and Council copies for the permission request, permission to use photographic and filming equipment will be withdrawn.

7.1 Photography and filming during external hire of facilities

The control of the use of photographic/film/video equipment by external hirers of Council facilities is the responsibility of the hirer. This responsibility extends from who is allowed
to use photographic/film/video equipment, to where and where not equipment is used and what images are and are not allowed to be taken.

It is the hirer’s responsibility to ensure that all participants and their parents/guardians/carers if under 18 are aware that photographic/filming/video equipment is going to be used. Where appropriate they may be required to get written permission from participants or their parents/guardians/carers to use the photographs in publicity, promotional or media material.

7.2 Guidelines for taking photographs of children and vulnerable adults

There will be occasions when photographs are taken for the purposes of gathering evidence for enforcement action or contractual compliance, and the following precautions will be taken:

- If a photograph is used, avoid naming individuals
- Before the images are taken the written permission of the individual’s parents should be sought
- Only use images of individuals in suitable dress to reduce the risk of inappropriate use
- There are some activities e.g. swimming, gymnastics and athletics where the risk of potential misuse is much greater. With these sports the photographs should focus on the activity not a particular subject and should avoid full face and body shots. For example photographs of children and vulnerable adults in a pool would be appropriate or if on poolsid from the waist or shoulder up.

7.3 Guidelines for CCTV

The CCTV cameras are operated according to a Framework Code of Practice. This has been reviewed and amended to include Subject Access Information, Statements from Control Operators and Public Requests for Service.

7.4 Vigilance by the general public

No matter what arrangements are put in place to prevent the misuse of cameras, videos or mobile phones with digital image recording, the nature of “peeping tom” type activity
make it very difficult to police. In recognition of this, the Council asks users of their facilities to be alert to any suspicious activity, particularly where children and vulnerable adults may be involved and encourages them to report any such incidents or concerns at the earliest opportunity to a Council employee.
Appendices
Appendix A

Definitions of Abuse

Physical Abuse – may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating, or otherwise causing physical harm. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces illness in a person.

Emotional Abuse – is the persistent emotional maltreatment of a person such as to cause severe and persistent adverse effects on the person’s emotional development. It may involve conveying to the person 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 a person. These may include interactions that are beyond the person’s developmental capability, as well as over protection and limitation of exploration and learning, or preventing the person participating in normal social interaction. It may involve serious bullying causing individuals frequently to feel frightened or in danger, or the exploitation or corruption of children or vulnerable adults. Some level of emotional abuse is involved in all types of maltreatment, though it may occur alone.

Sexual Abuse – involves forcing a child or vulnerable adult or enticing a child, or vulnerable adult to take part in sexual activities, including prostitution, whether or not the person 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 or vulnerable adults in looking at, or in the production of, pornographic materials or watching sexual activities, or encouraging children or vulnerable adults to behave in sexually inappropriate ways.

Neglect – is the persistent failure to meet a child’s or vulnerable adult’s basic physical and/or psychological needs, likely to result in the serious impairment of the individual’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 and clothing, shelter including exclusion from home or abandonment, failing to protect a child or vulnerable adult from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a person’s basic emotional needs.
Financial Abuse – misappropriation of an individual’s funds, benefits, savings etc. or any other action that is against the person’s best interests, e.g.:
- Theft of money, possessions, property or other material goods
- Misuse of money
- Fraud or extortion of material assets
- Persuading a vulnerable adult to enter into a financial agreement, which is to their detriment.

Radicalisation and Extremism
- Radicalisation is defined the process by which people come to support terrorism and extremism and, in some cases, to then participate in terrorist activity.
- Extremism is defined as vocal or active opposition to fundamental British values including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs; we also include in our definition of extremism calls for the death of members of the armed forces

Forced Marriage is a marriage without the full and free consent of both parties. It is a form of domestic violence and an abuse of human rights. In an arranged marriage, the family will take the lead in arranging the match but the couples have a choice as to whether to proceed. In forced marriage, one or both spouses do not (or, in the case of some disabled young people and some adults, cannot) consent to the marriage and some element of duress is involved.

Child Sexual Exploitation (CSE) - Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (for example, food, accommodation, drugs, alcohol, cigarettes, affection, gifts or money) as a result of them performing, and/or another or others performing on them, sexual activities. Child sexual exploitation can occur through the use of technology without the child’s immediate recognition; for example being persuaded to post sexual images on the Internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child/young person have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child or young person’s limited availability of choice resulting from their social/economic and/or emotional vulnerability. (Safeguarding Children and Young People from Sexual Exploitation DCFS 2009)
Female genital mutilation (FGM) includes procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. (World Health Organisation, 2014). It is illegal in the UK.

FGM is known by a number of names including “female genital cutting”, “female circumcision” or “initiation”. The term female circumcision suggests that the practice is similar to male circumcision, but it bears no resemblance to male circumcision, has serious health consequences and no medical benefits. FGM is also linked to domestic abuse, particularly in relation to honour based violence.

Modern slavery

Modern slavery encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

The organised crime of human trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children and adults. Any form of trafficking humans is an abuse.

Trafficking of persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of, or use of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability. It also includes the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

It is important to note that some cases involve UK-born people being trafficked within the UK, e.g. people being trafficked from one town to another. The consent of the victim of trafficking is irrelevant where any of the above methods have been used.

Trafficked people may be used for sexual exploitation, agricultural labour including tending plants in illegal cannabis farms and benefit fraud. Children as well as adults are trafficked.

If you have a concern regarding the possible trafficking of a person you should immediately contact the Designated Safeguarding Officer or Deputy. Practitioners should not do anything which would heighten the risk of harm or abduction to the child or adult.
Race and Racism
People from black and minority groups (and their parents or carers) are potentially likely to have experienced harassment, racial discrimination and institutional racism. Although racism causes significant harm it is not, in itself, a category of abuse (unless the victim meets the definition of an adult at risk of abuse and neglect, in which case an appropriate referral should be made) and dealing with it is considered under other specific policies of the Council and High Peak Community Safety Partnership.

Hate Crime
The Association of Chief Police Officers¹ (ACPO) and the Crown Prosecution Service (CPS) have a nationally agreed definition of Hate Crime. Hate crimes are taken to mean any crime where the perpetrator's hostility or prejudice against an identifiable group of people is a factor in determining who is victimised. This is a broad and inclusive definition. A victim does not have to be a member of the group. In fact, anyone could be a victim of a hate crime.

The Crown Prosecution Service (CPS) and The Association of Chief Police Officers (ACPO) have agreed 5 monitored strands of hate crime as set out below. A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim's:

- disability
- race
- religion or belief
- sexual orientation
- transgender identity

Hate crime can take many forms including:

- physical attacks such as physical assault, damage to property, offensive graffiti and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints
- verbal abuse, insults or harassment - taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.
Domestic Abuse
Domestic abuse is any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

Domestic abuse can include, but is not limited to, the following:

- Coercive control (a pattern of intimidation, degradation, isolation and control with the use of or threat of physical or sexual violence)
- Psychological and/or emotional abuse
- Physical or sexual abuse
- Financial or economic abuse
- Harassment and stalking
- Online or digital abuse
Appendix B – Safeguarding Referral Quick Reference Guide

Appendix B1  Safeguarding Referral Quick Reference Guide - Children

Scenario 1
You identify a child at risk who may be experiencing abuse

Scenario 2
A child makes a disclosure or allegation of abuse

Scenario 3
Allegations or concerns are expressed about a Member, employee, volunteer or contractor

Scenario 4
Allegations or concerns are expressed about any other person, e.g. parent, carer, other service user

Is the child at risk of immediate significant harm?

No

Yes

Recognise: Identify when something isn’t right
Record what has been said/heard/seen

Do you have concerns about the safety and welfare of the child?

No/not sure

Yes

Contact Emergency Services (999) / Seek relevant professional advice immediately

Seek advice and guidance from Line Manager or senior member of staff. Are there concerns about the safety and welfare of the child?

Yes

Make a Safeguarding Referral to Call Derbyshire (01629 533190)

No

Immediately notify the Safeguarding Officer or appointed substitute and complete a Child Safeguarding Incident Referral Form (SIRF)

Notify the Safeguarding Officer or appointed substitute of the incident and provide copy of notes of discussions/decisions
Scenario 1
You identify a vulnerable adult at risk who may be experiencing abuse

Is the adult at risk of immediate significant harm?

Yes

Recognise: Identify when something isn’t right
Record what has been said/heard/seen

Do you have concerns about the safety and welfare of the adult?

Yes

Contact Emergency Services (999) / Seek relevant professional advice immediately

No

Seek advice and guidance from Line Manager or senior member of staff. Are there concerns about the safety and welfare of the adult?

No/not sure

Seek advice from Safeguarding Officer. Is there sufficient need to share information?

Yes

Make a Safeguarding Referral to Call Derbyshire (01629 533190)

No

Notify the Safeguarding Officer or appointed substitute of the incident and provide copy of notes of all discussions/decisions

Immediately notify the Safeguarding Officer or appointed substitute and complete an Adult Safeguarding Incident Referral Form (SIRF)
Appendix C  Safeguarding Incident Report Forms

C1 – Child Safeguarding Incident Report Form

<table>
<thead>
<tr>
<th>Name of person completing this form: ………………</th>
<th>Role: ………………</th>
</tr>
</thead>
<tbody>
<tr>
<td>Work address:</td>
<td></td>
</tr>
<tr>
<td>Postcode:</td>
<td>Telephone:</td>
</tr>
</tbody>
</table>

Details of Person who the concern is about: - Please complete with as much information is known

<table>
<thead>
<tr>
<th>Family Name:</th>
<th>Forename:</th>
<th>DOB:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Gender: M / F</th>
<th>Disability:</th>
<th>Ethnic Origin:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Address:

<table>
<thead>
<tr>
<th>Postcode:</th>
<th>Telephone:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Person at risk of immediate harm - Emergency Services contacted (999)

<table>
<thead>
<tr>
<th>Person spoken to:</th>
<th>Advice given/ Action taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident No.</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>Time</td>
<td></td>
</tr>
</tbody>
</table>

Additional information known: Such as second address/ School attended/ Parent/ Carers details

Sibling details / Identifying markings or tattoos

<table>
<thead>
<tr>
<th>Is parent / carer aware of referral?</th>
<th>Is the person concerned aware of this referral?</th>
<th>Has consent been obtained to refer?</th>
<th>Please provide details of how or if not reason why not</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes / No</td>
<td>Yes / No</td>
<td>Yes / No</td>
<td>Language / method required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Are you aware of any other agencies involved with this person – Please provide as much detail as possible below: If you are aware that a TAF (Team Around Family) is in place please provide known information.

<table>
<thead>
<tr>
<th>Please provide as much detail as possible as to the reasons why you have made this referral and please ensure if information has been passed to you second/third hand, this is detailed and you have provided a true and accurate record or what has occurred/ being shared (continue on a separate sheet if required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Please sign, date and time a true and accurate record. In so doing, you are confirming that you are willing to repeat information in court if required.</td>
</tr>
<tr>
<td>Print Name</td>
</tr>
<tr>
<td>Sign</td>
</tr>
</tbody>
</table>

Please now pass this form to the Safeguarding Officer or appointed substitute without delay.
<table>
<thead>
<tr>
<th>Actions/follow up:</th>
<th>Date/time</th>
</tr>
</thead>
</table>


When completing the referral form please consult the Derby and Derbyshire Safeguarding Adults Procedures.

FOR ALL SAFEGUARDING REFERRALS PLEASE TELEPHONE the relevant local authority to make the referral before submitting this form.

For Derby City, please call 01332 642855 or 01332 786968 outside of office hours. You can also fax this form to Adult Social Care on 01332 643299.

For Derbyshire County, please contact Call Derbyshire on 01629 533190 or 01629 532600 outside of office hours.

The email addresses below are secure. However, you should seek assurance from your IT team that you have the correct security to email securely to ‘gov.uk’ addresses. If in doubt, please send an encrypted email. Please note: these email inboxes are not monitored out of hours.

<table>
<thead>
<tr>
<th>Derby City</th>
<th><a href="mailto:AdultsMASH@derby.gov.uk">AdultsMASH@derby.gov.uk</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amber Valley Area (Ripley, Alfreton, Belper)</td>
<td><a href="mailto:AC_BSAmbervalley@derbyshire.gov.uk">AC_BSAmbervalley@derbyshire.gov.uk</a></td>
</tr>
<tr>
<td>Bolsover Area (Clowne, Whitwell)</td>
<td><a href="mailto:AC_BS_Bolsover@derbyshire.gov.uk">AC_BS_Bolsover@derbyshire.gov.uk</a></td>
</tr>
<tr>
<td>Chesterfield Area</td>
<td><a href="mailto:AC_BS_Chesterfield@derbyshire.gov.uk">AC_BS_Chesterfield@derbyshire.gov.uk</a></td>
</tr>
<tr>
<td>Erewash (Long Eaton, Ilkeston)</td>
<td><a href="mailto:AC_BS_Erewash@derbyshire.gov.uk">AC_BS_Erewash@derbyshire.gov.uk</a></td>
</tr>
<tr>
<td>High Peak Area (Glossop, Buxton, Matlock)</td>
<td><a href="mailto:AC_BS_Highpeak@derbyshire.gov.uk">AC_BS_Highpeak@derbyshire.gov.uk</a></td>
</tr>
<tr>
<td>North East Area (Clay Cross, Dronfield, Eckington)</td>
<td><a href="mailto:AC_BS_NorthEast@derbyshire.gov.uk">AC_BS_NorthEast@derbyshire.gov.uk</a></td>
</tr>
<tr>
<td>South Dales Area (Ashbourne, Swadlincote, Shardlow, Willington, Hilton, Etwall)</td>
<td><a href="mailto:AC_BS_SouthDales@derbyshire.gov.uk">AC_BS_SouthDales@derbyshire.gov.uk</a></td>
</tr>
</tbody>
</table>

Please note: sending person identifiable information using the above email addresses may amount to a breach of Data Protection legislation if you do not send from a secure email address to a secure email address.

ALL QUESTIONS MUST BE COMPLETED IN FULL
Any incomplete forms will be reported to agency safeguarding leads for quality assurance.

<table>
<thead>
<tr>
<th>DETAILS OF THE ADULT</th>
<th>Date of Birth</th>
<th>Ethnic Origin</th>
</tr>
</thead>
</table>

Present location of adult if different from above:

Has the referral been discussed with the adult? Yes ☐ No ☐ If no, why not: [Blank]

What does the adult want to happen as an outcome of the referral?

Have they consented to the referral? Yes ☐ No ☐

If no, what legal grounds are there to override consent? Lacks capacity to consent (MCA 2005) ☐ Prevent & Investigation of Crime (CDA 1998) ☐ Prevent serious harm/distress/threat to life (GDPR 2016) ☐ Risk to other people ☐

Consent should be sought by explaining to the customer the benefits of sharing information which is relevant and ☐
proportionate to the safeguarding concerns, and that sharing information will enable all agencies to work together with the adult to create a safety plan

Risk to children (CA 1989)
The adult is under duress or coercion
Domestic Abuse meets MARAC criteria
Alleged abuser needs care & support/maybe at risk
Staff are implicated
Court order/other legal authority
Other

Have they got Capacity under the MCA to consent? Yes ☐ No ☐ Not Known ☐
Date of capacity assessment

Is the adult able to independently represent their views and wishes? Yes ☐ No ☐

Who would the adult like to support or represent them?

Does the adult need referral to formal advocacy support or services? Yes ☐ No ☐

STATUTORY SAFEGUARDING CRITERIA
What care and support needs does the adult have?
(For example does the adult have any medical conditions or disabilities such as learning disability, dementia, physical disability, mental illness etc. Please describe how these conditions impact the adult’s day-to-day life.

Please also explain whether the adult has experienced any trauma, do they have any leaving care status, previous experience of abuse, experiencing coercion or control, etc.

Please also state if the adult is a carer)

How do these needs prevent the adult keeping themself safe?

CATEGORY OF ALLEGED ABUSE/RISK OF ABUSE

| Physical | ☐ | Sexual | ☐ | Psychological/ Emotional | ☐ | Financial/Material | ☐ | Discriminatory | ☐ |
| Domestic Abuse | ☐ | Sexual Exploitation | ☐ | Neglect/Acts of Omission | ☐ | Modern Day Slavery | ☐ | Organisational | ☐ |
| Self-Neglect | ☐ |

IS THE ABUSE/NEGLECT MOTIVATED BY ANY OF THE FOLLOWING FACTORS?

<p>| Ageism | ☐ | Gender Discrimination | ☐ | Sexual Orientation / Homophobia | ☐ | Religious Intolerance | ☐ | Racism | ☐ |
| Disability | ☐ | Domestic Violence | ☐ | Hate Crime | ☐ | Anti-Social Behaviour | ☐ | Forced Marriages | ☐ |
| Honour Based Violence | ☐ | Prevent | ☐ | Modern Slavery | ☐ | Mate Crime | ☐ | Criminal Exploitation | ☐ |
| Female Genital Mutilation | ☐ | Cuckooing | ☐ | Cross Border Issues 78 | ☐ | Not Applicable | ☐ |</p>
<table>
<thead>
<tr>
<th>DETAILS OF ALLEGED ABUSE/RISK OF ABUSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Details of alleged abuse/risk of abuse/</td>
</tr>
<tr>
<td>concerns. Please give as much detail</td>
</tr>
<tr>
<td>as possible about what the concerns</td>
</tr>
<tr>
<td>are, what has happened and what risk</td>
</tr>
<tr>
<td>of future abuse/harm has been</td>
</tr>
<tr>
<td>identified (Who is involved, What has</td>
</tr>
<tr>
<td>happened, Where has it happened, When</td>
</tr>
<tr>
<td>did it happen, How has it</td>
</tr>
<tr>
<td>happened)</td>
</tr>
<tr>
<td>What immediate safeguarding action</td>
</tr>
<tr>
<td>has been taken?</td>
</tr>
<tr>
<td>Where has the alleged abuse occurred</td>
</tr>
<tr>
<td>or is likely to occur</td>
</tr>
<tr>
<td>(if this is a regulated setting, please</td>
</tr>
<tr>
<td>provide full address and postcode)</td>
</tr>
<tr>
<td>Date of suspected abuse:</td>
</tr>
<tr>
<td>Have the police already been</td>
</tr>
<tr>
<td>informed? (NB: If you suspect</td>
</tr>
<tr>
<td>a crime has occurred please</td>
</tr>
<tr>
<td>contact the police)</td>
</tr>
<tr>
<td>Unknown</td>
</tr>
<tr>
<td>is the incident</td>
</tr>
<tr>
<td>number?</td>
</tr>
<tr>
<td>Date of Death (if applicable)</td>
</tr>
<tr>
<td>Does making this referral place anyone</td>
</tr>
<tr>
<td>at risk of harm including other adults</td>
</tr>
<tr>
<td>or children? (Think Family-please</td>
</tr>
<tr>
<td>make a referral to children’s services if</td>
</tr>
<tr>
<td>you have concerns for the welfare or</td>
</tr>
<tr>
<td>safety of a child)</td>
</tr>
<tr>
<td>If yes please detail:</td>
</tr>
<tr>
<td>Has the abuse or</td>
</tr>
<tr>
<td>neglect been</td>
</tr>
<tr>
<td>directly observed?</td>
</tr>
<tr>
<td>Unknown</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DETAILS OF THE PERSON WHO HAS ALLEGEDLY CAUSED HARM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of person alleged to</td>
</tr>
<tr>
<td>have caused harm</td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>Is this</td>
</tr>
<tr>
<td>person:</td>
</tr>
<tr>
<td>Professional</td>
</tr>
<tr>
<td>Details of relationship</td>
</tr>
<tr>
<td>Is the person who has allegedly caused harm/abuse aware of</td>
</tr>
<tr>
<td>the referral?</td>
</tr>
</tbody>
</table>
Restricted when completed

**DETAILS OF THE PERSON MAKING THIS REFERRAL**

<table>
<thead>
<tr>
<th>Name of referrer and referring agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

**Telephone no** | **E-mail:** | [by typing your name you are signing this electronic form]

<table>
<thead>
<tr>
<th>Signature of referrer</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>Print name</th>
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</table>

<table>
<thead>
<tr>
<th>Date alert raised in referring agency</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Date form completed</th>
<th><strong>Time</strong></th>
</tr>
</thead>
</table>

**ADDITIONAL INFORMATION**


**How is your information used?**

The information we collect will be used so that we can assess the risk to your wellbeing in line with our Safeguarding Adults duties, to provide you with information, advice, and safety planning services to help you to maximise your independence and stay safe.

