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CABINET AGENDA

Membership: Councillor Briggs (Chairman)

Councillors Bains, Bowerman, Pike, Guest, Turner and Wilson

Meeting: Cabinet

Date: Monday 11 September 2017

Time: 2.00 pm

Venue: Hurstwood Room, Public Service Plaza, Civic Centre Road,
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Nick Leach
Monitoring Officer

1 September 2017

Contact Officer: Penny Milne 02392446234
Email: penny.milne@havant.gov.uk

Page

PART 1 (Items open for public attendance)

1 Apologies for Absence

To receive and record any apologies for absence.

2 Minutes

1 - 4

To confirm the minutes of the last meeting held on 28 June 2017.

3 Matters Arising

To consider any matters arising from the minutes of the last meeting.

4 Declarations of Interests

To receive and record any declarations of interest.

5 Chairman's Report

6 Cabinet Lead Delegated Decisions, Minutes from Meetings etc. 5 - 10

RECOMMENDED that the following Delegated Decisions and Minutes of Meetings be noted:

- (1) Minutes of the Meeting of the Portchester Crematorium Joint Management Committee held on 26 June 2017.

7 Recommendations from the Scrutiny Board

7a Economic Development Service Scrutiny Review 11 - 16

Cabinet Lead For Communities and Housing

8 Safeguarding 17 - 54

9 Commissioning Advice Services 55 - 72

Cabinet Lead for Economy and Infrastructure

10 Local Discretionary Business Rate Relief Scheme 73 - 80

PART 2 (Confidential items - closed to the public)

None.

GENERAL INFORMATION

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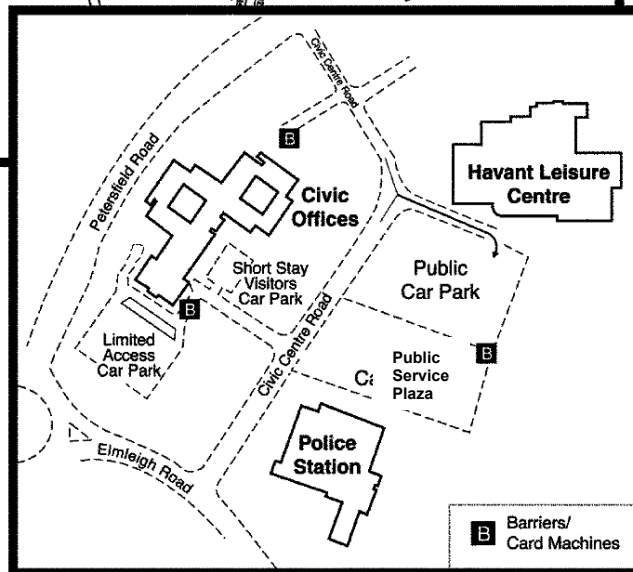
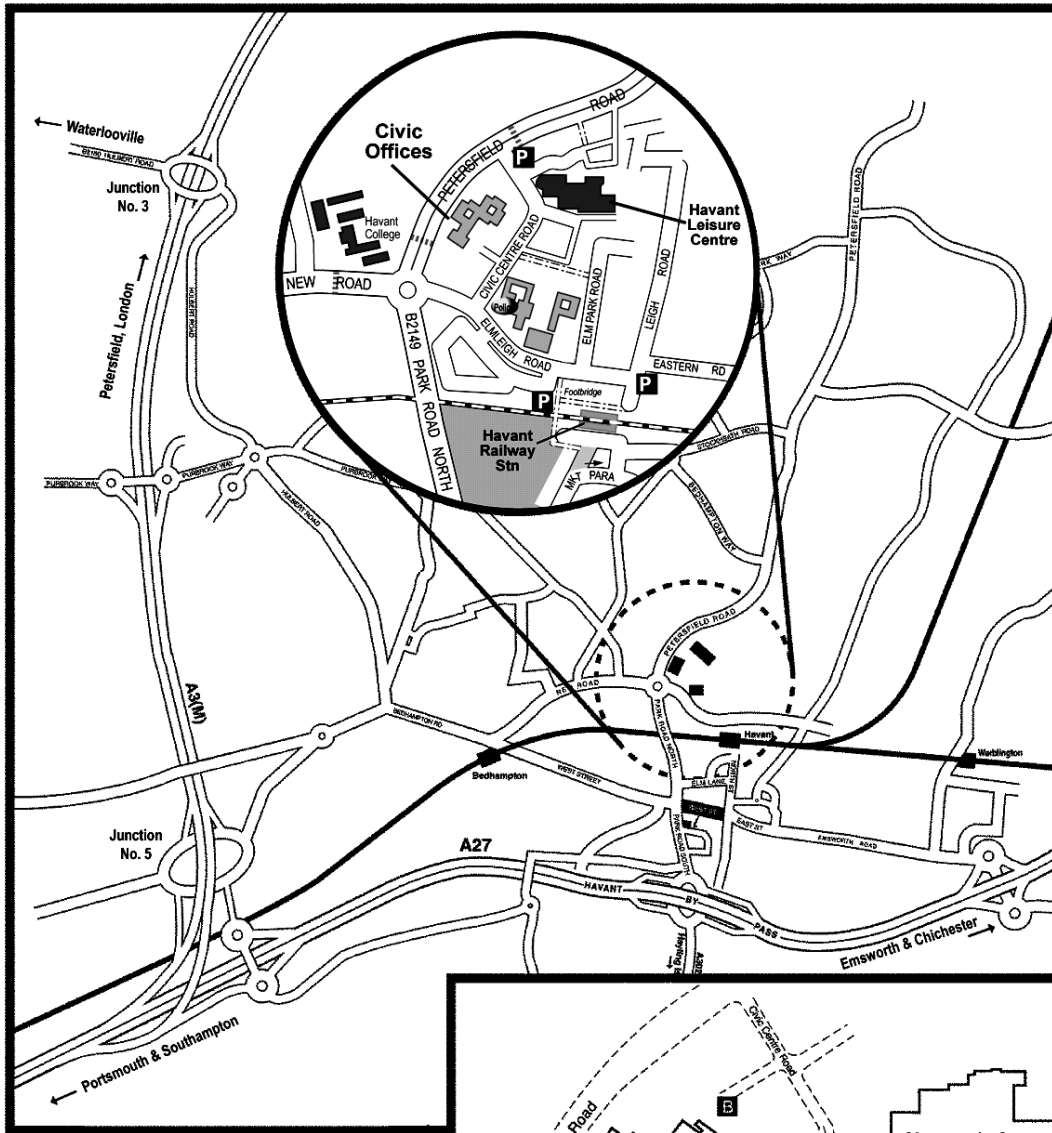
PROTOCOL AT MEETINGS – RULES OF DEBATE

Rules of Debate

- Councillors must always address each other as “Councillor ...” and must always address the meeting through the Chairman;
- A motion must relate to the business included on the agenda or accepted by the meeting as urgent business
- A motion must be proposed and seconded before it is debated until it is either accepted or rejected by a vote;
- An amendment can be proposed to the original motion and this must be seconded before it is debated;
- An amendment cannot be considered if it is inconsistent with an amendment previously adopted or repeats an amendment previously rejected;
- The mover of an original motion may, with the consent of the mover of an amendment, incorporate an amendment into the motion;
- Only one amendment may be moved at a time. No further amendments can be moved until the previous amendment has been dealt with;
- Each amendment must be voted on separately;
- If an amendment is carried, the amended motion becomes the substantive motion to which further amendments may be moved;
- If an amendment is lost, other amendments may be moved to the original motion.
- The mover may withdraw an amendment at any time
- After an amendment has been carried, the Chairman will read out the amended (substantive) motion, before accepting any further amendment, or if there are none, put it to the vote.

Voting

- Voting may be by a show of hands or by a ballot at the discretion of the Chairman;
- Councillors may not vote unless they are present for the full duration of the item;
- Where there is an equality of votes, the Chairman may exercise a second (casting) vote;
- Two Councillors may request, before a vote is taken, that the names of those voting be recorded in the minutes
- A recorded vote will always be taken in respect of approval of the Annual Budget
- Councillors may not vote unless they are in the meeting for the full debate on any particular item
- A Councillor may request that his/her vote be recorded in the minutes



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HAVANT BOROUGH COUNCIL

At a meeting of the Cabinet held on 28 June 2017

Present

Councillor Cheshire (Chairman)

Councillors Bains, Pike, Briggs, Turner and Wilson

10 Apologies for Absence

Apologies were received from Councillor Guest.

11 Minutes

The minutes of the meeting of the Cabinet held on 17 May 2017 were approved as a correct record.

12 Matters Arising

There were no matters arising from the minutes of the last meeting.

13 Declarations of Interests

Councillor Pike declared an interest in Minute 21 below as a landowner within the AONB and Councillor Bains declared an interest in Minute 20 as Chairman of the Westbrook Hall Community Association. The Monitoring Officer advised that neither matter constituted a Disclosable Pecuniary Interest and that, therefore, there was no requirement for either Councillor to withdraw from the meeting for consideration of the items in question.

14 Chairman's Report

The Chairman reported that Councillor Lulu Bowerman would be joining the Cabinet with effect from 1 July 2017 and gave an outline of the ensuing changes to Cabinet portfolio responsibilities. The Chairman also announced that he would shortly be taking a leave of absence and that Councillor Briggs would take up the position of Acting Leader during this period.

15 Cabinet Lead Delegated Decisions, Minutes from Meetings etc.

RESOLVED that the following decisions taken under the scheme of delegations to Cabinet Leads be noted:

- (1) South Hayling Beach Management Plan;
- (2) Purchase of Vehicles for Neighbourhood Quality Service.

16 Appointment of Panels

RESOLVED that the following Panels be appointed with the membership as set out below:

(1) Councillor Development Panel

Councillors Wilson (Chairman), Branson (Vice Chairman), Lloyd, Perry, G Shimbart, Francis, Ponsonby and Bowerman

(2) Coastal Defence Panel

Councillors Guest (Chairman), Branson and K Smith

(3) Local Plan Panel

All Councillors appointed to the Development Management Committee (including Standing Deputies) and all Scrutiny Board members.

17 Recommendations from the Scrutiny Board

17a Review of Safer Havant Partnership Troubled Families Programme

As Chairman of the Crime and Disorder Panel, Councillor Diana Patrick was invited to join the meeting to present a report and associated recommendations arising from the Panel's review of the effectiveness of the Safer Havant Partnership with regard to the Supporting Troubled Families Programme.

In fully endorsing the recommendations of the Panel, and in relation to concerns about future funding for the Programme, Councillor Narinder Bains proposed additional recommendations as set out in (3) and (7) below and these were fully supported by Cabinet members.

RESOLVED that

- (1) Hampshire County Council be requested to relax the scheduled timescales for working with families within the Troubled Families Programme, to allow for full support to be given;
- (2) Hampshire County Council be requested to extend the length of grant funding to be given over a three-year period to allow for long-term planning an resource allocation;
- (3) Hampshire County Council be requested to
 - (a) provide a true evaluation of innovation grant funding; and
 - (b) report back on the current level of transformation within HCC services with reference to the Troubled Families Programme;
- (4) The Department of Work and Pensions be requested to allow for the access of data for agencies within the Troubled Families Programme;

- (5) The Leader of the Council be requested to seek the support of Local Members of Parliament for an extension of the funding for the Programme beyond 2020;
- (6) An investigation be undertaken into the feasibility of requiring a contribution towards the Programme as part of the Planning permission for certain developments; and
- (7) The Clinical Commissioning Group be requested to commit to providing adequate funding to meet the need for services for families within the programme that meet the criteria for health.

17b Review of Beach Huts

This item was withdrawn.

18 Corporate Strategy Update - 2017- 2022

Councillor Cheshire presented an update of the Council's Corporate Strategy.

RECOMMENDED to full Council that the Corporate Strategy 2017-2022 update be approved and adopted.

19 Financial Outturn 2016/17

Councillor Cheshire presented a report to Cabinet setting out the financial outturn position as at the end of 31 March 2017. The Leader also took the opportunity to thank Craig Smith for his sound management of the Council's finances as s151 officer and to wish him well in his new position.

RESOLVED that

- (1) The Outturn position be noted; and
- (2) The carry forward bids be supported and remaining surplus be committed to the General Fund.

20 Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document

In the absence of the Cabinet Lead for Planning, Councillor Pike presented a report and recommendation proposing the adoption of the Chichester Harbour Area of Outstanding Natural Beauty (AONB) Supplementary Planning Document.

RECOMMENDED to full Council that the Joint Chichester Harbour Area of Outstanding Natural Beauty Supplementary Planning Document be approved and adopted.

.....

Chairman

Agenda Item 6

PORTCHESTER CREMATORIUM JOINT COMMITTEE

MINUTES OF THE MEETING of the Joint Committee held in the Town Hall, Gosport on Monday 26 June 2017 at 2.00 pm.

Present

Fareham Borough Council

Councillor Keith Evans

Gosport Borough Council

Councillor Alan Scard

Councillor June Cully

Havant Borough Council

Councillor Tony Briggs

Portsmouth City Council

Councillor Frank Jonas

Apologies for Absence (AI 1)

Councillor David Guest (Havant BC), Councillor Susan Bell (Fareham BC); Stephen Kerr, Deputy Clerk, and Mark Pam, Deputy Engineer & Surveyor.

730 Appointment of Chairman (AI 2)

RESOLVED that Councillor Frank Jonas (Portsmouth City Council) be appointed Chairman for the 2017/18 municipal year.

731 Appointment of Vice-Chairman (AI 3)

RESOLVED that Councillor Susan Bell (Fareham Borough Council) be appointed Vice Chairman for the 2017/18 municipal year.

(Councillor Frank Jonas in the Chair)

732 Declarations of Members' Interests (AI 4) – None

733 Minutes of the Meeting held on 20 March 2017 (AI 5)

RESOLVED that the minutes of the meeting held on the 20 March 2017 be signed as a correct record.

734 Matters Arising from the Minutes not specifically referred to on the Agenda (AI 6)

(a) Minute 722 – Recycling of Metals Scheme – Charitable Nomination

It was noted with pleasure that the Rowans Hospice had been awarded £5,000 under the metals recycling scheme operated by the Institute of Cemetery and Cremation Management.

735 Clerk's Items (AI 7) - None

736 Annual Return for the Financial Year Ended 31 March 2017 (AI 8)

(TAKE IN REPORT OF THE TREASURER)

The Deputy Treasurer presented the report and in doing so drew specific attention to and highlighted various sections of the Annual Return.

RESOLVED (1) that the Annual Return for the financial year ending 31 March 2017 be approved and signed as appropriate, as follows -

(a) Section 1 - Accounting Statements for Portchester Crematorium Joint Committee;

(b) Section 2 - Annual Governance Statement;

(2) that the Income and Expenditure Statement for the year ended 31 March 2017 and Balance Sheet as at 31 March 2017 be noted.

737 Portchester Crematorium Joint Committee – Annual Report - 2016/17 (AI 9)

(TAKE IN REPORT OF THE CLERK TO THE JOINT COMMITTEE)

RESOLVED that the annual report for the 2016/17 financial year be noted and received and it be sent for information to each constituent authority.

738 North Chapel Refurbishment (AI 10)

(TAKE IN REPORT OF THE ENGINEER AND SURVEYOR)

The Engineer and Surveyor reminded the Joint Committee that at the last meeting a report was received advising that RBA Architects Ltd had agreed to produce a concept design for refurbishing the North Chapel. RBA was the architect engaged on the successful refurbishment of the South Chapel.

