



Civic Centre,  
Crook,  
County Durham.  
DL15 9ES  
Tel: 01388 765555 Fax: 01388 766660  
Minicom: 01388 761515 e-mail: [g.ridley@wearvalley.gov.uk](mailto:g.ridley@wearvalley.gov.uk)

---

Gary Ridley Acting Chief Executive

---

11<sup>th</sup> November 2008

Dear Councillor,

I hereby give you Notice that a Meeting of the **POLICY AND STRATEGIC DEVELOPMENT COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **WEDNESDAY 19<sup>th</sup> NOVEMBER 2008** at **6.00 P.M.**

### AGENDA

Page No.

1. Apologies for absence
2. To consider the Minutes of the Meeting of the Committee held on 1<sup>st</sup> October 2008 as a true record. Copies attached
3. Declarations Of Interest

Members are invited to declare any personal and/or prejudicial interest in matters appearing on the agenda and the nature of their interest.

Members should use either of the following declarations:

Personal Interest – **to be used where a Member will be remaining and participating on the debate and any vote:**

I have a personal interest in agenda item (...) regarding the report on (...) because I am (...)

Personal and Prejudicial Interest – **to be used where a Member will be withdrawing from the room for that item:**

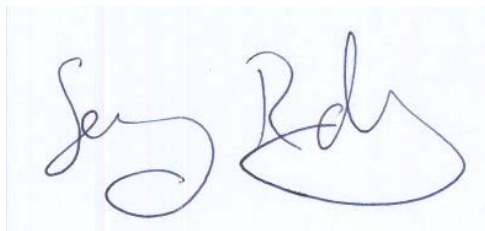
I have a personal and prejudicial interest in agenda item (...) regarding the report on (...) because I am (...)

Officers are also invited to declare any interest in any matters appearing on the agenda.

**NOTE: Members are requested to complete the enclosed declarations form and, after declaring interests verbally, to hand the form in to the Committee Administrator.**

- |     |   |          |
|-----|---|----------|
| 4.  | To consider the progress made in transferring Innovation House.   | 1 - 17   |
| 5.  | To consider the award of costs in relation to the appeal against refusal of a planning permission.  | 18 - 21  |
| 6.  | To consider using section 106 monies for improvements at the Manor Road/Rosedale football pitch.  | 22 - 25  |
| 7.  | To consider a Safeguarding Children Policy.   | 26 - 78  |
| 8.  | To consider implementing a Designated Public Places Order in Willington.  | 79 - 82  |
| 9.  | To consider the findings of the Data Quality Audit of National Indicators and Local Performance Indicators for quarter 1 of 2008/09.  | 83 - 88  |
| 10. | To consider the second quarter results for National Indicators and Local Performance Indicators.  | 89 - 116 |
| 11. | To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency. |          |

Yours faithfully



**Acting Chief Executive**

Members of this Committee: Councillors Mrs Bolam, Buckham, Mrs Burn, Ferguson\*, Gale, Grogan, Harrison, Hayton, Henry, Kay, Kingston, Murphy, Perkins, Stonehouse, Taylor, Mrs Todd\*and Zair.

\*ex-officio, non-voting capacity.

Chair: Councillor Harrison

Deputy Chair: Councillor Zair

TO: All other Members of the Council for information  
Management Team

## DECLARATIONS OF INTEREST FORM

<b>NAME AND DATE OF COMMITTEE</b>	<b>AGENDA ITEM NUMBER</b>	<b>NATURE OF INTEREST AND REASONS</b>	<b>PRINT NAME</b>	<b>SIGNATURE</b>

**POLICY AND STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

Report of the Acting Strategic Director for Resource Management  
**CAPITAL ASSETS – INNOVATION HOUSE**

**purpose of the report**

1. To inform members of the progress made in transferring Innovation House, seek agreement to the draft Heads of Terms, and endorse the report for consideration by DCC through the agreed LGR protocol.

**background**

2. On the 19th December 2007, a Special Policy & Strategic Development Committee agreed in principle to the transfer of Innovation House under a 99 year lease arrangement, for 1 peppercorn, and to enter into formal discussion with the Wear Valley and Teesdale Enterprise Agency Board and with the funding bodies to facilitate the transfer.
3. Innovation House on South Church Enterprise Park was developed by the council to provide 42 office units, conference facilities and meeting rooms for new SME's (small and medium sized enterprises) and as a focal point for business support services to both occupants and the wider business community. The latter is provided by the Wear Valley and Teesdale Enterprise Agency ('The Agency') who through a Management Agreement, provide an on-site management service for the Council in lieu of rent. The facility was developed with grant contributions from One NorthEast, WVDC, Neighbourhood Renewal Funding and ERDF.
4. The Council receives income from rents and levies a service charge on tenants for on-site services. There is a loss anticipated for this financial year, due to the recent opening of phase 2, and subsequent voids, then increasing surpluses for future years as occupancy rates increase, stabilising at an annual surplus of around £30,000 (please see table 1).

Table 1:

	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>
Income	75,750	115,100	137,750
Expenditure	87,440	106,450	107,048
	(11,690)	8,650	30,702

## **lease arrangements – legal implications**

5. Draft heads of terms have been issued to The Agency for consideration, copy attached at Annex A.
6. The draft heads of terms (HoTs) have been submitted to the funders for consideration:
  - i. One NorthEast do not envisage any issues with the lease arrangements, as proposed, and their legal department are currently considering the draft HoTs.
  - ii. Government Office for the North East, on behalf of ERDF, are currently considering the draft HoTs.

## **transfer of capital assets – legal implications**

7. On the 19<sup>th</sup> December 2007 members agreed in principle to the transfer of Innovation House to The Agency under a 99 year lease arrangement using the Council's powers available through the Local Government Act 1972. This allows the Council to dispose of land in any manner they wish, including sale of their freehold interest, granting a lease or assigning any unexpired term on a lease, and the granting of easements. The only constraint is that a disposal must be for the best consideration reasonably obtainable, unless the Secretary of State consents to the disposal. The Secretary of State has issued a General Disposal Consent (circular 06/03) which provides a general consent to the disposal of land at an undervalue provided that:-

- (a) the undervalue is not more than £2 million pounds.

The premises have been valued at £1,675,000 by Elizabeth Josephs, Senior Valuer, for the Durham Valuation Office, copy of the valuation is attached at Annex B.

- (b) the transfer promotes the well-being objectives (environment, economic or social well-being).

Members considered that the proposal complied with the well being objective given the findings of the Quirk Review, part of the Government's programme for empowering communities as set out in the 2006 White Paper, *Strong and Prosperous Communities*. In addition, it would help 'The Agency' continue to provide a high quality business support service, ensuring the sustainability of the District's existing businesses and the encouragement of new businesses. Given the current economic climate, this support is of even more importance than ever.

8. The Local Government and Public Involvement in Health Act 2007 contains provisions restricting the disposal of assets by authorities who are subject to local government reorganisation therefore, the proposed lease arrangements are subject to approval from Durham County Council under the agreed LGR protocols.

**conclusion**

9. Innovation House provides a valuable service to the business community of the district. Its transfer to the Agency accords with the requirements of the Quirk Review, part of the Government's programme for empowering communities as set out in the 2006 White Paper, *Strong and Prosperous Communities*, which promotes the transfer of assets to Community groups and non profit making bodies and would assist 'The Agency' to secure this service to the local business community for the foreseeable future.

- |                    |   |   |
|--------------------|---|---|
| <b>RECOMMENDED</b> | 1 | That members endorse the draft heads of terms attached.   |
|                    | 2 | That members endorse the report for consideration by Durham County Council through the LGR protocols. |

---

**Officer responsible for the report**

Stuart Reid  
Acting Strategic Director  
Resource Management  
Ext 227

**Author of the report**

Robert Hope/Sue Dawson  
Strategic Director for Environment &  
Regeneration/Assistant Director  
Economic Regeneration  
Ext 264/305

---

Draft Heads of Terms:

**SUBJECT TO CONTRACT**

<b>Landlord</b>	Wear Valley District Council
<b>Tenant</b>	Wear Valley and Teesdale Enterprise Agency
<b>Demised Premises</b>	ALL THAT piece or parcel of land situated at 26 Longfield Road, South Church Enterprise Park, Bishop Auckland in the County of Durham which is for the purpose of identification shown edged in red on the plan annexed hereto (Annex I) with premises erected and built thereon and known as Wear Valley Business Centre – Innovation House.
<b>Lease Term</b>	99 years, from *****
<b>Premium</b>	Nil
<b>Rent and Outgoings</b>	Rent - 1 peppercorn, if demanded
	Rent commencement date (to be agreed)
	The Tenant to pay, bear and discharge all existing and future rates taxes duties charges assessments impositions and outgoings whatsoever (whether parliamentary parochial or other wise and whether or not of a capital or non-recurring nature) which now are or may at any time hereafter during the Term be charged, levied, assessed or imposed upon the Demised Premises or upon the owner or occupier in respect thereof and to pay bear and discharge the proportion properly attributable to the Demised Premises of any such outgoings as may be charged, levied, assessed or imposed upon any premises of which the Demised Premises forms part.
<b>Use</b>	The use of the centre for B1 Business Use-Offices, research and development . Providing managed business incubator units for Small and Medium Enterprises SMEs to start a business and grow their businesses. Providing new businesses access to high quality business support.
<b>Alienation &amp; sub-letting</b>	Not to assign the premises without the consent of the Landlord.
	Not to underlet the whole of the premises other than a unit or combination of units for the approved Use. Prior to such underletting to provide details to the Landlord of the proposed underlet tenant and proposed use or uses.
<b>Management Arrangements</b>	Tenant to employ one full-time receptionist to provide a reception service for the Demised premises and to the underlet tenants
	Tenant to ensure that the Demised Premises are staffed between the hours of 9.00am and 5.00pm Monday to Thursday and 9.00am to 4.00pm on Fridays (excluding Bank Holidays).
	Tenant to provide quarterly reports to the Landlord (in a format to be agreed) in respect of enquiry levels, issues arising from sub tenants and any other matters that may

	arise in a format to be agreed by both parties.
	Tenant to ensure that the Conference Suite is available at all reasonable times for Hiring and use by the Underlet Tenants and any other bona fide organisation (subject to the payment of the hiring fee).
	Tenant to permit Underlet Tenants of the Demised Property to have access to the meeting rooms at all reasonable times, subject to prior arrangement with the Tenant
<b>To manage and underlet</b>	The Tenant to manage the Demised premises to the best commercial advantage of the parties hereto and to use its best endeavours to underlet in accordance with the approved Use.
<b>Not to vary Underleases etc</b>	The Tenant not to vary or accept a surrender of the terms of any Underlease agreement or licence without the consent of the Landlord and not to waive any covenants or conditions therein contained and not to release any party thereto from its obligations thereunder
	The Tenant shall not agree any rent fee or other sum with a tenant or any undertenant or licence under any underlease sub-underlease licence or agreement without first agreeing such rent fee or other sum with the Landlord
<b>Existing leases</b>	The Tenant will honour the Landlord's existing underlet tenancies and commitments.
<b>Insurance</b>	The Landlord will keep the Demised property insured with an insurer of repute against Insured Risks for the full costs of reinstatement, subject to such uninsured excess as the insurer may reasonably apply. Tenant to reimburse the cost of such insurance.
	The Tenant will insure their own contents.
	The Tenant must not do or permit to be done upon the Demised property anything whereby any policy of insurance is or may be affected or invalidated
	The tenant will provide efficient fire extinguishers of a type approved by the Landlord, and will adopt such other precautions against Insured Risks as the Landlord or its insurers may consider appropriate
<b>Monitoring arrangements with Funders</b>	The Tenant must comply with the monitoring requirements of Government Office for North East, reporting progress on an annual basis to 2025. (Targets shown in Annex II).
	Evidence of output/monitoring information must be available for inspection at any time and from time to time by anyone acting on the Landlords behalf, the national Audit Office, Government Office for the North East or One



