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03 July 2019

To: All Councillors

As a Member or Substitute of the **Governance and Resources Committee**, please treat this as your summons to attend a meeting on **Thursday 11 July 2019 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a faint circular stamp or watermark.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

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

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

28 February 2019

3. PUBLIC PARTICIPATION

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

4. INTERESTS

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

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15.

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

Page No.

6. EQUALITY, CONSULTATION AND ENGAGEMENT PLAN 2019/20

04 - 30

To receive an update report on the progress against the actions set out in the Equality, Consultation and Engagement Plan 2018-19, and consider approval for the Equalities, Consultation and Engagement Plan for 2019 - 20.

7. DERBYSHIRE DALES DISTRICT COUNCIL: ELECTORAL REVIEW

31 - 37

To receive a report setting out the timetable for a review of the District Council's Electoral arrangements by the Local Government Boundary Commission, for which reports at key stages of the review will be presented to the Committee in due course with all proposals requiring a formal response from the District Council being formulated by Council itself.

8. REVIEW OF POLLING PLACES

38 - 43

To receive a report setting out the requirements to undertake a review of polling districts and polling places in the Derbyshire Dales Voting Area which will commence on 1 August 2019 and any recommendations arising from the Review be reported to Council in September 2019 and the final proposals be reported in November 2019.

9. CCTV SYSTEM – REVISED CODE OF PRACTICE

44 - 90

To receive a report providing an overview of the Council's current CCTV System and seek approval for the adoption of the revised (2019) CCTV Code of Practice.

10. CAPITAL PROGRAMME BID FOR MICROSOFT EXCHANGE SOFTWARE

91 - 95

To consider a report seeking approval for a business case relating to Microsoft Exchange software and subject to that approval, Council be requested to approve the inclusion of this project, estimated at a cost of £17,000, within the capital programme for 2019/20.

11. REVIEW OF THE REVENUE AND BENEFITS SERVICE

96 - 108

To consider a report seeking approval for the proposal to pursue a new hybrid model of delivery of the Revenue and Benefits Service with Chesterfield Borough Council, in order to achieve the continuation of the service.

12. DERBYSHIRE DALES SAFEGUARDING POLICY

109 - 160

To consider a report seeking approval of an updated Safeguarding policy, with the requirement to be mandatory training for all councillors, implemented by 1 September 2019. Also to seek approval for delegated authority to be given to Head of Community and Environmental Services as Safeguarding Officer.

- 13. PROCUREMENT STRATEGY UPDATE 2018 - 2021** **161 - 163**
To receive an update report on the Procurement Strategy Action Plan and note the achievement of a £24,228 contribution towards the Council's overall savings target.
- 14 INTERNAL AUDIT ANNUAL REPORT 2018/19** **164 -169**
To receive and consider approval of the Internal Audit Annual Report for 2018/19.
- 15 EXCLUSION OF PUBLIC AND PRESS**
At this point the Committee will consider excluding the public and press from the meeting for the reasons shown in italics below.
(This item contains information which relates to the businesses affairs of the Council.)
- 16. INTERNAL AUDIT REPORTS CONCLUDED UNDER THE 2018/2019 AND 2019/20 OPERATIONAL AUDIT PLANS** **170 - 212**
To consider a report seeking approval of the internal audit reports produced in respect of the 2018/2019 and 2019/20 Internal Audit Plan

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

Substitutes – Councillors Robert Archer, Jason Atkin, Richard Bright, Neil Buttle, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Clare Gamble, Stuart Lees, Elisa McDonagh, Tony Morley, Peter O'Brien, Joyce Pawley, Andrew Statham, Alasdair Sutton and Steve Wain.

GOVERNANCE AND RESOURCES COMMITTEE
11 JULY 2019

Report of the Head of Regeneration and Policy

EQUALITY, CONSULTATION AND ENGAGEMENT PLAN 2019/20

PURPOSE OF REPORT

The District Council publishes an annual Equality, Consultation and Engagement Plan which sets out how it will meet its public sector equality duties, and what consultation and engagement activities are proposed each year.

This report provides for the Committee's consideration an update on progress against the actions set out in the Equality, Consultation and Engagement Plan 2018-19. This report also seeks approval for the Equalities, Consultation and Engagement Plan for 2019 -20.

RECOMMENDATIONS

1. That progress against the actions in the Equality, Consultation and Engagement Plan 2018-19 (Appendix 1) is noted.
2. That the Equality, Consultation and Engagement Plan 2019-20 as set out in Appendix 2 to this report is approved.

WARDS AFFECTED

All Wards

STRATEGIC LINK

The District Council has a statutory duty to pay due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and encourage good relations between different groups of people. Furthermore the District Council has a duty to consult with the community in carrying out its functions and activities. The Equality, Consultation and Engagement Plan helps the District Council meet its statutory duties.

Meeting the statutory equality and consultation duties ensures that the District Council is able to act in accordance with our values of acknowledging the distinctiveness of our communities, business and residents; and that in carrying out our functions and activities we behave with integrity, courtesy and respect, listening and responding to the best of our abilities and treating everybody fairly.

1 BACKGROUND

- 1.1 The District Council has a comprehensive Equality and Diversity policy¹ which provides the context for the Equality, Consultation & Engagement Plan.
- 1.2 The equalities statutory duty comprises a [general equality duty](#) and a [specific duty](#). The District Council must comply with both. The general duty requires the District Council to have due regard in the exercise of all its functions to the need to:
- Eliminate discrimination, harassment and victimisation;
 - Advance equality of opportunity between all persons;
 - Foster good relations between all persons.
- 1.3 The District Council must therefore ensure consideration is given to the aims of the Duty in all its decisions. The paragraph on 'other considerations' at the end of every committee report reminds Members that although Officers have had regard to equality issues when preparing reports, Members should also consider equality issues in order to meet the Equality Duty.
- 1.4 The specific duty requires the District Council to publish:
- Equality information annually about its workforce and service users to demonstrate compliance with the general Equality Duty;
 - Equality objectives (drawing on this information) at least every four years that it needs to achieve to meet the aims of the general equality duty, focusing on its priority equality issues.

The [Consultation and Engagement Strategy 2014-2019](#) was agreed at [Corporate Committee on 20 March 2014](#) (Minute No. 387/12). The strategy, which describes the purpose, principles and priorities in respect of consultation and engagement activity undertaken by the District Council, will be refreshed in 2019.

Each year the District Council prepares an Equality, Consultation and Engagement Plan which sets out the activity planned for the coming year in line with the strategy's objectives.

2 PROGRESS ON EQUALITY AND CONSULTATION 2018/19

- 2.1 Updated equality information was published on the District Council's website² as required by legislation on 31 January 2019. A proportional approach to the collection and publication of data continues to be taken, with a particular focus on key service user satisfaction data disaggregated by relevant protected groups.
- 2.2 In 2012, the District Council consulted on three draft equality objectives via an on-line survey sent to equalities organisations and groups operating in the Derbyshire Dales, local voluntary organisations and LSP partners. These equality objectives were agreed at Community & Environment Committee on 19 April 2012 (Minute No. 387/12) and progress is reported annually. Progress towards these objectives at March 2019 is summarised in Appendix 1.

¹ https://www.derbyshiredales.gov.uk/images/documents/E/Equality_and_Diversity_Policy_March_2016.pdf

² <https://www.derbyshiredales.gov.uk/your-council/equalities/equality-information>

The District Council's equality objectives for 2019-20 are:

- Improve housing opportunities for vulnerable people
- Provide services which reflect the communities of the Derbyshire Dales and are accessible to all users

2.3 The Equality, Consultation & Engagement Plan 2018 - 2019 set out, for each equality objective, performance measures/targets which are detailed in Appendix 1. Of the four identified targets: two have been fully achieved; two were not fully achieved.

2.4 The two targets that have been fully achieved at March 2019 are:

- 100% of priority Equality Impact Assessments completed - 100% of priority EIAs completed.
- Provide debt and welfare advice to 250 vulnerable households - debt and welfare advice provided to 452 vulnerable households. This target has been revised for 2019-2020 (see Appendix 2).

2.5 The two targets not fully achieved by the end of March 2019 were:

- Provide adaptations to the homes of 70 disabled people – adaptations were provided to 66 homes. This target has been revised for 2019-2020 (see Appendix 2).
- Provide support to 5 people under 25 interested in starting a new business – more younger people are taking jobs rather than starting their own business, plus there are restricted finance opportunities for younger people. This target has been reviewed for 2019-2020 (see Appendix 2).

2.6 Equality Impact Assessments:

To minimise the risk of legal challenge and to ensure that the potential impact upon protected groups is taken into account in the District Council's decision making framework, Equality Impact Assessments are prepared. Each year a number of priority Equality Impact Assessments are identified in the Equality, Consultation & Engagement Plan as having to be undertaken, where they are linked to potential future policy development or potential changes in service delivery. Completed Equality Impact Assessments are summarised and presented for Members' review when new or revised policies are being considered at Committee or Council meetings. Completed Equality Impact Assessments are also published on the District Council's website to demonstrate compliance with the Equality Duty.

2.7 Progress on priority EIAs for 2018/19:

The following EIA was identified in the Equality, Consultation & Engagement Plan 2018/19 (see Appendix 2) and was completed:

- Discretionary Business Rate Policy

2.8 The Equality, Consultation and Engagement Plan 2018 – 2019 provided a structured framework for the District Council's consultation and engagement activities during the last financial year. This Plan was agreed at [Governance & Resources Committee on 14 June, 2018](#) (Minute No. 41/18). Consultation and Engagement activity of note during 2018 - 2019 includes:

- Online Panel Survey, September 2018. Results were reported to [Community & Environment Committee on 21 February 2019](#) (Minute no: 348/19).

3 EQUALITY, CONSULTATION & ENGAGEMENT PLAN 2019 - 2020

3.1 The key areas for consultation that the plan sets out for 2019-20 are:

- Online panel survey – finding out how satisfied residents are with the District Council, its services and quality of life in the Derbyshire Dales. The survey provides important feedback on the performance of services and suggests areas for improvement, which supports service planning and management.

4. RISK ASSESSMENT

4.1 Legal

Under the provisions of the Equality Act 2010, the District Council has specific statutory duties. All decisions taken by the Council, all services provided or enabled by the Council and all personnel functions of the Council are required to take account of this duty. Failure to comply with the equality duty could render the Council open to legal challenge. The areas of activity identified within this report seek to reduce any potential risk. However, this area is still considered to be a medium legal risk in light of the requirement to demonstrate that councils have consciously considered their obligations.

The District Council also has a duty to consult, and to demonstrate that it has consulted in making decisions on how to undertake its functions and activities which affect the public. Failure to consult or demonstrate how consultation has influenced the decision making process is an area where the District Council could face legal challenge. As such the areas of activity identified in the Equality, Consultation and Engagement Plan seek to reduce any potential risk.

As challenges on these matters are becoming more frequent nationally, the legal risk is medium.

4.2 Financial

The costs of addressing the statutory requirements in relation to Equalities and Consultation are contained within existing service budgets. As such the financial risk is low. However failure to comply with the relevant statutory requirements may expose the District Council to legal challenge and therefore the potential for higher financial risks.

4.3 Corporate Risk

Progressing the activity identified within the report will help manage the risks of legal challenge, enforcement action for non-compliance with statutory equality duties, and potential loss of good reputation.

5 OTHER CONSIDERATIONS

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

6 CONTACT INFORMATION

Lynne Cheong, Policy Officer (Consultation and Equalities)
Tel: 01629 761240 Email: lynne.cheong@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

None

8 ATTACHMENTS

Appendix 1: Equality, Consultation and Engagement Plan 2018-19
Appendix 2: Equality, Consultation and Engagement Plan 2019-20

EQUALITY, CONSULTATION AND ENGAGEMENT PLAN 2018 – 2019

EQUALITY ACTION PLAN – updated March 2019

Equality Objectives	Actions	Performance Measures / Targets	Outcome	
Objective 1: Business Growth and Job Creation	Help new businesses to start	5 people under the age of 25 supported in starting a new business	More younger people are taking jobs rather than starting own business, plus restricted finance opportunities for younger people	Red
Objective 2: Affordable Housing	Improve housing for vulnerable people	Provide adaptations to the homes of 70 disabled people	Adaptations provided to 66 homes	Red
		Provide debt and welfare advice to 250 vulnerable households	Debt and welfare advice provided to 452 vulnerable households	Green
Objective 3 A Clean and Safe District	Provide services which reflect the communities of the Derbyshire Dales and are accessible to all users	% of residents that are satisfied with the refuse and recycling collection service	93% - Serco survey [Online Panel survey - 57% satisfaction rate, a fall from 62% in 2017; however this is in line with the national pattern]	Green
	Agree and progress the corporate programme of priority Equality Impact Assessments for 2018-19	Programme for 2018-19 completed including: <ul style="list-style-type: none"> Final Business Rates Discretionary Relief proposals 	EIA completed, Business Rates Discretionary Relief policy approved, Council, 27 September 2018 (Minute no: 159/18)	Green
	Service Reviews – any potential equality impacts to be identified through EIAs	<ul style="list-style-type: none"> Service Reviews 	Waste Collection; EIA November 2018, updated February 2019	Green

CONSULTATION & ENGAGEMENT ACTION PLAN– updated March 2019

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
Regulatory Services						
Satisfaction with the development control/ management service	Ongoing	Online survey	Service users	N	Tim Braund/Jon Bradbury	Very low response rate
Housing						
Complete 2 parish housing needs survey (HSS11)	March 2019	Postcard to each household in Parish asking them to complete online survey / phone. Publicity by Parish newsletter, Parish meetings / community events.	Residents in the Parish	N	Rob Cogings/ Isabel Cogings	1 housing needs assessment completed - work has focused on the delivery of a larger than normal new build programme, rather than starting the groundwork for new schemes
Consultation on regeneration projects, Hurst Farm, Matlock	Summer 2018	External consultants appointed by Waterloo HA	Hurst Farm residents	N	Marie-Christine Schmidt	A local company was appointed to support the engagement with residents. Their report has been received and work is underway to

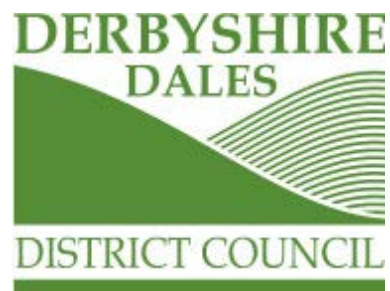
Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
		undertaking a range of survey & engagement				develop the Master Plan from the consultation findings
Customer satisfaction with housing needs services	TBC	Face to face survey	Customers	N	Simon Beynon	
Consultation with stakeholders effected by proposals to charge increased Council Tax on empty properties to identify which of the initiatives they would find most helpful	Summer 2019	On line survey	Affected stakeholders	N	Rob Cogings	Online survey completed; Empty Homes Premium policy approved, Council, 5 December 2018 (Minute no: 269/18)
Resources						
Biennial ICT internal satisfaction survey	November 2018	Biennial online survey	Staff at DDDC	N	Nick Blaney	ICT Internal Satisfaction Survey, January 2019
Budget consultation	January-February 2019	Presentation at meetings or electronic/ paper survey. Business	Residents and businesses	N	Karen Henriksen / Steve Capes	Budget approved following consultation, Council, 8 March 2019 (Minute no: 372/18)

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
		Forums and Community Forums				
Local Council Tax Support Scheme	Summer 2018	TBC	TBC	Y	Karen Henriksen	Not required, no change to current Scheme
Business Rates Discretionary Relief	Spring 2018	Online survey	Local small businesses, charities and community groups	Y	Karen Henriksen	Online survey completed; Business Rates Discretionary Relief Policy approved. Council, 5 December 2018 (Minute no: 270/18)
Community and Environmental Services						
Customer satisfaction survey with the waste and recycling service (informing performance indicator WM2)	May and November 2018	Telephone survey by Serco	Sample of 400 local residents	N	Ash Watts / Sally Rose	Ongoing
Customer survey to generate ideas to encourage residents to use food waste recycling more	May 2018	Telephone survey by Serco	Sample of 400 local residents	N	Ash Watts / Sally Rose	Survey completed

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
Community Engagement Hub project: Pavilion	Ongoing		Modernise current facilities to be able to use for club activities, bookings and events	EIA may be needed for specific projects	Rob Wilks	
Market research into customer satisfaction with Leisure Facilities	June 2017 and annually after transfer of service	Various - to be determined	Residents, existing and potential users	N	Dave Turvey	
Area Community Forums - Summer	TBC	Public meeting	Residents, businesses, Service users, Partners	N	All / Ros Hession	Area Forum meetings held September 2018
Area Community Forums - Winter	TBC	Public meeting	Residents, businesses, Service users, Partners	N	All / Ros Hession	Area Forum meetings held February 2019
CRI8 & CRI9 % people feeling safe outside during the day and night	November 2018	Online Panel Survey	Local residents	N	Karen Cooper	Online Panel survey October / November 2018, report to Council, January 2019 referred to Community & Environment Committee, 21 February 2019 (Minute no: 348/18)

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
Regeneration & Policy						
Business Engagement Programme- business forums/workshops	First event July	Six-monthly themed events, plus workshops & networking	Local businesses with growth plans, inc. larger firms	N/A	Giles Dann	
Biennial Business Survey – themed	Autumn 2018	On-line + phone survey	Local businesses	N/A	Giles Dann	
Discretionary Business Rates Policy Proposals	July 2018	On-line survey + letters to those affected	Not for profit organisations and local businesses	Yes	Steve Capes	Business Rates Discretionary Relief Policy approved, Council, 5 December 2018 (Minute no: 270/18)
Performance indicators POL8 & POL9, N14 & N15 % agreeing the Council provides value for money, satisfaction with how the Council runs things, feel can influence decisions in their locality, satisfied with the area	September – October 2018	On-line Panel survey	Local residents	N	Steve Capes	Online Panel survey October / November 2018, report to Council, January 2019 referred to Community & Environment Committee, 21 February 2019 (Minute no: 348/18)
Corporate Services						

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
% of customers satisfied with internal Business Support services	Ongoing- after service delivery	Online survey	Local residents & stakeholders	N	Sandra Lamb	



Equality, Consultation & Engagement Plan

2019 – 2020

1. Introduction

Derbyshire Dales District Council has statutory duties under the [Equality Act 2010](#) which should be considered across all the Council's public functions. The Act defines a range of 'protected characteristics':

- Age
- Religion or belief (including non-belief)
- Disability
- Pregnancy and maternity
- Gender reassignment
- Sex / gender
- Marriage and civil partnership (with regard to discrimination)
- Sexual orientation
- Race

The [Equality Act 2010 S.149](#) sets out three broad aims in the form of a statutory general equality duty which requires the Council to have due regard to the need to:

- Eliminate discrimination, victimisation and harassment
- Advance equality of opportunity
- Foster good relations between different groups

The [Equality Act 2010 \(Specific duties\) Regulations 2011](#) set out further specific duties for public bodies which support delivery of the three aims of the general equality duty. These require the Council to:

- Publish annually equality information about its workforce and service users
- Set equality objectives and specify the steps it will take to achieve them, at least every four years

The Council publishes [equality information](#) and [gender pay gap](#) data annually on its website.

The Equality Plan 2019 – 2020 supports delivery of the Council's statutory equality duties and sets out:

- How the Council takes account of equalities issues in the decisions it makes (section 3)
- An overview of the Derbyshire Dales community (section 4)
- The Council's equality objectives and the steps it is taking to achieve them (section 5)
- Equality performance indicators used by the Council to monitor its progress
- Equality improvement actions for the year ahead.

The Council also has a duty to consult which is integral to mainstreaming equalities, particularly in the setting and delivery of equality objectives. The Action Plan at the end of this document sets out the key pieces of externally facing consultation and engagement that are identified at the time that the service plans are being written. As being aware of the impact of changing services/policies on different groups of individuals is often crucial in shaping the scope and shape of public consultation, the potential need to produce an Equality Impact Assessment (EIA) is also identified in this plan. Progress with achieving this plan is reported annually.

2. Equality and Diversity Policy

The Council's commitment and approach to promoting equality as a public service provider and employer is set out in its [Equality & Diversity Policy](#).

The [Dignity and Respect for All](#) policy aims to encourage people living, working and visiting the Derbyshire Dales to show consideration to one another and to treat each other fairly.

3. Equality Impact Assessment, Monitoring and Engagement

To inform its decision making and ensure that its policies and practices are fair, the Council undertakes [Equality Impact Assessments](#) where relevant and proportionate.

It also carries out equalities monitoring of its policies and practices, where appropriate, to ensure that everyone is treated fairly. Monitoring data is published annually as part of its [Equality Information](#).

The Council actively seeks feedback from its customers and staff to ensure effective consultation about its services and plans. It has a [Consultation and Engagement Strategy 2014-2019](#) which sets out the ways in which it will engage with those living, working and visiting the District to improve services. This strategy will be reviewed and refreshed in 2019/20.

4. The Derbyshire Dales Community

The 2011 Census and other data provide the following picture of the Dales ([ward profiles and other equality information](#) published annually on the Council's website are also available):

- **Sex (gender)** – Of the estimated population of 71,849 in 2017, 49.3% of residents were male and 50.7% female (ONS, Mid-year population estimates, 2017)
- **Age** – the district has an ageing population. People aged 65 and over make up 26.1% of the population compared to 17.9% in England. 59% of people are of working age (16-64 years). The under 25s make up 23.9% of the district's population compared to 30.1% in England. (ONS, Mid-year population estimates, 2017).
- **Disability and long term ill health** – people whose day to day activities are limited make up 18.5% of the population compared to 17.6% in England. In addition, 12.7% of local people provide unpaid care compared with 10.2% in England. Levels of daily activity limitation are significantly higher among those over 60 years of age.
- **Race** – 96.8% of residents are White British compared to 79.8% in England. A further 1.8% are from other white backgrounds (particularly Eastern European backgrounds)
- **Marriage and civil partnerships** – 54.8% are married compared with 46.6% in England and 0.3% live within same sex civil partnerships (similar to national position)
- **Pregnancy & Maternity** – since 2001 there has been a 2.4% increase in births (half the Derbyshire average) compared to 7.9% in England
- **Religion or Belief** – 68.7% of residents describe themselves as Christian compared with 59.4% in England. 23.2% declared no religious belief compared with 24.7% in England
- **Sexual Orientation** – The exact number of lesbian, gay or bisexual people living in the Derbyshire Dales is not known. The Government estimate is 5-7% of the population which equates to between 3,500 - 5,000 people in the Derbyshire Dales. Census 2011 data shows that 187 persons in the Dales were in a same sex civil partnership (0.3% of all persons over 16 years of age)
- **Gender Reassignment** – Derbyshire LGBT+ (the main local organisation supporting the LGBT community) has previously estimated that between 150 - 200 people in Derbyshire identify themselves as Transgender.

Socio-economic Issues:

- **Unemployment** - 410 working age adults in the Dales were claiming Jobseekers Allowance or Universal Credit at February 2019 (DWP Claimant Count [Unemployment] February 2019). 1636 persons with disabilities and/or long term ill health issues were claiming Employment Support Allowance at August 2018 (DWP, Cases in payment, August 2018).
- **Universal Credit** - the total number of households claiming Universal Credit at November 2018 was 323, of which 267 were in payment. 24% (64) of these claimants were lone parents with children; 13% (35) were couples with children;

and 59% (158) were single persons with no dependents (DWP Claimant Count [Universal Credit]. November 2018).

