

To: All Members of the EXECUTIVE

When calling please ask for:

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**Policy and Governance**

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Date: 1 May 2020

**Membership of the Executive**

Cllr John Ward (Chairman)  
Cllr Paul Follows (Vice Chairman)  
Cllr David Beaman  
Cllr Peter Clark  
Cllr Andy MacLeod

Cllr Mark Merryweather  
Cllr Nick Palmer  
Cllr Anne-Marie Rosoman  
Cllr Liz Townsend  
Cllr Steve Williams

Dear Councillors

A meeting of the EXECUTIVE will be held as follows:

DATE: TUESDAY, 12 MAY 2020

TIME: 6.00 PM

PLACE: ZOOM VIDEO-CONFERENCE MEETING

The Agenda for the Meeting is set out below.

The meeting can be viewed remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, via the Council's YouTube page.

Yours sincerely

ROBIN TAYLOR  
Head of Policy and Governance

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## **NOTES FOR MEMBERS**

Contact Officers are shown at the end of each report and members are welcome to raise questions, make observations etc. in advance of the meeting with the appropriate officer.

### **AGENDA**

1. **WELCOME, INTRODUCTIONS AND PROCEDURAL INFORMATION**

2. **MINUTES**

To confirm the Minutes of the Meeting held on 3 March 2020.

3. **APOLOGIES FOR ABSENCE**

To receive apologies for absence.

4. **DECLARATIONS OF INTERESTS**

To receive from members, declarations of interest in relation to any items included on the agenda for this meeting, in accordance with the Waverley Code of Local Government Conduct.

5. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Chairman to respond to any questions received from members of the public for which notice has been given in accordance with Procedure Rule 10.

In the absence of the opportunity for informal questions at this meeting, the deadline for receipt of written questions has been extended to 5pm on Thursday 7 May 2020.

6. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

The Chairman to respond to any questions received from Members in accordance with Procedure Rule 11.

7. LEADER'S AND PORTFOLIO HOLDERS' UPDATES (PAGES 7 - 8)
8. WAVERLEY BOROUGH COUNCIL'S RESPONSE TO CORONAVIRUS TO DATE (Pages 9 - 18)

This report summarises Waverley Borough Council's response so far to the coronavirus pandemic (Covid-19) and highlights some critical risks that will shape the Council's plan and actions to help the borough recover.

### **Recommendation**

It is recommended that this report be noted.

9. TEMPORARY GOVERNANCE ARRANGEMENTS (Pages 19 - 26)  
[Portfolio Holder: Councillor Peter Clark, Councillor John Ward]  
[Wards Affected: All Wards]

This report proposes temporary changes to the Council's governance arrangements in response to the business imperative to prioritise urgent action to support the Waverley community during the Coronavirus emergency.

It summarises key changes in legislation (via the Coronavirus Act 2020) and Regulations (via the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020) ("the Regulations") and makes recommendations on temporary arrangements for Council and committee meetings during the 6-month period from April to October 2020.

### **Recommendations**

That the Executive recommends to Full Council:

1. That in principle, remote meetings, at least for the time being, be used sparingly, and that only matters considered to be critical to the Council's business be dealt with by way of remote meetings. Non-critical, 'business as usual' items and items that can be delegated to officers (either through existing or new delegations), delayed or cancelled are not dealt with by remote meetings. All time-limited emergency provisions to be reviewed at the July Council meeting and at any further Full Council meetings beyond that as required.
2. That the Annual Meeting of Council for 2020 be postponed until such date to be agreed by the Leader of the Council, the Mayor, and the Chief Executive.
3. That the Mayor and Deputy Mayor remain in their current roles until an Annual Meeting of the Council is held.
4. That the committee memberships for 2019/20 continue for 2020/21, subject to any adjustments required to satisfy political proportionality following the January 2020 by-election; and that existing committee chairmen and vice-chairmen continue for 2020/21 unless there is a need to appoint a new chairman and/or vice-chairman due to any other

reason.

5. That the revised schedule of committee meetings outlined for Phases 1, 2 and 3 in paragraph 4.8 below, is agreed; a detailed calendar of meetings will be provided to Members as soon as possible.

The Executive further recommends that the Standards Committee:

6. Considers and makes recommendations to Full Council on the adoption of revised Procedure Rules in relation to virtual meetings, and remote attendance at meetings, including a delegation to the Monitoring Officer in consultation with the Mayor, the Leader and the Chair of the Standards Committee to make minor amendments as need is identified in the light of experience.
  7. Considers and makes recommendations to Full Council on the Terms of Reference of the proposed two new temporary EASTERN and WESTERN planning committees, on the basis of agreement between Group Leaders and Independent Members, together with recommendations on appropriate sunset clauses for these committees.
  8. Considers and makes recommendations to Full Council on any other revisions to the Scheme of Delegation that officers propose in response to the Coronavirus Act 2020, or to facilitate the Council's response to the COVID-19 emergency.
10. AMENDMENT TO THE SCHEME OF DELEGATION - HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020 PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (Pages 27 - 30)  
[Portfolio Holder: Councillor NickPalmer]  
[Wards Affected: All Wards]

To seek approval for an amendment to the Scheme of Delegation to authorise officers to act in respect of new legislation introduced by the Government relating to the Covid-19 pandemic for the purpose of reducing public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

### **Recommendation**

It is recommended that the Executive amend the Scheme of Delegation to include the designation under to:

- the Head of Environmental and Regulatory Services,
- the Head of Housing Delivery and Communities,
- the Head of Housing Operations, and,
- the Head of Planning and Economic Development

as authorised persons under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure)(England) (Regulations 2020 ('the Business Closure Regulations') and the Health Protection (Coronavirus,

Restrictions)(England) Regulations 2020('the Restriction Regulations') and any updating and or amending legislation.

It is recommended that the designation above is also extended to officers employed within specified service teams of the Council namely environmental health, environmental protection, environmental enforcement, licensing, housing management operations, private sector housing and planning enforcement.

11. SAFEGUARDING POLICY FOR CHILDREN AND ADULTS AT RISK (Pages 31 - 86)

[Portfolio Holder: Councillor David Beaman]  
[Wards Affected: All Wards]

The purpose of this report is to advise the Executive of the recent changes to the Council's Safeguarding Policy of 2017.

**Recommendation**

It is recommended that Executive recommends adoption of the updated Safeguarding Policy for Children and Adults at Risk to Full Council.

12. FUTURE DELIVERY OF HOUSING RESPONSIVE REPAIRS, VOID REFURBISHMENT AND DISABLED ADAPTATION CONTRACT (Pages 87 - 92)

[Portfolio Holder: Councillor Anne-Marie Rosoman]  
[Wards Affected: All Wards]

As a landlord the Council must adhere to a range of statutory requirements in order to ensure the safety, security and wellbeing of our residents. The Executive was informed at its meeting on 7 January 2020 of the early termination by MPS Housing Ltd of the Responsive Repairs and Voids contract. MPS terminated the contract within its first year, and the contract expired on 10 March 2020. In accordance with the authority given by the Executive at its 7 January meeting, a fixed-term interim contract has been procured to ensure continuity in service delivery.

The interim contract was awarded for a fixed period of 20 months until November 2021, during which time a longer-term solution for the delivery of housing responsive repairs, improvements, void refurbishment and disabled adaptations must be sought.

The purpose of this report is to seek the Executive's agreement to progress procurement.

**Recommendation**

It is recommended that Executive:

1. agrees the recommended approach to procuring a conventional JCT schedule of rates contractual arrangement to deliver the Housing Maintenance Responsive Repairs, Improvements, Voids Refurbishment

and Disabled Adaptation services;

2. agrees to a concurrent project to explore alternative delivery methods; and
3. delegates authority to the Head of Housing Operations in consultation with the Portfolio Holder for Housing, Strategic Director and Section 151 Officer to:
  - 3.1. appoint consultants to provide advice and undertake such work relevant to achieve the procurement; and
  - 3.2. procure and recommend to the Executive contractors to deliver Responsive Repairs, Improvements, Void Refurbishment and Disabled Adaptation works, within agreed budgets, in accordance with the Council's Contract Procurement Rules.

13. EXCLUSION OF PRESS AND PUBLIC

To consider the following recommendation on the motion of the Chairman:-

Recommendation

That, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item(s) on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during these items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified at the meeting in the revised Part 1 of Schedule 12A to the Local Government Act 1972.

14. ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION

To consider matters (if any) relating to aspects of any reports on this agenda which, it is felt, may need to be considered in Exempt session.

**For further information or assistance, please telephone  
Fiona Cameron, Democratic Services Manager & Deputy Monitoring  
Officer, on 01483 523226 or by email at  
fiona.cameron@waverley.gov.uk**

Joint Statement by the Leaders of the Political Parties at Waverley,  
issued Wednesday 29 April 2020

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Ladies & Gentlemen,

The Leaders of all the Political Parties want to show our sincere appreciation to you all for the huge efforts that you have put into keeping the Council functioning during these troubled times.

As we are now in the second period of “Lockdown” it seems a good time to reflect on how we, as a Council, have adjusted and to thank our staff for the tremendous efforts they have made under very difficult circumstances.

Covid-19 has had an unprecedented impact on this country and of course the residents of Waverley. Whilst there is a cross-party Administration (being a cooperative partnership between the Farnham Residents, the Liberal Democrats, the Green Party, the Labour Party and Independent Councillors) during this unforeseen and unpredictable national crisis it is pleasing that the Conservative Opposition have temporarily joined forces with us to form a wholly non-political approach so that the whole Council is united with our hard-working officers to focus on delivering our core objective of supporting our community and mitigating, as far as we are able, the effects of this deadly virus.

As your elected Borough Councillors, we are indebted to all Waverley employees and contractors (including, for example, the dedicated teams of individuals collecting our bins), who have gone the extra mile in these challenging circumstances, working long hours and taking on unfamiliar roles in different surroundings to maintain the Council’s key priorities. As a result of their dedication Waverley Borough Council has been able to:-

- maintain essential services in the face of a reduction in staffing due to the virus and other constraints arising from the pandemic;
- take steps to protect and support the most vulnerable and disadvantaged members of our community, working closely in partnership with other public and private sector bodies and the voluntary sector;
- communicate to individuals and local businesses how they can get help if they are affected directly or indirectly as a result of the pandemic;

**Since the Local Resilience Forum (LRF) declared a Major Incident, the staff of Waverley Borough Council have:-**

- Dealt with a 5-fold increase in support claims and directed numerous people to Universal Credit;
- Maintained the frequency of the Household Refuse, Green Waste, Food & Recycling collections;
- In conjunction with Guildford introduced a bulk waste collection service;
- Contacted over 1,200 of our vulnerable tenants and initiated regular contact with those in our Social Housing;
- Kept our Parks open (but closed their car parks to discourage long-distance travel);
- Massively increased our phone line capacity to deal with increased calls and accommodate remote working;
- Introduced remote systems for meetings of the Council and its Committees;
- Continued to deal with planning applications using a remote streamlined working system;
- Received and processed over 1,000 calls for help from concerned residents;

- Found accommodation for 14 Rough Sleepers and prevented another 80 Households from becoming homeless;
- Introduced daily phone calls and weekly visits to those in our Senior Living Schemes;
- Assisted *Voluntary Action for South West Surrey* by taking over many of their calls;
- Delivered almost 3,600 meals via our Community Meals Services (1,000 meals in one week) to those in need;
- Contacted and assisted over 2,200 residents on the public '*shielded*' or vulnerable lists;
- Set up a *Stay-at-Home Service* to inform residents of available contactless delivery services;
- Re-billed 1,500 local businesses giving them £20 million relief from their Business rates;
- Scrutinized 1,450 applications for Small Business Grants and paid out over £18 Million;
- Continued to chase the extra 800-odd small businesses which we think may be eligible for Grants;
- Processed council tax support for almost 2,400 households via the Government's Hardship Fund;

We have worked closely with and also commend the excellent efforts of local Town and Parish Councils, who have been working so effectively at the level of local communities across Waverley. All of our resources are limited and so we have had to re-deploy many of them to the highest priorities and we are grateful to our residents for their patience and understanding.

We applaud (**every day**) the work of our local NHS and Care Sector workers who continue to face the most challenging circumstances as a result of the spread of the virus and the volume of hospital admissions, hampered by the shortage of personal protective equipment (PPE); their dedication and bravery is an example to us all.

We believe that the officers of Waverley Borough Council have, as outlined above, responded magnificently to this crisis, being an exemplar of how Local Government has served the community during this period. Let us hope that a ray of light is appearing so that soon we can together build a better Waverley for our residents.

Signatories:

### **Waverley Borough Council Group Leaders**

#### **Cllr John Ward**

Leader of Farnham Residents Group  
Leader, Waverley BC

#### **Cllr Steve Williams**

Leader of the Green Party Group  
Executive Member, Waverley BC

#### **Cllr Julia Potts**

Leader of the Conservative Group  
Leader of the Opposition, Waverley BC

#### **Cllr Paul Follows**

Leader of Liberal Democrat Group  
Deputy Leader, Waverley BC

#### **Cllr Nick Palmer**

Leader of the Labour Party Group  
Executive Member, Waverley BC



**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**12 MAY 2020**

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**Title:**

**Waverley Borough Council's response to coronavirus to date**

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**Author:** Tom Horwood, Chief Executive

**Key decision:** No

**Access:** Public

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**1. Purpose and summary**

1.1 This report summarises Waverley Borough Council's response so far to the coronavirus pandemic (Covid-19) and highlights some critical risks that will shape the Council's plan and actions to help the borough recover.

**2. Recommendation**

2.1 It is recommended that this report be noted.

**3. Reason for the recommendation**

3.1 The report provides an account, for the record, of Waverley Borough Council's response to the unprecedented medical and social crisis of coronavirus as at the end of April 2020. It includes early notice of potential financial risks facing the council.

**4. Background**

**4.1 An international crisis**

While this report will not duplicate the many and learned commentaries elsewhere, it is worth noting that the coronavirus pandemic is unprecedented in living memory, and unprecedented international, national and local responses have resulted.

**4.2 Support to the Surrey-wide response**

Surrey Local Resilience Forum (LRF) is the statutory partnership including the county and borough councils, other public services, utility and infrastructure providers and other services.<sup>1</sup> The Civil Contingencies Act 2004 sets out the

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<sup>1</sup> <https://www.surreycc.gov.uk/people-and-community/emergency-planning-and-community-safety/emergency-planning/surreys-local-resilience-forum>

legislative framework for responding to emergencies. The LRF declared a 'Major Incident' on 19 March 2020, which meant that public services moved into the formal command structure for mobilising and diverting resources together to tackle the coronavirus crisis. The structures of the LRF in a major incident have the authority to direct partners. In practice, the partners work in a consensual and formal manner, with a clear set of objectives and daily 'battle rhythm'.

For this pandemic, the rhythm has included daily (i.e. 7 days/week) Strategic Coordinating Group meetings attended by the chief executive or a director, daily Tactical Coordinating Group meetings attended by relevant officers, and several 'cells' or work streams focusing on specific projects. Waverley officers are particularly closely involved in the death management cell (as was the Town Clerk of Godalming), the testing cell and the welfare cell. The Communications and Engagement Manager is a member of the multi-agency information group, which provides oversight for consistent and accurate information across Surrey, through various printed and online updates to residents and businesses. Waverley's Chief Executive has chaired the Surrey-wide local infrastructure cell, with a focus on providing extra provision for homelessness, utilities support and the waste stream.

#### 4.3 **Waverley BC response**

From the start of the coronavirus alert, Waverley Borough Council employed emergency planning protocols and established a daily 'Covid Response Group' meeting initially at its offices and then via tele- and video-conferencing. On 19 March, the Chief Executive set out the council's operational objective: "Waverley Borough Council will arrange its resources to support the immediate health, wellbeing and safety of local residents, particularly the vulnerable. This includes Covid- and non-Covid-related issues." This objective continues. In support of the objective, the offices at The Burys closed to the public at the end of 20 March.

The council has prioritised its resources into the themes below. In addition, local councillors play key and diverse roles in their local communities, supporting residents, and the many local voluntary initiatives that have arisen, signposting to available services, and flagging local issues, while dealing with the consequences of the virus and the lockdown in their own lives. They have worked with parish and town councils, many of which have provided rapid local response and organisation in supporting vulnerable residents and struggling local businesses. The quality of this local response by councillors and communities continues to be a hallmark of the vibrant community spirit that exists across the borough and should be a source of great pride for all involved.

The council's political leadership is briefed in person weekly via tele- and then video-conferencing. These briefings involve the Executive, the Leader of the Opposition group and Cllr Gale as the Independent councillor who is not on the Executive. Email updates have been sent to councillors regularly, and some of these were sent to parish clerks, county councillors and Members of Parliament. An all-councillor tele-conference was also held.

Formal councillor meetings were suspended, but, now that the law has changed to allow remote meetings via technology, necessary meetings are being prepared, with appropriate systems and support.