	NorthEast.
<b>Repair, cleaning and decoration</b>	To keep the exterior of the premises in good condition and repair.
	To keep the interior of the Demised premises in good repair.
	The Tenant will be responsible throughout the lease for keeping the doors, windows (including frames) and all frames thereto, rooflights, glass, locks, fastenings, drains, soil and other pipes and the Landlord's fixtures and fittings and the interior of the premises including all sanitary, water, electrical apparatus, ceilings, floor coverings and wall finishes including plasterwork in good tenantable repair and properly decorated and in such condition to yield up the premises at the determination of the leases
	Replace any landlord's fixtures and fittings
	Premises to be kept clean and tidy and clear of all rubbish
	Open land to be kept adequately surfaced, in good condition, free from weeds and all landscaped areas properly cultivated
	Nothing to be stored on the Open Land that is or might become untidy, unclean, unsightly or in any way detrimental to the premises
	No waste, rubbish or refuse to be deposited on the Open Land
	No caravans or movable dwellings to be stored on the Open Land
	No land, roads or pavements abutting the premises to be untidy or dirty
	Outside and inside of the premises to be decorated every five years, and in the last year of the Term, in a good and workmanlike manner, with appropriate materials of good quality to the satisfaction of the Landlord. Any change in the tints, colours and patterns of the decoration to be approved by the Landlord
<b>Common parts</b>	The Tenant shall be responsible for the upkeep and maintenance of the common parts.
	The Tenant shall ensure that at all times the Common Parts are in good and substantial repair and decorated and properly lined marked out and cultivated as appropriate.
	The Tenant shall keep the Common Parts in a safe condition and free from weeds and surfaced to a high standard and adequately lit at such hours and during such

	times as the Landlord may reasonably specify.
<b>Waste and Alterations</b>	The Tenant must not commit any waste, make any addition to the premises, unite the premises with any adjoining premises, or make any internal or external alteration to the premises unless he first makes an application to the Landlord for consent.
	The Tenant shall not make any alterations or additions without the consent in writing of the Landlord. The Tenant shall not alter the colour, style or type of finish of the exterior of the premises without prior written consent of the Landlord. The Landlord may demand reinstatement of the property to its previous condition on termination of the lease and the Tenant shall enter into any covenants the Landlord requires as to the execution and reinstatement of the alterations.
<b>Aerials, signs and advertisements</b>	The tenant must not erect any pole or mast on the premises, whether in connection with telecommunications or otherwise
	The tenant must not, without the consent of the Landlord, fix to or exhibit on the outside of the premises, or fix to or exhibit through any window, or display anywhere on the Premises, any placard, sign, notice, fascia board or advertisement.
<b>Statutory obligations</b>	At all times during the Term at the Tenant's own expense the Tenant must comply in all respects with the requirements of any statutes applicable to the premises or the trade or business for the time being carried on there, and any other obligations so applicable imposed by law or by any byelaws.
<b>Entry to inspect and notice to repair</b>	The Tenant must permit the Landlord on reasonable notice during normal business hours except in emergency to enter the Premises to ascertain whether or not the covenants and conditions of this lease have been observed and performed.
	To view the state of repair and condition of the Premises, and to open up floors and other parts of the Premises where that is necessary in order to do so.
<b>Nuisance and residential restrictions</b>	The Tenant shall not do, or permit to be done upon the premises anything which in the opinion of the Landlord may be a nuisance or an annoyance to the Landlord or occupiers of adjoining or neighbouring premises.
	The tenant must not use the premises for any auction sale, any dangerous, noxious, noisy or offensive trade, business, manufacture or occupation, or any illegal or immoral act or purpose
	The Tenant must not use the Premises as sleeping accommodation or for residential purposes, or keep any

	animal on them
<b>Confidentiality</b>	The Landlord and the Tenant, except where specifically agreed in writing beforehand, shall keep the contents of the agreement confidential.
	Both parties agree and undertake to use the confidential information of underlet tenants solely in the provision of the services and not for its own benefit or the benefit of any third party.
<b>Offices, shops &amp; Railway Premises Act 1963</b>	The Tenant shall comply in all respects and at its own cost with the provisions of the Offices, Shops & Railway Premises Act 1963 and with any other legislation, statute, bye law or regulation so far as they may relate to the tenants occupation and use of the premises.
<b>Break</b>	After 5 years by both parties
<b>Right of Termination</b>	If the Tenant ceases to trade or goes into liquidation.
<b>Dispute Resolution</b>	In the event of any dispute arising between the parties in connection with this agreement, senior representatives of the parties shall, within 10 days of receipt of a written request from either party, meet in good faith in an effort to resolve the dispute without recourse of legal proceedings.
	In the event of any dispute or difference remaining unresolved following (above) this dispute or difference in connection with this agreement shall be referred to arbitration under the Arbitration Rules of the Chartered Institute of Arbitrators and determined by a single arbitrator ("the Arbitrator").
	"The Arbitrator" shall be appointed by agreement between the parties or in default of agreement by the Landlord.
	The procedure to be followed shall be agreed by the parties or in default of agreement determined by "the Arbitrator".
	In the event of default by either party in respect of any procedural order made by "the Arbitrator", "the Arbitrator" shall have power to proceed with the Arbitration in the absence of that party and to deliver his award, which shall be final and binding.
<b>Legal Costs</b>	Each party to be responsible for their own legal costs.

	Yr 0	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12	Yr 13	Yr 14	Yr 15	Yr 16	Yr 17	Yr 18	Yr 19	Yr 20
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
<b>Phase I</b>																					
% Units Occupied	100%	*100%	43%	52%	67%	74%	80%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%
Floorspace Occupied (sq.ft.)	7302	*5689	2446	2957	3811	4209	4551	5006	5006	5006	5006	5006	5006	5006	5006	5006	5006	5006	5006	5006	5006
<b>Phase II</b>																					
% Units Occupied	100%	0%	42%	67%	78%	87%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%	88%
Floorspace Occupied (sq.ft.)	10592	0	4481	7129	8250	9166	9370	9370	9370	9370	9370	9370	9370	9370	9370	9370	9370	9370	9370	9370	9370

\* Lettable floorspace - 3 x TEA units - Conference area & meeting rooms

**POLICY AND STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

Report of the Strategic Director for Environment and Regeneration

**AWARD OF COSTS IN RELATION TO APPEAL AGAINST REFUSAL OF PLANNING PERMISSION FOR CHANGES TO THE OPENING HOURS AT ASDA SUPERMARKET, 6 SOUTH CHURCH ROAD, BISHOP AUCKLAND FOR ASDA STORES LIMITED**

**purpose of the report**

1. To agree to pay the cost claim submitted on behalf of Asda Stores Limited.

**background**

2. On 13 May 2008 a public inquiry was held to consider an appeal made by Asda Stores Limited. On 18 June 2008 the Inspector issued his decision. He allowed the appeal. He considered that there would be no noise nuisance to local residents. He did not think the extended opening hours would result in incidents of anti-social behaviour.
3. The Inspector also allowed an application from Asda Stores Limited for an award of the costs of making the appeal. The Inspector concluded the Council had acted unreasonably, causing the appellant unnecessary expense in attending the public inquiry.

**costs**

4. The solicitors acting for Asda Stores Limited have informed me that their client will accept a settlement sum of £76,903 (exc. VAT). The original cost claim was £101,662.27 which was supported with appropriate invoices and receipts. Officers have negotiated a lower settlement figure after questioning some of the costs claimed. Asda are willing to accept the lower settlement figure, on the basis of ensuring a swift resolution of the matter and with a view to maintaining good relations with the Council.
5. At Annex C is a copy of a letter received from Asda's solicitors.

**reserves**

6. The Acting Director of Resource Management has informed me that the unbudgeted expenditure can be financed from Council reserves.

**RECOMMENDED**

- 1 That the Committee agree to pay in full the claim of £76,903 (exc. VAT).

**background information**

Inspector's decision letter dated 18 June 2008, submissions by Walker Morris on behalf of Asda Stores Limited.

---

**Officer responsible for the report**

Robert Hope  
Strategic Director for Environment and  
Regeneration  
Ext 264

**Author of the report**

David Townsend  
Head of Planning & Building Control  
Ext 270

---





**POLICY & STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

Report of the Acting Strategic Director of the Community  
**MANOR ROAD/ROSEDALE FOOTBALL PITCH WILLINGTON**

**purpose of the report**

- 1 To seek member approval to use section 106 monies to install new ball stop fencing at the Manor Road/Rosedale football pitch.

**background**

- 2 This Council redeveloped the football pitch at Manor Road, Willington. The redevelopment was part of the planning condition for the construction of the northwestern side of Minster Court on the Yuill Homes development, in Willington. Originally Yuill Homes as part of a unilateral undertaking was responsible for this development and submitted plans for the football pitch along with the application for the construction of 12 dwellings. Whilst Yuill Homes had originally lined up a contractor to undertake pitch works, the Council subsequently took on this project following representation by a local residents group and agreed with Yuill's a £80,000 Section 106 contribution. The Council has followed the scheme proposed by Yuill's, which included a ball stop fence at the southwestern goalmouth and shrub planting to the boundary with the properties on Minster Court.
- 3 Bedford Place had previously been protected by Council garages which were surplus to requirement and pulled down, and made way for car parking. A 2.4 metre high ball stop fence was erected around at the south western goal end/car park. A shrub planting scheme was put in place along the South Eastern boundary with Minster court.
- 4 There were no comments received in relation to ball stop fencing during the consultation undertaken as part of the planning application. However football matches commenced this season following the completion of the scheme and complaints have now been received from a resident of Bedford Place and a resident in Minster Court who believe that fencing is not adequate enough to protect their property from footballs.
- 5 The Council has undertaken some monitoring of the situation in conjunction with the football clubs who play on the pitch. It appears that balls do enter gardens of properties on both Bedford Place (mostly during training sessions) and Minster Court during matches.



## **legal implications**

- 6 There exists legal precedent where residents have complained about nuisance caused by sports pitches adjacent to their properties, that they have no claim because they purchased a property next to an existing sports pitch. However where that pitch has been re-sited it can be argued that the owner of that land has caused the nuisance. Therefore the council will need to work with the residents to resolve this issue.

## **proposal**

- 7 In order to help the residents and reduce the risk of footballs entering these neighbouring properties it is proposed to erect new ball stop fencing on both southwestern goal end of up to 4 metres in height, and the southeastern side of the pitch – depending upon analysis up to 4 metres. See plan attached at Annex D, which shows the approximate location of the new fence.
- 8 The proposals require a planning permission to install a fence of this size and type, this would be accompanied by further residents consultation to seek a mutually agreeable solution.

## **financial implications**

- 9 Within the Willington Central ward there is currently £48,000 held under section 106 agreement for the phases 1 to 5 of this Yuills estate. I shall be seeking to use S106 contributions of around £25,000 from this agreement. This has been approved by Management Team in accordance with the agreed S106 protocol. Two written quotations have been received at the time of writing which suggest that the scheme would cost this amount to complete. Naturally we will need to obtain planning permission in order to erect the fence.
- 10 Willington Central Ward members have been consulted so that support to release s106 funding can be gauged. One ward member has supported the scheme and two have not given a written response. Of these two elected members one has given a verbal response that council capital should be considered prior to using s106 on this element.

## **officer analysis**

- 11 The s106 panel has considered this issued and believes that the construction of a new ball stop fence leads to a better resolution, and completes this scheme which provides recreation facilities for the public. The fence increases the amenity by helping to reduce conflict with users and residents.

## **conclusion**

- 12 It could be considered that the council has duty to ensure adequate protection to residents for this newly redeveloped and repositioned football pitch. In order to secure the long-term provision and use of this football pitch it would be desirable and necessary to install ball stop fencing as specified above.

## **RECOMMENDED**

- 1 That Members agree to use in the region of £25,000 of section 106 monies towards the installation of ball stop fencing along the south western goal end and south eastern side of Manor Road/Rosedale football pitch.

---

---

**Officer responsible for the report**

David Milburn  
Acting Strategic Director for the Community

Ext 379

---

---

**Author of the report**

Andrew Frankcom  
Acting Head of Community and  
Cultural Services

Ext 422

---



**AGENDA ITEM NO.**

**POLICY AND STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

Report of the Chief Executive

**SAFEGUARDING CHILDREN POLICY**

**purpose of the report**

1. To present Members the Safeguarding Children Policy that meets its requirements under Section 11 of the Children's Act. The policy (Annex A) is accompanied by an action plan regarding the council's overall responsibilities regarding Section 11. (Annex B)

**background**

2. When the Children Act 2004 came into force on 1 October 2005, it placed a duty, under section 11, on Wear Valley District Council to arrange to ensure that all its services safeguard and promote the welfare of children. (For the purposes of the Act, a child is considered anyone under the age of 18.)
3. Safeguarding and promoting the welfare of children is defined as:
  - a. Protecting children from maltreatment
  - b. Preventing impairment of children's health or development
  - c. Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care
  - d. Enabling children to have optimum life chances and to enter adulthood successfully.
4. The Guidance, issued under section 11(4) of the Children Act 2004, requires each person or body to which the section 11 duty applies, this includes District Councils, to have regard to any guidance given to them for the purpose by the Secretary of State.

**introduction**

5. The Council provides services for, and works with children, young people and their families in a variety of settings.
6. The Safeguarding Policy contains the policy and procedures to ensure that all people acting on behalf of the Council understand and accept their

responsibility with regard to safeguarding and promoting the welfare of children.

7. All employees, members and others associated with the delivery of Council services, need to be aware of the Safeguarding Children Arrangements and receive appropriate training.
8. The policy covers the Council's responsibilities to have a statement concerning outlines the arrangements that the Council needs to put into place to comply with the Guidance.

### **policy context**

9. The Guidance cuts across most of the Council's policies and service areas because they involve children either directly or indirectly. The following are some of the major areas the guidance interacts with Council services or policies.
10. The Guidance interacts with Wear Valley's Sustainable Community Plan, which has sections on children. A particular area that is addressed is the work on increasing cultural opportunities for young people.
11. The Corporate Plan relates to the Guidance because it refers to children and young people in number of areas with particular reference to supporting them under the Population, Life Long Learning and the Crime Objectives.

### **effective arrangements**

12. Under the guidance, the Council has to put in to place the following arrangements to ensure that they have taken into account the need to safeguard and promote the welfare of all children when providing their services.
13. Effective arrangements to safeguard and promote the welfare of children are required to create and maintain an organisational culture that reflects the importance of safeguarding and promoting children's welfare. The following arrangements are required to be in place:
  - senior management commitment to the importance of safeguarding and promoting children's welfare
  - a clear statement, available for all staff, of the Council's responsibilities towards children
  - having a clear line of accountability within the Council for work on safeguarding and promoting the welfare of children
  - service development that takes account of the need to safeguard and promote welfare that is informed, as appropriate, by the views of children and families
  - staff are trained on safeguarding and promoting welfare when working with or when in contact with children and families

- safe recruitment procedures are in place
- effective inter-agency working
- effective information sharing.

### **senior management commitment**

14. The importance of leadership and senior management commitment is key to the Guidance. The Government expects all local authorities (including district councils) to identify one or more senior officers as "Safeguarding Children Champions". The role of "Champions" would be to ensure that there are clear lines of accountability to the Chief Executive, for the local authority's contribution to safeguarding and promoting the welfare of children.
15. Senior management commitment at Wear Valley will be demonstrated through:
  - a. Chief Executive taking strategic responsibility for ensuring the Council fulfils its statutory duties, in accordance with DCLCB policy and procedures
  - b. Corporate Management Team endorsing and implementing the Safeguarding Arrangements
  - c. A Lead Officer acting as Designated Safeguarding Children Officer to lead and co-ordinate safeguarding work throughout the organisation
  - d. A Senior Manager acting as Designated Child Protection Officer responsible for referring concerns and liaising with the appropriate agencies
  - e. Heads of Service and Senior Managers taking responsibility for monitoring action to safeguard and promote the welfare of children within their area of service responsibility.
16. Aside from the organizational responsibility, senior officers should
  - have a sound working knowledge of relevant legislation and guidance with respect to safeguarding and promoting the welfare of children;
  - be responsible for communicating to all staff (employed and voluntary) in the Authority the importance of safeguarding and promoting the welfare of children and that it is everybody's responsibility to do so;
  - hold managers to account for how their services contribute to safeguarding and promoting children's welfare through regular monitoring and audit arrangements;
  - ensure staff have effective working relationships with other parts of the Council and with other agencies to safeguard and promote children's welfare;
  - report identified training needs of staff to senior managers with responsibility for staff training.