- **Disability and long term ill health** – 1,584 persons were claiming Personal Independence Payment in January 2019 to assist with their support needs (DWP, Cases in payment, January 2019). At August 2018, 590 persons were claiming Carers Allowance and a further 1936 were claiming Attendance Allowance (DWP, Cases in payment, August 2018).
- **Wages** – at £375.90 per week in 2018, average earnings by workplace from jobs in the Dales are 7.2% lower than in 2017. The Great Britain average earnings by workplace rose by 2.5% to £461.30 in 2018 (Annual Survey of Hours and Earnings, 2018).
- **Debt** - Debt issues within the Dales remain a real concern. Derbyshire Dales CAB helped with 1208 debt issues on behalf of clients in 2018-19.
- **Fuel poverty** – 3464 households experienced fuel poverty in 2016, constituting 10.09% of all Dales' households, compared to 11.6% in Derbyshire and 11.1% in England (Dept. Energy & Climate Change, June 2016).

5. Equality Objectives

The [Corporate Plan](#) is the key strategy from which the District Council's other strategies, plans and policies cascade. The priorities for the Council for 2019 - 2020 are:

- Business Growth & Job Creation
 - Help New Businesses to Start
 - Help Existing Businesses to Grow
 - Promote Key Development Sites
- Affordable Housing
 - Identify and Deliver New Affordable Housing Sites
 - Reduce Empty Homes in the Private Sector
 - Improve Housing for Vulnerable People
- Market Towns
 - Reviving Stall Markets
 - Seeking Public Realm Improvements
- Maintain a Clean and Safe District
- Continue to Seek Efficiencies and Innovative Working Practices

Informed by demographic and monitoring of performance data, our equality objectives for 2019 - 2020 are:

1. Enhance opportunities for vulnerable people to access suitable housing and live independently at home for longer
2. Provide services which reflect the communities of the Derbyshire Dales and are accessible to all users

Targets are set each year and integrated within service plans to help measure progress towards these objectives. Our equality objectives and targets for 2019 - 2020 are set out in the action plan.

Progress against our objectives for 2018 – 2019 is set out in Appendix 1.

6. Monitoring and Review

Progress on the Equality, Consultation and Engagement Plan is monitored by the Corporate Leadership Team (Heads of Service and the Chief Executive) and reported annually to Members. The Plan will be available to the public via the Council's website.

Corporate performance indicators will be monitored by the identified service manager and reported via the service planning and review process.

7. Further Information

Policy Officer (Consultation and Equalities)

Regeneration and Policy

Derbyshire Dales District Council

Town Hall

Matlock

DE4 3NN

Email: lynne.cheong@derbyshiredales.gov.uk

Website: <http://www.derbyshiredales.gov.uk/your-council/equalities>

EQUALITY, CONSULTATION AND ENGAGEMENT PLAN 2019 – 2020

EQUALITY ACTION PLAN

Equality Objectives	Actions	Performance Measures / Targets	Outcome	Lead	By when
Objective 1: Affordable Housing	Improve housing for vulnerable people	Provide adaptations to the homes of 57 disabled people		Head of Regulatory Services	March 2020
		Provide debt and welfare advice to 300 vulnerable households		Head of Housing	March 2020
Objective 2: A Clean and Safe District	Provide services which reflect the communities of the Derbyshire Dales and are accessible to all users	% of residents that are satisfied with the refuse and recycling collection service		Provider / Head of Community and Environmental Services	March 2020
	Agree and progress the corporate programme of priority Equality Impact Assessments for 2019-20	Programme for 2019-20 completed		Heads of Service	March 2020
	Service Reviews – any potential equality impacts to be identified through EIAs	<ul style="list-style-type: none"> Service Reviews 		Heads of Service	Ongoing

CONSULTATION & ENGAGEMENT ACTION PLAN 2019 – 2021

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
Regulatory Services						
Sex Entertainment Venues Policy	TBC	TBC		Y	Tim Braund	
Charging for Food Hygiene Rating Scheme re- inspections	TBC	TBC		TBC	Tim Braund	
Housing						
Complete 1 parish housing needs survey (HSS11)	TBC	Postcard to each household in Parish asking them to complete online survey / phone. Publicity by Parish newsletter, Parish meetings / community events.	Residents in the Parish	N	Rob Cogings/ Isabel Cogings	
Consultation on regeneration projects, Hurst Farm, Matlock	TBC	External consultants appointed by Waterloo HA	Hurst Farm residents	N	Marie- Christine Schmidt	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
		undertaking a range of survey & engagement				
Customer satisfaction with housing needs services	TBC	Face to face survey	Customers	N	Simon Beynon	
Customer satisfaction with housing needs services	TBC	Face to face survey	Customers	N	Simon Beynon	
Resources						
Biennial ICT internal satisfaction survey	November 2020	Biennial online survey	Staff at DDDC	N	Nick Blaney	
Budget 2020-21 consultation	January-February 2020	Presentation at meetings or electronic/paper survey. Business Forums and Community Forums	Residents and businesses	TBC	Karen Henriksen / Steve Capes	
Budget 2021-22 consultation	January-February 2021	Presentation at meetings or electronic/paper survey.	Residents and businesses	TBC	Karen Henriksen / Steve Capes	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
		Business Forums and Community Forums				
Local Council Tax Support Scheme 2020-21	Summer 2019	TBC	TBC	Y	Karen Henriksen	
Local Council Tax Support Scheme 2021-22	Summer 2020	TBC	TBC	Y	Karen Henriksen	
Community and Environmental Services						
Customer satisfaction survey with the waste and recycling service (informing performance indicator WM2)	May and November 2019	TBC	Sample of 400 local residents	N	Ash Watts	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
Customer satisfaction survey with the waste and recycling service (informing performance indicator WM2)	TBC 2020	TBC	TBC	N	Ash Watts	
Community Engagement Hub project: Pavilion	Ongoing		Modernise current facilities to be able to use for club activities, bookings and events	EIA may be needed for specific projects	Rob Wilks	
Market research into customer satisfaction with Leisure Facilities	June 2019	Various - to be determined	Residents, existing and potential users	N	Freedom Leisure / Dave Turvey	
Market research into customer satisfaction with Leisure Facilities	June 2020	Various - to be determined	Residents, existing and potential users	N	Freedom Leisure / Dave Turvey	
Area Community Forums - Summer	TBC 2019 Purpose and format of the Area	Public meeting	Residents, businesses, Service users, Partners	N	All / Ros Hession	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
	Community Forums to be reviewed in 2019-20					
Area Community Forums - Winter	TBC 2019 Purpose and format of the Area Community Forums to be reviewed in 2019-20	Public meeting	Residents, businesses, Service users, Partners	N	All / Ros Hession	
Area Community Forums - Summer	TBC 2020 Purpose and format of the Area Community Forums to be reviewed in 2019-20	Public meeting	Residents, businesses, Service users, Partners	N	All / Ros Hession	
Area Community Forums - Winter	TBC 2020 Purpose and format of the Area Community Forums to be reviewed in 2019-20	Public meeting	Residents, businesses, Service users, Partners	N	All / Ros Hession	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
CRI8 & CRI9 % people feeling safe outside during the day and night	November 2019	Online Panel Survey	Local residents	N	Karen Cooper	
CRI8 & CRI9 % people feeling safe outside during the day and night	November 2020	Online Panel Survey	Local residents	N	Karen Cooper	
Regeneration & Policy						
Business Engagement Programme- business forums/workshops	2019	Six-monthly themed events, plus workshops & networking	Local businesses with growth plans, including larger firms	N/A	Giles Dann	
Business Engagement Programme- business forums/workshops	2020	Six-monthly themed events, plus workshops & networking	Local businesses with growth plans, including larger firms	N/A	Giles Dann	
Biennial Business Survey – themed	Autumn 2020	On-line + phone survey	Local businesses	N/A	Giles Dann	
Kirk Ireton Neighbourhood	Autumn 2019	TBC	Kirk Ireton residents	N/A	Mike Hase	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
Plan Statutory Consultation						
Ashbourne Neighbourhood Plan Statutory Consultation	Autumn 2019	TBC	Ashbourne residents	N/A	Mike Hase	
Brailsford Neighbourhood Plan Statutory Consultation	TBC	TBC	Brailsford residents	N/A	Mike Hase	
Performance indicators POL8 & POL9, N14 & N15 % agreeing the Council provides value for money, satisfaction with how the Council runs things, feel can influence decisions in their locality, satisfied with the area	September – October 2019	On-line Panel survey	Local residents	N	Steve Capes	
Performance indicators POL8 & POL9, N14 & N15 % agreeing the Council provides	September – October 2020	On-line Panel survey	Local residents	N	Steve Capes	

Issue/ Consultation Task	Date planned	Methods	Target Groups	EIA required	Lead Officer	Progress
value for money, satisfaction with how the Council runs things, feel can influence decisions in their locality, satisfied with the area						
Corporate Services						
% of customers satisfied with internal Business Support services	Ongoing-after service delivery (2019-20)	Online survey	Local residents & stakeholders	N	Sandra Lamb	
% of customers satisfied with internal Business Support services	Ongoing-after service delivery (2020-21)	Online survey	Local residents & stakeholders	N	Sandra Lamb	

GOVERNANCE AND RESOURCES COMMITTEE

11 JULY 2019

Report of the Head of Corporate Services

DERBYSHIRE DALES DISTRICT COUNCIL: ELECTORAL REVIEW

PURPOSE OF REPORT

This report sets out the timetable for a review of the District Council's Electoral arrangements by the Local Government Boundary Commission.

RECOMMENDATION

1. That the review of the District Council's Electoral arrangements by the Local Government Boundary Commission is welcomed.
2. That reports at key stages of the review are presented to the Committee in due course with all proposals requiring a formal response from the District Council being formulated by Council itself.

WARDS AFFECTED

All wards

STRATEGIC LINK

Not applicable.

1. BACKGROUND

- 1.1 In May 2018, the Local Government Boundary Commission for England ('the Commission') advised the District Council that because of electoral imbalances, the Commission had identified the Council as potentially requiring a Further Electoral Review.
- 1.2 The Commission has now had the opportunity to assess the degree and extent of electoral imbalance in all English principal local authorities. Additionally, the Commission has considered comments made by local authority officers regarding the likelihood that electoral imbalances will be corrected by foreseeable changes to the number and distribution of electors, and other matters related to electoral registration. As a result, the Commission has determined that a review of the District Council's electoral arrangements should take place.

1.3 An initial meeting took place with the Chairman of the Commission on 7 March 2019 together with our Chief Executive and the then Leader of the Council. The meeting focussed on the process for the review and an assurance was given that the District Council's would co-operate fully in the review. The review will take place in 2019 with revised electoral arrangements being in place for the next all out election scheduled for 2023.

1.4 The following table sets out elector variances as at 1 December 2017. Variances are shown against the elector ratio based on the electorate overall and current size of the District Council.

Red = > 10% variance

Yellow = variance 5% to 10%

Electoral Area	Seats	Electorate	Ratio	Variance
Ashbourne North	2	3023	1512	2.5%
Ashbourne South	2	4013	2007	36.0%
Bakewell	3	3788	1263	-14.4%
Bradwell	1	1513	1513	2.6%
Brailsford	1	1452	1452	-1.6%
Calver	1	1491	1491	1.1%
Carsington Water	1	1575	1575	6.8%
Chatsworth	1	1353	1353	-8.3%
Clifton & Bradley	1	1457	1457	-1.2%
Darley Dale	3	4763	1588	7.6%
Dovedale & Parwich	1	1352	1352	-8.3%
Doveridge & Sudbury	1	1549	1549	5.0%
Hartington & Taddington	1	1392	1392	-5.6%
Hathersage & Eyam	2	3185	1593	8.0%
Hulland	1	1540	1540	4.4%
Lathkill & Bradford	1	1298	1298	-12.0%
Litton & Longstone	1	1348	1348	-8.6%
Masson	2	2405	1203	-18.5%
Matlock All Saints	3	4354	1451	-1.6%
Matlock St Giles	3	4317	1439	-2.4%
Norbury	1	1414	1414	-4.1%
Stanton	1	1458	1458	-1.2%
Tideswell	1	1401	1401	-5.0%
Winster & South Darley	1	1363	1363	-7.6%
Wirksworth	3	4732	1577	6.9%
	39	57536		

1.5 In readiness for the review an internal working group has been established to co-ordinate the District Council's contributions to the review as follows:

- Chief Executive
- Head of Corporate Services, Lead Officer
- Democratic and Electoral Services Manager

- Senior Planning Policy Officer

1.6 Additional support will be provided by the policy unit at Derbyshire County Council if and when required on population forecasts.

2. REVIEW PROCESS

2.1 The review process has a number of stages and key dates which are summarised below. The final outcome will be new electoral arrangements for the District Council to be put in to operation at the 2023 District Council Elections.

Stage	Action	Duration
Preliminary	Informal dialogue with authority. Focus on gathering information including electorate forecast and other electoral data. Commissioner level involvement in briefing group leaders on the issue of council size. Meetings also held with officers, group leaders, and full council.	Up to 6 months in advance of formal start of review
Council Size	Commission analyses submission from local authority and/or political groups on council size and takes a 'minded to;' decision on council size	5 weeks by 19 November 2019
Formal start of review		
Consultation on future warding/division arrangements	Commission publishes its initial conclusions on council size. General invitation to submit warding division proposals based on Commission's conclusions on council size	12 weeks by 26 November 2019
Development of draft recommendations	Analysis of all representations received.	12 weeks
Consultation on draft recommendations	Publication of draft recommendations and public consultation	8 weeks by 31 March 2020
Further consultation if required	Only where the Commission is minded to make significant changes to its draft recommendations	Up to 5 weeks
Development of final recommendations	Analysis of all representation received	12 weeks
Publication of final recommendations		By 4 August 2020

2.2 Preliminary Stage

A timetable for the preliminary stage has been agreed as follows:

Briefing	Attendees		Key Dates
	Council	The Commission	
Officer Briefing	District Council review team	Review Manager and Review Officer	2 – 3 pm 25 July 2019
Group Leader Briefing	Council Group Leaders	Lead Commissioner, Review Manager, Review Officer	3 – 4pm 25 July 2019
Full Council Briefing	All Councillors	Lead Commissioner, Review Manager, Review Officer	4 – 5pm 25 July 2019
Parish/Town Council and Local Group's Briefing	Not required	Review Manager, Review Officer	7pm 25 July 2019

2.3 Council Size

The first step in the Review is to agree the size of Council – currently 39. The Review will come to a predisposition which the Authority may wish to address. Reasoned arguments should address

- Governance and decision making
- Democratic accountability

Relevant factors include questioning -

- Whether the Council would be more effective with more, less or the same
- Any recent changes which would mean it requires fewer, more or the same number of councillors
- Impact on the Council conducting statutory decision making such as planning and licensing
- How the overall number will impact on representative arrangements with partners
- How the representation role will impact on local people

2.3.1 Recent examples of Electoral Reviews elsewhere:

- Hartlepool reduced from 47 to 33 as a result of changes to decision making structure which introduced a Mayor and Executive function
- Slough – increased by one to take account of economic growth increasing electorate
- Vale of White Horse – reduced by 13 as a result of introducing a Cabinet system
- Bolsover – remained as is. Only one comment on consultation. Ward revisions
- Forest of Dean – reduced by 10 and reduction in number of wards to 13
- Ribble Valley – 40 Members confirmed. 14 wards all multiple member

2.4 Forecasting

The analytics behind the Review focus on forecasting elector numbers with the aim of achieving, voter equality, where practicable.

Step 1– Voter Equality – every vote has the same weight. Calculation no. of electors ÷ no. of councillors. The voter equality ratio in December 2017 = 1475. The ratio in December 2018 was 1473. This data can give some indication of where change is to be expected.

Step 2 – examine change factors

- National demographics
- Migration
- Registration campaigns
- Data cleansing

2.5 Data for Review

The Review team will ask for statistics on the number of electors – most up to date plus a 6 year forecast of electoral change. 5 years will be taken on board during the review.

The Review may create an elector ratio at inception which is higher than the average to take account of geographical characteristics that make for stronger boundaries - say up to 10% variance.

Other data sets considered including housing stock information, housing change information and Strategic Housing Market Assessment. Account will only be taken only of completion and occupancy estimates. The Senior Policy Officer and statistical information from Derbyshire County Council will be crucial at this stage.

However, significant growth is also predicted based on planning approvals over the next 5 years in the following Wards which can create other variances in elector ratio, which the commission will want to address:

- Clifton & Bradley
- Wirksworth
- Doveridge and Sudbury

2.6 Phase 2 – Ward Boundaries

The District Council is able to have an input into this stage of the review, and any views on revised ward boundaries will need to be reasoned and relevant. The Commission has 3 main criteria, set out in law- which it must follow when it produces a new pattern of wards of electoral decisions:

1. New pattern of wards should mean that each councillor represents roughly the same number of voters as elected members elsewhere in the authority. This is the only criterion which can be measured with precision.

2. Ward patterns should, as far as possible, reflect community interests and identities and boundaries should be identifiable. Evidence will be required to support reasoning e.g.
 - a. Transport links – how easy is it to travel within Wards
 - b. Community groups – are there any representative groups in the area
 - c. Facilities – where do local people go for shopping, medical services etc. the location of public facilities can represent the centre or focal point of a community
 - d. Identifiable boundaries such as rivers, valleys and woodlands
 - e. Parishes – can be used as building blocks of wards and divisions
3. The electoral arrangements should promote effective and convenient local government and reflect the electoral cycle of the council. Issues to be considered include the number of councillors in a Ward – there is no upper limit but in practice the number rarely exceeds three. That is not to say that current Ward boundaries could not be divided provided criteria 1 and 2 are met e.g. Ashbourne North and South

2.7 Consultation

The consultation process has two stages. The Commission will ask for the Council's view at the Information gathering stage and when consulting on draft recommendations. It is recommended that the Committee receives reports at all key stages of the Review and that Council makes any formal responses on behalf of the District Council.

3 RISK ASSESSMENT

3.1 Legal

The Commission's powers are derived from the Local Democracy, Economic Development and Construction Act 2009. The legal risk is therefore low.

3.2 Financial

The costs of carrying out the review can be contained within current budgets so the financial risk is assessed as low.

The financial implications of the review recommendations will be assessed when these are reported in due course.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services Email
sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

GOVERNANCE AND RESOURCES COMMITTEE
11 JULY 2019

Report of the Head of Corporate Services

REVIEW OF POLLING PLACES

PURPOSE OF REPORT

This report sets out the requirements to undertake a review of polling districts and polling places in the Derbyshire Dales Voting Area.

RECOMMENDATION

1. That a detailed review of all polling districts and polling places in the Derbyshire Dales Voting Area be commenced on 1 August 2019.
2. That the Review be progressed in accordance with the timetable at Appendix 2 below
3. That recommendations arising from the Review be reported to Council in September 2019 and final proposals be reported in November 2019.

WARDS AFFECTED

All

STRATEGIC LINK

None

1 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

- 1.1 The Electoral Registration and Administration Act 2013, amended the requirement for local authorities to carry out reviews of polling districts, places and stations as follows:

Review of polling districts and places in Great Britain

In section 18C of the Representation of the People Act 1983 (review of polling districts and places), for subsections (1) to (5) substitute

- (1) A relevant authority must during each compulsory review period carry out and complete—
 - (a) a review under section 18A of all the polling districts in its area, and
 - (b) a review under section 18B of all the polling places in its area.
- (2) The compulsory review periods are
 - (a) the period of 16 months beginning with 1st October 2013, and

- (b) the period of 16 months beginning with 1st October of every fifth year after that.
- (3) Subsection (1) does not prevent a relevant authority carrying out a review of some or all of the polling districts or polling places in its area at other times.”

1.2 In addition, the Council has a duty to keep the arrangements under review and to conduct full or partial Reviews as necessary.

1.3 A polling district is a geographical sub-division of an electoral area be it a parliamentary consistency, ward or an electoral division. A polling place is a geographical area in which a polling station is located. A polling station is the actual area where the process of voting takes place.

1.4 The 2019 review will need to take account of -

- any significant change (existing or planned) to the elector population within polling places
- the views of the public and interested parties
- the overall suitability of polling stations for example –
 - access to premises
 - car parking
 - facilities for persons who have different forms of disability
 - location of majority of electors
 - local transport links
 - Internal facilities for polling station staff and electors

1.5 A lot of the ‘ground work’ in accessing the suitability of the District’s 92 existing polling stations was carried out during the 2019 District and Parish Council Elections.

1.6 The Terms of Reference for the Review are attached at Appendix 1.

2 REVIEW TIMETABLE

2.1 The proposed timetable for the Review is attached at Appendix 2.

3 RISK ASSESSMENT

3.1 Legal

The requirement to undertake a review of polling districts and places is a statutory requirement. The legal risk is therefore low.

3.2 Financial

The cost of administering the review can be met from the 2019/20 budget estimates. The financial risk is therefore low.

The financial implications of the review recommendations will be assessed when these are reported in due course.

4 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

5 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services, Tel. 01629 761281 or email sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 APPENDICES

Appendix 1 - Terms of Reference for the Review

Appendix 2 - Timetable for the Review



TERMS OF REFERENCE REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS 2014

TERMS OF REFERENCE REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS 2019

Introduction

Under the Representation of the People Act 1983, local authorities are required to divide their area into polling districts, to designate polling places for those polling districts, and to keep their electoral arrangements under review.

The Electoral Administration Act 2006 introduced a duty for all polling districts and polling places to be reviewed every four years. The Council's last Review was carried out in 2015.

Each Polling District must offer reasonable facilities for voting for all its electors, as far as is reasonably practicable in the circumstances.

Aim of the Review

In conducting the Review the Council must ensure that:

- all electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;
- polling places must contain buildings that are suitable for use as a polling station by all sections of the community;
- so far as is reasonable and practicable, all polling stations are accessible to all electors, including those with disabilities;
- polling places must be located in an area of the corresponding polling district unless special circumstances make it desirable to designate an area that is wholly or partly outside the polling district.

Explanation of Terms

A Polling District is a geographical area created by the sub-division of an electoral area, ie a constituency, district ward or division into smaller parts.

A Polling Place is the building or area in which polling stations will be located.

A Polling Station is the room or area within the polling place where voting takes place.

The Review Process

The Council will publish a notice on 1 August 2019, announcing that a Review is taking place and **inviting comments and submissions in writing, from interested parties, by 2 September 2019.**

The Returning Officer for the parliamentary constituency within the District will be consulted and asked to make representations on the existing polling districts, places and stations.

Representations will be invited from MEP's, MP's, local Political Party Agents, County and District Councillors, Parish and Town Councils, electors and from persons with particular expertise in relation to access to premises for those with disabilities.

The Authority will consider all submissions and representations received and will make recommendations for any new polling district, place and/or station. However, there is no requirement to change any existing arrangements.

Consultation stage of the review

The Returning Officer's comments and proposals will be **published on 2 September 2019 and any comments on these must be submitted by 25 October 2019.**

Final Decision and Publication of Review Materials

Council will consider whether to implement any recommended changes on 21 November 2019. Final details and copies of all submissions received will be published on 22 November 2019.

Implementation of Changes

Any changes to polling districts will be implemented from 1 December 2019.

More information can be obtained from the Democratic Services Section at Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN. Phone 01629 761335 or email electoral@derbyshiredales.gov.uk

Any comments and representations must be made in writing to:-

The Democratic and Electoral Services Manager
Derbyshire Dales District Council
Town Hall,
Matlock
DE4 3NN

or by email to electoral@derbyshiredales.gov.uk

12 June 2019



TIMETABLE FOR REVIEW OF POLLING DISTRICTS, PLACES AND STATIONS 2014

11/7/19	<ul style="list-style-type: none"> - Report start of Review to Governance and Resources Committee
1/8/19	<ul style="list-style-type: none"> - Public notice of review - information on current polling districts, places and stations, together with details of any likely population changes, and any proposed changes to be made available for inspection at The Town Hall Matlock, Area Offices and on website. - Letter and copy of notice to Returning Officer, MEPS, MP, County Councillors, Parish Councils, Political Parties, disability groups and premises, inviting comment. - Press release issued.
2/9/19	Deadline for submissions on existing arrangements and proposed changes + suggestions for alternative polling stations.
26/9/19	Report to Council on proposals, submissions and Returning Officer's comments
27/9/19 – 25/10/19	Public consultation on Returning Officer's comments on findings and proposals
25/10/19	Deadline for receipt of public comments on Returning Officer's comments and the proposals
21/11/19	Report on final proposals to Council
22/11/19	Publish final details and copies of all submissions.
1/12/19	Publish Register incorporating changes

GOVERNANCE & RESOURCES COMMITTEE
11th JULY 2019

Joint Report of the Head of Community & Environmental Services

CCTV SYSTEM – REVISED CODE OF PRACTICE

PURPOSE OF THE REPORT

To provide an overview of the Council's current CCTV System and to seek adoption of the revised CCTV Code of Practice.