#### **4.4 Supporting the vulnerable and local voluntary organisations**

Waverley has seen a tremendous community response to the pandemic. Community groups formed across the borough bringing together local volunteers to provide vital services to residents, such as shopping, collecting prescriptions and walking residents' dogs. Foodbanks have seen an increase in demand, with some working with local supermarkets to provide fresh produce. The Communities team collated information on all the groups and services to enable other council services to signpost as required.

To meet the requirements of the Local Resilience Forum, an officer from the Communities Team was deployed to each of the borough's four geographical areas to connect with the local community offer and provide support and guidance in relation to safeguarding and recruitment of volunteer processes. They have been able to keep communities connected to council services and assist with coordination.

A Waverley helpline was set up by the Housing Customer Services Team to signpost residents to their local offer. By the end of April, they were receiving up to 60 calls on a weekday and 15 per day at the weekend. This work complemented the support provided by Voluntary Action South West Surrey.

Over 2,000 vulnerable 'shielded' residents were called multiple times to check in and offer support. 1,200 tenants have been contacted by telephone. Tenants in our senior living teams were also contacted directly. This calling process has enabled direct visits to those who did not answer to ensure that they are safe.

The Communities Team works closely with the centres that provide services for older people to increase the Community Meals Service Provision across the borough. Each service saw a large increase in meals being requested, delivering just under 1,000 meals per week. Personal protective equipment was arranged for community meals services and other appropriate staff.

The council found accommodation for 14 households who would otherwise be rough sleeping. This is in hotels as we and the applicant could not source any other accommodation, as the usual hostel options were not available. Eighty-nine households so far have come to us under threat of homelessness. We advised them on the range of housing options open to them and continue working with these households to find suitable and affordable accommodation.

For the economically vulnerable, such as those suddenly with reduced income, our Revenues team was strengthened to deal with the increasing volume of calls, including a five-fold increase in claims for council tax support.

#### **4.5 Environmental Services**

The Environmental Health team was involved in the early stages of the pandemic when one of the first cases in the country was identified in the Haslemere area and contact tracing was required. The team has been offering advice to businesses on setting up food delivery and takeaway services in response to the restrictions, and advising on social distancing guidance to ensure that work activities are carried out safely. They have also responded to an increase in

complaints about noise and smoke from bonfires. A media campaign and investigations have resulted in some improvement in the situation.

In terms of waste management, the team has worked hard with our contractor, Biffa, to maintain all kerbside collections services, in the face of significantly higher sickness absence levels. The team at Biffa has worked very hard and has been flexible in taking on different roles, including assigning personnel from the street cleaning operation to emptying bins. In the wake of the suspension by local county councils of community recycling centres as a result of the national restrictions, the borough has witnessed an increase in fly-tipping, particularly at bring sites.

Following the Government's decision that councils were to make parking in our car parks free to key workers, and in the wake of very low amounts of parking in any case, parking enforcement and charges ceased temporarily. We will continue to monitor the Government restrictions and the general national approach to the lockdown before taking the decision to restore normal charging. We are also discussing this with the Chambers of Commerce. A permit scheme for key workers has been agreed across Surrey for councils that continued to charge and those that decide to restore charges. The team at NSL, our parking enforcement contractor, has been flexible, providing assistance elsewhere within priority services, including community meals and fly tip investigation. Following the requests from Surrey County Council and Surrey Police via the Local Resilience Forum, countryside car parks were closed across the borough and the county, (where they physically can be closed), to discourage non-essential travel and reduce incidents on the roads that would divert the emergency services.

Various changes were made to our licensing regime and procedures. For example, suspension of new drivers, vehicle licences and vehicle tests, extension of existing licences, and deferral of renewals.

#### **4.6 Support to local businesses**

The Government announced funded schemes for small businesses for both rate relief and grants. Waverley Borough Council had processed about £20 million of rate relief and £18 million of grants by the end of April. The council also provided advice and support to hundreds of local businesses, circulated e-newsletters and compiled a business impact survey. The new 'Stay at Home Business Directory' highlights over 200 businesses providing contactless services and good news case studies were published online. An online Waverley 'film map' was published to encourage people to enjoy a virtual visit to the borough through movies such as *War Horse*, *Howards End* and *Pride and Prejudice and Zombies*. Regular contact was maintained with the four Chambers of Commerce.

#### **4.7 Support services infrastructure**

The massive overnight shift to working at home, from 20 people per day to more than 350, created immediate pressure on system capacity. Phone line and IT bandwidth capacity were increased as soon as possible and dramatically improved home working and communications capabilities. A demand for video-conferencing led to the installation of Zoom facilities and new hardware in Committee Room 1. Up to 10% of employees continued to work within The Burys

on any weekday, observing appropriate social distancing. A regular regime of disinfectant cleaning during the day was put into action, and continued after the council's offices closed to the public. Work on the Business Transformation programme decelerated with some team members redeployed to other activities. This programme will soon restore its pace, incorporating lessons from the lockdown period, as it will be critical to our future plans for customer service improvements and financial sustainability. Data suggests that the number of phone calls into the council switchboard has diminished significantly and web traffic has increased, supporting the channel shift aims of the customer service project.

#### **4.8 Communications**

The Communications and Engagement team has supported all of the work streams to ensure local residents and staff were provided with clear advice and information. A coronavirus hub was set up on the council's website,<sup>2</sup> with clear and comprehensive messaging on public health advice, impacts to council services, financial advice, volunteering, support for the vulnerable and support for businesses. An online staff hub collated important information for the workforce in one place. By the end of April, the team had issued more than 360 posts on social media, with a reach of 2.2 million.

#### **4.9 Staff wellbeing**

Briefings for managers took place prior to the lockdown commencing. These have been supplemented with the publication of 'frequently asked questions' and managers' guidance, which were updated regularly. Special leave was extended to include 5 days of paid dependents' leave. Recruitment processes were frozen and decisions taken on temporary and casual contracts, based on whether these roles were strictly necessary. The Government's furloughed leave was investigated and it was decided that it would not be applied at the council because staff were still needed to carry out essential services and some were redeployed to support the coronavirus response. Temporary protocols were agreed on annual leave carry-over, critical worker support (including letters to support travel and school attendance if required), mutual aid with other local authorities, home working, and redeployment. The increased sickness and wellbeing cases are managed individually with appropriate support and advice, and an online mental health survey was distributed. Volunteer opportunities were advertised. The council's recognised trade union, Unison, was involved throughout and invited to the daily Covid Response Group meetings. The Chief Executive conducted the latest round of his regular staff briefings, albeit via video- and tele-conferencing.

#### **4.10 Legal**

From the start of the pandemic, the Council's Legal Services have reorganised and prioritised work to support the other work streams. In addition, legal work was required to support the Planning functions and other decision-making and governance processes, including the democratic function and the constitutional framework to support the changes in law allowing remote/virtual formal meetings. Advice was provided following requests from contractors for advance payments

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<sup>2</sup> <https://www.waverley.gov.uk/coronavirus>

and a suspension of contractual performance indicators, which were handled on a case-by-case basis; these discussions with contractors continue. Support was provided to the council's regulatory, landlord and bereavement functions on matters that arose from the coronavirus situation.

#### **4.11 Non-Covid emergencies**

The swift, significant and sustained diversion of staff, activity and senior management focus and attention away from business-as-usual onto responding to the coronavirus pandemic created a risk that any other emergencies arising during this time would go either undetected or insufficiently resourced. A 'non-Covid emergencies' work stream was established from the outset to keep a watching brief on any other emergencies that arose. In the event of any non-Covid emergencies arising, the Head of Service leading that work stream takes responsibility for co-ordinating the Council's response to it and leading on the process of re-allocating time, attention and resources to ensure it was dealt with. On 30 April, this work stream was activated to support Thames Water and partners in dealing with a water outage at Netley Mills. As the organisation makes the transition into the 'recovery' phase and the organisational capacity to deal with any non-Covid emergencies that may arise increases, it is expected that this work stream will be decommissioned. Throughout the coronavirus pandemic, the Council's usual out-of-hours customer support line and the senior management team duty phone rota have continued to function. Our rest centre preparation was reviewed to be ready for non-virus civil emergencies, incorporating social distancing into triage procedures.

#### **4.12 Other council services and Planning functions**

Most council services have been maintained, albeit with modifications to allow for remote working. Our support services continued to provide the full range of support to colleagues. To support the response to coronavirus and help relieve the pressure on the National Health Service, staff were redeployed as necessary, particularly in the first four weeks. Leisure centres were obliged to close by Government regulations. Various public events were cancelled. Housing maintenance services have prioritised urgent welfare issues and non-essential work was suspended. Our grounds maintenance contractor, Continental, has been able to fulfil its contractual requirements while following the social distancing regulations, with the exception of playground checks, as these have been closed. Continental staff have also been available for redeployment when required by the council.

Once the Government confirmed that it expected councils to continue to deliver a Planning service and thereby removed the ability to deploy many staff members to coronavirus response, the Council worked with legal advisers on ensuring that a service could be provided, while still prioritising the safety of the public and of staff members. The Head of Planning and Economic Development issued detailed advice on what levels of service could be expected, and protocols for a temporary reconfiguring of Planning Committees were circulated to councillors and parish/town councils. The Farnham Neighbourhood Plan was made, the authority monitoring report published, and delegated Planning applications continue to be determined.

## 4.13 Recovery

From the start of the process, we established a work stream on recovery to gather data and plan for community and organisational recovery. This critical strand of work is escalating rapidly and will inform a refreshed Corporate Strategy, as well as influence our lobbying of Government for appropriate funding and powers to support Waverley's communities. Many challenges have been experienced during this period; there have also been positive changes that need to be harnessed as we enter recovery and support our climate change objective. This programme of work seeks to draw the lessons from this period and assist with the creation of a 'new normal', working with the ongoing business transformation programme.

- 4.14 The council's response so far to the coronavirus crisis has demonstrated excellence in public service commitment and ability by the whole council team of officers and councillors. This unprecedented situation has entailed massive hard work and impressive dedication in a short space of time in support of our Waverley community and of our NHS and social care colleagues. The crisis will require a sustained effort to continue the response and prepare for recovery.

## 5. Relationship to the Corporate Strategy and Service Plan

- 5.1 The *Corporate Strategy 2019-23*<sup>3</sup> sets out the council's priorities in normal times, including key aims for supporting the borough's communities and social and economic wellbeing. These priorities are still relevant. However, the UK will undoubtedly be faced with a 'new normal' as it recovers from the deep impacts of coronavirus and the lockdown period. It is, therefore, proposed to revisit the Corporate Strategy and make any amendments that are necessary to redirect the council's resources and activities to support community recovery. Further proposals will come to the Executive and, as necessary, Full Council in due course.
- 5.2 The council declared a climate emergency in September 2019 and initiated an action plan to achieve carbon neutrality by 2030, subject to Government support.<sup>4</sup> As the climate emergency remains, our aims and action plan remain of critical importance. Indeed, there ought to be opportunities to learn from the lockdown period to support the carbon target, and this will be a key priority in our recovery plans and actions.

## 6. Implications of decision

### 6.1 Resources (including S151 Officer commentary)

The council's response to coronavirus has necessarily entailed substantial expenditure and income reduction. We are closely monitoring the impact on our own finances. We have reported to the Government that, based on best estimates, the additional one-off costs alone could be £280,000 in April and more than £1 million over this financial year if the impact continues for the remainder of

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[https://www.waverley.gov.uk/download/downloads/id/6351/waverley\\_borough\\_council\\_corporate\\_strategy\\_2019-2023.pdf](https://www.waverley.gov.uk/download/downloads/id/6351/waverley_borough_council_corporate_strategy_2019-2023.pdf)

<sup>4</sup> <https://modgov.waverley.gov.uk/documents/g3214/Printed%20minutes%2018th-Sep-2019%2019.00%20Council.pdf?T=1>

the financial year. Moreover, the income loss in financial year 2020/21 compared to budget from council tax, business rates and rent non-payment, and other income reductions from car parks etc., could amount to between £3 million and £9 million depending on how long the impact continues for. This is on top of the adverse impact the crisis has had on our pre-existing 2020/21 budget assumptions and bases. We will only be in a position to estimate reliably the longer term financial impact beyond 2021 once its effects on matters outside of our control – economic, social and political – become clearer. Other district/borough councils face a similar situation or worse.

The Government has announced £3.2 billion of funding towards local authority coronavirus-related costs nationally. By the end of April, the Government had stated that Waverley Borough Council will receive £1,281,000. While this is a welcome early payment, there is as yet no indication that further funding will be made available.

The 2020/21 quarter 1 net impact on the **General Fund** budget is estimated to be £2.3m. After allowing for the Government grant of £1.3m, this leaves a potential shortfall against budget of £1m in this period. In the absence of clarity from the Government about further funding, and in the light of the ongoing uncertainty about the extent and duration of the impact of the continuing coronavirus crisis on the council's budget, urgent interim measures have had to be identified now to underwrite this expected budget shortfall. These are necessary to continue to provide council services and functions during April-June 2020, including paying staff and contractors. The S151 Officer, in consultation with the Finance Portfolio Holder and the Senior Management Team, has agreed the following emergency measures:

1. That £1m of the General Fund working balance will be earmarked to underwrite the estimated budget impact in quarter 1 of 2020/21;<sup>5</sup>
2. The position will be monitored closely during May and June and a further report will be considered by the Executive, and Council if necessary, if additional action is required;
3. By the end of July, the S151 Officer, in consultation with the Finance Portfolio Holder, will prepare a plan to reinstate the £1m of General Fund working balance which will set out a range of options for councillors to consider;
4. As part of the 'recovery' work stream, officers will re-evaluate the Medium Term Financial Plan (MTFP).

Turning to the **Housing Revenue Account** (HRA), it is estimated that there will be some impact against budget in 2020/21, albeit less severe than on the General Fund. Reduced income and additional costs will arise from higher numbers of void properties as contractors are not able to undertake the works necessary to relet properties quickly when they become vacant. There could be additional pressures on rent collection over the course of the year as some tenants' household income could be affected by the coronavirus impact. This is being monitored closely by the housing team. The Head of Housing Operations expects the overall net impact on the HRA budget to be met from within existing budgets over the year so no action is required at this stage.

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<sup>5</sup> As identified in the Medium Term Financial Plan, the General Fund working balance is part of the approved budget and one of its main purposes is to meet unexpected loss of income if offsetting savings cannot be found. The fund current stands at £3.2m.



Whilst the above comments refer to the council's budgets, its cash flow is also being monitored closely. This is different from the council's budgets and funding and, as identified in the MTFP, Waverley BC handles over £200m of cash in a year. The main areas impacted by coronavirus are council tax and business rate collection and income from fees and charges, such as car parks. At this stage, it is expected that overall cash flow in quarter 1 can be managed without taking drastic action as the Government has deferred some major payments and officers have retained sufficient liquidity in treasury activity.

The combination of an already-challenging financial outlook, the immediate costs associated with supporting the community through the current coronavirus crisis, and the longer-term social and economic impacts, present substantial financial risks to the council, which will be actively monitored and reported. If necessary, formal reports will be made by the appropriate statutory officers.

Council services and leadership will be more vital than ever in driving national recovery if the Government chooses to recognise this in future funding decisions.

## **6.2 Risk management**

The likely social and economic fallout of the virus will mean a greater demand on our services. We and other councils have started discussing this and our 'recovery' work stream will continue to assess the impact in order to make recommendations about future strategies, policies and operations. These will be accompanied by appropriate risk assessments.

## **6.3 Legal**

The Coronavirus Act came into force on 25 March 2020, introducing a number of significant changes to the council's statutory powers and duties, and to those of Surrey County Council. Subsequent Regulations have made further major amendments to powers and duties, with the aim of enabling and supporting the response to the crisis, while other provisions of the Act introduced changes in other sectors that indirectly affect our business. These all include:

- the ability to hold council and committee meetings remotely within a virtual space;
- rescheduling local authority elections and referendums to May 2021;
- additional powers to close premises that are not complying with closure directions under the Act and Regulations;
- 'furloughing' arrangements for employers, including our contractors;
- amendments to statutory sick pay in relation to Covid-19;
- relaxation of registration of deaths and still-births;
- regulation of disposal of bodies.

In addition to the Act and Regulations, Procurement Policy Notes have been issued by the Cabinet Office detailing when the provisions of the Public Contracts Regulations can be relaxed, and providing policy guidance in relation to payments to contractors.

## 6.4 Equality, diversity and inclusion

Equality impact assessments are carried out when necessary to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010. Appropriate assessments will be carried out for any policy changes or service changes that are proposed as we develop our recovery plans. At this stage, there are no direct equality, diversity or inclusion issues identified in this report.

## 6.5 Climate emergency declaration

See section 5.2.