Robert Benn, of RBA Architects Ltd, gave members a presentation on progress and the concept design scheme of refurbishment works, the main points of which were –

- Removal of the existing ceiling in order to increase the volume of the chapel and create a more spacious appearance by realigning the ceiling into the roof space. Works would include cladding the existing three hidden roof trusses, and finishing the ceiling in a light colour.
- Improving the natural light levels by the provision of new high level windows, with “obscure” glazing, in the side walls.
- Introduction of low energy feature lighting similar to that used in the South Chapel.
- Introducing wooden cladding to the walls. This would be similar to that used in the South Chapel and would create a significant unifying theme.
- Improvement to the heating and ventilation by the introduction of air conditioning to replace the existing under floor heating.
- Removal of the wooden pews and their replacement with linked individual chairs. This could enable the chapel seating to be reconfigured to provide an intimate space more appropriate to smaller funerals
- Possible reorientation of the catafalque in the committal area.

Following the presentation, and in response to questions from members the following main points arose –

- Giving consideration to retaining some or all pews either as existing or in a new style ‘pew’ formed by linking individual chairs, whilst still seeking to provide the opportunity for seating to be re-configured, as and when mourners may require it.
- The possibility that large seasonal photographs of the gardens could be displayed, to create a ‘link’ between the chapel and the grounds themselves. Mention was made that the waiting rooms might be a suitable alternative if members wished to pursue this suggestion.

Mr Benn was thanked for his presentation, after which he withdrew from the meeting.

The meeting was advised that budgetary provision was available for this project. A further report on progress with the project, detailed costings and procurement arrangements would be brought to the next meeting.

RESOLVED (1) That RBA Architects Ltd be thanked for the presentation of their proposals for the refurbishment of the North Chapel and that the design principles, taking into account the observations and comments of members, be approved.

(2) That RBA Architects Ltd be appointed to progress the design scheme on appropriate terms and conditions to be settled by the Engineer and Surveyor after consultation with the Clerk to the Joint Committee and the Treasurer.

(3) That financial provision of £205,000 plus professional fees and VAT for the estimated cost of implementing the scheme be made in the Joint Committee's budget for 2017/18.

(4) That authority be given for the scheme to be supervised by Fareham Borough Council's Building Services.

(5) That authority be given to appoint artec3 as lighting consultants.

(6) That authority be given to appoint RBA Architects Ltd as "Principal Designer" in respect of the requirements of the Construction (Design and Management) Regulations.

(7) That authority be given to appoint a specialist structural engineer as a separate design service.

739 Building Works Programme (AI 11)

(TAKE IN REPORT OF THE ENGINEER AND SURVEYOR)

In presenting his report the Engineer and Surveyor advised members that the schemes referenced 1708 (Disability Discrimination Act work) and 1801 (resurfacing of car park and main entrance) had now been completed.

RESOLVED that the contents of the report be noted.

740 Manager and Registrar's Report (AI 12)

(a) General Statistical Report

(TAKE IN REPORT OF THE MANAGER AND REGISTRAR)

In presenting his report the Manager and Registrar drew specific attention to the increasing popularity of early morning 'walk through' funerals.

RESOLVED (a) that the report be received and noted.

(b) Any other items of topical interest – public comments register

The Manager and Registrar reported that since March 2017 the following main comments had been received -

- A person complaining that memorials were being left in the gardens in contravention of the crematorium regulations was advised these were removed periodically;

- Various complimentary remarks regarding the appearance of the gardens;
- A person complaining that dead flowers had not been removed from the gardens was advised this was the first week following Mothers' Day and gardeners were working to clear flowers;
- A request for the pond to be cleaned had been noted;
- A complimentary remark regarding the display of the Books of Remembrance;
- A person commenting that the appearance of the North Chapel was depressing was advised that plans were under consideration for refurbishment;
- A comment of thanks for the web-link for a funeral service and the quality of the sound and vision.

RESOLVED that the report be noted with interest.

741 Grievance and Disciplinary Appeals Committee – Appointment of Representatives (AI 13)

RESOLVED that Councillors Susan Bell, Alan Scard and Frank Jonas be appointed, (together with Councillors Keith Evans and Tony Briggs as standing deputies) to serve on the Appeals Committee, as agreed on 14 June 2010 under minute 360.

742 Horticultural Consultant's Report (AI 14)

(TAKE IN REPORT OF THE HORTICULTURAL CONSULTANT)

In submitting his report the Horticultural Consultant reported on progress with the procurement programme being undertaken by Portsmouth City Council for the new grounds maintenance contract from January 2018.

In accordance with the Joint Committee's previous decision on 12 December 2016 under minute 717, expressions of interest had been invited and a number of companies had responded. These were subsequently sent pre – qualification questionnaires (PQQ).

The PQQ's had now been evaluated by Portsmouth City Council's Procurement Service, and the Horticultural Consultant in consultation with PCC had now finalised a select list of contractors. These companies would shortly be sent tender documents for completion and return during August, after which they would be evaluated.

A report would be made to the Joint Committee on the 18 September after which a formal award of a new contract would be made on the basis of the outcome of the evaluation process.

RESOLVED that the report be received and approved.

743 Dates of Future Meetings (AI 15)

RESOLVED that the Joint Committee meets at 2pm on a rotating basis on the following dates in 2017/18, at the venues indicated –

Monday 18 September 2017 (Havant)
Monday 11 December 2017 (Portsmouth)
Monday 19 March 2018 (Fareham)
Monday 25 June 2018 (Gosport)

The meeting concluded at 2.55 pm

Chairman

JH/me
26 June 2017
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HAVANT BOROUGH COUNCIL

CABINET

11 September 2017

Economic Development Service Scrutiny Review

Report by: Scrutiny Board

For Decision

Key decision: no

Portfolio and Cabinet Lead: Councillor Tim Pike

Report by: Scrutiny Board

1.0 Purpose of the Report

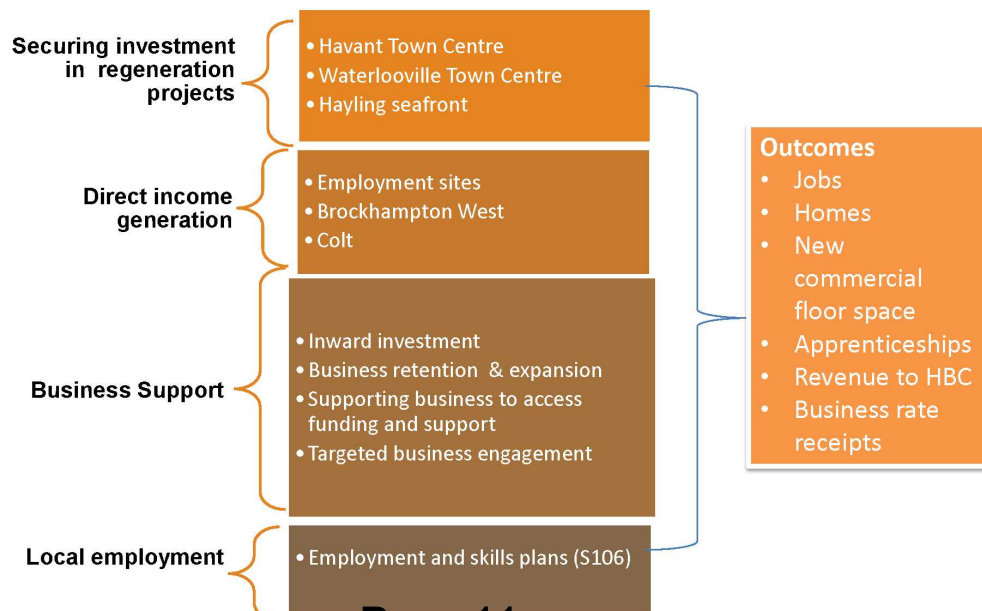
1.1 At its meeting held on 29 August 2017, the Scrutiny Board considered a report (Appendix A) from the Economy, Planning, Development and Prosperity Scrutiny and Policy Development Panel, setting out its findings and recommendations following a review of the Council's role in relation to economic development within the Borough.

1.2 The Scrutiny Board endorsed the recommendations set out in the report.

2.0 Recommendations

2.1 It is recommended that Cabinet

2.1.1 endorse the recent officer's review of the Council's economic development service and agree that role of the service in the future will be to provide a clear project focus & deliver the outcomes shown below



- 2.1.2 directs that the service concentrate in high impact projects and puts minimum resources into the current legacy activities such as market contract management until the impact of new aims and objectives of the economic development service can be evaluated;
- 2.1.3 agree to the economic development service being provided to the Council by EHDC via a Section 101 Agreement;
- 2.1.4 reconsider the Council's current policy of updating CIL rate relative to changing construction costs and inflation to ensure that CIL does not detrimentally affect the economic viability of developments; and
- 2.1.5 agree to a workshop to establish what the housing economic climate in the Borough should be and to rethink the Council's strategy for housing delivery in this climate.

Appendices

Appendix A – Economy, Planning, Development and Prosperity Scrutiny and Policy Development Panel Report

Background Papers

[Public Findings Pack](#)

[Private Findings Pack](#)

The Panel's report was agreed and signed off for publication by:

Head of Service: 29 August 2017

Head of Finance: 31 August 2017

Head of Legal: 30 August 2017

Contact: Councillor Mike Fairhurst
Title: Scrutiny Lead for this review
Telephone: 02392 9247 1550
E-Mail: mike.fairhurst@havant.gov.uk

HAVANT BOROUGH COUNCIL

Scrutiny Board

29 August 2017

Economic Development Service Scrutiny Review

For Decision

Key Decision No

Report By: Economy, Planning, Development and Prosperity Scrutiny and Policy Development Panel

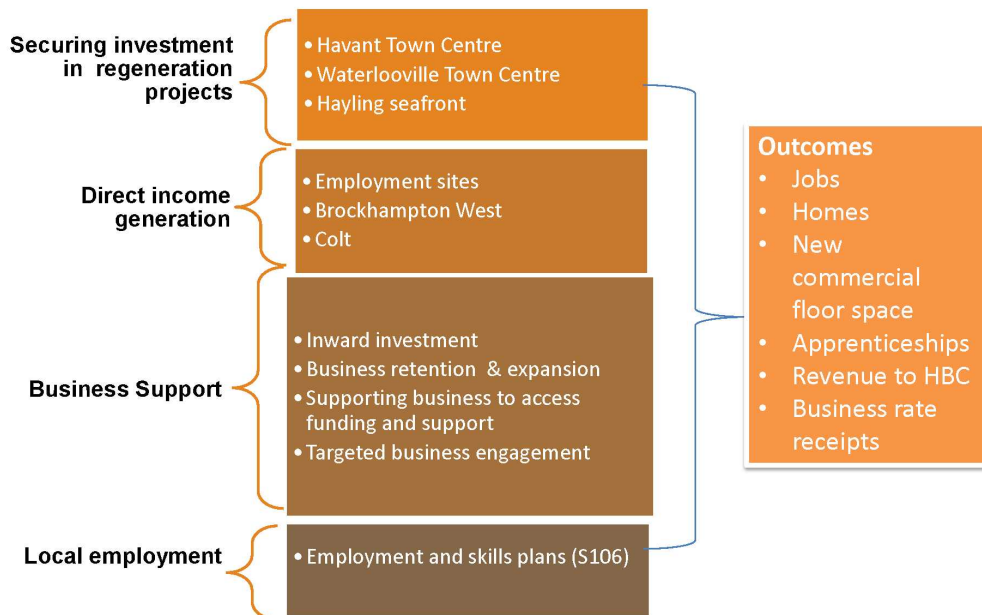
1.0 EXECUTIVE SUMMARY

1.1 The scrutiny was established to review the Council’s role in relation to economic development within the Borough.

2.0 RECOMMENDATIONS

2.1 It is recommended that Cabinet:

2.1.1 endorse the recent officer’s review of the Council’s economic development service and agree that role of the service in the future will be to provide a clear project focus & deliver the outcomes shown below



- 2.1.2 directs that the service concentrate in high impact projects and puts minimum resources into the current legacy activities such as market contract management until the impact of new aims and objectives of the economic development service can be evaluated;
- 2.1.3 agree to the economic development service being provided to the Council by EHDC via a Section 101 Agreement;
- 2.1.4 reconsider the Council's current policy of updating CIL rate relative to changing construction costs and inflation to ensure that CIL does not detrimentally affect the economic viability of developments; and
- 2.1.5 agree to a workshop to establish what the housing economic climate in the Borough and rethink the Council's strategy for housing delivery in this climate.

3.0 STRATEGY

- 3.1 The proposed changes to the economic development service will comply with the Council strategies towards economic growth, public sector excellence, and innovation and creativity.

4.0 LEGAL

- 4.1 Section 101 of the Local Government Act 1972 and section 9EA Local Government Act 2000 together with Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 allows for a Local Authority to arrange for the discharge of certain functions to another Local Authority.

5.0 RESOURCES

- 5.1 The aim of the proposal is for EHDC to deliver a economic service and HBC to commission this service under a Section 101 Agreement. The proposal aims to ensure that resources are directed towards the Council's needs.

6.0 STAKEHOLDERS

- 6.1 The views of local businesses have been sought as part of this review.

7.0 RISKS

- 7.1 The primary risks are a disruption in the service during the transfer and that the changes to the service fail to deliver the needs of the Council.

8.0 METHODOLOGY

8.1 Full details of the methodology of the project is set out in a separate Findings Pack

9.0 CONCLUSIONS

9.1 Economic Development Service

9.1.1 Problems with the Current Service

9.1.2 The current service lacks:

- (a) a clearly defined role;
- (b) priorities, and
- (c) targets.

This is demonstrated by the fact that 92% of the businesses that took part in the survey, did not know or were unsure about the Council's economic service.

9.1.3 There is no quantifiable return on investment and resources are not directed towards the Council's needs

9.1.4 What is Required

9.1.5 The service needs:

- (a) clear project focus and outcomes.
- (b) to concentrate on high impact projects with clearer financial and economic incomes and less on the legacy activities such as market management;
- (c) to draw on wider skill base especially from the business sector;
- (d) to focus on revenue generation; and
- (e) to direct its resources towards the needs of the Council.

9.2 The Borough's Economy

9.2.1 The Panel is concerned to learn that the Council is unlikely to meet its Housing Supply targets due to a number of factors including the Gross Development Value of land in the Borough and the Council's CIL Charging Structure.

- 1.2 Of particular concern, is that the increase in the CIL rate (25% over the past five years) had detrimentally affected the economic viability of developments and the Council's ability to provide affordable housing through CIL.

10.0 Background Papers

[Public Findings Pack](#)

[Private Findings Pack](#) - Please note that certain findings in this pack are not for publication, as per Paragraph 3 of Part 1 of Schedule 12A (as amended) of the Local Government Act 1972.

Contact: Councillor Michael Fairhurst
Title: Scrutiny Lead for this review
E-Mail: mike.fairhurst@havant.gov.uk

NON EXEMPT

HAVANT BOROUGH COUNCIL

Cabinet

Date: 11th September 2017

Safeguarding Policy for Havant Borough Council

Head of Housing and Community Engagement

FOR DECISION

Portfolio Holder Cllr L. Turner

Key Decision: Yes

1.0 Purpose of Report

- 1.1 That the Cabinet adopts new policy in relation to Safeguarding as set out in Appendix (A).
- 1.2 This report sets out the revised Safeguarding Policy for Havant Borough Council (HBC) and explains how the Council proposes to safeguard children, young people and vulnerable adults and protect them from harm.
- 1.3 This Policy also includes consultation with Scrutiny Board who identified a need to include Child Sexual Exploitation, Modern Slavery and the Prevent Agenda. This has been done and reference to these can be found on pages 15-17 of appendix A.