**Who will your information be shared with?**

If you are referred under safeguarding adults criteria, the information you provide may be shared with other professionals who may or may not be involved with you for similar purposes. We may also ask government departments and agencies to give us information they have about you.

If you live in Derby (excluding Derbyshire) and would like further information about how your personal information will be used, please visit www.derby.gov.uk where you can see a full copy of our Privacy Notice. Alternatively you can request a hard copy from the Contact Support Team, Business Support, Derby City Council, Council House, Derby DE1 2FS. Email: contact.support@derby.gov.uk Tel: 01332 640825.

If you live in the Derbyshire area (excluding Derby) and would like further information about how your information will be used, please visit www.derbyshire.gov.uk where you can see a full copy of the privacy notice. Alternatively you can request a hard copy by emailing adultcare.info@derbyshire.gov.uk or writing to the Adult Care Information Team, County Hall, Matlock, DE4 3AG.
CONSENT FORM FOR PHOTOGRAPHS OF CHILDREN AND VULNERABLE ADULTS

I/we ........................................................................................................ the parent(s) / legal guardian(s) of:

(child’s / vulnerable adult’s full name) ........................................................................................................

(child’s / vulnerable adult’s full name) ........................................................................................................

(child’s / vulnerable adult’s full name) ........................................................................................................

give Derbyshire Dales District Council permission to use any still and / or moving image (video footage, photographs and/or frames and / or audio footage) depicting the children or vulnerable adults named above, taken by a duly authorised representative of the District Council on (date) :…………………………………..….
at (location):…………………………………………………………………………………………………………

for the following purpose(s):

1. Use in publicity material produced by Derbyshire Dales District Council, including printed publications and our websites

Please circle:   YES / NO

2. Sending publicity material about the District Council’s services, organised events and activities, including photographs where appropriate, to the news media, including the local press.

Please circle:   YES / NO

This form is valid for four years from the date of signing. The Council will seek renewed consent if the photograph(s) are to be re-used after that time.

The personal information that you provide to us (Derbyshire Dales District Council) will be used for the purposes consented to above. Further information on how we process your personal information can be found on our website.

Signature……………………………….…….…………. Date………………………….

Signature……………………………….…….…………. Date………………………….

Please return this form to:
Safeguarding Officer, Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire DE4 3NN
Authorisation for the use of Photographic and/or Recording Equipment

Name___________________________________
Address___________________________________
__________________________________________
__________________________________________
Telephone No (including STD)__________________
Name of subject_____________________________
Relationship to Photographer and subject____________________________________
Reason or use the images are being intended to be put to (family record)
I confirm that this information is accurate
Signed___________________________________
Dated____________________________________
NB Please see reverse for Conditions of use.

Conditions of Use:
This form is valid for two years from the date of signing. The consent will automatically expire after this time.

I will not re-use any images after this time.

I will not include details of full names (which means first name and surname) of any child or adult in an image on video, on our website, or in printed publications, without good reason. For example, we may include the full name of a competition prize winner if we have their consent. However, we will not include the full name of a model used in promotional literature.

I will not include personal e-mail or postal addresses, or telephone of fax numbers on video or on our website or in printed publications.

If I use images of individual pupils, I will not use the name of that child in the accompanying text or photo caption without good reason. And if a pupil is named in the text, I will not use a photograph of that child to accompany the article without good reason. For example, I may include a picture and full name of a competition prize winner if I have their consent. However, I will not include a picture and full name of a model used in promotional literature.

I may use group or class images with very general labels, such as “an athletics course”

I will only use images of pupils who are suitably dressed, to reduce the risk of such images being used inappropriately.
Appendix E

MANAGING WORK EXPERIENCE POLICY GUIDING PRINCIPLES AND PROCEDURES

Before a child or vulnerable adult commences in a placement or work experience, managers will:

- Contact Human Resources before any arrangements are put in place, or agreement is given, to offer a placement or work experience to a child or vulnerable adult.
- Appoint a mentor or supervisor for each work placement who is familiar with safeguarding issues
- Arrange for the referring organisation or individual to complete and return a Work Experience Application Form to Human Resources
- Carry out and share the results of a risk assessment of all activities to be undertaken by the child or vulnerable adult
- Inform the parents/guardian, child, vulnerable adult and/or referring organisation of the risks and the measures in place to control them
- Prepare a draft programme of activities to discuss and agree with the child or vulnerable adult, and/or referring organisation before the start of the placement
- Identify any restrictions placed on work activities
- Ensure that at all times the child or vulnerable adult is not in the sole care of one member of staff; so site visits may not be practicable unless 2 or more members of staff are undertaking the site visit.

On commencement in placement, managers will:

Ensure the following induction is covered on day one:

- Nature of the tasks to be undertaken
- Issue and explain risk assessments in place relating to these tasks
- Discuss the main hazards of the tasks and the environment, and the measures in place to control them
- Fire and emergency safety – location of fire assembly point, extinguishers, and fire exits, evacuation procedures, bomb procedures
- First aid facilities – first aiders and location of first aid box
- Accident reporting procedure – how and who to report an accident or near miss to
• Issue and explain relevant Safety Advice Notes
• Give task specific instruction in manual handling if required
• Undertake an assessment of the VDU and workstation, if appropriate
• Issue and explain the use of personal protective clothing, if appropriate
• Introduce supervisor, buddy, and other staff
• Undertake tour of the premises and site, including kitchen and toilet facilities

Following induction on day one, managers and those undertaking work experience will sign and date the Induction Checklist which should be forwarded to Human Resources who will retain a copy on file.

**Undertaking Risk Assessments**

Under health and safety law, we must assess the risks to young people and vulnerable adults before they start in placement. We must also tell them what these risks are.

Risk assessments should be carried out in accordance with the Risk Management Policy using the Council’s standard risk assessment template. Managers will also need to take into account that young people and vulnerable people may be:

- Inexperienced
- Lack training
- Mentally or physically immature

We should take specific account of:

- How the workplace is fitted and laid out
- What type of equipment will be used and how will it be handled
- How the work is organised
- What training is needed to carry out the tasks safely
- Any hazardous substances they may be exposed to
- What are the risks from the work hazards

**Restrictions on work:**

A child or undertake adult must not undertake any tasks where a significant risk remains in spite of the best efforts made to take all reasonable steps to control it, for example:
• Work or tasks that cannot be adapted to meet any physical or mental limitations they may have
• Exposure to substances which are toxic or cause cancer
• Exposure to radiation
• Work or tasks involving extreme heat, noise or vibration.

Training and supervision

All young people and vulnerable adults undertaking work experience placements should predominantly shadowing staff doing the work. If the young person or vulnerable adult is asked to assist in work they must be trained to do the work without putting themselves and other people at risk. No work experience person should be given access to the Councils IT systems and care should be given regarding data protection when a work experience person is shadowing work. It is important to ensure that processes are in place to check that they have understood the training, which should cover:

• The hazards of the workplace
• The control measures in place
• A basic introduction to health and safety

Young people and vulnerable adults will face unfamiliar risks from the job they will be doing and from their surroundings, and for this reason, may require more supervision.

Managers will ensure:

• The supervision of the child or vulnerable adults at all times, including breaks
• Clearly defined work tasks
• Clear methods of working and safe instruction
• A relevant training programme
• Any work restrictions are clearly defined and checked that they have been understood
Key Points for sharing information

- Staff should explain to the child, vulnerable adult and parent at the outset, openly and honestly, what information about the child or vulnerable adult will, or could be shared. They should explain how and why it needs to be shared, and seek their agreement. The exception is where to do so would put the person or others at risk of significant harm, or undermine prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with a potential investigation.

- Staff must always consider data protection, the safety and welfare a child or vulnerable adult when making decisions on whether to share information about them. Where there is concern that the person may be suffering or is at risk of significant harm, the individual’s safety and welfare must be the overriding consideration.

- Staff should, wherever possible, respect the wishes of children, vulnerable adults or their parents who do not consent to share confidential information. Staff may still share information, if in their judgement on the facts of the case; there is sufficient need to override that lack of consent.

- Staff should seek advice where they are in doubt, especially where their doubt relates to a concern about possible significant harm to a child, vulnerable adult or to others.

- Staff should ensure that the information they share is accurate and up-to-date, necessary for the purpose for which they are sharing it, shared only with those people who need to see it and shared securely.

- Staff should always record the reasons for their decision – whether it is to share information or not.

Obtaining consent

The individual’s consent should always be sought. However a lack of consent should never compromise the data protection, safety or welfare of a child or vulnerable adult. Consideration should be given to why consent is being withheld in line with their human rights. Written consent to share information should be sought wherever possible.
Recruitment and Employment

The Council’s Recruitment and Selection procedure must be followed for all appointments.

For the specific purpose of protecting young people and vulnerable adults, the recruitment process incorporates the following steps:

i) All staff with responsibility for recruitment and selection shall receive appropriate training

ii) All new posts/vacancies shall have a person specification with essential and desirable criteria so that recruiting managers can determine whether and to what extent the post has access to young people/vulnerable adults

iii) The risk assessment will determine whether a Disclosure & Barring Service (DBS) check is required; most council jobs do not require a DBS check as we do not provide social or personal care services

iv) If a DBS check is required, it will be clearly identified in the advertisement and candidate profile

v) The recruitment process will be based on the Council’s standard application form, including:
   - Name, address and National Insurance number
   - Relevant experience, qualifications and training
   - Details of work history
   - Names and contact details of two referees
   - The specific questions: ‘Do you have any unspent criminal convictions? If yes, please provide details’.

vi) Any gaps/omissions must be covered at interview

vii) Once the successful candidate has been selected, his/her identity will be confirmed from official documentation (e.g. birth certificate, passport or driving licence)

viii) The offer of the appointment will not be made until satisfactory references and DBS clearance have been received.

ix) DBS checks will be renewed in accordance with Council policy and take into account the revisions to DBS checks

x) DBS checks will be undertaken on line via Derbyshire County Council acting as our ‘umbrella body’.
Appendix G

ROLES AND RESPONSIBILITIES TO SAFEGUARD CHILDREN

A range of local authority services has the potential to impact upon the lives of children and vulnerable adults.

Community Development

Staff, volunteers and contractors who provide the following services will have various degrees of contact with children and vulnerable adults.

- Sport and leisure centres
- Play facilities
- Parks and gardens
- Events and attractions
- Arts Development

Appropriate arrangements and codes of practice are in place to report concerns about a child or vulnerable adult in line with “What to Do If You Are Worried a Child Is Being Abused” (www.dh.gov.uk/assessRoot/04/06/13/03/04061303.pdf)

Housing Services

Housing authorities that assess the needs of families requiring housing repairs or adaptations are a key link within the community

- Housing staff in regular contact with families and tenants, have the opportunity to identify concerns
- Homelessness staff play a front line emergency role managing re-housing or repossession when adults and children become homeless or at risk of homelessness as a result of domestic violence.
- All Housing employees are well placed to observe situations that may warrant referral.

Benefits

The Benefits section (service now supplied by Arvato) may be alerted to adverse situations in the following areas:

- Visiting officers may become aware of conditions that impact adversely on a child or vulnerable adult
- Staff may be alerted to adverse situations by telephone
- Staff may be alerted to adverse situations by processing Benefit applications.

**Environmental Health**

Environmental Health services are regularly alerted to adverse situations

- Environmental Health Officers may become aware of conditions that impact adversely on a child or vulnerable adult
- Routine inspections in child care facilities and care homes may reveal abusive situation
  - Staff need to be especially aware of the risk of neglect, emotional abuse and domestic abuse.

**Environmental Services**

Daily street maintenance requires staff to be amongst the community.

- Street Cleansing teams should also be vigilant of abusive situations that may otherwise go unnoticed, and be aware of the referral procedure.

**Community Safety**

Staff involved with Anti-Social Behavior working with children and vulnerable adults liaise with other organisations to reduce unacceptable activities.

- The Community Safety Team should adopt a multi-agency approach in response to suspicions of abuse to children and vulnerable adults.

**Countryside Rangers**

- The Countryside Rangers offer an educational service to the public, including children and young people and may be in a position to observe suspicious activities or events.

**Voluntary, Private and Community Sectors**

Voluntary organisations, private and community sector providers working in partnership with the Council involving children and vulnerable adults will be made aware of the Council’s Safeguarding Policy. Organisations that are grant aided will be encouraged to develop an appropriate Policy as a condition of financial support.
Employees and Elected Members

The Corporate Leadership Team will be responsible for the Safeguarding Policy and for ensuring that it is reviewed regularly.

Elected Members will be responsible approving the Safeguarding Policy.

The Corporate Leadership Team will ensure that the policy is implemented by ensuring that:

- Heads of Service understand their responsibilities
- Appropriate training is provided
- Incidents and concerns are monitored and reviewed, and lessons learned are fed into subsequent revisions of the policy
POLICY ON CRIMINAL BACKGROUND CHECKS

1. Policy statement on the recruitment of people with past convictions

1.1. Derbyshire Dales District Council aims to promote equality of opportunity for all, and recognises the importance of employment in the rehabilitation of ex-offenders. Criminal records will be taken into account for recruitment purposes only when a conviction is relevant. Unless the nature of work demands it, applicants will not be asked to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974. Having an ‘unspent’ conviction will not necessarily bar applicants from employment. This will depend on the circumstances and background to the offence(s) and their relevance to the post being filled.

1.2. Applicants, who are offered employment to certain posts exempted under the Rehabilitation of Offenders Act 1974, will require a criminal record check (‘disclosure’) from the Disclosure & Barring Service (DBS) before an appointment can be confirmed. These include posts working with children or vulnerable adults. The disclosure will include details of cautions, reprimands or final warnings, as well as convictions.

1.3. Potential applicants to these posts will be provided with information at the beginning of the recruitment process stating that a disclosure will be required for the successful applicant, and including a copy of this policy.

Disclosure & Barring Service (DBS) Code of Practice

1.4. Derbyshire Dales District Council complies fully with the Code of Practice issued by the Disclosure & Barring Service, ensuring that information released in disclosures is used fairly and handled and stored appropriately.

1.5. The subjects of disclosures should be reassured that the Council will not use disclosure information unfairly against them.

1.6. All employees involved in the disclosure process at the District Council and Derbyshire County Council and in making employment related decisions are provided with guidance on employing people with convictions, legislative requirements and the DBS Code of Practice.
2. Disclosure & Barring Service (Policy on secure handling, use, storage, retention and destruction of disclosure information

1.1 We will use disclosure information only for the purpose for which it was requested and provided. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing.

1.2 We recognise that, under section 1241 of the 1997 Act and sections 66 and 67 of the 2007 Act, it is a criminal offence to disclose disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties. We will not disclose information provided under subsection 113B(5)2 of the 1997 Act, namely information which is not included in the certificate, to the subject.

1.3 Derbyshire County Council is responsible for storage and destruction of disclosure certificates and documents.

2. Legal Obligations

2.1 Under the Rehabilitation of Offenders Act 1974 it is unlawful to discriminate against an ex-offender on the grounds of a ‘spent’ conviction, with the exception of those posts exempt from the Act such as those working with children and vulnerable adults.

2.2 Under the Criminal Justice and Court Services Act 2000 it is an offence:

- To apply for, offer to do, accept or do any paid or unpaid work in a ‘regulated position’ with children if disqualified (included on a list held by DoH or DfEE or by disqualification order by courts following conviction for serious offence of a sexual or violent nature)
- To knowingly offer work in a ‘regulated position’ to a disqualified person or fail to remove them from such work.

3. Lead Counter signatory and Counter signatories

3.1 For Disclosure & Barring Service checks, the lead counter signatory is the HR Officer, DBS & HCPC Registration at Derbyshire County Council.

5.3 The Lead / Counter signatories are cleared and registered with the DBS.

5.4. The Lead Counter signatory is a senior figure who has management responsibility for the use of the disclosure service and:

- Acts as the principal point of contact with the DBS
- Electronically validates application documents
- Liaises with Counter signatories on the receipt of local police non-conviction information
5.5 The Counter signatory is responsible for:

- Ensuring that positions for which disclosures are requested are covered by the exceptions Order to the Rehabilitation of Offenders Act 1974, and disclosures are requested at the appropriate level.
- Countersigning electronic applications and receive disclosures outcomes from Derbyshire County Council.
- Controlling the use of, access to and security of Disclosures.

4. Levels of Disclosure

6.1 Under the Police Act 1997 three different kinds of disclosure are available from the Disclosure & Barring Service (DBS):

**Basic check**

A basic DBS check is for any purpose, including employment. The certificate will contain details of convictions and conditional cautions that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974. An individual can apply for a basic check directly to the DBS through our online application route, or an employer can apply for a basic check on an individual's behalf, through a Responsible Organisation, if they have consent.

**Standard Check**

A standard DBS check is suitable for certain roles, such as a security guard. The certificate will contain details of both spent and unspent convictions, cautions, reprimands and warnings that are held on the Police National Computer, which are not subject to filtering. An individual cannot apply for a standard check by themselves. There must be a recruiting organisation who needs the applicant to get the check. This is then sent to DBS through a registered body. The service is free for volunteers.

**Enhanced Check**

An enhanced DBS check is suitable for people working with children or adults in certain circumstances such as those in receipt of healthcare or personal care. An enhanced check is also suitable for a small number of other roles such as taxi licence applications or people working in the Gambling Commission. The certificate will contain the same details as a standard certificate and, if the role is eligible, an employer can request that one or both of the DBS barred lists are checked.
5. Cost of Disclosure

7.1. The costs of checks relating to appointments to Council posts will be met by the Council, including an admin fee payable to Derbyshire County Council.

7.2. Checks for volunteers are free. A volunteer is currently defined as a person working in a position for which there is no remuneration other than out of pocket expenses.

7.3. The cost of checks undertaken by the Council on behalf of contractors will be met by the contractor, depending on the particular circumstances and terms of the contract.