## 7. Governance journey

7.1 This is a report to the Executive and does not require reporting elsewhere.

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### **Background Papers**

**There are no** background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: 30 April 2020

Strategic Director: 30 April 2020

Portfolio Holders (Leader and Finance): 1 May 2020

**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**12 MAY 2020**

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**Title:**

**TEMPORARY GOVERNANCE ARRANGEMENTS**

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**Portfolio Holders:** Cllr John Ward, Leader of the Council

Cllr Peter Clark, Portfolio Holder for Business Transformation and IT

**Heads of Service:** Robin Taylor, Head of Policy & Governance and Monitoring Officer

David Allum, Head of Business Transformation

**Key decision:** Yes

**Access:** Public

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**1. Purpose and summary**

- 1.1 This report proposes temporary changes to the Council's governance arrangements in response to the business imperative to prioritise urgent action to support the Waverley community during the Coronavirus emergency.
- 1.2 It summarises key changes in legislation (via the Coronavirus Act 2020) and Regulations (via the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020) ("the Regulations") and makes recommendations on temporary arrangements for Council and committee meetings during the 6-month period from April to October 2020.

**2. Recommendations**

That the Executive recommends to Full Council:

- 2.1 That in principle, remote meetings, at least for the time being, be used sparingly, and that only matters considered to be critical to the Council's business be dealt with by way of remote meetings. Non-critical, 'business as usual' items and items that can be delegated to officers (either through existing or new delegations), delayed or cancelled are not dealt with by remote meetings. All time-limited emergency provisions to be reviewed at the July Council meeting and at any further Full Council meetings beyond that as required.
- 2.2 That the Annual Meeting of Council for 2020 be postponed until such date to be agreed by the Leader of the Council, the Mayor, and the Chief Executive.

- 2.3 That the Mayor and Deputy Mayor remain in their current roles until an Annual Meeting of the Council is held.
- 2.4 That the committee memberships for 2019/20 continue for 2020/21, subject to any adjustments required to satisfy political proportionality following the January 2020 by-election; and that existing committee chairmen and vice-chairmen continue for 2020/21 unless there is a need to appoint a new chairman and/or vice-chairman due to any other reason.
- 2.5 That the revised schedule of committee meetings outlined for Phases 1, 2 and 3 in paragraph 4.8 below, is agreed; a detailed calendar of meetings will be provided to Members as soon as possible.

The Executive further recommends that the Standards Committee:

- 2.6 Considers and makes recommendations to Full Council on the adoption of revised Procedure Rules in relation to virtual meetings, and remote attendance at meetings, including a delegation to the Monitoring Officer in consultation with the Mayor, the Leader and the Chair of the Standards Committee to make minor amendments as need is identified in the light of experience.
- 2.7 Considers and makes recommendations to Full Council on the Terms of Reference of the proposed two new temporary EASTERN and WESTERN planning committees, on the basis of agreement between Group Leaders and Independent Members, together with recommendations on appropriate sunset clauses for these committees.
- 2.8 Considers and makes recommendations to Full Council on any other revisions to the Scheme of Delegation that officers propose in response to the Coronavirus Act 2020, or to facilitate the Council's response to the COVID-19 emergency.

### **3. Reason for the recommendations**

To implement the provisions of the Coronavirus Act 2020 and the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 allowing remote attendance at council meetings by Members and enable essential decision-making, whilst recognising that current circumstances constrain the ability to support the planned calendar of council meetings on the basis of 'business as usual'.

### **4. Background**

#### **Meetings**

- 4.1 The Coronavirus Act 2020, which came into force at the end of March, includes provisions under section 78 for Regulations to be issued that allow far greater flexibility around requirements for local authority meetings than are set out in the Local Government Act 1972 and Local Government Act 2000. The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 came into effect on 4 April 2020.

- 4.2 The Regulations allow for some or all Members of a council committee (Full Council, a committee, or the Executive) to remotely access and attend a formal council meeting, and to take part in any vote and decision. The Regulations apply to all local authority meetings held before 7 May 2021, the date of the next local authority elections, and are not a permanent change to meeting arrangements.
- 4.3 The requirements are that those Members attending remotely must be able to hear (and see, where practicable) the contributions of all other Members of the committee, whether they are physically present in the meeting or also attending remotely. Those attending physically must be able to hear (and see, where practicable) those who are attending remotely. Proceedings must also be broadcast, so that the public may also hear (and see, where practicable) the proceedings and the contributions of all attendees.
- 4.4 The Regulations waive the statutory requirement for the Council to hold an Annual Meeting before the end of May in 2020. The Annual Meeting of Full Council conducts the business of electing a Mayor and Deputy Mayor for the forthcoming Civic year, and agreeing committee memberships, in line with political proportionality, for the 2020/21 civic year.
- 4.5 The Regulations override any Standing Orders (Procedure Rules) that are incompatible with the Regulations and also allow new or revised Standing Orders to be adopted that cover, amongst other matters, voting, Member and public access to documents, and remote access to meetings by press and public to accommodate new ways of working.
- 4.6 As Members will be able to attend meetings remotely, this should avoid the circumstance where a Member risks being disqualified for non-attendance of a meeting for 6 months, under s. 85 of the 1972 Act.

### **Implementation of arrangements for remote meeting attendance**

- 4.7 The Council (in a joint statement by Group Leaders) has suspended all council meetings until 30 June 2020. Whilst the Regulations facilitate holding meetings where some or all of Members are in remote attendance, the Council's agreed and clear corporate focus is on responding to the Coronavirus pandemic and supporting our local community. Therefore, the new ability to hold council meetings remotely means that the meeting calendar should not resume in a way that reflect 'business as usual'.
- 4.8 It is therefore proposed that arrangements are agreed for the short-term, with an opportunity to review and for the Council to adopt revised arrangements e.g. at the July Full Council meeting, for the autumn and winter cycle of meetings depending on the prevailing circumstances.

#### Phase 1 – May 2020 – July 2020

Remote meeting arrangements should reflect that the Council is responding to the Coronavirus pandemic, and should be used for essential business only. During Phase 1, all meetings to be entirely remote, even if orders around social distancing have been relaxed, and some Members or officers decide to 'attend remotely' from the council offices.

In order to streamline the operations of the planning committees, Group Leaders have

agreed in principle to replace the suspended Joint Planning Committee and four Area Planning Committees with two new temporary planning committees – WESTERN and EASTERN - which will consider all applications requiring determination by a planning committee under the Scheme of Delegation that are located in their geographical area. The new temporary planning committees will each have 15 Members, and membership will be politically proportional.

#### Priority meetings (in order of priority)

1. Executive Committee – to undertake any urgent items of business and to formally make proposals for debate by the Standards Committee.
2. Standards Committee – to review proposed arrangements. There has been consultation with Group Leaders on the proposed arrangements, with broad agreement on the principles. Standards Committee will be asked to review the details of the proposals which will be temporary changes to the Constitution.
3. Extraordinary Council – to agree:
  - all required delegations to officers of powers and duties under the Coronavirus Act 2020
  - any other emergency powers of delegation to enable the Council's efficient response to the pandemic;
  - to formally agree to implement the directions of the government in responding;
  - new meeting arrangements;
  - new temporary arrangements for planning decision-making, including planning committees, delegations and member call-in to committee;
4. Proposed new planning committees to be diarised as required to meet the demands of the Planning Service to have planning applications determined.
5. Potential limited cycle of Overview and Scrutiny meetings – to be discussed by the Overview & Scrutiny Co-ordinating Board. It is expected that the focus of these meetings would be on the response to the COVID-19 emergency by the council and partners, and looking forward to what 'recovery' means for the community and the council.
6. Audit Committee – probably as scheduled, although the deadline for signing off the annual accounts is now 30 November 2020.

#### Phase 2 August 2020 – October 2020

There will be an opportunity for arrangements to be reviewed in July, and for Full Council to agree the approach to be taken for the next cycle of meetings. This will depend on the extent to which social distancing orders have been relaxed and the Council's focus has moved to recovery. A further opportunity for review will be at October 2020 Full Council meeting.

#### Phase 3 November 2020 – April 2021

The working assumption is that the normal committee calendar will resume (if it hasn't already), but with the facility for remote attendance by some or all Members. Meetings would have a physical location specified, as well as the means of joining remotely.

Provisions for remote attendance will end 7 May 2021, unless they are subsequently

extended or otherwise enacted to update LGA1972.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 Ensuring that the Council is still able to take essential decisions during the Coronavirus emergency that support Waverley's residents, businesses and communities is fundamental to the purpose of the Council.
- 5.2 Implementation of Regulations to enable remote attendance at formal council meetings by Members supports open, democratic and participative governance at a time when Members are unable to travel to the Council offices to take part in meetings in person.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

Comments from IT

The Council has chosen Zoom video-conferencing platform to enable holding remote meetings, as this has an excellent reputation for being easy for users to operate. Zoom has addressed security concerns regarding access to meetings, and we are confident that there are sufficient controls available to ensure that participation in meetings is by invitation, and access is controlled by the meeting 'host'.

Industry best practice strongly suggests that hardware is required for optimum functionality and that we should not rely on software only. This will offer us more control and is required in any case if we are to link to other functionality such as web-casting etc. Committee Room 1 facilities have been upgraded to form the base for our initial video conferencing facility. Testing of equipment and software, and training of officers and Members has been carried out during April.

Finance – Committee Room 1 facilities have been upgraded at a cost of £16,000. There is a small ongoing revenue cost of the Zoom video-conferencing platform. These costs have currently been met from previously approved budgets. Waverley has received funds to help with the impact of COVID-19 which can be used towards these costs.

Staffing – officer support for council meetings held with some or all Members attending remotely will be met from within existing budgets. Remote meetings may require additional support (two DSOs, IT) at least initially, in order to support the chairman and monitor the IT and broadcast.

### **6.2 Risk management**

Not making arrangements to enable essential decisions to be taken at this time will hamper the Council's ability to meet its legal responsibilities, particularly in relation to determining planning applications.

IT failure – in the event that IT fails, and a significant number of Members are not able to join a meeting remotely; or broadcasting fails so that the public are unable to hear (and see, if video is available) the meeting proceedings, protocols will require the Chairman to adjourn the meeting and reconvene at a later time, or date.

### **6.3 Legal**

To allow local authorities to manage their resources, the Regulations allow local authorities to determine not to hold their annual meeting. Where meetings are held, the Regulations provide that local authorities have the flexibility to hold meetings at any time of day and on any day, to alter how frequently meetings can be held and to move or cancel meetings without requiring further notice. This will ensure that local authorities can divert resources to other efforts and have the flexibility to reallocate officers and members.

As local authorities are not required to hold annual meetings under the Regulations, current appointments will continue until the next annual meeting of the authority or when the Council determines. This provides, in the absence of an annual meeting, continuity of membership.

Being able to hold all meetings flexibly, including annual meetings, executive meetings, and committee meetings, allows Council business to continue while adhering to official public health guidance. It also allows the public the same flexibility to attend whilst adhering to the guidance. The Regulations provide for meetings to be held remotely. For the purposes of any statutory requirement, members of the local authority will be considered as attending a meeting if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. This allows for meetings to be held by remote means including via telephone conferencing, video conferencing, live web chat and live streaming.

The Regulations also provide for local authorities to make standing orders about remote attendance at meetings in relation to voting; members and public access to documents; and what facilities are to be employed to allow the meeting to be held remotely to suit their own circumstances. These arrangements can be made by the local authority without any restrictions contained in any standing order or any other rules of the local authority governing the meeting. This gives the local authority flexibility to arrange and hold such meetings regardless of such existing restrictions.

By virtue of the Regulations the “place” at which a local authority meeting is held is not confined to the council building. The “place” may be where the instigator or arranger of the meeting is, or electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. By virtue of these Regulations, a person is attending a meeting in a specific place if they are attending at different types of location, including physical, electronic, digital or virtual locations. These Regulations also provide for requirements for a meeting being “open to the public” to be satisfied by a local authority holding the meeting remotely. This provides the local authority with the flexibility to facilitate remote meetings outside of the council offices and to hold meetings entirely by remote means. It also provides for members of the public to attend remotely rather than in person which may breach the Government’s public health advice.

Where it is stipulated that documents are “open to inspection”, the Regulations



provide that this requirement is satisfied by the documents being published on the council's website. Documents include notices, agendas, reports, background papers minutes etc. The publication, posting or making available of documents at council offices includes publication on the website of the council, or in the case of a parish council, on their principal council's website. This provides for local authority members and officers, and the public, to have access to documents without attending council buildings and therefore without breaching the government's public health advice.

#### **6.4 Equality, diversity and inclusion**

The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event.

There are no other direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

#### **6.5 Climate emergency declaration**

The ability for Members to attend council meetings remotely will reduce the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

### **7. Consultation and engagement**

- 7.1 The proposal set out in this report have been discussed with the Executive, Group Leaders and Independent Members and reflects the feedback they have provided.

### **8. Other options considered**

- 8.1 The other main option is to not hold any fully or partially remote meetings during this time. However, now that the Regulations have been passed to enable remote attendance at meetings, there is scope to enable Members to fulfil their democratic responsibilities in a way that is proportionate to the current emergency.

### **9. Governance journey**

- 9.1 The proposals in the this report have been discussed informally by the Executive Members meeting with the Leader of the Principal Opposition Group and Independent Members. Subject to the agreement of the Executive, the recommendations will be considered at Full Council.
- 9.2 Recommendations from the Standards Committee on temporary changes to the Constitution will be considered at Full Council, including dates for reviewing arrangements and *sunset clauses*.

**Annexes:**

None

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**Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**12 MAY 2020**

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**Title:**

**Amendment to the Scheme of Delegation  
Heath Protection (Coronavirus, Restrictions) (England) Regulations 2020  
Public Health (Control of Diseases) Act 1984**

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**Portfolio Holder:** Councillor Nick Palmer, Portfolio Holder for Operational and Enforcement Services

**Head of Service:** Richard Homewood,  
Head of Environmental & Regulatory Services

**Key decision:** No  
**Access:** Public

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**1. Purpose and summary**

- 1.1 To seek approval for an amendment to the Scheme of Delegation to authorise officers to act in respect of new legislation introduced by the Government relating to the Covid-19 pandemic for the purpose of reducing public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

**2. Recommendation**

- 2.1 It is recommended that the Executive amend the Scheme of Delegation to include the designation under to:

- the Head of Environmental and Regulatory Services,
- the Head of Housing Delivery and Communities,
- the Head of Housing Operations, and,
- the Head of Planning and Economic Development

as authorised persons under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure)(England) (Regulations 2020 ('the Business Closure Regulations') and the Health Protection (Coronavirus, Restrictions)(England) Regulations 2020('the Restriction Regulations') and any updating and or amending legislation.

- 2.2 It is recommended that the designation at 2.1 is also extended to officers employed within specified service teams of the Council namely environmental health, environmental protection, environmental enforcement, licensing, housing management operations, private sector housing and planning enforcement.

### **3. Reason for the recommendation**

To enable officers to enforce the regulations effectively and efficiently where appropriate.

### **4. Background**

- 4.1 The Secretary of State designated police officers and local authority officer under regulation 4(1) and (2) of the Business Closure Regulations and these designations continue for the purpose of the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI no 350 of 2020). The Restriction Regulations made under the Public Health (Control of Disease) Act 1984 introduced requirements for certain categories of business to close and restrictions on movement and gatherings outside of the home in order to limit spread of SARS-CoV-2
- 4.2 Regulations 4 and 5 set out the requirements for businesses to close which are enforceable by the local authority, amongst others. Regulations 6 and 7 relate to restrictions on movement and on gatherings.
- 4.3 Whilst the police can also enforce these new regulations, the police have said that they intend to lead on regulations 6 and 7 (restrictions on movement and gatherings) whilst the local authority would be expected to lead on regulations 4 and 5 (business closures). Government guidance also suggests that the local authority (especially Environmental Health teams) should tend to lead on regulations 4 and 5.
- 4.4 The current delegations to the Head of Environmental and Regulatory Services in relation to the Public Health (Control of Disease) Act 1984 exclude functions relating to the health protection regulations and do not therefore cover the designation of these new powers to officers.

### **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 Designation of these powers will enable the Council and its officers to protect and support Waverley's communities by helping to reduce the public health risks posed by the spread of SARS-CoV-2 which causes the disease Covid-19.

### **6. Implications of decision**

#### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no additional finance, procurement, staffing or IT implications.

#### **6.2 Risk management**

Designation of these powers will enable a prompt response to any breach of the regulations. Without the delegation there would be delays in ensuring businesses complied with the requirements of the Regulations in pursuit of the protection of public health.

### **6.3 Legal**

The Public Health (Control of Disease) Act 1984 and regulations made under it provide a legislative framework for health protection in England and Wales. Part 2A of the 1984 Act as inserted by the Health and Social Care Act 2008 provides a legal basis to protect the public from threats arising from infectious disease and includes powers to impose restrictions or requirements on people and in relation to premises for use in rare circumstances where voluntary cooperation cannot be obtained. The amended 1984 Act sets out the framework for health protection requiring detailed provisions to be delivered through regulations. Section 45C of the 1984 Act provides a power for the appropriate Minister to make regulations to prevent, protect against, control or provide a public health response to the incidence or spread of infection in England. The Secretary of State has designated police officers and local authority officers under regulation 4(1) and (2) of the Health Protection (Coronavirus, Business Closure)(England) Regulations 2020 and those designations continue for the new Restriction Regulations. The report outlines the measures to enable the Council to monitor and enforce the regulations to reduce the public health risks posed by the incidence and spread of severe acute respiratory coronavirus 2 (SARS-CoV-2)

### **6.4 Equality, diversity and inclusion**

There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

### **6.5 Climate emergency declaration**

The recommendation of this report will not affect the aims of the Council's Climate Emergency declaration.