2.0 Recommendations

- 2.1 The Cabinet adopts new policy in relation to Safeguarding as set out in Appendix "A"
- 2.2 That Safeguarding training be mandatory for Councillors

3.0 Subject of Report

- 3.1 Safeguarding is defined by the Care Quality Commission as:

Protecting people's health, wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. It's fundamental to high-quality health and social care.

- 3.2 The purpose of the Council's safeguarding policy is to ensure that HBC makes a clear statement about what the organisation, along with our partners, will do to keep children, young people and vulnerable adults safe.

NON EXEMPT

3.3 The Safeguarding Policy aims to ensure that a consistent approach to safeguarding exists across all Council services. It outlines key roles and responsibilities of individual officers to embed Safeguarding policy, practices and procedures into the Council's everyday business.

3.4 As a responsible and accountable employer, HBC's Safeguarding policy also seeks to protect individual employees and the wider Council from misunderstandings, false or malicious allegations against officers.

3.5 In order to ensure that officers of the Council feel confident and able to raise any safeguarding concern they may come across in the course of their duties, the policy will be accompanied by a specific training programme for Havant staff and councillors.

3.6 Training will be available to all staff, at all levels of the organisation. The following table details the levels of safeguarding training available. A rolling programme is scheduled in for the next few months so that all staff training requirements can be accommodated.

Work or Service area	Type of training available	Delivery Method
For all staff, whether new or existing	<i>Basic awareness</i> -Refresher of awareness training	On-line, short e-learning course
Front Line /Customer-facing staff for those dealing with members of the public (whether contact is in person <u>or</u> via the telephone)	<i>Front line interaction/Contact</i> -Led training, opportunities for interaction, recognising abuse and how to respond to concerns identified	Led course, 3 hours, safeguarding in-house trainer, Nominated by Line Manager or HOS
For those who may work with children, young people or vulnerable families and may need a little more information regarding what to do if they suspect abuse and who to contact	<i>Intermediate level</i> -Led course, in-house Or access to the training schedule of the Local Safeguarding Children Board/ Adult Safeguarding Board	Various course available, Line Managers or HOS to identify specific staff who may have a need for more in depth training which can be booked on a needs basis.

4.0 Implications

Resources

4.1 The implementation of the policy and the delivery of the training programme can be managed within existing resources. Employees will also be made aware of where further support can be given, should they have a safeguarding concern.

Legal

4.2 Under Section 11 of the Children's Act 2004, Havant Borough Council must make arrangements for ensuring that their functions are discharged having

NON EXEMPT

regard to the need to safeguard and promote the welfare of children. Failure to disclose or support a potential safeguarding concern could implicate the Council in terms of a Section 11 Audit, or in more serious cases, a Serious Case Review. As such is it recognised that failure to comply with these and related legal obligations would mean that the Council is in breach of statutory duty and could bring the Council and its services into disrepute. The legal implications are otherwise considered within the body of the report.

Strategy

- 4.3 The Council is committed to delivering safer communities and protecting the welfare of our more vulnerable residents. Naturally this should be a key theme running through all the Councils activities, whether they be our services, operated by working in partnership, or commissioned and contracted services operated by a third party on behalf of the Council.

Risks

- 4.4 The formation of this policy, its publication, associated procedures and training all seek to reduce and mitigate any risks arising from a safeguarding incident. Ensuring that policy and training are regularly refreshed further reduce risk and continue to raise awareness on how issues can be addressed.

For the Community

- 4.5 Havant Borough has some strong and active communities and it is recognised that any community activity greatly enriches the lives of local residents. It is therefore paramount that Havant Borough Council is recognised as a conscientious employer and a reliable provider of well organised, safe and supported community activities.

Appendices -

Appendix A – Havant Borough Council Safeguarding Policy (2017)

Agreed and signed off by:

Legal – Marie Rosenthal, 31st August 2017

Finance – Andy Radford, 31st August 2017

Head of Housing and Community Engagement: Tracey Wood, 29th August 2017

Portfolio Holder: Cllr Leah Turner - 29th August 2017

Contact Officer: Harriet Scotney
Neighbourhood Quality Officer
“Safeguarding” deputy lead
Havant Borough Council

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E-Mail: Harriet.Scotney@Havant.Gov.UK

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Havant Borough Council

Adult and Child Safeguarding: Full Policy & Procedures

Summary

This policy details the procedures which all Council staff and elected members must become familiar with and follow when they have concerns that about the welfare of child, young person or adult at risk.

The Council's strategic and management lead for adult and child safeguarding is:

Tracey Wood, Service Head of Housing

Tel: 023 9244 6626

Email: tracey.wood@easthants.gov.uk

The Council's strategic and management deputy for adult and child safeguarding is:

Harriet Scotney – Community Safety Officer

Tel: 02392 446609

email: Harriet.Scotney@havant.gov.uk

When there are safeguarding concerns about a child, young person or adult at risk ALL council staff and elected members will immediately assess if the person is currently safe and if not contact the police on 999

They will then contact their:

- i. relevant line manager without delay and
- ii. if relevant, preserve any evidence, factually record their concerns in writing on the same day, on the Council's safeguarding concern form; timed, dated & signed, including job role
- iii. co-operate with any following requests for action from either the relevant council's Lead, Deputy, Head of Service or external agencies
- iv. maintain confidentiality at all times, including colleagues, family and friends

In the rare circumstance that staff and /or members feel their concerns have not been taken seriously, or not referred or managed appropriately in line with this policy, they may "whistle blow" directly to:

Children's Reception Team at
Hantsdirect
0300 300 0117
childrens.services@hants.gov.uk

Or

Hampshire Adult Services
0300 555 1386
Or if out of hours: 0300 5551373

Or, if a crime has, or may have been committed, the police can be contacted on 101.

In an emergency the police should be contacted on 999 without delay.

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Adult and Child Safeguarding: Full Policy & Procedures

The purpose of this policy is to outline the procedures to be adopted by the council in ensuring the safety of all children, young people and adults at risk, when they attend or access any of the Councils' services and activities

1. Policy Statement

- a. The welfare of all children, young people and adults at risk is of paramount importance, regardless of their age, ability, culture, disability, gender, race, religion or belief.
- b. Havant Borough Council (HBC) is committed to ensuring that everyone, both individuals and organisations, are clear about their roles and responsibilities. The council will actively promote the welfare of all children, young people and adults at risk by working to the best possible safeguarding standards across all their services, activities and assets.
- c. The Council's legal responsibilities for child safeguarding are detailed in [Section 11 of the Children Act 2004](#) which;
"places a duty on local authorities and district councils that provide children's and other types of services, including children's and adult social care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services. Safeguarding is everyone's responsibility: For services to be effective, each professional and organisation should play their full part; and have a child-centred approach.

and defines safeguarding and promoting the welfare of children as:

- i. *protecting children from maltreatment;*
- ii. *preventing impairment of children's health or development*
- iii. *ensuring that children grow up in circumstances consistent with the provision of*
- iv. *safe and effective care; and*
- v. *taking action to enable all children to have the best outcomes*

[Working Together to Safeguard Children 2015 A guide to inter-agency working to safeguard and promote the welfare of children](#)

- d. The Council's legal responsibilities for adult safeguarding are detailed in [Sections 42-46 of the Care Act 2014](#) which has 6 key principles:
 - i. *"Empowerment:*
People being supported and encouraged to make their own decisions and informed consent.
 - ii. *Prevention:*
It is better to take action before harm occurs.
 - iii. *Proportionality:*
The least intrusive response appropriate to the risk presented.
 - iv. *Protection:*

Support and representation for those in greatest need.

v. *Partnership:*

Local solutions through services working with their communities. Communities have a part to play in preventing, detecting and reporting neglect and abuse.

vi. *Accountability:*

Accountability and transparency in safeguarding practice.”

e. The aims of adult safeguarding are to:

- i. *prevent harm and reduce the risk of abuse or neglect to adults with care and support needs*
- ii. *stop abuse or neglect wherever possible*
- iii. *safeguard adults in a way that supports them in making choices and having control about how they want to live*
- iv. *promote an approach that concentrates on improving life for the adults concerned*
- v. *raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect*
- vi. *provide information and support in accessible ways to help people understand the different types of abuse, how to stay safe and what to do to raise a concern about the safety or well-being of an adult address what has caused the abuse or neglect”*

[Care and Support Statutory Guidance issued under the Care Act 2014](#)

- f. This policy has been developed in line with the both Council's [public sector equality duties](#) under the [Equality Act 2010](#)

N.B. This policy reflects the current services and activities supplied by the Council, and will be reviewed if new initiatives working directly with children, young people, adults at risk and their families or carers are established.

2. Definitions

a. For the purpose of this policy:

i. A “child” is any person under the age of 18 years.

ii. An “adult at risk” is defined as:

- having needs for care and support *and*
- is experiencing, or is at risk of, abuse and neglect *and*,
- as a result of those care needs, is unable to protect themselves from either the risk of, or the experience of, abuse or neglect.

iii. “The Council” refers to Havant Borough Council (HBC)

3. Legislation and Statutory Guidance

a. This policy is developed in line with the under-pinning key legislation, government and statutory guidance for:

Children & young people:

- Children Acts [1989](#) and [2004](#)
- [Working Together to Safeguard Children 2015](#)
- [What to do if you're worried a child is being abused 2015](#)

Adults at risk:

- [The Mental Capacity Act 2005](#)
- [The Care Act 2014](#)
- [Care and Support Statutory Guidance under the Care Act 2014](#)

Where relevant, other legislation and guidance is referenced under the appropriate headings within the policy.

This policy also meets the requirements of both the Hampshire Local [Safeguarding Children \(4 LSCB\)](#) and [Safeguarding Adults \(LASB\)](#) Boards.

4 Roles and Responsibilities

The Council’s strategic and management lead for adult and child safeguarding is:

Tracey Wood, Service Head of Housing

Tel: 023 9244 6626

Email: tracey.wood@easthants.gov.uk

The Council’s strategic and management deputy for adult and child safeguarding is:

Harriet Scotney – Community Safety Officer

Tel: 02392 446609

email: Harriet.Scotney@havant.gov.uk

a The Council’s operational and management Lead and Deputy for safeguarding are responsible for the management of safeguarding the Council’s services, activities and assets.

b The Lead and deputy will:

- i. monitor concerns arising in any of the Council's activities, staffing and venues

- ii. liaise with external agencies as required
 - iii support staff where necessary
 - .
 - iv ensure staff record their concerns appropriately (on the Council's safeguarding concern form) on the same working day, factually, timed, dated & signed, including job role
 - v record what was discussed when staff have concerns, and to whom, including external agencies the matter has been referred : name, job role and agency, any actions agreed; timed, dated & signed, including when it is decided not to make a referral at this time
 - vi confirm any referral in writing within 24 hours in the format requested by the agency including a copy of the member of staff's safeguarding record of concern
 - vi co-operate with any subsequent requests for information or action from any agencies
 - i. including assessments
 - vi liaise with external agencies regarding any allegations or complaints against staff or
 - ii. elected members, or when safeguarding issues may attract media attention or litigation
 - ix maintain confidentiality at all times, including family and friends
 - .
 - x refer any welfare concerns regarding children or young people to:
 - . to Support staff to refer any welfare concerns regarding children or young people to: Children's Reception Team 01329225379 (Professional Line)
 - childrens.services@hants.gov.uk
 - [Hampshire LSCB referral form](#) Or the police on 101 In the case of an emergency, or if it is felt someone is in immediate danger, 999 will be dialled.
 - xi refer any welfare concerns regarding adults at risk to
 - . Hampshire Adult Services
 - 0300 555 1386**
 - Or the police on 101** In the case of an emergency, or if it is felt someone is in immediate danger, 999 will be dialled
- c In all cases where there have been safeguarding concerns, complaints or allegations raised against a member of staff or an elected member, the Council's Lead (or Deputy if the Lead is unavailable or implicated) will directly contact:
- | | |
|---|--|
| <p>For children:</p> <p>The Local Authority Designated Officer (LADO)
 Barbara Piddington, Eric Skates or Mark Blackwell
 Tel: 01962 876364
 Fax: 01962 876229 (secure line)
 E-mail:
 child.protection@hants.gcsx.gov.uk</p> | <p>For adults at risk:</p> <p>Hampshire Adult Services
 0300 555 1386
 Or if out of hours: 0300 5551373</p> |
|---|--|
- In an emergency or, if it is felt someone is in immediate danger, 999 should always be called.
- d When there are safeguarding concerns about a child, young person or adult at risk council

- . staff and elected members will immediately assess if the person is currently safe and if not contact the police on 999.

They will then contact their:

- i. relevant line manager without delay if they have any concerns about a child, young person or adult at risk and;
 - ii. if relevant preserve any evidence factually record their concerns in writing, on the same day, on the Council's safeguarding concern form; timed, dated & signed, including job role
 - iii co-operate with any following requests for action from either the relevant council's Lead, Deputy, Head of Service or external agencies
 - iv maintain confidentiality at all times, including colleagues, family and friends
- e When there is a safeguarding concern, complaint or allegation that a member of staff or elected member has, or might, pose a danger to children, young people or adults at risk ALL council staff and elected members will contact the:
- i. Council's Lead (or Deputies if the Lead is unavailable) without delay, and;
 - ii. observe points ii - iv of section '4d' above.

f "Whistleblowing"

- . When staff, elected members or the public are worried:

- i. that a child or an adult is at risk of being, or has been, abused by a member or members of the Council's staff *AND* that:
- ii. their concerns have not been taken seriously, or not referred or managed appropriately in line with this policy, they may "whistle blow" directly, under the [Public Interest Disclosure Act 1998](#) to:

Children's Reception Team at
01329225379 (Professional Line)
Out of Hours – 0300 555 1373
childrens.services@hants.gov.uk
adult.safeguardingunit@hants.gov.uk

**Or, if a crime has, or may have been committed, the police can be contacted on 101.
In an emergency the police should be contacted on 999 without delay.**

- iii The Council will evidence that the "whistleblowing" procedure is being used appropriately to improve outcomes and that issues raised by staff are fully investigated and recorded accurately.

g Confidentiality and Information Sharing

- . Both Councils are extremely mindful of their legal duties under the [Data Protection Act 1998](#) and the [Freedom of Information Act 2000](#); and personal information about children, young people, adults at risk and their families will usually be confidential and should not be disclosed to a third party without the consent of the subject. However, the law allows for the disclosure of confidential information where this is necessary to safeguard a child, young person or adult at

risk; or a crime has or may have been committed, or it is in the public interest. Disclosure of confidential information must be justifiable, according to the particular facts of the case and must be limited to those people who need to know in order to take appropriate action.

Obtaining the consent of the adult at risk for a referral or alert

In line with [Hampshire Adult Safeguarding Board Multi-Agency Safeguarding Policy and Guidance](#) staff and elected members will be mindful of

"the mental capacity of an adult and their ability to give their informed consent to a referral being made and action being taken under these procedures is significant, but not the only factor in deciding what action to take. The test of capacity in this case is to find out if the person at risk has the mental capacity to make informed decisions about:

- *A safeguarding alert*
- *Actions which may be taken under Multi-agency Policy and Procedures*
- *Their own safety or that of others, including an understanding of longer term harm as well as*
- *immediate effects*
- *Their ability to take action to protect themselves from future harm."*

Raising an alert when the adult does not want any action

"If the adult has capacity and does not consent to a referral and there are no public or vital interest considerations, they should be given information about where to get help if they change their mind or if the abuse or neglect continues and they subsequently want support to promote their safety. The referrer must assure themselves that the decision to withhold consent is not made under undue influence, coercion or intimidation. The adult will need to be informed that an alert will still need to be raised and as a minimum a record must be made of the concern, as well as the adult's decisions with reasons. A record should also be made of what information the person at risk was given."