RECOMMENDATION

That the CCTV Code of Practice (Revised 2019) and supporting Procedural Manual be adopted, to form Council Policy on the future management of the Council's CCTV System.

WARDS AFFECTED

All Wards

STRATEGIC LINK

Not applicable

1. BACKGROUND

- 1.1 A report was presented to the Council's Community and Environment Committee in January 2018 which provided an update on the progress made in the development of a single CCTV System for Ashbourne, Bakewell, Matlock, Matlock Bath and Wirksworth.
- 1.2 At that meeting, authority was given to the CCTV Manager to review all CCTV systems used by the District Council and make recommendations to ensure that they comply with all relevant legislation.
- 1.3 It was also reported that the General Data Protection Regulation, which was due to come into force in May 2018, would impact significantly on any recommendations for the future management and use of the CCTV system.
- 1.4 The resultant Code of Practice aims to address those issues and forms the basis on which the System will be managed and further developed.

2. REPORT

- 2.1 The current CCTV System comprises 43 camera units located in public areas in Ashbourne, Bakewell, Matlock, Matlock Bath and Wirksworth. The areas of coverage are given in the accompanying Code of Practice and the precise camera locations are listed as Annexe 1 in the associated Procedural Manual. Both documents are provided as appendices to this report.
- 2.2 Digital video recorders are located in each of the market towns and are housed in approved secure locations. Live camera images and digital information stored at those locations are accessed via secure broadband link and may be viewed from a Control Room within the Town Hall building.
- 2.2 In addition to cameras in public areas, the District Council has a premises security camera system, comprising 6 fixed cameras, installed within the grounds of Northwood Depot, Darley Dale, from which public are excluded. These have not been included in the CCTV System at the present time and remain under the direct control of the Council's Environmental Services Section.
- 2.2 The CCTV System has been established primarily for the purpose of 'Record and Review', where video data is captured and securely held for a period of 31 days, after which it is destroyed. Within that time period there is opportunity to access and review stored footage for the purpose of investigating crime and antisocial behavior and to further extract digital material of an evidential nature. From April 2018 to March 2019 the system was used to review 143 reported incidents, resulting footage being downloaded and passed to Police in 37 instances.
- 2.3 In its current form, the System may also be used for live monitoring, though no specific resource is presently allocated for this purpose. A total of 36 hours of dedicated live monitoring has taken place during the same 12 month period. The CCTV Manager carries out routine weekly checks of all cameras and undertakes any associated maintenance, though any incidental viewing in these instances is not recorded as live monitoring.
- 2.4 Now that the System is fully established its continuing operation will be routinely reviewed with updates regularly presented to Members, in the form of an Annual Report. It is suggested that the Report be presented to the Community & Environment Committee in June of each successive year of operation.

3. RISK ASSESSMENT

3.1 Legal

The use of CCTV is regulated by The Data Protection Act, which controls how personal data can be processed and moved, and how it must be protected. The Freedom of Information Act controls access to information held by public authorities and the Human Rights Act, which includes provisions regarding the right to privacy. The Code of Practice seeks to mitigate the risk of challenge and protect the public at large. The legal risk is therefore low.

3.2 Financial

The costs of running and managing the CCTV can be accommodated within existing budgets. As the aim of this Code of Practice is to mitigate the risk of challenge, that should have the effect of reducing financial risks that could arise

from fines or compensation claims arising from failure to comply with legal requirements. The financial risk is therefore assessed as low.

4. OTHER CONSIDERATIONS

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

5. CONTACT INFORMATION

Ashley Watts, Head of Community and Environmental Services
Telephone 01629 761367, Email: ashley.watts@derbyshiredales.gov.uk

Keith Postlethwaite, Neighbourhood Manager
Telephone: 01629 761377, Email: keith.postlethwaite@derbyshiredales.gov.uk

Shaun Herrett, Partnership CCTV Manager
Telephone: 01629 761187; Email: shaun.herrett@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

C&E Report 26/10/16 – Safer Derbyshire Dales Partnership CCTV System
C&E Report 11/01/18 – Progress Update on Renewal of CCTV System
Home Office Surveillance Code of Practice – June 2013
General Data Protection Regulation 2018

6. ATTACHMENTS

Appendix 1 – CCTV Code of Practice (Revised 2019)

Appendix 2 – CCTV Procedural Manual

DERBYSHIRE DALES DISTRICT COUNCIL

**CCTV
Code of Practice**

Produced MARCH 2019

**Derbyshire dales District Council, Town Hall, Matlock,
Derbyshire, DE4 3NN**

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**DERBYSHIRE DALES DISTRICT COUNCIL
CCTV System Code of Practice**

Certificate of Agreement

The content of this Code of Practice is hereby approved in respect to the Derbyshire Dales District Council Closed Circuit Television System and as far as is reasonably practicable, will be complied with by all who are involved in the management and operation of the system.

**Signed for and on behalf of
DERBYSHIRE DALES DISTRICT COUNCIL**

Signature:

Name: **Position held:**

Dated the **Day of** **20**

**Signed for and on behalf of
DERBYSHIRE CONSTABULARY**

Signature:

Name: **Position held:**

Dated the **day of** **20**

Certificate of Agreement

The content of this Code of Practice is hereby approved in respect to Derbyshire Dales District Council Closed Circuit Television System and as far as is reasonably practicable, will be complied with by all who are involved in the management and operation of the system.

**Signed for and on behalf of
DERBYSHIRE DALES DISTRICT COUNCIL**

Signature:

Name: **Position held:**

Dated the **Day of** **20**

**Signed for and on behalf of
(Insert Additional Signatory, if needed)**

Signature:

Name: **Position held:**

Dated the **Day of** **20**

Section 1 Introduction and Objectives

1.1 Introduction

1.1.1 The Derbyshire Dales District Council (“the Council”) Mobile CCTV system was originally set up in May 2002 and named the ‘Derbyshire Dales Mobile CCTV system (“the System”)’. It was owned and operated by Derbyshire Dales District Council, Town Hall, Matlock, Derbyshire, DE4 3NN and utilised a small number of fully re-deployable cameras which could be moved between numerous pre-determined locations. The initial Code of Practice for that system was agreed on 27th May, 2002 and revised on 2nd October, 2007 when the system evolved to a partnership between DDDC and Derbyshire Constabulary (the Safer Derbyshire Dales Crime Reduction Partnership “the Partnership”). Whilst the partnership continues (as the Derbyshire Dales Community Safety Partnership), the current System remains solely under the control of the District Council, with a single control room within the Town Hall building.

1.1.2 All recorded material is owned by, and copyright of, Derbyshire Dales District Council. The system comprises of a number of cameras installed at strategic locations and, with the exception of fixed cameras within public buildings, all are capable of being relocated to alternative locations within the district, should need arise. The cameras are fully operational, some with pan, tilt and zoom facilities and some static. Data is transmitted to the CCTV control room by a wireless, point to point and broadband communication process. The CCTV system is viewed from a Control Room based at The Town Hall, Matlock. For the purposes of the General Data Protection Regulations 2018 and the Data Protection Act 2018 the ‘Data Controller’ is Derbyshire Dales District Council (see note)

1.1.3 Key Council personnel, their responsibilities and contact points are shown in appendix A to this Code.

Note: *The **Data Controller** is the person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are to be processed. It must be a legal entity e.g. person, organisation or corporate body and in the case of partnerships all partners may be considered to bear the responsibility.*

The Derbyshire Dales System remains registered with the Information Commissioner, with the District Council’s Finance Manager nominated as the Data Protection Data Controller. This person can be contacted on 01629 761100.

1.3 Statement in respect of The Human Rights Act 1998

1.3.1 The Council recognises that public authorities and those organisations carrying out the functions of a public service nature are required to observe the obligations imposed by the Human Rights Act 1998, and consider that the use of CCTV is a necessary, proportionate and suitable tool to help reduce crime, reduce the fear of crime and improve public safety.

1.3.2 Section 163 of the Criminal Justice and Public Order Act 1994 creates the power for local authorities to provide closed circuit television coverage of any land within their area for the purposes of crime prevention or victim welfare and it is also considered a necessary initiative by the Council to further its duty under the Crime and Disorder Act 1998

1.3.3 It is recognised that operation of the Council System may be considered an infringement on the privacy of individuals. The Council recognises that it is their responsibility to ensure that the scheme must always comply with all relevant legislation in order to ensure its legality and legitimacy. The scheme will only be used as a proportional response to identified problems and only in so far as it is necessary in a democratic society, in the interests of national security, for public safety, for the economic well-being of the area, for the prevention and detection of crime or disorder, for the protection of health and morals or for the protection of rights and freedoms of others.

1.3.4 The Codes of Practice and observance of the Operational Procedures contained in the manual shall ensure that evidence is secured, retained and made available as required to ensure that there is absolute respect for everyone's right to a fair trial.

1.3.5 The Council System shall be operated with respect for all individuals, recognising the right to be free from inhuman or degrading treatment and avoiding discrimination on any ground such as gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

1.4 Aims of the System

1.4.1 The Aims of the System are:

- a) The prevention and detection of crime and the provision of court/tribunal evidence (specifically to detect, prevent or reduce the incidence of property crime and offences against the person) and to improve communication and operational response of police patrols in and around the administrative area of the Council;
- b) The maintenance of public order;

- c) To reduce the level of street crime the prevention and reduction of anti-social behaviour, nuisance and vandalism;
- d) The enhancement of a sense of safety by the public;
- e) To enhance public safety in car parks;
- f) The provision of evidence for proceedings;
- g) To enhance community safety, assist in developing the economic, social and environmental well-being of the Derbyshire dales area and encourage greater use of the amenities in Derbyshire Dales;
- h) To assist the Council in its enforcement and regulatory functions within the Council's administrative area;
- i) To assist in supporting civil proceedings which will help detect or prevent crime; and
- j) To assist in 'Civil Emergencies'.

1.4.2 Within this broad outline, the North Divisional Commander (Derbyshire Constabulary), in partnership with the Chief Executive of the Council, has drawn up the above specific key objectives (which will be reviewed annually) based on local concerns.

1.5 Procedural Manual

1.5.1 This Code of Practice (hereafter referred to as 'the Code') is supplemented by a separate 'Procedural Manual' which offers instructions on all aspects of the day to day operation of the System. To ensure that the purpose and principles (see Section 2) of the System are realised, the Procedural Manual is based upon and expands on the contents of this Code.

Section 2 Statement of Purpose and Principles

2.1 Purpose

2.1.1 To provide a clear statement of the intention by the Council that it will take reasonable steps to support the aims of the System, (hereafter referred to as 'The System') and to outline how it is intended to do this.

2.1.2 The purpose of the System, and the process adopted in determining the reasons for implementing the System, are as previously defined in Section 1.

2.2 General Principles of Operation

2.2.1 The System will be operated in accordance with all the requirements and the principles of the Human Rights Act 1998.

2.2.2 The operation of the System will also recognise the need for formal authorisation of any covert surveillance that falls within the definition of 'Directed Surveillance' under the Regulation of Investigating Powers Act 2000 (see Appendix G).

2.2.3 The system will be operated in accordance with the General Data Protection Regulations and the Data Protection Act 2018 at all times.

2.2.4 The System will be operated fairly, within the law, and only for the purposes for which it was established and which are identified within this Code, or which are subsequently agreed in accordance with this Code of Practice.

2.2.5 The system will be operated with due regard to the principle that everyone has the right of respect for his or her privacy and that of family life and for their home.

2.2.6 The public interest in the operation of the system will be recognised by ensuring the security and integrity of operational procedures.

2.2.7 Throughout this Code of Practice it is intended, as far as reasonably possible, to balance the objectives of the System with the need to safeguard the individual's rights. Every effort has been made throughout the Code to indicate that a formal structure has been put in place, including a complaints procedure, by which it can be shown that the System is not only accountable but is seen to be accountable.

2.2.8 Participation in the system by any organisation, individual or authority assumes an agreement by all such participants to comply fully with this Code and to be accountable under the Code of Practice.

2.3 Copyright

2.3.1 Copyright and ownership of all material recorded by virtue of the System will remain with the Council.

2.4 Cameras and Area Coverage

2.4.1 The Areas covered by CCTV to which this Code refers are all public areas within the responsibility of the operating partners and cover the Derbyshire Dales District Council administrative district (more specifically detailed below):

Camera Locations:

Ashbourne	Shawcroft Car Park
	Dig Street
	St John Street ('Green Man')
	Market Place
	Recreation Ground Pavilion
Bakewell	Bridge Street
	Rutland Square ('Rutland Arms')
	Granby Road ('Police Station')
	Recreation Ground Pavilion
	Agricultural Business Centre
Matlock	Hall Leys Park
	Causeway Lane
	Crown Square
	Bakewell Road ('M&S Food Hall')
	Dale Road ('Monk Bar')
	Olde English Road
	Town Hall (Roof)
	Town Hall (Interior)
	Station Car Park
	Bus Station Building
Matlock Bath	South Parade ('Fishpond')
	North Parade ('The Midland')
	Station Yard Car Park
	Derwent Gardens
Wirksworth	St John Street ('Waltham House')
	Canterbury Road ('Anthony Gell School')
	Church Walk ('St Mary's Church')
	Cauldwell St/Old Market Place ('Red Lion')

2.4.2 The System is designed and specified as a 'mobile' rather than fully 'static' CCTV system. The above detailed locations may therefore change over time following consultation between the partners and in line with identifiable demands, with the exception of those fixed cameras within public buildings.

2.4.3 In addition to cameras listed in 2.4.1, the System has two fully re-deployable mobile cameras and one Body-worn camera (each with built-in encrypted data storage provision) which may be called upon and deployed at short notice in respect of specific short-term operations.

2.4.4 There are cameras installed in residential areas and relayed back to the Control Room. The Council takes reasonable steps to ensure that the privacy of its residents is fully protected.

2.4.5 The CCTV system is a mix of pan tilt and zoom (PTZ) cameras and static cameras. All have full colour capability, some of the camera have infra-red and monochrome options.

2.4.6 None of the cameras forming part of the System will be installed in a covert manner. The presence of CCTV cameras will be identified by appropriate signs, displayed in an appropriate manner.

2.4.7 A map showing the number and location of all fixed cameras is available for inspection at the Town Hall, Matlock.

2.4.8 It may be, that in certain locations an ability for the CCTV operator to speak to an individual via the CCTV network is considered useful and acceptable. However, before such technology is employed full consultation will take place and approval obtained from elected members.

2.4.9 Before the introduction of major technological change that will have a significant effect on the application of the System, the implications will be fully assessed in relation to the purpose and key objectives of the scheme. Any major proposed changes technology will be reported to the members before implementation.

2.4.10 No dummy cameras will be used in the System. It is important not to make false claims about the effectiveness of the System to avoid raising false expectations. Public confidence afforded by the System must be based on effective operating cameras and dummy cameras have no place in such a system.

2.4.11 Any expansion of the System will be in line with current legislation and this Code.

2.5 Monitoring and Recording Facilities

2.5.1 Digital Video Recorders are located in each of the Market Towns and are housed in approved secure locations. Live images and stored digital

information are viewed from the Control Room within the Town Hall building, Matlock, via secure broadband.

2.5.2 No equipment, other than that formally approved and directly associated with the System shall be capable of recording images from any of the cameras.

2.5.3 Any access to individual storage locations will normally be arranged through the CCTV Manager during normal working hours. In the event of a need to access storage locations out of normal office hours a Central Key Safe, containing keys and contact details for individuals on call-out, is located at the Police Station, Bank Road, Matlock. Access to the Key Safe is controlled by the CCTV Manager.

2.5.4 Digital Video Recorder Locations:

Area	Recorder Location:	Office Hours Access Out of Hours Access
Ashbourne Town Centre	Leisure Centre First Floor Locked Store Room	Duty Manager during opening hours. <i>Callout out of hours</i>
Ashbourne Pavilion	Above Store Room	Estates & Facilities Manager during office hours. <i>Callout out of hours</i>
Bakewell Town Centre	Agricultural Business Centre Manager's Office	ABC Manager during office hours. <i>Key in Central Key Safe</i>
Bakewell Pavilion	Loft Space	Estates & Facilities Manager during office hours <i>Callout out of hours</i>
Matlock Town Centre	Town Hall CCTV Control Room, Room 7.02	Estates & Facilities Manager during office hours <i>Key in Central Key Safe</i>
Matlock Town Hall	Town Hall Reception Back Office	Estates & Facilities Manager during office hours <i>Key in Central Key Safe</i>
Matlock Bath	Heights of Abraham Prospect Tower	By Arrangement with Location Manager
Wirksworth Town Centre	Wirksworth Town Hall Chair Storeroom	Town Clerk during office hours <i>Key in Central Key Safe</i>

2.5.5 Fully trained CCTV operators are able to view and record images from selected cameras and produce electronic format and hard paper/print copies of recorded images for evidential purposes. An Operator can also replay or copy any pre-recorded data at their discretion in accordance with the Code. All viewing and recording equipment shall only be operated by trained and authorised users and viewing of data by outside agencies or persons is strictly administered in accordance with the Code.

2.5.6 All live viewing, reviewing and downloading of images will be carried out within the dedicated Control Room in the first instance.

2.5.7 In the event of communications failure to the Control Room, it is possible for a trained operator to access the individual digital video recorders listed in 2.5.4 and view the images on location should the need arise, through the use of password protected system software on an approved laptop connected via an Ethernet port.

2.5.8 As an emergency back-up most CCTV cameras are equipped with an embedded microSD card, each capable of storing up to 18 hours of recorded data which is systematically overwritten on a recording loop. A trained operator may also access these recorded images in the event of a full system failure, by key controlled entry to the individual camera housing and password protected ethernet connection to a laptop computer

2.6 Human Resources

2.6.1 Unauthorised persons will not have access to the Control Room without an authorised member of staff being present.

2.6.2 The monitoring room and the operation of the cameras will be staffed by specially selected and trained operators in accordance with the guidance contained within the Procedural Manual. This responsibility will lie with the appointed 'CCTV Manager'.

2.6.3 All operators shall receive training in the use and operation of the System and in the requirements of the Human Rights Act 1998, General Data Protection Regulations 2018, the Data Protection Act 2018, Regulation of Investigatory Powers Act 2000 and the Codes of Practice and Procedures. Training will be relevant to their role.

2.7 Processing and Handling of Recorded Material

2.7.1 All recorded material will be processed and handled strictly in accordance with this Code and the Procedural Manual. This responsibility will rest with the 'CCTV Manager'.

2.8 Operators Instructions

2.8.1 Technical instructions on the use of equipment housed within the Control Room are contained in separate manuals provided by the equipment suppliers, supported and supplemented by the CCTV Manager. The latter will undertake an ongoing training function as and when required to maintain sufficient trained and authorised staff to operate the equipment and provide access to data for investigators. Such training is supported with a separate operators' manual, provided by supplier. The 'System Manager' will also maintain and keep updated records of all approved operators.

2.9 Changes to the Code or the Procedural Manual

2.9.1 Any major changes either to the Code of Practice or the Procedural Manual, (i.e. those that will have a significant impact upon the Code of Practice or upon the operation of the system) will take place only after consultation with, and upon the agreement of all organisations with a participatory role in the operation of the System.

2.9.2 A minor change, (i.e. one which may be required for clarification and will not have such a significant impact) will be agreed by the Chief Executive of the Council or by his nominated CCTV Manager.

Section 3 Privacy and Data Protection

3.1 Public Concern

3.1.1 Although the majority of the public at large may have become accustomed to the use of CCTV cameras, those who do express concern do so mainly over matters pertaining to the 'Processing' of the information, (or data) i.e. what happens to the material that is obtained.

Note: 'Processing' means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- i) Organisation, adaptation or alteration of the information or data;
- ii) Retrieval, consultation or use of the information or data;
- iii) Disclosure of the information or data by transmission, dissemination or otherwise making available; or
- iv) Alignment, combination, blocking, erasure or destruction of the information or data.

3.1.2 All personal data obtained by virtue of the System, shall be processed fairly and lawfully and, in particular, shall only be processed in the exercise of achieving the stated Objectives of the System.

3.1.3 The storage and security of the data will be strictly in accordance with the requirements of the General Data Protection Regulations 2018 and the Data Protection Act 2018.

3.2 Data Protection Legislation (GDPR and Data Protection Act 2018)

3.2.1 The operation of the System has been notified to the Office of the Information Commissioner (Registration No. Z6752355) in accordance with Data Protection Legislation.

3.2.2 The Data Controller for the System is the Council and day to day responsibility for the data will be devolved to the Finance Manager.

3.2.2 All data will be processed in accordance with the requirements of the General Data Protection Regulations 2018 and the Data Protection Act 2018 which, in summarised form, includes (but is not limited to):

- i) All personal data will be obtained and processed fairly and lawfully;
- ii) Personal data will be held only for the purposes specified;
- iii) Personal data will be used only for the purposes, and disclosed only to the people, shown within these Codes of Practice;
- iv) Personal data held will be that which is adequate, relevant and not excessive in relation to the purpose for which the data is held;
- v) Steps will be taken to ensure that personal data is accurate and, where necessary, kept up to date;

- vi) Personal data will be held for no longer than is necessary;
- vii) Individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it; and
- viii) Procedures will be implemented to put in place security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of information.

3.3 Request for Information (Subject access)

3.3.1 Any request from an individual for the disclosure of personal data which he/she believes is recorded by virtue of the system will be directed in the first instance to the Data Controller (Finance Manager).

3.3.2 The principles of the GDPR and the Data Protection Act 2018 shall at all times be followed in respect of each and every request. (See Appendix B);

3.3.3 If a request cannot be complied with without identifying another individual, permission from all parties must be considered (in context of the degree of privacy they could reasonably anticipate from being in that location at that time) in accordance with the requirements of the legislation.

3.3.4 Any person making a request must be able to satisfactorily prove their identity and provide sufficient information to enable the data to be located. The appropriate subject access request is included at Appendix D.

3.4 Exemptions to the Provision of Information

3.4.1 In considering a request made under the GDPR and the data Protection Act 2018 reference may also be made to Schedule 2 Part 1 Paragraph 2 which includes, but is not limited to, the following statement:

3.4.1.1 Personal data processed for any of the following purposes:

- 1) The prevention or detection of crime; and
- 2) The apprehension or prosecution of offenders

Are exempt from the subject access provisions in any case 'to the extent to which the application of those provisions to the data would be likely to prejudice any of the matters mentioned in this subsection'.

NOTE: EACH AND EVERY APPLICATION WILL BE ASSESSED ON ITS OWN MERITS AND GENERAL 'BLANKET EXEMPTIONS' WILL NOT BE APPLIED.

3.5 Criminal Procedures and Investigations Act 1996

3.5.1 The Criminal Procedures and Investigations Act 1996 came into force in April 1997 and introduced a statutory framework for the disclosure to defendants of material which the prosecution would not intend to use in the presentation of its own case, (known as unused material). Disclosure of unused material under the provisions of this Act must not be confused with the obligations placed on the Data Controller under the GDPR and the data protection Act 2018.