6. Use of Disclosure Information

8.1. The initial disclosure will only be requested following a successful interview. Following initial disclosure, rechecks will be undertaken, normally every 3 years. It is the responsibility of the Council as employer to decide whether a person subject to a check should be appointed to or continue in a post, taking into account duties under the Criminal Justice and Court Services Act 2000 and any other relevant legal or regulatory requirements.

8.2. Applicants and employees (for rechecks) are invited to provide any additional information which may improve understanding and fair decision-making. Before an employment related decision is made, the applicant will be given an opportunity to discuss any issues revealed in the disclosure.

8.3. When disclosures or other information reveal an offence or other matter the following will also be considered in decision making:

- Relevance to the post
- Nature and seriousness of the offence/matter
- Length of time since it occurred
- The circumstances surrounding it and explanation offered
- Whether there is a pattern of offending behaviour/related matters
- Whether the applicants circumstances have changed since the offence, making re-offending less likely
- The country in which the offence was committed (what constitutes an offence may differ between countries).
- Whether the offence has since been decriminalised by Parliament.

Decisions will be made as soon as possible after the disclosure is received.

7. Portability of Disclosures

To safeguard against unsuitable appointments, all appointments to posts eligible for enhanced level checks will require a new check, regardless of whether the candidate has had a previous satisfactory check. This is necessary due to the greater level of contact with
children or vulnerable adults within these posts, and need for access to up to date local police non-conviction information.

8. Retrospective Checks
Employees and volunteers in positions now covered by the wider eligibility criteria for disclosure, who were not appointed subject to a criminal background check, will be required to undergo a check retrospectively.

9. Re-checking
All employees in posts eligible for a standard or enhanced check will be contractually required to inform the Council of any subsequent convictions or other matters whilst employed by the Council. Failure to do so may result in the disciplinary process being invoked.

All employees in posts eligible for an enhanced check will be contractually required to undergo a recheck every three years. This is necessary due to the greater level of contact with children or vulnerable adults within these posts.

If required the employee will present their Disclosure Certificate to the Human Resources Manager. The Human Resources Manager and line manager will determine if any convictions disclosed affect the employee’s ability to continue to undertake their role. If it does, the disciplinary procedure will be invoked which could lead to dismissal. Redeployment will be considered.

10. Disputes
Disputes relating to the accuracy of a disclosure should be raised with the DBS.
Any decision of the Council in relation to information obtained in a disclosure will be final.
CHILD SEXUAL EXPLOITATION OPERATION LIBERTY

Child sexual exploitation (CSE) is the abuse of children and young people up to the age of 18. The current Department for Education definition of CSE is:

'Child sexual exploitation is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a child or young person under the age of 18 into sexual activity:

a. in exchange for something the victim needs or wants, and/or

b. for the financial advantage or increased status of the perpetrator or facilitator.

The victim may have been sexually exploited even if the sexual activity appears consensual. Child sexual exploitation does not always involve physical contact; it can also occur through the use of technology'.

Derbyshire Constabulary’s Operation Liberty was created to link all of the CSE related incidents when it is reported to the police. Their systems will identify reports with the Operation Liberty flag on it, this includes intelligence items, crimes, non-crime occurrences and Public Protection referrals, where there is an aspect of child sexual exploitation.

This ensures information sharing between all relevant agencies, so that appropriate support is offered for the victim and victim’s family.

If a worker has concerns for a child that concerns CSE they should complete a form and send it to the relevant email on the form. This is not a substitute for a social care referral and this should also be made where necessary.

The Operation Liberty Form can be found on the Derbyshire Safeguarding Children Board website by following the link below. It is one of the last entries on the Report Forms and Templates section of the page.

http://derbyshirescbs.proceduresonline.com/docs_library.html

A copy of the form is shown below but you should download an editable version from the DSCB website. It does include guidance to filling out the form. Workers should fill out the form and send it to CountyReferralUnit@derbyshire.pnn.police.uk
## Appendix K

### GLOSSARY

This glossary sets out what is meant in the Policy by some key terms.

<table>
<thead>
<tr>
<th>Term</th>
<th>Meaning</th>
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<tbody>
<tr>
<td>Abuse and neglect</td>
<td>Form of maltreatment of a child or vulnerable adult.</td>
</tr>
<tr>
<td>Child(ren)</td>
<td>Anyone who has not yet reached their 18&lt;sup&gt;th&lt;/sup&gt; birthday</td>
</tr>
</tbody>
</table>
| Vulnerable adult                          | Any person aged 18 years or over who:  
  - Is, or appears to be eligible for local authority/mental health services assistance by reason of mental ill health, physical or learning disability, aged or illness  
  - May be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation.                          |
| Employees                                 | Those employed by Derbyshire Dales District Council, its Councillors, partners, contractors and Councillors as well as volunteers involved in the delivery of Council activities or in Council premises or facilities. |
| Local authority                           | County, District and Borough Councils.                                                                                                                                                                  |
| Parent                                    | Generic term to include birth parents, step-parents and carers. The term will specify parental responsibility where necessary.                                                                         |
| Safeguard and promote the welfare of children | The process of protecting from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care |
which is undertaken to as to enable children to have optimum life chances and enter adulthood successfully.

<table>
<thead>
<tr>
<th>Adult Social Care</th>
<th>Adult Social Care (DCC) is a supportive service (i.e. funding, planning, monitoring and improving housing-related issues) for vulnerable people – homeless, older people and women fleeing domestic violence.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Social Care</td>
<td>Children’s Social Care (DCC) is a supportive service designed to meet the needs of children in Derbyshire</td>
</tr>
<tr>
<td>MARAC</td>
<td>Multi Agency Risk Assessment Conference</td>
</tr>
<tr>
<td>MCA2005</td>
<td>Mental Capacity Act 2005</td>
</tr>
<tr>
<td>VARM</td>
<td>Vulnerable Adult Risk Management - a process to manage risks which may arise within specific circumstances when working with adults deemed to have capacity to make decisions for themselves, but who are at risk of serious harm or death</td>
</tr>
</tbody>
</table>
## KEY CONTACTS

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safeguarding Officer</td>
<td>Ashley Watts Head of Community &amp; Environmental Services</td>
<td>01629 761367</td>
</tr>
<tr>
<td>Safeguarding Officer (appointed substitute)</td>
<td>Karen Poyser Crime &amp; Disorder Reduction Officer/ Community Safety Officer</td>
<td>01629 761187</td>
</tr>
<tr>
<td>Chief Executive</td>
<td>Paul Wilson</td>
<td>01629 761125</td>
</tr>
<tr>
<td>Call Derbyshire</td>
<td>n/a</td>
<td>01629 533190</td>
</tr>
<tr>
<td>Police</td>
<td>n/a</td>
<td>999</td>
</tr>
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</table>
REWARD & RECOGNITION POLICY

PURPOSE OF THE REPORT

This report proposes the adoption of a new employment policy on Reward and Recognition.

RECOMMENDATION

That the new employment policy on Reward and Recognition is adopted.

WARDS AFFECTED

All

STRATEGIC LINK

The proposed new policy supports the Districts Council’s corporate values of valuing our employees.

1. BACKGROUND

1.1 The development of a Reward and Recognition policy was agreed as an action the staff survey action plan approved in March 2017. The action was to engage with Employee Group to draft the policy by summer 2019.

1.2 In line with other employment policies, once approved it is only changes to the policy statement that would require committee approval. Changes to the guidance notes from learning through changes in Local Government terms and conditions or by implementing the guidance notes can be approved by Corporate Leadership Team.

2. REPORT

2.1 The Human Resources Manager made an initial draft of a policy statement and detailed guidance notes on

- Reward - including the local government pay spine, job evaluation, honoraria, acting up pay, market supplements, professional subscriptions, local government contractual benefits and local Derbyshire Dales benefits
- Recognition - including different ways to recognise staff (and for staff to recognise each other) including a thank you, an email, a letter, a monthly achiever award, minimum of quarterly ‘121s’ with managers, annual 100% attendance letters, an annual celebration event, long service awards and a ‘bright ideas’ scheme.
2.2 Some of the initial draft was a write up of existing procedures e.g. how we implement the local government pay spine, the annual pay award and how we administer job evaluation. Other sections were suggestions for new processes e.g. developing a ‘Bright Ideas’ scheme.

2.3 After the initial draft was supported by Corporate Leadership Team, it was discussed by Employee Group in April.

2.4 The Employee Group set up a sub group which met in May to consider ideas in the policy. They fed back at a meeting in early June. They largely supported the draft, and suggested improving long service awards. They also suggested that the drafted long list of benefits be made easier to read by grouping into:

- Wellbeing
- General
- Communication and information
- Learning & Development
- Good governance.

They recognised how useful it was for staff to see all the benefits in one place so that they could appreciate the whole ‘package’ for working in local government and Derbyshire Dales in particular, especially following years of no or very modest (1%) pay awards.

2.5 The draft policy was then sent out to all staff for consultation in August with a request for comments to be given to the Employee Group representatives to be discussed at the September Employee Group.

2.6 At September Employee Group the draft policy was supported.

2.7 The draft policy and guidance notes, attached at appendix 1, were considered at Joint Consultative Group on 15 October. No changes to the draft were proposed.

2.8 Joint Consultative Group recommended that Governance and Resources Committee adopt this new employment policy.

3. RISK ASSESSMENT

3.1 Legal

This is a discretionary policy, which presents no legal considerations.

3.2 Financial

The costs of delivering the Reward & Recognition Policy could be accommodated within the salaries budget. The financial risk is therefore assessed as low.

4. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.
5. CONTACT INFORMATION

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6. ATTACHMENTS

Appendix 1: draft Reward and Recognition Policy
Reward and Recognition Policy

Contents

1. Policy Statement
2. Scope
3. Reward
4. Recognition

Equality

Manager Responsibilities

Employee Responsibilities

Human Resource & Payroll responsibilities

Guidance Notes

Document history:

Draft for CLT 9 April 2019
For discussion at Employee Group 10 April 2019
Employee Group ideas 6 June 2019
Proposed policy for staff consultation 20 August 2019 updated 11 September
Consultation at Employee Group 18 September 2019
For consultation at JCG 15 October 2019
To request adoption at Governance & Resources Committee 14 November 2019
Reward & Recognition Policy 2019

Policy Statement

1.1 Derbyshire Dales District Council recognises staff as its most valuable asset. Valuing our employees is a key value of the organisation. It is therefore appropriate to recognise and reward the contribution of staff, over and above normal salary payment.

1.2 Recognising excellent performance and rewarding staff well is a key contributor to having a happy, motivated, engaged staff with a good sense of well-being.

Scope

2.1 This policy applies to all employees with contract hours.

Reward

3.1 Staff are paid for their contribution on incremental pay scales, determined through the Local Government Job Evaluation Scheme.

3.2 In addition to pay, all Derbyshire Dales District Council employees have a range of contractual Local Government benefits in line with the Local Government Terms and Conditions of Employment (the “Green Book”). These benefits include the contributory pension scheme with life insurance and many benefits which exceed the statutory provisions including holiday entitlement, sick pay, maternity, paternity, adoption and shared parental leave entitlements. Some national conditions are varied by local agreement e.g. the Travel & Subsistence Policy.

3.3 Derbyshire Dales District Council also provides a range of local non contractual benefits including flexi time, various leave arrangements including urgent domestic leave, learning & development support, counselling, occupational health and salary sacrifice schemes including the ‘cycle to work’ scheme.
Recognition

4.1 There are many ways that the District Council, its managers and staff can recognise the contribution of employees on a service, team and individual basis. These range from a simple ‘thank you’ through to letters of recognition, inclusion in intranet posts, StaffMATTERS or core brief, or payment of an honoraria.

4.2 Some staff contribute day in day out on a consistent and high level, whilst others contribution is seen as achieving high performance in specific projects (quite often with the support of others doing the ‘day job’). Both solid consistent performance and one off high achievements should be recognised by managers and colleagues.

4.3 It is important to recognise where performance is below that required in order to coach and support an employee to develop and contribute to the best of their ability. Managers and staff should refer to the Employee Performance Improvement Policy.

Equality

5.1 Reward and Recognition will be managed fairly, promote equality of opportunity and be free from discrimination, direct or indirect.

5.2 The District Council’s policy on Equality and Diversity will underpin the management of reward and recognition and the decisions taken.

5.3 Job evaluation is about evaluating the post (not the person) against the Local Government Job Evaluation scheme. This enables the requirement for equal pay.

Manager Responsibilities

6.1 Managers are responsible for establishing work programmes and ensuring their staff have the knowledge and skills to undertake their role. When excellent performance (consistent or through project work) is achieved, it is the manager’s responsibility to recognise it. Where performance is satisfactory or poor it is the manager’s responsibility to support and develop the employee to improve.

6.2 Managers are responsible for ensuring that any recognition or reward is given fairly and without discrimination.
Employee Responsibilities

7.1 Employees can recognise good and excellent performance by their colleagues via a verbal or written ‘thank you’.

7.2 Employees can help their manager to recognise and reward by flagging it up when a colleague has gone ‘above and beyond’ what might be expected.

7.3 Employees can help managers to improve performance in others by giving development support, sharing knowledge and coaching.

Human Resource & Payroll responsibilities

8.1 Keep this policy and the guidance notes under review and make suggestions for improvement in line with changes in benefits, best practise and learning from implementing the policy.

8.2 Advise managers and staff on the fair and consistent implementation of the policy and the guidance notes.

8.3 Manage the Job Evaluation Scheme to ensure fairness and consistency of application.

8.3 Ensure all employees have access to the Local Government terms and conditions of employment and local benefits, through contracts of employment and Human Resources policies and procedures.
These guidance notes are not part of the policy statement. Instead they help to support it and explain how the policy is to be implemented. Changes to the Policy Statement require Member approval. Changes to the guidance notes, due to changes in benefits and best practise or learning from implementing the policy, are approved by Corporate Leadership Team.

1. Introduction

The policy statement confirms that the District Council recognises staff as its most valuable asset. It also confirms managers, employees and Human Resources’ role in ensuring fairness and consistency in any form of recognition or reward. Whilst some elements (e.g. terms and conditions in the statement of written particulars) are contractual, other elements are discretionary.

2. Reward

For the purpose of these guidance notes, reward includes

2.1 Pay
2.2 Job evaluation
2.3 Honoraria
2.4 Acting up pay
2.5 Market Supplement
2.6 Professional Subscriptions
2.7 Local Government non pay benefits and local Derbyshire Dales non pay benefits

2.1 Pay

2.1.2 All posts are paid a monthly salary within a local grade as determined by job evaluation. It is the post, not the person that is evaluated, so giving fair and equal pay for work of equal value. Each grade is allocated a specific range of job evaluation points (see published pay scales appendix 1).
2.1.3. From April 2019 with the introduction of the new national pay spine, each local grade is made up of between 2 and 7 incremental points. Increments are paid on 1 April each year until the top of scale is reached in order to recognise growing knowledge and competence in the role. Where someone is appointed within 6 months of 1 April (i.e. from 1 October to 31 March) the first increment is paid on the 6th month anniversary of appointment, and then the following 1 April and annually thereafter.

2.1.4 Appointment is at the base of scale. Occasionally the Chief Executive can approve a recruiting manager's request to pay a starting salary higher than base of scale e.g. if the recruiting manager determines that the appointee is an exceptional candidate with such knowledge and experience that they can undertake all aspects of the role fully on appointment.

2.1.5 Pay grades (determined in our Single Status Agreement) are allocated against the local government national pay spine of scale points ('scps') 1- 43 plus the local scale points 44- 61. Posts with scp 1-45 are evaluated against the Local Government Job Evaluation Scheme. Posts in scp 46-61 are evaluated against the local Senior Manager Scheme.

2.1.6 Local grades 2-13 are determined through the Local Government Job Evaluation Scheme by a panel of trained evaluators, chaired by the Human Resources Manager. Grades 14-17 are determined by the local Senior Manager's job evaluation scheme with a panel comprising the Chief Executive and the Human Resources Manager. The Chief Executive grade is determined by District Council members.

2.1.6. Generally, grades 2-7 are team members, grade 8 and 9 are the supervisor/professional roles; grade 10+ are usually team managers and grade 13 is the lead professional roles with management responsibility. Local grade 14-17 are Heads of Service with a separate local scale for the Chief Executive.

2.1.7 The national pay spine which is reviewed annually by the National Joint Councils negotiating bodies made up of representatives of the national Employers and national trade union representatives. Derbyshire Dales District Council adopts the outcome of the national pay negotiations, with any increase to the scale points 1-61 usually effective from 1 April. The Chief Executive scale is subject to annual review by the Joint Negotiating Committee for Chief Officers of Local Authorities. In some years, national negotiations are not concluded by 1 April but when concluded an instruction is given as to the implementation date and if back pay is to be made.
2.2 Job evaluation

2.2.1 Derbyshire Dales adopts the Local Government Job Evaluation scheme detailed in the Local Government Terms & Conditions of Employment (The Green Book) available on the intranet (SIDD).

2.2.2 It is the post, not the person that is evaluated. This is to provide fairness and consistency across the organisation and ensure equal pay for work of equal value.

2.2.3 See Appendix 2: How the Local Government job evaluation scheme is applied by Derbyshire Dales District Council

2.3 Honoraria

2.3.1 Honoraria are paid as a ‘thank you’ to an individual or group of individuals for achieving a significant piece of work, probably in very difficult circumstances. Honoraria are rarely paid because the individual achieving a high level piece of work is often supported/ released by other colleagues to enable them to achieve. The level of honorarium can be relatively small (e.g. £250-500) in comparison to the achievement or time taken to achieve. This is because it is a one off payment made as a thank you not a payment related to hourly rate.

2.3.2 The Head of Service wishing to make an Honorarium will put the business case and seek approval to the Chief Executive.

2.4 Acting up pay

2.4.1 Acting up pay is given, on approval of the Head of Service, to cover a post temporarily vacant due to sickness (over 4 weeks), maternity leave, or a post temporarily unfilled awaiting a review of the establishment (not exceeding 3 months). It is not given to cover short absences e.g. annual leave or for absence of less than one month. Acting up can be a valuable development opportunity for an employee to gain experience in a more senior post.

2.4.2 The Head of Service will seek advice from Human Resources as to a fair selection process (normally recruitment via an internal advert following Corporate Leadership Team approval to recruit) in order to select the best person to act up in line with the District Council's Recruitment procedures and Equality and Diversity Policy to either

i) temporarily undertake the full duties of a higher graded position or

ii) temporarily undertake part of the duties of a higher graded position as determined by the Head of Service e.g. undertake 50% or 75% of the duties of the higher role.
2.4.3 Where the acting up is to cover the full duties the person acting up will be paid at the entry scale point of the grade being covered. If the person acts up to cover 75% of the duties their acting up pay will be 75% of the difference of the employee’s current pay and that of the entry scale point of the post being covered.

2.5 Market Supplements

2.5.1 The Local Government Terms and Conditions of Employment (the Green Book) permits market supplements to be made, where necessary but that any market supplement must be regularly reviewed to ensure that it is still necessary and fair.

2.5.2 Market supplements are paid where there is a proven difficulty to recruit to a post e.g. where our pay is uncompetitive against market rates or there is a particular shortage of skills. The supplement is paid as a temporary payment whilst there is market evidence to demonstrate their need and therefore cannot be considered as a permanent payment.