Note:

Not all adult safeguarding concerns will result in a safeguarding process and an adult may just request signposting to another service. To prevent a delay in raising concerns, alerts or referrals to the Local Authority should usually be made by contacting:

Hampshire Adult Services on 0300 555 1386

h Making Safeguarding Personal

. The Council is committed to the principles of safeguarding personal and empowering adults at risk to improve or resolve their situations and, where necessary, will use the [Making Safeguarding Personal Toolkit \(4th Edition, Local Government Association, 2015\)](#).

5. Safer Recruitment

Whilst few posts within the Council involve directly supervising or working with children, young people and adults at risk, many posts involve contact with the general public and give opportunity for staff to nurture relationships with vulnerable groups.

a. All Council staff will:

- i. be recruited as safely as possible, proportionate to their job role and contact with vulnerable groups
- ii. receive induction safeguarding information within two weeks of appointment, detailing this policy and procedures
- iii. attend child and adult safeguarding training, including mental capacity awareness, every three years face to face (or two years for online) as appropriate to their job roles
- iv. treat all children, young people, adults at risk, their families and carers with respect
- v. do everything they can to ensure their services are delivered safely and with care
- vi. respond to any safeguarding concerns and allegations appropriately
- vii. understand how to “whistleblow” if worried about that a safeguarding concern has not been managed appropriately in line with this policy

b. The council will meet key safeguarding standards for recruitment with all managers/recruiters understanding and following these standards, with disciplinary consequences of non-compliance and by focussing on safeguarding as appropriate to job role throughout the process of recruitment and beyond by:

- i. maintaining a central staff tracking record to give an overview for all staff detailing name, date of birth, address, next of kin, job role, application date, interview dates, references taken up and dates, right to work in the UK checks, documents seen, issue numbers and dates, DBS checks and dates, induction delivered and date, ongoing training records and supervision or appraisal dates as relevant
- ii. issuing full and detailed job descriptions including a responsibility for safeguarding if appropriate to job role
- iii. ensuring all advertisements include a statement which confirms both Councils' commitment to safeguarding and safer employment
- iv. only using application forms, CVs are not acceptable; including a specific question as to whether the applicant has been subject to any investigation or complaint for vacancies that are "regulated activities" which will need a DBS (Disclosure & Barring Service) check. For jobs where a [DBS](#) may be carried out, this question should be included:

“Criminal Convictions - This post is exempt from the [Rehabilitation of Offenders Act 1974](#) and as such the successful candidate will need to be DBS checked before being confirmed in post. If you are applying for a job supervising, caring for or otherwise connected with people from the following list, you must always declare any convictions for criminal offences, even where they have been spent. For these purposes, this includes working with children, older people, people who are

dependent on alcohol or drugs and people with mental or physical disabilities, illness, injury or deformity, including those who are blind, deaf or without speech. Declaring a criminal conviction will not be taken into account unless relevant to the job”

- v. working to a template outline for interviewing to cover any gaps in employment, discrepancies of information, rechecking if the applicant wishes to declare anything in the light of the requirement of a DBS check (where relevant) and to assess if the applicant has capacity to safeguard vulnerable groups as relevant to job role
- vi. carrying out face to face interviews with a minimum of two interviewers (one who holds current safer recruitment training, if relevant) and recording notes against the template interview outline
- vii. requesting a minimum of two written references including one direct from the last employer, and another who can comment about the applicant's suitability to the post, and following up any discrepancies verbally and recording what was said. Where relevant, referees should be asked if they have any concerns or knowledge about the applicant's suitability with vulnerable groups, including any safeguarding investigations and / or disciplinary issues
- viii. when employing agency staff, always taking up references from the last place of employment
- ix. in accordance with the [Asylum and Immigration Act 1996](#), checking the eligibility of all applicants to work in the UK. All applicants are asked to bring along to interview a document to evidence this. This is in the form of either a passport confirming that they are a British citizen or European Economic Area National or a United Kingdom Residence permit. Only original documents must be seen for any check, carefully compared against the application form for discrepancies and the essential details of unique numbers, provider and date of issue should be recorded on the single central staff tracking record
- x. carrying out DBS checks, including a check against the [Barred Childrens' or Adults' List](#) as appropriate for all posts which are regulated activity under the [Safeguarding Vulnerable Groups Act 2006](#) as amended by the [Protection of Freedoms Act 2012](#). In the case of both Councils' services and activities, regulated activity with children includes (but is not limited to) the teaching, training, supervision of children for once a week or more, overnight, or 4 or more times in any 30 day period. Regulated activity with adults includes providing personal care, assistance with finances (if required due to age/ illness/disability) and conveyance to/from a place of care.
- xi. not allowing newly appointed staff to start work without a DBS check in regulated activity without full supervision unless there is documented evidence of an acceptable DBS check, and a documented risk assessment undertaken and approved by an authorised manager carrying out a [Status DBS Update Service](#) check for relevant applicants who are registered with the Update service where the outcome will be one of the following:
 - *"This Certificate did not reveal any information and remains current as no further information has been identified since its issue."* This means that the individual's Certificate contains no criminality or barring information

and no new information is available.

- *“This Certificate remains current as no further information has been identified since its issue”.* This means that the individual’s Certificate did contain criminality or barring information and no new information is available.
 - *“This Certificate is no longer current. Please apply for a new DBS check to get the most up to date information.”* This means that the individual’s Certificate should not be relied upon as new information is now available and you should request a new DBS check.
- xii. risk assessing any positive information disclosed on a DBS check, and seeking expert advice from the LADO or DASM where an applicant has been barred from working with vulnerable groups or there is a concern that s/he may be unsuitable to work in regulated activity.
- xiii. ensuring that, in cases where low level information is received on the criminal records check but where the manager nevertheless wishes to appoint, there must be a clear, recorded risk assessment approved by a senior manager
- xiv. pursuing any failure to receive an outcome from a checking process and reviewing the employee’s position at regular intervals.
- xv. making all offers of employment subject to having satisfactory references and any other relevant checks completed within a fair timescale, as appropriate.
- xvi. ensuring that, in cases where staff side step from non-regulated activity to regulated activity in either Council, a DBS check is carried out before the member of staff begins work

c. Post-employment

- i. Induction and probationary periods for all employees will facilitate the development of employee understanding and grounding in the safeguarding policies, ethos and culture of the Council;
- ii. Guidance for safe working practices when in contact with vulnerable groups will be provided to staff and elected members by managers, as appropriate to job role and Service including:
- Home visits
 - Non-routine events, such festivals
 - The use, supervision and handling of text and photographic media
 - Appropriate touch
 - One to one working
 - Working in public spaces
- iii. Both the newly appointed worker and his/her line manager will make a signed record that this part of the induction process has been completed satisfactorily. The record is kept on the single central staff tracking record
- iv. All employees receive supervision on a regular basis.
- v. All employees are offered support with professional issues via one to one meetings with their line manager as appropriate.

d. Staff Training

"employers are responsible for ensuring that their staff are competent to carry out their responsibilities for safeguarding and promoting the welfare of children and creating an environment where staff feel able to raise concerns and feel supported in their safeguarding role;" [Working Together to Safeguard Children 2015](#)

Organisations should:

- *"ensure that everyone, both individuals and organisations, are clear about their roles and responsibilities*
- *create strong multi-agency partnerships that provide timely and effective prevention of and responses to abuse or neglect*
- *support the development of a positive learning environment across these partnerships and at all levels within them to help break down cultures that are risk-averse and seek to scapegoat or blame practitioners"*

[Care and Support Statutory Guidance issued under the Care Act 2014](#)

- i. The Council facilitates mandatory training to give a sound understanding of key guidance and practices about safeguarding, updated regularly and embedded in performance management systems;
- ii. All staff and elected members receive induction safeguarding information within two weeks of appointment, detailing this policy, procedures, clear codes of conduct and safe working practice guidelines
- iii. All staff and elected members who deal with the public face to face will attend child and adult safeguarding training every three years face to face (or two years for online) as appropriate to their job roles in line with guidance in [Working Together to Safeguard Children 2015](#) and the [Care Act 2014](#)
- iv. Those who recruit staff will attend additional safer recruitment training every two years.
- v. All managers are accountable for evidencing that such training for themselves, as relevant to their job role; and their staff has been undertaken;
- vi. Relevant training, beyond induction, is mandatory for employees who do not have direct contact with children, young people or adults at risk, but who do have access to information systems containing the details of these client groups.
- vii. Under the [Counter-Terrorism and Security Act 2015](#) and accompanying [Channel Duty Guidance 2015](#) all front line staff and elected members who work directly with the public will also undergo government approved free and certificated [Channel](#) online training.
- viii. The senior managers who lead on safeguarding for the Council will attend face to face local training Workshop to Raise Awareness of Prevent (WRAP) as available
- ix. Under the [Serious Crime Act 2015](#) all front line staff and elected members who work directly with the public will also undergo government approved free and certificated [FGM \(Female Genital Mutilation\)](#) online training
- x. All safeguarding training is delivered by appropriate qualified staff, kept up-to-date, certificated and recorded on the single central staff tracking record, with copies of the certificate kept on the employees' personnel files

e. Safer Working Culture

- i. All employees have an obligation for safeguarding children, young people and adults at risk in their area of work and it is important that these groups are listened to and any concerns in relation to their welfare are acted upon promptly;
- ii. All employees are monitored by their line managers both in the probationary period and beyond to ensure that all staff comply with expected behaviours and attitudes that constitute best practice in relation to safeguarding and their job role
- iii. Such monitoring is evidenced through performance management and professional development arrangements such as training and appraisal systems.
- iv. All staff and elected members will work within their professional boundaries as defined in the Councils' Code of Conduct (employees only) and Code of Members' Conduct ; and ensure they work with the public professionally, and within the law, at all times

f. Complaints

- i. A rigorous complaints policy is in place for the Council to ensure that all concerns about staff conduct are reported and acted upon in a fair and timely manner; this includes those against drivers, premises and licence holders
- ii. The Council will evidence that the complaints procedure is being used appropriately to improve outcomes and that complaints are fully investigated and recorded accurately.

g. Managing Allegations Against Council Staff or Elected Members

The Council will make clear distinction between an allegation, a concern about the quality of care or practice or a complaint. and when there is a safeguarding concern, complaint or allegation that a member of staff or elected member has :

- behaved in a way that has harmed, or may have harmed a child or adult at risk
- possibly committed a criminal offence against or related to a child or adult at risk; or
- behaved towards a child or adult at risk in a way that indicates they may pose a risk of harm to vulnerable groups

Under the [Safeguarding of Vulnerable Groups Act 2006](#) if an individual (paid worker or unpaid volunteer) is removed from "regulated" activity such as looking after children or adults at risk (or would have, had the person not left first) because the person poses a risk of harm to children or adults at risk , the Council will make a [referral](#) to the DBS . It is an offence to fail to make a referral without good reason.

Under the [Safeguarding of Vulnerable Groups Act 2006](#) if an individual (paid worker or unpaid volunteer) is removed from "regulated" activity such as looking after children or adults at risk (or would have, had the person not left first) because the person poses a risk of harm to children or adults at risk , the Council will make a [referral](#) to the DBS as soon as possible and , in any case, within 5 days of closure of the case . It is an offence to fail to make a referral without good reason.

- i. ALL council staff and elected members will contact the Council's Lead (or Deputy if the Lead is unavailable) without delay. They are the Safeguarding Allegations Management Advisors (SAMA) in line with [Hampshire Safeguarding Adults Board](#)

[Allegation Framework 2016](#)

S/he will contact:

For children:

LADO Barbara Piddington, Eric Skates or Mark Blackwell

Tel: 01962 876364

Fax: 01962 876229 (secure line)

E-mail: child.protection@hants.gcsx.gov.uk

For adults at risk:

Hampshire Adult Services

0300 555 1386

Or if out of hours: 0300 5551373

In cases where a child or adult at risk might be in immediate danger s/he will contact the police on 999.

The Lead or Deputy will follow the latest [LSAB Allegation Management Framework June 2016](#):

- ii. S/he will ensure the person with the direct concern has factually record their concerns in writing and on the same day on the Council's safeguarding concern form; timed, dated & signed, including job role
- iii. S/he will ensure the Council follows the LADO's or Adult Services' advice, fulfils any requests for action and inform the Chief Executive and Head of HR of progress.
- iv. S/he will record the outcomes of discussions on the Council's safeguarding concern form, date, time and signed
- v. The LADO or Adult Services will advise on next steps, media management, communication with other staff, safeguarding risk assessments, possible suspension of the member of staff or elected member and, for those in regulated activity possible referral to the DBS which should be made within 5 days of the closure of the case at the latest
- vi. The Council's Lead (or Head of HR) will ensure that the staff involved will be made aware of their rights under employment legislation and any internal disciplinary procedures.

For the most current local arrangements for managing such allegations refer to:

For children:

Hampshire [Local Safeguarding Children Board \(LSCB\)](#)

For adults at risk:

Hampshire [Safeguarding Adults Board \(LASB\)](#)

6. Monitoring systems

- a. Monitoring systems and quality assurance are embedded in the Council's management processes to ensure that this policy is followed through into practice by:
 - Formal audits of sufficient quality and quantity being conducted regularly, allowing ample time for improvements to be made post audit, with results recorded and reported effectively;
 - Managers monitoring the day to day work environment;
 - Employees demonstrating, where relevant, their commitment to providing a protective environment for children, young people and adults at risk, for example, they monitor the supervision of these groups and demonstrate good practice in

relation to physical and /or face to face contact with vulnerable groups.

7. What is Abuse?

a. Children and Young People

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

Emotional Abuse: Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone; may feature age or developmentally inappropriate expectations being imposed on children.

Sexual abuse: Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration (for example, rape or oral sex) or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities, such as involving children in looking at, or in the production of, sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

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

born, neglect may involve a parent or carer failing to:

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

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

Other Issues Include:

- Children under 16 years old living away from home with someone who is not a close relative. If this happens for more than 28 days, their parent/carer (or anyone else if this has not been done, or not possible) need to register the private fostering arrangements with [Hampshire Children's Services](#)
- Children going missing from home for whatever reason as they may be exploited or trafficked
- Young unaccompanied asylum seekers who have no responsible adults with them
- Peer abuse including bullying as children can be abusers too
- [Radicalisation](#) - understand why people may be vulnerable to being drawn into terrorism and describe indicators which may suggest so and provide guidance on the support that can be provided to safeguard those at risk of being drawn into terrorism.
- Violent extremism is when groups or individuals who condone violence as a means to a political end is a particular risk for some children. Any concerns should be reported
- [Sexual exploitation](#) - 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' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, 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.
- [Female genital mutilation](#) - FGM is a criminal offence – it is child abuse and a form of violence against women and girls, and therefore should be treated as such. FGM is a procedure where the female genital organs are injured or changed and there is no medical reason for this. It is frequently a very traumatic and violent act for the victim and can cause harm in many ways. The practice can cause severe pain and there may be immediate and/or long-term health consequences, including mental health problems, difficulties in childbirth, causing danger to the child and mother; and/or death.