3.6 Regulation of Investigatory Powers Act 2000 (RIPA)

3.6.1 RIPA 2000 came into force in October 2000 to regulate the use of relevant investigatory powers in accordance with human rights. The Act regulates both 'Directed' and 'Intrusive' surveillance. The Council is not authorised to undertake Intrusive surveillance.

3.6.2 With regard to "Directed" surveillance, S.26 (2) defines this as a pre-planned activity, which is:

Covert but not Intrusive surveillance that is undertaken in relation to a specific investigation or a specific operation which is likely to result in obtaining of private information about a person.

3.6.3 On occasions the Authority may use the CCTV systems to undertake "Directed" surveillance providing the purpose of such surveillance is compatible with the provisions contained within the Act including any amendments as defined in the Protection of Freedoms Act of 2012. It is anticipated that the majority of such surveillance will be:

- a) For the purpose of preventing or detecting crime or preventing disorder;
- b) In the interest of public safety; or
- c) For the purpose of public health.

3.3.4 Targeted police operations where it is anticipated that the use of, or reference to CCTV will be made, will be authorised by the Police in writing prior to the commencement of any such operation. However such observations will only be undertaken for good reason, for the purposes of key objectives set out in this Code and in compliance with both the Human Rights Act 1998 and RIPA 2000. Therefore pre-planned observations into a public place, with details of a named person, specific description or target vehicle, will be authorised in writing by an officer not below the rank of Police Superintendent, or an Inspector in cases of emergencies but for no longer than 72 hours before being fully authorised by the rank of Superintendent.

3.3.5 A public place for the purpose of this Code is described as 'A place to which the public have access whether on payment or not.'

3.3.6 Such Police requests will be reviewed prior to commencement by the Council's Legal Services who will keep all information on a central file.

3.4 Human Rights Act 1998

- 3.4.1 The systems will be operated with due regard to the Human Rights Act 1998 and in particular the provisions of Article 8, conveying on an individual the qualified right to respect for his or her private and family life.
- 3.4.2 No interest will be shown in private dwellings and cameras will not look into such areas unless as part of an authorised Police operation. In addition the use of cameras elsewhere will be proportionate to the objectives detailed in this Code of Practice.
- 3.4.3 Controls, including Privacy Zones, which cannot be overridden by Operators, will be implemented and maintained on the CCTV Cameras in the CCTV Control Room to ensure the system does not record what is happening within residential premises. Operators of all the CCTV systems have clear guidelines and any inadvertent contraventions will be recorded and the reasons for the occurrence given.

Section 4 Accountability and Public Information

4.1 The Public

4.1.1 For reasons of security and confidentiality, access to the CCTV Control Room is restricted in accordance with this Code. However, in the interest of openness and accountability, organised visits from outside organisation, external partners and authorised members of the public will be undertaken where possible, but with minimum disruption to CCTV operation. Arrangements for such visits will be through the CCTV Manager.

4.1.2 Cameras will not be used to look into private residential property. Where the equipment permits it, 'Privacy zones' will be programmed into the system as required in order to ensure that the interior of any private residential property within range of the System is not surveyed by the cameras. If such 'zones' cannot be programmed the operators will be specifically trained in privacy issues. Operators of the CCTV system have clear guidelines regarding privacy issues, and any inadvertent contraventions will be logged, with the reasons for the contravention recorded on the log.

4.1.3 A member of the public wishing to register a complaint with regard to any aspect of the System may do so by contacting the Data Controllers office. All complaints shall be initially directed to the District Council's Complaints Officer, Town hall, Matlock. Complaints will be dealt with in accordance with the Council's Formal Complaints Procedure (Appendix H).

4.1.4 All CCTV staff are contractually subject to regulations governing confidentiality and discipline.

4.1.5 An individual who suffers damage or distress by reason of any contravention of this Code may be entitled to compensation.

4.2 System Owner

4.2.1 The Chief Executive and the Finance Manager of the Council will have unrestricted personal access to the CCTV Control Room and will be responsible for receiving regular and frequent reports from the CCTV Manager of the system.

4.3 System Manager

4.3.1 The nominated manager named at Appendix A will have day-to-day responsibility for the System as a whole.

4.3.2 The System will be subject to annual audit by the Council.

4.3.3 The CCTV Manager, in consultation with the Chief Executive, will ensure that every complaint is dealt with in accordance with the Council's Formal Complaints Procedure.

4.3.4 Statistical and other relevant information, including any complaints made, will be included, in the annual audit.

4.4 System Development

4.4.1 The development and physical infrastructure is advised by the Council's executive decision-making structure.

4.5 Public Information

4.5.1 A copy of this Code shall be published on the Council's web site, and a copy will be made available to anyone on request (on payment of a reasonable fee).

4.5.2 Cameras should not be hidden but should as far as is consistent with the purposes of the System be placed in public view

4.5.3 Annual Report

The annual report for any reporting year shall be published by the end of May of the year following the reporting year. A copy of the annual report will be made available on line via the Council's web site.

4.5.4 Signs

Signs will be placed in the locality of the cameras. The signs will indicate:

- i) The presence and possibility of CCTV monitoring, depicted by an 'Icon' representing a CCTV camera;
- ii) The 'ownership' of the system;
- iii) The reason for the presence of the CCTV;
- iv) Contact telephone number of the 'data controller' of the system.

Section 5 Assessment of the System and Code of Practice

5.1 Evaluation

5.1.1 The System will periodically be evaluated (utilising a peer review process) to establish whether the purposes of the System are being complied with and whether Objectives are being achieved. The evaluation will take the form of:

- i) An assessment of the impact upon crime: This assessment shall include not only the immediate area covered by the cameras but the wider town area, the Police Divisional and regional areas and national trends;
- ii) An assessment of the incidents monitored by the system;
- iii) An assessment of the impact on town centre business;
- iv) An assessment of neighbouring areas without CCTV;
- v) The views and opinions of the public;
- vi) The operation of the Code of Practice;
- vii) Whether the purposes for which the system was established are still relevant; and
- viii) Cost effectiveness.

5.1.2 The results of the evaluation will be used to review and develop any alterations to the specified Purpose and Objectives of the System as well as the functioning, management and operation of the System.

5.2 Monitoring

5.2.1 The CCTV Manager will accept day to day responsibility for the monitoring, operation and evaluation of the System and the implementation of this Code.

5.2.2 The CCTV Manager shall also be responsible for maintaining full management information as to the incidents dealt with by the operators for use in the management of the system and in future evaluations.

5.3 Audit

5.3.1 The Council are responsible for regularly auditing the operation of the System and the compliance with this Code. Audits, which may be in the form of irregular spot checks, will include examination of operator records and the content of recorded material.

5.3.1 Audit checks undertaken by the CCTV Manager will include:

- compliance with the Data Protection and Human Rights Acts (including the GDPR);
- compliance with the Code of Practice;
- checks on all policy and procedural management of the System;

- staff compliance with all aspects of the system and their responsibilities under the Codes of Practice will be subject to regular checks by the CCTV Manager;
- other audits, which may be in the form of regular spot checks, will include of the Control Room records and the content of recorded material; and
- in addition to the checks carried out and documented by the System Manager a routine audit by an internal auditor will also be recorded

5.3.2 The operational performance of the CCTV service is incorporated in the Council's Performance Management Policy.

Section 6 Human Resources

6.1 Staffing of the System and those responsible for the operation of the System

6.1.1 The System will be staffed in accordance with the Procedural Manual. Authorised personnel who have been properly trained in its use and all monitoring, recording and evidence gathering procedures will only operate equipment associated with the System.

6.1.2 Every person involved in the management and operation of the System will be personally issued (electronically) with a copy of both the Code of Practice and the Procedural Manual, will be required to sign a confirmation that they fully understand the obligations and adherence to these documents placed upon them and further this process will be repeated annually. Any breach will be considered as gross misconduct under the Council's disciplinary policy. They will be fully conversant with the contents of both documents, which may be updated from time to time, and which they will be expected to comply with as far as is reasonably practicable at all times.

6.1.3 All personnel involved with the System shall receive training from time to time in respect of all legislation appropriate to their role.

6.2 Discipline

6.2.1 Every individual with any responsibility under the terms of this Code, and who has any involvement with the System to which they refer, will be subject to that particular organisations disciplinary code. Any breach of this Code or of any aspect of confidentiality will be dealt with in accordance with those discipline rules.

6.2.2 The CCTV Manager will accept primary responsibility for ensuring that there is no breach of security and that the Code of Practice is complied with. The CCTV Manager has day to day responsibility for the management of the System and ensuring staff comply with all requirements under the Code. Non-compliance with this Code by any person will be considered a severe breach of discipline and dealt with accordingly including if appropriate, the instigation of criminal proceedings.

6.2.3 All staff who are involved in the operation of the System will be required to be Disclosure and Barring Services (DBS) checked.

6.2.4 Staff will be required to disclose any criminal convictions prior to appointment or during employment. Non-disclosure in such matters may result in disciplinary action. If necessary, dismissal of staff will be implemented should any relevant undisclosed information emerge after appointment or during employment.

6.3 Declaration of Confidentiality

6.3.1 Every individual with any responsibility under the terms of this Code of Practice, and who has any involvement with the System to which they relate, will be required to sign a declaration of confidentiality. (See example at Appendix F, see also Section 8 concerning access to the control room by others).

Section 7 Control and Operation of Cameras

7.1 Guiding Principles

7.1.1 Any person operating the cameras will act with utmost probity at all times.

7.1.2 The cameras, control equipment, recording and reviewing equipment shall at all times only be operated by persons who have been trained in their use and the legislative implications of their use.

7.1.3 Every use of the cameras will be in accordance with the Purposes and key Objectives of the System and shall be in compliance with this Code.

7.1.4 Cameras will not be used to look into private residential property. 'Privacy zones' shall be programmed into the System (whenever practically possible) in order to ensure that the interior of any private residential property within range of the system is not surveyed by the cameras. The only exception to this will be when the operators are acting on directions from the police or other law enforcement agencies in accordance with the law. The CCTV Manager will as part of their duties regularly check that the cameras are being used in compliance of this Code.

7.1.5 In addition to the checks carried out and documented by the CCTV Manager the routine audit by an internal auditor and will also be recorded.

7.1.6 Camera operators will be mindful of exercising prejudices which may lead to complaints of the System being used for purposes other than those for which it is intended. The operators may be required to justify their interest in, or recording of, any particular individual, group of individuals or property at any time by virtue of the audit of the system or by the CCTV Manager.

7.2 Primary Control

7.2.1 Only those trained and authorised members of staff responsible for using the CCTV equipment will have access to the operating controls. Those operators have primacy of control at all times.

7.3 Secondary Control

7.3.1 For the purposes of immediate access for fault rectification or by direction from the Police in respect of criminal activity, the CCTV Manager will maintain an out-of-hours secure link to the System via an authorised mobile device.

7.3.2 The authorised device will be a mobile phone, owned and issued to the CCTV Manager by the District Council, which will be password protected. The embedded application for access to the system will similarly require further password authentication.

7.4 Operation of the System by the Police

7.4.1 Under extreme circumstances, such as national security, explosions or other localised serious emergencies, the Police may make a request to assume direction of the System to which this Code of Practice applies. The Police at a senior level, will seek authority from the Chief Executive, in consultation with the System Manager, prior to Police assuming supervision of the CCTV Control Room for the duration of the incident. Any request and approval referred to above will be accepted verbally or in writing. A verbal request or approval will be supported in writing as soon as is reasonably practicable.

7.4.2 In the event of such a request being permitted, the Control Room will continue to be staffed and equipment only operated by those personnel who are authorised to do so, and who fall within the terms of Sections 6 and 7 of this Code. The incident log must record the date and time Police assumed responsibility for the CCTV control room and the date and time the Police handed back control to DDDC

7.5 Communication with Other Schemes and Partners

7.5.1 The Control Room may be linked, in the future, to a number of related radio link schemes.

7.5.2 Town Centre radio links (ShopWatch) currently operate in the market towns of Bakewell and Matlock. A similar scheme may be introduced in Ashbourne. Membership to each scheme is only open to staff with a responsibility for retail and entertainment security.

7.5.3 In all cases members are aware of the requirement for confidentiality and sign a statement to confirm they will conform to the rules and regulations of the appropriate scheme.

7.5.4 The District Council is not currently a member of either of the radio link schemes referred to in 7.5.2.

7.5.5 In the event of the District Council creating a link to the schemes from the Control Room, no information will be passed to or received from any organisation that is not a current member of one of these schemes. When membership is terminated no further communication will be entered into with the CCTV control room operators.

7.5.6 Referrals using any of the listed schemes will be kept short and all parties will maintain a professional approach. Only activity that raises a concern that a member genuinely believes may escalate into a reportable activity such as a criminal act may be referred over a link (There are referrals for people in drink and/or at risk, plus observations of specific individuals)

7.5.7 Names where known, may be used if it aids a quick identification; otherwise a short description of the individual is more appropriate. Under no circumstances are, relationships, (other than known criminal convictions) or personalities (unless the individual is prone to violence) to be discussed openly over any of the links.

7.5.8 Any breach of confidentiality or inappropriate use of any link will automatically result in termination of membership for the party responsible

7.6 Maintenance of the system

7.6.1 To ensure compliance with the Information Commissioners Code of Practice and that images recorded continue to be of appropriate evidential quality, the System shall be maintained in accordance with the requirements of the Procedural Manual under a maintenance agreement.

7.6.2 The maintenance agreement will make provision for regular/periodic service checks on the equipment which will include cleaning of any “all weather” domes or housings, checks on the functioning of the equipment, and any minor adjustments that need to be made to the equipment settings to maintain picture quality.

7.6.3 The maintenance will also include regular periodic overhaul of all the equipment and replacement of equipment which is reaching the end of its serviceable life (subject to the availability of funding).

7.6.4 The maintenance agreement will also provide for ‘emergency’ attendance by a specialist CCTV engineer on site to rectify any loss or severe degradation of image or camera control.

7.6.5 The maintenance agreement will define the maximum periods of time permitted for attendance by the engineer and for rectification of the problem depending upon the severity of the event and the operational requirements of that element of the system.

7.6.6 It is the responsibility of the system manager to ensure appropriate records are maintained in respect of the functioning of the cameras and the response of the maintenance organisation.

7.6.7 Any appointed external maintenance contractors will be required to report to the Town Hall reception. During out of hours when attending to an emergency, the duty operator will give access to the Control Room. The duty operator must be satisfied as to the identity of persons and purpose of the visit before allowing entry.

Section 8 Access to and Security of, Control Room & Equipment

8.1 Authorised Access

8.1.1 Only trained and authorised personnel will operate any of the equipment associated with the System.

8.2 Public access

8.2.1 Public access to the CCTV Control Room facility will be prohibited except for lawful, proper and sufficient reasons and only then with the personal authority of the CCTV Manager organised visits from outside the organisation, external partner, other Council departments and authorised members of the public will be undertaken where possible, but with minimum disruption to the CCTV operation. Arrangements for such visits will be through the manager of the System. Any such visits will be conducted and recorded in accordance with the Procedural Manual.

8.2.2 It is important that operations are managed with minimum disruption and therefore visits and repair works will be organised, where possible, with the intention of causing minimal disruption.

8.2.3 Visitors attending as part of an organised presentation will be permitted to enter the control room subject to the prior approval of the System Manager and the timings of such visits will be arranged by the CCTV Manager to minimise operational disruption. Such visitors will be reminded of the need for confidentiality and that by signing the visitors' book they accept the confidentiality terms.

8.3 Authorised Visits

8.3.1 Visits by inspectors or auditors do not fall into the scope of the above clause 8.2 and may take place at any time, without prior warning. No more than two inspectors or auditors will visit at any one time. Inspectors or Auditors will not influence the operation of any part of the System during their visit. The visit will be suspended in the event of it being operationally inconvenient. Any such visit must be recorded in the same way as that described above.

8.4 Declaration of Confidentiality

8.4.1 Regardless of their status, anyone viewing the monitoring equipment, including inspectors and auditors, will be required to sign the visitors book and a declaration of confidentiality. The exception to this will be organised presentations by the CCTV Manager. These organised visits will be subject to separate control and accountability.

8.5 Security

8.5.1 Only authorised personnel will normally be present at all times when the equipment is in use. During these sessions if the monitoring facility is to be left unattended for any reason it will be secured by operator password. In the event of the Control Room having to be evacuated for safety or security reasons, the provisions of the Procedural Manual will be complied with. All operator activity is recorded for audit purposes.

8.5.2 The Control Room will at all times be secured.

Section 9 Management of Recorded Material

9.1 Guiding Principles

9.1.1 For the purposes of this Code 'recorded material' means any material recorded by, or as the result of, technical equipment which forms part of the System, but specifically includes images recorded digitally, or video prints/stills.

9.1.2 Every digital recording obtained by using the System has the potential of containing material that can, at any point during its life span, be admitted in evidence.

9.1.3 Members of the community must have total confidence that information recorded about their ordinary every day activities by virtue of the System, will be treated with due regard to their individual right to privacy in relation to their personal life.

9.1.4 It is therefore of the utmost importance, and irrespective of the means or format of the images obtained from the System (e.g. paper copy digital tape, CD, or any form of electronic processing and storage), that images are treated strictly in accordance with this Code and the Procedural Manual from the moment they are produced in the Control Room until their final destruction. Every movement and usage will be meticulously recorded.

9.1.5 Access to and the use of recorded material will be strictly for the purposes defined in this Code only.

9.1.6 Recorded material will not be copied, sold, otherwise released or used for commercial purposes or for the provision of entertainment.

9.2 Release of data to a third party

9.2.1 Every request for the release of personal data generated by this CCTV System will be channelled through the CCTV Manager. The System Manager will ensure the principles contained within Appendix C to this Code of Practice are followed at all times.

9.2.2 In complying with the national standard for the release of data to third parties, it is intended, as far as is reasonably practicable, to safeguard the individual's rights to, privacy and to give effect to the following principles:

- 1) Recorded material shall be processed lawfully and fairly, and used only for the purposes defined in this Code of Practice;
- 2) Access to recorded material will only take place in accordance with the standards outlined in appendix C and this Code of Practice;
- 3) The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

9.2.3 Members of the police service or other agency having a statutory authority to investigate and/or prosecute offences may, subject to compliance with Appendix C, release details of recorded information to the media only in an effort to identify alleged offenders or potential witnesses. Under such circumstances full details will be recorded in the Procedure Manual.

Note: the Police and Criminal evidence Act 1984 would cover 'Release' to the media of recorded information, in whatever format, which may be part of a current investigation. Any such disclosure must only be made after due consideration of the likely impact on a criminal trial. Full details of any media coverage must be recorded and brought to the attention of both the prosecutor and the defence.

9.2.4 If material is to be shown to witnesses, including police officers, for the purpose of obtaining identification evidence, it must be shown in accordance with Appendix C and the Procedural Manual.

9.2.5 It may be beneficial to make use of 'real' video footage for the training and education of those involved in the operation and management of CCTV systems, and for those involved in the investigation, prevention and detection of crime. Any material recorded by virtue of this CCTV system will only be used for such bona fide training and education purposes. Recorded material will not be released for commercial or entertainment purposes.

9.3 Recording Policy

9.3.1 Subject to the equipment functioning correctly, images from every camera will be recorded in either time-lapsed mode, or real time recording at the discretion of the CCTV operators.

9.4 Data Retention

9.4 Digitally recorded images will be retained for a period of no more than 31 days (unless required for investigation purposes).

9.4 Evidential Discs

9.4.1 In the event of images being required for evidential purposes the procedures outlines in the Procedural Manual will be strictly complied with.

Appendices

Appendix A Key Personnel and Responsibilities

1. System Owners

Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Responsibilities:

The Council is the 'owner' of the system. Its role will be exercised by the CCTV Manager and include responsibility to:

- i) ensure the provision and maintenance of all equipment forming part of the System in accordance with contractual arrangements which the owners may from time to time enter into;
- ii) Maintain close liaison with the operators;
- iii) Ensure the interests of the owners and other organisations are upheld in accordance with the terms of this Code of Practice; and
- iv) Assess any proposed alterations and additions to the system, this Code of Practice and/or the Procedural Manual and take appropriate action to alter the System, this Code of practice and the Procedural Manual.

2. System Management

Post Holder (CCTV Manager)

Tel: 01629 761253

Town Hall
Matlock
Derbyshire
DE4 3NN

Responsibilities:

Derbyshire Dales District Council solely manage the System. Their role includes responsibility to:

- i) Maintain day to day management of the system and train staff; and
- ii) Accept overall responsibility for the system and for ensuring that this Code of Practice is complied with.

Appendix B Extracts from the General Data Protection Regulations 2018

Section 7

- (1) Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled:
 - (a) To be informed by any data controller as to whether personal data for which that individual is the data subject is being processed by or on behalf of that data controller;
 - (b) if that is the case, to be given by the data controller a description of:
 - (i) The personal data of which that individual is the data subject;
 - (ii) The purpose for which they are being or are to be processed;and
 - (iii) The recipients or classes of recipients to whom they are or may be disclosed;
 - (c) To have communicated to him/her in an intelligible form:
 - (i) The information constituting any personal data of which that individual is the data subject; and
 - (ii) Any information available to the data controller as the source of those data; and
 - (d) where the processing by automatic means of personal data for which that individual is the data subject for the purposes of evaluating matters relating to him/her such as, for example, his/her performance at work, his/her creditworthiness, his/her reliability or his/her conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him/her, to be informed by the data controller of the logic involved in that decision-taking.
- (2) A Data Controller is not obliged to supply any information under subsection (1) unless he/she has received a request in writing
- (3) A data controller is not obliged to comply with a request under this section unless he/she is supplied with such information as he/she may reasonably require in order to satisfy him/herself as to the identity of the person making the request and to locate the information which that person seeks.
- (4) Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he/she is not obliged to comply with the request unless:
 - (a) The other individual has consented to the disclosure of the information to the person making the request; or
 - (b) It is reasonable in all the circumstances to comply with the request without the consent of the other individual.

- (5) In subsection (4) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request; and that subsection is not to be construed as excusing the data controller from communicating so much of the information sought by the request as can be communicated without disclosing the identity of the other individual concerned, whether by omission of names or other identifying particulars or otherwise.
- (6) In determining for the purposes of subsection (4)(b) whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to:
 - (a) Any duty of confidentiality owed to the other individual;
 - (b) Any steps taken by the data controller with a view to seeking the consent of the other individual;
 - (c) Whether the other individual is capable of giving consent; and
 - (d) Any express refusal of consent by the other individual.
- (7) An individual making a request under this section may, in such cases as may be prescribed, specify that his/her request is limited to personal data of any prescribed description.
- (8) Subject to subsection (4), a data controller shall comply with a request under this section promptly and in any event before the end of the prescribed period beginning with the relevant day.
- (9) If a court is satisfied with the application of any person who has made a request under the forgoing provisions of this section that the data controller in question has failed to comply with the request in contravention of those provisions, the court may order him/her to comply with the request.

In this section:

‘Prescribed’ means prescribed by the Secretary of State by regulations;

‘The prescribed maximum’ means such amount as may be prescribed;

‘The prescribed period’ means forty days or such other period as may be prescribed;

‘The relevant day’, in relation to a request under this section, means the day on which the data controller receives the request

or, if later, the first day on which the data controller has both the required fee and the information referred to in subsection (3).

- (10) Different amounts or periods may be prescribed under this section in relation to different cases.