### **a clear statement of staff responsibilities.**

17. The Council needs to make the necessary arrangements to ensure that staff have a clear understanding of their responsibilities for safeguarding and

promoting the welfare of children. The staff must also know what action should be taken if they have concerns about the safety or welfare of a child.

18. One way to address this requirement would be to have a written statement accessible to all staff which sets out their responsibilities for safeguarding and promoting the welfare of children which is consistent with the Government's practice guidance *What To Do If You're Worried A Child is Being Abused* (2006).
19. In addition to the written statement, arrangements should include the following:
  - ensuring all staff are aware of a contact number or person for advice or to make a referral to when there are concerns about a child's welfare or safety;
  - incorporating staff's responsibilities for safeguarding and promoting the welfare of children into the departmental service plans and, where appropriate, the work objectives agreed for individual staff members;
  - fostering a culture of openness and shared communication where staff are actively encouraged to express any early concerns about the welfare of a child.

#### **lines of accountability and roles and responsibility**

20. The guidance asks that Council have a flow chart illustrating the line of accountability and roles and responsibilities for work on safeguarding and promoting the welfare of children.

#### **children and young people consulted and involved in service planning and development**

21. The Council needs to ensure that when it plans and develops its services it takes into account the needs to safeguard and promote children's welfare, which will be informed by the views of children and parents. One way that this could be done is through the Local Children's Board.
22. The service providers should take particular efforts to ensure that specific groups of children and young people who are often excluded from participation activities are supported in giving their views, for example, disabled children and looked after children. At the same time, the views and opinions of very young children should also be sought in ways that are appropriate to their age and understanding.

#### **staff training and continuing development**

23. The guidance recommends that the Council has a responsibility to ensure that
  - all staff working, or in contact, with children and families participate regularly in relevant training tailored towards their individual roles;

- senior staff are kept up to date with changes in statutory requirements and new evidence based ways of working with children and families so that the relevant information can be cascaded down to those on the front-line;
- training for staff working or in contact with children and families is provided on both a single agency and an inter-agency basis;
- staff have access to the Government's practice guidance *What To Do If You're Worried A Child is Being Abused* (2006) and be trained in how to implement it effectively ;
- training helps staff understand both their own roles and responsibilities and those of other professionals and organisations for safeguarding and promoting the welfare of children;

### **recruitment and vetting procedures and procedures for responding to allegations against staff**

24. The Council needs to have in place robust recruitment and vetting procedures to prevent unsuitable people from working with children. This means thorough checks are carried out on all people as part of the recruitment process and references are always taken up. In some cases it may require Criminal Record Background checks.
25. The Council should also have in place clear procedures to respond to allegations of abuse of children by staff and that disciplinary procedures are compliant with agreed interagency plan that includes agreement about how section 47 enquiries about possible harm in relation to a child and any criminal investigations are to be carried out.

### **information sharing**

26. To safeguard and promote the welfare of children, Councils need to have effective information sharing procedures. The emphasis on sharing information is important for addressing children's needs at an early stage rather than when serious problems have developed.
27. The Council needs to ensure that staff understand how to share information in a way that is both legal and ethical. The cross-Government publication *Information Sharing: Practitioners' Guide* (published in April 2006) provides guidance for practitioners on information sharing covering health, education, social care and youth offending.
28. The Council has taken steps to develop its information sharing with other services and an officer has been appointed to undertake this role.

### **proposal**

29. The Council implements the attached policy and action plan to ensure that it meets its statutory requirements regarding Children and Young people.

## **considerations**

30. The leadership of elected members is crucial to implementing this agenda locally and with limited resources to achieve the vision of *Every Child Matters* they will need to be prepared to take some difficult decisions to ensure that the Council meets its statutory responsibilities.
31. The Council delivers many services to children. The Council has responsibility for these young people and to have the policies and procedures in place to ensure that it safeguards and promotes their well being.
32. Council staff that come in contact with children need to know their statutory responsibility to safeguard and promote children's well being. For example, if during a housing repair an officer notices children in a vulnerable setting or if they suspect a child is being mistreated, they need to know that they have an obligation to report their concerns. Moreover, they need to know who and how they report their concerns.

## **analysis**

33. The Council lacks an organized response to the statutory guidance. At best, the Council has an ad hoc arrangement that only partially meet its statutory obligations.
34. The Council lacks nearly all the statutorily required arrangements mentioned. Without a corporate structure in place, the Council is not meeting its statutory duty. The policy will give the Council the statutory requirements.
35. Although a child protection plan exists within the Community Department, the plan only refers to leisure and sport personnel. Without a corporate structure, (line of accountability, training, point of contact within the Council regarding allegations of abuse) in place to support the Community Department's plan, the plan is less effective.

## **timescale**

36. The Act has been in force since October 2005. The action plan will need to be implemented as soon as possible and reviewed by a designated senior post on a regular basis.

## **monitoring**

37. The action plan will need to be monitored by the designated senior officer on a regular basis to ensure that it has been implemented and maintained.

## **financial implications**

38. There are financial implications associated with the statutory guidance. Background checks on staff working with children as well as training for staff working with children will need to be purchased. These are expected to be met through existing budgets.



### legal implications

39. There are a number of legal implications. If the Council does not implement the statutory guidance, then it is in breach of the Children's Act 2004.
40. The Council will be open to litigation if it fails to safeguard the welfare of the children in its jurisdiction and that it employs.

### human resources implications

41. There are a number of human resource implications. All references will need to be checked and background checks will be needed to ensure that the Council does not employ someone unsuitable to work with children.
42. Staff will need to be trained on their responsibilities under the Act and staff that works in contact with children will need to have training regarding their responsibilities.
43. Policies and procedures will have to be developed for reporting and dealing with allegations of abuse by staff members.
44. The staff will need to be made aware of their statutory responsibility. Therefore, awareness raising sessions will need to accompany the training session for staff directly involved with children on a regular basis.

### crime and disorder implications

45. The only crime and disorder implications relate to the potential that a Council employee who is unsuitable to work with children and that staff member works with children.

### risk assessment

46. The Council faces huge risk associated with the statutory guidance and these cannot be overestimated.
47. If the arrangements are not approved and implemented to meet the statutory guidance, the Council faces the following risks.

<b>Risk</b>	<b>Severity</b>	<b>Probability</b>	<b>Score</b>	<b>Mitigating Steps</b>
Potential harm to a child or young person	3	2	6	Risk assess all children who are employed/ train staff on their roles and responsibilities for safeguarding children
Putting staff, members and volunteers at risk of allegations of abuse because of	3	2	6	Develop and implement HR procedures to deal with allegations /develop training programme for staff to be aware of roles

bad practice				and responsibilities
<b>Not fulfilling our required duties under the Children Act 2004</b>	<b>3</b>	<b>3</b>	<b>9</b>	<b>implement the action plan to meet the statutory guidance</b>
Poor reputation with public for child welfare	3	2	6	implement the action plan to meet the statutory guidance
Potential costs due to litigation	3	1	3	train staff on their roles and responsibilities and implement the action plan

Score=1 for Low, 2 for Medium, 3 for High

### summary

48. Safeguarding children is everyone's responsibility.
49. The Guidance places a duty upon the Council to make arrangements to safeguard and promote the welfare of children.
50. The Council faces serious risks if it does not implement the statutory guidance.

### conclusion

51. The Council and its partners face a serious risk concerning the statutory responsibility to children. To meet this challenge, and the associated, risks, it is important that the Corporate Management Team discharges its statutory responsibility.
52. The statutory responsibility also rests with each employee as he or she has a responsibility to safeguard and promote the welfare of children.

### RECOMMENDED

1. Members approve the attached policy and action plan (Annex A and Annex B)
2. Members direct the CMT to make the necessary funds available to implement the action plan.

<b>Officer responsible for the report</b> Gary Ridley Strategic Director, Resource Management Ext	<b>Author of report</b> Dr. Lawrence Serewicz Policy and Partnership Manager Ext 311
--	---

### Background papers

Every Child Matters, Change for Children, HM Government 2004 Children Act 2004

Working Together to Safeguard Children, HM Government 2006

## Section 11 Safeguard and Wellbeing for Children Action Plan

Action	Measure of success	Responsible Officer
1. The Council will nominate the Lead Member who will have responsibility for championing, safeguarding and promoting the welfare of children.	Member Appointed ( Chair of Community Services Committee)	Leader/Chief Executive
2. The Council will nominate a senior officer, at least Assistant Director Level, who will have responsibility for championing, safeguarding and promoting the welfare of children.	Officer Appointed (Assistant Director Policy and Resources, Community Services)	Chief Executive
3. Ensure in partnership with other district/borough councils, that there is an effective representation within Children Service's arrangement at County Council level.	Representative Appointed (Chief Executive)	Chief Executive
4. Identify priority areas of work for joint district, county planning as part of the Children and Young People's Plan (CYPP).	Ongoing partnership work	Chief Executive/LSP Manager
5. Ensure that priorities and implementation plans feed into budget and corporate planning process's of the Council. Most of will be delivered through Children's Trust.	Service Planning Guidance Revised	Organisational Improvement Manager
6. Ensure the Council plays an effective part in the work of the Local Safeguarding Children's Board.	Representative Officer and Member appointed (Chief Executive and Chair of Community Services Committee)	Chief Executive/LSP Manager
7 Ensure the Council plays an effective part in the work of the Local Children's Trust and Local Children's Board (Commissioning arm)	Representative Officer and Member	Chief Executive/LSP

	appointed (Chief Executive and Chair of Community Services Committee)	Manager
8. Review policies, procedures and practices for safeguarding and promoting the welfare as part of delivering all Council services.	Policies prepared and training scheduled	LSP Manager
9. Establish clear lines of accountability and ensure all employees are well informed about their responsibilities.	Accountability procedures updated	Assistant Directors for each Department
10. Undertake an audit of how services interact with children and identify any shortfalls in provision.	Audit Completed Action plan developed	Assistant Directors for each Department
11. Review the way in which the Council communicates and consults with its younger residents. Linking to participation officer funded through the LSP and Children's Fund	Review the Community Engagement and Consultation Strategy	Community Involvement Officer/ Community Engagement Working Group

**POLICY AND STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

---

Report of the Acting Strategic Director for Community  
**ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES ORDERS**

**purpose of the report**

1. To inform members of problems with street drinking in Willington and of powers which Wear Valley District Council may choose to adopt.

**background**

2. Sections 12-16 of the Criminal Justice and Police Act 2001 and subsequent regulations allow local authorities to adopt powers to restrict anti social public drinking in designated public places subject to enforcement by the Police.
3. Use of the powers should add to the tools available to the Councils and local police to combat crime and disorder.
4. DPPOs (Designated Public Places Orders) can be used to restrict anti-social public drinking in designated places such as towns or villages and Wear Valley has one such order in Crook Centre.
5. When a local authority designates an area, a Police Constable will be able to require a person not to consume alcohol, and if necessary, confiscate any open containers. Failure by an individual to comply can lead to a fine not exceeding level 2 on the standard scale i.e. £500.

**process**

- 6 Before proceeding with an order it is necessary to identify if nuisance or annoyance to the public or disorder has occurred as a result of drinking in a particular place. This will require evidence from the local police or individuals. An authority cannot rely on isolated incidents. There must be evidence of an ongoing problem, which will be solved or alleviated if an order is made. The area concerned must be capable of being clearly defined geographically.

From 01.07.2007 to 30.06.2008 there were 337 recorded incidents of rowdy nuisance behaviour, 28 of street drinking and 149 incidents of criminal damage. The police and PCSOs issued 80 stop/pace forms. Both the police and street wardens have expressed concerns at the alcohol litter and a bottle watch scheme has been set up in the area because of the on going problems.

A map of the designated area is attached. Boundaries for the DPPO are reviewed every year but can be amended prior to this if circumstances warrant this e.g. displacement of public drinking to outside of the DPPO area.

7. A Council must follow a statutory procedure when considering an order. It is obliged to consult the following;
  - The police
  - Licensees within the area or licensees who may be affected by an order
  - Owners or occupiers of any land to be included within an order
  - Neighbouring local authorities (where a proposed designation order is likely to affect that neighbouring authority)
8. A notice must also be placed in a local paper inviting representations as to whether or not an order should be made. The committee making the order must consider any of the representations made and decide if the order should be confirmed. If no objections are received after 28 days the Order will automatically be made and a further advertisement placed in the press.
9. Once an order has been confirmed it needs to be advertised and signage erected in the designated area warning the public before the order take effect. A copy of the order will also be sent to the Home Secretary.

#### **financial implication**

10. The cost of the signs and the press notice will be met from the Crime and Disorder Budget.

#### **legal implications**

11. There are no human rights implications as the enforcement of the order will comply with the statutory regulation.

#### **human resource implications**

12. There will be no extra resources required.

#### **it implications**

13. There are no IT implications to this report.

#### **equalities and diversity implications**

14. There are no equality and diversity implications

#### **crime and disorder implications**

15. The Designated Public Places Order will give the police extra powers to deal with street drinking, particularly by those over the age of eighteen years. This should reduce drink related litter and increase public reassurance.

#### **Conclusion**

16. There is already a Designated Public Places Order in Crook. The police would support a DPPO in Willington. Members are asked to agree that an order be placed in Willington (see map attached).