## **7. Consultation and engagement**

7.1 There has been no public consultation in relation to this report.

## **8. Other options considered**

8.1 None

## **9. Governance journey**

9.1 Executive Decision will be implemented.

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## **Background Papers**

the Public Health (Control of Disease) Act 1984

the Health Protection (Coronavirus, Business Closure)(England) Regulations 2020 (SI 327/2020)

the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (SI 350/2020)

Government guidance in relation to Covid-19 is available at [www.gov.uk/coronavirus](http://www.gov.uk/coronavirus) which includes information in relation to closures and restrictions on movements and gatherings under the regulations.

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**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**12 MAY 2020**

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**Title:**

**Safeguarding Policy for  
Children and Adults at Risk**

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**Portfolio Holder:** Cllr David Beaman, Health, Wellbeing and Culture

**Head of Service:** Andrew Smith, Head of Housing Delivery and Communities

**Key decision:** No

**Access:** Public

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**1. Purpose and summary**

- 1.1 The purpose of this report is to advise the Executive of the recent changes to the Council's Safeguarding Policy of 2017.
- 1.2 On 14 August 2017 the Council agreed to adopt the Safeguarding Policy for Children and Adults at Risk. This new Policy merged the previous individual Safeguarding Children and Adult Policies (2014) in accordance with Surrey County Council's recommended format to ensure a consistent Safeguarding Policy / approach was adopted by District and Boroughs throughout the County.
- 1.3 The Safeguarding Policy for Children and Adults at Risk sets out how the Council will meet its obligations to safeguard children and adults at risk. It applies to staff, agency workers, volunteers and contractors employed by the Council. It is also applicable to Councillors undertaking official duties on behalf of the Council. The policy complements and supports the agreed multi-agency procedures set down by the Surrey Safeguarding Children Partnership and Surrey Safeguarding Adults Partnership.
- 1.4 Since the adoption of the Safeguarding Policy for Children and Adults at Risk in 2017 there have been changes within Surrey County Council Children's Services which has necessitated in reviewing and updating the Policy. This is primarily due to the Ofsted re-inspection of services for children in need of help and protection in May 2018 where they found Surrey County Council's Children Services inadequate in relation to:
- a. Children who need help and protection
  - b. Leadership, management and governance
- 1.5 The body of the policy remains the same as it is governed by a set of key principles and themes, designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. The areas of the Policy that have been updated are in relation to the new agreed multi-agency approach called **Effective**

**Family Resilience** (Annexe 1, Appendix 5, Page 31) the subsequent change to Councils own structure that reflects this new approach (Annexe 1, Appendix 3 & 4, Pages 29-30).

- 1.6 One area of safeguarding that has increased in profile is **Contextual Safeguarding**. Contextual Safeguarding is an approach to understanding, and responding to, young people and vulnerable adults' experiences of significant harm beyond their families. Contextual safeguarding includes:
- a. Modern Day Slavery
  - b. Child Exploitation (including sexual exploitation and serious Organised Crime)
  - c. Online bullying and grooming
  - d. Radicalisation and prevent
  - e. Anti-Semitism and Hate Crime

The Policy has been updated to ensure it reflects this area (Annexe 1, Appendices 6, 7 & 8, Pages 33-49).

- 1.7 The essential elements of the Policy remain the same; awareness of the Council's responsibilities for safeguarding; how to raise a concern, make a referral if required, and record and monitor all concerns.
- 1.8 In line with the new multi-agency **Effective Family Resilience** approach it is vital for successful safeguarding that the procedures in this policy are understood and applied consistently at an individual, managerial, and organisational level. With this in mind a Safeguarding programme encouraging officers to look at the whole family context when considering safeguarding and to gain confidence in the assessment of whether thresholds for referral have been met or whether support is more appropriate is being developed and will be delivered to all appropriate staff.

## **2. Recommendation**

That Executive recommends adoption of the updated Safeguarding Policy for Children and Adults at Risk to Full Council.

## **3. Reason for the recommendation**

It is a statutory responsibility for local authorities to have in place effective safeguarding arrangements.

## **4. Relationship to the Corporate Strategy and Service Plan**

The objective of safeguarding is to prevent and reduce the risk of harm to adults and children from abuse or other types of exploitation and impairment of development, while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion.

The vision within the Corporate Strategy states that Waverley Borough Council is an authority which promotes and sustains the *value and worth of all residents, regardless of income, wealth, age, disability, race, religion, gender or sexual orientation*, the very essence of safeguarding.



## **5. Implications of decision**

### **5.1 Resource (Finance, procurement, staffing, IT)**

All financial resource implications will be contained within existing budgets. Where new resources requirement arise, the business case will be brought to the Executive for decision.

### **5.2 Risk management**

Risk is managed through the Council's Safeguarding Board.

### **5.3 Legal**

It is a statutory responsibility for local authorities to have effective safeguarding arrangements, identified in the Children's Act 1989 and 2004 and more recently in the Care Act 2014.

### **5.4 Equality, diversity and inclusion**

Whilst there are no direct equality, diversity or inclusion implications in this report a life that is free from harm, abuse, and neglect is a basic right of every person. The objective of safeguarding is to prevent and reduce the risk of harm to adults and children from abuse or other types of exploitation and impairment of development, while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion regardless of race, religion, gender etc.

### **5.5 Climate emergency declaration**

There are no environmental and sustainability objectives associated with this Report / Policy.

## **6. Consultation and engagement**

- 6.1 Waverley's Safeguarding Policy sits within the context of the Surrey County Council overarching Safeguarding Policy. It is not subject to public consultation.

## **7. Other options considered**

- 7.1 It is a statutory responsibility for local authorities to have effective safeguarding arrangements, identified in the Children's Act 1989 and 2004 and more recently in the Care Act 2014.

## **8. Governance journey**

- 8.1 The Safeguarding Policy forms part of the Council's Policy Framework and is for approval by Full Council.

## **Annexes:**

Annexe 1 – Safeguarding Policy for Children and Adults at Risk

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## **Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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# **Safeguarding Policy for Children and Adults at Risk**

<b>Policy Reviewed and Approved</b>	<b>January 2020</b>
<b>Date for Review</b>	<b>January 2022</b>

1 Waverley Borough Council Safeguarding Policy for Children and Adults at Risk January 2020

	<b>Contents</b>	<b>Page</b>
1.	Foreword	3
2.	Do you have a concern?	5
3.	Safeguarding children	6
4.	Safeguarding adults at risk	12
5.	The Council's roles and responsibilities in safeguarding	19
	<b><i>Appendices</i></b>	
1	Surrey Safeguarding Board	23
2	Legal Framework	27
3	Waverley Borough Council – Safeguarding Staff Structure - Roles and Responsibilities	29
4	Waverley Borough Council – Safeguarding Champions	30
5	Surrey Effective Family Resilience and Children's Single Point of Access (C-SPA)	31
6	Safeguarding Children from Abuse	33
7	Adults at Risk: forms of abuse and indicators of abuse	37
8	Waverley Borough Council – Modern Day Slavery Statement	47
9	Other relevant policies and strategies	50

## Foreword

A life that is free from harm, abuse, and neglect is a basic right of every person. The objective of safeguarding is to prevent and reduce the risk of harm to adults and children from abuse or other types of exploitation and impairment of development, while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion. Although safeguarding is recognised as a key responsibility of local authorities, safeguarding is still everybody's business, and as neighbours, citizens, and community members we need to be alert to neglect and abuse, and be committed to reporting our concerns.

This policy sets out how the Council will meet its obligations to safeguard children and adults at risk. It applies to staff, agency workers, volunteers and contractors employed by the Council. It is also applicable to Councillors undertaking official duties on behalf of the Council. The policy complements and supports the agreed multi-agency procedures set down by the Surrey Safeguarding Children Partnership and Surrey Safeguarding Adults Board. (See *Appendix 1: Surrey Safeguarding Boards*) The policy is governed by a set of key principles and themes, designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. It is vital for successful safeguarding that the procedures in this policy are understood and applied consistently at an individual, managerial, and organisational level.

The aims of safeguarding are to:

- Prevent harm and reduce the risk of abuse or neglect
- Stop abuse or neglect wherever possible
- Prevent impairment of development and enable individuals to have the best outcomes
- Safeguard individuals in such a way that supports them in making choices and having control over how they want to live
- Promote an approach that concentrates on improving life for the individual

- Raising public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect
- Provide accessible information and support to help people understand what constitutes abuse and neglect, and how to respond
- Address what has caused the abuse or neglect.

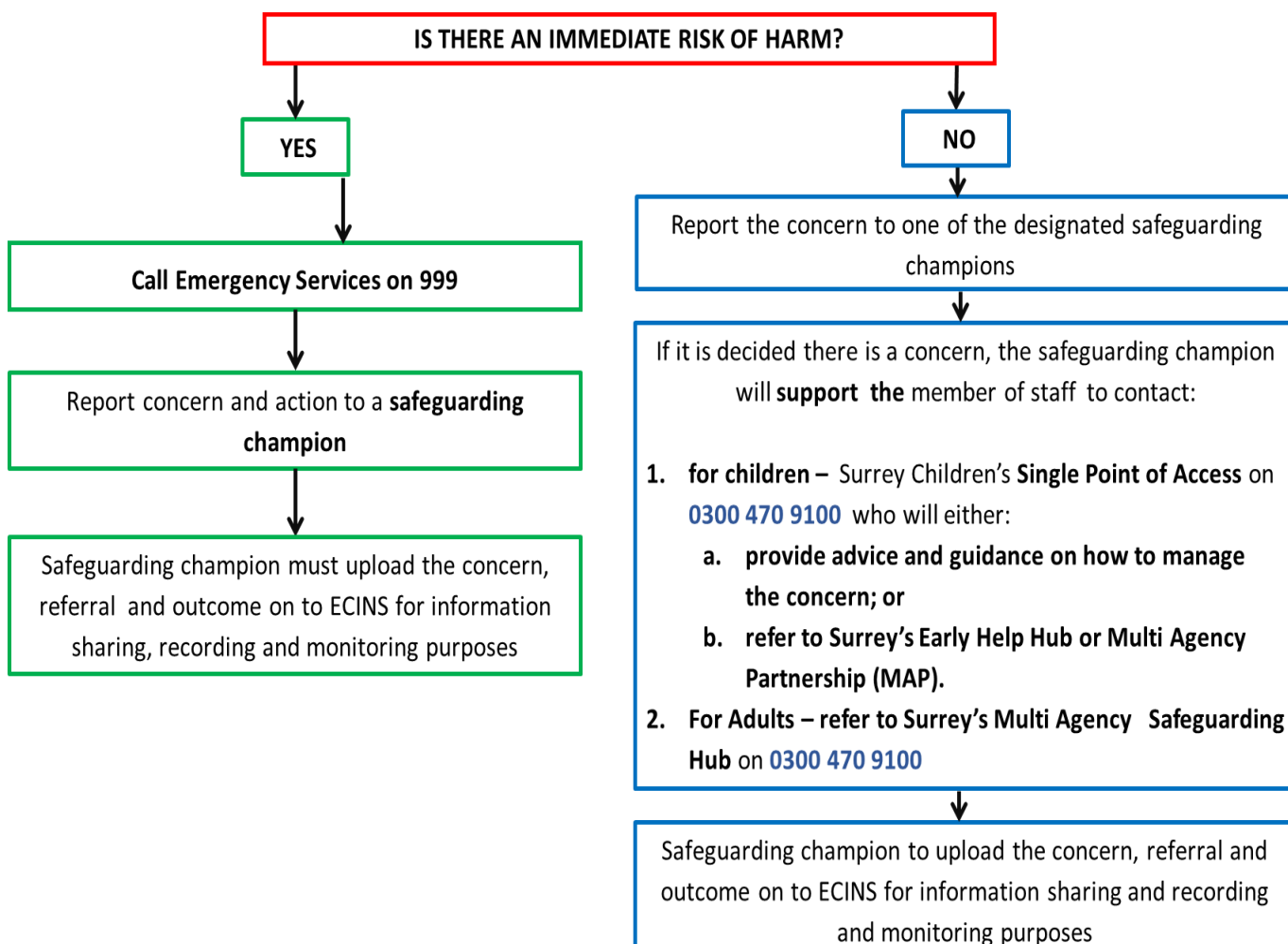
Safeguarding of children and adults at risk are governed by separate Government legislation and separate Surrey County Council safeguarding boards. Therefore the policy will consider the safeguarding of children and adults at risk independently, before addressing where there is overlap between the two safeguarding areas.

### **Author and feedback**

The Council welcomes comments and feedback on its policies and procedures. Please contact the Lead Safeguarding Officer, Andrew Smith, if you have any comments.

## Do you have a safeguarding concern?

This could be a suspicion, an allegation, an observation or a disclosure of abuse or risk of abuse - if YES please follow the flow chart below.



**Child Sexual Exploitation, Modern Slavery and Prevent** referrals should be made to Surrey Police on **101** unless it is an emergency in which case call **999**

# Safeguarding children

## Introduction

Waverley Borough Council has a legal duty to work together with other statutory and voluntary agencies to safeguard and promote the welfare of children. For the purposes of this document children are considered as between 0 -18 years of age.

Safeguarding and promoting the welfare of children is defined as:

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

Children need to be loved and valued and be supported by a network of reliable and affectionate relationships. If children are denied this, they are at an increased risk of an impoverished childhood, and at an increased risk of disadvantage and social exclusion in adulthood. Abuse and neglect pose particular problems.

When safeguarding children, *Working Together to Safeguard Children (See Appendix 2 Legal Framework)* requires that the focus should be to promote children's wellbeing and welfare through supporting families. It recommends that safeguarding must address the needs of a child as much as the risk to a child in order to give children and families positive outcomes.

The Waverley Borough Council Safeguarding Policy for Children and Adults at Risk has been developed in accordance with Surrey County Council guidance regarding:

- a clear safeguarding staff structure, roles and responsibilities (*See Appendix 3: Safeguarding Staff Structure*)
- the safeguarding induction and training programme
- recruitment procedures that will safeguard children and promote welfare – for example: Disclosure and Barring checks for specified employees and thorough selection procedures



- the introduction of the designated safeguarding champions
- the procedures that staff must follow if they believe a child or young person may be at risk (*See Appendix 4: Safeguarding Champions*).
- It is a statutory duty under the Children Act 2004 (*See Appendix 2: Legal Framework*) for each local authority to have a Safeguarding Board. Government guidance: *Working Together to Safeguard Children* (see page 8) added further duties. The Surrey Safeguarding Children Board is led by Surrey County Council. All Borough Councils are partner agencies of the Board along with other statutory and voluntary agencies.
- the *new* Effective Support Windscreen (*see Appendix 5: Effective Family Resilience Surrey*) and model the key component of the [Effective Family Resilience Guidance](#) which provides a consistent approach across all partners, organisation and services across Surrey. **Effective Family Resilience** responds to the requirement of children and families across four levels of need, **Universal, Early Help, Targeted Help, and Specialist**.

## Key principles

Effective safeguarding arrangements in every local area must be underpinned by two key principles:

- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation must play its full part
- A child-centred approach: for services to be effective they must be based on a clear understanding of the needs and views of children

### **Safeguarding is everyone's responsibility**

'Safeguarding is everyone's responsibility' is the founding principle of safeguarding children. It asserts that everybody has a role to play in protecting children from harm and keeping them safe. If a person comes into contact with a child whom he or she has concerns about, he or she must take action to safeguard the child. It is unlikely that a single individual's insight into a child's situation will form a complete picture and by raising concerns, however small, and sharing information, it will allow for more informed decision making and decisive action to be taken.

## **A Child Centred Approach**

Effective safeguarding of children can only be achieved by putting children at the centre of the system, and by every individual and agency playing their full part, working together to meet the needs of vulnerable children.

Children have clearly expressed what they want from the safeguarding process:

### ***Vigilance***

To have adults notice when things are troubling them.

### ***Understanding and action***

To understand what is happening; to be heard and understood; and to have that understanding acted upon.

### ***Stability***

To be able to develop an on-going stable relationship of trust with those helping them.

### ***Respect***

To be treated with the expectation that they are competent rather than not.

### ***Information and engagement***

To be informed about and involved in procedures, decisions, concerns and plans.

### ***Explanation***

To be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response.

### ***Support***

To be provided with support in their own right as well as a member of their family.

### ***Advocacy***

To be provided with advocacy to assist them in putting forward their views.