2.5.3 A manager may seek Corporate Leadership Team (CLT) approval (on advice from the Human Resources Manager) to add a market supplement to a post. In order to request a market supplement there must be proven difficulty to recruit to a post (because the pay is uncompetitive in the current market or there is a proven shortage of skills in the market) through at least two unsuccessful external recruitment campaigns.

2.5.4 If approved, the post can then be advertised with a temporary market supplement, at a level agreed by CLT between 9 and 15% only. (A supplement below 9% is unlikely to change the salary to a rate competitive with the market) and a rate over 15% is very likely to cause relativity issues or equal pay issues with jobs on the same grade.

2.5.5 CLT may decide to recruit at 9% to see if that is successful before having to recruit again on a higher level. If the recruitment remains unsuccessful the role may be changed or the manager may decide to undertake the work by other means (strategic partnership or consultant appointment etc.) until there is a change in the market supply and demand.

2.5.6 CLT will determine if the supplement is payable to the particular post only, or if the subsequent recruitment is successful if it should be paid to posts in the same immediate job family e.g. the manager of the post where the posts are professionally linked and the relativities between the posts are significantly compromised by the allocation of a supplement. When reviewing the supplement, any change or cessation affects all posts in the job family which are awarded the supplement.
2.5.7 A market supplement must be reviewed regularly, at least once every 3 years, to ensure it is still required/ fair. A supplement is a temporary payment based on market need irrespective of how long it is paid. Managers must collect evidence of market pay from recent comparable recruitment adverts from other employers. They must also obtain evidence of market supply (numbers of applicants to other employers or ability to appoint). CLT approval can then be sought to retain the supplement, change it (up or down) or cease it. Contractual notice will be given to the post holder of any change.

2.6 Professional subscriptions

2.6.1 A significant number of posts at the District Council require professional qualifications on appointment. These post holders must remain professionally up to date during their employment in order to be able to do their job and provide up to date advice. It is therefore not affordable to reimburse the professional subscriptions for every profession.

2.6.2 The only roles where professional subscriptions are reimbursed are for
- Solicitors as they are required by the Law Society to hold an annual practising certificate to be able to work
- One Property Valuer (not facilities managers) who has to be a member of RICS-Royal Society of Chartered Surveyors to be able to undertake the District Council’s property valuations.
- The Head of Resources CIPFA subscription as Section 151 Officer.

2.6.3 Professional subscriptions paid by other employees are however tax allowable by completing an annual tax return to HMRC.

3 Benefits in addition to salary

In addition to the salary payment, a range of contractual benefits are given for working in local government and further non contractual benefits for working at Derbyshire Dales District Council as follows. Those with * are prorata to contract hours for part time staff (less than 37 hours per week). Some of the local benefits are not applicable to all roles e.g. flexi time is not possible in roles with a roster or in some customer facing roles where we have ‘opening hours’.
3.1 **Local government non pay contractual benefits** confirmed in the contract of employment include:

- 25 days leave (plus 4 additional days after 5 years’ service)*  34 days for the Chief Executive
- Pro rata bank holiday entitlement for part time employees and those on nonstandard (37 hour Monday to Friday) working patterns
- Continuous local government service (affecting holiday and sick pay and notice periods)
- Contributory pension scheme (refer to the Pension Scheme handbook on the intranet for details/ clarification) with
  - Employers’ Contributions
  - Life assurance
  - 50 50 scheme
  - Retirement benefits
  - Dependents pension
  - Flexible Retirement
  - Flexible Additional Voluntary Contributions
  - Immediate benefits payment if redundant over 55

**Equality of opportunity**

- Generous sick pay scheme (better than statutory)
- Maternity, paternity, adoption and shared parental leave (better than statutory)
- Right to request flexible working
- Overtime rates for those up to scale point 22
- Recognised trade unions.

3.2 **Derbyshire Dales benefits**, which other local government employers may or may not provide include

- **a) Well being**
  - Buying up to 10 days additional annual leave*
  - Carry forward of up to 5 days untaken leave*
  - Access to free Counselling, CBT (Cognitive Behavioural Therapy) support
  - Coaching support
Discounts in leisure centres
EE 20% discount on new phone, tablet SIM or mobile broadband plans
Eye care vouchers
Health walks (Town Hall Mondays and Thursday)
Kitchens for making drinks/ heating food
Lone working procedures with ‘First Call’
Mental Health First Aiders, Mental Health Champions and Mental Health buddies
Occupational health- advice, work place monitoring, surveillance in high risk jobs
Stop Smoking support
Support of manager/ colleagues/ HR
Urgent Domestic Leave
Wellbeing options on site from time to time e.g. hosting Pilates, reflexology

b) Communications and information
Staff email/ notice boards
Core Briefings to learn more about the Council and its performance
Cascade of CLT meeting actions
dalesMATTERS
Minimum of quarterly 121s with line manager
Personal internet use outside working hours
Regular team meetings to share information and ideas
Staff survey every 2 years - seek feedback/improvement
staffMATTERs
SIDD (intranet)
c) Learning & development

Annual Performance & Development reviews (gain feedback, resolve issues and plan personal development), with 6 month review

LOLA- e learning system

Learning & development opportunities (Corporate, vocational courses and short courses)

d) General

Employee Group representation and support

Employee Self Service (HR21) book leave, claim expenses and update personal data

Flexible working options

Flexitime*

Good office/workplace environment

Free staff car park

Home working for suitable roles with laptop access

Honoraria

Job share opportunities

Long Service Awards

Part time work

Salary Sacrifice (i.e. before tax) Cycle to Work Scheme, and Additional Contributions (AVCS) to the pension scheme, buying additional leave

Time off in lieu (TOIL)*

e) Good governance

Corporate Plan with strategic direction and priorities

Corporate values including Valuing our Staff

Corporate culture of **ONE Team, ONE Council, ONE Purpose**

Employee Code of Conduct
4 Recognition

4.2 Background

4.2.1 It is important for individual employees and the organisation to recognise excellent performance which supports the achievement of the organisation's goals and values. It is equally important to recognise underperformance so that support and coaching can be given to achieve the standards required (see Employee Performance Improvement Policy).

4.2.2 Appreciation is a fundamental human need so employee recognition the right thing to do. It is also a way we can achieve the District Council’s corporate value of Valuing our Staff. Most recognition will come from line managers but peer to peer / colleague recognition is also important. Recognition improves morale, team working (One Team), collaboration across teams (One Council), wellbeing and job satisfaction (One Purpose).

4.2.3 Many published studies that show the business benefits of employee recognition in improved organisational performance and customer satisfaction.

4.2.4 Studies say that recognition should be part of an organisation’s culture and be given genuinely rather than ‘ticking a box’. Important is consistency of recognition and at all times avoiding favoritism or overlooking someone to ensure fairness and equality in recognition. Recognition must be timely and personal demonstrating understanding of the actual achievement.

4.2.5 Some recognition is appropriate to an individual (whilst recognising that sometimes their achievement has only been possible with the support or cover for the ‘day job’ from colleagues), other recognition is more appropriate to a group of people (e.g. a task team or project team) or a team.

4.2.6 For recognition to be meaningful it is for peaks of excellent performance, consistent high performance i.e. ‘going the extra mile’. Recognition might be appropriate at an individual, team, service or organisation level.

3.2 Different methods of recognition at Derbyshire Dales

3.2.1 A simple ‘thank you’. Managers and colleagues can simply say thank you for a job well done. A thank you can be a regular, almost daily form of genuine recognition.
3.2.2 **An email.** Whilst an email thank you is easy enough to do, it takes a bit more thought and effort to write a thank you and putting the recognition into writing gives it more weight.

3.2.3 **A thank you letter.** Less frequent than an email, a formal letter can be written with a copy placed on the employee’s personal file can be done to recognise a more significant high level achievement e.g. after completing a project or of time or consistent high performance over significant period. A letter can be sent from the employee’s manager, Head of Service or Chief Executive dependent on the appropriate level of recognition.

3.2.4 **A monthly Achiever Award** a Derbyshire Dales card from the Chief Executive saying ‘thank you’ on recommendation from staff.

3.2.5 **In quarterly (or more frequent) 121s and annual (and half yearly) Performance & Development Reviews.** 121s enable more timely and formal recognition for a piece of work or ongoing consistency of high performance. The PDR process enables a summary of recognition over the last year and it is best given with examples of achievement. The PDR is not only a written record of achievements as part of the employment record but it is copied to the next higher manager (who can also add their recognition as appropriate).

3.2.6 **Annual 100% attendance letters** to recognise commitment and ability to give 100% attendance

3.2.7 Corporate Leadership Team **Annual Celebration Event**

3.2.8 **Recognition of excellence and future potential- nomination on East Midlands Challenge Team or District Councils Network Development Programme, or similar development opportunity.**

3.3 **Peer recognition in publically celebrating excellent performance (with photos where possible) in**
- Team meetings
- Service meetings
- Core briefings
- SIDD article
- All staff email
- Paul’s Post
- Staff MATTERS
- Members at Committee
- Press articles
- Social media
3.4 Financial recognition

3.4.1 Financial recognition is rarely given. This is due to the cost but also the challenge sometimes to be sure of who should receive financial recognition.

3.4.2 Honoraria are the main type of financial recognition i.e. a payment to thank or recognise a specific achievement. The value of the honorarium is usually very modest e.g. £250-£500 and is therefore not based on a calculation of hours worked or input given. Honoraria are determined on a business case from a Head of Service to the Chief Executive. Achievement leading to an honorarium is acknowledged in writing and paid via payroll and subject to tax and national insurance.

3.4.3 Long Service Awards. For many years Derbyshire Dales District Council has recognised staff who have given 20 continuous years Derbyshire Dales Service. A gift of the employee’s choice of up to £366 (including VAT) paid for by the Council and should be given by the Head of Service with a photo/article in SIDD. After 40 years continuous Derbyshire Dales service an employee will be offered a gift up to £500. Those completing 10 continuous years Derbyshire Dales service will receive a letter of recognition. Long Service Awards will be presented by the Chief Executive.

3.4.4 ‘Bright Ideas’ recognition scheme for transformation or efficiency saving in a team other than the employee’s own team (as improvements in your own area of work should be part of normal work activity). The idea would be submitted on a business case to CLT who would determine if the transformation or efficiency is put into place. CLT would determine if an award is made irrespective of whether the idea is put into practise or not with details of the idea in SIDD, StaffMATTERS etc. to recognise the employee and encourage other ideas.
Appendix 1: Derbyshire Dales pay from 1 April 2019 (subject to future pay awards)

### DDDC - GRADING STRUCTURE - Apr 2019

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Note: *JE Score* and *Salary* are subject to future pay awards.
Appendix 2: How the Local Government job evaluation scheme is applied by Derbyshire Dales District Council

1. Job Evaluation starts with the manager determining the job description and person specification for the post. From this the manager can complete the Job Evaluation Questionnaire (completed by the manager with the post holder’s support if it is a current post or by just the manager if it is a new post). All questionnaires must be completed with the support of a Job Analyst; a trained employee who ensures that all the questions in the questionnaire are answered, that no acronyms are used, that the job is described concisely in plain English and to help the manager to select the best examples where examples are required.

2. If the post has an existing questionnaire which is being updated, any change **MUST** be in tracked changes so that the panel can focus in on the changes and not waste time re-evaluating unchanged Factors. If original questionnaire is in ‘PDF’ or a paper copy then the questionnaire **MUST** be copy typed into word and saved before then making any changes in tracked changes. All questionnaires are signed off by the manager of the post.

3. The Local Government Job Evaluation Scheme is made up of 13 ‘Factors’, with between 5 and 8 Levels in each Factor. Factors and scores in the scheme have definitions and guidance note on how to interpret the definitions. In applying this national scheme, there are predetermined local conventions to help to apply the scheme locally.

4. The Scheme allocates score to each Level. Some of the factors are weighted as they are more important than other factors (see the Green Book for the Factors, Levels and score matrix).

5. When the Scheme was adopted by the District Council, a local agreement was established with the trade unions to determine the evaluation score boundaries for each of our local pay grades (see appendix 1).

6. Jobs are evaluated by a Job Evaluation Panel made up of the Human Resources Manager and 3 employees (out of the pool of evaluators) all trained in the Local Government Job Evaluation scheme. To remove any bias, evaluators do not evaluate posts within their own team (and preferably their service area) or if there is a personal interest.
7. There are up to 9 employees trained to be on the job evaluation panel. From time to time employees are invited to come forward for training to become job evaluators. Training is through a workshop and then shadowing the panel, comparing the trainee’s scores with the panel scores, for a period of up to 6 months before the panel determines that the trainee understands the scheme to be able to take a seat on the panel.

8. Monthly panels are diarised by the HR & Payroll Assistant. Completed questionnaires must be with the HR & Payroll Assistant a week before the panel date. This is to enable the questionnaire to be sent to the panel members and for them to set aside time to evaluate the post individually before meeting as a panel.

9. At the panel meeting, the manager attends the first few minutes to introduce the role to the panel and answer any questions the panel may have or provide any information the panel feels is missing from their individual assessments.

10. Panel members then discuss and debate the evidence on the questionnaire against the definitions in the Scheme at each Level for each Factor and their individual scores to be able to agree panel scores for each of the 13 Factors. Whilst their decisions are detailed and grounded in the scheme definitions, some interpretation and judgement is required. To ensure consistency panellists have access to previous questionnaires and scores to be able to benchmark scores and ‘sore thumb’ their decisions. Where a query remains the manager is invited back to the panel to give explanation or more information.

11. Once the panel have agreed scores for each of the 13 Factors, the Human Resources Manager enters the panel’s raw score into the Job Evaluation database. The database calculates the total score for the post (taking into account the weighted Factors). The Human Resources Manager returns to the panel with the total score and the local grade that score falls within. The panel can then ‘sore thumb’ the result, especially if the result is close to a grade boundary, before it is finalised. Sore thumbing is asking ‘does this outcome stick out like a sore thumb’ such that it is not compatible with similar jobs or job families, if so have the panel over scored or under scored a particular factor in their interpretation of the scheme definition? The outcome is then agreed by the panel.

12. On some occasions, if the outcome is not that hoped, the manager can take responsibility out of the questionnaire or add responsibility into it (any change MUST be in tracked changes so that the panel can focus in on the changes and not waste time re-evaluating unchanged Factors) and ask for the original panel to re-evaluate the post.
13. The Human Resources Manager can then notify the outcome to the manager, Human Resources & Payroll, Accountancy and Corporate Leadership Team. If the outcome is a change if grade for an existing post, the new grade takes effect on the Monday after the panel. Changes are not backdated. If the outcome is for a new post, it can then be recruited.

14. A manager or post holder can appeal against the outcome of a job evaluation if they are dissatisfied with the outcome (e.g. they believe that the panel have made an error, an incorrect job description has been evaluated or something has been missed out, or there are concerns of equal pay with another post). An informal appeal is to the Human Resources Manager, within 1 week of the job evaluation outcome being confirmed. An informal appeal can be verbal to seek clarification.

15. A formal appeal must be raised in writing to the Human Resources Manager stating the grounds for appeal within 2 weeks of the confirmation of the evaluation outcome. The Human Resources Manager will arrange for a Job Evaluation Appeals Panel to meet. Appeals Panel members will be appointed out of our pool of trained panellists who are experienced in Local Government job evaluation. No-one on an Appeals panel will have been involved in the previous evaluation and wherever possible not in the service area of the post being considered. The appeals panel will re-evaluate the same questionnaire as the original panel. The employee and/or their trade union representative can attend the first few minutes of the appeals panel to present the grounds for their appeal and answer any questions of clarification from the appeals panel. If the employee is not in a trade union, they can be accompanied by another colleague or an Employee Group representative when they present their case/answer the appeal panel’s questions.

16. The Appeals Panel decision is final. If the outcome changes and the post is currently occupied, then the new grade takes effect on the Monday after the original panel met.
FAMILY FRIENDLY POLICY

SUMMARY

This report seeks the adoption of a new employment policy on Family Friendly matters which includes guidance on maternity, paternity, adoption and shared parental leave.

RECOMMENDATION

Governance and Resources Committee is recommended to adopt the new Family Friendly Policy.

WARDS AFFECTED

All

STRATEGIC LINK

The proposed new policy supports the Districts Council’s corporate value of ‘valuing our employees’.

1 BACKGROUND

1.1 The development of a Family Friendly Policy was agreed as an action in the Human Resources 2019/20 service plan.

1.2 In line with other employment policies, once approved it is only changes to the policy statement that would require committee approval. Changes to the guidance notes from changes in legislation or learning through implementing the guidance notes will be approved by Corporate Leadership Team.

2 REPORT

2.1 We have long had a ‘Maternity Scheme’ to give guidance to expectant mothers on their statutory rights and Derbyshire Dales benefits and processes for notifying maternity leave. The ‘scheme’ was due for an update.

2.2 Whilst having a ‘Maternity Scheme’ we have not had local guidance for paternity, adoption or shared parental leave. Instead we have relied on forms and guidance on Gov.Uk as the frequency of these requests has been much less than maternity.
2.3 The Human Resources Manager felt that in updating the maternity scheme, guidance on other family friendly matters should also be written up under the umbrella of a Family Friendly Policy.

2.4 The draft policy statement and guidance notes were sent out to all staff for consultation in August with a request for comments to be given to the Employee Group representatives to be discussed at the September Employee Group.

2.5 In September, Corporate Leadership Team and Employee Group both supported the new draft policy and the guidance notes.

2.6 At Employee Group it was confirmed that there are other policies which might be of interest to staff with family commitments. The first draft contained too much detail about these associated policies and so the detail was removed but the other policies are referenced at 2.9 of the policy statement. This was to avoid duplication with the other policies and having to make updates in multiple places. Importantly it was also to confirm to staff without family commitments that they were eligible to request home working or request flexible working for non-family reasons.

2.7 The draft policy and guidance notes, attached at appendix 1, were considered at Joint Consultative Group on 15 October. The draft policy has been updated to include the suggestions agreed at Joint Consultative Committee.

2.8 Joint Consultative Group recommended that Governance and Resources Committee adopt this new employment policy.

3 RISK ASSESSMENT

3.1 Legal

The policy balances the needs of the employee and the organisation within the legislative framework. The legal risk is therefore low.

3.2 Financial

The costs associated with delivering this policy can be accommodated from within the salaries budget. Therefore the financial risk is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Deborah Unwin, Human Resources Manager: Deborah.unwin@derbyshiredales.gov.uk, telephone 01629 761364

6 BACKGROUND INFORMATION

None
ATTACHMENTS

Appendix 1: draft Family Friendly Policy and guidance notes
CONTENTS

1. Introduction
2. Policy Statement
3. Scope
4. Documentation
5. Equality and Diversity
6. Responsibilities
7. Relevant legislation
8. Maternity Scheme guidance notes
9. Paternity Scheme guidance notes
10. Adoption Scheme guidance notes
11. Shared Parental Leave Scheme guidance notes

Document history:
Draft policy for all staff consultation 20 August 2019 updated 11 September
Draft for CLT 10 September 2019
Consultation at Employee Group 18 September 2019
For consultation at JCG 15 October 2019
To request approval at Governance & Resources Committee 14 November 2019
1. **Introduction**

1.1 This Policy confirms the District Council’s position with regard to a range of Family Friendly initiatives and benefits in line with employment law, the National Joint Council for Local Government Services’ National Agreement on Pay and Conditions of Service as well as best practice.