Section 8

- (1) The Secretary of State may by regulations provide, in such cases as may be prescribed, a request for information under any provision of subsection (1) of section 7 is to be treated as extending also to information under other provisions of that subsection.
- (2) The obligation imposed by section 7(1) (c) (i) must be complied with by supplying the data subject with a copy of the information in permanent form unless:
- (a) The supply of such a copy is not possible or would involve disproportionate effort; or
 - (b) The data subject agrees otherwise; and
 - (c) Where any of the information referred to in section 7(1) (c)(i) is expressed in terms which are not intelligible without explanation the copy must be accompanied by an explanation of those terms.
- (3) Where a data controller has previously complied with a request made under section 7 by an individual, the data controller is not obliged to comply with a subsequent identical or similar request under that section by that individual unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request.
- (4) In determining for the purposes of subsection (3) whether requests under section 7 are made at reasonable intervals, regard shall be given to the nature of the data, the purpose for which the data is processed and the frequency with which the data is altered.
- (5) Section 7(1)(d) is not to be regarded as requiring the provision of information as to the logic involved in decision-taking if, and to the extent that, the information constitutes a trade secret.
- (6) The information to be supplied pursuant to request under section 7 must be supplied by reference to the data in question at the time when the request is received, except that it may take account of any amendment or deletion made between that time and the time when the information is supplied, being an amendment or deletion that would have been made regardless of the receipt of the request.

- (7) For the purposes of section 7(4) and (5) another individual can be identified from the information being disclosed if he/she can be identified from that information, or from that and any other information which, in the reasonable belief of the data controller, is likely to be in, or to come into, the possession of the data subject making the request.

Note: These extracts are for initial direction and guidance only. To ensure compliance with the legislation the relevant Data Protection legislation should be referred to in its entirety.

Copies of the act and the Information Commissioner's Code of Practice can be downloaded from their website

www.dataprotection.gov.uk

Appendix C National Standard for the release of data to third parties

1. Introduction

Arguably CCTV is one of the most powerful tools to be developed during recent years to assist with efforts to combat crime and disorder whilst enhancing community safety. Equally, it may be regarded by some as the most potent infringement of people's liberty. If users, owners and managers of such systems are to command the respect and support of the general public, the systems must not only be used with the utmost probity at all times, but they must be used in a manner which stands up to scrutiny and is accountable to the very people they are aiming to protect.

Derbyshire Dales District Council is committed to the belief that everyone has the right to respect for his or her private and family life and their home. Although the use of CCTV cameras has become widely accepted in the UK as an effective security tool, those people who do express concern tend to do so over the handling of the information (data) which the System gathers. After considerable research and consultation, the nationally recommended standard of The CCTV User Group has been adopted by the System owners.

2. General Policy

All requests for the release of data shall be processed in accordance with the Procedure Manual. All such requests shall be channelled through the data controller although day to day responsibility may be devolved to the System Manager.

3. Primary Request to View Data

- a) Primary requests to view data generated by a CCTV System are likely to be made by third parties for any one or more of the following purposes:
 - i) Providing evidence in criminal investigations or proceedings;
 - ii) providing evidence in civil proceedings or tribunals but only where directly affecting the Council;
 - iii) The prevention of crime;
 - iv) The investigation and detection of crime (may include identification of offenders); and
 - v) Identification of witnesses.

- b) Third parties, which are required to show adequate grounds for disclosure of data within the above criteria, may include, but are not limited to:
 - i) Police;
 - ii) Statutory authorities with powers to investigate and prosecute, (e.g. Customs and Inland Revenue; Trading Standards, etc.);
 - iii) Solicitors;
 - iv) Plaintiffs in civil proceedings;

- v) Accused persons or defendants in criminal proceedings; and
 - vi) Other agencies, as specified in the Code of Practice according to purpose and legal status.
- c) Upon receipt from a third party of a bona fide request for the release of data, the data controller shall:
- i) Not unduly obstruct a third party investigation to verify the existence of relevant data; and
 - ii) Ensure the retention of data which may be relevant to a request, but which may be pending application for, or the issue of, a court order or subpoena. A time limit shall be imposed on such retention, which will be notified at the time of the request.
- d) In circumstances outlined at note (3) below, (requests by plaintiffs, accused persons or defendants) the data controller, or nominated representative, shall:
- i) Be satisfied that there is no inconsistency with any data held by the police in connection with the same investigation; and.
 - ii) All such enquiries are to be processed by all parties in accordance with Section 35 of the Data Protection Act 1998.

Notes

- (1) The release of data to the police is not to be restricted to the civil police but could include, (for example) British Transport Police, Ministry of Defence Police, Military Police, etc.
- (2) Aside from criminal investigations, data may be of evidential value in respect of civil proceedings or tribunals. In such cases a solicitor, or authorised representative of the tribunal, is required to give relevant information in writing prior to a search being granted. In the event of a search resulting in a requirement being made for the release of data, such release will only be facilitated on the instructions of a court order or subpoena. A charge may be made for this service to cover costs incurred. In all circumstances data will only be released for lawful and proper purposes.
- (3) There may be occasions when an enquiry by a plaintiff, an accused person, a defendant or a defence solicitor falls outside the terms of disclosure or subject access legislation. An example could be the investigation of an alibi. Such an enquiry may not form part of a prosecution investigation. Defence enquiries could also arise in a case where there appeared to be no recorded evidence in a prosecution investigation.
- (4) The data controller shall decide which (if any) "other agencies" might be permitted access to data. Having identified those 'other agencies', such access to data will only be permitted in compliance with this Standard.
- (5) The data controller can refuse an individual request to view if insufficient or inaccurate information is provided. A search request should specify reasonable accuracy (could be specified to the nearest ½ hour).

4. Secondary Request to View Data

- a) A 'secondary' request for access to data may be defined as any request being made which does not fall into the category of a primary request. Before complying with a secondary request, the data controller shall ensure that:
- i) the request does not contravene, and that compliance with the request would not breach, current relevant legislation, (e.g. General Data Protection Regulations 2018, Human Rights Act 1998, section 163 Criminal Justice and Public Order Act 1994, etc.);
 - ii) Any legislative requirements have been complied with, (e.g. the requirements of the GDPR 12018);
 - iii) Due regard has been taken of any known case law (current or past) which may be relevant, (e.g. R v Brentwood BC ex p. Peck); and
 - iv) The request would pass a test of 'disclosure in the public interest'.
- b) If, in compliance with a secondary request to view data, a decision is taken to release material to a third party, the following safeguards shall be put in place before surrendering the material:
- i) In respect of material to be released under the auspices of 'crime prevention', written agreement to the release of the material should be obtained from a police officer, not below the rank of Inspector. The officer should have personal knowledge of the circumstances of the crime/s to be prevented and an understanding of the CCTV System Code of Practice.
 - ii) If the material is to be released under the auspices of 'public wellbeing, health or safety', written agreement to the release of material should be obtained from a senior officer within the Local Authority. The officer should have personal knowledge of the potential benefit to be derived from releasing the material and an understanding of the CCTV System Code of Practice.
- c) Recorded material may be used for bona fide training purposes such as police or staff training. Under no circumstances will recorded material be released for commercial sale of material for training or entertainment purposes.

Note:

- (1) 'Disclosure in the public interest could include the disclosure of personal data that:
- i) Provides specific information which would be of value or of interest to the public wellbeing; or
 - ii) identifies a public health or safety issue;
 - iii) Leads to the prevention of crime.

- (2) The disclosure of personal data which is the subject of a 'live' criminal investigation would otherwise come under the terms of a primary request (see Section 3 above).

5. Individual Subject Access under the General Data Protection Regulations 2018

- a) Under the terms of the General Data Protection Regulation, individual access to personal data, of which that individual is the data subject, must be permitted. Providing:
- i) The request is made in writing;
 - ii) The data controller is supplied with sufficient information to satisfy him or herself as to the identity of the person making the request;
 - iii) The person making the request provides sufficient and accurate information about the time, date and place to enable the data controller to locate the information which that person seeks, (it is recognised that a person making a request is unlikely to know the precise time. Under those circumstances it is suggested that within one hour of accuracy would be a reasonable requirement); and
 - iv) the person making the request is only shown information relevant to that particular search and which contains personal data of her or himself only, unless all other individuals who may be identified from the same information have consented to the disclosure;
- b) In the event of the data controller complying with a request to supply a copy of the data to the subject, only data pertaining to the individual should be copied, (all other personal data which may facilitate the identification of any other person should be concealed or erased).
- c) The data controller is entitled to refuse an individual request to view data under these provisions if insufficient or inaccurate information is provided, however every effort should be made to comply with subject access procedures and each request must be treated on its own merit.
- d) In addition to the principles contained within the Data Protection legislation, the data controller should be satisfied that the data is:
- i) Not currently and, as far as can be reasonably ascertained, not likely to become, part of a 'live' criminal investigation;
 - ii) Not currently and, as far as can be reasonably ascertained, not likely to become, relevant to civil proceedings;
 - iii) Not the subject of a complaint or dispute which has not been actioned;
 - iv) The original data and that the audit trail has been maintained;
 - v) Not removed or copied without proper authority; and
 - vi) for individual disclosure only (i.e. to be disclosed to a named subject)

6. Process of Disclosure:

- a) Verify the accuracy of the request.
- b) Replay the data to the requester only, (or responsible person acting on behalf of the person making the request).
- c) The viewing should take place in a separate room and not in the control or monitoring area. Only data which is specific to the search request shall be shown.
- d) It must not be possible to identify any other individual from the information being shown, (any such information will be blanked-out, either by means of electronic screening or manual editing on the monitor screen).
- e) If a copy of the material is requested and there is no on-site means of editing out

7. Media disclosure

In the event of a request from the media for access to recorded material, the procedures outlined under 'secondary request to view data' shall be followed. If material is to be released the following procedures shall be adopted:

- i) The release of the material must be accompanied by a signed release document that clearly states what the data will be used for and sets out the limits on its use;
- ii) The release form shall state that the receiver must process the data in a manner prescribed by the data controller, e.g. specific identities/data that must not be revealed;
- iii) it shall require that proof of any editing must be passed back to the data controller, either for approval or final consent, prior to its intended use by the media (protecting the position of the data controller who would be responsible for any infringement of Data Protection legislation and the System's Code of Practice);and
- iv) The release form shall be considered a contract and signed by both parties.

8. Principles

In adopting this national standard for the release of data to third parties, it is intended, as far as reasonably practicable, to safeguard the individual's rights to privacy and to give effect to the following principles:

- a) Recorded material shall be processed lawfully and fairly and used only for the purposes defined in the Code of Practice for the CCTV scheme;
- b) Access to recorded material shall only take place in accordance with this Standard and the Code of Practice;
- c) The release or disclosure of data for commercial or entertainment purposes is specifically prohibited.

Appendix G Regulation of Investigatory Powers Act Guiding Principles

Advice and Guidance for Control Room Staff and Police Inspectors in respect of CCTV and the Regulation of Investigatory Powers Act 2000.

The Regulation of Investigatory Powers Act 2000, amongst other subjects, relates to surveillance by the Police and other agencies (including Local Authorities) and deals in part with the use of directed covert surveillance. Section 26 of this Act sets out what is Directed Surveillance. It defines this type of surveillance as:

Subject to subsection (6), surveillance is directed for the purposes of this Part if it is **covert** but **not intrusive** and is undertaken-

- (a) For the purposes of a specific investigation or a specific operation;
- (b) In such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- (c) Otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this Part to be sought for the carrying out of the surveillance.

Although the Systems cameras are overt if they are used in such a way that falls within the definition of Directed Surveillance they will only be used if the necessary verbal and / or written authorities have been given.

THE Council CCTV SYSTEM CAMERAS WILL NOT BE USED FOR PURPOSES THAT MEET THE DEFINITION OF "INTRUSIVE SURVEILLANCE" UNLESS CORRECTLY AUTHORISED.

The impact for staff in the Police control rooms and CCTV monitoring centres, is such that there might be cause to monitor for some time, a person or premises using the cameras. In most cases, this will fall into sub section **c** above, i.e. it will be an immediate response to events or circumstances. In this case, it would not require authorisation unless it were to continue for some time. The code says some hours rather than minutes. In cases where a pre-planned incident or operation wishes to make use of CCTV for such monitoring, an authority will almost certainly be required.

In the case of authorities given by the Police these are usually authorised by a Superintendent or above. However, if an authority is required immediately, an Inspector may authorise the surveillance. The forms in both cases must indicate the reason and should fall within one of the following categories:-

An authorisation is necessary on grounds falling within this subsection if it is necessary-

- (a) *In the interests of national security;*
- (b) *For the purpose of preventing or detecting crime or of preventing disorder;*

- (c) *In the interests of the economic well-being of the United Kingdom;*
- (d) *In the interests of public safety;*
- (e) *For the purpose of protecting public health;*
- (f) *For the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department; or*
- (g) *For any purpose (not falling within paragraphs (a) to (f)) which is specified for the purposes of this subsection by an order made by the Secretary of State.*

The RIP Act also makes provision for directed surveillance to be conducted by a Local Authority. In such cases, the written authority to carry out directed surveillance using the Council CCTV system will only be given at Director or Service Head Level providing the permission for such authority has been granted by a magistrate in accordance with the provision of the Protections of Freedoms Act 2012

Improving our Service

At Derbyshire Dales District Council we take pride in the way we deal with our customers. We try and provide you with efficient and high quality services at all times.

We recognise that despite our best efforts sometimes things can and do go wrong. We want to know if you are unhappy or dissatisfied with our service so that wherever possible we can try to put things right.

This procedure sets out how we will –

- Respond to your concerns and complaints regarding our services, and
- Respond to requests for an internal review regarding -
 - Information under the Freedom of Information Act 2000 and
 - Publication Scheme

Our promise to you

We will investigate your complaint promptly and fairly. We will provide you with a full explanation of our investigation into your complaint. There may be occasions when we cannot do what you want but we will try to be as helpful as possible and give you as much information as possible.

What we mean by complaint

We treat a complaint as: an expression of dissatisfaction about our action or lack of action; or dissatisfaction about the standard of service we have provided (or services provided on our behalf).

The Complaints Procedure is not an appeal system to question Council decisions. It is our way of sorting out your dissatisfaction with the services we have or should have provided.

We welcome all types of feedback but not all matters can be handled under this policy. The following types of complaint are excluded from the procedure.

- Planning decisions – unless the complaint relates to the manner in which the complaint was dealt with
- Car parking fixed penalty notices
- Benefit Entitlement
- Complaints that have a legal remedy;
- Complaints about the Conduct of Councillors.

If you are unsure who should handle your complaint, please contact the Complaints Officer for Information.

GOVERNANCE AND RESOURCES COMMITTEE
11 July 2019

Report of the Head of Resources

CAPITAL PROGRAMME BID FOR MICROSOFT EXCHANGE SOFTWARE

PURPOSE OF REPORT

This report seeks approval for a business case relating to Microsoft Exchange software.

RECOMMENDATION

1. That the business case for Microsoft Exchange software is approved.
2. That, subject to the approval of recommendation 1, Council be requested to approve the inclusion of this project, estimated at £17,000, within the capital programme for 2019/20.

WARDS AFFECTED

None

STRATEGIC LINK

Adequate provision of ICT facilities will help to provide services efficiently and to reduce the risks of service disruption, supporting the achievement of many of the Council's aims and priorities.

1 BACKGROUND

- 1.1** Microsoft Exchange is the database and software that manages staff and member email mailboxes and calendars. The current version, Exchange 2010, will no longer be supported by Microsoft from January 15th 2020. Microsoft support is essential to ensure patches are available to ensure the product is secured against malicious virus, malwares and spam. As well as security best practice, maintaining supported versions of key business solutions is mandatory for our Public Service Network compliance.
- 1.2** This paper details the current Microsoft offerings to deliver email and calendaring capability and provides the options for investment for implementation.

2. OPTIONS

2.1 *Option 1: Traditional on premise Exchange installation*

Currently an instance of Microsoft Exchange is installed on our virtualised server environment and is accessed by staff using Microsoft Outlook which is deployed as part of the Office Professional Suite.

To replicate this solution requires the procurement of the solution and individual 'Client Access Licenses' (CALs). The estimated cost is set out below:

Product	Price	Quantity	Cost
Exchange Server 2019 Standard Edition	£505.89	1	£505.89
Exchange 2019 CALs	£65.12	251	£16,345.12
		Total	£16,852

Prices are correct as at 10/06/19 but are revised monthly by Microsoft.

Advantages:

- Lowest cost option
- Easiest migration
- Minimal changes to functionality for staff

Disadvantages:

- Highest cost initial procurement

2.2 **Option 2: Exchange Online Implementation**

Exchange on-line is a subscription based service that delivers cloud based email and calendaring.

The cost would be an additional £7,028 per annum.

Advantages:

- Removes requirement for one off procurements and upgrades in the future
- Works with current Outlook deployment
- Minimal changes to functionality for staff

Disadvantages:

- Requires significant effort to migrate
- Need to understand how data can be limited to approved devices
- Ongoing revenue cost
- Additional internet capacity may be required
- Possible consultancy costs

2.3 **Option 3: Office 365 Implementation**

Office 365 is a subscription based cloud solution that, along with familiar office suite of products, also provides productivity tools such as Skype, Yammer and Teams.

The additional nett cost would be around £26,000 per annum.

Advantages:

- Additional product suites

- Potential for agile working
- Can still deploy latest client version of Office products

Disadvantages:

- Significant increase in annual revenue costs
- Significant effort for migration
- Provides access to sensitive information via personal devices without an appropriate Mobile Device Management Tool.
- Possible consultancy costs.

2.4 **Option 4: Microsoft 365 Implementation**

Microsoft 365 is a subscription based 'bundle' that brings together Office365, Windows Enterprise, Microsoft Security products and the Microsoft Mobile Device Management solution.

The additional nett cost would be around £31,000 per annum.

Advantages:

- Additional product suites
- Potential for agile working
- Can still deploy latest client version of Office products
- Provides Mobile Device Management for Council devices to ensure data is secured

Disadvantages:

- Significant increase in annual revenue costs
- Significant effort for migration
- Possible consultancy costs

2.5 **Cost Comparison**

A minimum 5 year lifespan for the traditional replacement has been assumed. Inflation and future currency fluctuations have not been taken into account. Indicative costs are set out in the table below:

Option	Year 1	Year 2	Year 3	Year 4	Year 5	Total Cost over 5 years
1.Exchange 2019	£16,852	£0	£0	£0	£0	£16,852
2.Exchange Online	£7,028	£7,028	£7,028	£7,028	£7,028	£35,140
3.O365	£26,000	£26,000	£26,000	£26,000	£26,000	£130,000
4.M365	£31,000	£31,000	£31,000	£31,000	£31,000	£155,000

3. **OFFICER COMMENT**

- 3.1 Whilst moving to the cloud can provide advantages for an agile workforce, given the nature of Council work and the sensitivity of much of the data the significant on-going cost outweighs the benefits at present.

- 3.2** Microsoft Office 2013 SP1 is supported until 23rd April 2023. It is anticipated that Microsoft will continue to increase the cost of on premise Office during the intervening years. At present there is no pressure from current vendors to require the Council to migrate to a later version of Office.
- 3.3** Given the requirement to procure basic Office365 licenses as part of the Crown Commercial Services agreement with Microsoft for our Windows desktop Enterprise Agreement (EA) licenses, the option to move to a cloud based solution remains an option and costs will be fixed for three years as part of that agreement. In addition a single Exchange Online license will be procured if, in future, we wish to move to cloud based email without the additional features and cost of Office365 subscription.

4. CONCLUSION AND RECOMMENDATION

- 4.1** Option 1, Exchange Server Standard 2019, will meet the Council's requirements and is the lowest cost option over 5 years. It is therefore recommended that Exchange Server Standard 2019 along with the associated Client Access Licenses (CALs) are procured and the existing Exchange 2010 instance is migrated to the new platform on premise.
- 4.2** The project will be run by the Joint ICT Service using the approved project management methodology. The ICT Joint Management Team will act as the Project Board and in addition update reports will be delivered to the Head of Resources at Derbyshire Dales on a monthly or as required basis. The key stages of the proposed project are:

Approval of business case and inclusion in capital programme	By 31 July 2019
Requirements specification	By 9 th August
Procurement exercise	31 st August 2019
Award of Contract	September 2019
Installation and commissioning of new storage systems	By 31 December 2019
Post-project review	By 31 January 2020

- 4.3** The proposed business case has been approved by the Corporate Leadership Team and given a score of 75 for the purposes of capital prioritisation.

5. RISK ASSESSMENT

5.1 Legal

The procurement exercise accords with Contract Standing Orders. The legal risk is therefore low.

5.2 Financial

It will be necessary to seek approval from Council for this project to be included in the capital programme for 2019/20. The estimated cost is £16,852; as this could be subject

to price changes from Microsoft it is recommended that approval be sought for £17,000 to be included in the capital programme for 2019/20. Funding is available from the ICT Reserve. The financial risk arising from this report is assessed as low.

6 OTHER CONSIDERATIONS

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

7 CONTACT INFORMATION

Karen Henriksen, Head of Resources

Telephone: 01629 761284; Email: karen.henriksen@derbyshiredales.gov.uk

Nicola Astle, ICT Infrastructure Manager

Telephone: 01246 217611; Email: nicola.astle@ne-derbyshire.gov.uk

8 BACKGROUND PAPERS

None

9 ATTACHMENTS

None

GOVERNANCE AND RESOURCES COMMITTEE
11th July 2019

Report of the Head of Resources and Head of Housing

REVIEW OF THE REVENUE AND BENEFITS SERVICE

PURPOSE OF REPORT

The Revenues and Benefits service for Derbyshire Dales DC is currently provided by Arvato, who also provide the Chesterfield Borough Council (CBC) service. The majority of staff associated with the service are located in CBC offices. The current contract between Arvato and Derbyshire Dales DC expires on the 16 October 2020. CBC have signalled their intention not to renew their contract with Arvato. The District Council needs to ensure the delivery of the Revenues and Benefits service beyond the end of the contract. This report sets out the work undertaken to date in order to achieve the continuation of the service.

RECOMMENDATION

That the proposal to pursue a new hybrid model of delivery with Chesterfield Borough Council is approved

WARDS AFFECTED

All wards

STRATEGIC LINK

The delivery of an effective Revenues and Benefits service is central to the delivery of all of the Council's services. The service provides financial support to vulnerable households and maintains thousands of tenants in social and private rented housing through the payment of benefits. The service also supports local businesses through the timely payment of supplier invoices.

1 SUMMARY

1.1 The Revenue and Benefits service objectives include;

- Producing bills, collecting amounts due and taking recovery action when appropriate in respect of all Council Tax, Non-Domestic Rates, Overpaid Housing Benefits and other Sundry Debts
- Processing claims for Universal Credit, Housing Benefit, Local Housing Allowance and Council Tax Support & Discretionary Hardship Reliefs
- Making payments to suppliers and other creditors

1.2 The entire revenues and benefits service is currently provided by Arvato and includes 5 distinct services:

- Council tax collection
- Business rates collection

- Administration of housing benefits and council tax support
- Sundry debtors (accounts receivable)
- Payment of creditors (accounts payable)

1.3 The service is delivered by 33 employees, some of whom work solely on the Derbyshire Dales contract and some who work on both the Derbyshire Dales and Chesterfield contracts.

2 REPORT - PERFORMANCE

2.1 The Revenues and Benefits service is performing well. Benchmarking information is set out in Appendix 1. A summary of the key headlines concerning performance are set out below. 2018/19 was another successful year for the contract with all Key Performance Indicators (KPIs) being met. All KPI targets have been met consistently since the outsourcing of the service.

2.2 **Benefits:** Processing applications and changes in circumstances for housing benefits and council tax support. For 2018/19, the average processing time for new claims for housing benefit or council tax support was 14 days against an annual target of 24 days and changes of circumstances were processed in an average of 6 days against a target of 8 days. This was the best performance for many years. Universal Credit (UC) will ultimately adversely affect processing times for Council Tax Support (with an inbuilt 42-day delay for UC). Arvato have pledged to continue to process claims efficiently and accurately despite Department for Work and Pensions (DWP) delays on UC processing.

2.3 During 2018/19 1,166 new claims for Housing Benefit/Council Tax Service and 13,148 changes in circumstances were processed (in 2017/18 there were 1,123 new claims and 9,720 changes in circumstances). This shows that despite the introduction of Universal Credit, caseload incoming work is actually increasing. This reflects ATLAS/VEPS and RTI referrals as well as traditional items of incoming work. All statutory government returns have been completed in accordance with deadlines.