## **Good Practice when working with children**

When working with children it is important to follow the good practice outlined below:

- Adults should not behave in a manner which would lead any reasonable person to question their suitability to work with children, or act as a role model.
- Adults must not work on their own with children. If a situation occurs when this arises, due to sickness or an emergency, always inform colleagues or parents/carers to ensure that someone can be present or nearby.
- It is inappropriate to offer lifts to a child or young person. There may be occasions where the child or young person requires transport in an emergency situation or where not to do so may place a child at risk. If circumstances permit, the parent/carer or line manager should be informed before the lift is provided.
- The event must always be recorded and reported to a senior manager and parents/carers.
- Physical contact is discouraged and should only take place only when it is absolutely necessary and in a safe and open environment i.e. one easily observed by others.
- Always report any accidents/incidents or situations where a child becomes distressed or angry to a senior colleague.

### **What to do if a child or third party makes an allegation**

If a child or third party makes an allegation or discloses information which raises concern about significant harm, the initial response should be to listen carefully to what the child or third party says so as to:

- clarify the concerns,
- offer reassurance about how the child will be kept safe; and
- explain that what they say cannot be kept in confidence and will be discussed with one of the Council's safeguarding leads or safeguarding champions to consider how to manage the concern and if appropriate contact Surrey Children's Single Point of Access for advice and guidance or refer to Surrey Early Help Hub (*See page 5*).

If the allegation is raised by a child, the child must not be pressed for information, led or cross examined or given false assurances of absolute confidentiality. Such well intentioned actions could prejudice police investigations, especially in cases of sexual abuse. An interpreter should be used if necessary.

If the child can understand the significance and consequences of making a referral to Surrey Children's Single Point of Access, he or she should be asked his or her view by the referring professional. Although the child's view should be considered, it remains the responsibility of the professional to take whatever action is required to ensure the safety of that child and any other children.

Professionals should generally seek to discuss any concerns with the family and where possible, seek their agreement to discuss with one of the Council's safeguarding leads or safeguarding champions and or/if appropriate contact Surrey Children's Single Point of Access for advice and guidance or refer to Surrey Early Help Hub, but there will be some circumstances where professionals should not seek consent if it could:

- place a child at increased risk of significant harm
- place an adult at risk of serious harm
- prejudice the prevention or detection of a serious crime
- lead to unjustified delay in making enquiries about allegations of Significant Harm

Professionals should record in writing, whether they have discussed the concern and or referral with the family. They should also record the reasons if they decide not to inform the family of these matters.

The procedure below is designed to help professionals to understand what to do if they have concerns about a child who has additional needs and what to do if a child has been or is likely to be significantly harmed.

### **When to raise a concern**

It is important that employees raise their concern with one of the Council's safeguarding leads or safeguarding champions if it is believed or suspected that:

- A child is suffering or likely to suffer significant harm (*see Appendix 6: Safeguarding children from abuse*) or
- A child's health or development may be impaired without the provision of services or
- With the agreement of the person with parental responsibility, a child would be likely to benefit from family support services

There are a number of categories of abuse that could be defined as significant harm and they are set out in *Appendix 6*.

## **Allegations against staff, councillors and/or volunteers**

An investigation is required if there is an allegation or concern that any person who works with children, in connection with his or her employment or voluntary activity, has:

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

Although some behaviours may not constitute a criminal offence, consideration will need to be given as to whether they may indicate unsuitability to work with children. These include concerns relating to inappropriate relationships between members of staff and children such as:

- having a sexual relationship with a child under 18 in a position of trust in respect of that child, even if consensual
- 'grooming' i.e. meeting a child under 16 with intent to commit a relevant offence
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature - for example: inappropriate text/email messages or images, gifts, socialising etc.
- possession of indecent photographs/pseudo-photographs of children

### **Staff and volunteers**

Any allegations or concerns about a member of staff or volunteer should be immediately referred to either the Head of Policy and Governance or the HR Manager/HR Business Partner who should act in accordance with the Council's Safeguarding Policy and relevant HR Policies.

### **Councillors**

Any allegations or concerns about a councillor, should be immediately referred to either the Head of Policy and Governance or the Deputy Monitoring Officer.

N.B. It is the responsibility of the individual political parties to have processes and procedures in place to check the suitability of any proposed councillor to carry out their duties.

**Note** - If the alleged behaviour harmed a child, is a possible criminal offence or the behaviour indicates that they are unsuitable to work with children, the **Local Authority Designated Officer (LADO)** at Surrey County Council must be informed within one working day of the allegation. The Local Authority Designated Officer is responsible for advising on and monitoring such allegations and can be contacted on 0300 123 1650 (option 3) or LADO@surreycc.gov.uk.

If allegations are made directly to the police and if an organisation removes an individual including, staff, councillor or volunteer from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

**The actual process for raising a concern and/or making a referral relating to children or adults at risk is set out under - *Do you have a safeguarding concern?* (page 5)**

## **Safeguarding Adults at Risk**

### **Introduction**

Waverley Borough Council has a legal duty to work together with other statutory and voluntary agencies to safeguard and promote the welfare of adults at risk and treat them with dignity and respect. At the same time the Council will protect its staff and elected members from the risk of unfounded allegations. We will seek to ensure that any adult at risk receiving services from the Council can access council services in safety without fear of abuse.

This policy is designed to work in conjunction with Surrey Multi-Agency Adult Protection Procedures which is available on Surrey County Council's website:

[Surrey Multi-Agency Adult Protection Procedures](#)

The Council will seek to implement its policy on the protection of adults at risk by:

- ensuring that all staff who have regular, direct and unsupervised contact with adults at risk are carefully selected. They must provide two written references. Staff and appropriate elected members should complete a Disclosure and Barring check. Staff and appropriate elected members will receive basic training, accredited where necessary. All elected members must understand the adult protection process
- ensuring that all Council contractors who have regular, direct and unsupervised contact with adult at risks have effective policies and procedures in place
- ensuring that organisations that apply for grant aid for programmes that include adults at risk (funding or premises) have effective policies and procedures in place
- giving all the parties involved and the general public information about what they can expect from the council in relation to protecting and safeguarding adults at risk
- ensuring that there is a clear complaint procedure in place that can be used if there are any concerns
- sharing information about concerns with appropriate agencies and involving adults at risk and their carers as appropriate

## **Who is an adult at risk?**

The term adult at risk refers to anyone aged 18 and over who:

- is or may be in need of Community Care Services by reason of mental or other disability, age or illness; and
- is or may be unable to take care of himself or herself, and/or:
- is unable to protect themselves against significant harm or exploitation.

Whether or not a person is vulnerable in these cases will depend upon surrounding circumstances, environment and each case must be judged on its own merits.

## **Key principles**

The Care Act 2014 (*See Appendix 2: legal Framework*) introduced six principles of safeguarding which are listed below.

**Empowerment**

Presumption of person-led decision making and informed consent

**Prevention**

Take action before harm occurs

**Proportionality**

Take the least intrusive response appropriate to the risk presented

**Protection**

Provide support and representation for those in the greatest need

**Partnership**

Local solutions through services working with their communities

**Accountability**

Ensure there is accountability and transparency in safeguarding practices

In view of the above, the following principles have been adopted by all agencies and professionals working together to protect adults at risk.

- All adults at risk have a right to be protected and their decisions respected even if that decision involves risk.
- The prime concern at all stages will be the interests and safety of the adult at risk.
- The aim will be to give a professional service to support and minimise the distress of any adult at risk.
- Everyone will be treated sensitively at all stages of the investigation.
- The importance of professionals working in partnership with the adult at risk and others involved will be recognised throughout the process.
- All services will be provided in a manner that respects the rights, dignity, privacy and beliefs of all the individuals concerned and does not discriminate on the basis of race, culture, religion, language, gender, disability, age or sexual orientation.
- Adults who have been abused need the same care and sensitivity whoever the alleged abuser.
- The responsibility to refer the adult at risk rests with the person who has the concern.



- All agencies receiving confidential information in the context of an adult at risk investigation will make decisions about sharing this information in appropriate circumstances.
- Procedures provide a framework to ensure that agencies work together for the protection of the adult at risk. They are not a substitute for professional judgement and sensitivity.
- Adults at risk have the right to have an independent advocate if they wish, at any stage in the process.

## **Making Safeguarding Personal**

Making Safeguarding Personal (MSP) is a shift in culture and practice in response to what we now know about the effectiveness of safeguarding from the perspective of the person being safeguarded.

MSP promotes conversations about how we might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety, and seeing people as experts in their own lives and working alongside them. It is a shift from a process supported by conversations to a series of conversations supported by a process.

The key focus is on developing a real understanding of what adults at risk wish to achieve and agreeing, negotiating and recording their desired outcomes, working out with them (and their representatives or advocates if they lack capacity) how best those outcomes might be realised and then seeing, at the end, the extent to which desired outcomes have been realised.

## **The Wellbeing Principle**

The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of a person. This is sometimes referred to as *The Wellbeing Principle* because wellbeing is put at the heart of care and support.

The wellbeing principle applies in all cases where care and support is being carried out, or decisions are made, or safeguarding is exercised. When safeguarding adults it applies equally to adults with care and support needs and their carers.

Promoting wellbeing means actively seeking improvements at every stage in relation to the individual, and where applicable their carer. It is a shift from providing services to the concept of meeting needs. In promoting wellbeing it should be assumed that individuals are best placed to judge their own wellbeing. Their individual views, beliefs, feelings and wishes are paramount and individuals should be empowered to participate as fully as possible.

## **What is abuse?**

Abuse is a violation of an individual's human and civil rights by any other person or persons or organisation. Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent.

Any act of abuse, repeated or singular, is a violation of the adult at risk's human and civil rights.

## **Context**

Abuse of adults at risk can occur in any setting or any situation and can be a complex area. Abuse may occur in:

***Domestic settings:*** including the adult at risk's own home, or another person's

***Institutional settings:*** including day care, residential care, nursing homes and hospitals

***Public settings:*** including in the street, any public area or social or work environment

Abuse of adults at risk occurs in all cultures, all religions and at all levels of society.

The abuser may be anyone, including a member of the family, friend, neighbour, partner, carer, stranger, care worker, manager, volunteer, another service user or any other person who comes into contact with the adult at risk.

## **Good Practice when working with Adults at Risk**

To help prevent abuse occurring and false allegations arising, the following basic guidelines will help safeguard both the adult at risk and members of staff.

### **You must:**

- treat all service users with dignity and respect
- provide an example of good conduct you wish others to follow

- Challenge unacceptable behaviour - e.g. bullying, and report all allegations/suspicions of abuse
- Be identifiable and wear a name badge at all times **You must not:**
- have unwarranted contact with an adult at risk
- make any comments, which may have a sexual connotation.

There may be exceptional circumstances where it is necessary to restrain the adult at risk to prevent him or her from damaging himself or herself or others. Only the minimum reasonable force necessary may be used. All incidents of physical restraint must be recorded on an incident form and be submitted to a nominated officer and the Health and Safety Officer.

### **When to be concerned about possible abuse**

It is not the role of Waverley Borough Council to decide if an adult at risk is being abused or not, but it is our job to pass on any concerns. *Appendix 7: Adults at Risk: forms of abuse and indicators of abuse* provides a list of types of abuse and examples of behaviours associated with each type of abuse. This list is not exhaustive, and there may be other indicators.

### **Responding to a person who discloses a concern of abuse**

- In an emergency ring 999.
- Do ensure the safety of the individual and others if in immediate danger, and contact the relevant emergency service.
- Do not be judgemental or jump to conclusions.
- Do listen carefully.
- Do provide support and information to meet the individual's specific communication needs.
- Do use open questions.
- Do tell them that the individual did a good or right thing in telling you.
- Do tell the individual you are treating the information seriously.

- Do tell them it was not their fault.
- Do ask them what they need to keep themselves safe.
- Do not make promises you cannot keep.
- Do not promise to keep secrets.
- Do seek consent to share the information with your lead for safeguarding; however, lack of consent should not prevent you from reporting your concerns.
- Do explain that you have a duty to tell your lead for safeguarding.
- Do not confront the person alleged to have caused the harm as this could place you at risk, or provide an opportunity to destroy evidence, or intimidate the person alleged to have been harmed or any witnesses.
- Do explain that you will try to take steps to protect them from further abuse or neglect.
- Do support and reassure the person.
- Do preserve any forensic or other evidence.

**Action after the concern of abuse has been recognised:**

*To be taken as soon as possible or within 4 hours*

- Discuss your concerns with one of the Council's Safeguarding Champions (for details, see page 6) who will support you to manage the concern, record the details and if appropriate make a referral to the Multi Agency Safeguarding Hub (MASH).
- Record your concerns and how they came to light, any information given by the person, information about any witnesses, the individual's wishes, actions taken, who was present at the time, dates and times of incident(s).
- Record details of the person alleged to have caused harm.
- Do record any concerns about the person's capacity to make any decisions and the reasons for the concerns.
- Do record whether the person is aware that the concerns have been reported.

- Do record their perspective.
- Do record any previous concerns about the person.
- Do not breach confidentiality for example by telling friends or other work colleagues.
- Do use Whistleblowing Procedures –if you feel that you will not be believed, taken seriously or believe that your manager or lead for safeguarding may be causing the risks of abuse to the adult or child.

**The actual process for raising a concern and/or making a referral relating to children or adults at risk is set out under - *Do you have a safeguarding concern?* (page 5)**

**The Council's roles and responsibilities in safeguarding children and adults at risk**

The policy has considered children and adults at risk independently as they are the subject of different legislation. However, there are areas where safeguarding children and adults at risk overlap, and these are set out below:

**The Council as an Organisation**

The Council is committed at senior officer and member level to safeguarding children and adults at risk. The Council recognises its responsibilities under the Care Act 2014, The Children Act 2004, and Working Together to Safeguard Children 2015. Safeguarding is a Council priority and this is clearly demonstrated by:

- representation at the Surrey Safeguarding Adults Board and the completion of standard returns for this board
- representation at the Surrey Safeguarding Children Partnership and the completion of Section 11 returns for this board
- appointment of a Lead Waverley Borough Council Member for Safeguarding Children and Adults at Risk
- appointment of Safeguarding Champions across the Council to support frontline officers to manage concerns and/or make a referral if appropriate.

- sign up to protocols and policies

## **The Council as an Employer**

In its role as an employer the Council incorporates safeguarding measures in its recruitment procedure and provides mandatory safeguarding training for all employees.

### ***Recruitment Procedures***

Waverley Borough Council is committed to safer recruitment. All new members of staff are required to undergo a Disclosure and Barring Service (DBS) check to obtain a Basic Disclosure Scotland certificate. Basic disclosures verify identity and show details of all convictions considered to be unspent under the Rehabilitation of Offenders Act 1974 or state that there are no such convictions. New employees who are taking up a position which involves working closely with children or adults at risk (in a voluntary or paid capacity) will be required to acquire an Enhanced DBS Disclosure. Enhanced DBS Disclosures provide additional detail about unspent and spent convictions, cautions, reprimands, final warnings plus any additional information held by the police.

### ***Training***

All employees will be required to undertake safeguarding training and become familiar with the Safeguarding Policy as part of their induction. Training will be provided at three levels:

**Level 1:** This training is designed for all members of staff to give them an awareness of what safeguarding is, forms of abuse, and how to report any concerns they may have.

**Level 2:** This training is aimed at those employees who have a role that involves direct contact with children and adults at risk.

**Level 3:** The Lead and deputy lead for safeguarding and Safeguarding Champions, will undertake additional training as organised and recommended by the Surrey Safeguarding Adults Board and Surrey Safeguarding Children Partnership to ensure their knowledge is up to date and is reflected in Waverley's policies and procedures.

### ***The Council as a Licensing Authority***

The Council is a licensing authority for services such as taxi drivers, public events, alcohol and entertainment, charity collections, gambling, animal licensing, boot fairs, Sunday and street trading and other licences such as fireworks.

The Council needs to ensure that all relevant checks are carried out prior to issuing licences and if a safeguarding concern is raised at any time during the process, the Council's safeguarding policy and procedure must be followed, including the notification of other government or national bodies.

### **Contracts**

Safeguarding is referenced in the general conditions of contact for suppliers. If a supplier breaches the contract, the legal team will follow its processes in addition to following the Council's Safeguarding Policy for Children and Adults at Risk.

### **Recording and Monitoring**

Good record-keeping is an essential part of the accountability of organisations to those who use their services. Maintaining proper records is vital to individuals' care and safety. If records are inaccurate, future decisions may be wrong and harm may be caused to the individual. Where an allegation of abuse is made, all agencies have a responsibility to keep clear and accurate records. It is fundamental to ensure that evidence is protected and to show what action has been taken, what decisions have been made and why.

#### **A guide to making a record**

As soon as possible on the same day, a written record should be made of what has been seen, been said and any other concerns. It is important to make sure anyone else who saw or heard anything relating to the concern also makes a written report.