2. **Policy Statement**

2.1 The District Council offers a range of family friendly initiatives including

- Maternity, including leave and pay entitlements (also includes surrogacy arrangements and time off for fertility treatment)
- Adoption, including leave and pay entitlements
- Paternity, including leave and pay entitlements
- Shared Parental Leave/ Pay and Unpaid Parental Leave

2.2 The District Council recognises that its Family Friendly Policy must be managed fairly and free from discrimination, whilst set in the wider context of statutory requirements and National Conditions of Service.

2.3 When a request is made by an employee for a family friendly way of working, with the correct notification and/or certification, this will be carefully considered by the Team Manager in the context of the individual, the team and the business needs of the Council.

2.4 Where operational reasons mean that requests cannot be approved, or cannot be met in full, the reasons will be given to the employee in writing. The employee will have the right to Appeal to the Head of Service in accordance with Council procedures.

2.5 Terms and conditions of employment and continuity of service, while notifying the Council of and subsequently taking, any statutory Family Friendly leave (Maternity/Adoption/ Paternity/Parental Leave etc.) including unpaid leave or commencing a different pattern of working hours, will be maintained.

2.6 Depending on the amount and type of leave applied for/taken, remuneration may be affected and employees should refer to the separate Guidance Notes relevant to the particular family friendly leave to be taken.

2.7 During a period of paid Family Friendly leave, pension contributions are deducted on the actual amounts paid to the employee in relation to the leave by way of contractual or statutory (family friendly) entitlement.

2.8 For any period of statutory unpaid Family Friendly leave, the employee will have the option of paying contributions based on the pay entitlement immediately before the unpaid leave began. This period will count for pension purposes, otherwise it will constitute a break in membership of the scheme. Different pension arrangements apply as part of the Council’s Unpaid Leave Scheme. Human Resources & Payroll can confirm the pension arrangements.
2.9 Employees with family commitments may also wish to look at other policies including flexible working, job share, home working, flexible retirement, the leave policy (which includes unpaid leave, compassionate leave and urgent domestic leave).

3. **Scope**

3.1 This Policy applies to all Derbyshire Dales District Council employees with contractual hours. Casual workers are excluded given there is no mutuality of obligation to be offered or accept work. However, dependent on the levels of earnings casual workers may be eligible maternity pay etc.

4. **Documentation**

4.1 All personal data supplied to the District Council relating to the Family Friendly Policy will be processed solely for reasons of considering requests to work flexibly and/or to apply for statutory and non-statutory Family Friendly leave and pay. Forms will be stored securely in Human Resources & Payroll and retained in accordance with the Document Retention Policy.

5. **Equality and Diversity.**

5.1 The Family Friendly Policy and the Schemes referenced in it, will be managed fairly, promote equality of opportunity and be free from discrimination, direct and indirect.

5.2 The Council’s Policy on Equality and Diversity will underpin the approach to the management of and the employee application for, Family Friendly entitlements and benefits relating to leave, pay and flexible ways of working.

5.3 Employees who make a statutory request to work flexibly and/or to take Family Friendly leave, are protected against suffering detriment or unfair dismissal. The potential detrimental treatment covers victimisation, being denied promotion or job opportunities or otherwise being disadvantaged.

6. **Responsibilities**

6.1 **Team Managers**

- Seek timely advice from Human Resources and Payroll where appropriate.
- Take all equality and diversity issues into account when making a decision concerning a Family Friendly initiative.
- Maintain confidentiality of information.
• Undertake health and safety risk assessments where appropriate.

• Agree how contact with the employee during different types of Family Friendly leave is established and maintained.

• Communicate constructively, keep an open mind and consider all options for the employee and at the same time, being mindful of the impact on business need.

• Decide the outcome and confirm this decision in writing, detailing the right of Appeal.

• Treat the employee fairly in all matters associated with their employment and terms and conditions and to take equality, diversity and corporate values into account.

6.2 Employees

• Communicate constructively with their Team Manager and to consider all options involved in undertaking Family Friendly ways of working and also the implications on the service area/business need.

• Ensure notifications for the Family Friendly leave applied for are submitted in a timely way and to maintain confidentiality of information.

• Be aware of the Appeals process if appropriate.

6.3 Human Resources

• Provide professional advice on the operation of Family Friendly schemes.

• Confirm changes to contracts of employment in writing.

• Monitor cases and provide management information as and when required.

• Maintain confidentiality of information

• Review the policy and update from the learning of its implementation or changes in employment law.
7. Relevant legislation and key District Council Policies

The relevant legislation that relates to this Family Friendly Policy includes:

- Children Act 1989
- Children and Families Act 2014
- Paternity and Adoption Leave (Amendment) Regulations 2014
- Parental Leave Directive
- Shared Parental Leave Regulations 2014
- Human Embryology and Fertilisation Act 2008
- Equality Act 2010
- Employment Act 2002
- Data Protection Act 1998 and GDPR 2018
- Work and Families Act 2006
- Employment Rights Order 2006
- Employment Relations Act 2004
- Employment Rights Act 1996
- DDDC Employee Code of Conduct
- DDDC Equality and Diversity Policy
- Local Government Pension Scheme
Introduction

This document sets out the District Council’s Guidance with regard to Adoption leave and pay entitlement in line employment law and the National Joint Council for Local Government Services’ National Agreement.

The intention of this Guidance is to ensure the fair and equal treatment of employees who are adopting a child/children by detailing the requirements of the District Council and the rights and benefits of the employee leading up to and during the Adoption Leave period.

The policy covers the following areas:

1. Who the Adoption Guidance applies to
2. Eligibility for Adoption leave
3. Pre Adoption Leave
4. Notification of Adoption leave
5. Entitlement
6. Statutory Adoption pay
7. Eligibility for Adoption pay
8. Overseas Adoptions
9. Surrogacy
10. Fostering for Adoption
11. Keeping in Touch Days
12. Protection from detriment
13. Terms and Conditions of Employment
14. Returning to Work
15. Annual Leave and adoption leave
16. Sickness and adoption leave
17. Pension Contributions
18. Data Protection

1. Who the Adoption scheme and Guidance applies to

This scheme applies to employees who will be the primary carer of the adopted child.

Statutory Adoption Leave is 52 weeks. It’s made up of:

- 26 weeks of Ordinary Adoption Leave
- 26 weeks of Additional Adoption Leave

Therefore, qualifying employees may take up to 52 weeks’ Adoption Leave. Only 1 person in a couple can take Adoption Leave. The other partner could take Paternity leave.
An Adopter who takes Adoption leave and/or pay may choose to end their Adoption leave and pay early and, if they qualify for it, opt into the Shared Parental leave and pay system in the same way as birth parents.

Some surrogate parents are also entitled to take Adoption leave (please see further information on this within the Maternity Guidance.)

2. **Eligibility**

To qualify for Adoption leave, you must:

- be an employee
- give the correct notice
- be matched with a child for adoption by an approved adoption agency, or be one of a couple who have been jointly matched with a child for adoption, and
- have notified the agency that you agree that the child should be placed with you and the date of placement.

Parents who have a child through a surrogacy arrangement and are eligible for a Parental Order and foster parents who are prospective adopters are entitled to Adoption leave and pay.

Both parents are also entitled to Unpaid Parental leave, (this is different from the right to Shared Parental Leave) i.e. up to 18 weeks unpaid leave for each adopted child up to their 18th birthday.

However, if you apply directly to a court for an adoption order you will not be eligible for adoption leave.

In addition, if you are not an employee you will not be entitled to Adoption leave but you may still be entitled to Statutory Adoption pay (SAP). For example, freelancers, agency workers and casual workers may still qualify for SAP.

3. **NOTIFICATION OF INTENTION TO TAKE ADOPTION LEAVE**

The employee should notify their Team Manager as soon as they have been approved as prospective adoptive parents i.e. before any specific placement has been made.

Employees must inform the District Council of their intention to take Adoption leave within seven days of being notified by an approved adoption agency that they have been matched with a child for adoption unless this is not reasonably practicable.
You must tell your Team Manager when; -

- the child will be placed with you, and
- you want your leave to start and begin receiving SAP if you qualify for it.

You need to give the District Council 28 days’ notice that you wish to be paid Statutory Adoption Pay (SAP). Notice must be in writing and you can give notice for both pay and leave at the same time.

If you have a good reason for giving notice late such as changes in the date of placement or there is not much time between the date you were matched and the date the child was placed, the District Council will accept late notice as long as you give it as soon as reasonably practicable.

The District Council can delay the start of leave and pay if you do not give acceptable notice but they cannot delay the start of leave after the date of placement.

In order to be paid SAP, you must give your manager evidence, such as a letter from the adoption agency or matching certificate, of the:

- name and address of the adoption agency;
- date on which you were notified that you had been matched with a child; and
- expected date of placement.

Your manager cannot ask you to provide documentary evidence of the name and date of birth of the child.

Your manager must write to you within 28 days of receiving your notice, stating the date on which your additional adoption leave will end. If your manager does not write to you within 28 days, your manager cannot delay your return to work or take disciplinary action if you fail to return to work on time.

4. Pre-Adoption Leave

Employees who intend to apply to adopt a child will be required to attend several pre-adoption interviews and meetings as part of the preparation and assessment process.

An employee who is the main adopter has the right to take reasonable paid time off work to attend up to five adoption placement meetings.

The adopter’s partner has the right to take unpaid time off to attend up to two adoption placement meetings if s/he is an employee.

Time off is capped at 6.5 hours per meeting.
5. **Adoption Leave**

Qualifying employees may take up to 52 weeks’ Adoption Leave. (Some surrogate parents are also entitled to Adoption Leave.)

Adoption Leave may be taken

- when a child starts living with the employee or up to 14 days before the placement date (UK adoptions).
- when an employee has been matched with a child by a UK adoption agency.
- when the child arrives in the UK or within 28 days (overseas adoption).

The partner of an individual who adopts, or the secondary adopter if a couple are adopting jointly may be entitled to paternity leave and pay or shared parental leave (further information is available from [ACAS Shared Parental Leave: a good practice guide for employers and employees](https://www.acas.org.uk/SharedParentalLeaveGuide.pdf)).

Employees must give their manager documentary proof to show that they have the right to paid Statutory Adoption Leave. This is usually a matching certificate from the adoption agency. The adoption agency must be recognised in the UK.

Statutory Adoption Leave can start either:

- **from the date the child starts living with the employee**
- **up to 14 days before the date the child is expected to start living with the employee.**

Employees should tell the manager within seven days of being told that they have been matched with a child, if this is not possible they must tell their manager as soon as possible.

6. **Statutory Adoption Pay**

Statutory Adoption Pay (SAP) is payable for 39 weeks and there is a qualifying service requirement of 26 weeks’ continuous employment.

The rate of SAP is the same as Statutory Maternity Pay. The standard rate for Statutory Adoption Pay is reviewed every April.

Where a couple adopts a child, only one parent is entitled to take Adoption Leave and claim Statutory Adoption Pay. This includes same-sex couples.

The other parent may be able to get Paternity leave and Pay during this time.

If you don't use up all your statutory Adoption leave and Statutory Adoption Pay, and you go back to work, your partner may be able to opt into the Shared Parental Leave system in the same way as birth parents.
For the first six weeks the employee will be entitled to 90% of their normal earnings. The following 33 weeks will be paid at the Statutory Adoption Pay rate.

For up to date rates of Statutory Adoption Pay please refer to [https://www.gov.uk/employers-adoption-pay-leave](https://www.gov.uk/employers-adoption-pay-leave) or contact Human Resources and Payroll. See section 17 of this Guidance for information on Pension implications.

7. **Eligibility for Statutory Adoption Pay.**

To receive Statutory Adoption Pay you must:

- have worked for your employer continuously for at least 26 weeks prior and including the week you were matched with a child and
- earned at least as much as the lower earnings limit for paying National Insurance contributions. This figure increases annually. For up to date information on SAP rates please check
- Give proof of the Adoption or Surrogacy ([https://www.gov.uk/adoption-pay-leave/how](https://www.gov.uk/adoption-pay-leave/how) to claim

**Statutory Adoption Pay Rates**

<table>
<thead>
<tr>
<th>Weeks</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-6</td>
<td>90% of a week’s pay</td>
</tr>
<tr>
<td>7-39</td>
<td>Statutory Adoption Pay rate</td>
</tr>
</tbody>
</table>

Adopters whose average weekly earnings are below the lower earnings limit for National Insurance purposes do not qualify for SAP but may qualify for other welfare benefits.

8. **Overseas Adoptions**

The conditions are the same except for both Adoption leave and pay you must:

- have worked continuously for your employer for at least 26 weeks by the time you receive your ‘official notification’.

The official notification is permission from a UK authority that you can adopt from abroad. Form SC6 confirms that you’re not taking Paternity Leave or Pay.
9. **SURROGACY**

Surrogacy is when another woman carries and gives birth to a baby for the intended parents. The women who gives birth to the child will be treated as the mother, however, parental responsibility can be transferred by either an Adoption or Parental Order.

**Parental or Adoption Order**

- Intended parents must be genetically related to the child to be able to apply for a parental order.
- Adoption using a registered adoption agency, will be necessary for intended parents to become the legal parents if neither are genetically related.

Adoption Leave and pay is available to eligible employees who become the legal parents following an application for adoption or parental order.

Intended parents will be entitled to 2 unpaid antenatal appointments to enable them to accompany the birth mother.

Adoption leave can start the day of the birth or the day after. Employees must tell their employers at least 15 weeks before the baby is due and that they intend to take Adoption Leave.

Prospective adoptive parents by surrogacy must also expect the Parental Order to be granted (e.g. because you don’t have any convictions involving children and the birth mother or father agree to the arrangement.

All the other conditions for qualifying for Pay and Leave are the same as for Adoptive parents.

*Paternity leave and pay* is available for those parents who are genetically related to the child and who meet the qualifying conditions. Paternity leave is up to 2 weeks, but cannot start before the child is born.

*Shared Parental leave and pay* will also be available for eligible parents; Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Intended parents in a surrogacy arrangement may qualify providing they qualify for Adoption Leave and pay.

See Guidance on Paternity Leave and Pay and Shared Parental Leave and Pay for more information.

10. **Fostering for Adoption.**

If you’re eligible for Adoption Pay and Leave, you will receive these from when the child comes to live with you.
11. **Keeping in Touch Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work following a period of Adoption Leave. An employee should discuss and agree any voluntary arrangements for keeping in touch during maternity leave before going on leave.

Both parties should agree when and how the employer will keep in contact, this may be via email, telephone contact etc. Employees should also agree with their employer if they will work the "keeping in touch" days, these can be used for training days, team events etc.

An employee may work for up to 10 KIT days during Adoption leave without bringing it to an end.

The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the District Council nor the employee can insist upon it.

KIT days will be paid at the contractual rate of pay or can be taken as time off in lieu after a return from Adoption Leave.

12. **Protection from detriment**

Employees who request or take Adoption Leave are protected against suffering a detriment or unfair dismissal. They have a right to return to the same job after 26 weeks adoption leave and after 52 weeks a suitable alternative job must be found.

The potential detrimental treatment covers victimisation, being denied promotion or job opportunities or otherwise being disadvantaged. In a redundancy selection exercise, the Council will not take into account time off for ante-natal care when looking at attendance records as part of the selection criteria.

13. **Terms and Conditions of Employment**

During the Adoption leave period, an employee’s contract of employment continues in force and he/she is entitled to receive all their contractual benefits, with the exception of remuneration, i.e. wages and salary. In particular, any benefits in kind will continue and annual leave entitlement will continue to accrue.

Salary will be replaced by SAP if the employee is eligible to receive it.

When the employee returns to work, their holiday entitlement will have continued to accrue during the whole of their Adoption Leave period.
14. Returning to Work

An employee has a right to return to either exactly the same job or in some cases, a similar one, on terms and conditions no less favourable than those which would have been applicable to her if she had not been absent.

What right applies depends on when she returns. If the employee returns to work:

- after the first six months of leave, she/he is entitled to return to exactly the same job she was doing before his/her Adoption Leave.
- After the second six months of leave, he/she is also entitled to return to exactly the same job, unless there is some reason why it is not reasonably practically for him/her to return to her original job. If it is not reasonably practicable, the employee is entitled to suitable alternative work on similar terms and conditions.

In the event that the employee’s position becomes redundant, or there has been a general reorganisation, the District Council must endeavour to offer the employee a suitable alternative position (as a first consideration before other employees, as is the case with employees on Maternity leave.)

An employee shall notify the District Council, in writing, at least 21 days before the intended date on which she wishes to return to work. (If an employee changes her mind about the agreed date, she must give a further 21 days notice of the new date, in writing).

All Employees have the right to request flexible working arrangements to help better manage work/life balance issues.

Any requests should be raised at the earliest opportunity. Such requests will be given full consideration taking into account the needs of the service and the employee, however, the District Council cannot guarantee approval.

See Separate Guidance notes on the right to request flexible working.

15. Annual Leave and adoption leave

An employee continues to accrue annual leave while they are on Adoption leave, but leave must be taken in the leave year it is accrued, with eligibility to request five days carry forward.

16. Sickness and adoption Leave

Where an employee is unable to return to work on the expected day due to sickness, the absence will be covered by the Sickness Notification Procedure in the normal way.
17. **Pension Contributions and adoption leave**

During a period of paid Adoption leave, pension contributions are deducted on the actual amounts paid to you in relation to that leave by way of Contractual or Statutory Adoption Pay. The period will count in full for pension purposes.

For any period of unpaid Adoption leave you will have the option of paying contributions based on the pay entitlement immediately before the unpaid leave began. This period will count for pension purposes, otherwise it will constitute a break in membership of the scheme. The Payroll Section will confirm these pension arrangements on your return to work.

An option to pay contributions for unpaid Adoption Leave should be made to the District Council within 30 days of returning to work, or within 30 days of leaving if the employee does not return to work.

18. **Data Protection**

All personal data supplied to the District Council relating to the Adoption scheme will be processed solely for the reasons of Adoption leave and/or pay. Forms will be stored securely in Payroll and retained in accordance with the Document Retention Policy.

None of the above provisions shall be construed as providing rights less favourable than statutory rights.

For further advice please contact the Human Resources and Payroll Section or go to [www.gov.uk](http://www.gov.uk)
PLANNING ADOPTION LEAVE

How to use the plan

The plan is in three parts. You should complete Part A first. This will help you decide if you are entitled to adoption leave and pay. It will also tell you which sections of the rest of the form you need to complete. You will find it helpful to have a calendar or diary handy when you are filling out the form.

You can use Part C if you decide to return to work before you have taken your full adoption leave entitlement.

Notes to help you complete the form are given in the right hand column.
## PART A

### PLANNING ADOPTION LEAVE

#### TO MY EMPLOYER

I am giving you this form to let you know that I intend to take adoption leave and to notify you of when I want to start my adoption leave and begin receiving Statutory Adoption Pay (SAP) if I am eligible for it.