## RECOMMENDED

1. That Members support the implementation of a DPPO Scheme in Willington.

---

**Officer responsible for the report**

David Milburn  
Acting Strategic Director for the Community

**Author of the report**

Elaine Baker  
Community Safety Manager

Ext. 379

---

**POLICY & STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

---

Report of the Acting Chief Executive

**FINDINGS FROM DATA QUALITY AUDITS OF NATIONAL AND LOCAL INDICATORS – QUARTER 1 2008/2009**

**purpose of the report**

1. To report the findings of the Data Quality Audit of National Indicators (NIS) and Local Performance Indicators (ex BVPIs) for quarter 1 2008/2009.

**background & approach**

2. For 2008/2009, as part of the Data Quality Strategy 2007 – 2010, the Corporate Development Unit (CDU) has begun a programme of audit of National and Local Performance Indicators.
3. As the National Indicators have new definitions it has been decided to audit all indicators once a return is made.
4. The programme of audit assesses the data sources, collation methodology and calculations used to produce the National and Local Performance Indicators.
5. Conducting an audit of the performance information and reporting this to Corporate Management Team ensures the Council is proactive in strengthening the performance information system controls and meets KLOEs 1.3.5 and 3.2.4 (both level 4)

**findings**

6. The audit has found 71% (12) of Wear Valley District Councils Indicators to be correct and, due to errors in the final calculation, 29% (5) incorrect. Annex H shows tables and charts separating the findings by department.

**action taken**

7. All errors found have been rectified and the correct figures reported. Annex I show the indicators found to be incorrect and the actions taken to remedy the situation.



**next indicators to audit**

8. Now that quarter 2 data has been returned the following indicators will be audited between now and the end of the quarter. Annex J contains a list of these indicators.

**RECOMMENDED**

- i) That Committee note the content of the report.

---

---

**Officer responsible for the report**  
Gary Ridley  
Chief Executive

---

---

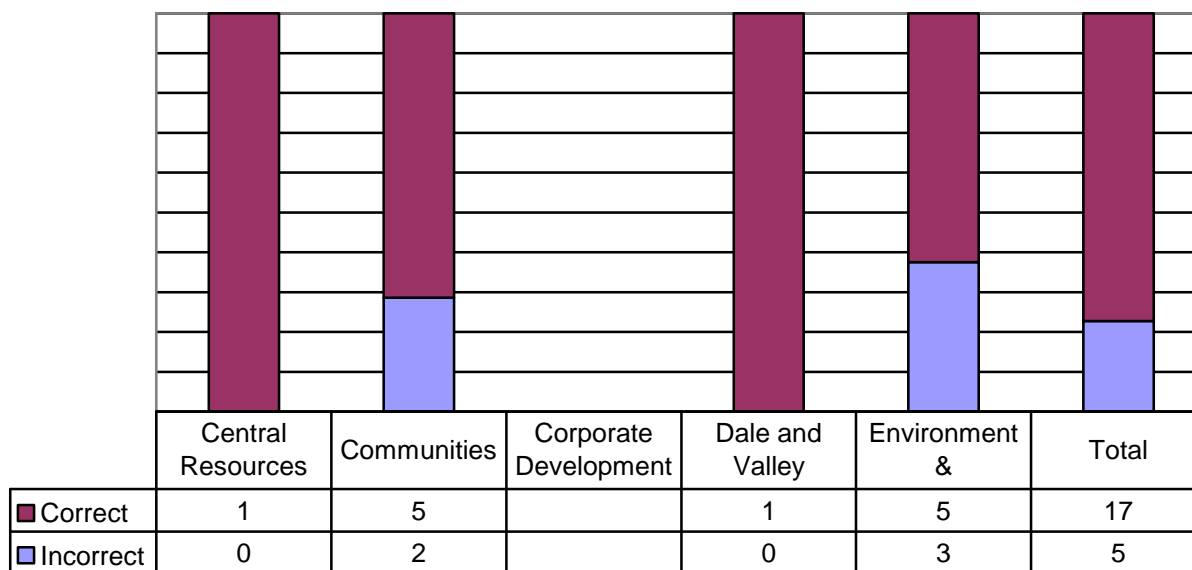
**Author of the report**  
Dave Parkin  
Performance Officer  
Ext 204

---

Table to show the Outcome of Indicators Audited separated by Department

Department	Number Audited	Correct		Incorrect	
		Number	%	Number	%
Central Resources	1	1	100%	0	0%
Communities	7	5	71%	2	29%
Corporate Development	0	-	-	-	-
Dale & Valley Homes	1	1	100%	0	0%
Environment & Regeneration	8	5	63%	3	37%
Total	17	12	71%	5	29%

Chart to show the Outcome of Indicators Audited separated by Department



NI Ref	PI description	Department	Data Quality Audit 2008/09			
			Month Audited	Correct	Comments	Actions
LEN4 (ex BV218b)	Percentage of abandoned vehicles removed within 24 hours from the point at which the authority is legally entitled to remove the vehicle	Community	Aug-08	No	Incorrect calculation used, removed within 24 hours measured against reported. Should have been measured against 'Total Removed' and not 'Total Reported'. This part of the calculation changed in 2005/06.	Performance Officer created new spreadsheet designed to calculate BV218a&b. Street Wardens Supervisor will populate monthly sheet with information and e-mail to Performance every quarter to check entries and effectiveness of the new sheet.
LH1 (ex BV213)	Number of households who considered themselves as homeless, who approached the local housing authority's housing advice service(s) and for whom housing advice casework intervention resolved their situation	Community	Aug-08	No	Not calculated to per 1,000 households.	Validation Form amended to show calculation required for BV213
NI151	Overall employment rate (working age)	Environment & Regeneration	Jul-08	No	Incorrect return entered onto Validation Form	Error highlighted to responsible officer, remedial action put in place
NI152	Working age people on out of work benefits	Environment & Regeneration	Jul-08	No	Incorrect return entered onto Validation Form & Incorrect Formula Used (current quarter instead of 4 previous)	Error highlighted to responsible officer, remedial action put in place
NI153	Working age people claiming out of work benefits in the worst performing neighbourhoods	Environment & Regeneration	Jul-08	No	Incorrect Formula Used (current quarter instead of 4 previous)	Error highlighted to responsible officer, remedial action put in place

**National Indicators and Local Performance Indicators (ex BVPIs) due to be audited in quarter 2**

NI Ref	PI description	Performance		Lead Officer
		Q1	Q2	
<b>Community</b>				
NI195	Improved street and environmental cleanliness (combined)	N/A	5.00%	Peter O'Neil
NI196	Improved street and environmental cleanliness - fly tipping	2	2	Peter O'Neil
<b>Corporate Development Unit</b>				
LGR (ex BV011a)	The percentage of senior management posts filled by women.	26.78%	26.90%	Angela Foster
LGR (ex BV011b)	The percentage of top 5% of earners from Black and Minority Ethnic (BME) communities.	0.00%	0.00%	Angela Foster
LGR (ex BV011c)	The percentage of top 5% earners with a disability.	0.00%	0.00%	Angela Foster
LGR (ex BV016a)	Percentage of authority employees declaring that they meet the Disability Discrimination Act 1995 disability definition.	3.57%	3.57%	Angela Foster
LOD1 (ex BV002a)	The level of equality standard for local government to which the authority conforms in respect of gender, race and disability	2	2	Angela Foster
LOD4 (ex BV012)	The number of working days/shifts lost to the local authority due to sickness absence	2.04	3.86	Angela Foster
<b>Dale &amp; Valley Homes</b>				
LOD7 (ex BV066b)	The number of local authority tenants with more than seven weeks of (gross) rent arrears as a percentage of the total number of council tenants	2.36	2.45	Mark Farren
LOD8 (ex BV211a)	The proportion of planned repairs and maintenance expenditure on HRA dwellings compared to responsive maintenance expenditure on HRA dwellings.	68.00%	74.00%	Mark Farren
LOD9 (ex BV 211b)	Proportion of expenditure on emergency and urgent repairs to HRA dwellings compared to non-urgent repairs expenditure to HRA dwellings.	2.00%	1.00%	Mark Farren
<b>Environment &amp; Regeneration</b>				
LP2 (ex BV106)	Percentage of new homes built on previously developed land.	83.00%	80.34%	Dave Townsend
NI154	Net additional homes provided	100	56	Dave Townsend
NI184	Food establishments in the area which are broadly compliant with food hygiene law	77.00%	72.00%	Tom Carver

Resources				
LC1 (ex BV076c)	The Number of Housing Benefit and Council Tax Benefit (HB/CTB) fraud investigations carried out by the local authority per 1,000 caseload	11.42	13.65	Ann Baker
LC2 (ex BV076d)	The Number of Housing Benefit and Council Tax Benefit (HB/CTB) prosecutions and sanctions, per year, per 1,000 caseload in the Local Authority Area	0.23	1.27	Ann Baker
LOD10 (ex BV079a)	The percentage of cases within a random sample for which the Authority's calculation of Housing and Council Tax Benefit (HB/CTB) is found to be correct.	N/A	98.67%	Ann Baker
LOD2 (Ex BV009)	the Percentage of council tax collected by the authority in the year	30.51%	59.85%	Ann Baker
LOD3 (ex BV010)	Percentage of non domestic rates collected	32.60%	61.16%	Ann Baker
LOD5 (ex BV156)	The percentage of authority buildings open to the public in which all public areas are suitable for, and accessible to, disabled people	82.96%	83.45%	Stuart Reid
NI179	Value for money - total net value of on-going cash-releasing value for money gains that have impacted since the start of the 2008-09 financial year	£351,000 (forecast)		Stuart Reid
NI181	Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	12.55	10.5	Ann Baker

**POLICY AND STRATEGIC DEVELOPMENT COMMITTEE**

**19 NOVEMBER 2008**

---

Report of the Acting Chief Executive

**2<sup>nd</sup> Quarter Results for National and Local Performance Indicators**

**purpose of the report**

1. To report the 2<sup>nd</sup> quarter results for National Indicators and Local Performance Indicators.
2. In April 2008 the Best Value Performance Indicators (BVPIs) were replaced with 198 National Indicators (NIs). 64 National Indicators are reported at District level as well as 24 Local Performance Indicators, Annex K contains a list of the indicators that are available for Quarter 2.

**background**

3. Issues remain around collection of some of the performance information for National Indicators. This is for the following reasons:
  - Source data is unavailable for several indicators,
  - Audit Commission definitions are still being developed and defined in association with regulatory bodies,
  - Long lead time for the collection of information by partner organisations (e.g. Crime),
  - Lack of understanding amongst managers,
  - Standard and consistent processes for collection being agreed across the LGR workstreams,
  - 19 indicators are collected by the biennial Place Survey. The result of these will be available in Quarter 4.
4. These issues are not specific to Wear Valley but are experienced across the whole of the Country. It is therefore, at this stage, not possible to provide any analysis or evaluation of our current performance using comparative data such as national quartiles.
5. The performance results in this report are likely to change once these issues are resolved and more indicators are available. Annex L contains a list of the indicators that are not available for Quarter 2.

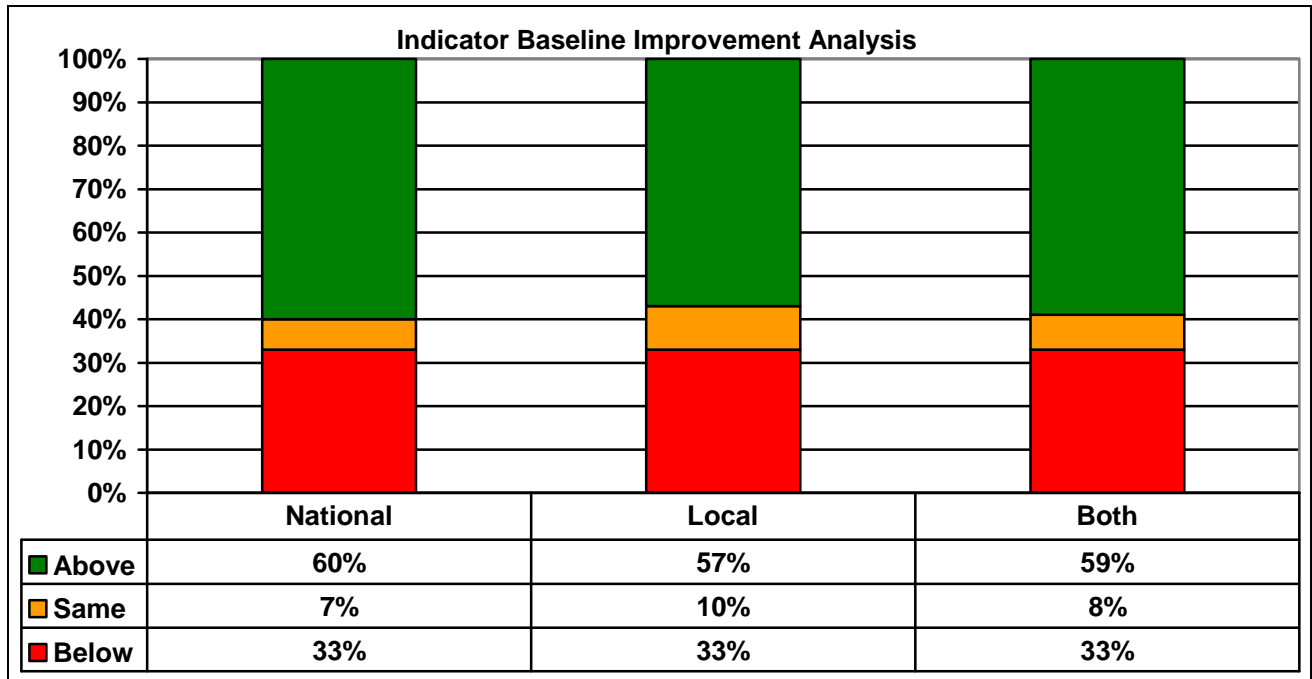
**unverified indicators**

- All waste indicators (NI191, NI192 and NI193) remain unverified until confirmed by WasteDataFlow, usually 4 months after the period end.