All safeguarding concerns and referrals must be recorded on **E-CINS** a multi-agency cloud based case management system. **E-CINS** is used by Waverley to monitor and manage all concerns and referrals for adults and children safeguarding. The by safeguarding champion will record all details/information on **E-CINS** on the member of staff, councillor and/or volunteers behalf.

The information recorded will aid in the relaying of information to the Multi Agency Safeguarding Hub (MASH), and other organisations such as the police if and when required.

#### **Information sharing**

Information sharing is vital to safeguarding and promoting the welfare of children and adults at risk. A key factor in many cases where children and adults have been harmed has been the failure to record information, to share it, to understand the significance of the information shared and to take appropriate action. Often it is only when information from a number of sources has been shared that it becomes clear that a child or adult at risk might be suffering harm.

Professionals who have contact with children, families and adults at risk discussed with one of the Council's safeguarding leads or safeguarding champions to consider how to manage the concern and if appropriate share the concern with the Multi-Agency Safeguarding Hub (MASH), see page 5.

- All information sharing should be in line with the agreed set of principles about sharing personal or confidential information in the [Surrey Multi-Agency Information Sharing Protocol \(MAISP\)](#). The MAISP has been developed in partnership with Surrey County Council, all the borough and districts as well as the health services and Surrey Police.



## **SURREY SAFEGUARDING PARTNERSHIPS**

In Surrey, the statutory Safeguarding Children Partnership and Safeguarding Adults Partnership are responsible for providing local agencies with guidance and holding agencies to account for their actions.

### ***Representation on Safeguarding Partnerships***

The Children Act 2004 and Care Act 2014 together with associated statutory guidance sets out which organisations are required to sit on both boards and comprises all relevant statutory and key voluntary agencies.

The 11 Surrey Borough and District Councils have a single representative nominated by the Surrey Chief Executives Group to represent them on each board. Other borough and district council officers may attend the boards or the various sub groups that deal with the operational arrangements and ensure effective practice throughout the County.

### ***Performance and Quality Assurance***

Organisations on the boards are responsible for ensuring that they provide any data that is required by the boards for their respective Performance and Quality Assurance Frameworks. Likewise, they are expected to complete any returns and comply with any audit requirements.

### **Surrey Safeguarding Children Partnership (SSCP)**

The overall role of the SSCP is to coordinate local work to safeguard and promote the welfare of children and to ensure the effectiveness of what the member organisations do individually and together by developing interagency policies and procedures for safeguarding and promoting the welfare of children, including:

- the action to be taken where there are concerns about a child's safety or welfare
- training of those working with children and/or families or in services affecting the safety and welfare of children
- investigation of allegations concerning persons working with children

It is very important that local safeguarding arrangements are strongly led and promoted at a local level, specifically by:

- a strong lead from local authority members, and the commitment of chief officers in all agencies, in particular the Director of Children's Services and Lead Member for Children's Services at Surrey County Council; and

- effective local coordination and challenge by the Local Safeguarding Children's Partnership.

Borough and District Councils have a crucial role to play in the safeguarding of children in their areas. The Surrey Safeguarding Partnership Procedures Manual specifically refers to the duty of housing authorities to share information that is relevant to safeguarding. They should promote the welfare of children and the duties of leisure services departments and leisure contractors to ensure that their leisure facilities safeguard children. All casual and temporary members of staff must be aware of safeguarding children issues and know how to report concerns.

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Each Surrey Borough and District Council completes Section 11 forms to be returned to the Surrey Safeguarding Children Partnership by the Lead Safeguarding Officer.

The Surrey Safeguarding Children Partnership has five core objectives to enable it to deliver its responsibilities as set out in *Working Together 2015*. These are:

- to optimise the effectiveness of arrangements to safeguard and protect children and young people
- to ensure clear governance arrangements are in place for safeguarding children and young people
- to oversee Serious Case Reviews (SCRs), Partnership Reviews and Child Death (CDOP) processes and ensure learning and actions are implemented as a result
- to ensure a safe workforce and that single-agency and multi-agency training is effective and disseminate good practice
- to raise awareness of the roles and responsibilities of agency and community roles and responsibilities in relation to safeguarding children and young people In addition, the Partnership:
- coordinates what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area
- ensures the effectiveness of what is done by each such person or body for those purposes

The functions that support these objectives are to:

- develop policies and procedures
- communicate and raise awareness
- monitor and evaluate the effectiveness of partners individually and collectively
- participate in the planning of services
- undertake reviews of all child deaths and serious case reviews and disseminate the learning
- commissioning and delivery of multi-agency training
- evaluate of single agency and multi-agency training

### ***Additional Priorities***

In addition to the delivery of core business the SSCP has identified four targeted priorities on which to focus:

- To monitor and challenge the effectiveness of the *new* Effective Family Resilience Model and to ensure that the voice of children and young people is heard
- To ensure professionals and the current child protection processes effectively protect those children identified as in need of protection and who are looked after
- To ensure children and young people at risk of Child Exploitation (CE) are protected
- To monitor and challenge the effectiveness and impact of the Domestic Abuse Services in reducing the incidences of Domestic Abuse and protecting children and young people from harm

### **Surrey Safeguarding Adults Partnership (SSAP)**

The Surrey Safeguarding Adults Partnership (SSAP) helps and protects adults in Surrey who have care and support needs and who are experiencing, or are at risk of, abuse or neglect.

Representatives from carers' groups, disability groups and older people's groups are members of the board.

The Partnership ensures the voices of adults at risk, their families and their carers are heard and guarantees there are effective processes in place to prevent and

respond to abuse and neglect. The board also raises awareness of the importance of safeguarding through publicity campaigns and has a multi-agency training programme in place to give staff the right skills to safeguard adults.

The SSAP has three core duties:

- to publish a strategic plan that sets out how it will meet its main objective and what the members will do to achieve this
- to publish an annual report detailing what the SSAP has done during the year to achieve its main objective and implement its strategic plan
- to conduct any safeguarding adults reviews in accordance with the Care Act 2014

The functions that support its objectives and duties are to:

- develop a framework of multi-agency policies , protocols and procedures
- require member agencies to provide assurance on their safeguarding activities
- quality assure the safeguarding of member agencies
- implement a multi-agency Competency Framework and training programme
- undertaking Safeguarding Adults Reviews and learning lessons from them
- learn lessons from other reviews including Domestic Homicide Reviews
- undertake activities to raise awareness of safeguarding and to support the prevention of abuse and neglect

## LEGAL FRAMEWORK

This Safeguarding policy is underpinned by a range of legislation including, but not limited to:

### ***The Children Acts 1989 and 2004***

The *Children Act 1989* and *Children Act 2004* along with the statutory guidance, *Working Together to Safeguard Children 2015* provide the current framework for safeguarding children.

This legislation places an overarching responsibility on Surrey County Council, as the lead authority for children, for safeguarding and promoting the welfare of all children in their area, but makes clear that other agencies also have a role to play.

Section 11 of the Children Act 2004 places a statutory duty on various agencies, including districts and borough councils, to make arrangements to ensure that their functions are discharged taking account of the need to safeguard and promote the welfare of children. This includes any services or function they contract out.

This Act led to the establishment of the Surrey Safeguarding Children Partnership and required Surrey County Council to secure the co-operation of partners in setting up arrangements to improve the well-being of children in Surrey.

### ***Working Together to Safeguard Children***

This replaced the Area Child Protection Committee and sets out how organisations and individuals should work together to achieve this using the key principles: Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part.

The approach must be child-centred: in order to be effective, there needs to be a clear understanding of the needs of the child.

Guidance: [Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children](#)

### ***The Care Act 2014***

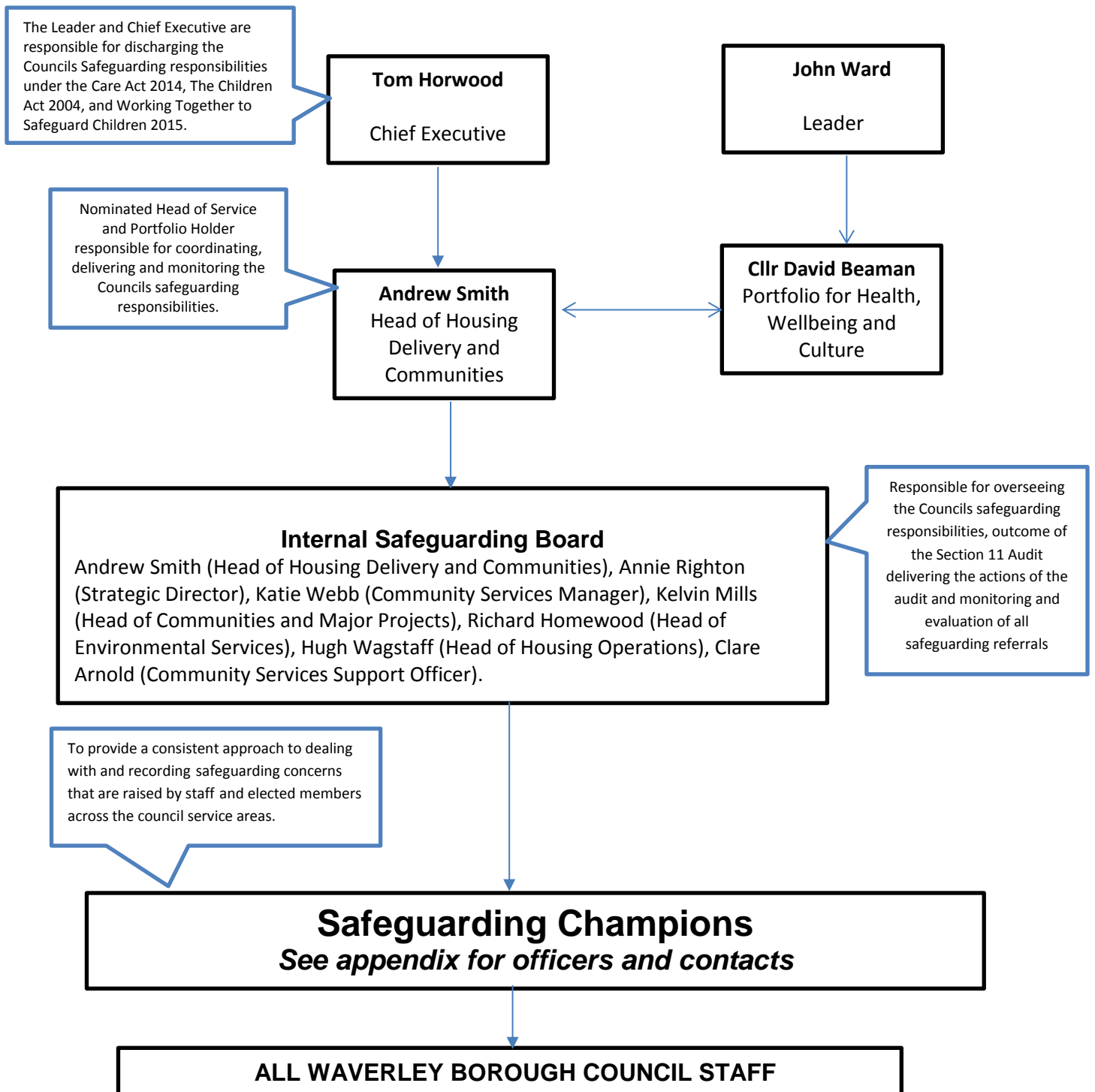
The Care Act 2014 sets out the legal framework for how local authorities and other statutory agencies, including district and borough councils, should protect adults with care and support needs who are at risk of abuse or neglect. It consolidates existing law and puts similar arrangements in place to those safeguarding children.

The Act required Surrey County Council, as the lead authority for vulnerable adults, to establish a Safeguarding Adults Board to bring together the key local partners to focus on safeguarding strategy and practice. The Act also places a duty on Surrey County Council to carry out safeguarding enquiries where it is suspected that someone is suffering or at risk of abuse or neglect conducting Safeguarding Adults Reviews (SARs) where there is a cause for concern about a particular case, to learn lessons for the future.

All these initiatives are designed to ensure greater multi-agency collaboration as a means of transforming adult social care.

This guidance is updated from time to time; therefore the most up to date guidance will apply in relation to the operation of this policy.

**WAVERLEY BOROUGH COUNCIL - SAFEGUARDING  
STAFF STRUCTURE - ROLES AND RESPONSIBILITIES**



## Safeguarding Champions

To provide a consistent approach to dealing with and recording safeguarding concerns that are raised by staff and elected members across the council service areas.

<b>Safeguarding Champions</b>	
<b>Commercial Services:</b> Tom Crowe (Assistant Leisure Development Officer) <b>ext 3169</b> Susan Freke (Waverley Training Services) – <b>Mobile 0798765 47102</b>	<b>Customer &amp; Corporate Services:</b> Helen Bower (Support Services Manager) <b>ext 3220</b>
<b>Environment:</b> Elizabeth Bance (Environmental Health Officer) <b>ext 3572</b> Julie Sullivan (Customer Services Team Leader) <b>ext 3463</b> Paul Hughes (Licensing Manager) <b>ext 3189</b> Tinaz Erenler (Emergency Planning, Resilience & Safety Officer) <b>ext 3061</b>	<b>Finance</b> Sharon Civil (Benefits Team Leader) <b>ext 3082</b>
<b>Housing and Communities:</b> Chloe Whiteman (Housing Options Specialist Advisor) <b>ext 3057</b> Julie Shaw (Family Support Team Manager) <b>ext 3245</b> ; Laura Dillon (Tenancy and Estates Manager) <b>ext 3194</b> ; David Brown (Senior Living and Careline Services) <b>ext 3358</b> Katrina Burns (Community Safety Officer) <b>ext 3156</b> Eve Budd (Community Safety Officer) <b>ext 3513</b>	
<b>Planning:</b> Victoria Choularton (Enforcement Team Leader) <b>ext 3008</b>	<b>Policy and Governance:</b> Kate Ferguson (Training and Development Officer) <b>ext 3278</b>



## SURREY EFFECTIVE FAMILY RESILIENCE and CHILDREN'S SINGLE POINT of ACCESS (C-SPA)

### The Surrey Effective Support Windscreen



In May 2019 Surrey Safeguarding Board launched the new The Early Help approach '**Effective Family Resilience**' and the Social Work practice model '**Family Safeguarding**'.

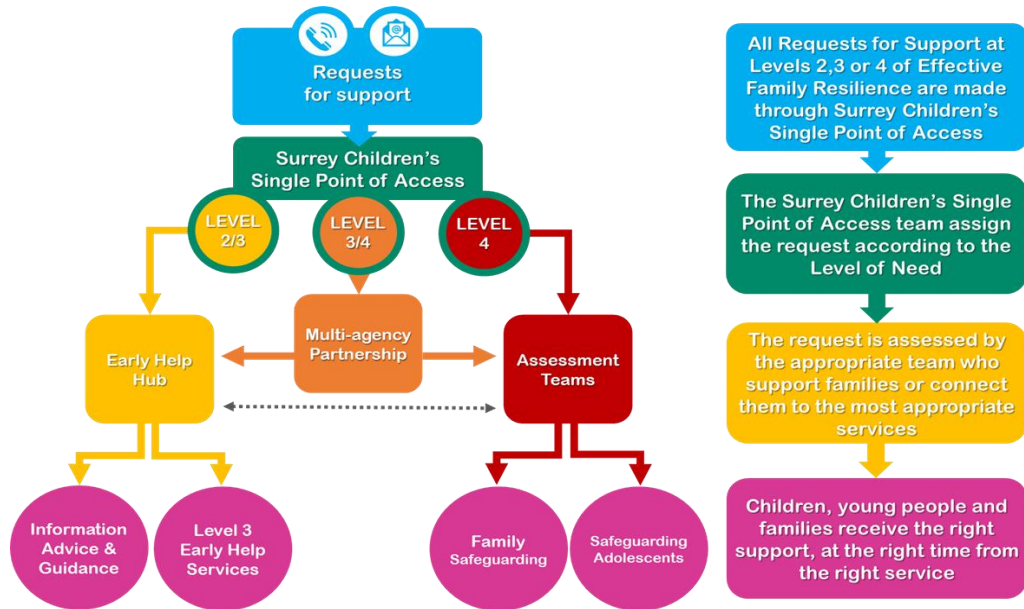
Within this four levels of need have been identified: **Universal, Early Help, Targeted Help, and Specialist.**

The purpose of this new model is to provide a consistent approach to safeguarding across **all organisations**; including voluntary and charitable organisations who come into contact with and support children and their families. Focusing on the need to work together in an open way with the child and their family to gain their confidence, identify strengths and needs, to find practical and achievable solutions, and to provide the right amount of information, advice

Link to [Effective Family Resilience Guidance](#)

## Children's Single Point of Access (C-SPA)

The Children's Single Point of Access is the umbrella term used to describe the front door to Surrey County Council services for children. Parents, carers and practitioners can phone in to access support, information and advice for families and those who work with children in Surrey.