<table>
<thead>
<tr>
<th>Personal Details</th>
<th>Payroll number</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td></td>
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</tr>
<tr>
<td>Department</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>When the child is expected</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The expected date the child is due to be placed:</td>
<td></td>
</tr>
<tr>
<td>.............................. (expected date of placement)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expected date of child placement</th>
<th>Documentary Evidence (which may be the matching certificate)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. The expected date of child placement is the date, on which it is expected the child will be placed with you.</td>
<td></td>
</tr>
<tr>
<td>3. If you qualify for SAL and/or SAP you must provide documentary evidence giving the expected date of child placement at least 28 days before you wish to start your leave &amp; pay. The documentary evidence, which you will receive, can be used. (Questions 5-7) to help you decide if you qualify for SAP.</td>
<td></td>
</tr>
<tr>
<td>Evidence must include: the name and address of the adoption agency, the date on which you were notified that you had been matched with a child and the expected date of placement.</td>
<td></td>
</tr>
</tbody>
</table>

| 4. You have not requested documentary evidence. | 4. If you do not qualify for SAP you do not have to give documentary evidence unless your employer asks for it. |
**Qualifying for Adoption Pay**

5. The qualifying week (this is the week in which you are notified of your match with a child and runs Sunday to Saturday) is the week beginning.

   **Sunday ………………………….**

6. By the end of the qualifying week I will have worked for you continuously for at least 26 weeks

   **Yes [ ]** tick box  [go to question 7]
   or
   **No [ ]** tick box  If you answer no then you will not be entitled to adoption leave or pay.

7. In the eight weeks up to and including the qualifying week (see question 5) my average earnings were at least the lower earnings limit.

   **Yes [ ]** tick box. I therefore qualify for SAP and you will check and confirm this.
   or
   **No [ ]** tick box. I therefore do not qualify for SAP but you will check and confirm this.

8. **Qualifying for SAP**

   This section will help you decide whether you qualify for SAP. If you do not qualify for SAP you may be able to claim other benefits. If you do not agree with our decision you may be able to appeal. In order to qualify for SAP you must have been continuously employed for 26 weeks prior to and including the qualifying week and to have worked in the Qualifying Week and earned at least as much as the lower earnings limit for paying National Insurance contributions. This figure increases annually. You must also give the correct notice and give proof of the adoption or surrogacy. **NB The rules are slightly different if you’re adopting from overseas or having a child through a surrogacy arrangement. See Adoption Scheme Guidance for further information.**

   SAP starts as soon as you commence Adoption Leave.

   For up to date advice on the lower earnings rate to qualify for SAP, please use [https:www.gov.uk adoption-pay-leave](https:www.gov.uk adoption-pay-leave)

7. **Average earnings**

   The lower earnings limit is the point at which you start to be treated as if you have paid NI contributions. We will normally use the 8 weeks ending with the qualifying week to work out your average earnings.

   If you don’t qualify for SAP you may be able to claim other benefits.
PART B

**Ordinary and Additional Adoption Leave**

Complete this section if you answered Yes to Question 6 in Part A

Because you will have worked for the Council for at least 26 weeks by the qualifying week, you will qualify for Ordinary Adoption Leave and Additional Adoption Leave. Ordinary Adoption Leave lasts for 26 weeks. Additional Adoption Leave runs from the end of Ordinary Adoption leave for up to 26 weeks.

<table>
<thead>
<tr>
<th>Starting Adoption Leave</th>
<th>8. Start date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>8. I would like to start my Adoption Leave on:</strong></td>
<td><strong>It is your decision when you start your adoption leave, but you cannot start it earlier than 14 days before the expected date of placement of your child. You must notify us of your intended start date during the notification period. If you wish to change this date you must give at least 28 days’ notice of when you want to start your adoption leave unless this is not reasonably practicable.</strong></td>
</tr>
<tr>
<td>.................................(date)</td>
<td></td>
</tr>
</tbody>
</table>

**Effect on SAP**
You can start your Adoption Leave and Pay on any day of the week or if you worked for any part of that day it will start on the following day. For example if you start your adoption leave on a Tuesday and did not work on that day, your SAP will start from that Tuesday. Your weeks will then run from Tuesdays to Mondays. You may wish to bear in mind that you will not get SAP for any week in which you do any work for the Council. The same applies when you go back to work - if you return during the week you will not receive any pay for that week.

<table>
<thead>
<tr>
<th>Receiving SAP</th>
<th>9. Adoption Pay Period</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>9. If I qualify for SAP, my Adoption Pay Period will start on:</strong></td>
<td><strong>The Adoption Pay Period is the 39 weeks when you are entitled to receive SAP. It starts on the day you start your adoption leave unless you worked for any part of that day in which case it will start on the next day.</strong></td>
</tr>
<tr>
<td>................................. (date)</td>
<td></td>
</tr>
</tbody>
</table>

**Payment of SAP**
The actual payment will be made in the same way and on the same date as your wages/salary are normally paid to you.
### Returning after adoption leave

10. My Additional Adoption Leave will run from the end of my ordinary adoption leave, giving me up to 52 weeks leave.

<table>
<thead>
<tr>
<th>My Additional Adoption Leave will finish on:</th>
</tr>
</thead>
<tbody>
<tr>
<td>..................................................(date)</td>
</tr>
</tbody>
</table>

I am due back to work on:

| ..................................................(date) |

I understand that if I want to return to work before this date, I must give you 28 day's notice of the date on which I want to return.

*The Council will write to you to confirm the date that you are due back to work.

10. Letting the Council know when you are coming back to work

You are automatically expected back at the end of your additional adoption leave.

**End of your Additional adoption leave (AAL)**
This is the end of the 26th week from when you start your additional adoption leave.

**Date due back to work**
You are expected back to work on the next working day after your additional adoption leave finishes.

**Telling the Council you want to return early**
If you want to return to work before the end of your ordinary or additional adoption leave period you must give at least 28 days' notice before your intended return date. You can use Part C of this form.

**Unable to return to work**
If you cannot return, for example because you are sick, the normal rules for your job apply.

**Deciding not to return to work**
If you decide, whether now or later, that you do not intend to return to work with the Council you must give the notice period required by your contract of employment.

You have now completed all the parts of the form you can before the child is placed with you. You should sign the form and give the completed part to your Head of Service. Don't forget to keep a copy of it for yourself.

Signed _______________________________________________________

Date _____________________________

---

*The Council will write to you to confirm the date that you are due back to work.*
PART C

Returning to work early

You will be expected back at the end of your full adoption leave entitlement.

If you want to return earlier you must give the Council at least 28 days’ notice. This does not have to be in writing, but you may like to use this part of the form to let us know.

If you do not give 28 days’ notice the Council is entitled to postpone your return until the 28 days’ notice has been complied with, although it cannot be postponed to a date later than the end of your adoption leave period.

<table>
<thead>
<tr>
<th>Planning to return to work early</th>
<th>Complete this section only if you want to return to work early.</th>
</tr>
</thead>
<tbody>
<tr>
<td>11. I intend to return to work before the end of my Adoption Leave. I intend to return to work on</td>
<td><strong>Effect on SAP</strong> If you return to work at any time before the end of your Adoption Pay Period, for any week that you worked you will not be entitled to SAP.</td>
</tr>
<tr>
<td>..................................................(date)</td>
<td>14. <strong>Telling your employer you want to return early</strong> If you want to return to work before the end of your full Adoption Leave period, you must give the Council at least 28 days’ notice before your intended return date.</td>
</tr>
</tbody>
</table>

You should sign the form now and email it to Human Resources and Payroll and your Head of Service. Don't forget to keep a copy of it for yourself.

**Data Protection**

All personal data supplied to the District Council relating to the Adoption scheme will be processed solely for the reasons of Adoption Leave and/or pay. Forms will be stored securely in Payroll and retained in accordance with the Document Retention Policy.

Signed ____________________________________________________________________________

Date ____________________________________________________________________________
Introduction

These Guidance Notes on Maternity sets out the District Council’s provisions with regard to Maternity entitlement in line with employment law and the National Joint Council for Local Government Services’ National Agreement on Pay and Conditions of Service.

The intention of the Guidance is to ensure the fair and equal treatment of pregnant women by detailing the requirements of the District Council and the rights and benefits of the employee leading up to, during on return from the Maternity leave period.

This Guidance is not part of the Policy Statement relating to Maternity and covers the following areas:

1. Eligibility
2. Notification of Maternity leave
3. Ante-natal Care
4. Fertility Treatment
5. Surrogacy – Rights for intended parents
6. Health and Safety
7. Miscarriage, termination, still birth and death of a baby
8. Maternity Pay
9. Maternity Leave Entitlement
9a Terms and Conditions of Employment
9b Keeping in Touch Days (KIT Days)
9c Sickness and maternity leave
9d Annual Leave and maternity leave
9e Pension Contributions and maternity leave
10 Returning to Work
11 Relationship with Shared Parental leave
12 Relationship with statutory unpaid parental leave
13 Data Protection

1. Eligibility

This scheme applies to all pregnant employees regardless of the number of hours worked per week or length of service.
2. **Notification of Maternity Leave**

A pregnant employee must inform the District Council, preferably *in writing*, at least 15 weeks before her absence begins, or as soon as is reasonably practicable:

a. that she is pregnant;
b. her expected week of childbirth (EWC)
c. when she wants her Maternity leave to start.

The employee must produce a certificate (usually a MAT B1) from a registered medical practitioner or a registered midwife stating the expected week of childbirth (this will normally be issued on or around the 20th week before the baby is due.) This notification must be received by the Human Resources at least 21 days before the start of the Maternity pay period.

Within 28 days of receipt of the initial notification, the District Council will write to the employee setting out her Maternity leave entitlement, Maternity pay, and holiday entitlement during Maternity leave, health and safety requirements, last day of Maternity leave and expected return to work date.

In the event that the baby is born before Maternity leave has started, leave will commence automatically from the day following the birth.

During the final 4 weeks of pregnancy, should an employee be absent with a pregnancy related illness, Maternity leave will commence automatically on the first day of absence.

3. **Ante-natal Care**

All pregnant employees have the right to reasonable paid time off during the working day for ante-natal care, parenting classes and relaxation classes and there is no set amount of time off available. All appointment must be attended on the advice of a registered Doctor, Midwife or Health Visitor. If requested, the employee should produce evidence of such appointments, normally the MAT B1 certificate and an appointment card.

**Part-time employees** – have the same rights as full-time employees for paid time off for antenatal care. This is an entitlement to paid time off for the actual appointment and any necessary travel and waiting time.

**Father’s Rights/And Same-Sex Partners** - have the right to paid time off on up to two occasions to accompany their pregnant partners to ante-natal appointments. The right is for a maximum of six and a half hours per appointment. The partner must be in a qualifying relationship with the pregnant woman or the child meaning that he is either the

- baby’s biological father
- expectant mother’s spouse
- intended parent of a child in a surrogacy arrangement (if he and his or her partner expect to be entitled to and intend to apply for, a parental order in respect of the baby).

It is also possible that two men may both be entitled to time off with respect to the same woman, for example, if a pregnant woman’s husband is not also her baby’s father.
Agency workers – who have worked for at least 12 weeks in their current role have the same right to time off for ante natal appointments as a permanent employee.

Protection from detriment

The Council will not disadvantage or dismiss an employee who has asked for time off for paid antenatal care, or who has exercised their right to unpaid time off to accompany their partner to ante-natal appointments.

The potential detrimental treatment covers victimisation, being denied promotion or job opportunities or otherwise being disadvantaged. In a redundancy selection exercise, the Council will not take into account time off for ante-natal care when looking at attendance records as part of the selection criteria.

4. Fertility Treatment

The Council recognises that treatments like Intra Uterine Insemination (IUI) and In Vitro Fertilisation (IVF) involve regular, close monitoring in hospital or clinic for egg stimulation and/or retrieval and for placing the ova back into the woman’s uterus following fertilisation.

As such, this treatment is invasive and can affect people in different ways, emotionally and physically. IVF in particular carries some medical risks including generally feeling unwell due to medication and/or the egg retrieval process, miscarriage and ectopic pregnancy. To cover such issues the following apply:

Time off for treatment.

On a submission of a note from a Doctor or other qualified medical practitioner, the Council permits up to 5 days paid compassionate leave in a 12 month period, to be authorised by the Head of Service to enable an employee to attend medical appointments associated with fertility treatment. The policy also applies equally to an employee whose partner is undergoing fertility treatment.

For the purpose of entitlement to employment rights, a woman undergoing IVF is deemed to be pregnant from the point of implantation of fertilised ova until it is determined otherwise, usually a pregnancy test taken two weeks after implantation to determine or not if the treatment has been successful.

The employment rights of the woman will therefore be protected from pregnancy and Maternity discrimination and will have the right to time off for ante natal care from this point as any other expectant mother would. However, if the treatment is unsuccessful, the woman’s protection will end two weeks after then end of her pregnancy.
5. **Surrogacy – Rights for intended parents**

Surrogacy is when another woman carries and gives birth for the intended parents. The woman who gives birth to the child will be treated as the mother, however, parental responsibility can be transferred by either an Adoption or Parental Order.

The law does not currently allow the intended parents in a surrogacy arrangement to have Adoption Leave and Pay unless a registered adoption agency is involved in the process.

**Surrogate Mothers**

Surrogates are the legal mother of any child they carry – even if they’re not genetically related to the baby, until they sign a Parental or Adoption Order following the birth of a child, this transfers their rights to the intended parents.

Pregnant employees have the right to 52 weeks Maternity leave, and to return to their job after Maternity leave. Whatever the birth mother does with the child in a surrogacy arrangement following the birth, it has no impact on her right to Maternity Leave.

Ante-natal appointments – an employee who intend to apply for a Parental Order have the right to unpaid time off work to accompany the birth mother to 2 ante-natal appointments.

**Intended Parents**

The intended parents can apply for a Parental Order 6 weeks after the child is born, and before the child is 6 months old.

**Parental or Adoption Order**

Intended parents must be genetically related to the child to be able to apply for a Parental Order.

Adoption using a registered adoption agency, will be necessary for intended parents to become the legal parents if neither are genetically related.

**Adoption Leave and Pay** - is available to eligible employees who become the legal parents following an application for Adoption or Parental Order. Adoption Leave can start the day of the adoption or the matching date of Adoption for an older child.

Employees must tell their employers at least 15 weeks before the baby is due and that they intend to take Adoption Leave.

**Paternity Leave and Pay** – is available for those parents who are genetically related to the child and who meet the qualifying conditions. Paternity leave cannot start before the child is born. See separate Paternity leave Guidance.

**Shared Parental Leave** – may be available, subject to meeting the eligibility conditions. See separate Guidance on Shared Parental leave.
6. **Health and Safety**

The District Council takes full responsibility for the assessment of risks to the health and safety of pregnant or breastfeeding employees at work.

Upon notification of a pregnancy, the employee’s Manager (with advice where appropriate from Human Resources or the Safety Committee) will assess any risk to the pregnant employee. Where risk is identified and it is not possible to avoid the risk, the employee will be offered suitable alternative employment. If none can be found the employee will commence leave on full pay until Maternity leave commences.

7. **Miscarriage, termination, still birth and death of a baby**

If the baby dies or is still born after 24 weeks’ pregnancy the maternity scheme applies. Where this occurs before 24 weeks (miscarriage) or there is a termination sympathetic consideration to special leave or sick leave as appropriate in the individual circumstances is given based on the needs of the employee and medical opinion.

8. **Maternity Pay**

Calculations relating to Maternity pay entitlements are based upon the employee’s length of service at the 15th week before the EWC – known as the ‘qualifying week’. Employees are only entitled to Statutory Maternity Pay (SMP) if they have at least 26 weeks continuous service with the District Council or local government up to and into the 15th week before the week the baby is due and if their average weekly earnings are above the Lower Earnings Limit.

If an employee does not qualify for Maternity pay for either of the reasons above, they will be issued with Form SMP1 and advised to contact the Department for Work and Pensions for advice on eligibility for Maternity Allowance.

Employees with less than 1 year’s continuous service at the 11th week before EWC are entitled to:

- Weeks 1 – 6: 90% of a week’s pay
- Weeks 7-39: Lower rate SMP only

Employees with more than 1 year’s continuous service at the 11th week before EWC are entitled to:

- Weeks 1 – 6: 90% of a week’s pay
- Weeks 7-18: If an employee has declared in writing her intention to return to work, she will receive Occupational Maternity Pay (OMP) which equates to 50% of a week’s pay plus SMP (or MA). If half pay and lower rate SMP come to more than full pay, payments will be scaled down to be no more than full pay whilst SMP is being paid.
- Weeks 19-39: SMP only
This shall be made on the understanding that the employee will return to local authority employment for a period of at least 3 months. In the event of her not doing so, she shall refund the monies paid i.e. the 12 weeks half pay is refundable by the employee, SMP payments however are not refundable.

These payments can be paid at this time or be deferred until the employee returns to work. For further clarification contact Human Resources and Payroll.

For up to date rates of SMP, please refer to https://www.gov.uk/employers-Maternity-pay-leave

9. Maternity Leave Entitlement

Pregnant employees are entitled to 26 weeks Ordinary Maternity Leave (OML) and a further 26 weeks Additional Maternity Leave (AML) – a total of 52 weeks Maternity leave – regardless of length of service.

Maternity leave shall commence no earlier than 11 weeks before the EWC, or from the time of childbirth if that is earlier (i.e. the day after the baby is born).

9 a Terms and Conditions of Employment during maternity leave

During the period of Maternity leave, an employee’s contract of employment continues to be in force and she is entitled to receive all her contractual benefits, with the exception of remuneration, i.e. wages or salary. In particular, any benefits in kind will continue and annual leave entitlement will continue to accrue. Salary will be replaced by SMP if the employee is eligible to receive it.

When the employee returns to work, her holiday entitlement will have continued to accrue during the whole of their Maternity leave period, but must be taken in the leave year it is accrued, although 5 days may be carried forward (pro-rata for part time employees). This means that some leave may have to be taken before Maternity leave commences if the woman will not return from Maternity leave in the current leave year.

If the woman is returning in the current leave year, leave may be taken immediately when the Maternity leave ends or by the end of the leave year i.e. 31 March.

9 b Keeping in Touch (KIT) Days

Keeping in touch (KIT) days are intended to facilitate a smooth return to work following a period of Maternity leave. An employee should discuss and agree any voluntary arrangements for keeping in touch during Maternity leave before going on leave.

An employee may work for up to 10 KIT days during OML and/or AML without bringing her Maternity leave to an end. (An employee may not work during the two weeks of compulsory Maternity leave immediately after the birth of her baby).

The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the District Council nor the employee can insist upon it.
KIT days may be paid at the normal hourly rate or taken as time off in lieu after returning from Maternity leave. If KIT is paid during Maternity leave, the amount payable is normal salary, less the amount of SMP payable.

9c **Sickness and maternity Leave**

Maternity leave is not treated as sick leave and will not therefore be taken into account when calculating sick leave entitlement or managing sickness absence.

9d **Annual Leave and maternity leave**

The Maternity leave period will be classed as continuous service and annual leave (including bank holiday entitlement) will continue to accrue during the whole of the period.

Employees should take their full leave entitlement for that year before their Maternity leave starts, if the maternity leave is likely to extend beyond the end of the leave year (excluding up to 5 untaken days, pro rata for part time employees, which may be carried forward.)

9e **Pension Contributions and maternity leave**

During a period of paid Maternity leave, pension contributions are deducted on the actual amounts paid to you in relation to that leave by way of contractual or Statutory Maternity Pay. The period will count in full for pension purposes.

For any period of unpaid Maternity leave you will have the option of paying contributions based on the pay entitlement immediately before the unpaid leave began. This period will count for pension purposes, otherwise it will constitute a break in membership of the scheme. The Payroll Section will confirm these pension arrangements on your return to work.