2.4 **Council Tax**, covering the billing, collection and recovery of Council Tax: Headline figures for the service include;

- In March 2019 the service sent annual bills to 33,368 properties.
- There were 34,129 Council Tax chargeable residential dwellings as at 31st March 2019.
- For 2018/19, £51.7m was collected in respect of council tax giving an in year collection rate of 98.7% against a target of 98.4%. Performance in 2018/19 was just 0.1% below 2017/18 which was our best performance in 10 years
- The number of Council Tax Summonses issued has fallen in 2018/19: (2017/18) 2,822 and (2018/19) 2,580.
- The KPI target for the collection of previous years' charges is currently being met
- Preparation and despatch of annual Council Tax bills meets the regulatory requirements. Similarly all statutory government returns have been completed in accordance with deadlines.

2.5 **Business Rates (also known as National Non-Domestic Rates or NNDR)** - covering the billing, collection and recovery of Business Rates

- In 2018/19 £18.5m collected in respect of 4,119 properties.

- The percentage of Business Rates collected in year for 2018/19 year is 98.1% against a target of 97.3% for the year.
- The KPI target for the collection of previous years' charges is currently being met
- The contract has successfully delivered a number of changes introduced by the Government including a full re-valuation and the application of various new relief schemes.
- Preparation and despatch of annual bills meets the regulatory requirements. Similarly all statutory government returns have been completed in accordance with deadlines.

2.6 **Accounts Receivable (Sundry Debtors)** – the raising and recovery of other Council debts including maintaining periodic accounts.

- 18,572 invoices and 381 credit notes issued during 2018/19;
- The total debit due for 2018/19 was £6.645m, of which £6.565m was collected, giving a 98.8% collection rate against a target of 91%.

2.7 **Accounts Payable (Payment of Creditors)** - responsible for the processing & payment of bills received from the Council's suppliers as well as the preparation of the monthly VAT Return.

- In 2018/19 4,864 supplier invoices were paid, as well as 1,458 other payments (such as grants or refunds). 175 credit notes were also processed.
- Total value of payments in 2018/19 = £12.7m
- In 2018/19 the service paid 99.5% of undisputed invoices within 30 days, against a target of 99%. Only 22 invoices were paid late (some of these delays were caused by Council employees rather than the accounts payable team).

2.8 **Service Cost:** The current service costs around £730,000 a year. These costs can vary due to new burdens etc. (funded by government grant). Arvato do not provide a breakdown of costs between the 5 service areas. The District Council's Medium Term Financial Plan (MTFP) includes an additional £50,000 for potential cost increases from 2020/21.

3. **BENCHMARKING**

3.1 Using data from the Rural Services Network online resource for our Audit Family benchmarking group, the four charts at Appendix 1 have been produced using data collected in 2017/18. The charts suggest that in general terms performance is good in relation to our family group in relation to NNDR collection and HB processing time. Council Tax collection and processing HB changes in circumstances is towards the lower end of the family group. However, as noted above in the performance information, the service is delivering within the annual targets set within the contract (some of which have been enhanced during the contract). Further improvements in performance could be generated but this is likely to increase costs or require a transformation in the delivery of the service.

3.2 The data in Appendix 2 shows the relative performance of Derbyshire Dales District Council (DDDC) for collection of council tax and business rates against other Derbyshire billing authorities. The table shows that for 2018/19 DDDC compares very well against other Derbyshire authorities in relation to council tax and reasonably well in respect of business rates (with the latter improving in 2018/19).

4 INTERACTION WITH OTHER COUNCIL SERVICES

- 4.1 As part of the review process, Council staff were asked to complete a satisfaction survey for the services provided by Arvato. 42 members of staff responded to the survey. Analysis of the results shows a striking similarity in the responses to all of the questions for each of the service areas, as follows;
- For each service area respondents felt that Arvato employees responded to queries in a timely manner, respond fully, are well trained and knowledgeable, are helpful and courteous
 - For each service area the general view was that the service had not improved since being provided by Arvato
 - Satisfaction with all of the service areas was generally positive, particularly for creditor payments, housing benefit and council tax support, while collection of sundry debts was the area with the lowest level of satisfaction.

5. REVIEW OF THE EXISTING CONTRACT SPECIFICATION

- 5.1 The existing contract has 5 separate service contract specifications covering;
- Council Tax and NNDR
 - Miscellaneous income (Accounts Receivable)
 - Revenues
 - Accounts payable
 - Benefits
- 5.2 Each of these service specifications have been reviewed and generally they are still applicable for the delivery of a new service. Changes typically relate to legislative changes or changes to internal processes, such as
- The updating of processes e.g. removing the use of cheques
 - Establishing new targets for specific processes
 - Removing references to Leisure Services and area offices
 - Upgrading the specification in relation to engagement with Audit Reviews
 - Reflecting changes to the Council Tax support scheme
 - Minor changes in terminology.

6. OPTIONS APPRAISAL

- 6.1 The option of continuing the contract with Arvato has been disregarded on the basis that CBC have indicated they intend to take the service back in house. As this is likely to involve senior management, it is considered that that any remaining contract would be unviable and would lead to service disruption due to loss of experience and loss of accommodation.
- 6.2 Appendix 3 sets out the option appraisal undertaken for 4 main delivery options for a future service, namely.
- In house: return the service to DDDC
 - Partnering arrangement with CBC (terms to be agreed)
 - Outsource: undertake a new procurement exercise
 - Hybrid in house and partnering, with part of the service returning to DDDC and the remainder continue through a partnering arrangement with CBC

Recommendation

- Hybrid in house and partnering with CBC

- 6.3 A summary of the key risks associated with the project are set out in Appendix 4. At the current stage, the risks are assessed as medium to high, but once the partnering arrangement has been agreed with CBC the risks should reduce to medium.
- 6.4 Returning the entire service to the Council would most likely lead to increased costs, due to potential management and accommodation costs. A partnership with CBC would be most effective and efficient in terms of:
- strategic management,
 - minimising disruption to staff and the public,
 - retention of essential skills, knowledge and experience. This would particularly be the case for council tax and business rates given the balance of work between the two authorities.
 - There would also be more scope to explore the use of new technology such as robotics and Artificial Intelligence.
- 6.5 The staff survey showed a strong preference for the functions of sundry debtors and payment of creditors to be brought back in house, or at least relocated back in Matlock. Initial discussions with Arvato management have indicated that it would be relatively straight-forward for accounts receivable to be brought back in-house (resilience and management would need to be provided from the Financial Services Team at DDDC). However further discussions will be required to assess the impact of bringing in-house or relocating the accounts payable function. This matter will be considered as part of the heads of terms.

7 NEXT STEPS

7.1 Key milestones:

- Sharing of service specification
- Information on the approach disseminated to staff
- Heads of terms for the service agreed by the 31st August 2019
- Programme of meetings throughout 2019/20 to conclude with delivery with new service going live in October 2020
- Update reports to Committee throughout 2019/2020.

8 RISK ASSESSMENT

8.1 Legal

Council have the power under section 111 of the Local Government Act 1972 to enter into agreements/contracts for the discharge of its functions and is under a duty under section 3(1) of the Local Government Act 1999 to obtain best value for those functions.

The proposed arrangements seek to obtain best value for the discharge of the Council's function for collecting CT and NNDR as well as administrating HB payments. The Council must however make sure that all relevant authorities and authorisations are provided for CBC to act on the Council behalf and all considerations involved in TUPE are considered when deciding which staff are returned back in-house. As such until this has been fully considered against the proposals the risk remains high.

8.2 Financial

As stated in the report the current service costs around £730,000 a year. These costs can vary due to new burdens etc. (funded by government grant). The District Council's Medium Term Financial Plan (MTFP) includes an additional £50,000 for potential cost increases from 2020/21. Early indications from CBC suggest there will be no increase in costs. However, until heads of terms for the service have been agreed, the financial risk is assessed as medium.

9 OTHER CONSIDERATIONS

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

10 CONTACT INFORMATION

Karen Henriksen – Head of Resources
Email karen.henriksen@derbyshiredales.gov.uk
Telephone 01629 761284

Robert Cogings - Head of Housing
Email : robert.cogings@derbyshiredales.gov.uk
Telephone : 01629 761354

11 ATTACHMENTS

Appendix 1	Benchmarking with Audit Family Group
Appendix 2	Benchmarking collection rates for Council Tax & NNDR with other Derbyshire Authorities
Appendix 3	Options appraisal
Appendix 4	Risk Assessment for recommended option

Appendix 1: Benchmarking with Audit Family Group for 2017/18

Authority	CT % in year collection	NNDR % in year collection	Processing time for new HB claims	Processing time for change in circumstances HB claims
Suffolk Coastal	98.4	99.37	24	5
Craven	98.42	99.1	20	5
south Lakeland	97.88	97.56	26	6
Wychavon	98.92	99.13	27	8
Derbyshire Dales	98.81	97.92	20	7
Hambleton	98.47	98.15	23	6
Stratford-on-Avon	98.63	98.14	23	8
East Devon	98.98	99.09	15	3
Teignbridge	98.59	99.41	15	4
West Dorset	98.05	97.43	23	6
New Forest	98.84	99.12	17	4
Lewes	97.92	98.59	19	4
Wealden	98.27	98.58	27	11
South Hams	98.15	97.68	23	7
Cotswold	99.12	98.73	15	7
Chichester	98.36	97.82	18	9

Chart 1: Council Tax collection 2017/18

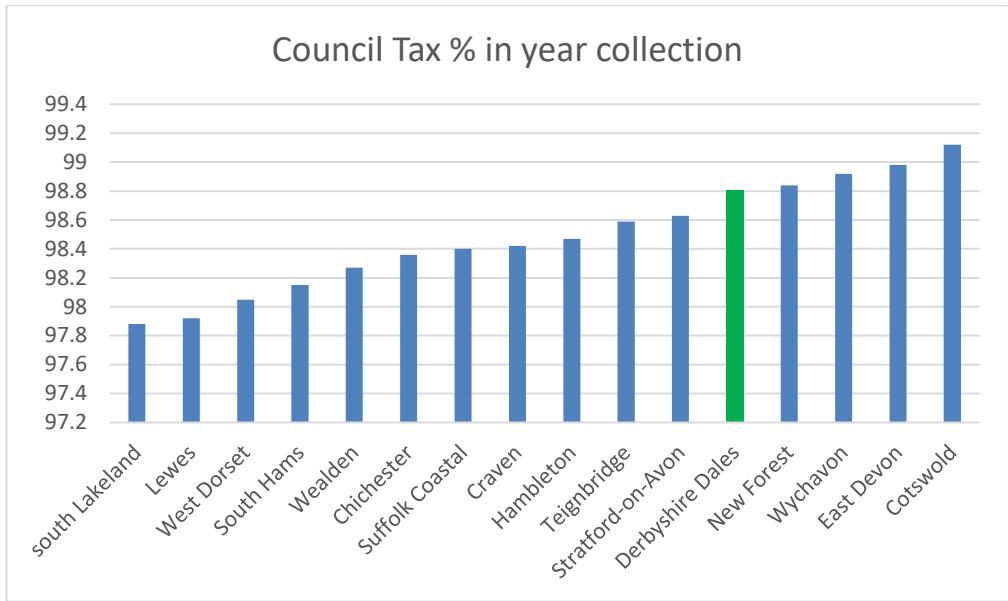


Chart 2: NNDR % in year collection 2017/18

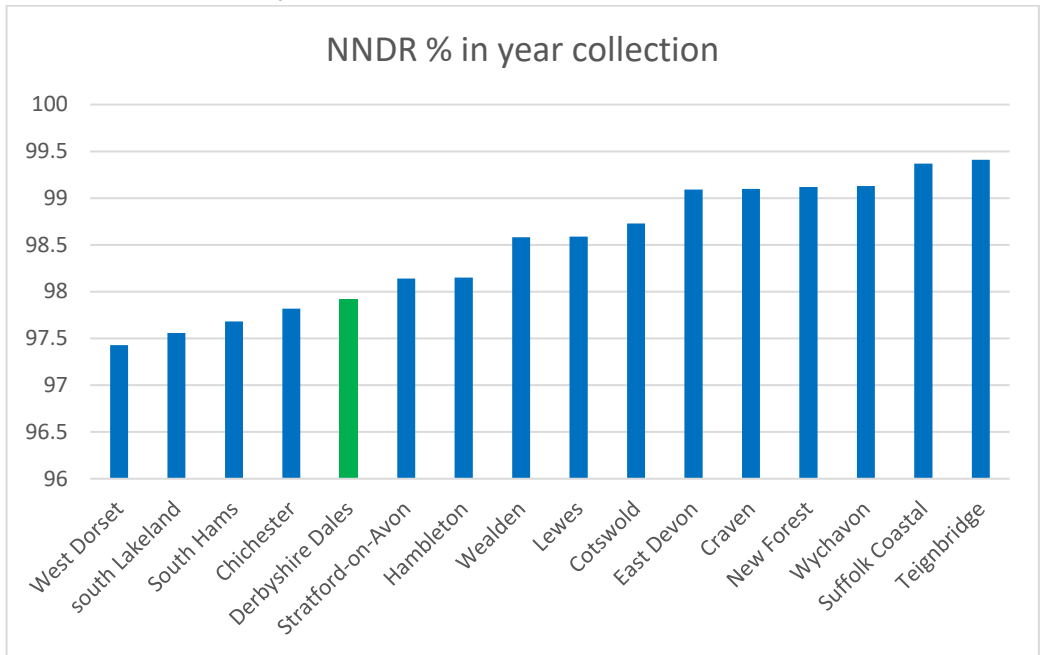


Chart 3: Processing time for new HB claims 2017/18

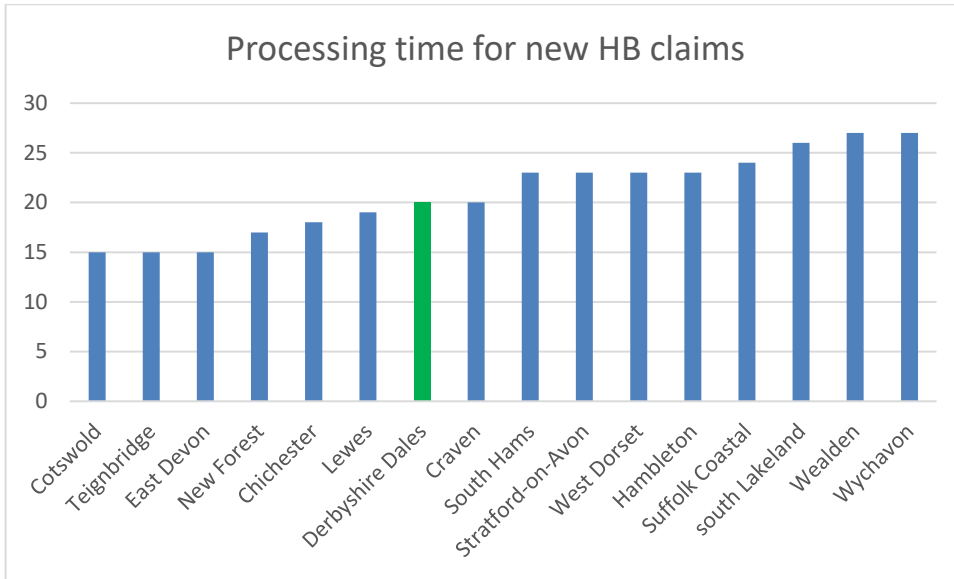
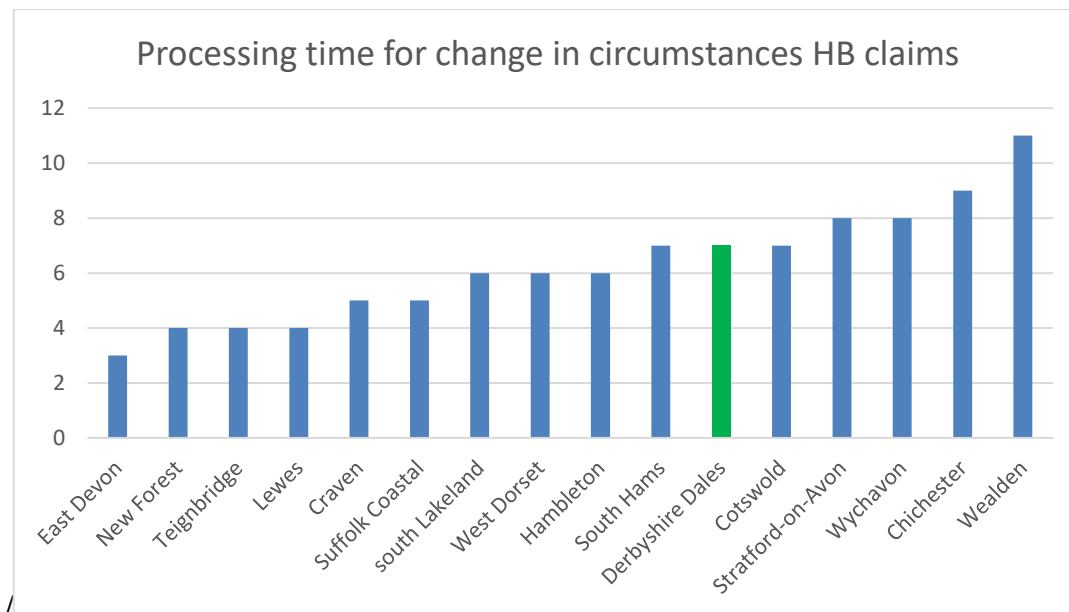


Chart 4: Processing time for change in circumstances of HB claims 2017/18



Appendix 2: Benchmarking collection rates for Council Tax & NNDR with other Derbyshire Authorities

Authority	Council Tax %		NNDR %	
	2017/18	2018/19	2017/18	2018/19
Amber Valley	98.8	98.8	99.0	99.0
Bolsover	97.8	97.5	99.1	99.3
Chesterfield	97.1	97.1	98.5	97.4
Derby	94.1	94.1	96.8	97.1
Derbyshire Dales	98.8	98.7	97.9	98.1
Erewash	97.4	97.3	98.3	98.1
High Peak	98.35	98.43	98.74	99.09
North East Derbyshire	97.3	97.1	97.6	98.0
South Derbyshire	98.2	98.1	97.8	98.0
Derbyshire Dales ranking	joint 1st of 9	2nd of 9	6th of 9	Joint 4th of 9

Appendix 3 - Options appraisal

Option	Advantages	Disadvantages
In house	<ul style="list-style-type: none"> • Direct control over service e.g. billing • Reduced contract management • Responsiveness to change e.g. legislation • All staff based in Matlock allowing improved communications, telephony, IT and staff availability to respond to customers 	<ul style="list-style-type: none"> • Could be more expensive: • Accommodation and available office space not currently available at Matlock Town Hall • staff costs (e.g. pension), • management costs currently shared with CBC might increase and pose difficulty in recruitment • Less resilience with a smaller workforce • The benefits of joint working would be diminished e.g. sharing best practice

Partnership with CBC	<ul style="list-style-type: none"> • Minimise disruption to customers and staff • Reduced contract management through another LA rather than a private sector company • Some shared governance arrangements e.g. internal audit • New ICT connectivity proposed by CBC • Mobilisation period would be significantly reduced compared to in house or outsource • Early indications from CBC suggest there will be no increase in costs • The benefits of joint working would be retained e.g. sharing best practice and resilience • There would also be more scope to explore the use of new technology such as robotics and AI • CBC use the same software for revenues & benefits and financial management. 	<ul style="list-style-type: none"> • Staff will remain in CBC accommodation • DDDC not in direct control of service
Outsource	<ul style="list-style-type: none"> • Potential to reduce costs e.g. such as different working practices (robotics) and economies of scale • Potential to share best practice across clients • Resilience 	<ul style="list-style-type: none"> • DDDC not in direct control of service • Lack of interest from market when tendering for a small local authority • Potential location of staff • Mobilisation period would be could be extended compared to in house • Different working practices e.g. different IT systems

		<ul style="list-style-type: none"> • Potential for disruption to customers and staff • Uncertainty over costs e.g. transactional model of charging which could fluctuate significantly over time • Potential for contractor to cease trading (subject to mitigation) • Uncertainty about contractor/client relationship especially when service changes are required (e.g. introduction of new council tax discounts)
<p>Hybrid in house and partnership</p> <p>(debtors and creditors in house with the remainder in partnership with CBC)</p>	<ul style="list-style-type: none"> • Minimal disruption for staff and customers • Improved service for DDDC staff should debtors and creditors staff in those services re-join Resources Department at Matlock town hall. E.g. speed of processing for invoices estimated to be 4 times quicker, easier for existing Matlock staff to receive training or help with queries. • Reduced contract management for those services • No expectation that costs would increase • Continuity of established IT systems that staff are familiar with • No additional management costs expected as service would fit within existing management structures • Getting the best of both worlds, with the advantages of CBC for the CT/HB 	<ul style="list-style-type: none"> • Limited opportunity to make financial savings • Loss of resilience for debtors and creditors

	<p>service whilst having the responsiveness of the debtors and creditors services</p> <ul style="list-style-type: none"> • Minimal accommodation needs. 	
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Appendix 4 - Risk Assessment for recommended option

Risk	Current score	Mitigation	Post mitigation score
Partnership / negotiation does not achieve the strategic outcomes, e.g. CBC not willing to deliver certain aspects of current service	20	negotiation on service delivery	12
key team members lack of capacity	20	realistic assessment of workload prioritising and delegation	9
Resources required from other service areas, e.g legal and HR, not available when required	20	early discussions with relevant service managers and a detailed project plan highlighting key milestones	9
Changes in legislation or government policy	15	update specification and assess potential cost, utilise new burdens funding	10
CBC commitment to joint working	15	maintain a close working relationship with key contacts at CBC, timetable gives sufficient time for a procurement exercise if agreement not reached with CBC by 31st August 2019.	10
Negotiation of partnership agreement is protracted or stalls, incurring time delays, additional costs, and potentially a need for a procurement exercise	15	maintain a close working relationship with key contacts at CBC, timetable gives sufficient time for a procurement exercise if agreement not reached with CBC by 31st August 2019.	10

GOVERNANCE AND RESOURCES COMMITTEE

11 JULY 2019

Report of the Head of Community & Environmental Services

DERBYSHIRE DALES SAFEGUARDING POLICY

PURPOSE OF REPORT

This report seeks the approval of an updated Safeguarding policy.

RECOMMENDATION

1. That the new Safeguarding policy is approved and implemented by 1 September 2019.
2. That the Head of Community & Environmental Services be given delegated authority as Safeguarding Officer
3. That training in safeguarding is classified as mandatory training for all Councillors.

WARDS AFFECTED

All wards

STRATEGIC LINK

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

1. BACKGROUND

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

- 1.2 The District Council's first Child Protection Policy was introduced in January 2003 as an authority-wide policy to ensure as far as possible the protection and safety of children taking part in activities under the District Council's control. Since that time the policy has been reviewed and developed to include wider safeguarding issues, with this submission being the latest edition.
- 1.3 The policy details the duty of the District Council to safeguard and promote the welfare of children and vulnerable adults regardless of age, race, religion, disability or sexual orientation.