**improvement on baseline analysis**

- The baseline is set from previous performance where a defined calculation was available.
- Where possible a baseline has been established for National and Local Indicators, the following is a summary of the performance against these baselines:
  - 21 (59%) indicators are Above Baseline
  - 3 (8%) indicators are the Same as the Baseline
  - 12 (33%) indicators are Below Baseline

Chart 1



Annex M shows tables splitting 'Baseline Improvement' by department  
 Annex N shows charts splitting 'Baseline Improvement' by department

- Of the 12 indicators that are performing below the baseline, 5 are National Indicators and 7 are Local Performance Indicators. These indicators are listed below with a reason for the shortfall and a brief summary of the plan to improve the indicator.

## National Indicators

Indicator	Reason for Shortfall	Action Plan
NI154 – Net Additional Homes	Financial Slowdown effecting housing demand	The performance of this indicator is mainly dependant on the number of new build completions
NI156 – Number of Households living in temporary Accommodation	A higher demand for social housing leading longer waiting lists and back log of the system	Ongoing liaison with Dale & Valley Homes to move tenants to more secure tenure
NI157b – Processing of Minor planning applications	Short fall created by third party constraints such as s.106 agreements and delays in the external legal process	The performance trend projects this indicator to meet baseline expectations
NI157c – Processing of Other planning applications	Short fall created by third party constraints such as s. 106 agreements and delays in the external legal process	The performance trend projects this indicator to finish above the baseline
NI179 – Value for Money, Efficiency Gains	Local Government Reorganisation (LGR) has diverted attention and resources from this area	Maintain awareness of need for efficiency gains and highlight this goal for Vesting Day

## Local Performance Indicators

Indicator	Reason for Shortfall	Action Plan
LC1 (ex BV076c) – Fraud Investigations	Loss of Staff due to LGR	Hiring temporary staff to meet/recover shortfall
LC2 (ex BV076d) – Prosecutions and Sanctions	Loss of Staff due to LGR	Hiring temporary staff to meet/recover shortfall
LEN3 (ex BV086) – Cost of Household Waste Collection	Higher fuel costs in quarters 1 and 2	Quarter 2 is now above baseline as fuel costs have begun to decline
LOD10 (ex BV079a) – Accuracy of Benefit Calculations	Sample size smaller leading to marginal error reporting	No action necessary
LOD3 (ex BV010) – Percentage of Non-Domestic Rates collected	NNDR legislation has changed to include vacant properties creating unexpected bills for landlords and lease owners.	Adapting to new legislation to recovered NNDR owed

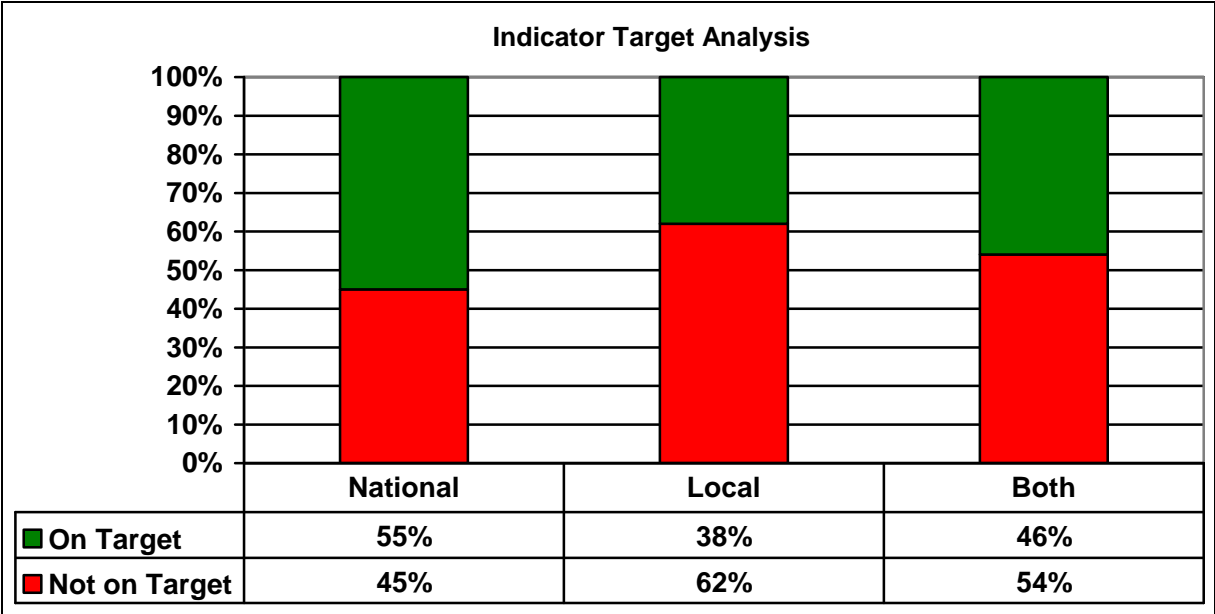


LP1 (ex BV212) – Average time taken to re-let local authority housing	Void properties are not brought into good repair as quickly as last year.	A performance improvement team has been formed to develop an action plan to address the increased void times
LP2 (ex BV106) - Percentage of new homes built on previously developed land	The correct proportion of plans green and brown field sites have been approved, however the number of completions have dipped on brown field sites	The performance trend shows the final figure to be above baseline

**target analysis**

8. Targets come from the Government or from our Services. When we set our targets based on previous performance. Where previous performance is not available we have used the Quarter 1 result (e.g. NI184) as the basis to form the target.
9. Where possible targets have been set for National Indicators (NI) and Local Performance Indicators (LPI), the following is a summary of the performance against these targets:
  - 19 (46%) of NIs and LPIs are on target
  - 22 (54%) of NIs and LPIs are not on target

Chart 2



Annex O shows tables splitting 'Performance against Target' by department  
Annex P shows charts splitting 'Performance against Target' by department

10. Of the 22 indicators that are performing below the baseline, 9 are National Indicators and 13 are Local Performance Indicators. . These indicators are listed below with a reason for the shortfall and a brief summary of the plan to improve the indicator.

National Indicators

Indicator	Reason for Shortfall	Action Plan
NI158 – Percentage of non-decent council homes	Delay in awarding contract	Decent homes programme put in place
NI179 – Value for Money, Efficiency Gains	Local Government Reorganisation (LGR) has diverted attention and resources from this area	Maintain awareness of need for efficiency gains and highlight this goal for Vesting Day
NI180 – Number of changes to housing and council tax benefit entitlement	Delay of information from Government concerning indicator performance, which resulted in 10 months data being available instead of twelve.	Target will be amended to reflect 10 months performance instead of twelve
NI181 – Average number of days taken to process new and changes to housing and council tax benefit entitlement	Higher demand for Benefits service	The performance trend projects this indicator to finish on target
NI184 – Percentage of food establishments which are broadly compliant with food hygiene law	This indicator is a snapshot at a certain point in time.  The programme of inspections in Quarter 2 saw a reduction in the number of businesses that were ‘Broadly Compliant’.	Moneys received from the Food Standards Agency to deliver workshops and one-to-one training to businesses that are none compliant  The performance trend projects this indicator to finish on target
NI195 – Combined improvement in street and environmental cleanliness (litter, detritus, graffiti, fly-posting)	The number of sites surveyed that fall below an acceptable level is higher than the target	The performance trend projects this indicator to finish on target
NI195a - Improvement in street and environmental cleanliness (litter)	The number of sites surveyed that fall below an acceptable level for litter is higher than the target	WVDC is actively taking part in the national ‘Stop the Drop’ campaign
NI195b - Improvement in street and environmental cleanliness (detritus)	The number of sites surveyed that fall below an acceptable level for detritus is higher than the target	The performance trend projects this indicator to finish on target

NI196 - Improvement in street and environmental cleanliness (fly tipping)	The number of reported incidents is less than last year but the number of enforcement actions is also less	The number of enforcements actions will need to increase before the target can be achieved
---	--	--

Local Performance Indicators

Indicator	Reason for Shortfall	Action Plan
LC1 (ex BV076c) – Fraud Investigations	Loss of Staff due to LGR	Hiring temporary staff to meet/recover shortfall
LC2 (ex BV076d) – Prosecutions and Sanctions	Loss of Staff due to LGR	Hiring temporary staff to meet/recover shortfall
LEN3 (ex BV086) – Cost of Household Waste Collection	Higher fuel costs in quarters 1 and 2	Quarter 2 is now above baseline as fuel costs have begun to decline
Ex BV011a - Percentage of senior management posts filled by women.	Posts at this level have not become available	Recruitment and selection processes continue to promote WVDC as an equal opportunities employer
Ex BV011b - Percentage of top 5% of earners from Black and Minority Ethnic (BME) communities.	Posts at this level have not become available	Recruitment and selection processes continue to promote WVDC as an equal opportunities employer
Ex BV011c - Percentage of top 5% earners with a disability.	Posts at this level have not become available	Recruitment and selection processes continue to promote WVDC as an equal opportunities employer
Ex BV016a - Percentage of authority employees declaring that they meet the Disability Discrimination Act 1995 disability definition.	All successful applicants are chosen on merit and how they perform during the recruitment and selection process.	Recruitment and selection processes continue to promote WVDC as an equal opportunities employer. All disabled applicants that meet the all the essential criteria are guaranteed an interview
LOD10 (ex BV079a) – Accuracy of Benefit Calculations	Sample size smaller leading to marginal error reporting	The performance trend projects this indicator to meet its target
LOD3 (ex BV010) – Percentage of Non-Domestic Rates collected	NNDR legislation has changed to include vacant properties creating unexpected bills for landlords and lease owners.	Adapting to new legislation to recovered NNDR owed

LOD4 (ex BV012) – Working days lost due to sickness absence	There are many reasons causes of Sickness Absence and it is difficult to pinpoint.	Sickness Absence procedures continue to be enforced.  WVDC is still performing in the top quartile and improving on last year
LOD5 (ex BV156) – Percentage of WVDC buildings that meet DDA disability definition	The programme of work in place has not yet achieved the end of year target	The programme of work is ongoing
LOD6 (ex BV066a) – Percentage of rent collected	Rent arrears collection remains strong, however under the current credit crunch tenants struggle to maintain rent payments	The emphasis is now on money and debt advice. All tenants who find themselves in arrears are offered help and assistance with income maximisation as well as managing multiple debts
LOD8 (ex BV211a) - Percentage planned repairs compared to responsive repairs	At the half yearly stage 26% of repairs as still responsive however, this is a reduction from 32% in Quarter 1	The performance trend projects this indicator to meet its target
LP1 (ex BV212) – Average time taken to re-let local authority housing	Void properties are not being brought back into good repair as quickly as last year.	A performance improvement team has been formed to develop an action plan to address the increased void times

## conclusions

11. From the information presented in this report, as of Quarter 2 2008/09, Wear Valley District Council is improving from the baseline of 2007/08.
12. Almost 60% of indicators are 'Above' their baselines. This number is expected to increase based on the projected trend of Quarter 1 to Quarter 2.
13. 46% on indicators are 'On Target'. This number is expected to increase in line with the projected baseline improvement.

**RECOMMENDED**

- i) That P&SD note the content of the report.