An option to pay contributions for unpaid Maternity leave should be made to the District Council within 30 days of returning to work, or within 30 days of leaving if the employee does not return to work.
10. **Returning to Work**

An employee is not permitted to return to work during the 2 week period following childbirth.

An employee has a right to return to either exactly the same job or in some cases, a similar one, on terms and conditions no less favourable than those which would have been applicable to her if she had not been absent.

Which right applies depends on when she returns. If the employee returns to work:

- after the first six months of leave, she is entitled to return to exactly the same job she was doing before her Maternity leave.
- After the second six months of leave, she is also entitled to return to exactly the same job, unless there is some reason why it is not reasonably practically for her to return to her original job. If it is not reasonably practicable, the employee is entitled to suitable alternative work on similar terms and conditions.

In the event that the employee’s position becomes redundant, or there has been a general reorganisation, the District Council must give first consideration to offer the employee a suitable alternative position, before any other ‘at risk’ employees are considered.

An employee shall notify the District Council, in writing, at least 21 days before the intended date on which she wishes to return to work. (If an employee changes her mind about the agreed date, she must give a further 21 days’ notice of the new date, in writing).

Employees have the right to request flexible working arrangements when they return from Maternity leave. Any requests should be raised at the earliest opportunity. Such requests will be given full consideration taking into account the needs of the service and the employee, however, the District Council cannot guarantee approval.

The needs of breastfeeding employees will be taken into account and any arrangements (including flexible working, facilities to breastfeed or express and store milk) should be discussed with Human Resources before returning to work.

Where an employee is unable to return to work on the expected day due to sickness, the absence will be covered by the Sickness Notification and Certification Procedure in the normal way.

11. **Relationship with Shared Parental Leave (SPL)**

SPL allows eligible parents of babies to the right to share leave between them during the child’s first year. The amount of leave available is calculated using the mother’s entitlement to Maternity/Adoption leave which allows them to take up to 52 weeks leave.

If they reduce their Maternity/Adoption leave entitlement then they and/or their partner may opt in to the SPL system and take any remaining weeks as SPL. There may be an entitlement to some Shared Parental Pay (SPP).
For further information, please see the separate Guidance notes for Shared Parental leave and pay and/or contact Human Resources and Payroll.

12. **Relationship with statutory unpaid parental leave**

18 weeks unpaid parental leave can be requested with a minimum of 7 days’ notice from employees with parenting responsibility (birth of a child, fostering, adoption, surrogacy, grand parents with a significant parenting role and stepparents) for the purposes of caring for a child up to the age of 18.

Unpaid parental leave can be in a single block of 18 weeks or a number of shorter periods of a minimum of half a day or patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks leave as a single block. Managers will ensure adequate staff cover for the service when considering requests for unpaid parental leave.

Every attempt will be made to avoid postponing the requested unpaid parental leave for more than 3 months except in exceptional operational circumstances. In such circumstances agreeing a different pattern or dates of leave, or shorter or longer periods of leave will be considered.

Employees who are on unpaid parental leave but fall sick and provide appropriate sickness certification will be entitled to sick pay and leave and this period will not count towards the parental leave entitlement.

Time taken for unpaid parental leave is treated as continuous service.

13. **Data Protection**

All personal data supplied to the District Council relating to the Maternity scheme will be processed solely for the reasons of Maternity leave and/or pay. Forms will be stored securely in Payroll and retained in accordance with the Document Retention Policy.

None of the above provisions shall be construed as providing rights less favourable than statutory rights.

For further advice please contact Human Resources and Payroll or go to [www.gov.uk](http://www.gov.uk)
Introduction

This document sets out the District Council’s Guidance with regard to Paternity entitlement in line with employment law and the National Joint Council for Local Government Services’ National Agreement on Pay and Conditions of Service.

This Guidance covers the following areas:

1. Application of Paternity leave and pay
2. Paternity leave Entitlement
3. Statutory (Ordinary) Paternity leave
4. Notifications
5. Paternity Pay
6. Notice periods for delaying or cancelling Paternity leave
7. Terms and Conditions of Employment
8. Unpaid Parental Leave
9. Entitlement to paid Paternity leave, Shared Parental leave and Unpaid Parental leave
10. The right to Request Flexible Working
11. Redundancy during Paternity leave
12. Protection from detriment
13. Data Protection

1. Application of Paternity leave and pay

Employees may be entitled to Paternity leave and pay if their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.

2. Paternity Leave Entitlement

Paternity leave is available to employees who:

- Have or expect to have responsibility for the child’s upbringing
- Are the biological father of the child or the mother’s husband or partner (includes same sex relationships)
- Have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due, or at the end of the week in which the child’s adopter is notified of being matched with the child (UK adoption), or the date the child enters the UK (overseas adoptions).

3. Statutory (ordinary) paternity leave
The maximum duration of the basic statutory paternity leave is 2 weeks, taken together within 56 days of the baby’s birth.

The District Council allows employees to take their Paternity leave in two separate blocks of one week each, (i.e. not taking the full 2 weeks of Paternity leave all together), within 56 days of the baby’s birth, recognising that this may better suit the needs of family life.

4. Notifications

The employee must inform their employer of their intention to take Paternity leave by the end of the 15th week before the baby is expected. If this isn’t possible, as soon as possible afterwards and at least 28 days before the leave starts. The employee has to give their employer form SC3, which contains a self-certificate or declaration of entitlement to leave and pay and provide the following details:

- their name
- national insurance number
- the expected week of the child’s birth (EWC) or, if the birth has already occurred, the date of birth
- the length of the period of leave required and the date from which leave is requested
- the length of leave
- a declaration that the employee fulfils all three of the following:
  - is either the father of the child and/or the partner or husband of the mother
  - is taking leave either to care for the child and/or to support the mother
  - has or expects to have responsibility for the child’s upbringing

The employee may lose the right to Paternity leave and pay if the procedural requirements are not met.

5. Paternity pay

An employee who meets the qualifying criteria and notice requirements is entitled to two weeks Paternity pay. The statutory entitlement is for one week of full pay and one week at the statutory rate (which is updated annually).

The District Council pays Paternity Pay at the normal contractual rate for the two weeks (taken together or separately).

6. Notice periods for delaying or cancelling Paternity Leave.
The employee can delay the start of paternity leave, provided written notice is given and alternative dates requested. The notice must be at least 28 days’ notice before the new leave date, unless the baby arrives a few days early or late.

7. **Terms and conditions of employment**

Under Regulation 12 of the Paternity and Adoption Leave Regulations 2002, an employee qualifying for Paternity Leave will be entitled to retain their benefit of their terms and conditions of employment (with the exception of contractual remuneration) and is entitled to return to work.

Under Shared Parental Leave, working parents taking total leave of 26 weeks or less are legally entitled to return to the same job. This is so even if the Leave is not taken in one block, but spread out in a discontinuous pattern. Anyone taking more than 26 weeks’ Leave has the right to return to the same or a similar job.

More information on notice periods required for delaying/cancelling Shared Parental leave and status of an employee’s contact can be found in the Shared Parental leave Guidance.

8. **Unpaid Parental leave**

Parents are also entitled to 18 weeks leave for each child and adopted child, up to their 18th birthday on an unpaid basis.

The limit on how much Parental leave each parent can take in a year is 4 weeks for each child.

9. **Entitlement to paid Paternity leave, Shared Parental leave and Unpaid Parental leave**

The right to paid Parental leave is in addition to any Unpaid Parental leave rights. This means that provided the employee qualifies for the different types of leave, in the first year of the child’s life an employee could have a total of 32 weeks absence from work; two weeks after the child is born paid at the contractual rate, a portion of Shared Parental leave, part of which may be paid, and four weeks Unpaid Parental leave.

10. **Redundancy and Paternity Leave**
If there is a redundancy situation at the same time as an employee’s Paternity Leave, they will be treated the same as any other employee under the circumstances. This might be consulting them about the redundancy or considering them for any other suitable job vacancies.

11. **Protection from Detriment**

Employees are protected from suffering a detriment or dismissal for taking, or seeking to take, Paternity leave.

12. **Data Protection**

All personal data supplied to the District Council relating to the Paternity scheme will be processed solely for the reasons of Paternity leave and/or pay. Forms will be stored securely in Payroll and retained in accordance with the Document Retention Policy.

None of the above provisions shall be construed as providing rights less favourable than statutory rights.

For further advice please contact Human Resources and Payroll or go to [www.gov.uk](http://www.gov.uk)
JOINT CONSULTATIVE GROUP

Minutes of a Meeting held on Tuesday 15 October 2019 in the Council Chamber, Town Hall, Matlock DE4 3NN at 2.30pm.

PRESENT

Paul Wilson, in the Chair

Councillors Neil Buttle, Tom Donnelly, Stuart Lees, Elisa McDonagh and Tony Morley

Representing UNISON – Keith Postlethwaite
Representing GMB – Jon Bradbury and Mick Coppin (Regional Officer)

Paul Wilson (Chief Executive), Deborah Unwin (Human Resources Manager) and Simon Johnson (Democratic Services Officer)

APOLOGIES

Apologies for absence were received from Councillor Helen Froggatt, Councillor Garry Purdy, Denise Dawson (UNISON) and Ian Buxton (GMB)

In the absence of a quorum the election of Chairman and appointment of Vice Chairman will be reconsidered at the next meeting and the two policies, recommended for acceptance by the Governance and Resources Committee, will be considered in full by that Committee.

REWARD & RECOGNITION POLICY

The Committee considered a report outlining the reasons for the development of a new Reward and Recognition Policy, in response to the staff survey in 2017.

The Committee was informed the new policy received broad support from the Employee Group which suggested that the long list of benefits be made easier to understand by grouping them into the following headings:

- Wellbeing
- General
- Communication and information
- Learning & Development
- Good governance

In line with other employment policies, once approved it is only changes to the policy statement that would require Committee approval. Changes to the guidance notes from changes in legislation or learning through implementing the guidance notes can be approved by Corporate Leadership Team.
It was moved by Councillor Tony Morley seconded by Councillor Tom Donnelly and

AGREED  (Unanimously)  That the Governance and Resources Committee be recommended to adopt the new employment policy on Reward and Recognition for Derbyshire Dales District Council.

FAMILY FRIENDLY POLICY

The Committee considered a report outlining the reasons for the development of a new Family Friendly Policy.

The Committee was informed that the District Council has a long standing ‘Maternity Scheme’ but does not have local policies for paternity, adoption or shared parental leave and has instead relied upon forms and guidance on www.gov.uk as the frequency of these requests has been lesser than that for maternity leave. In considering the update for local guidance, the Human Resources Manager felt that local guidance in maternity, paternity, adoption and shared parental should be combined under an overarching Family Friendly Policy.

In the discussion of this policy the Committee the following suggestions and amendments to the draft policy:

- Ante-Natal Care – to include provision for attendance at parenting classes and relaxation as advised by the midwife.
- Statutory Rights for Fathers – to include the unpaid leave on up to two occasions to accompany the mother to antenatal care to be given as paid leave.
- Milk Expression and Storage – to include provision for breast-feeding mothers to feed and/or express and store milk.

In line with other employment policies, once approved it is only changes to the policy statement that would require Committee approval. Changes to the guidance notes from changes in legislation or learning through implementing the guidance notes can be approved by Corporate Leadership Team.

It was moved by Councillor Elisa McDonagh seconded by Councillor Neil Buttle and

AGREED  (Unanimously)  That the Governance and Resources Committee be recommended to adopt the new employment policy on Family Friendly matters with the incorporated amendments listed above for Derbyshire Dales District Council.

EMPLOYEE GROUP – NOTES OF THE MEETINGS HELD ON:

- 10 APRIL 2019
- 18 SEPTEMBER 2019

It was moved by Keith Postlethwaite, seconded by Councillor Tom Donnelly and

AGREED  (Unanimously)  That the notes of the Employee Group meetings held on:

- 30 January 2019 be received.
- 18 September 2019 be received.
SAFETY COMMITTEE – NOTES OF MEETING HELD ON:

• 05 JUNE 2019

It was moved by Keith Postlethwaite, seconded by Councillor Tony Morley and

AGREED (Unanimously) That the notes of the Safety Committee meeting held on: 05 June 2019 be received.

Meeting Closed 3.09pm

Chairman
ASHBOURNE PAVILION PROJECT

PURPOSE OF THE REPORT

For the Governance and Resources Committee to consider a joint application with Ashbourne Recreation Ground Sport & Community Partnership ("ARGSCP") on a funding application for the sports pavilion and playing pitch improvements and to approve terms for a lease of the site of the proposed new pavilion and the provision of a capital contribution to the scheme.

RECOMMENDATION

1. That the proposal for the District Council to become a joint applicant with Ashbourne Recreation Ground Sport and Community Partnership (Charity No 1178134) for funding from the Football Foundation be declined on the grounds of the legal and financial risk.

2. That the proposal to grant ARGSCP an Easement by way of Lease of 3 football pitches to enable them to become a sole applicant to the Football Foundation for funding be declined.

3. That, subject to recommendations 4 and 5, approval is given to enter into a long term lease with Ashbourne Recreation Ground Sport and Community Partnership (Charity No 1178134) of the site of the existing and proposed pavilion building on the revised terms outlined in Appendix 2 of this report.

4. That the Head of Corporate Services be delegated to review and approve the relevant due diligence checks on the governance arrangements and constitution of the organisation and be satisfied that a Public Open Space consultation has been completed with no major objections. If we are not satisfied, the matter is to be referred back to committee.

5. That the Head of Resources be delegated to review and confirm that ARGSCP has successfully secured the level of external funding required to complete the project.

6. That, subject to the entering into the long term lease in recommendation 3, approval is given to provide a revised amount of £79,000 from within the existing Capital Programme budget identified as "Condition Survey Works – Parks and Pavilions", to ARGSCP as match funding towards the proposed redevelopment scheme to be drawn down once the remaining level of funding required to complete the project is secured and expenditure of that value has been incurred.
WARDS AFFECTED
Ashbourne North and South, and surrounding wards

STRATEGIC LINK
The provision of a lease and funding as proposed in this report support the District Council’s Corporate Aim to promote quality of life and also makes a significant contribution to the safety, health and wellbeing of the community of Derbyshire Dales.

1. BACKGROUND

1.1 Ashbourne Recreation Ground, located off Cokayne Avenue in the town centre, is a hub for community sport and recreational activities. The sports facilities are used extensively by a number of teams and clubs throughout the summer and winter seasons, in addition to a wide range of community events and recreational use by residents and visitors.

1.2 Located within the Recreation Ground are three separate pavilion buildings that are owned, managed and maintained by the District Council. Each building serves different sports including Football, Cricket, Bowls and Rugby.

Memorial Pavilion

1.3 The largest of the three buildings, Ashbourne Memorial Pavilion, was built in the 1950’s as a memorial to those who lost their lives in both the First and Second World Wars, therefore has significant local importance.

1.4 The building contains x3 changing rooms, x1 officials’ changing space, kitchen and social space, toilet/shower facilities, store room and is used predominantly by Ashbourne Cricket Club and Ashbourne Aztecs Junior Football Club.

‘Two Team’ Wooden Pavilion

1.5 Located adjacent to the Memorial Pavilion, the Two Team Pavilion comprises of x2 changing rooms, x1 officials’ changing room, toilet/shower facilities and is used predominantly by Ashbourne Rugby Club.

Bowls Pavilion

1.6 The Bowls Pavilion is located adjacent to the bowling green, is constructed in wood and used by Ashbourne Bowls Club

1.7 In addition to the pavilion buildings, the site also contains a number of grass playing pitches which are used extensively throughout the year for different sports. These are listed below:-

- 1 x Adult Rugby Pitch
- 2 x Adult Football Pitches (1 under official size)
- 1 x Junior Football Pitch
- 1 x Cricket Pitch
- 1 x Bowling Green
- Various marked and unmarked training spaces.
1.8 Bookings to use the pavilion buildings and pitches, site maintenance (grass cutting, pitch maintenance) is coordinated and managed by the District Council Community Development and Environmental Services and Business Support. Building repair and maintenance work is managed by Estates and Facilities.

1.9 Annual hire agreements are used with all customers and detail the terms and conditions of use. Whilst it is positive to have formal agreements in place, they do not provide clubs with security of tenure beyond the period of a year.

1.10 Lack of longer ranging agreements can often make it difficult for clubs to attract external funding to improve facilities and help their respective club grow. Longer agreements would help achieve better outcomes in this respect with major funders such as Sport England expecting a minimum of 25 years security of tenure.

1.11 The three buildings are generally in poor condition and are all nearing the end of their natural lives.

1.12 Condition surveys for the three pavilion buildings were completed in 2015 and highlight the level of work and costs required to maintain the three facilities over a 5 year period. The survey also classified all three buildings as ‘poor’.

1.13 The table below highlights the cost of works required in order to keep these facilities wind and water tight and maintained for safe operational use. They do not include any upgrades to the facilities:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Works identified in Condition Survey 2015</th>
<th>Works identified in Capital Programme 2018 / 19</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memorial Pavilion</td>
<td>£52,000</td>
<td>£26,660</td>
</tr>
<tr>
<td>Bowls Pavilion</td>
<td>£39,000</td>
<td>£37,370</td>
</tr>
<tr>
<td>Two Team Wooden Pavilion</td>
<td>£19,600</td>
<td>£14,970</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£110,600</strong></td>
<td><strong>£79,000</strong></td>
</tr>
</tbody>
</table>

1.14 The pavilion buildings have also been assessed as part of the Derbyshire Dales Built Sports Facilities, Playing Pitch and Open Spaces Strategy 2017 and have been rated as ‘poor’.

1.15 In January 2017, the District Council were approached by a partnership of local clubs including Ashbourne Aztecs Junior Football Club and Ashbourne Cricket Club, expressing their desire to work together to improve the pavilion facilities on the Recreation Ground for the benefit of the community. Discussions had also taken place with Ashbourne Bowls Club to join ARGSCP. Ashbourne Bowls Club declined the offer to join the partnership and felt they needed a pavilion on the bowling green not across the car park.

1.16 The partnership is registered as a Charitable Incorporated Organisation (Charity number 1178134), named Ashbourne Recreation Ground Sport and Community Partnership (ARGSCP) and has been supported by other organisations including Derbyshire Dales Council for Voluntary Services (DDCVS) and England and Wales Cricket Board.
1.17 In the context of the current condition of the pavilion buildings, and recognising that the District Council may not have the resources to meet the future needs and aspirations of customers, Officers have been supporting the partnership to develop their proposals.

1.18 ARGSCP developed plans for a new facility within an extended footprint of the Memorial Pavilion. These plans formed the basis of a planning application which was reviewed and granted full planning permission by Derbyshire Dales Planning Committee on Tuesday 22 May 2018.

1.19 The planning application was for a much improved, modern facility which closely meets the needs and future aspirations of users whilst also recognising the significance the Memorial Pavilion as a War Memorial in the new design. The approach regarding the War Memorial has been discussed by the partnership with Ashbourne Royal British Legion who are in agreement with their proposals.

1.20 A report on this project was originally taken to Community & Environment Committee on 7 June 2018. This report proposed working with ARGSCP to explore a different way of providing appropriate sports pavilion facilities given the poor condition of the existing buildings on Ashbourne Recreation Ground, whilst also securing the use of the facilities for current users.