- [Forced marriage](#) - Forced marriage is a criminal offence – it is a form of child/ adult/ domestic abuse and has to be treated as such; ignoring the needs of victims should never be an option. Forced marriage affects people from many communities and cultures, so cases should always be addressed using all of your existing structures, policies and procedures designed to safeguard children, adults with support needs and victims of domestic abuse.
- Concealed pregnancy when a mother of any age does not seek medical help or support so the unborn baby may be at risk of harm as a result of not accessing maternity services
- [Child trafficking](#) - Children are trafficked for many reasons, including sexual exploitation, domestic servitude, labour, benefit fraud and involvement in criminal activity such as pick-pocketing, theft and working in cannabis farms. There are a number of cases of minors being exploited in the sex industry. Trafficked children may not only be deprived of their rights to health care and freedom from exploitation and abuse, but may also be denied access to education.
- [eSafety](#) - when children, young people or adults at risk may be targeted online for sexual abuse, financial gain, radicalisation and / or other crimes
- [Domestic violence](#) when an individual exercises control over another in an intimate or family relationship. It takes many forms and can include neglect, physical, sexual, financial, property and / or emotional abuse
- [Coercive behaviour](#) in the family or in a person's intimate relationships is a criminal offence. Controlling or coercive behaviour does not relate to a single incident, it is a purposeful pattern of behaviour which takes place over time in order for one individual to exert power, control or coercion over another. It is a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.
- [Modern slavery](#) - Modern slavery is a complex crime that takes a number of different forms. It encompasses slavery, servitude, forced and compulsory labour and human trafficking. Traffickers and slave drivers coerce, deceive and force individuals against their will into a life of abuse, servitude and inhumane treatment. Victims may be sexually exploited, forced to work for little or no pay or forced to commit criminal activities against their will. Victims are often pressured into debt-bondage and are likely to be fearful of those who exploit them, who will often threaten and abuse victims and their families. All of these factors make it very difficult for victims to escape.
- Child abuse linked to faith or belief which includes belief in concepts of witchcraft and spirit possession, demons or the devil acting through children or leading them astray. It includes neglect, physical, sexual and/or or emotional abuse

b. Adults at Risk:

Abuse is defined as a violation of an individual's human and civil rights by another person or persons.

It may involve:

a single or repeated act or omission occurring within a personal or professional relationship whether there is an expectation of trust which causes harm to an adult at risk.

Significant harm includes:

- ill-treatment (including sexual abuse and forms of ill treatment that are not physical).
 - the impairment of, or an avoidable deterioration in, physical or mental health.
 - the impairment of physical, emotional, social or behavioural development.
- Abuse may be by commission or omission that causes harm to an adult at risk.

Behaviours Include:

Physical Abuse: Hitting, slapping, pushing, kicking, misuse of medication, restraint or inappropriate sanctions.

Sexual Abuse: Rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

Psychological Abuse: Emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.

Financial or Material Abuse: Theft, fraud, exploitation, pressure in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits. It can be online, by phone or face to face.

Neglect and Acts of Omission: Ignoring medical or physical care needs, failing to provide access to appropriate health, social care, welfare benefits or educational services, withholding the necessities of life such as medication, adequate nutrition and heating.

Discriminatory Abuse: Racism, sexism or acts based on a person's disability, age or sexual orientation. It also includes other forms of harassment, slurs or similar treatment such as disability hate crime.

Domestic Abuse: Psychological, physical, sexual, financial, emotional abuse, [coercive behaviour](#) in the family or intimate relationships, and so called 'honour' based violence.

Organisational Abuse: Neglect and poor care practice within a care setting such as a hospital or care home or in relation to care provided in someone's own home ranging from one off incidents to on-going ill-treatment. It can be neglect or poor practice as a result of the structure, policies, processes and practices within a care setting.

Modern Slavery: Encompassing [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.

Self-Neglect: Covers a wide range of behaviour including neglecting to care for one's personal hygiene, health or surroundings and behaviour such

as hoarding.

Hate and “Mate” Crime: A form of hate crime in which a vulnerable person is manipulated or abused by someone they believed to be their friend.

Forced Marriage: When one or both spouses do not consent to the marriage but are coerced into it. Duress can include physical, psychological, financial, sexual and emotional pressure. In cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced.

8. Mental Capacity

- a. The primary purpose of the [Mental Capacity Act 2005](#) is to promote and safeguard decision-making within a legal framework. It does this in two ways:
- by empowering people to make decisions for themselves wherever possible, and by protecting people who lack capacity by providing a flexible framework that places individuals at the heart of the decision-making process
 - by allowing people to plan ahead for a time in the future when they might lack the capacity, for any number of reasons

It is a criminal offence for anyone to ill-treat or wilfully neglect a person who lacks capacity.

- b. It is vital for all Council staff to understand and work to the 5 key principles of Section 1 the [Mental Capacity Act 2005](#):

Principle 1: A presumption of capacity – every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise. This means that you cannot assume that someone cannot make a decision for themselves just because they have a particular medical condition or disability.

Principle 2: Individuals being supported to make their own decisions – a person must be given all practicable help before anyone treats them as not being able to make their own decisions. This means you should make every effort to encourage and support people to make the decision for themselves. If lack of capacity is established, it is still important that you involve the person as far as possible in making decisions.

Principle 3: Unwise decisions – people have the right to make decisions that others might regard as unwise or eccentric. You cannot treat someone as lacking capacity for this reason. Everyone has their own values, beliefs and preferences which may not be the same as those of other people.

Principle 4: Best interests – anything done for or on behalf of a person who lacks mental capacity must be done in their best interests.

Principle 5: Less restrictive option – someone making a decision or acting on behalf of a person who lacks capacity must consider whether it is possible to decide or act in a way that would interfere less with the

person's rights and freedoms of action, or whether there is a need to decide or act at all. Any intervention should be weighed up in the particular circumstances of the case.

- c. The [Mental Capacity Act Code of Practice](#) explains how the Mental Capacity Act works on a day-to-day basis and provides guidance to those working with people who may lack capacity. The Code explains the key features of the Mental Capacity Act in more detail, as well as some of the practical steps that people using and interpreting the law need to take into consideration. Any staff who work with people who lack capacity and are a professional and/or are paid for the work they do have a legal duty to have regard to the Code. It is also relevant to unpaid carers who will be helped and guided by it.
- d. Council staff who work directly with the public may have particular questions about:
- an individual's capacity to consent
 - the legal status of a carer's or friend's [Power of Attorney](#) (ability to make a decision on behalf of the person lacking capacity)
 - the appointment of an [Independent Mental Capacity Advocate](#) (IMCA) for an adult who does not have family or friends who can represent them
- and should refer to their Head of Service who will seek advice and guidance from Hampshire Adult Services on **0300 555 1386**

9. Handling Disclosures

- a. All staff need to know:

A disclosure may be made verbally or behaviour by a child, young person or an adult at risk and it is important for everyone to remember the following:

- Keep calm
- Reassure the child/young person/adult at risk
- Consider who else can hear
- Listen carefully
- Do not ask leading question or promise confidentiality
- Inform your Line Manager without delay

Remember to record the child/adult's words as accurately as possible and as soon as you can on the safeguarding concern form *Sign/date/time, include your name and job role*

Important: The reliance the court will place upon the information obtained from the people involved (particularly from a child) may be reduced if it is known that someone has discussed the issues with the child /adult outside the normal investigation process

- b. Managing concerns about the welfare of a child, young person or an adult at risk
Staff may become concerned by:

- their own observations and concerns;
- being told by another person that they have concerns;
- what the child or adult says;
- what others say;
- what the abuser says;

- a complaint (including anonymous) from the public

Also, staff may not always be working directly with the child or adult at risk but may become concerned because of difficulties experienced by others in their family or close community:

- domestic issues
- mental health issues

substance and alcohol abuse incidents

c. Adults at risk

In all cases when an adult lacks capacity, i.e. cannot make an informed decision about:

- a safeguarding alert / referral
- actions which may be taken under multi-agency policy and procedures
- their own safety or that of others, including an understanding of longer term harm as well as immediate effects
- their ability to take action to protect themselves from future harm.

The concern must be referred to the relevant Line Manager as soon as possible and recorded on the Council's safeguarding concern form.

- Under the MCA, people who lack capacity and are alleged to be responsible for abuse, are entitled to the help of an Independent Mental Capacity Advocate, to support and represent them in the enquiries that are taking place. This is separate from the decision whether or not to provide the victim of abuse with an independent advocate under the [Care Act](#).

If an adult has capacity and does not consent to a referral, s/he should be signposted to sources of help if s/he should change their mind in the future. Staff must assess, where possible, that the adult's decision not to consent has not been made under duress. In any case the concern must still be referred to the Head of Service, recording the concern on the Safeguarding Concern Form, including the adult's decision and what information was given to him/her at the time. Sign/date/time. Include name and job role.

d. Making a Referral

In both cases, the Line Manager will refer the concern to, or seek advice and discuss the situation with Hampshire Adult or Children's services, or the police if a crime has, or may have been, committed. S/he should say "I want to make a child /adult protection referral" and, if ringing social care services ask to speak to a duty social worker.

- S/he should record, on the safeguarding concern form; who was spoken to, if a referral was accepted, or not, with reasons, along with any actions agreed. *Sign/date/time. Include name and job role.*
- A copy of the completed safeguarding concern form should be forwarded to the agency concerned on the same day

e. All Staff Should Remember:

- Do not delay.
- Do not investigate.
- Refer to, and seek advice from, the Head of Service as soon as possible.
- Record concerns on the safeguarding concern form.

f. Flowchart for the Referral of Safeguarding Concerns, Complaints and Allegations

Step One

You are concerned a child, young person or adult is at risk or has been abused because:

- You have seen something
- A child or adult says they have been abused
- Somebody else has told you they are concerned
- There has been an allegation against a member of staff
- There has been an anonymous allegation
- An adult has disclosed they are abusing a child or adult at risk
- An adult has disclosed they were abused as a child.

Step Two

Talk to your line manager and record your concern on the Safeguarding Concern Form

(Sign/date/time. Include name and job role)

Step Three

- You with the support of your line manager should refer the concern to Hampshire's Children's or Adults Services and or the local Police (101). If a crime has, may have been committed or it is an emergency (999)
- You should say "I want to make a child/adult protection referral
- You should record on the Safeguarding Concern Form, who was spoken to, if the referral was accepted or not, with reasons, along with any actions agreed.
Sign/date/time. Include name and job role
- *A copy of the completed safeguarding concern form should be forwarded to the relevant service on the same day and also the designated Safeguarding Lead.*

Notes

In the cases of concern about a member of staff or elected member you should talk to the shared Councils operational and management lead or deputies if they are unavailable.

The LADO (Local Authority Designated Officer) or the DASM (Designated Adult Safeguarding Manager) will co-ordinate the next steps for any staff/elected member complaints or allegations.

Anyone can "whistle blow" directly to the police or social services if they feel their concerns will not be managed appropriately by the Council/s.

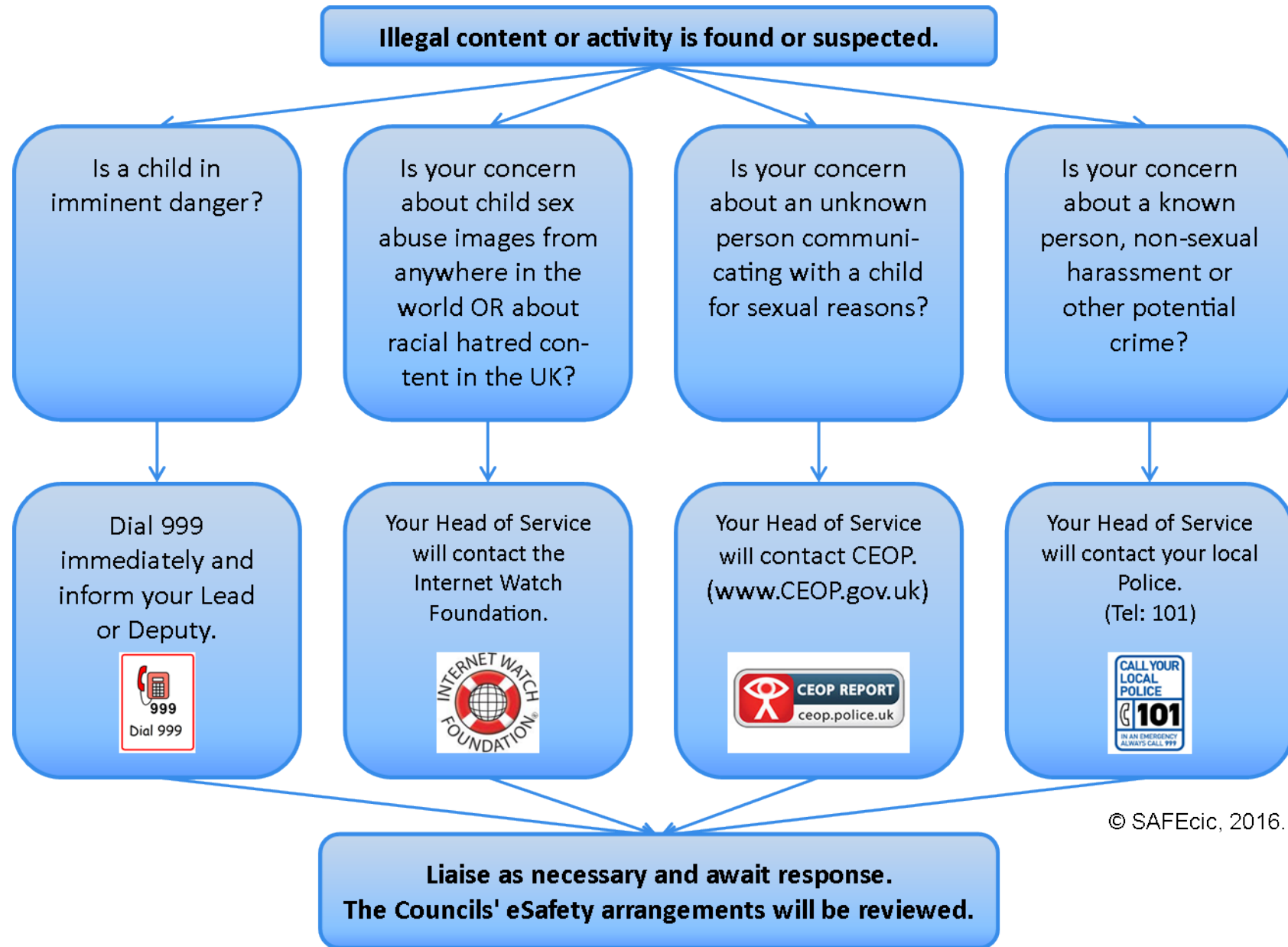
All media enquires should be referred to the shared Councils' Lead or Deputies.

EVERYONE should observe confidentiality with colleagues, family and friends.