2. REPORT

- 2.1 The purpose of the Safeguarding Policy is to make explicit the responsibilities of all professionals, volunteers and agencies working together to protect those most at risk from harm and abuse.
- 2.2 The policy covers children and vulnerable adults who are affected by the services delivered by or on behalf of the Council.
- 2.3 The policy recognises that Derbyshire County Council's (DCC) Children's Social Care Service and the Police are the lead agencies in the District with regard to Child Protection. Derbyshire Adult Social Services is the lead agency with regard to vulnerable adults.
- 2.4 The policy also recognises that everyone has a responsibility for Safeguarding, including all employees and Elected Members who come into contact with children and vulnerable adults.
- 2.5 The aims of the policy include:
- Implement and maintain systems of working practice to safeguard children and vulnerable adults taking part in Council activities
 - Ensure that adults, children and their parents have confidence in Council staff, policies and practices in respect of the safe supervision of children and vulnerable adults
 - Ensure that concerns about abuse are reported promptly to the appropriate authorities
 - Offer guidance and support to all employees, volunteers and Councillors involved in Council activity to assist them in recognising and responding to the signs of possible abuse, and to protect themselves against allegations
 - Ensure that the Council's role and responsibility in protecting children and vulnerable adults from abuse is clear
 - Raise awareness around safeguarding both of children and vulnerable adults and extremism
- 2.6 The policy also identifies key contacts responsible for safeguarding, including Council employees and external agencies.
- 2.7 The policy provides Council employees and elected members with advice on recognising risks and responding to allegations.

- 2.8 Should the policy be approved, it will be implemented by 1st September 2019, following a programme training and raising awareness of safeguarding issues and the policy itself.

3 RISK ASSESSMENT

3.1 Legal

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

3.2 Financial

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

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

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

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

6 BACKGROUND PAPERS

None

7 APPENDICES

Appendix 1 – DDDC Safeguarding Policy



Derbyshire Dales District Council

Safeguarding Policy

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1. INTRODUCTION

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

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

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

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

1.2. Policy Aim

This policy aims to:

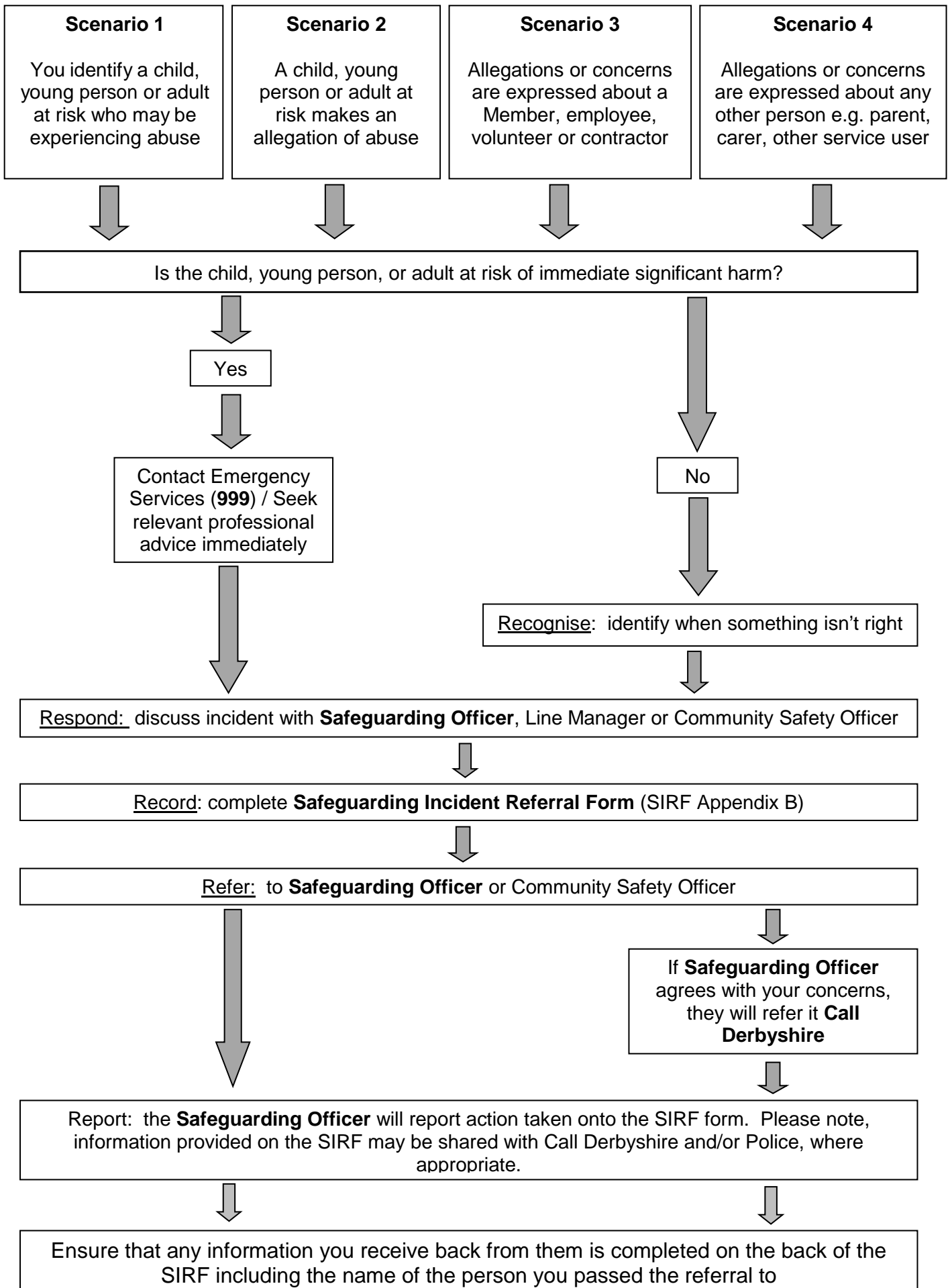
- Implement and maintain systems of working practice to safeguard children and vulnerable adults taking part in Council activities
- Ensure that adults, children and their parents have confidence in Council staff, policies and practices in respect of the safe supervision of children and vulnerable adults
- Ensure that concerns about abuse are reported promptly to the appropriate authorities
- Offer guidance and support to all employees, volunteers and Councillors involved in Council activity to assist them in recognising and responding to the signs of possible abuse, and to protect themselves against allegations
- Ensure that the Council's role and responsibility in protecting children and vulnerable adults from abuse is clear
- Raise awareness around safeguarding both of children and vulnerable adults and extremism
- Live up to our Corporate Plan to promote fairness and equality
- Raise awareness of issues and procedures
- Work in compliance with the Derby and Derbyshire Safeguarding Children Procedures (<http://derbyshirescbs.proceduresonline.com/>) and the most relevant legislation.
- Review the Policy every 3 years or whenever there are relevant changes in legislation

1.3. Key Principles

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

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

1.4 Quick Reference Guide



2. SCOPE

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

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

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

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

2.2. Working Partners

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

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

2.3. Contractors

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

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

The principles of safe recruitment will, therefore, be included in the terms of any contract drawn up between the Council and contractors or agencies that provide services for, or adults to work with, children and vulnerable adults for whom the Council provides is responsible.

The Council will monitor compliance with these contracts that will also include a requirement that the provider will not sub-contract to any personnel who have not been part of a safe recruitment process.

3. PROCESS

3.1 Recognition of Abuse, Bullying and Extremism

It is not always easy to recognise when abuse has taken place or where a situation that has taken place may develop to become abusive. Council employees are not expected to be experts at recognising such situations, but employees do have a responsibility to act if they have any concerns about the behaviour of an adult or child towards a child or vulnerable adult.

All employees have a duty to discuss any concerns they may have about the welfare of a child or vulnerable adult with their line manager or another appropriate senior member of staff as soon as possible.

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

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

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

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

We take any allegation seriously and investigate immediately and thoroughly.

Action to be taken if a disclosure or allegation is made:

- React calmly
- Reassure the person that they were right to tell you
- Do not make promises of confidentiality, let the person know that you may have to tell another adult
- Try to reduce any questions you may choose to ask, to an absolute minimum and concentrate on listening to the person. Questions should never be leading, they should consist of Who? Where? When? What?
- Make a full written record of what has been said, heard and/or seen as soon as possible using an Safeguarding Incident Report Form (SIRF)
- This report form should then be discussed with your line manager or Safeguarding Officer (or their substitute)

Actions to be avoided:

- Panic
- Allow shock and/or distaste to show
- Probe to find out more information than offered
- Speculate or make assumptions
- Make negative comments about the alleged abuser
- Make promises to agree to keep it a secret
- Discussing the issue with anyone other than the appropriate line manager or Safeguarding Officer

It is not the responsibility of any employee or Elected Member to decide whether or not abuse has taken place. There is, however, a responsibility to act on any concerns and to protect children and vulnerable adults in order that appropriate agencies (in our case DCC Children's Social Care, DCC Adult Social Care, and the Police) can make enquiries and take necessary action to protect the child or vulnerable adult

3.3. Sharing concerns with parents

The Council is committed to work in partnership with parents or carers where there are some concerns about a child or vulnerable adult. In most situations it is important to talk to parents and carers to help clarify any initial concerns. The appropriate senior manager should liaise with the parents or carers. There are some circumstances in which a person may be placed at even greater risk if concerns are shared (e.g. where a parent or carer is responsible for the

abuse or not able to respond to the situation appropriately). If in doubt speak to the Safeguarding Officer (or substitute). If you believe the child is at immediate risk please call 999.

3.4. Reporting Procedure

The Council has a designated Safeguarding Officer (Appendix J) and a substitute. If you are unable to access either, then the Chief Executive should be notified immediately. Where this is not possible, make contact with Call Derbyshire (01629 533190) the same working day. If you believe the child or vulnerable adult to be at immediate risk call 999.

Employees and Elected Members responding to a suspicion of abuse or poor practice should complete an SIRF (Appendix B). In doing so, please note:

- your report may be required later as part of a legal action or disciplinary procedure
- the time and date
- the name of the place and a description of the scene
- the names of people involved
- separate out factual information from your own opinions
- the report should be dated and signed and passed to either the Adult Safeguarding Lead Officer or a Safeguarding Link Officer during the same working day
- retain any original documentation (this may be required as evidence at a later date if there is a criminal investigation or prosecution)
- if you are dealing with a recent assault, which may be a potentially criminal matter, or where violence is ongoing, you should call emergency support e.g. the police or ambulance

The form should be sent to the Safeguarding Officer via email and a phone call should be made to make them aware. They will decide what action needs to be taken, usually contacting Call Derbyshire in respect of children or vulnerable adults.

Line Managers should:

- Ensure the report is comprehensive
- Ensure that the parents of the child or vulnerable adult are informed of the incident and provided with a copy of the report

- Arrange a meeting to discuss the incident with the employee within 24 hours of the incident if possible
- Write up the meeting with the employee and obtain the employees signature to the accuracy of the discussion notes
- Keep all records of the incident in a secure locked cabinet
- Ensure further training to reduce the risk of this type of incident recurring is provided to the employee if appropriate. Training could include preventative measures and strategies

Some specific posts and activities may need more detailed guidance. If employees have any concerns about the appropriateness of any practice or action, they should contact their line manager where possible or senior manager.

The Council will co-operate fully with any investigation carried out by these agencies in line with their procedures.

3.5 Malicious Allegations

Managers need to be wary of malicious allegations and need to be sure that the information given to them is accurate. Often the allegation is made in good faith but is unsupported by the evidence. On other occasions the allegation may be malicious and without evidence. It is the responsibility of the Manager to verify this information as quickly as possible before acting on it.

3.6. Allegations against staff

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

Whilst we take any allegation seriously and investigate immediately and thoroughly, we also recognise that it is possible for our employees to become victim to false accusations. Employees and Elected Members are encouraged to protect themselves from false accusations by adopting good practice at all times.

Good Practice guidelines for employees

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

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

Things to avoid

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

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

Whenever communicating with children or vulnerable adult online:

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

3.7 Types of investigation

If there is an allegation about an employee or Elected Member, the following types of investigation may take place:

- Disciplinary
- Criminal

The person or family who alleged the abuse or harassment could also take civil proceedings.

3.8 Action to be taken if there are concerns about a member of staff

If the concern or allegation is clearly regarding poor practice then the line manager and appropriate senior manager (usually Head of Service) should deal with it as a misconduct issue and follow the Council's Disciplinary Procedure.

Where it is suspected that abuse has taken place the following should happen:

- Any suspicions that an employee has abused a child or vulnerable adult should be reported to the relevant Head of Service or HR Manager and the Safeguarding Officer.
- The Safeguarding Officer will seek advice from Call Derbyshire, who may involve the Police. If the incident is out of hours the report should be made directly to the Police.
- The disciplinary procedure will then be followed.

In line with disciplinary procedures, the Council may suspend any employee accused of abuse pending further investigation. This will be independent of any investigation by the Police, Children's Social Care or Adult Care. The Council will assess all individual cases under its

disciplinary procedures, to reach a decision in relation to the allegations and the person's employment on the available information. Employment decisions can be taken before and independently of the outcome of any legal investigation.

3.9. Confidentiality and Sharing Information

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

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

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

Sharing information as part of preventative services:

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

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

- Where, in the interest of the child or vulnerable adult, reasonable concerns identify that their health or development will be impaired without the provision of services

- Where there is evidence that a child or vulnerable adult is suffering or is at risk of suffering significant harm
- Where there is reasonable cause to believe that an individual may be suffering or at risk of suffering significant harm
- To prevent significant harm arising to children and vulnerable adults or serious harm to adults, including through the prevention, detection and prosecution of serious crime
- If it is believed that an individual is showing extreme view or radicalised behaviours

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

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

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

3.10 Expert advice

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

3.11 Handling of difficult situations

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

- Simple physical presence as control. This involves no contact e.g. standing in front of an exit.

- Holding or touching to persuade a child or vulnerable adult to comply with verbal requests e.g. holding a person's hand or using the shoulders to steer a person away from a situation.

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

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

4. RECRUITMENT AND EMPLOYMENT

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

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

5. LEARNING AND DEVELOPMENT

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

part of their induction.

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

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

5.1 Work Experience Placements

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

Guidance for Work Experience Placements are covered in Appendix D of this document.

6. HEALTH & SAFETY

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

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

We should also take into account that children or vulnerable adults may be

- Inexperienced;
- Have not been trained; and
- May not pay enough attention to health and safety

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

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

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

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

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

These conditions are:

- Any image taken will be used only for the purposes stated on the Photography and Filming Request Form
- Any images are taken with the permission of the subjects (Appendix C). When the data subject happens to be a minor (under 16 years old), parental consent must be obtained.
- Proof of identity may be required in order to grant permission to use the photographic filming equipment
- The Council reserves the right to withdraw permission to use photographic filming equipment immediately without prior warning. Failure to stop photography when asked may result in the photographer being asked to leave or reporting the incident to the police
- The photographer should take steps to make themselves easily recognisable to members of the public (e.g.: the use of a badge, banner, vest etc.)
- The photographer should be sensitive to other users/participants and as far as reasonably possible restrict the images taken to those of the subject(s).

- If at any time another user in the area where the photographs are being taken complains about the activity then the photography or filming must stop immediately
- In the case of dance shows, productions and private hiring of Council facilities it is the responsibility of the organisers/hirers to inform parents/carers of the individuals attending the event that photographs will be taken
- It is the responsibility of any commercial photographer taking images at Council facilities to obtain written permission of any subjects included in their photographs to use the images before publication
- Images may only be taken in the areas shown on the date indicated on the Photography and Filming Permission Request form
- If for any reason the details shown on the permission request change, the form should be returned to the Council for alteration. If, when challenged, a discrepancy is found between the Photographer and Council copies for the permission request, permission to use photographic and filming equipment will be withdrawn.

7.1 Photography and filming during external hire of facilities

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

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

7.2 Guidelines for taking photographs of children and vulnerable adults

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

- If a photograph is used, avoid naming individuals
- Before the images are taken the written permission of the individual's parents should be sought
- Only use images of individuals in suitable dress to reduce the risk of inappropriate use

- There are some activities e.g. swimming, gymnastics and athletics where the risk of potential misuse is much greater. With these sports the photographs should focus on the activity not a particular subject and should avoid full face and body shots. For example photographs of children and vulnerable adults in a pool would be appropriate or if on poolside from the waist or shoulder up.

7.3 Guidelines for CCTV

The CCTV cameras are operated according to a Framework Code of Practice. This has been reviewed and amended to include Subject Access Information and, in February 2006, to include Statements from Control Operators and Public Requests for Service.

7.4 Vigilance by the general public

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



Derbyshire Dales District Council
Safeguarding Policy

Appendices

Appendix A

Definitions of Abuse

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

Emotional Abuse – is the persistent emotional maltreatment of a person such as to cause severe and persistent adverse effects on the person's emotional development. It may involve conveying to the person that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on a person. These may include interactions that are beyond the person's developmental capability, as well as over protection and limitation of exploration and learning, or preventing the person participating in normal social interaction. It may involve serious bullying causing individuals frequently to feel frightened or in danger, or the exploitation or corruption of children or vulnerable adults. Some level of emotional abuse is involved in all types of maltreatment, though it may occur alone.

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

Neglect – is the persistent failure to meet a child's or vulnerable adult's basic physical and/or psychological needs, likely to result in the serious impairment of the individual's health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child or vulnerable adult from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a person's basic emotional needs.

Financial Abuse – misappropriation of an individual’s funds, benefits, savings etc. or any other action that is against the person’s best interests, e.g.:

- Theft of money, possessions, property or other material goods
- Misuse of money
- Fraud or extortion of material assets
- Persuading a vulnerable adult to enter into a financial agreement, which is to their detriment.

Radicalisation and Extremism

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

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

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

Female genital mutilation (FGM) includes procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons. (World Health Organisation, 2014). It is illegal in the UK.

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

Modern slavery

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

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

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

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

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

If you have a concern regarding the possible trafficking of a person you should immediately contact the Designated Safeguarding Officer or Deputy. Practitioners should not do anything which would heighten the risk of harm or abduction to the child or adult.

Race and Racism

People from black and minority groups (and their parents or carers) are potentially likely to have experienced harassment, racial discrimination and institutional racism. Although racism causes significant harm it is not, in itself, a category of abuse (unless the victim meets the definition of an adult at risk of abuse and neglect, in which case an appropriate referral should be made) and dealing with it is considered under other specific policies of the Council and High Peak Community Safety Partnership.

Hate Crime

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

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

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

Hate crime can take many forms including:

- physical attacks such as physical assault, damage to property, offensive graffiti and arson
- threat of attack including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate, and unfounded, malicious complaints
- verbal abuse, insults or harassment - taunting, offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace.

Appendix B

Safeguarding Incident Report Form

Name of person completing this form:.....		Role:
Work address:		
Postcode:		Telephone:
Details of Person who the concern is about: - Please complete with as much information is known		
Family Name:	Forename:	DOB:
Gender: M / F	Disability:	Ethnic Origin:
Address:		
Postcode:		Telephone:
Additional information known: Such as second address/ School attended/ Parent/ Careers details Sibling details / Identifying markings or tattoos		
Are you aware of any other agencies Involved with this person – Please provide as much detail as possible below: If you are aware a CAF is in place please provide as much information regarding that		

Please provide as much detail as possible as to the reasons why you have made this referral and please ensure if information has been passed to you second/ third hand, this is detailed and you have provided a true and accurate record or what has occurred/ being shared
(continue on a separate sheet if required)

Is parent/career aware of referral?	Is the person concerned aware of this referral?	Has consent been obtained to refer?	Please provide details of how or if not reason why not
-------------------------------------	---	-------------------------------------	--

Please sign and time and date as a true and accurate record and you are happy to repeat information in court if required.

Sign Date Time

Please now pass this form to your line manager and ensure they Print Name, sign, date and time receipt of it - and then email to Safeguarding Officer and Community Safety Officer and phone them to inform them that it is on its on its way

Print Name Sign Date Time

Line Managers please follow flow chart on page 4 and ensure form is update as you do:

Safeguarding referral form continued in relation to (please complete name)

Please now complete and delete as appropriate provide as much detail of people involved and contact numbers as possible. Please continue on separate sheets if necessary

Person at risk of immediate harm, - Emergency services contacted (999)	Person spoken to: Date and Time	Advice given/ Action taken	
Advice from Community Safety Officer (01629 761187) Advice from Safeguarding Officer (01629 761367)		Date and time spoken to	
Name and Role of person spoken to	Advice given	Action to take	Please confirm the across has been completed and any additional action required by Community Safety Officer/ Head of Community and Environment
Referral to Call Derbyshire (01629 533190) (08456 058058)		Name, Date and time	

Name and Role of person spoken to	Advice given	Action to take	Please confirm the across has been completed and any additional action required by Community Safety Officer/ Safeguarding Officer
REFERRAL FORM Completed and Sent to : Call Derbyshire (Person, Date, Time and Method) Safeguarding Officer (Date, Time and Method) Community Safety Office (Date, Time and Method)			
Updates from Derbyshire County Council Name of person providing, date and Time	Update on the Case	Lessons to be learnt for the future	

Appendix C 1

CONSENT FORM FOR PHOTOGRAPHS OF CHILDREN AND VULNERABLE ADULTS

A. Name of parent, carer or head teacher:

B. Name of child/vulnerable adult: _____

Home address (if required) _____

School address (if appropriate) _____

Derbyshire Dales District Council would like to take photographs at a Council organised event/your child's school (delete as appropriate). These photographs may appear in our printed publications, on our web site, or both.

Note to parent/carer: Before taking any photographs of the person named above, we need your permission. Please answer questions 1 and 2 below, then sign and date the form where shown. Please return the completed form to a Council Officer attending the event or send to the address at the bottom of this form.

Note to head teachers: If group photographs are organised and individual children cannot be easily identified, head teachers must find out whether any parents do not want their child to be in the photograph. In this instance we ask the head teacher to answer declaration 3 below and sign the consent form. Head teachers should return the completed form to the address shown below.

To the parent / carer

1. May we use the photograph of the person named in B. above in printed publications produced by Derbyshire Dales District Council? Yes / No
2. May we use the photograph of the person named in B. above on our web site? Yes / No

To the head teacher

3. Have you established, in writing, which parents are happy for their children to take part in photographs for use in Derbyshire Dales District Council's printed publications or on its website (or both).

Please note that web sites can be viewed throughout the world, not just in the United Kingdom where UK law applies.

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

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

Signature.....Date.....

Please return this form to:

Safeguarding Officer

Derbyshire Dales District Council

Town Hall

Matlock

Derbyshire

DE4 3NN

Appendix C 2

CONSENT FORM FOR PHOTOGRAPHS

Name _____

Home address (if required) _____

Derbyshire Dales District Council would like to take photographs at a Council organised event.

These photographs may appear in our printed publications, on our web site, or both.

Before taking any photographs of the person named above, we need your permission. Please answer questions 1 and 2 below, then sign and date the form where shown. Please return the completed form to a Council Officer attending the event or send to the address at the bottom of this form.

- 4. May we use the photograph of the person named in B. above in printed publications produced by Derbyshire Dales District Council? Yes / No

- 5. May we use the photograph of the person named in B. above on our web site? Yes / No

Please note that web sites can be viewed throughout the world, not just in the United Kingdom where UK law applies.

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

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

Signature.....Date.....

Please return this form to:
Safeguarding Officer
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Appendix D

MANAGING WORK EXPERIENCE POLICY GUIDING PRINCIPLES AND PROCEDURES

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

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

On commencement in placement, managers will:

Ensure the following induction is covered on day one:

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

- Issue and explain the use of personal protective clothing, if appropriate
- Introduce supervisor, buddy, and other staff
- Undertake tour of the premises and site, including kitchen and toilet facilities

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

Undertaking Risk Assessments

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

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

- Inexperienced
- Lack training
- Mentally or physically immature

We should take specific account of:

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

Restrictions on work:

A child or undertake adult must not undertake any tasks where a significant risk remains in spite of the best efforts made to take all reasonable steps to control it, for example:

- Work or tasks that cannot be adapted to meet any physical or mental limitations they may have
- Exposure to substances which are toxic or cause cancer

- Exposure to radiation
- Work or tasks involving extreme heat, noise or vibration.