---

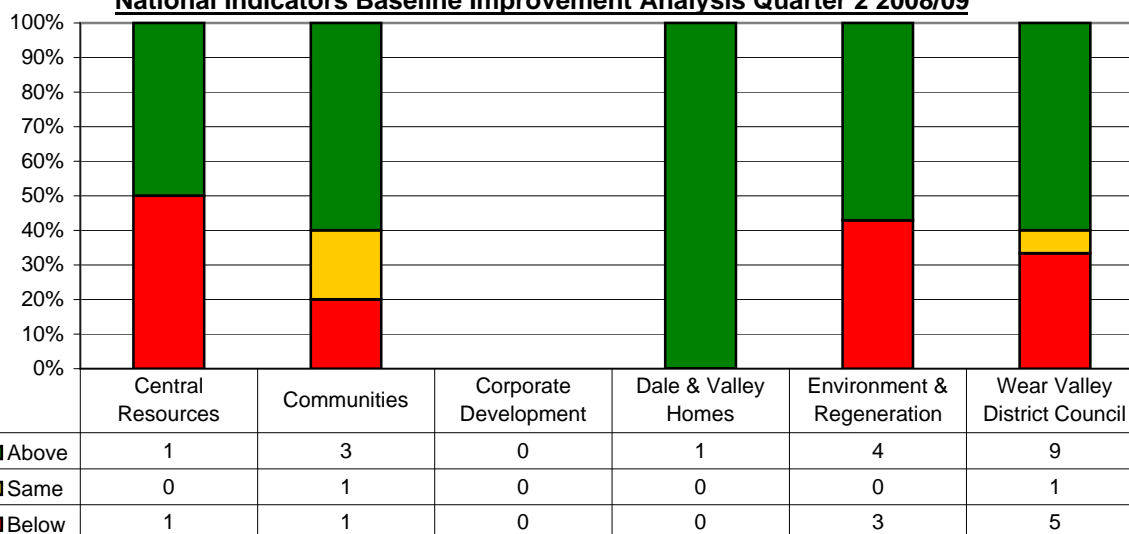
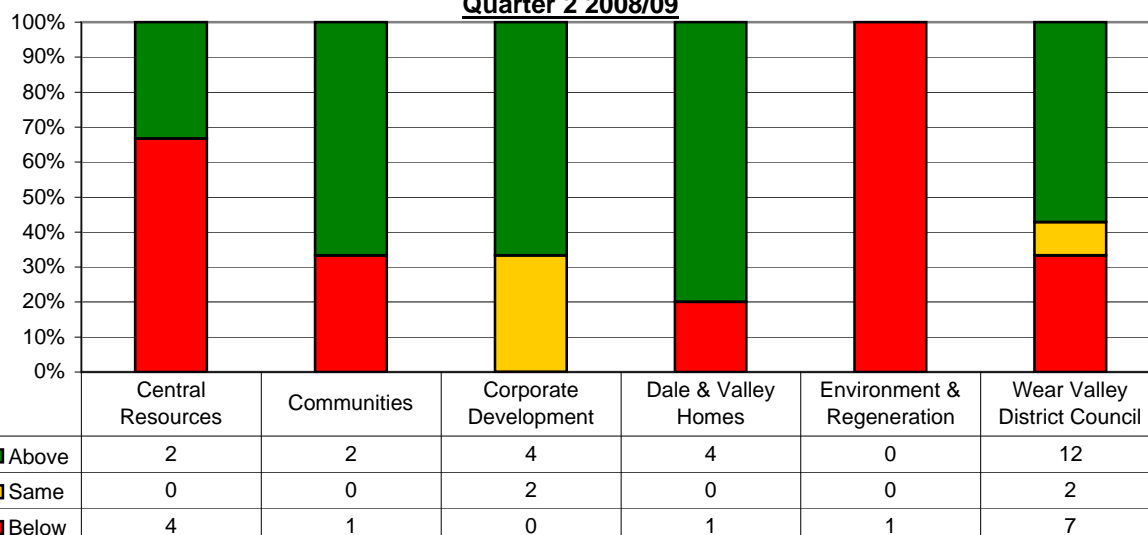
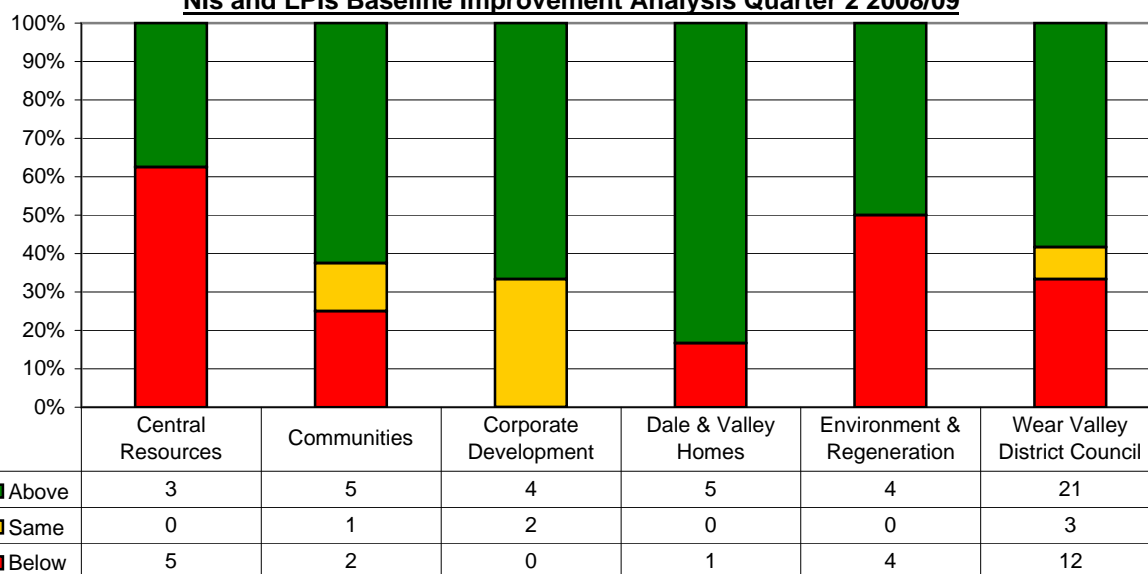
**Officer responsible for the report**

Gary Ridley  
Acting Chief Executive

**Author of the report**

Dave Parkin  
Performance Officer  
Ext 204

---

**National Indicators Baseline Improvement Analysis Quarter 2 2008/09****Local Performance Indicators Baseline Improvement Analysis  
Quarter 2 2008/09****NIs and LPis Baseline Improvement Analysis Quarter 2 2008/09**

NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
<b>Communities</b>									
<b>National Indicators</b>									
NI156	The number of households living in temporary accommodation provided by the council under the homelessness legislation.	▼	9 (2004)	16	14	14	15	☹	-55.56%
NI191	The number of kilograms of residual household waste collected per household. Residual waste is defined as the total kilograms of household waste less any arisings sent for reuse, recycling, composting or anaerobic digestion. <b>This figure is unverified and subject to change.</b>	▼	N/A	182	180	362	733	N/A	
NI192	The percentage of household waste arisings which have been sent for reuse, recycling, composting or anaerobic digestion. <b>This figure is unverified and subject to change.</b>	▲	N/A	21.58%	22.49%	22.03	20.50%	N/A	
NI193	The percentage of municipal waste arisings which have been landfilled. <b>This figure is unverified and subject to change.</b>	▼	N/A	78.42%	77.51%	77.97%	79.50%	N/A	
NI195a	The percentage of relevant land and highways that is assessed as having deposits of litter that fall below an acceptable level.	▼	5%	Jul-08	5%	5%	4%	☹	0.00%
NI195b	The percentage of relevant land and highways that is assessed as having deposits of detritus that fall below an acceptable level. Detritus comprises dust, mud, soil, gravel, stones, leaf and vegetable residues, and fragments of twigs, glass, plastic or other finely divided materials.	▼	7%	Jul-08	5%	5%	4%	☺	28.57%
NI195c	The percentage of relevant land and highways that is assessed as having deposits of graffiti that fall below an acceptable level.	▼	0%	Jul-08	0%	0%	0%	☺	0.00%
NI195d	The percentage of relevant land and highways that is assessed as having deposits of flyposting that fall below an acceptable level.	▼	0%	Jul-08	0%	0%	0%	☺	0.00%

NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
NI196	The year on year change in the number of fly-tipping incidents dealt with; and the year on year change in enforcement actions taken against fly tippers.	▼	N/A	2	2	2	1	N/A	
<b>Local Performance Indicators</b>									
LEN3 (ex BV086)	Cost of household waste collection per household	▼	£54.46	£14.44/ £57.76	£14.36/ £57.46	£28.81/ £57.62	£53.73	☹	-5.80%
LEN4 (ex BV218b)	Percentage of abandoned vehicles removed within 24 hours from the point at which the authority is legally entitled to remove the vehicle	▲	70%	100%	50%	80%	65%	☺	14.29%
LH1 (ex BV213)	Number of households who considered themselves as homeless, who approached the local housing authority's housing advice service(s) and for whom housing advice casework intervention resolved their situation	▲	0.64	0.33	0.46	0.79	1	☺	23.44%



NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
<b>Corporate Development Unit</b>									
<b>National Indicators</b>									
None									
<b>Local Performance Indicators</b>									
LGR (ex BV011a)	The percentage of senior management posts filled by women.	▲	25.00%	26.78%	26.90%	26.90%	30%	😊	7.60%
LGR (ex BV011b)	The percentage of top 5% of earners from Black and Minority Ethnic (BME) communities.	▲	0.00%	0.00%	0.00%	0.00%	4%	😐	0.00%
LGR (ex BV011c)	The percentage of top 5% earners with a disability.	▲	0.00%	0.00%	0.00%	0.00%	4%	😐	0.00%
LGR (ex BV016a)	Percentage of authority employees declaring that they meet the Disability Discrimination Act 1995 disability definition.	▲	3.27%	3.57%	3.58%	3.58%	5%	😊	9.48%
LOD1 (ex BV002a)	The level of equality standard for local government to which the authority conforms in respect of gender, race and disability	▲	1	2	2	2	2	😊	+ 1 Level
LOD4 (ex BV012)	The number of working days/shifts lost to the local authority due to sickness absence	▼	8.07	2.04/ 8.16	1.82/ 7.28	3.86/ 7.72	7	😊	1.53%

NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
<b>Dale &amp; Valley Homes</b>									
<b>National Indicators</b>									
NI158	The percentage of the council's homes that do not meet the government's Decent Homes Standard.	▼	37.6%	33.7%	31.0%	31.0%	25.2%	😊	17.55%
<b>Local Performance Indicators</b>									
LOD6 (ex BV066a)	Rent collected by the local authority as a proportion of rents owed on Housing Revenue Account (HRA) dwellings.	▲	98.51	98.90%	97.89%	98.38%	98.9	😊	0.13%
LOD7 (ex BV066b)	The number of local authority tenants with more than seven weeks of (gross) rent arrears as a percentage of the total number of council tenants	▼	2.81	2.36	2.45%	2.40%	2.75	😊	12.73%
LOD8 (ex BV211a)	The proportion of planned repairs and maintenance expenditure on HRA dwellings compared to responsive maintenance expenditure on HRA dwellings.	▲	69%	68%	74%	74%	80%	😊	7.25%
LOD9 (ex BV 211b)	Proportion of expenditure on emergency and urgent repairs to HRA dwellings compared to non-urgent repairs expenditure to HRA dwellings.	▼	3%	2%	1%	1%	3.50%	😊	66.66%
LP1 (ex BV212)	Average time taken to re-let local authority housing	▼	22	26.34	26.32	26.33	19	☹️	-19.09%

NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
<b>Environment &amp; Regeneration</b>									
<b>National Indicators</b>									
NI151	The percentage of the working age population (16-59 for females and 16-64 for males) who do at least one hour's paid work per week. Also included are people working unpaid in family businesses and people on government supported employment training schemes.	▲	72.2%	78.2%	74.6% (March 08)	74.6% (March 08)	71.0%	☺	8.31%
NI152	The percentage of the working age population (16-59 for females and 16-64 for males) who are claiming out of work benefits (unemployed people on Jobseekers Allowance, Lone Parents on Income Support, Incapacity Benefits customers, and others on income related benefits).	▼	18.9%	18.7%	18.7% (Feb 08)	18.7% (Feb 08)	18.5%	☺	2.12%
NI153	The percentage of the working age population (16-59 for females and 16-64 for males) claiming out of work benefits (unemployed people on Jobseekers Allowance, Lone Parents on Income Support, Incapacity Benefits customers, and others on income-related benefits) and living in neighbourhoods where the benefit claimant rate is 25% or more.	▼	49.9%	49.5%	49.8% (Nov 07)	49.8% (Nov 07)	48.8%	☺	0.20%
NI154	The net increase in dwelling stock (selfcontained units) over the year, taking into account new builds, changes in use, demolitions and conversions.	▲	581	100	56	156	280	☹	-46.30%
NI157a	The percentage of Major planning applications determined within 13 weeks.	▲	69.40%	75.00%	83.33%	80.00%	60.00%	☺	15.21%
NI157b	The percentage of Minor planning applications determined within 8 weeks.	▲	82.50%	69.84%	75.51%	72.32%	65.00%	☹	-12.37%
NI157c	The percentage of Other planning applications determined within 8 weeks.	▲	89.90%	86.82%	89.42%	87.98%	80.00%	☹	-2.19%

NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
NI184	The percentage of food establishments in the area which are 'broadly compliant' with food hygiene law (i.e. scoring within acceptable limits on scales developed by the Food Standards Agency)	▲	N/A	77%	72%	72%	75%	N/A	N/A
<b>Local Performance Indicators</b>									
LP2 (ex BV106)	Percentage of new homes built on previously developed land.	▲	83.25%	83.00%	80.36%	82.05%	65%	☹	-1.44%

NI Ref	Plain English Description (Plain English Definitions created by Ben Banfield, Performance Analyst from Brighton and Hove City Council)	Performance						Quarter 2 against 2007/08	
		Polarity	2007/08	2008/09				Improved?	Variance
				Quarter 1	Quarter 2	To Date	Target		
<b>Resources</b>									
<b>National Indicators</b>									
NI179	The total amount of ongoing cash releasing value for money gains made by the authority after the costs incurred for their implementation have been taken into account.	▲	£413,000	£351,000 (2008/09 year end forecast)			£381,000	☹	-15.01%
NI180	The number of changes in circumstances leading to a change in Housing / Council Tax benefit entitlement identified and processed by the authority, per 1000 claimants. Changes are counted if they would have led to an underpayment or overpayment of benefit if left unactioned.	▲	N/A	9.7	218.4	228.1	771.1	N/A	N/A
NI181	The average time taken in calendar days to process all new claims and changes of circumstance for Housing / Council Tax benefits.	▼	11	12.6	10.5	11.4	10.0	☺	4.55%
<b>Local Performance Indicators</b>									
LC1 (ex BV076c)	The Number of Housing Benefit and Council Tax Benefit (HB/CTB) fraud investigations carried out by the local authority per 1,000 caseload	▲	77.29	11.42	13.65	24.99	80	☹	-37.53%
LC2 (ex BV076d)	The Number of Housing Benefit and Council Tax Benefit (HB/CTB) prosecutions and sanctions, per year, per 1,000 caseload in the Local Authority Area	▲	8.38	0.23	1.27	1.5	8.5	☹	-64.20%
LOD10 (ex BV079a)	The percentage of cases within a random sample for which the Authority's calculation of Housing and Council Tax Benefit (HB/CTB) is found to be correct.	▲	99.2	98.67	98.67	98.67	99	☹	-0.53%
LOD2 (Ex BV009)	the Percentage of council tax collected by the authority in the year	▲	99.44	30.51%	29.34%	59.85%	99.3	☺	0.62%
LOD3 (ex BV010)	Percentage of non domestic rates collected	▲	99.72	32.60%	28.56%	61.16%	99.2	☹	-1.48%
LOD5 (ex BV156)	The percentage of authority buildings open to the public in which all public areas are suitable for, and accessible to, disabled people	▲	83	82.96%	83.45%	83.45%	85	☺	0.59%

Table 1.1

Department	National Indicators				
	Returned in Quarter 2	On Target		Not on Target	
		No.	%	No.	%
Central Resources	3	0	0%	3	100%
Communities	10	6	60%	4	40%
Corporate Development	0	-	-	-	-
Dale & Valley Homes	1	0	0%	1	100%
Environment & Regeneration	6	5	83%	1	17%
Total	20	11	55%	9	45%