10. eSafety

- a. All online safeguarding concerns will be dealt with in line with this policy, particularly in terms of referral and recording procedures
- b. All members of staff and elected members will be advised of the Councils' IT Acceptable User Policy (AUP) policy and will agree to adhere to it.
- c. Staff may become concerned about children, young people and adults at risk if they are:
 - accessing illegal websites or inappropriate "lifestyle" or for their age and ability
 - receiving unwanted or upsetting text or e-mail messages or images
 - being "groomed" by a responsible adult with a view to meeting the child, young person or adult at risk for their own illegal purposes including sex, drugs, radicalisation or crime
 - viewing or receiving socially unacceptable material such as inciting hatred or violence
 - sending or receiving bullying messages or posting malicious details about others
 - scamming for financial gain
 - ignoring copyright law by downloading music, videos
 - becoming secretive about where they are going or who they are meeting
 - secretive about what they are accessing on-line
 - using a phone or pad in a closed area, away from other people
 - accessing the web or using a hand held device for long periods and at all hours
 - constantly clearing their browsing history
 - receiving unexpected money or gifts from people they meet online
 - "sexting", sending sexually inappropriate images of themselves to others
- d. Staff may become concerned about a member of staff or elected member who:
 - befriends or communicates with members of the public who they work with; especially children, young people and adults at risk, by their personal phone, online, by messaging and social media etc
 - is secretive about what they are doing and who they are meeting
 - takes images of Council's activities with their own phone or pad without permission of their line manager
 - does not seek parental permission for taking images of children and young people under 16 years of age
 - constantly clearing their browser history
 - is viewing adult pornography at work
 - is viewing child pornography at any time
 - is promoting discrimination, illegal acts or racial or religious hatred of any kind
 - sharing confidential or sensitive information
 - circulating or messaging any information which may be offensive

e. eSafety Referral Flowchart



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11. Specific Issues

a. Licensing

The Council has a very clear administration, or an enforcement role, under the

- [Licensing Act 2003](#) for the safeguarding of children and the
- [Gambling Act 2005](#) for the protection of children and other vulnerable persons from being harmed or exploited by gambling and, whilst the police act as the responsible authority in these matters, the Licensing Service team will report any concerns to the appropriate person or organisation.
- Particular attention will be paid to the proprietor's or organisers' safeguarding risk assessments for the licensing of all premises and events
- [Town Police Clauses Act 1847](#) as amended by the [Local Government \(Miscellaneous Provisions\) Act 1976](#) for the licensing of both Hackney and Private Hire Drivers who must supply a satisfactory enhanced DBS check. Any positive information detailed on a DBS check will be risk assessed, with the advice of the LADO or DASM if relevant. Both Councils have a detailed procedure to deal with Hackney and Private Hire Drivers who are convicted of any offences during the term of their licence.

b. Housing and Environmental Health

Front line staff may become aware of housing conditions that could have an adverse impact on children, young people and adults at risk. Under [Part 1 of the Housing Act 2004](#), the Council takes account of the impact of health and safety hazards in housing when deciding on the action to be taken by landlords to improve conditions. The Council takes particular care in safeguarding vulnerable young people who are pregnant, leaving care or a secure establishment

c. Working with the Public

Staff and elected members who work face to face with the public, or visit domestic premises, may become concerned if they observe:

- use of inappropriate language, swearing, bullying or other behaviour by adults in the presence of children, young people or adults at risk
- possible health hazards in the home including animal excrement, cockroaches, discarded needles, mouldy leftovers, etc.
- the nature of any CDs, DVDs, photographs, images etc. which may be in the home depicting the abuse of a child/young person,
- lack of washing facilities, heating, food, beds or bedding, doors in the home
- inadequate electrical wiring, no access to external doors
- young children who sit very quietly without moving for extended periods of time
- homes where there are children but no obvious signs of them or their toys, or a belt, stick or cane kept close to hand
- a change in ability of an adult at risk to pay bills/unexplained shortage of money

d. Unsupervised Children or Adults at Risk

If a young child, under 5 years, or an adult who appears to have no capacity nor ability to look after themselves independently appear to be home alone, or out in public, and

unsupervised , stay in the area and call the police on 999. Inform your Line Manager about the situation and the Police. Record everything on the Safeguarding Concern Form as soon as possible. *Sign/date/time. Include name and job role*

e. Work Experience Placements

All managers overseeing work experience should ensure a full risk assessment is in place, in liaison with the school or college. This risk assessment should cover specific activities where the student or supervisor may be more vulnerable including one to one working, transporting a young person in Council vehicles. Students will be inducted with the Council's safeguarding policy and who to contact if they themselves have a safeguarding concern within their placement

f. Public events and Activities

Managers will ensure that there is an appointed Lead and Deputy for safeguarding in attendance on site and a detailed event risk assessment to cover particular safeguarding issues including adult child ratios, managing children's behaviour, coping with medical and other emergencies, photography, children who are found or go missing, one to one working, supervision of toilets and changing rooms,

All staff and volunteers will be briefed about all relevant arrangements

No children under 8 will attend such events unaccompanied by a responsible adult except when the activity is registered with Ofsted, in which case specific procedures will be adopted.

g. Contracted Out Services

All contractors delivering commissioned services directly to the public will confirm adoption of or suggest revisions to the Child and Adult Safeguarding Policy at Schedule 13 of their contract within the first three months of the commencement of the Contract and to adhere to these Council guidelines regarding safeguarding of children, young people and adults at risk. Each contractor is required to have a nominated Safeguarding Officer and Deputy/ies at each venue to cover all operational hours; DBS check all staff in regulated activity and train all staff in safeguarding at the appropriate level for their job role. They also have to inform the Council without delay should there be any allegations of abuse made against their staff involved with any activities or services commissioned by the Council.

12. Policy Date and Review Schedule

This policy was agreed and disseminated on *DDMMYYYY* by the below signatories and will be reviewed annually or when there are substantial organisational or legal changes.

Policy Date: *DDMMYYYY*

Policy Review Date: *DDMMYYYY*

Signed: Signatures, names and job roles.

A separate record for staff signatures should be maintained to evidence they have seen and understand this policy.

TEMPLATE SAFEGUARDING CONCERN REPORT FORM

CHILDREN & YOUNG PEOPLE

This form should be completed factually and ONLY with information already known, take care to highlight anything which is recorded and only opinion or hearsay

Be careful not to investigate, or question the child or young person

Service or department	
Your Name	
Job Role	
Contact number, mobile	
Email	
Child's name	
Child's date of birth	
Child's address	
Parent / carer name & address	
Contact number	
Has the parent/carer's consent been sought for this referral? If not, why not?	
Is this the first concern for this child / young person?	Record details, including dates here
Date and time of concern	
Details of concern, including any witnesses	
Actions taken so far – who referred to	

To be completed by Lead, Deputy or Head of Service:

Name of contact & agency	Name:	Date:
	Tel:	Time:
Was the concern an emergency? Yes / no	Name:	Date:
	Tel:999	Time:
Actions agreed		

If a referral not made	Detail reasons here:
Future actions	
Signature	
Name	
Job Role	
Date	
<p>Remember to maintain confidentiality at all times. Do not discuss this incident with anyone other than those who need to know.</p> <p>NB This form should be kept by the relevant Lead, Deputy or Head of Service and passed to the relevant agency as soon as possible</p>	

TEMPLATE SAFEGUARDING CONCERN FORM

ADULTS AT RISK

This form should be completed factually and ONLY with information already known, take care to highlight anything which is recorded and only opinion or hearsay

Be careful not to investigate or question the adult at risk

Service or department	
Your Name	
Job Role	
Contact number, mobile	
eMail	
Adult's name	
Adult's date of birth	
Address	
Parent / carer name & address	
Contact number	
Has the adult's consent been sought? If not why not?	
Is this the first concern for this adult?	Record details, including dates here
Date and time of concern	
Details of concern, including any witnesses	

Actions taken so far – who referred to	
--	--

To be completed by Lead, Deputy or Head of Service:

Name of contact & agency	Name:	Date:
	Tel:	Time:
Was the concern an emergency? Yes / no	Name:	Date:
	Tel:999	Time:
Actions agreed		

If a referral not made	Detail reasons here:
Future actions	
Is this the first concern for this adult?	Record details, including dates here
Signature	
Name	

Job Role	
Date	
<p>Remember to maintain confidentiality at all times. Do not discuss this incident with anyone other than those who need to know.</p> <p>NB This form should be kept by the relevant Lead, Deputy or Head of Service and passed to the relevant agency as soon as possible</p>	

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HAVANT BOROUGH COUNCIL

Cabinet

11 September 2017

For decision

COMMISSIONING ADVICE SERVICES

Head of Housing and Community Engagement

Cabinet Lead: Cllr Leah Turner, Cabinet Lead for Communities and Housing

Key Decision: No

1.0 Purpose of Report

- 1.1 To present to Councillors a proposal to re-shape the provision of advice services across the borough, moving from grant funding to commissioning these services.
- 1.2 This paper outlines the model of advice services to be commissioned; a commentary on the current situation with Havant Citizen's Advice and proposes a way forward to implement the commissioning solution.

2.0 Recommendation

THAT Cabinet:

- 2.1 notes the timescale for commissioning services from the voluntary sector;
- 2.2 notes the change to delivery through commissioning of advice services from 2018/19 as outlined in section 3 below for a service up to the value of £114,300;
- 2.3 Havant Citizen's Advice be issued with a 6 month formal notice to terminate the current Service Level Agreement (SLA) which is good practice; and
- 2.4 power be delegated to the Head of Housing and Community Engagement to oversee the process in consultation with the Cabinet Lead for Communities and Housing.

3.0 Commissioning Services

- 3.1 The Council is looking to move from grant funding to commissioning services based on outcomes over the next 3 years with the first being Advice Services. In consultation with the Cabinet Lead, officers will develop a series of commissions and, working with the Procurement Service, invite commissions from organisations. Commissioning opportunities will be advertised on a commissioning portal in the autumn, and following evaluation, commissions will be entered into from April 2018

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- 3.2 There is a need to provide general advice services to residents within Havant. This advice needs to be available on-line, by telephone and face to face. As well as providing pre-arranged appointments, the service needs to be available on a drop-in basis. The service needs to be delivered at a time and place that meets the needs of the customers; this means services provided in areas of need and at times to include evenings and weekends.
- 3.4 The service provider does not need to be a Havant specific organisation; it may be possible for organisations who deliver services in other local authority areas to deliver within the borough. For example, Portsmouth advice services are provided by The YOU Trust, a national organisation which now operates for Portsmouth residents (<http://www.adviceportsmouth.org.uk/>).
- 3.5 There is an expectation that any service provider would work with other advice providers in the area to minimise duplication of services. For example, the service provider would be required to offer complimentary services to the Surgery Signposter advice service operating within GP practices.

4.0 Current Advice Provision

- 4.1 There are a number of organisations that provide advice services to Havant residents either through local or national provision. A list of those organisations can be found at Appendix A.
- 4.2 The only advice organisation that HBC fund is Havant Citizen's Advice, which delivers advice services to Havant residents.
- 4.3 As well as providing an outreach service in Hayling Island and at the Plaza, Havant Citizen's Advice operates out of the following locations in the borough:
- Leigh Park Community Centre
 - Waterlooville Library
- 4.4 Havant Citizen's Advice offers a broad range of advice services, a list of those services can be found at Appendix B.
- 4.5 Details of the provision of advice services at the various locations can also be found at Appendix B. Key points to note are:
- Appointments are only offered during the working day, Mon – Fri
 - No appointment based service on weekends or Bank Holidays
 - Most customers are required to book appointments rather than be seen at the point of contact
- 4.6 The Council's Housing and Benefits services advise clients that they can approach Havant Citizen's Advice, amongst other organisations, for independent advice, for example they may have been refused re-housing or may be being pursued for overpayment of housing benefits.

Funding Havant Citizen's Advice

- 4.7 Havant Citizen's Advice funding amounts over the past 5 years are as follows:

Year	Grant Amount	% reduction
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2013/14	141,200	nil
2014/15	141,000	nil
2015/16	127,080	10%
2016/17	127,380	nil
2017/18	114,300	10%

- 4.8 In addition to the core grant Havant Citizen's Advice receive from the council there is a historical arrangement in place which gives them allocated space within the Leigh Park Community Centre for which they only pay a Service Charge to the leaseholder of the building. There is no rent payable for their main space although they do pay separately for three additional rooms within the Centre.
- 4.9 As well as receiving funding from HBC, Havant Citizen's Advice receives external funding from the Big Lottery for specific project work which also contributes to their core funding.

Current situation

- 4.10 Contact between HBC and Havant Citizen's Advice is rare and whilst the Council has an appointed Cllr to this outside body the only other contact we have is usually at the time of reviewing the grant. A copy of their latest report is attached at Appendix C
- 4.11 The Service Level Agreement ended in 2008 and ever since has been held over on the same terms; in fact the current CEO of Havant Citizen's Advice appeared unaware of this SLA and has since been sent a copy.

5.0 Summary and conclusion

- 5.1 The decision relating to the service delivery and how our grant is spent is driven by Havant Citizen's Advice with no input from HBC.
- 5.2 There are other service providers in the vicinity that would theoretically be able to provide a service to residents.
- 5.3 Citizen's Advice services work within a local authority boundary and do not infringe on another Citizen's Advice area.
- 5.4 The commissioned specialist advice service will be developed with an implementation date of April 2018.
- 5.5 It would be financially prudent to challenge those applying for this Commission to deliver an extended service at a reduced cost.

6.0 Implications

Resources

- 6.1 In 2017/18, the Council has a budget of £114k to deliver an advice service. Due to the ongoing budgetary pressures the Council face it would be prudent to make

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financial savings through this process and enable some financial forward planning.

Legal

- 6.2 As neither party has signed a new Service Level Agreement, the conditions in the previous SLA still hold. The previous SLA does not contain a termination clause.

Strategy

- 6.4 The provision of advice services contributes to the Council's overarching aim of improving people's lives.
- 6.5 The commissioning of advice services meets the Council's aspiration to deliver alternative methods of service delivery.

Risks

- 6.6 There is a potential reputational risk to the Council if notice were to be served on Havant Citizen's Advice. Citizen's Advice organisations are well known nationally and are funded by local authorities. A change to this arrangement in Havant would attract media interest.
- 6.7 Advice can be taken from Portsmouth City Council and East Hampshire District Council who have both been through this process on how to mitigate the impact of negative publicity.

Communications

- 6.8 A full communications plan would be entered into should the decision be made to serve a 6 month notice on Havant Citizen's Advice.

For the Community

- 6.9 The provision of free of charge advice services is a service accessed by all across the community.

Integrated Impact Assessment

- 6.10 An Integrated Impact Assessment will be done as part of the preparation for commissioning.