Your contact will be answered by the Children's Request for Support Team. They may be able to answer your query directly, or when a response is required from a specific team they will send the service request to the appropriate team to respond to you.

Requests for support up to Level 3 of Effective Family Resilience will be directed to the Early Help Hub. Families meeting the threshold for Level 4 of Effective Family Resilience will be sent straight to the Quadrant Assessment Teams (Children's Social Care).

If you are concerned about the safety of a child or young person you contact the Surrey Children's Single Point of Access (SPA), which has replaced the MASH service.

### Who to contact

#### Telephone

0300 470 9100

01483 517898 (out of hours hosted by the emergency duty team)

**E-mail** - [csmash@surreycc.gov.uk](mailto:csmash@surreycc.gov.uk)

**Website** - <https://www.surreycc.gov.uk/.../contact-childrens-services>

## **CHILDREN AT RISK: forms of abuse and indicators of abuse**

### **Physical abuse**

This is a form of significant harm which may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

The following are often regarded as indications of concern;

- An explanation which is inconsistent with an injury
- Several different explanations provided for an injury
- Unexplained delay in seeking treatment
- The parents/carers are uninterested or undisturbed by an accident or injury
- Reluctance to give information or mention previous injuries.

If you notice that a child or young person has injuries such as bruising, bite marks, burns and scalds, or scars and are concerned about the cause, it should be reported using the procedures set out in *Do You Have a Safeguarding Concern?* (page 5)

### **Emotional Abuse**

Emotional abuse is a form of significant harm which involves the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development.

It may involve conveying to children that they are worthless or unloved, inadequate or valued. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may also feature age or developmentally inappropriate expectations being imposed on children.

These may include interactions that are beyond the child's developmental capabilities, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another, serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Staff must also be aware to raise concerns relating to a child witnessing or are a potential victim domestic abuse. In 2013, the Home Office announced changes to the definition of domestic abuse with age range extended down to 16:

*.....Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family member regardless of gender or sexuality. This can encompass, but is not limited to the following types of abuse:*

- *Psychological*
- *Physical*
- *Sexual*
- *Financial*
- *Emotional*

*Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.*

*Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.” \**

*This definition, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.*

## **Sexual Abuse**

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

Staff must also be aware of **Child Sexual Exploitation** as an emerging, high priority concern. CSE is defined as:

*...involving exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol,*

34 Waverley Borough Council Safeguarding Policy for Children and Adults at Risk January 2020

*cigarettes, affection, gifts, money) as a result of their performing, and/or another or others performing on them, sexual activities. It can occur through the use of technology without the child's immediate recognition; e.g. being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child 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's limited availability of choice resulting from their social/economic and/or emotional vulnerability.*

Sexual exploitation can have a serious long term impact upon every aspect of a child or young person's life, health and education. It also damages the lives of families and carers and can lead to families breaking up.

It is a multi-agency responsibility of partner agencies to identify those children and young people at risk of exploitation, to protect them and safeguard them from further risk of harm and to prevent children from becoming victims of this form of abuse.

## **County Lines**

*County Lines* refers to urban gangs supplying drugs to suburban areas and market and coastal towns using dedicated mobile phone lines or *deal lines*. This criminal activity often involves child criminal exploitation (CCE) as gangs use children and vulnerable people to move drugs and money.

New guidance has been developed by the Home Office to support frontline staff – particularly those who work with children, young people and potentially vulnerable adults – in identifying potential victims of this type of criminal exploitation. It sets out the signs to look for in potential victims, and what action staff should take so that potential victims get the support and help they need. The document supplements an organisation's existing safeguarding policies.

Any practitioner working with a vulnerable person who they think may be at risk of county lines exploitation should follow their local safeguarding guidance and share this information with local authority social care services.

If you believe a person is in immediate risk of harm, you should contact the police.

Guidance: [Criminal exploitation of children and vulnerable adults: county lines](#)

## **Neglect**

Neglect is a form of significant harm which involves the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision (including the use of inadequate care-givers)
- Ensure access to appropriate medical care or treatment
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

If physical, emotional, sexual or neglect significant harm is suspected, or you have any other concerns regarding significant harm, discuss your concern with a safeguarding champion and if appropriate or make a referral immediately using the referral method on Page 5 of this Policy. A piece of information, no matter how small, could mean that a child at risk is identified. Several small pieces of information from different agencies have in the past identified horrific cases of abuse that would not have been identified by one single agency.

## ADULTS AT RISK: forms of abuse and indicators of abuse

### Physical abuse

Physical abuse includes assault, hitting, slapping, pushing, kicking, misuse of medication, being locked in a room, inappropriate sanctions or force-feeding, inappropriate methods of restraint, and unlawfully depriving a person of their liberty.

### ***Possible indicators***

- Unexplained or inappropriately explained injuries
- Exhibiting untypical self-harm
- Unexplained cuts or scratches to mouth, lips, gums, eyes or external genitalia
- Unexplained bruising to the face, torso, arms, back, buttocks, thighs, in various stages of healing. Collections of bruises that form regular patterns which correspond to the shape of an object or which appear on several areas of the body
- Unexplained burns on unlikely areas of the body (e.g. soles of the feet, palms of the hands, back), immersion burns (from scalding in hot water/liquid), rope burns, burns from an electrical appliance
- Unexplained or inappropriately explained fractures at various stages of healing to any part of the body
- Medical problems that go unattended
- Sudden and unexplained urinary and/or faecal incontinence. Evidence of over/under-medication
- Flinches at physical contact
- Appears frightened or subdued in the presence of particular people
- Asks not to be hurt
- May repeat what the person causing harm has said (e.g. 'Shut up or I'll hit you')
- Reluctance to undress or uncover parts of the body
- Wears clothes that cover all parts of their body or specific parts of their body
- An adult with capacity not being allowed to go out of a care home when they ask to
- An adult without capacity not being allowed to be discharged at the request of an unpaid carer/family member

**Note:** The NHS defines capacity as *the ability to use and understand information to make a decision, and communicate any decision made. A person lacks capacity if their mind is impaired or disturbed in some way and this means the person is unable to make a decision at that time.*

NHS definition: [What is capacity?](#)

## **Domestic abuse**

Domestic abuse includes psychological, physical, sexual, financial, emotional abuse, and so called 'honour' based violence.

In 2013, the Home Office announced changes to the definition of domestic abuse:

*.....Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family member regardless of gender or sexuality. This can encompass, but is not limited to the following types of abuse:*

- *Psychological*
- *Physical*
- *Sexual*
- *Financial*
- *Emotional*

*Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.*

*Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.” \**

*This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.*

Many people think that domestic abuse relates to intimate partners, but it is clear that other family members are included and that much safeguarding work that occurs at home is, in fact is connected with domestic abuse. This confirms that domestic abuse approaches can be considered safeguarding responses in appropriate cases.

Family members are defined as: mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

Forced marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of their parents or a third party in identifying a spouse.

In a situation where there is concern that an adult with care and support needs is being forced into a marriage they do not or cannot consent to, there will be an overlap between action taken under the forced marriage provisions and the adult



safeguarding process. In this case action will be co-ordinated with the police and other relevant organisations. The police must always be contacted in such cases as urgent action may need to be taken.

The Anti-social Behaviour, Crime and Policing Act 2014 means it is now a criminal offence to force someone to marry. In addition, the Forced Marriage (Civil Protection) Act 2007 may be used to obtain a Forced Marriage Protection Order as a civil remedy.

Honour-based violence is a crime, and referring to the police must always be considered. It has or may have been committed when families feel that dishonour has been brought to them. Women are predominantly (but not exclusively) the victims and the violence is often committed with a degree of collusion from family members and/or the community. Many of these victims will contact the police or other organisations. However, many others are so isolated and controlled that they are unable to seek help.

Safeguarding concerns that may indicate honour-based violence include domestic violence, concerns about forced marriage, enforced house arrest and missing person's reports. If a safeguarding concern is raised, and there is a suspicion that the adult is the victim of honour-based violence, the matter should be referred to the police as they have the necessary expertise to manage the risk.

Female genital mutilation (FGM) involves procedures that intentionally alter or injure female genital organs for non-medical reasons. The procedure has no health benefits for girls and women. The Female Genital Mutilation Act (FGMA) was introduced in 2003 and came into effect in March 2004. The Act makes it illegal to practise FGM in the UK or to take girls who are British nationals or permanent residents of the UK abroad for FGM whether or not it is lawful in another country. It also makes it illegal to aid, abet, counsel or procure the carrying out of FGM abroad.

### **Sexual abuse**

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

It includes penetration of any sort, incest and situations where the person causing harm touches the abused person's body (e.g. breasts, buttocks, genital area), exposes his or her genitals (possibly encouraging the abused person to touch them) or coerces the abused person into participating in or looking at pornographic videos or photographs. Denial of a sexual life to consenting adults is also considered abusive practice.

Any sexual relationship that develops where one person is in a position of trust, power or authority in relation to the other (e.g. day centre worker/social worker/residential worker/health worker) may also constitute sexual abuse (see section on Position of Trust pg 51).

### ***Possible indicators***

- Urinary tract infections, vaginal infections or sexually transmitted diseases that are not otherwise explained
- Appears unusually subdued, withdrawn or has poor concentration
- Exhibits significant changes in sexual behaviour or outlook
- Experiences pain, itching or bleeding in the genital/anal area
- Underclothing is torn, stained or bloody
- A child or a woman who lacks the mental capacity to consent to sexual intercourse becomes pregnant

### **Sexual exploitation**

The sexual exploitation of adults with care and support needs involves exploitative situations, contexts and relationships where adults with care and support needs (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing sexual activities, and/or others performing sexual activities on them.

Sexual exploitation can occur through the use of technology without the person's immediate recognition. This can include being persuaded to post sexual images or videos on the internet or a mobile phone with no immediate payment or gain, or being sent such an image by the person alleged to be causing harm. In all cases those exploiting the individual have power over them by virtue of their age, gender, intellect, physical strength, and/or economic or other resources.

### **Psychological abuse**

Psychological abuse includes 'emotional abuse' and takes the form of threats of harm or abandonment, deprivation of contact, humiliation, rejection, blaming, controlling, intimidation, coercion, indifference, harassment, verbal abuse (including shouting or swearing), cyber bullying, isolation or withdrawal from services or support networks.

Psychological abuse is the denial of a person's human and civil rights including choice and opinion, privacy and dignity and being able to follow one's own spiritual and cultural beliefs or sexual orientation.

It includes preventing a person from using services that would otherwise support them and enhance their lives. It also includes the intentional and/or unintentional

withholding of information (e.g. information not being available in different formats/languages etc).

### ***Possible indicators***

- Untypical ambivalence, deference, passivity, resignation
- Appears anxious or withdrawn, especially in the presence of the alleged abuser
- Exhibits low self-esteem
- Untypical changes in behaviour (e.g. continence problems, sleep disturbance)
- Not allowed visitors/phone calls
- Locked in a room/in their home
- Denied access to aids or equipment (e.g. glasses, dentures, hearing aid, crutches etc.)
- Access to personal hygiene and toilet is restricted
- Movement is restricted by use of furniture or other equipment
- Bullying via social networking internet sites and persistent texting

### **Financial or material abuse**

This includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

### ***Possible indicators***

- Lack of heating, clothing or food
- Inability to pay bills/unexplained shortage of money
- Lack of money, especially after collecting benefits
- Inadequately explained withdrawals from accounts
- Unexplained loss/misplacement of financial documents
- The recent addition of authorised signatories on accounts or cards
- Disparity between assets/income and living conditions
- Power of attorney obtained when the adult lacks the capacity to make this decision
- Recent changes of deeds/title of house or will
- Recent acquaintances expressing sudden or disproportionate interest in the person and their money
- Service user not in control of their direct payment or individualised budget
- Miss-selling/selling by door-to-door traders/cold calling
- Illegal money-lending.

### **Modern slavery**

Modern Slavery encompasses slavery, human trafficking, forced and compulsory 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.

A large number of active organised crime groups are involved in modern slavery. But it is also committed by individual opportunistic perpetrators.

There are many different characteristics that distinguish slavery from other human rights violations – however, only one needs to be present for slavery to exist.

Contemporary slavery takes various forms and affects people of all ages, gender and races. Someone is in slavery if they are:

- forced to work by mental or physical threat
- owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse
- dehumanised, treated as a commodity or bought and sold as 'property'  
physically constrained or has restrictions placed on his/her freedom of movement

Human trafficking involves an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting that person.

### ***Possible Indicators***

Signs of various types of slavery and exploitation are often hidden, making it hard to recognise potential victims. Victims can be any age, gender or ethnicity or nationality. Although by no means exhaustive, some common signs follow.

Persons may:

- not be in possession of legal documents (passport, identification and bank account details) and they are being held by someone else
- have old or serious untreated injuries and they are vague, reluctant or inconsistent in explaining how the injury occurred
- look malnourished, unkempt, or appears withdrawn
- have few personal possessions and often wear the same clothes
- what clothes they wear may not be suitable for their work
- be withdrawn or appear frightened, unable to answer questions directed at them or speak for themselves and/or an accompanying third party speaks for them. If they do speak, they are inconsistent in the information they provide, including basic facts such as the address where they live
- appear under the control/influence of others, rarely interact or appear unfamiliar with their neighbourhood or where they work. Many victims will not be able to speak English
- exhibit fear of the authorities

- perceive themselves to be in debt to someone else or in a situation of dependence

### **Environmental indicators**

- **Outside the property:** there are bars covering the windows of the property or they are permanently covered on the inside. Curtains are always drawn. Windows have reflective film or coatings applied to them. The entrance to the property has CCTV cameras installed. The letterbox is sealed to prevent use. There are signs the electricity may have been connected from neighbouring properties or directly from power lines.
- **Inside the property:** access to the back rooms of the property is restricted or doors are locked. The property is overcrowded and in poor repair.

### **Discriminatory abuse**

This includes discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur or similar treatment. **Hate crime** can be viewed as a form of discriminatory abuse, although will often involve other types of abuse as well. It also includes not responding to dietary needs and not providing appropriate spiritual support. Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.

The government has recently published a four year plan for tackling hate crime: *Action Against Hate*. Guidance: [Action against hate: the UK government's plan for tackling hate crime](#)

**Antisemitism.** With evidence that antisemitism is once again on the rise, The International Holocaust Remembrance Alliance (IHRA) are taking a leading role in combatting it. IHRA experts determined that in order to begin to address the problem of antisemitism, there must be clarity about what antisemitism is and have therefore agreed the following definition.

*“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities”.*

<https://www.holocaustremembrance.com/working-definition-antisemitism>

## ***Possible Indicators***

Indicators for discriminatory abuse may not always be obvious and may also be linked to acts of physical abuse and assault, sexual abuse and assault, financial abuse, neglect, psychological abuse and harassment, so all the indicators listed above may apply to discriminatory abuse.

A person may reject his or her own cultural background and/or racial origin or other personal beliefs, sexual practices or lifestyle choices, or make complaints about the service not meeting his or her needs.

### **Organisational abuse**

Organisational abuse is the mistreatment, abuse or neglect of person by a regime or individuals in a setting or service where the person lives or that they use. Such abuse violates the person's dignity and represents a lack of respect for their human rights. Organisational abuse occurs when the routines, systems and regimes of an institution result in poor or inadequate standards of care and poor practice which affect the whole setting and deny, restrict or curtail the dignity, privacy, choice, independence or fulfilment of the individuals.

It can include neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or where care is provided within a person's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Organisational abuse can occur in any setting providing health or social care. A number of inquiries into care in residential settings have highlighted that organisational abuse is most likely to occur when staff:

- receive little support from management
- are inadequately trained
- are poorly supervised and poorly supported in their work
- receive inadequate guidance Or where there is:
- unnecessary or inappropriate rules and regulations
- lack of stimulation or the development of individual interests
- inappropriate staff behaviour, such as the development of factions, misuse of drugs or alcohol, failure to respond to leadership
- restriction of external contacts or opportunities to socialise

### **Neglect and acts of omission**

These include ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of

the necessities of life such as medication, adequate nutrition and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

Neglect and poor professional practice may take the form of isolated incidents or pervasive ill treatment and gross misconduct. Neglect of this type may happen within a person's own home or in an institution. Repeated instances of poor care may be an indication of more serious problems. Neglect can be intentional or unintentional.

### ***Possible indicators***

- Inadequate heating and/or lighting
- Physical condition/appearance is poor (e.g. ulcers, pressure sores, soiled or wet clothing)
- Malnourished, has sudden or continuous weight loss and/or is dehydrated
- Cannot access appropriate medication or medical care
- Not afforded appropriate privacy or dignity
- Has inconsistent or reluctant contact with health and social services
- Callers/visitors are refused access to the person
- Person is exposed to unacceptable risk

### **Self-neglect**

Self-neglect covers a wide range of behaviour, neglecting to care for one's personal hygiene, health or surroundings including behaviour such as hoarding. Self-neglect is also defined as the inability (intentional or non-intentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and well-being of the individual and sometimes to his or her community.