Table 1.2

Department	Local Performance Indicators				
	Returned in Quarter 2	On Target		Not on Target	
		No.	%	No.	%
Central Resources	6	2	33%	4	67%
Communities	3	2	67%	1	33%
Corporate Development	6	1	17%	5	83%
Dale & Valley Homes	5	2	40%	3	60%
Environment & Regeneration	1	1	100%	0	0%
Total	21	8	38%	13	62%

Table 1.3

Department	National and Local Performance Indicators				
	Returned in Quarter 2	On Target		Not on Target	
		No.	%	No.	%
Central Resources	9	2	22%	7	78%
Communities	13	8	62%	5	38%
Corporate Development	6	1	17%	5	83%
Dale & Valley Homes	6	2	33%	4	67%
Environment & Regeneration	7	6	86%	1	14%
Total	41	19	46%	22	54%

Table 2.1

Department	National Indicators						
	Returned in Quarter 2	Above		Same		Below	
		No.	%	No.	%	No.	%
Central Resources	2	1	50%	0	0%	1	50%
Communities	5	3	60%	1	20%	1	20%
Corporate Development	0	-	-	-	-	-	-
Dale & Valley Homes	1	1	100%	0	0%	0	0%
Environment & Regeneration	7	4	57%	0	0%	3	43%
Total	15	9	60%	1	7%	5	33%

Table 2.2

Department	Local Performance Indicators						
	Returned in Quarter 2	Above		Same		Below	
		No.	%	No.	%	No.	%
Central Resources	6	2	33%	0	0%	4	67%
Communities	3	2	67%	0	0%	1	33%
Corporate Development	6	4	67%	2	33%	0	0%
Dale & Valley Homes	5	4	80%	0	0%	1	20%
Environment & Regeneration	1	0	0%	0	0%	1	100%
Total	21	12	57%	2	10%	7	33%

Table 2.3

Department	National and Local Performance Indicators						
	Returned in Quarter 2	Above		Same		Below	
		No.	%	No.	%	No.	%
Central Resources	8	3	38%	0	0%	5	62%
Communities	8	5	62%	1	13%	2	25%
Corporate Development	6	4	67%	2	33%	0	0%
Dale & Valley Homes	6	5	83%	0	0%	1	17%
Environment & Regeneration	8	4	50%	0	0%	4	50%
Total	36	21	59%	3	8%	12	33%

# **Safeguarding Children**

**Wear Valley District Council**

**October 2008**



<b>Foreword</b> .....	39
<b>Section 1 Introduction</b> .....	40
<b>Section 2 Policy Statement</b> .....	41
Scope.....	43
Purpose .....	43
<b>Section 3 Officer Roles and Responsibilities</b> .....	45
<b>Chief Executive</b> .....	45
<b>Strategic Director Community Services</b> .....	45
<b>Managers and Supervisors</b> .....	45
<b>Staff, Volunteers and Elected Members</b> .....	46
<b>Designated Senior Nominated Officer</b> .....	47
<b>Designated Senior Manager</b> .....	47
<b>Confidential Reporting “Whistle blowing” Policy</b> .....	47
<b>Section 4 Procedures for dealing with allegations</b> .....	49
<b>Receipt of an Allegation</b> .....	52
<b>Initial Action by the Senior Manager</b> .....	54
<b>Internal investigation and disciplinary processes</b> .....	55
<b>Internal Disciplinary Enquiries and Suspension</b> .....	57
<b>Sharing Information for Disciplinary purposes</b> .....	58
<b>Action in response to Unsubstantiated Allegations</b> .....	58
<b>Action in respect of false allegations</b> .....	58
<b>Confidentiality</b> .....	59
<b>Support</b> .....	59
<b>Suspension</b> .....	59
<b>Record Keeping</b> .....	59
<b>Section 5 Service Development</b> .....	61
<b>Section 6 Training</b> .....	61
<b>Section 7 Recruitment</b> .....	61
<b>Section 8 Interagency working</b> .....	61
<b>Section 9 Reviewing the policy and learning lessons</b> .....	61
<b>Appendices</b> .....	63
<b>Appendix A Code of Conduct: Safeguarding and Promoting the Welfare of Children</b> .....	63
<b>Appendix B Definitions of Abuse</b> .....	65
<b>Appendix C Indicators of Abuse</b> .....	66
<b>Appendix D Report Form</b> .....	68

<b>Appendix E: Information guide for staff facing allegations .....</b>	<b>69</b>
<b>Appendix F Allegation Diagram.....</b>	<b>72</b>
<b>Appendix G Guidance for using images of children .....</b>	<b>73</b>
<b>Appendix H Contacts .....</b>	<b>76</b>

## **Foreword**

### **Foreword by the Chief Executive**

Our safeguarding children policy is designed to protect children and vulnerable adults using the extensive and diverse range of facilities and services provided by Wear Valley District Council.

The Policy is also intended to protect Council staff whilst carrying out their duties. Wear Valley District Council has an important role to play in the protection of our children therefore; I see the implementation of this Policy as central to our commitment to the care of our citizens.

Our staff will be given the training necessary to meet their obligations under the Act.

The policy is for all who work with children and vulnerable adults including full time, part time, seasonal and on call staff, student placements, volunteers and external service providers.

I know that both members and staff will collectively play their part in ensuring the protection of our children and vulnerable adults and providing a safe environment in which they can grow into young and confident citizens of Wear Valley.

Gary Ridley

Chief Executive

## **Section 1 Introduction.**

The Safeguarding Children Policy for Wear Valley District Council fulfils a requirement for all agencies to have embedded corporate procedures to protect children from harm and to ensure compliance with Government legislation. (Working Together to Safeguard Children 2006 and Section 11, Statutory Guidance, Children Act 2004)

Section 11 Statutory Guidance of the Children Act 2004 places a duty on key persons and bodies, including District Councils **‘to make arrangements to ensure that in discharging their functions they have regard to the need to safeguard and promote the welfare of children’**.

Such arrangements relate to the Council demonstrating Community Leadership by setting an example of best practice and ensuring that at all levels within the organisation there is an understanding and awareness of the importance of every aspect of safeguarding. This includes responsibilities to co-operate with all partners within the statutory, voluntary and community sector in information sharing and raising awareness.

The Safeguarding Policy encompasses procedures and standards relating to:-

- a) Responsibilities and Principles
- b) Recognition of Poor Practice, Abuse and Bullying
- c) Prevention of Abuse including codes of behaviour, recruitment, training and disclosure checks for employees and Members
- d) Referral Procedures

### **Terms**

The following terms and abbreviations are used throughout this document:

- Anyone under the age of 18 is considered a child/young person.
- The term young person also encompasses participants with a disability and vulnerable adults. . The term parents is used generically to represent parents, guardians and carers.

## Section 2 Policy Statement

Wear Valley District Council provides a wide range of facilities and services. As a result, there will be occasions when employees, volunteers, elected Members and contractors will be in contact with children and young people to varying degrees.

The Council recognises that safeguarding children is a corporate responsibility. It will seek to ensure that all children and young people who come into contact with the organisation and its employees are safeguarded and treated with respect.

Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of their health and development
- ensuring they are growing up in circumstances consistent with the provision of safe and effective care
- undertaking that role, so as to enable those children to have optimum life chances
- and to enter adulthood successfully

*(Working Together to Safeguard Children 2006)*

Wear Valley District Council recognises that all children and young people have the right to exist in a safe, secure and caring environment, and that they should be respected and valued as unique individuals; it also acknowledges their vulnerability and need for protection. We are committed to the principle contained within the Children Act 1989 that the welfare of the child is paramount. In addition, under the Children Act 2004, Local Authorities have a responsibility for making arrangements to ensure that their normal functions are discharged, having regard to safeguarding and promoting the welfare of children in their area.

We will take seriously all allegations of abuse and take any action we consider necessary to protect the child or young person from abuse. We will seek to ensure that all employees appointed to work with children and young people, or likely to come into contact with them, are suitable through our recruitment and selection process, training, and working practices and procedures. (See updated recruitment procedures.)

At the same time, we will work to ensure that our employees are protected from the risk of malicious or unfounded allegations of abuse of children and young people. Durham County Council Child Protection Team will conduct investigations of all allegations against Wear Valley District Council staff.

All staff involved in working with or providing services to children and young people should be able to recognise the signs of abuse, understand their duty to report any concerns and know the procedures they should follow. This Policy cannot provide a complete checklist of what is, or is not, a matter for concern. There will be occasions and circumstances in which staff or elected Members have to make decisions or take actions in the best interests of the child or young person, which may conflict with this policy or where no alternative guidance is readily available. If you are in any doubt about the safety or wellbeing of a child or young person in an emergency situation, call 999 or County Durham Social Care Direct (0845 850 5010)

Contractors and Organisations/Clubs that provide services to children on our premises or under our control will also be expected to have a Child Protection Policy, which may be inspected by Wear Valley District Council.

All services will be provided in a manner that respects the rights, dignity, privacy and beliefs of all individuals concerned, and does not discriminate because of race, culture, religion, language, gender, disability, age or sexual orientation.

Considering these arrangements, Wear Valley District Council accepts its moral and legal responsibilities to provide a duty of care for children and young people to ensure that their welfare is protected. As such, we will:

- Ensure that we have safe Recruitment procedures in place
- Ensure that appropriate checks (1CRB; 2Enhanced CRB, 3 Independent Regulated Activity Checks) are carried out (prior to commencement of employment) on all employees, and volunteers who work on our behalf, who will have direct contact with children and young people
- Respect the rights, wishes and feelings of children and young people
- Ensure that officers who are intending to take photographs and/or videos of children and young people for use in any Council media obtain relevant guardian consent.
- Ensure that all employees are aware of our policies and procedures eliminating the need for them to take risks
- Provide training for employees and volunteers who work with/come into contact with children and young people
- Respond to allegations swiftly and in accordance with local inter-agency arrangements
- Provide support to employees to whom concerns are disclosed

- Ensure that any outside agencies or organisations we commission to work with children and young people, or hire/use our facilities have appropriate Safeguarding Policies and Procedures in place, or develop and implement an appropriate monitoring and review system to ensure that they comply with Wear Valley District Council's policy and procedures.

### **Code of Conduct**

A Code of Conduct for all employees and volunteers that work with or come into contact with children and young people is attached in Appendix 1. This policy and code of conduct will be published on the Council's internet. The code is only a guide to acceptable and unacceptable behaviour and should not be considered definitive.

Any personal data processed, e.g. recorded or reported, by the organisation in the exercise of this policy will be processed in strict accordance with the Data Protection Act 1998. In particular, personal data will be processed fairly and lawfully to meet one of the conditions in Schedule 2 (and where necessary Schedule 3) of the Act e.g. that processing of the data is necessary in order to protect the vital interests of the data subject. Any personal data will be held and used only for the purposes, and disclosed only to the people, as described within this Policy.

### **Scope.**

This policy applies to all employees, volunteers, elected Members and contractors of Wear Valley District Council whether or not they are in regular contact with children and young people. In this policy, all of the above will be referred to collectively as "employees."

### **Purpose**

It is not the role of Wear Valley District Council to investigate allegations of abuse. However, all employees have a legal and moral responsibility to take action when they suspect or recognise that a child or young person may be a victim of significant harm or abuse.

The purpose of this policy is to:

Inform employees, elected members and those outside Wear Valley District Council of our commitment to:

- Meeting our obligations under relevant legislation, including the Children Act 1989, the Protection of Children Act 1999 and Children Act 2004;

- Informing members of the public, service users, employees and elected Members about what they can expect from Wear Valley District Council to protect and safeguard children and young people;
- Reassuring members of the public, service users, employees and elected Members that they are able to voice any concerns they may have through an established procedure;
- Reassuring members of the public, service users, employees and elected Members all reports of abuse or potential abuse are dealt with seriously and effectively;
- Reassuring members of the public, service users, employees and elected Members that there is an efficient recording and monitoring system;
- Working in partnership with statutory authorities, agencies and voluntary groups who empower, protect or provide services for children and young people, and who have child protection policies in place; and
- Raising awareness, where appropriate, amongst children and young people of this policy and their right to protection under it.

Provide Managers with:

- Guidance on good practice
- Procedures to follow when receiving reports of child abuse; and

Raise employee awareness and provide guidance for employees on:

1. The definitions of child abuse;
2. How to recognise signs of abuse;
3. Duties and responsibilities in relation to this policy;
4. Action to follow when they suspect child abuse, and the procedures to raise concerns of abuse;

Draw attention to other organisational policies, procedures and information that aim to safeguard children within our facilities including;

- Internet Usage Policy (available on the Intranet)
- Confidential Reporting Policy “Whistleblowing” Policy (available on the intranet)

Raise awareness for all clubs and organisations using our facilities and ensure they have adequately considered child protection issues



## **Section 3 Officer Roles and Responsibilities**

### **Chief Executive**

The Chief Executive has ultimate responsibility for ensuring compliance of this policy. Day to day responsibility for implementing the policy is delegated through the management structure to individual Managers and Officers who are held accountable for ensuring that the requirements set out in this policy are fully implemented.

### **Strategic Director Community Services**

The Strategic Director of Community Services will ensure that this Safeguarding Children Policy is widely available to all Councillors and staff. He will also ensure that where identified through job descriptions and representations from individual managers that employment checks are carried out for those members of staff and volunteers who have a substantial level of contact with children.

The Director will also ensure that any records of suspected abuse are stored appropriately. The Strategic Director will have responsibility for ensuring that all staff are made aware of the importance of this policy.

### **Managers and Supervisors**

Managers and Supervisors are expected to ensure employees are aware of this policy; and to notify the Designated Child Protection Officer in strict confidence with any matters of child protection brought to their attention. Managers and supervisors will also be expected to ensure that their staff members attend the relevant training with regard to the protection of children and compliance to the requirements of this policy.

Managers are responsible for ensuring that the Safeguarding Children Policy is implemented within their Department and that issues of relevance and importance to their Department are fully understood and addressed.