Training and supervision

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

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

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

Managers will ensure:

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

Appendix E

SHARED INFORMATION

Key Points for sharing information

- Staff should explain to the child, vulnerable adult and parent at the outset, openly and honestly, what information about the child or vulnerable adult will, or could be shared. They should explain how and why it needs to be shared, and seek their agreement. The exception is where to do so would put the person or others at risk of significant harm, or undermine prevention, detection or prosecution of a serious crime including where seeking consent might lead to interference with a potential investigation.
- Staff must always consider data protection, the safety and welfare a child or vulnerable adult when making decisions on whether to share information about them. Where there is concern that the person may be suffering or is at risk of significant harm, the individual's safety and welfare must be the overriding consideration.
- Staff should, wherever possible, respect the wishes of children, vulnerable adults or their parents who do not consent to share confidential information. Staff may still share information, if in their judgement on the facts of the case; there is sufficient need to override that lack of consent.
- Staff should seek advice where they are in doubt, especially where their doubt relates to a concern about possible significant harm to a child, vulnerable adult or to others.
- Staff should ensure that the information they share is accurate and up-to-date, necessary for the purpose for which they are sharing it, shared only with those people who need to see it and shared securely.
- Staff should always record the reasons for their decision – whether it is to share information or not.

Obtaining consent

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

Recruitment and Employment

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

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

- i) All staff with responsibility for recruitment and selection shall receive appropriate training
- ii) All new posts/vacancies shall have a person specification with essential and desirable criteria so that recruiting managers can determine whether and to what extent the post has access to young people/vulnerable adults
- iii) The risk assessment will determine whether a Disclosure & Barring Service (DBS) check is required; most council jobs do not require a DBS check as we do not provide social or personal care services
- iv) If a DBS check is required, it will be clearly identified in the advertisement and candidate profile
- v) The recruitment process will be based on the Council's standard application form, including:
 - Name, address and National Insurance number
 - Relevant experience, qualifications and training
 - Details of work history
 - Names and contact details of two referees
 - The specific questions: 'Do you have any unspent criminal convictions? If yes, please provide details'.
- vi) Any gaps/omissions must be covered at interview
- vii) Once the successful candidate has been selected, his/her identity will be confirmed from official documentation (e.g. birth certificate, passport or driving licence)
- viii) The offer of the appointment will not be made until satisfactory references and DBS clearance have been received.
- ix) DBS checks will be renewed in accordance with Council policy and take into account the revisions to DBS checks
- x) DBS checks will be undertaken on line via Derbyshire County Council acting as our 'umbrella body'.

Appendix F

ROLES AND RESPONSIBILITIES TO SAFEGUARD CHILDREN

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

Community Development

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

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

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

Housing Services

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

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

Benefits

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

- Visiting officers may be become aware of conditions that impact adversely on a child or vulnerable adult

- Staff may be alerted to adverse situations by telephone
- Staff may be alerted to adverse situations by processing Benefit applications.

Environmental Health

Environmental Health services are regularly alerted to adverse situations

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

Environmental Services

Daily street maintenance requires staff to be amongst the community.

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

Community Safety

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

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

Countryside Rangers

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

Voluntary, Private and Community Sectors

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

Employees and Elected Members

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

Elected Members will be responsible approving the Safeguarding Policy.

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

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

Appendix G

POLICY ON CRIMINAL BACKGROUND CHECKS

1. Policy statement on the recruitment of people with past convictions
 - 1.1. Derbyshire Dales District Council aims to promote equality of opportunity for all, and recognises the importance of employment in the rehabilitation of ex-offenders. Criminal records will be taken into account for recruitment purposes only when a conviction is relevant. Unless the nature of work demands it, applicants will not be asked to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974. Having an 'unspent' conviction will not necessarily bar applicants from employment. This will depend on the circumstances and background to the offence(s) and their relevance to the post being filled.
 - 1.2. Applicants, who are offered employment to certain posts exempted under the Rehabilitation of Offenders Act 1974, will require a criminal record check ('disclosure') from the Disclosure & Barring Service (DBS) before an appointment can be confirmed. These include posts working with children or vulnerable adults. The disclosure will include details of cautions, reprimands or final warnings, as well as convictions.
 - 1.3. Potential applicants to these posts will be provided with information at the beginning of the recruitment process stating that a disclosure will be required for the successful applicant, and including a copy of this policy.

Disclosure & Barring Service (DBS) **Code of Practice**

- 1.4. Derbyshire Dales District Council complies fully with the Code of Practice issued by the Disclosure & Barring Service, ensuring that information released in disclosures is used fairly and handled and stored appropriately.
- 1.5. The subjects of disclosures should be reassured that the Council will not use disclosure information unfairly against them.
- 1.6. All employees involved in the disclosure process at the District Council and Derbyshire County Council and in making employment related decisions are provided with guidance on employing people with convictions, legislative requirements and the DBS Code of Practice.

2. Disclosure & Barring Service (Policy on secure handling, use, storage, retention and destruction of disclosure information)

- 5.1 We will use disclosure information only for the purpose for which it was requested and provided. We will not share disclosure information with a third party unless the subject has given their written consent and has been made aware of the purpose of the sharing.
- 5.2 We recognise that, under section 1241 of the 1997 Act and sections 66 and 67 of the 2007 Act, it is a criminal offence to disclose disclosure information to any unauthorised person. Disclosure information is only shared with those authorised to see it in the course of their duties. We will not disclose information provided under subsection 113B(5)2 of the 1997 Act, namely information which is not included in the certificate, to the subject.
- 5.3 Derbyshire County Council is responsible for storage and destruction of disclosure certificates and documents.

6. Legal Obligations

- 6.1 Under the Rehabilitation of Offenders Act 1974 it is unlawful to discriminate against an ex-offender on the grounds of a 'spent' conviction, with the exception of those posts exempt from the Act such as those working with children and vulnerable adults.
- 6.2 Under the Criminal Justice and Court Services Act 2000 it is an offence:
 - To apply for, offer to do, accept or do any paid or unpaid work in a 'regulated position' with children if disqualified (included on a list held by DoH or DfEE or by disqualification order by courts following conviction for serious offence of a sexual or violent nature)
 - To knowingly offer work in a 'regulated position' to a disqualified person or fail to remove them from such work.

7. Lead Counter signatory and Counter signatories

- 7.1 For Disclosure & Barring Service checks, the lead Countersignatory is the HR Officer, DBS & HCPC Registration at Derbyshire County Council.
- 5.3 The Lead / Counter signatories are cleared and registered with the DBS.
- 5.4. The Lead Counter signatory is a senior figure who has management responsibility for the use of the disclosure service and:
 - Acts as the principal point of contact with the DBS
 - Electronically validates application documents
 - Liaises with Counter signatories on the receipt of local police non-conviction information

5.5 The Counter signatory is responsible for:

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

8. Levels of Disclosure

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

Basic check

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

Standard Check

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

Enhanced Check

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

9. Cost of Disclosure

- 7.1. The costs of checks relating to appointments to Council posts will be met by the Council, including an admin fee payable to Derbyshire County Council.
- 7.2. Checks for volunteers are free. A volunteer is currently defined as a person working in a position for which there is no remuneration other than out of pocket expenses.
- 7.3. The cost of checks undertaken by the Council on behalf of contractors will be met by the contractor, depending on the particular circumstances and terms of the contract.

10. Use of Disclosure Information

- 8.1. The initial disclosure will only be requested following a successful interview. Following initial disclosure, rechecks will be undertaken, normally every 3 years. It is the responsibility of the Council as employer to decide whether a person subject to a check should be appointed to or continue in a post, taking into account duties under the Criminal Justice and Court Services Act 2000 and any other relevant legal or regulatory requirements.
- 8.2. Applicants and employees (for rechecks) are invited to provide any additional information which may improve understanding and fair decision-making. Before an employment related decision is made, the applicant will be given an opportunity to discuss any issues revealed in the disclosure.
- 8.3. When disclosures or other information reveal an offence or other matter the following will also be considered in decision making:
 - Relevance to the post
 - Nature and seriousness of the offence/matter
 - Length of time since it occurred
 - The circumstances surrounding it and explanation offered
 - Whether there is a pattern of offending behaviour/related matters
 - Whether the applicants circumstances have changed since the offence, making re-offending less likely
 - The country in which the offence was committed (what constitutes an offence may differ between countries).
 - Whether the offence has since been decriminalised by Parliament.

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

11. Portability of Disclosures

To safeguard against unsuitable appointments, all appointments to posts eligible for enhanced level checks will require a new check, regardless of whether the candidate has had a previous satisfactory check. This is necessary due to the greater level of contact with

children or vulnerable adults within these posts, and need for access to up to date local police non-conviction information.

12. Retrospective Checks

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

13. Re-checking

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

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

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

14. Disputes

Disputes relating to the accuracy of a disclosure should be raised with the DBS .

Any decision of the Council in relation to information obtained in a disclosure will be final.

Appendix H

CHILD SEXUAL EXPLOITATION OPERATION LIBERTY

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

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

- a. in exchange for something the victim needs or wants, and/or*
- b. for the financial advantage or increased status of the perpetrator or facilitator.*

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

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

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

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

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

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

A copy of the form is shown below but you should download an editable version from the DSCB website. It does include guidance to filling out the form.

Workers should fill out the form and send it to CountyReferralUnit@derbyshire.pnn.police.uk

Appendix I

GLOSSARY

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

Term	Meaning
Abuse and neglect	Form of maltreatment of a child or vulnerable adult.
Child(ren)	Anyone who has not yet reached their 18 th birthday
Vulnerable adult	Any person aged 18 years or over who: <ul style="list-style-type: none">• Is, or appears to be eligible for local authority/mental health services assistance by reason of mental ill health, physical or learning disability, aged or illness And• May be unable to take care of him/herself or unable to protect him/herself against significant harm or exploitation.
Employees	Those employed by Derbyshire Dales District Council, its Councillors, partners, contractors and Councillors as well as volunteers involved in the delivery of Council activities or in Council premises or facilities.
Local authority	County, District and Borough Councils.
Parent	Generic term to include birth parents, step-parents and carers. The term will specify parental responsibility where necessary.
Safeguard and promote the welfare of children	The process of protecting from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care

	which is undertaken to as to enable children to have optimum life chances and enter adulthood successfully.
Adult Social Care	Adult Social Care (DCC) is a supportive service (i.e. funding, planning, monitoring and improving housing-related issues) for vulnerable people – homeless, older people and women fleeing domestic violence.
The Council	Derbyshire Dales District Council.
Childrens Social Care	Childrens Social Care (DCC) is a supportive service designed to meet the needs of children in Derbyshire

Appendix J

KEY CONTACTS

Role	Name	Contact
Safeguarding Officer	Ashley Watts	01629 761367
Safeguarding Officer (substitute)	Karen Poyser	01629 761187
Chief Executive	Paul Wilson	01629 761125
Call Derbyshire	n/a	01629 533190
Police	n/a	999

GOVERNANCE AND RESOURCES COMMITTEE

11 JULY 2019

Report of the Head of Corporate Services

PROCUREMENT STRATEGY UPDATE 2018 - 2021

This report updates the Committee on the Procurement Strategy Action Plan.

RECOMMENDATION

The achievements and £24,228 contribution to the Council's overall savings targets are noted.

WARDS AFFECTED

Not applicable.

STRATEGIC LINK

The Procurement Strategy supports the Districts Council's Corporate Plan aim to provide excellent services.

1. BACKGROUND

- 1.1 The Council adopted its Procurement Strategy in October 2018.
- 1.2 The increasing pressures on budgets have made the procurement activity a vital factor in the successful delivery of services and the Council recognises that it should adopt best practise to maximise the benefits available from all commercial arrangements.
- 1.3 The strategy aims to reflect the Council's initiatives to remove unnecessary complexity from processes and procedures and to retain only those that add value to the service we deliver.
- 1.4 The Strategy directs the Council into taking a long term strategic view of its procurement requirements –

The Vision for Procurement – 'Where the Council wants to be' – this is to enable the Council to procure what it needs to deliver the best services possible within its available resources. To do this we have identified the following Strategic Themes:

- Strategic Theme 1 – Straightforward
- Strategic Theme 2 – Professional
- Strategic Theme 3 – Support a vibrant economy
- Strategic Theme 4 – Strategic

The Strategy aims to improve links with the Council's corporate priorities and continue to reflect the Council's initiatives to remove unnecessary complexity from processes and procedures and to retain only those that add value to the services we deliver.

- 1.5 An annual review of the Procurement Strategy Action Plan is integral to ensuring our commitment to £20,000 savings per annum is achieved.

2. REPORT

2.1 The Procurement Strategy Action Plan aims to achieve the outcomes set out in the Vision for Procurement. This update ensures that targets are being met and are delivered as outlined in the plan.

2.2 The outcomes set in the Vision for Procurement could not be achieved without the continued support of the Procurement Hub. The Hub has been established since 2016 and has continued to evolve.

The current Members are:

Membership	
Caroline Leatherday	Lead Officer
Dave Turvey	
Leanne Richardson	
Mark Wooller	
Lucy Prime	
Helen Carrington	
Sally Rose	
Tim Braund	
Sandra Lamb	Strategic Lead

2.3 The Procurement Hub's purpose and objective is to import and share knowledge and good practice to ensure that the District Council operates in a risk free environment.

The Hub plays a key role in ensuring that every penny is spent wisely to get more value from every pound spent by, either cashable returns, or better operational efficiencies.

2.4 Examples of savings achieved by the Procurement Hub 2018/19:

Contract Reviewed / Better Procurement Practice	Saving
Multi-Functional Devices – Lease of Machinery (3 year contract)	£17,315.09 £5772 (1 st saving)
Multi-Functional Devices – Click Charges – for Copies (3 year contract)	£7022.54 £2341 (1 st saving)
Purchase of Franking Machine with 6 yrs maintenance rather than lease	£4079.72 first 3 yrs £1360 (1 st saving)

General Expenses	£1500
Rental of phone lines (12 month Contract)	£2500
Phone Maintenance (12 month contract)	£500
Mobiles Phones (2 year contract)	£2190 – 24 months
Advertising – Centralised Budget	£3000
Quotation – Consultant for Traveller Site Identification	£2000
Quotation - Commercialism – member Training - Training Provider	£750
Quotation - Ethics – Member Training - Training Provider	£1560
Quotation - Planning – Member Training - Training Provider	£550
Quotation - Corporate Plan Residents Survey - Consultant/Provider	£100
Total Savings	£24,228.00

3 RISK ASSESSMENT

3.1 Legal

There are no legal implications arising directly from this update. In general terms the Council's procurement activity must be carried out in accordance with the Council's Contract Standings Orders and Financial Regulations. The legal risk is therefore low.

3.2 Financial

The savings identified by the Hub contribute to the Council's Corporate Savings Target. There are no financial risks arising from this report.

4 CONTACT INFORMATION

Caroline Leatherday, Business Support Manager

Email: caroline.leatherday@derbyshiredales.gov.uk

GOVERNANCE AND RESOURCES COMMITTEE
11TH JULY 2019

Report of the Head of Resources

INTERNAL AUDIT ANNUAL REPORT 2018/19

PURPOSE OF REPORT

The purpose of this report is to:

- Present a summary of the internal work undertaken during 2018/19 from which the opinion on the internal control environment is derived;
- Provide an opinion on the overall adequacy and effectiveness of the Council's control environment including any qualifications to that opinion;
- Draw attention to any issues that require inclusion in the Annual Governance Statement;
- Compare work actually undertaken with that which was planned and summarise performance;
- Comment on compliance with the Public Sector Internal Audit Standards (PSIAS);
- Comment on the results of the internal quality assurance programme;
- Confirm the organisational independence of internal audit;
- Review the performance of the Internal Audit Section against the current Internal Audit Charter.

RECOMMENDATION

That the Internal Audit Annual Report for 2018/19 is approved.

WARDS AFFECTED

None

STRATEGIC LINK

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

1 BACKGROUND

- 1.1 The Public Sector Internal Audit Standards (PSIAS) require that the results of audit activities are reported to the responsible body. This report summarises the work undertaken by internal audit during the year 2018/19. This report also fulfils the requirement of the PSIAS that the Head of Internal Audit deliver an annual internal audit opinion and report that can be used by the organisation to inform its governance statement.

2 SUMMARY OF WORK UNDERTAKEN

- 2.1 Appendix 1 details the audit reports issued in respect of audits included in the 2018/19 internal audit plan. The appendix shows for each report the assurance level on the reliability of the internal controls. The report opinions can be summarised as follows:

	Number of Reports 2018/19	Number of reports 2017/18
Substantial	10	12
Reasonable	6	2
Limited	2	0
Inadequate	1	0
	19	14

A definition of the above assurance levels is shown at the end of Appendix 1.

- 2.2 There were no issues relating to fraud arising from the reports detailed in Appendix 1.
- 2.3 The following table summarises the performance indicators for the Internal Audit Section:

Description	2018/19		2019/20
	Plan	Actual	Plan
Percentage Plan Completed	96%	100%	96%
Number of Complaints	0	0	0
Completion of Annual Report	May 2019	May 2019	May 2020
Customer Satisfaction Score	85%	98%	85%
Net Cost per audit day	£202	£198	£204
Number/proportion of audits completed within time allocation	80%	74%	80%
% Recommendations Implemented where due date has passed	80%	97% Note 1	80%

Note 1 31/32 recommendations made in 2018/19 have been implemented. 22 recommendations from 2018/19 have not passed their due date yet and are in the process of being implemented.

3. OPINION ON THE ADEQUACY AND EFFECTIVENESS OF THE CONTROL ENVIRONMENT

- 3.1 The Internal Audit Consortium Manager is responsible for the delivery of an annual audit opinion that can be used by the Council to inform its governance system. The annual opinion concludes on the overall adequacy and effectiveness of the organisation's framework of Governance, risk management and control.
- 3.2 *"In my opinion reasonable assurance can be provided on the overall adequacy and effectiveness of the council's framework for governance, risk management and control for the year ended 2018/19".*
- 3.3 Assurance can never be absolute. In this context "reasonable assurance" means that arrangements are in place to manage key risks and to meet good governance principles, but there are some areas where improvements are required.
- 3.4 Overall 16 out of 19 (84%) of the areas audited received Substantial or Reasonable Assurance demonstrating that there are effective systems of governance, risk management and control in place.
- 3.5 There were 2 limited assurance reports (Procurement and Leisure Contract Management) and 1 inadequate assurance report (Depot Inventory and Procurement) where only limited assurance on the reliability of internal controls can be given. In these areas the governance, risk management and control arrangements were not operating effectively, some key risks were not well managed and there was a risk that the systems objectives would not be achieved.
- 3.6 Where weaknesses have been identified through internal audit review, we have worked with management to agree appropriate corrective actions and a timescale for improvement.

4. ISSUES FOR INCLUSION IN THE ANNUAL GOVERNANCE STATEMENT

- 4.1 The internal control issues arising from audits completed in the year have been considered by the Head of Resources during the preparation of the Annual Governance Statement. Procurement and inventory (especially at the depot) and the management of the leisure services contract have been included as significant governance issues In the AGS Action Plan, The AGS was approved at full Council on 30 May 2019.

5. COMPARISON OF PLANNED WORK TO ACTUAL WORK UNDERTAKEN

- 5.1 The Internal Audit Plan for 2018/19 was approved by the Governance and Resources Committee on the 23th February 2018. Overall, 100% of planned audits were completed during the year.

6. COMPLIANCE WITH THE PUBLIC SECTOR INTERNAL AUDIT STANDARDS AND OTHER QUALITY ASSURANCE RESULTS

- 6.1 During 2018/19 a self- assessment was undertaken to review compliance with the Public Sector Internal Audit Standards. The results confirmed that there were no significant areas of non-compliance.

- 6.2 In October 2016 the Internal Audit Consortium was subject to an external review to ensure compliance with the Public Sector Internal Audit Standards. The review concluded that the Consortium was compliant with and in places exceeded the requirements of the PSIAS but a number of recommendations were made to further enhance the service provided by the Consortium. These recommendations have now all been implemented although some are ongoing. An improvement spreadsheet is in place to log and action further improvement ideas.
- 6.3 It can also be confirmed that the internal audit activity is organisationally independent. Internal audit reports directly to the Head of Resources but has a direct and unrestricted access to senior management and Governance and Resources Committee.
- 6.4 Quality control procedures have been established within the internal audit section as follows:
- Individual Audit Reviews – Working papers and reports are all subject to independent review to ensure that the audit tests undertaken are appropriate, evidenced and the correct conclusions drawn. All reports are reviewed to ensure that they are consistent with working papers and in layout. Whilst these reviews can identify issues for clarification, the overall conclusion of the quality assurance checks is that work is being completed and documented thoroughly.
 - Customer Satisfaction – A Customer Satisfaction Survey form is issued with each report. This form seeks the views of the recipient on how the audit was conducted, the report and recommendations made.
 - Client Officer Views – A survey form was issued to the client officer seeking her views on the overall performance of the internal audit section for the year in achieving the objectives set out in the Internal Audit Charter.
 - The Senior Auditor on site operates to the Public Sector Internal Audit Standards.
- 6.5 The above quality procedures have ensured conformance with the PSIAS.
- 6.6 At the end of every audit a customer satisfaction survey is sent to the relevant manager to complete. Based on the customer satisfaction surveys returned, the average score for customer satisfaction during 2018/19 was 98%.
- 6.7 On an annual basis the client officer for internal audit (Head of Resources) is asked to complete a questionnaire in terms of the overall quality of service provided. The results of the Client Officer survey were a score of 100%.

7. REVIEW OF PERFORMANCE OF THE INTERNAL AUDIT SECTION AGAINST THE CURRENT INTERNAL AUDIT CHARTER

- 7.1 The Internal Audit Charter was last reported to and approved by the Governance and Resources Committee in July 2018. A further review and update of the Internal Audit Charter will be undertaken in the summer of 2020.
- 7.2 Based on the information provided in this report on the completion of the 2018/19 internal audit plan, it is considered that the requirements of the Charter were met during the year.

8 RISK ASSESSMENT

8.1 Legal

Internal Audit provides a valuable service in reviewing procedures and processes against high standards of governance. Recommendations arising from specific reports help the organisation to learn, improve and mitigate risk. There are no specific legal considerations arising from this report.

8.2 Financial

There are no financial considerations arising from the report.

8.3 Corporate Risk

This report ensures that Members are aware of the work undertaken by internal audit during 2018/19 and internal audit's opinion on the adequacy and effectiveness of the systems in place at Derbyshire Dales District Council.

9 OTHER CONSIDERATIONS

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

10 CONTACT INFORMATION

Karen Henriksen, Head of Resources

Telephone: 01629 761284; Email: karen.henriksen@derbyshiredales.gov.uk

Sandra Lamb, Head of Corporate Services

Telephone: 01629 761281; Email: sandra.lamb@derbyshiredales.gov.uk

Jenny Williams, Internal Audit Consortium Manager

Telephone: 01246 345468; Email: Jenny.williams@chesterfield.gov.uk

11 BACKGROUND PAPERS

None

12 ATTACHMENTS

Appendix 1 – Internal Audit Reports Issued 2018/19

Internal Audit Reports Issued 2018/19

Ref	Report Title	Assurance Level 2018/19
D001	Cemeteries	Substantial
D002	Car Parks	Substantial
D003	Risk Management	Reasonable
D004	Insurance	Substantial
D005	Information Security	Substantial
D006	Debtors	Reasonable
D007	Creditors	Substantial
D008	Cyber Security	Substantial
D009	Treasury Management	Substantial
D010	Council Tax	Substantial
D011	Section 106	Reasonable
D012	Housing Benefits	Reasonable
D013	Payroll	Substantial
D014	Non Domestic Rates	Reasonable
D015	Leisure Contract Management	Limited
D016	Procurement	Limited
D017	Cash and Bank	Reasonable
D018	Depot Inventory & Procurement	Inadequate
D019	ICT Disaster Recovery Arrangements	Substantial

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