1.21 Protection for existing users of all pavilions is paramount and provision has been made within the Heads of Terms document ensuring ARGSCP works to meet the needs of existing users.

1.22 As part of the transfer, all maintenance, repair and cleaning responsibilities for the new facility would pass to ARGSCP under the terms of the lease. This would result in the District Council reducing the level of resource currently being used to operate the three pavilion buildings and allow for this time to be re-allocated to other duties.

1.23 ARGSCP would also be responsible for pavilion bookings and retain the associated income. The District Council would remain responsible for grass pitch bookings and retain the associated income.

1.24 Approval was given to enter into a 50 year lease of the site of the existing Memorial Pavilion to ARGSCP, subject to due diligence checks on the governance arrangements and constitution of the organisation, them successfully securing the level of external funding required to complete the project, and subject to Public Open Space consultation.

1.25 Approval was also given to use £70,000 from within existing Capital Programme budget identified as “Condition Survey Works – Parks and Pavilions”, and that this sum is provided to ARGSCP as match funding towards the proposed redevelopment scheme to be drawn down once the remaining level of funding required to complete the project was secured and expenditure of that value has been incurred.
2. REPORT

2.1 Since the 7 June 2018 report, the project and proposal from ARGSCP for a new pavilion in Ashbourne has developed beyond the original proposal. The proposed scheme is currently much wider than that previously approved by elected members, with a request to include up to 3 pitches and various ancillary storage buildings in the scope of the scheme.

2.2 Over the last year, ARGSCP have looked to source additional funds to further develop the project. An area where funding could be sought is via the Football Foundation, however, this would require the partnership to take on the responsibility management, maintenance and allocation of pitch use.

2.3 An application was submitted to the Football Foundation in September to include a lease for the pavilion and an easement by way of lease on the football pitches, see property agreements paragraph below. This lease and easement arrangement wasn’t acceptable for the Football Foundation’s security of tenure and with the restrictions required by ARGSCP’s solicitors may be difficult to achieve without compromising the public open space status of the wider Recreation Ground.

2.4 On 17 October 2019, ARGSCP informed the District Council’s Community Development Manager that the feedback from the bid submission is that ARGSCP will need to adopt one of two approaches, in order to resubmit a bid.

Option One - Joint Application

- The project would be the changing pavilion, natural grass pitch works and pitch maintenance machinery.
- The Foundation would take a charge on the leasehold and restriction on the freehold.
- This would fully meet The Football Foundations security of tenure and grant security requirements.

Option Two - Single Application

- The project would be the changing pavilion and pitch maintenance machinery.
- The Foundation would take a charge on the leasehold.
- This would not fully meet The Football Foundations security of tenure and grant security requirements but would be presented as an accepted risk (given the right to use/easement) to the Panel, please note however there is a risk that the Panel do not share the same view and reject the application.

2.5 For Option 1 to be possible the Council would have to agree to enter into a joint funding arrangement with ARGSCP. This would mean the Council would have to sign up to the Football Foundation’s – General Terms and Conditions of Grant.

2.6 The agreement clearly says that if a joint application is submitted and granted then both parties are jointly and severally liable for any breach of the Terms and Condition.

2.7 As the Council would not be in full control of the project the joint liability would expose the Council to unreasonable risk, both reputational and financial. If the project for any reason failed it could mean the Council having to repay some or all of the grant money and reputational wise it could affect the Council’s standing if future funding applications are made.
Property Agreements

2.8 In an attempt to make the scheme work, a number of tenure arrangements have been proposed. For the pavilion building, a long lease is required and a term of 50 years has been proposed with a break clause at year 35 as set out below. Before the lease can be granted, a number of conditions need to be satisfied and these are embodied in an Agreement to Lease as set out below. These terms are not yet agreed by ARGSCP and the terms suggested below are version 5 of the original agreement incorporating a number of changes to meet the requirements of the Council, ARGSCP and the funding bodies.

2.9 The proposal to include the pitches has proved more complicated. The only way to achieve this was by an Easement by way of Lease. The terms originally proposed for this are included at Appendix 1 of this report to demonstrate the complexity of including the maintenance requirements of both parties and the phased improvement works required by the Football Foundation.

2.10 It has also become apparent that providing an agreement such of this for the pitches is unlikely to meet the security of tenure requirements of the Football Foundation hence the reference to a joint application. Furthermore, it is considered that granting an agreement such as this could be seen to compromise the public open space status of the wider Recreation Ground as a whole.

Proposed Terms

2.11 In order to satisfy security of tenure requirements of various funding bodies, it is proposed to enter into an Agreement to Lease of the Pavilion site only on the terms included at Appendix 2 of this report

3. OFFICER COMMENT

3.1 The project has been difficult to manage due to the lack of clarity, the changing aspirations of the overall project and the timescales involved. Whilst we appreciate different funding bodies may have different requirements, frequent changes have been made to the areas required and the terms of the associated legal agreements, such that we are now on the fifth version of the Heads of Terms for the lease.

3.2 Whilst there is a clear desire amongst officers to make the project work, this is proving difficult due to the competing objectives of providing sufficient security of tenure to ARGSCP to satisfy funding bodies, whilst also protecting the Council’s position as guardian of the Recreation Grounds as a whole so as not to compromise its long standing use by members of the public as public open space. There have been numerous meetings and discussions regarding the project, including the provision of specialist building advice from Derbyshire County Council. At the time of writing this report, the Heads of Terms have not been agreed by ARGSCP.

3.3 There is clear support for the development of Ashbourne Memorial Pavilion, however, the latest proposal for a joint application presents a level of uncertainty and complexity, along with lack of clarity regarding the future allocation of pitches and open space for public use. There are also concerns regarding the capacity to manage future demands of the project and therefore it is recommended that the District Council does not enter into a joint application.
3.4 Therefore it is recommended that the transfer of the pavilion takes place, as per the previous report, without the inclusion of the associated pitches. This should only be on the basis of a full and final submission, which satisfies the Council’s requirements.

4. CONSULTATION

4.1 The relevant Ward Members and Local Council will be consulted on the proposed transfer and any comments received will be reported verbally at the meeting.

5. OTHER EXPRESSIONS OF INTEREST

5.1 None received.

6. RISK ASSESSMENT

Legal

6.1 Clause 19 of the Football Foundation – General Terms and Conditions of Grant make the parties applying for the grant jointly and severally liable. This would expose the Council to unnecessary risk as highlighted in paragraph 2.7 above.

6.2 The entering into a long term lease with ARGSCP is considered medium risk, the main risk is that if the charity do not finish the work and the pavilion is returned to Council’s management incomplete, then further Council funding may be required to complete the project.

Financial

6.3 The £79,000 proposed contribution towards match funding can be met from the sum allocated in the capital programme for condition survey works at parks and pavilions. This sum will only be provided to Ashbourne Recreation Ground Sport and Community Partnership as match funding towards the proposed redevelopment scheme once due diligence checks have been satisfactorily completed on the governance structure and constitution of the organisation, public open space consultation has been undertaken, the remaining level of funding required to complete the project is secured and expenditure of that value has been incurred.

6.4 If successful, this proposal would mitigate the longer term risk associated with replacement of the pavilion that would otherwise be a future capital liability for the District Council.

6.5 The proposed approach enables the District Council to reduce operational time spent cleaning and managing the current buildings, whilst also removing all responsibilities for repair and maintenance once the new pavilion is built. This will result in a reduction in revenue expenditure that will contribute towards the corporate savings target.
6.6 The financial risk of the recommendations of this report is assessed as medium.

6.7 Aside from the £79,000 mentioned above, there is no provision in the capital programme for any additional costs for this project. The financial risks of a joint application to the Football Foundation are explained in the report. The financial risks of a joint application are assessed as high.

OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

CONTACT INFORMATION

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Mike Galsworthy, Estates and Facilities Manager
Tel: 01629 761207
E-mail: mike.galsworthy@derbyshiredales.gov.uk

BACKGROUND INFORMATION

The Football Foundation – General Terms and Conditions of Grant –
https://www.footballfoundation.org.uk/_resources/assets/attachment/full/0/20592.pdf

ATTACHMENTS

Appendices 1 & 2 Easement for Pitches/Cricket outfield (to be contained within the existing lease) and Agreement to Lease
Appendix 1

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Easement for</strong></td>
<td>• Ashbourne Recreation Area – (Part only)</td>
</tr>
<tr>
<td><strong>Pitches/Cricket</strong></td>
<td>• Easement for Use of Pitches/Outfield</td>
</tr>
<tr>
<td><strong>outfield (to be</strong></td>
<td>• Subject to Contract, DDDC approval and POS advertising</td>
</tr>
<tr>
<td><strong>contained within</strong></td>
<td>consultation</td>
</tr>
<tr>
<td><strong>the existing lease)</strong></td>
<td></td>
</tr>
</tbody>
</table>

1. **Lessor**          As per lease

2. **Lessee**           As per lease

3. **Property**         Pitch and cricket outfield areas on Ashbourne Recreation Ground

4. **Commencement Date**
   At start of lease
   However, undertaking Enhanced Pitch Maintenance on Pitch 1 from July 2020, Pitch 2 from July 2023 and Pitch 3 from July 2021.

5. **Term**             As per lease

6. **Use**              For the purpose of using the football pitches and cricket field for playing team sports in leagues, practice or training.
7. **Lessee’s Obligations**

Site must be kept clean and tidy condition, with no litter, waste, or other items to be left on it.

- Not to cause nuisance
- To use in common with other users
- Not to erect signage unless written consent is obtained from DDDC, not to be unreasonably withheld.
- Ensure compliance with DDDC policy in relation to Protecting Children and Vulnerable Adults and compliance of other such policies of recognised bodies in relation to activities undertaken.
- Comply with statute (such as Disability Discrimination Act 1995/2005, Workplace (Health, Safety and Welfare) Regulations 1992 and equalities legislation) and indemnify Council against all costs, claims, demand and liability
- Not to interfere with any public footpath (whether defined or not)
- If the Le’ee wants to undertake works on the site they will be required to enter into a licence agreement with the L’or.
- Must comply with Protocol
- Protocol to be amended in agreement with both parties from time to time and reviewed at least annually.

8. **Indemnity**

Lessee to indemnify the Lessor against all loss, damage, proceedings and claims arising out of use or occupation of the easement area

9. **Insurance**

Lessee to maintain third party public liability insurance (minimum initial cover of £10million). This should include any game or practice being held on the areas marked in blue by the CIO for the period of their use. (as part of lease insurance)

10. **Protocol**

Protocol to cover items below and to be amended in agreement with both parties from time to time and reviewed at least annually.

<table>
<thead>
<tr>
<th>Definitions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Basic Pitch Maintenance</strong></td>
</tr>
<tr>
<td>Pitches to be mown once per week in growing season.</td>
</tr>
<tr>
<td><strong>Enhanced Pitch Maintenance</strong></td>
</tr>
<tr>
<td>Pitches to be marked out as required given their existing use, rolled twice a year, slitted, chain harrowed, over seed worn areas once a year. Inspected and walked over with associated divot replacement and any necessary repairs once a week. Further mowing to take place as required.</td>
</tr>
</tbody>
</table>
| **Lessee’s Rights & Obligations** | To use the cricket wicket and outfield (in common with all others) but for Cricket Club to be treated as a priority user from mid-April to mid-September. (‘priority’ is to give first option of use)  
To use the football pitch (in common with all users) but for the football clubs to be treated as a priority user from mid-September to mid-April. (‘priority’ is to give first option of use)  
To use the rugby pitch (in common with all users) but for the rugby club to be treated as a priority user from mid-September to mid-April. (‘priority’ is to give first option of use)  
Undertaking bookings for all sports & activities to football & rugby pitches & cricket for use of the pitches.  
Bookings to be recorded electronically.  
Funds for bookings are to be adequately accounted for and reconciled  
Pitch booking fees will be paid to DDDC for pitches which DDDC maintain as per an Enhanced Pitch Basis.  
Pitch booking fees are to be remitted on a quarterly basis with a reconciliation of bookings and fees collected  
Ensuring that Football/Cricket/Rugby have priority and thereafter other groups/residents wishing to use facilities have proper access and priority. |
| **Lessor’s Rights & Obligations** | To use the Recreation Ground including the pitches for the Council to arrange events on giving a minimum of 6 months’ notice in writing and in consultation with the Lessee  
When the Council uses the pitches in connection with the recreation ground it has a duty to ensure any installations or activities perse which are likely to cause damage will not be located on the pitches and any consequential or unforeseen damage is repaired as soon as possible taking into consideration future bookings  
To undertake Basic Pitch Maintenance for the term of this agreement.  
To undertake Basic Pitch Maintenance so as not to disrupt the Lessee’s scheduled events |
### A. AGREEMENT TO LEASE

This is an agreement for the parties to enter into a lease/easement of ground for the pavilion and pitches. Subject to Contract, DDDC approval and POS advertising consultation

| 1. Party 1 | Derbyshire Dales District Council |
| 2. Party 2 | Ashbourne Recreation Ground Sports & Community Partnership (ARGSCP) |
|            | CE013930/Charity No 1178134 |
| 3. Commencement | ASAP (after Council approval) |

| 4. Terms | Parties Agree to enter into the lease agreement attached within 30 days the following conditions being met – |
|          | • Planning permission is achieved on the scheme |
|          | • Funding to fully complete the project is secured & verified by providing written agreement from funding bodies equivalent to the full cost of the works required to complete the entire project |
|          | • Council’s due diligence on club’s legal entity and funding are satisfactory |
|          | • Tender for construction and demolition of existing planning permission have been issued and contractor nominated |
|          | • Timescale for works has been submitted |
|          | • Council approval has been granted and any issues raised by Public Open Space consultations are adequately addressed with Council approval. |

| 5. Termination | The Agreement to Lease may be terminated on 6 months’ notice by either party acting reasonably. |

The terms of the proposed lease to which the above agreement relates will be as below:-

| Lease Area for Pavilion | Ashbourne Recreation Area – (Part only) Subject to Contract, DDDC approval and POS advertising consultation |
| 1. Lessor | Derbyshire Dales District Council |
| 2. Lessee | Ashbourne Recreation Ground Sports & Community Partnership (ARGSCP) |
|            | CE013930/Charity No 1178134 |
3. Property | Pavilion area Ashbourne Recreation Ground (scale plan provided 7857-P-15 rev A)

- Boundary of premises outlined in red

| 4. | Commencement Date | TBC |
| 5. | Term | 50 years  
Tenant only break at 35 years give landlord 12 months written notice |
| 6. | Rent | £1 pa payable on demand |
| 7. | Use | User  
1. To build and maintain a general purpose community sports pavilion including change rooms, WCs, hall, kitchen, office, terrace, store rooms in accordance with Planning Application No. 2019/00409/FUL  
2. To manage the pavilion in accordance with the Charitable aims and objects of the Tenant as set out in the Constitution of the ASCP as at the commencement date of the lease. |
| 8. | Lessee's Obligations | To pay rent  
To pay outgoings (including utilities, services, rates etc) |
To demolish existing pavilion and construct a general purpose community sports pavilion as per Planning Application No. 2019/00409/FUL within 5 years of commencement of the lease and any associated costs in relation to the construction and completion of the pavilion.

During demolition and reconstruction to keep the site fully secure and the public safe with safety fencing (Heras or equivalent) and clean and tidy.

To keep the Pavilion and any surrounding area within the defined plan boundary in a good state of repair and clean and tidy.

To comply with all statutory obligations (including but not limited to Asbestos, Water, Energy Efficiency, electricity, gas and fire).

Not to make alterations to the Property or the [exterior of the] Pavilion without Lessor’s consent not to be unreasonably withheld.

Make appropriate arrangements for the disposal of waste.

Not to assign, charge, underlet or part possession with the whole or part of the property (ie. not to sell the lease, raise funds against the lease, have sub tenants or under tenants) (for avoidance of doubt does not include temporary hiring of facilities within the scope of the user restrictions).

To obtain any licences required by statute or regulation for activities undertaken at the premises.

Not to hold auctions (other than for charity).

Not to cause any actionable nuisance.

To permit entry to the Lessor or authorised agents to inspect the premises on reasonable notice and at reasonable times as agreed between the parties except in the case of an emergency.

Not to erect signage without the Lessor’s approval in writing (Lessor acting reasonably).

Not to store dangerous or hazardous substances.

To pay fees (including legal and surveyors’ fees) relation to operation of the lease (ie. for breach of conditions of lease, recovery of arrears, dilapidations, consents).

To yield up at the end of term in a tenantable condition with all Lessee’s possessions, fittings and fixtures removed and to repair any damage caused.

Ensure compliance with DDDC policy in relation to Protecting Children and Vulnerable Adults and compliance of other such policies of recognised bodies in relation to activities undertaken.
| 9. **Lessor’s Obligations** | Comply with statute (such as Disability Discrimination Act 1995/2005, Workplace (Health, Safety and Welfare) Regulations 1992 & other equalities legislation) and indemnify Council against all costs, claims, demand and liability

To provide documentation upon request (eg constitution, business plan, risk assessment, other policy and procedure)

To comply with DDDC title

Not to apply for planning permission without the Lessor’s written consent which is not unreasonably withheld

To include such further standard lease provisions as Legal Services may advise to the Council |
|---|
| 10. **Lessee’s Rights** | Allow Lessee, subject to performing covenants, to peaceably and quietly hold and occupy the Premises for the Term

Right of way between the demised area and the Public Highway across the existing Cockayne Avenue Car Park on a route to be defined.

To use adjoining land (in common with other parties) to gain access to the sports pitches.

To connect to services at their own cost

Right of Support

(See Easement below which will be added to Lessee’s rights) |
|---|
| 11. **Lessor’s Reserved Rights** | Forfeiture clause for act of insolvency, dissolution of Tenant breach or non-observance of lease not remedied within 28 days.

End the lease at any time at the end of the lease term by giving six months’ notice

Lessee shall not be entitled to any right of light of air which would restrict use or development of adjoining land |
| 12. **Agreements & Declarations** | Passage of services

Right to enter to repair services (conduits, drains, wires, pipes, cables) or inspect adjoining property giving reasonable notice except in the case of emergency

Right of support for adjoining property

Right to execute works on adjoining land with both parties acting reasonably to minimise inconvenience |
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>13. Indemnity</td>
<td>Lessee to indemnify the Lessor against all loss, damage, proceedings and claims arising out of use or occupation of the premises or use of shared areas</td>
</tr>
<tr>
<td>14. Insurance</td>
<td>Lessee to insure the premises and building (all risks) and maintain third party public liability insurance (minimum initial cover of £10 million). Maintain insurance for project completion should the contractor fail to complete</td>
</tr>
<tr>
<td>15. L&amp;T Act</td>
<td>Contracted out of S24-28 of Landlord and Tenant Act 1954</td>
</tr>
<tr>
<td>16. Legal Costs</td>
<td>Lessee to pay a contribution towards the Lessor’s legal and surveyors’ fees of £360 (plus £65/hr after 5 hours) and £250 (plus £45/hr after 5 hours) respectively and the cost of any plans required to be drawn up. Other agreements (such as agreement to lease) will be added at the hourly rate. Lessee to register the lease as soon as practicable at the Lessee’s cost</td>
</tr>
</tbody>
</table>

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