Consultation

- 6.11 In developing a commissioning proposal for advice services the following people and organisations were consulted:
- Cllr Leah Turner, Cabinet Lead
 - Tracey Wood, Head of Housing and Community Engagement
 - Lydia Forbes-Mason, Communications Manager

NON EXEMPT

Signed off by:

Cabinet Lead for Communities and Housing: 30/8/17

Head of Housing and Community: 30/8/17

Head of Legal: 30/8/17

Head of Finance 31/8/17

Contact Officer:

Nicki Conyard

Community Manager

Ext: 446279

ADVICE ORGANISATIONS

<p>Generalist advice</p> <ul style="list-style-type: none"> • Age UK • Havant Citizen's Advice • HBC • Hampshire County Council • Off the Record • Portsmouth University – the general legal advice clinic • Rethink Mental Illness – Central Point • Silverline • Youth Tube <p>Debt & money advice services</p> <ul style="list-style-type: none"> • Debt Advice Foundation • Debt Support Trust • Frontline Debt Advice UK • Money Advice Service • My Money Steps • National Debt line • Payplan • Portsmouth University – the general legal advice clinic • Step Change • Work Out Your Money (CAB) <p>Relationship advice services</p> <ul style="list-style-type: none"> • Off the Record • Relate <p>Consumer advice services</p> <ul style="list-style-type: none"> • Consumer helpline (CAB) • Trading Standards <p>Safeguarding advice services</p> <ul style="list-style-type: none"> • Action on Elder Abuse • Aurora New Dawn • Broken Rainbow • ChildLine • Life Centre • Men's Advice line • Missing People • NSPCC • Police Protection Dept – safeguarding • Rape Crisis • Refuge domestic violence helpline • Respect Phone line • Rethink Mental Illness – Central Point • Samaritans • Southern Domestic Abuse Service • Swains Solicitors domestic helpline • The Hampton Trust • Victim Support 	<p>Employment advice services</p> <ul style="list-style-type: none"> • ACAS • Enterprise First • Job Centre Plus • National Careers Service • Rethink Mental Illness – Central Point • Sector Skills Service • Solent Mind Employment Advice • The Wheatsheaf Trust • Youth Tube <p>Housing Advice</p> <ul style="list-style-type: none"> • Havant Housing Association • Help to Buy South • Radian Housing Group • Shelter • The Guinness Partnership • The Housing Advice Service <p>Law & Rights Advice Services</p> <ul style="list-style-type: none"> • Competition Pro Bono Scheme • Coram CLC • Fathers 4 Justice • Liberty Human Rights • NYAS • Ports Uni – the general legal advice clinic • Rights of Women • The Civil Legal Advice helpline <p>Health advice services</p> <ul style="list-style-type: none"> • Alzheimer's Society • Brook • Carers Centre • Carers Direct • Counselling directory • CQC • Gamblers Anonymous • Hampshire Care Choice • Hampshire Local Officer • HASAG • Healthwatch • Macmillan • MIND • National Gambling helpline • NHS 111 • NHS lets talk about it • PAPAA • Ports Autism support network • Ports Hospital NHS Trust • Quit4life • Rethink Mental Illness – Central Point • Southern Health NHS Trust • Princess Royal Trust for Carers
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NON EXEMPT

Appendix B

HAVANT CITIZEN'S ADVICE – AT A GLANCE ADVICE SERVICES DATES/TIMES

Advice services

- Benefits
- Money matters
- Employment
- Housing
- Relationships and family
- Macmillan
- Healthwatch
- Pensions
- Other (consumer, discrimination, education, immigration, health, government, legal, tax, travel)

2017 Service offer

	Leigh Park	Waterlooville	Hayling Island	Public Service Plaza
Monday	10am – 1pm weekly Closed Bank Holidays	10am – 2pm weekly Closed Bank Holidays		
Tuesday				10am – 2pm weekly
Wednesday	10am – 3pm weekly			
Thursday		10am – 2pm weekly 3pm – 6pm second and fourth Thursday of each month	10am – 2pm weekly	
Friday	10am – 1pm weekly			
Saturday				
Sunday				

No service offer on Bank Holidays

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Citizens Advice Havant

www.citizensadvicehavant.org

Operational Review Report to Havant Borough Council – July 2017



High level statistics for 2016/17

Core client numbers	4,308
Additional WOYM client numbers	2,151
Client issues	9,370
Client contacts	18,978

Projected funding for 2017/18

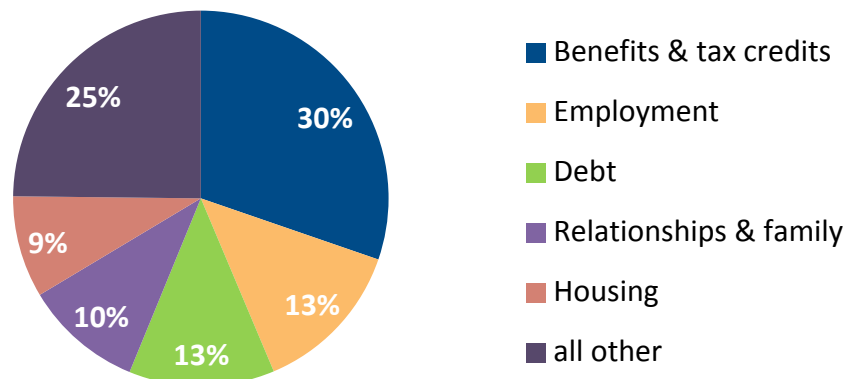
HBC Core	£114,000	Lowest per head of pop'n of all Borough/Districts in Hants
Big Lottery	£112,000	Workoutyourmoney project
CitA Hampshire	£71,000	NHS Advocates Hampshire-wide contracted service
CitA Hampshire	£30,000	Macmillan casework contracted service
Other	£28,000	Local fundraising and smaller projects
Total	£355,000	
Volunteers	£330,000	Value of approaching 60 volunteers using ONS data

Funding factors

- Gaining greater diversification of funding has been a key priority
- Funding has grown by 60% since 2012/13
- HBC core funding represents 33% of our total funding, down from 68% in 2012/13
- HBC core funding is the lowest per head of population in Hampshire, see below
- HBC core funding has excluded inflation rises since 2006/07
- HBC core funding dropped 7% in 2015/16 and 10% in 2017/18
- No pay inflation awards have been given to staff since 2009
- Front-line services have expanded and core client numbers plateaued in 2012/13 and have continued at a similar level subsequently

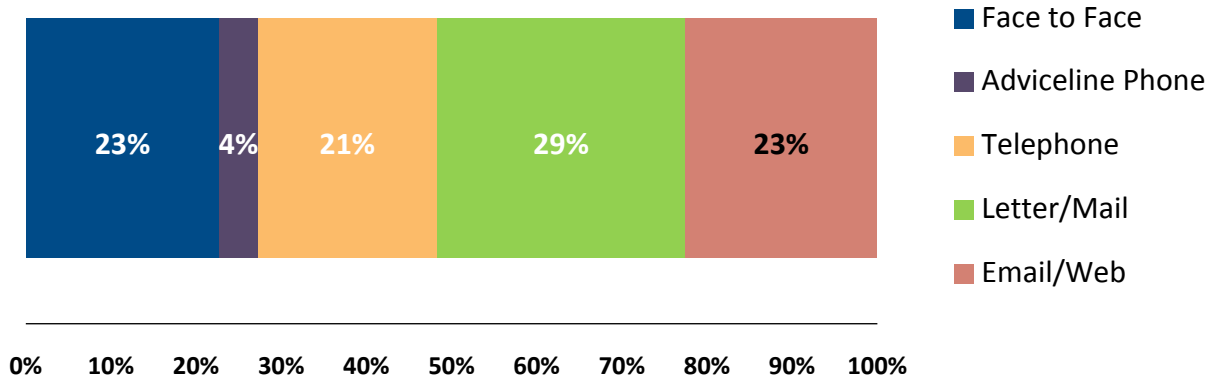
Core client statistics

Client issues

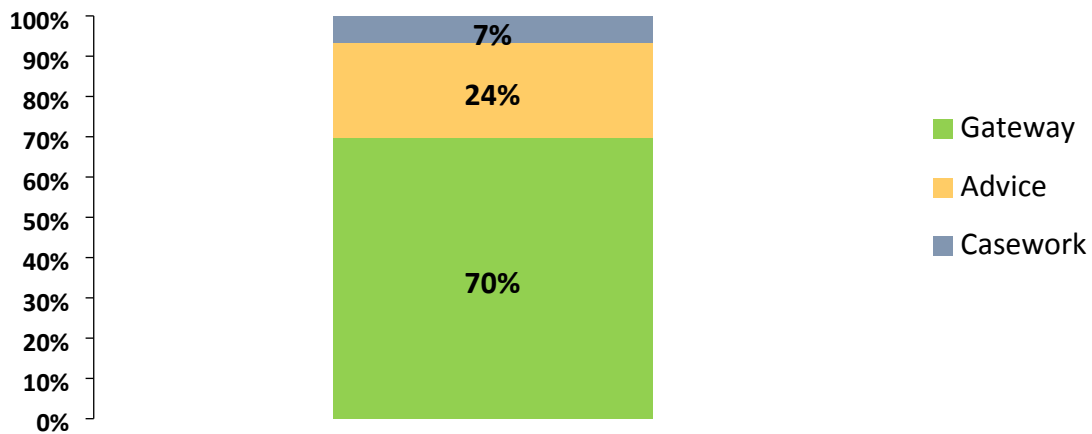


NB: Other includes consumer, legal, financial other than debt and health

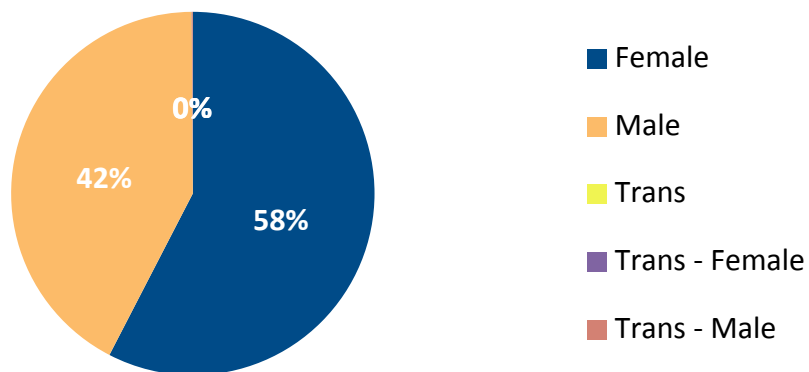
Client contacts by channel



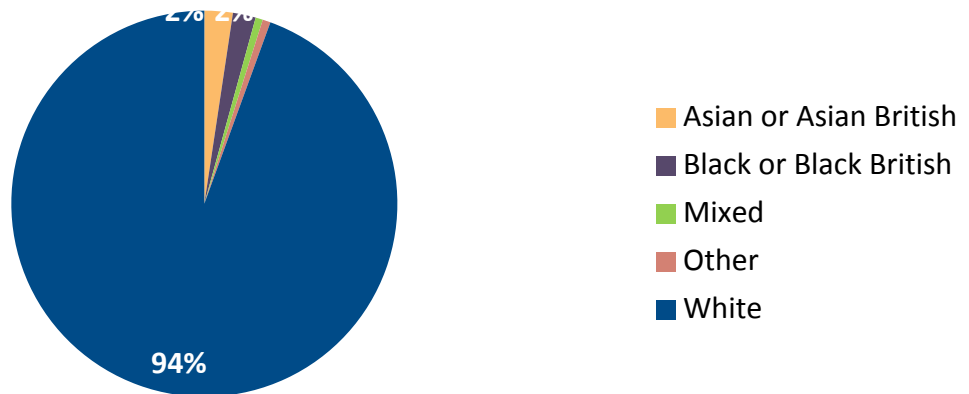
Work type/activity



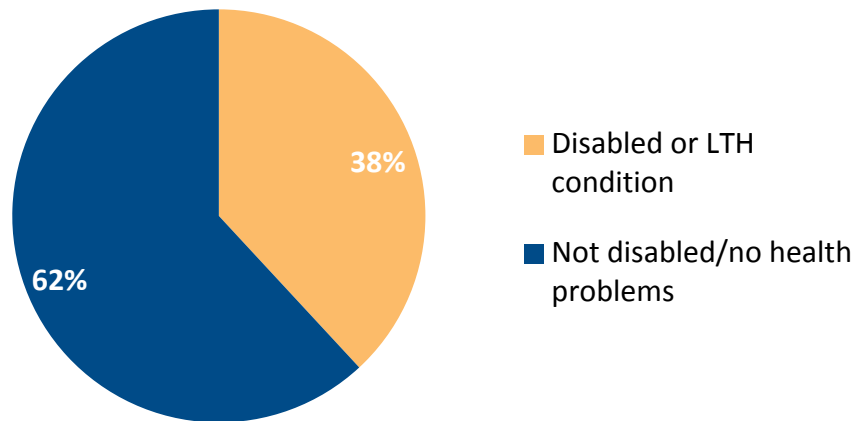
Client gender



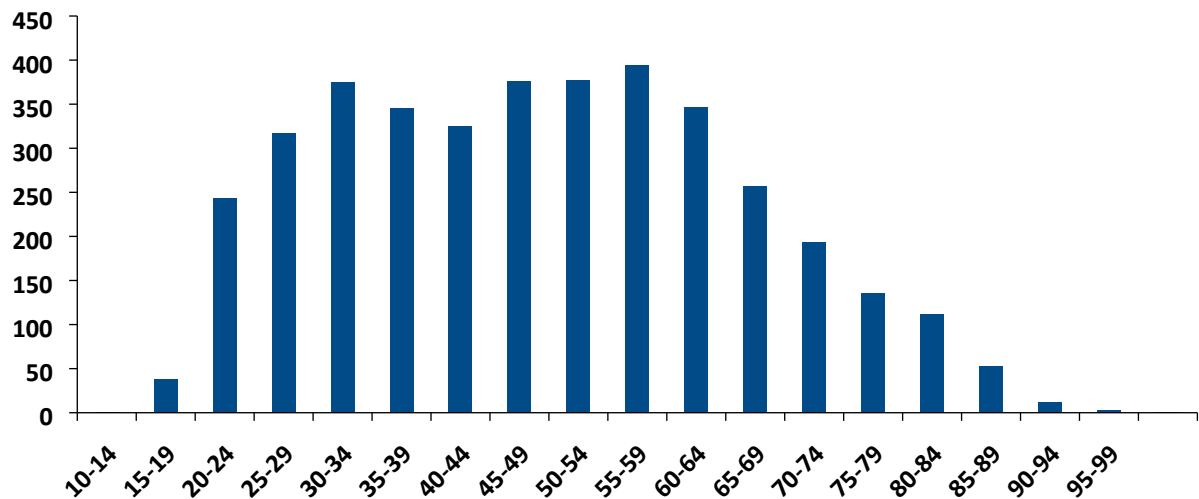
Client ethnicity



Client disability/long term health conditions



Client age



The advice landscape

The Government's welfare reforms have progressed with the roll-out of Universal Credit locally to new single job seekers. Capita Services are in contact with us regarding support packages covering household/personal budgets and review of debt/benefit entitlement. It is critical that Universal Credit claimants settle into the new arrangements and prioritise their housing and living costs. 2018/19 will see a significant step up of Universal Credit in the local area and the relationship with Capita and RSLs needs to be cultivated.

The Government's application of the new lower Benefits Cap came into effect in November 2016 and this again requires support covering household/personal budgets and review of debt/benefit entitlement. It is critical that claimants prioritise their housing and living costs.

A recent report by the charity Crisis recommends investment in advice on housing and homelessness is critical and highly cost effective. Support measures are encouraged, such as financial and debt advice, mediation with landlords, conciliation between parents and teenagers, mental health and drug support, and assistance in job-seeking and using the benefits system. The cost of a year of support for a person who has become homeless is estimated at £34,000. Anecdotal evidence suggests homeless and rough sleeper numbers are on the increase in the Havant area.

National debt statistics indicate Indebtedness is growing at the fastest rate since before the banking crisis in 2008. UK adults owe an average of nearly £30,000, mostly in mortgages, but also in loans and credit cards. Around 87% of this debt is in the form of mortgages, secured by property. But UK adults also now owe an average of £3,700 in loans and credit cards. With the Bank of England currently warning that inflation is set to rise, borrowers are urged to start cutting their debts. The spotlight nationally is currently focussed on the large sector of 'just about managing' households.

Locally debt issues have fallen since around 2012/13 with the reduction of available credit and significant levels of local personal debt being written off by the credit industry. However particularly in areas of higher social deprivation, debt problems remain stubbornly high, due to the increased activity of high cost lenders as well as a culture of informal and sometimes illegal lending.

Employment issues are rising and there are increasing instances of local employer malpractices with employee rights failing to be met. Several employment tribunals have recently been won or settled favourably out of court, but a portfolio of sharp practices is building and the Supreme Court ruling in July, requiring the Government to withdraw the current charging mechanism could result in significantly higher demands.