### ***Possible indicators***

- Living in very unclean, sometimes verminous, circumstances
- Poor self-care leading to a decline in personal hygiene
- Poor nutrition
- Poor healing/sores
- Poorly maintained clothing
- Long toenails
- Isolation
- Failure to take medication
- Keeping large numbers of pets
- Neglecting household maintenance
- Portraying eccentric behaviour/lifestyles

**NOTE:** Poor environments and personal hygiene may be due to personal or lifestyle choice or other issues such as insufficient income.

### **Where does abuse take place?**

Abuse can take place anywhere. For example:

- The person's own home, whether living alone, with relatives or others
- Day or residential centres
- Supported housing
- Work settings
- Educational establishments
- Care homes
- Clinics and hospitals
- Prisons
- Other places in the community

### **Who might abuse?**

Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the child or adult with care and support needs. A wide range of people may harm others. These include:

- a spouse/partner
- an adult with care and support needs
- other family members
- neighbours
- friends
- local residents
- people who deliberately exploit adults they perceive as vulnerable to abuse
- paid staff or professionals
- volunteers
- strangers
- gangs - small groups of people known to each other



### WAVERLEY BOROUGH COUNCIL MODERN DAY SLAVERY STATEMENT

#### Introduction

Waverley Borough Council is committed to working in partnership with other agencies to address Modern Day Slavery (also referred to as 'Modern Slavery').

This statement sets out the approach the Council will take and provides advice and guidance on how to recognise victims of Modern Day Slavery and what to do if staff become concerned or aware. The principles and standards described apply to employees, temporary workers and contractors whilst working for, and on behalf of the Council.

This statement explains the national strategy and legislative context of Modern Day Slavery and the duty placed on the Council to notify the Secretary of State of any individual who they believe is a suspected victim of slavery or human trafficking.

#### What is Modern Day Slavery?

The Council recognises the damaging impact of Modern Day Slavery on individuals and the harm it causes to communities. In addition, the Council has a significant leadership role in raising awareness and having well informed managers and staff who are able to identify potential signs of Modern Day Slavery and understand their responsibility for reporting concerns. The Council is committed to:

- identifying a designated single point of contact to act as the named contact to comply with the "Duty to Notify" requirement.
- support and contribute to the development of the Surrey wide strategy.
- continue to lead the Safer Waverley Partnership and its overarching key priority of Serious Organised Crime, which includes Modern Day Slavery.
- continue to ensure partnership working with Surrey Police leads on Modern Day Slavery is proactive and aligns with the work of the council.
- highlight the problem of Modern Day Slavery across the borough.
- ensure our procurement and contracting procedures comply with guidance on prevention of Modern Day Slavery.
- raise awareness and train our staff to help identify, protect and support those who may be victims or at risk of becoming victims of Modern Day Slavery.

## **Procurement and Contracting**

Waverley Borough Council strongly opposes slavery and human trafficking and never knowingly conduct business with partners, contractors, supply chain or employees involved in such practice. Any supplier wishing to conduct business with the council must fulfil any obligations placed upon them by The Modern Day Slavery Act 2015.

## **Our Commitment towards Fairness and Respect within the Workplace**

All employees are expected to treat their colleagues with respect and dignity. Our commitment to respect in the workplace includes our full support to promote ethical principles and practices in relation to the prevention of the exploitation and abuse associated with Modern Day Slavery and human trafficking. The Council also expects commitment to these principles from all organisations with which we do business and will not support or do business knowingly with any organisations involved in slavery or human trafficking.

We will continue to work closely with our partners, contractors and the supply chain to ensure that 'slavery' and/or 'human trafficking' does not occur anywhere in the entirety of our operations.

## **Awareness Raising and Training**

To ensure staff are aware and competent in responding to and/or identifying incidents of Modern Day Slavery it is good practise for managers and staff to undergo training / awareness raising. This includes:

- new and existing managers
- HR Staff
- new employees receiving information on Modern Day Slavery as part of the induction process in line with safeguarding
- staff that work directly with victims or perpetrators of Modern Day Slavery will undertake more specialist training relevant to their job in accordance with the council's safeguarding training programme.
- staff being encouraged to undertake Modern Day Slavery awareness training - access to relevant resources on the intranet.

## **Review**

As awareness and understanding of Modern Day Slavery is still limited, strategies to address the issue are at a relatively early stage of development and advice and guidance from the government and enforcement agencies is likely to expand in future.

The Council will therefore keep this under review and refresh our approach in the light of emerging best practice both nationally and locally.

## **Reporting**

If you have concerns and/or recognise potential signs of Modern Day Slavery you must report these to the council's Safeguarding Lead, Deputy Lead or the one of council's Community Safety Officers who will support you to report your concern to Surrey Police (see page 5).

If an identified victim of human trafficking is also an adult with care and support needs, the response will be co-ordinated under the adult safeguarding process. The police are the lead agency in managing responses to the victims of human trafficking. There is a national framework to assist in the formal identification and help to coordinate the referral of victims to appropriate services, known as the National Referral Mechanism. Specific public authorities, including borough and districts have a duty to notify the Secretary of State of any person identified in England and Wales as a suspected victim of slavery or human trafficking. [Duty to notify guidance and form.](#)

### RELEVANT POLICIES AND STRATEGIES

#### **Waverley Borough Council 'PREVENT' Policy**

The underpinning aim of the 'PREVENT' Policy is to determine how the Council works with organisations and the community to prevent extremism' and stop people becoming terrorists or supporting terrorism. It aims to identify individuals at risk of radicalisation and being drawn into extremist activity. The Surrey Community Safety Board has overall governance of the PREVENT agenda across for Surrey with a Multi-Agency Prevent Partnership Group established to review trends and developments as well as provide a 'quality assurance' overview around PREVENT delivery across Surrey.

The Surrey Community Safety Partnerships have identified Prevent as a priority and each District and Borough have developed a local PREVENT Policy and implementation Plan.

[Waverley Borough Council 'PREVENT' Policy](#)

#### **Domestic Abuse**

Domestic abuse can be any incident of threatening behaviour, violence or abuse between adults who are, or have been, intimate partners, family members or members of the same household regardless of gender or sexuality. Domestic abuse is not limited to violent abuse; it can be physical, psychological, sexual, emotional or financial. Children's health and wellbeing can be seriously affected by living in households where there is any form of domestic abuse. The county-wide Domestic Abuse Management Board has overall responsibility for the development and implementation of the Surrey Domestic Abuse Strategy. Waverley Borough Council is represented on this Board by the Community Safety Officer. More information including contacts for agencies that can offer support and practical advice can be found on the [Surrey Against Domestic Abuse website](#).

#### **Child Sexual Exploitation**

Child Sexual Exploitation (CSE) is the sexual abuse of a child or young person aged under 18 by an adult who involves them in inappropriate sexual activities either with themselves or another person. The activity often takes place in exchange for money, alcohol, drugs, food, accommodation or presents. Online grooming is a type of CSE

that impacts both boys and girls across Surrey. This area of work is led by specialist police officers working closely with partners such as local Councils, social services, youth services, housing providers and the voluntary sector.

A West Surrey meeting Mapping Offenders Location and Trends (MOLT ) chaired by Surrey County Council's Child Exploitation, Missing and Hidden Crimes Coordinator meets monthly to discuss and agree actions to safeguard those young people identified as being at high/medium risk of Child Exploitation (CE). District/Borough officers also attend and participate in these meetings.

More information can be found on [Surrey Police's website](#).

### **Missing Persons Protocol**

This is in place to ensure that there is a coordinated response from agencies when a vulnerable adult goes missing. This includes Surrey Police, Surrey & Borders Partnership Trust, and Surrey Care Association, Surrey County Council Adult social Care Services and Surrey Care providers and associated agencies. It provides guidelines to all parties as to what actions should be taken when a person receiving care goes missing. More information can be found on the Surrey Safeguarding Adults Board website.

### **People in a Position of Trust Protocol**

The Care Act 2014 requires that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegation against anyone who works (in either a paid or unpaid capacity) with adults with care and support needs. The framework and process in the context is referred to as the *Protocol*. The Protocol applies to all partner agencies of Surrey Safeguarding Adults Board (SSAB) and organisations commissioned to provide services by them, so they respond appropriately to allegations against people who, whether an employee, volunteer or student, paid or unpaid, works with or cares for adults with care and support needs. These individuals are known as *People in a Position of Trust (PiPoT)*. SSAB also requires partner agencies and the service providers they commission to identify a designated PiPoT lead or contact to oversee the delivery of responsibilities in their organisation.

[Surrey Safeguarding Adults Board – Protocol for responding to concerns about a Person in a Position of Trust \(PiPoT\)](#)

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**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**12 MAY 2020**

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**Title:**

**Future Delivery of Housing Responsive Repairs, Void Refurbishment  
and Disabled Adaptation contract**

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**Portfolio Holder:** Cllr Anne-Marie Rosoman, Portfolio Holder for Housing

**Head of Service:** Hugh Wagstaff, Head of Housing Operations

**Key decision:** Yes

**Access:** Public

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**1. Purpose and summary**

- 1.1 As a landlord the Council must adhere to a range of statutory requirements in order to ensure the safety, security and wellbeing of our residents. The Executive was informed at its meeting on 7 January 2020 of the early termination by MPS Housing Ltd of the Responsive Repairs and Voids contract. MPS terminated the contract within its first year, and the contract expired on 10 March 2020. In accordance with the authority given by the Executive at its 7 January meeting, a fixed-term interim contract has been procured to ensure continuity in service delivery.
- 1.2 The interim contract was awarded for a fixed period of 20 months until November 2021, during which time a longer-term solution for the delivery of housing responsive repairs, improvements, void refurbishment and disabled adaptations must be sought.
- 1.3 The purpose of this report is to seek the Executive's agreement to progress procurement.

**2. Recommendation**

It is recommended that Executive:

1. agrees the recommended approach to procuring a conventional JCT schedule of rates contractual arrangement to deliver the Housing Maintenance Responsive Repairs, Improvements, Voids Refurbishment and Disabled Adaptation services;
2. agrees to a concurrent project to explore alternative delivery methods; and
3. delegates authority to the Head of Housing Operations in consultation with the

Portfolio Holder for Housing, Strategic Director and Section 151 Officer to:

- 3.1. appoint consultants to provide advice and undertake such work relevant to achieve the procurement; and
- 3.2. procure and recommend to the Executive contractors to deliver Responsive Repairs, Improvements, Void Refurbishment and Disabled Adaptation works, within agreed budgets, in accordance with the Council's Contract Procurement Rules.

### **3. Reason for the recommendation**

To ensure that the Council is able to meet its statutory landlord obligations in relation to repairs and health and safety.

### **4. Background**

- 4.1 In May 2016 Faithorn, Farrell, Timms LLP Consultants were commissioned to review the Housing Repairs and Maintenance Services prior to a considerable number of key contracts expiring in 2019. The Council commissioned the report to understand and explore a variety of contract delivery options.
- 4.2 In November 2016 the then-Corporate Overview and Scrutiny Committee commissioned a sub-committee to scrutinise the Housing Maintenance Contracts Renewal and review the future delivery of what was then nine housing maintenance contracts which were due to expire in 2019, including Responsive Repairs, Voids Refurbishment and Disabled Adaptations.
- 4.3 Both the Options Appraisal and the Members scrutiny report concluded that the delivery of Responsive Repairs and Voids Refurbishment works should be through a JCT Measured Term Contract with amendments, based on a composite schedule of rates pricing model. The recommendations further highlighted that the Aids and Adaptations contract which also terminated in 2019, should be subsumed into other contracts, namely Responsive Repairs and Voids Refurbishments Contract and the Kitchen and Bathroom Replacement Contract. These recommendations were approved by the Executive in April 2017.
- 4.4 It is recommended that the new procurement follows the same approach as previously, whilst incorporating the lessons learned from the recent contractual experiences with MPS Housing Ltd, as follows:
  1. An OJEU procurement is undertaken.
  2. A JCT measured term contract with amendments is utilised to incorporate Responsive Repairs, Void Refurbishments and Disabled Adaptations works
  3. That the National Housing Federation Schedule of Rates version 7 is used as the pricing model
  4. The contract is awarded for 5 years with the ability to extend for a further period of up to 5 years, dependent on performance, quality and value for money.



## Delivery Options

4.5 The method of contract delivery was considered extensively in the 2016 Options Appraisal for the nine contract areas which were due to be procured during 2019. Whilst some of the delivery options are now less relevant due to the reduced procurement scope, at the time options included:

- Single and/or Multiple Integrated Contract
- Fixed Price Solution
- Average Job Value
- Open Book Cost Arrangement
- Framework Contract
- Joint Procurement with another organisation
- Insourcing via Direct Labour Organisation (DLO)
- Joint Venture
- Wholly Owned Subsidiary with a private sector partner

4.6 Given the limited timescale for the 2021 procurement there is no opportunity to complete a comprehensive options appraisal. However, the team has reviewed the 2017 appraisal, considered the delivery options and has noted that there are no significant changes in circumstances since the original report was completed.

4.7 Lessons have been learned from the procurement, mobilisation and delivery of the short-lived MPS contract which will be reflected in the contract specification and assessment process, including:

- **Handy Person Service**

Within the parameters of the future Responsive Repairs, Improvements, Void Refurbishment and Disabled Adaptations it has been agreed that a Handy Person Service should be explored further to determine feasibility. The idea has proven popular with both the Tenants Panel and front line officers.

The Handy Person Service could be delivered directly by the Council and would require clear processes and specifications set out. This would enable the Council to test the concept for direct delivery without large scale investment. Alternatively, a Handy Person Service could be built into the client specification and requirements to be included in an externally procured contract.

- **Shared Service Delivery**

The option to share service delivery with another local authority or housing association is being explored further by officers to understand the opportunities. Two options are being considered:

- A Joint Procurement exercise where the economies of scale would be more appealing to external contractors
- Procuring an existing Direct Labour Organisation (DLO) to provide services to the Council

## Service Delivery

4.7 The timeline to procure a new delivery model for Responsive Repairs, Improvements, Voids Refurbishment and Disabled Adaptations is relatively short, with less than 18 months until November 2021.

- 4.8 Officers wish to run concurrently the exercise to explore opportunities with another local authority or housing association, whilst also running an OJEU procurement. This will allow for options to be considered whilst ensuring that the ability to deliver statutory services is not adversely impacted.

## **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 This project's relationship with the Corporate Strategy includes:
- A financially sound Waverley, with infrastructure and services fit for the future
  - Housing to buy and rent, for those at all income levels
- 5.2 This project's relationship with the Housing Operations Service plan includes:
- The service is financially robust with at least £2m reserve
  - The service meets the needs of all tenants and their families
  - The customer experience will be improved by meeting and exceeding satisfaction targets annually

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

**Finance** - there will be a financial implication in regards to additional costs for consultants to support two projects running concurrently. £50k has been budgeted for procurement and a further £150k for additional staff resource support was added to the HRA 20/21 Budget. In addition, the HRA 20/21 Budget includes £200K contingency ring fenced for potential spend. The HRA budget was approved by Council on 18 February 2020.

**Procurement** – there will be a requirement for support from the Procurement Officer to manage an OJEU procurement process and ensure compliance with the Public Contract Regulations.

**Staffing** – with the strands of work running concurrently, there will be a need for secondment of officers to focus on the procurement project(s) and therefore requirement to backfill posts to ensure business as usual service delivery is not impacted

**IT** – during the procurement phase there is likely to be minimal impact on IT, however following the contract award to which ever option, there will be extensive IT support required to build interfaces and ensure the new service delivery is fit for purpose.

### **6.2 Risk management**

A full risk register will be reviewed as part of the on-going project management and governance of the project(s).

### **6.3 Legal**

The Council's Legal Services team has already been fully involved with the processes linked to the termination of the MPS contract and the award development of the interim contract with Ian Williams Ltd. As the project(s) outlined in this report progress, legal advice will be sought from the Legal Services team in respect of the procurement process for the longer-term contract.

That advice will also include internal and specialist external advice if and where required in relation to any joint arrangements that may be entered into.

#### **6.4 Climate emergency declaration**

The environmental and sustainability requirements will be built into the client requirements of the contract awarded with a requirement for whoever will deliver the service to ensure services are focused on carbon neutrality wherever feasible.

#### **7. Consultation and engagement**

- 7.1 Officers presented to Housing Overview and Scrutiny Committee on 16 March 2020 and the recommendations were discussed and endorsed. The Committee has added the procurement project to its work programme to monitor progress.

#### **8. Other options considered**

- 8.1 All options being considered have been listed in section 5.

#### **9. Governance journey**

- 9.1 The report was presented to Housing Overview and Scrutiny Committee on 16 March 2020. The Committee has added the procurement project to its work programme to monitor progress.
- 9.2 A project governance board made up of key officers from Finance and Legal services plus the Portfolio Holder for Housing, Strategic Directors and Head of Housing Operations will provide strategic oversight and direction.

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#### **Background Papers**

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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