The July 2017 Havant Locality Board meeting included senior manager updates from HBC, HCC, PCC, the emergency services and key local charities on several key issues:

- Hampshire Police reported that a child sex exploitation ring had been uncovered in Havant, Police resources were being stretched in efforts to apprehend the highly organised gang of perpetrators and support victims. Widespread publicity is anticipated.
- Hampshire County Council reported that there was currently a 'spike' in the numbers of children entering care in the local area.

- Hampshire Police were also struggling to contain the arrival of organised drug rings which have moved into the Havant area causing an increase in a range of other crimes.
- Hampshire Fire reported being severely stretched following the fire at the Grenfell Tower, with resources being transferred to large urban areas such as Portsmouth and Southampton. Assessments on high rise buildings in Havant had not revealed cladding problems, although significant other defects were being identified. Public buildings were also being inspected.
- Havant Borough reported on the appointment of the new Operations and Place Shaping Director. His initial work had highlighted decades of degeneration with a lack of investment and development. Havant Borough's heavily restricted financial state and lack of ability to invest had resulted in run down environments that attracted social problems highlighted above. The new Director's track record of major regeneration was to be utilised by Havant Borough and the Cabinet were expected to approve a major investment programme, financed by low cost Government borrowing, to pump prime regeneration of South Hayling, Havant and Waterlooville town centres.

CAH has an important role in supporting the repercussions of these multiple issues above and there could well be an impact on our advice services, which need to be well prepared for this. CAH also views itself as part of the required investment to regenerate the local community.

CAH's community focussed, highly trusted, impartial and independent advice and support activities reduce demand and costs falling on local statutory services provided at Borough and County level, as well as for local housing providers. Less advice provision by CAH results in increased service demand, greater public sector costs and higher instances of crisis.

CAH is actively monitoring the situation regarding advice provision for the City of Portsmouth. Citizens Advice Portsmouth is no longer funded for general advice provision, with funding being provided to You Trust who operate only from a North End office. We are aware that clients with Portsmouth post codes are accessing our services, either because they are aware of our brand or because the live or work north of the Island and Leigh Park and Waterlooville are more accessible for them. Our current statistics show:

Local Havant residents supported by other CAs 1,014

Out of area clients supported by CAH:

Portsmouth residents	282
Chichester residents	34
Winchester and Meon Valley residents	365
Other Hampshire residents	399

A significant element of non-local support is related to phone, email and web chat 'distant' support as well as the work location of clients. Overall, the numbers do not look to be a cause for concern and the in/out numbers virtually balance out. This aspect will continue to be monitored.

Core funding

Research on Local Authority funding levels across all Hampshire Boroughs, Districts and Parishes for 2016/17 revealed that Havant continues to be the lowest funded Citizens Advice per head of population. Basingstoke was the next lowest funded, nearly 20% above Havant. Gosport, a comparable neighbour but with the advantage of covering just one town, received 45% more funding.

If CAH received the average funding for Hampshire, our grant would be £200,000:

HAMPSHIRE BOROUGH, DISTRICT AND PARISH FUNDING 2016/17				
Local Authority	Population ONS Mid 2013	Total LA Grants	Grant per head Population	Notes
Rushmoor	95,000	215,700	2.27053	2 town locations
East Hampshire	117,100	258,000	2.20325	3 town locations/Rural
Test Valley	118,400	260,000	2.19595	2 town locations/Rural
Hart	92,700	181,000	1.95254	1 town
Winchester	118,300	210,000	1.77515	2 town locations/Rural
Gosport	83,500	128,000	1.53293	1 town
New Forest	178,100	270,000	1.51600	3 town locations/Rural
Eastleigh	127,700	180,000	1.40955	2 town locations
Fareham	113,600	147,000	1.29401	1 town
Basingstoke and Tadley	171,900	213,000	1.23909	1 town
Havant	121,600	127,000	1.04441	2 town locations
Total	1,337,900	2,189,700	1.63667	
Havant - 2016/17 Actual	121,600	127,000	1.04441	actual
Havant - Neighbours	121,600	204,000	1.67676	£77,000 more or +60%
Havant - Lowest 2 town	121,600	171,000	1.40955	£44,000 more or plus 35%
Havant - Average	121,600	199,000	1.63667	£72,000 more or +57%
Havant - 2017/18 Estimate	121,600	114,000	0.93750	estimate

CAH is currently adjusting to the further loss of grant in 2017/18 and there is an element of cushioning from the WOYM project. A cut back in frontline services is likely with reduced opening hours at Leigh Park being explored. Increased reliance on volunteers is also anticipated with a new training cohort commencing in August.

A fundamental service review was commissioned by the Board in May, and a Working Group formed, tasked with the following terms of reference:

In undertaking the business planning and budget work for 2017/18, with pressures on client services, numerous project initiatives underway and increasing funding threats being faced, Trustees have approved the undertaking of a fundamental service review ... to encompass our entire operation and the external environment around it:

- Focus on the needs of our local people and communities
- Balance in depth, face to face support for those on a knife edge, with self-help/distance support for the personally more capable
- Invest in our teams and volunteers
- Persuade our partners and funders of working with and investing in us
- Be creative about how we work and who we partner with

Approach to be adopted and specific tasks:

- Form a Working Group from members of current working groups
- Establish a project plan to manage tasks and resources
- Review all aspects of current resources and funding
- Undertake an updated community and client needs assessment
- Propose effective/affordable service delivery models
- Assess potential funding, project and partnering options
- Produce a resource strategy
- Make recommendations and proposals to the Board by the end of September 2017

HBC's now expected rapid move to commissioning makes the above work even more critical. CAH has real concerns around the viable minimum level of core funding and its ability to provide a service, coupled with the importance of the WOYM project which supports core work. However the pace of the commissioning exercise might limit our ability to influence.

Work out your Money project

Our four year Reaching Communities/Big Lottery project started in 2014 to provide proactive money advice to the local community and to invest in educating our secondary school children about finances. Our aim was to engage with around 10% of the Havant population. We have a highly experienced and enthusiastic team of ten money mentors and caseworkers currently undertaking an exciting programme of work.

We are working with Big Lottery on an evaluation/impact report of the project so far, with a business plan/strategy also being prepared for a further phase of the project, hopefully to enable our work to continue through to at least 2020 and to support the local community through the rollout phases of Universal Credit.

2020 vision 'redesign' project

This Big Lottery/Cabinet Office funded project, covering advice services across East Hampshire and Havant, commenced in 2014 and although the funding ended in 2015/16, development work continues.

Research/client insight work in our local communities revealed:

- Issues are becoming more complex; mirroring life
- Poor mental health is rising across all age groups
- Continual change in government policy and practice

- Welfare cuts; employment limitations; rising cost of living/housing; means that navigating life is harder than ever; especially for young people, low income families, older people and carers
- Most vulnerable urgently needing face to face in depth support
- Increasing proportion of clients can be 'distance supported'

In undertaking our service redesign our focus has been to:

- Keep the client at the centre of our thinking; assess and understand value demand; remove barriers, enable clients to get resolution at the first pass wherever possible
- Design modern, simple and inviting, well located advice centres
- Invest in coaching clients on digital and financial capability
- Collaborate with partners, seeking co-location of services, gain economies by sharing and gain client benefit by pooling expertise
- Build digital access operations to enable clients to access services by phone, webchat and email, with system capabilities to channel switch; potential for partnering services
- Continuously review, utilise 'check, plan, do' and prototyping to evolve services to best meet client need and demand
- Pursue failure demand, where the client fails to receive the right help/support at the first time where/when it mattered. This requires continuous monitoring and a viable escalation process
- Identify with local community need, tailoring the national Citizens Advice offer

The 2020 project produced a valuable client insight study, with a large client survey capturing over 2,000 client interactions, which led to client focus groups and client journey mapping and the production of a series of short films that captured, from the client perspective, their experiences of obtaining help for important issues in their lives. In addition the 2020 project helped support and pump prime the WOYM project, enabled investment in establishing a phone, webchat and email offering to clients and supported the redesigned advice services into Waterlooville library. One important area that stalled, was the creation of multi-agency caseworkers, who would be empowered to connect with local organisations to support clients/local families through multiple issues. The Havant transformation project did support the concept, but partners were unable to commit to a prototype trial to explore this radical way of working.

Hampshire CC have retained a close interest in our 2020 work, resulting in a new project running in 2017/18 to continue the 2020 project methodology with partnering between Communities First Wessex, Autism Hampshire and Age Concern, working with Citizens Advice in East Hampshire, Havant and Winchester on a health and wellbeing agenda.

Jon Stuart FRSA, FFA

Chief Executive, Citizens Advice Havant

: 07884 432111

✉: ceo@cahavant.org.uk

NON EXEMPT

HAVANT BOROUGH COUNCIL

Cabinet

11th September 17

Local Discretionary Business Rate Relief Scheme

Brian Wood, Head of Customer Services

FOR DECISION

Portfolio: Cabinet Lead for Economy and Infrastructure Projects

Cllr Tim Pike

Key Decision: Yes

1.0 Purpose of Report

1.1 The purpose of this report is to seek approval of the new Local Business Rate Relief Scheme

2.0 Recommendation

2.1 That Cabinet approves the new Local Business Rate Relief Scheme

3.0 Subject of Report

3.1 At the Budget on 8 March 2017, the Chancellor announced that the Government would make available a discretionary fund of £300 million over four years from 2017/18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. The Chancellor stated that local government is best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.

3.2 The Government's intention is that every billing authority in England will be provided with a share of the £300 million to support their local businesses. This will be administered through the Council's discretionary relief powers under section 47 of the Local Government Act 1988.

3.3 The Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies. The Government

has allocated the available funding to each billing authority area based on assumptions about how authorities will target their relief scheme.

- 3.4** A Grant of £300k has been confirmed by the Department of Communities and Local Government (DCLG).

Amount of discretionary grant by year

	2017-18	2018-19	2019-20	2020-21	Total
Havant	£175k	£85k	£35k	£5K	£300k

- 3.5** It has been verified with the DCLG that any moneys unspent will be returned. The scheme has been drafted in a way that more funds will be granted and less money will be returned, therefore benefiting the Ratepayers of Havant.

- 3.6** A one off New Burdens Grant of £12k has been confirmed to cover administrative costs of this scheme and the two other new schemes, Pub Relief and Supporting Small Business Relief.

4.0 Subject of the Report

- 4.1** Please see attached new Scheme document – Appendix 1

5.0 Implications

5.1 Resources:

The financial cost of the scheme is covered by the central government grant.

5.2 Legal:

Legal advice has been taken with regards to the State Aid declaration and the delegation of authority.

5.3 Strategy: (Priorities)

The new scheme would support the Council's strategy around 'Economic Growth'.

5.4 Risks:

There is a financial risk that we could over or underspend on the scheme. Mitigation has been put in place to control the spending within the scheme document.

5.5 Communications:

Detailed covering communications will be sent to each Ratepayer who is entitled to relief.

5.6 For the Community:

The Scheme will financially benefit the local business community

6.0 Consultation

Business and Economy Manager
Monitoring Officer and Lead Solicitor
Revenues and Benefits Contract Manager (Client)
Principal Accountant
Cllr Pike
Cllr Bowerman

Appendices:

Appendix 1 - Local Business Rate Relief Scheme

Background Papers:

Consultation documents and Grant distribution

<https://www.gov.uk/government/consultations/discretionary-business-rates-relief-scheme>

Agreed and signed off by:

Legal Services: 16th August 2017

Director of Strategy and Governance: 15th August 2017

Portfolio Holder: 16th August 2017

Contact Officer: Brian Wood
Job Title: Head of Customer Services
Telephone: 01730 234150
E-Mail: brian.wood@eastshants.gov.uk

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Havant Borough Council

Local Discretionary Business Rate Relief Scheme

Introduction

This document sets out the Council's local discretionary business rate relief scheme for the financial years 1 April 2017 to 31 March 2021.

1) The Local Discretionary Relief Scheme

The Local Discretionary Business Rate Relief Scheme will apply for the four years 1 April 2017 to 31 March 2021 only. Under the scheme relief will only be provided where a qualifying ratepayer's bill has increased due to the 2017 revaluation.

The amount of relief will be recalculated each year, due to demand and annual allocated grant. It is therefore likely that the minimum threshold and percentage of relief could change from year to year to meaningfully target businesses where the revaluation has had a greater impact.

The recalculation will be delegated to the Head of Customer Services in consultation with the relevant Portfolio Holder and Head of Finance.

The Relief the Council is able to offer under the scheme will be limited to the funding provided as detailed below:-

Amount of discretionary grant

	2017-18	2018-19	2019-20	2020-21	Total
Havant	£175k	£85k	£35k	£5k	£300k

Where a qualifying ratepayer's 2017/18 rates bill is reduced for any of the following reasons, the amount of their relief will be reduced or removed accordingly:

- a reduction in rateable value in the 2017 local rating list
- the application of any additional rate relief or exemption
- vacation of the property by the occupier
- any other reason

There will be no recalculation of relief if there is a change in the 2016/17 rate liability. Also no further relief will be granted if the 2017 rateable value is increased after 1st April 2017.

2) Further Exclusions - Where any of the following apply, the ratepayer will not be eligible for local discretionary business rate relief:

- The Ratepayer is a 'precepting' authority i.e. a body that levy's Council Tax such as Hampshire County Council, Police Authority etc.
- Ratepayers in receipt of Supporting Small Business Relief
- Ratepayers occupying properties after 31 March 2017
- Properties which were not on the rating list as at 1 August 2017.
- Properties which are unoccupied.
- The Ratepayer is entitled to full Small Business Rate Relief
- The Ratepayer is entitled to Enterprise Relief
- The increase in Rates between 2016/17 and 2017/18 is less than £600 pa
- Where the award of relief would not comply with EU law on State Aid.
- The Rateable Value is greater than £200,000 in the 2017 Rating Local List
- No relief will be backdated to prior years

3) Calculation of Relief and Process

Relief will be calculated as a percentage (30% in year 1) of the difference between the net rates bills for 2016/17 and 2017/18.

Example

2016 RV	2017 RV	RV Increase	% increase	2016 amount charged	2017 amount charged	Increase	30% Reduction on increase	Revised Rates Bill for 2017
45,750	65,000	19,250	42.08%	£22,737.75	£26,254.09	£3516.34	£1054.90	£25,199.19

Process

Wherever possible, Ratepayers will be identified through our Business Rates Database and the relief calculated and allocated automatically without the requirement of an application form.

A revised Business Rate bill will sent to the ratepayer together with a covering letter detailing the relief, explaining that the relief is for one year and requesting confirmation from the Ratepayer that the granting of the relief would **not** comply with EU Law on State Aid.

As detailed in part 1, the amount of relief will be recalculated each year, due to demand and annual allocated grant. The recalculation will be delegated to the Head of Customer Services in consultation with the relevant Portfolio Holder and Head of Finance.

This is a discretionary scheme and therefore there is no right of appeal on any decision made.

End of Year

As any unspent grant will be returned to Central Government, a review will be undertaken each February to identify any qualifying cases that would benefit from additional support. This will ensure that the maximum benefit can be achieved under the scheme. This review will be delegated to the Head of Customer Services in consultation with the relevant Portfolio Holder and Head of Finance.

Notice Periods

As the funding decreases substantially across the 4 years any award will be for the maximum of one year and it will be made clear to the rate payer that their support will be revoked after a maximum of 12 months.

This is in accordance with the Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059)

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