Managers are responsible for:

- The implementation and monitoring of the Safeguarding Children Policy within their department areas;
- Bringing the Safeguarding Children Policy to the attention of all employees for whom they are responsible, and ensuring that employees meet their responsibilities as set out in this policy;
- Ensuring that the work of employees is organised in such a way that situations of claimed or actual abuse of children and young people are minimised, including ensuring that:
  1. Employees do not put themselves in the position of risk through:
    - a) working alone with a child or young person unless they can be observed by others;

- b) Meeting with or taking a child or young person off the premises without the knowledge of their line manager
- c) Travelling alone with, or giving lifts to children or young people without the knowledge of their line manager
- d) Or through any other activity which might be misinterpreted

If a situation does arise which could be misinterpreted, the member of staff should inform their line manager.

2. Employees inform parents/carer, and their relevant Manager, of all meetings with children or young people, including date, time, place and purpose;
  3. Employees understand appropriate risk assessments for activities involving children or young people, and follow guidance on supervision of children and young people, maintaining safe ratios of adult to children/young people;
  4. Employees do not take photographs, videos, or other images of children or young people during their employment without following the Council's Policy; and
  5. Employees only work with recognised organisations, which also adopt good practice in their approach to child protection, and obtain a copy of their operating procedures.
- In a one-to-one session, give employees the opportunity to discuss any child protection related issue which may be causing them concern;

### **Staff, Volunteers and Elected Members**

All staff, volunteers and elected members of the Council have a duty to adhere to this Policy and procedures and to notify the Designated Officer on any matters of child protection. They will also be responsible for undertaking the relevant training should they be working with children.

All employees of Wear District Council, at every level, have an individual responsibility for ensuring the protection of children and young people. It is expected that all employees will:

- Recognise and respect the rights of children and young people;
- Work within the guidelines set out in this policy;
- Challenge poor practice as appropriate;
- Report through the appropriate channels and concerns they may have about an individual or practice within Wear Valley District Council;
- Ensure that they understand and comply with their responsibilities under this Policy;

- Discuss issues of concern with their Manager, or other Supervisor or Designated Safeguarding Children Officer as appropriate;
- Identify their training needs.
- Be subject to a CRB check where their posts require a disclosure from the Criminal Records Bureau.
- Be aware of and abide by the Council's Internet Usage Policy. Under no circumstances should staff at work access inappropriate images. Accessing child pornography or indecent images of children on the internet and making, storing or disseminating such material, is illegal and, if proven, will invariably lead to criminal prosecution and the individual being barred from working with children and young people and could lead to disciplinary action in accordance with the Council's procedure
- Be aware that "whistle blowing" is the mechanism by which staff can voice their concerns, made in good faith, without fear of repercussion. The Council has a clear and accessible Confidential Reporting Policy

### **Designated Senior Nominated Officer**

The Council will formally appoint a designated Child Protection Officer who will be responsible for acting as a central point and source of advice on Child Protection issues.

LSCB member organisation should identify a Senior Nominated Officer with overall responsibility for:

- Ensuring that the organisation deals with allegations in accordance with these procedures.
- Resolving any interagency issues
- Liaising with Durham LSCB on the subject.

A senior nominated officer (SNO) has overall responsibility for ensuring their organisation operates procedures for dealing with allegations in accordance with the guidance, resolves any inter-agency issues, liaises with the LADO on these subjects and ensures compliance.

### **Designated Senior Manager**

Identify a Senior Manager (SM) to whom allegations or concerns should be reported and appoint a deputy to whom reports should be made in the absence of the Senior Manager or where that person is the subject of allegation or concern.

### **Confidential Reporting "Whistle blowing" Policy**

This procedure enables staff and volunteers to share, in confidence with the council, concerns they may have about a colleague's behaviour. This may be behaviour not linked to child abuse but one that pushes the boundaries beyond acceptable limits.

If this is consistently ignored a culture may develop within an organisation whereby staff and young people are silenced.

The council supports and will provide protection for whistle-blowers. While it is often difficult to express concerns about colleagues, it is important that these concerns be communicated to the designated person. Staff should be encouraged to talk to the designated person if they become aware of anything that makes them feel uncomfortable.

The Local Authority Designated Officer (LADO) must be informed of any concerns raised under the `whistle blowing` procedures which may impact on a person's suitability to continue to work with children.

If a member of staff believes that a reported allegation or concern is not being dealt with appropriately by their organisation, s/he should report the matter directly to the LADO

.

## Section 4 Procedures for dealing with allegations

In the event that an allegation of abuse is made against a member of staff or volunteer, the nominated person (include name and designation and contact details) will seek advice from the Local Authority Designated Officer (LADO) and will agree the procedure to be followed. Where the allegation arises outside of the work setting the LADO will inform the organisations designated person

Any staff disclosing information regarding inappropriate behaviour by colleagues will be listened to and supported.

Parents of a child allegedly abused by a member of staff or other adult will be kept informed of the progress and outcome of any investigation.

Any member of staff facing investigation into an allegation of abuse will be subject to the procedures laid down by LSCB, will be offered appropriate access to professional and personal support networks, and will be kept informed of the progress and outcome of any investigation.

“Working Together to Safeguard Children,” states that all county level and unitary authorities should have a designated officer (LADO) with responsibility for the management and oversight of individual cases. The role of the LADO includes providing advice and guidance to employers and voluntary organisations, liaising with the police and other agencies and monitoring the progress of cases

Working Together also states that LSCB member organisations should identify a senior manager to ensure that the organisation has and operates a procedure for handling allegations. This procedure should include identifying a named person to whom allegations or concerns that a member of staff or a volunteer may have abused a child should be reported.

The LADO should be informed of all allegations by the named person who should provide details of the allegation and the circumstances in which it was made. N.B. The organisation’s designated person should not investigate the allegation at this stage. This initial discussion with the LADO should also consider whether there is evidence/information that establishes that the allegation is false or unfounded<sup>1</sup>.

Where the initial consideration decides that the allegation does require referral to police and/or social care, the referral is usually followed by a strategy discussion or meeting. This is usually convened by social care to consider the information available and to make decisions about what action should be taken and by whom, and which of the three strands any investigation will follow.

---

<sup>1</sup> See Appendix – Allegations Management Diagram

The organisation should ensure the attendance/contribution to the discussion/meeting of a suitable representative and/or an appropriate HR advisor. The organisation should provide any subsequent investigation with all relevant information held about the individual concerned. The LADO will continue to provide guidance and advice.

Where the initial consideration decides that the allegation does not involve a possible criminal offence it will be for the organisation as the “employer” to deal with it where appropriate under disciplinary procedures. The LADO should continue to liaise with the organisation to monitor progress of the case and provide advice /support when required/requested.

### **Concerns about poor practice and possible abuse**

Allegations may relate to poor practice where an adult or peers behaviour is inappropriate and may be causing concern to a young person

If a young person says or indicates that, he/she is being abused (by an adult or another child) or information is obtained which gives concern that a young person is being abused, immediate action should always be taken.

It is important to note that it is not your responsibility to determine whether or not abuse has/is taking place. You have a responsibility to act upon any concerns that you may have. Reporting such matters should never be delayed.

### **Responding to suspicions and/or allegations of suspected abuse by non-staff.**

If there is any doubt about whether or not the behaviour constitutes abuse, the concern must be shared with professional agencies that will be responsible for subsequent action.

Refer the allegation to the Social Services Department (Social Care direct **0845 8505010**) who may involve the Police, or go directly to the Police.

The Parents of the child will be contacted as soon as possible following advice from the Local Authority Designated Officer.

It is essential to ensure the safety of the young person (if present) - if the young person needs immediate medical treatment, call a Doctor or an Ambulance, inform Doctors of concerns/suspicions of abuse to ensure that they are aware that it is a Child Protection issue.

### **Allegations against staff, carers & volunteers**

The Council will ensure the member of staff is:

- Treated fairly and honestly and helped to understand the concerns expressed and processes involved;
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary or related process;
- If suspended, kept up to date about events in the workplace

These procedures should be applied when there is an allegation or concern that any person who works with children, in connection with his/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

It is difficult to prescribe what may fall within the term **`Unsuitability`**. However, it may be useful for an employer to consider whether the alleged behaviour suggests an individual has:

- Caused harm or possible harm
- Contravened or continued to contravene guidance
- Exploited or abused duty of care responsibilities
- Acted in a way that could, reasonably be viewed as alarming
- Failed to make sound professional judgements in respect of safeguarding children and young people]
- Failed to understand how their behaviour adversely affects children or young people
- Failed to understand or comply with the need for personal and professional boundaries
- Has or will be the subject of criminal or Safeguarding and Specialist Services investigations/enquiries
- Behaved in a way, which undermines the trust placed in them by their position/employer.

Consideration of initiating these procedures may also take place in relation to a person who works in some capacity with children, and concerns arise about their behaviour with regard to their own children, or in some aspect of their private or community life which may impact on their **`suitability`** to work with children. The LADO should be notified for consideration of initiating these procedures in these circumstances.

All behaviours of concern should be considered within the context of the four categories of abuse:

- physical,
- sexual
- emotional abuse
- neglect.

These also include concerns relating to inappropriate relationships between members of staff and children or young people, e.g.:

- Having a sexual relationship with a child under 18 if 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; e.g. Inappropriate text/e-mail messages or images, gifts, socialising, etc
- Possession of any indecent photographs/pseudo-photographs/images or drawings of children

### **Receipt of an Allegation**

An allegation against a member of staff may arise from a number of sources including from:

- A child or an adult
- A parent or carer
- A member of the public
- The individual themselves
- Another employee within the organisation
- A disciplinary investigation

This section deals with allegations about employees or about a third party. The overall safeguarding document sets out the Council’s policies, procedures and guidance relating to the conduct of employees concerning safeguarding children.

Appendix

### **Actions to take if a young person tells you they are being abused**

The person receiving the information should:

- React calmly so as not to frighten the child.
- Tell the child he/she is not to blame and that he/she was right to tell someone.



- Take what the child says seriously, recognising the difficulties inherent in interpreting what is said by a child who has a speech disability and/or differences in language.
- Keep questions to the absolute minimum to ensure a clear and accurate understanding of what has been said.
- Reassure the child, but do not make promises of confidentiality, which might not be feasible in the light of subsequent developments.
- Make a full record of what has been said, heard and/or seen as soon as possible using the Report Form in **Appendix D**.

It can be more difficult for some children to disclose abuse than for others. Children from ethnic minorities may have regularly experienced racism, which may lead them to believe .white people including those in authority roles, do not really care about their well-being.

Disabled children and vulnerable adults will have to overcome additional barriers before feeling they can disclose abuse. They may rely on their abuser for regular care and not know of alternative sources of care or residence. The abuse may be the only attention/affection they have experienced. Communication difficulties may mean that it is hard for them to complain or to be understood.

The person to whom an allegation or concern is first reported should not:

- Investigate or ask leading questions if seeking clarification;
- Make assumptions or offer alternative explanations;
- Compromise confidentiality procedures

They should:

- Treat the matter seriously
- Keep an open mind
- Communicate with the child (if the complainant) in a way that is appropriate to the child's age, understanding and preferred language or communication style
- Maintain confidentiality appropriately and only disclose information on a `need to know` basis
- Make a written record of the information (where possible in the child's own words) including:
  1. When and where the incident took place (time and date).
  2. Who was present?
  3. What was said to have happened

- Sign and date the written record
- Report the matter immediately to the designated Senior Manager, or deputy in his/her absence or where the senior manager is the subject of the allegation

### **Initial Action by the Senior Manager**

When informed of a concern or an allegation against a member of staff, the Senior Manager should not investigate the matter or interview the staff, child concerned or potential witnesses. He/she should:

- Obtain written details of the concern/allegation, signed and dated by the recipient (not the child/adult making the allegation)
- Countersign and date the written details;
- Record any information about times, dates and location of incident(s) and names of any potential witnesses;
- Record discussions about the child and/or member of staff, any decisions made, and the reasons for those decisions.

If the allegation meets these criteria, the Senior Manager should report it to the LADO **within one working day**.

Referrals should not be delayed in order to gather information. Overall compliance with the procedures will be monitored and evaluated by the Durham LSCB. Instances of non-compliance will be identified and followed up and any failure to report an allegation or concern in accordance with procedures is a potential disciplinary matter.

If an allegation or concern requires immediate attention, but is received outside normal office hours, the Senior Manager should consult the Emergency Duty Team or local Police and inform the LADO the **next working day**.

### **Initial Consideration by the Senior Manager and the Local Authority Designated Officer**

The LADO and Senior Manager will consider whether:

- The allegation falls within the scope of these procedures
- There is evidence or information that establishes that the allegation is false or unfounded
- Further Information / details are required

### **Actions and Outcomes**

There may be three strands to considering a concern or an allegation:

1. A police investigation of a criminal offence
2. Enquiries and assessment by Children and Young peoples services about whether a child or young person is in need of protection or is in need of services
3. Consideration by an employer of an investigation in accordance with the organisations disciplinary process and procedure, in respect of the individual.

### **Resignations and Compromise Arrangements**

The fact that a person tenders his or her resignation or ceases to provide their services must not prevent an allegation from being followed up in accordance with these procedures and a conclusion reached.

“Compromise Arrangements” must not be used i.e. where a member of staff agrees to resign, the employer agrees not to pursue disciplinary action and both agree a form of words to be used in any future reference.

In any event, such an agreement will not prevent a thorough police investigation where appropriate.

Wherever possible the person should be given a full opportunity to answer the allegation and make representations about the allegation. The investigation should continue to a conclusion even if:

- The individual refuses to cooperate
- It may not be possible to apply any disciplinary sanctions if a persons period of notice expires before the process is complete

### **Internal investigation and disciplinary processes**

Where an allegation has been made, and initial considerations suggest that the incident is likely to have occurred but the behaviour complained of does not reach the threshold for referral to social care and police, the Council will investigate the matter internally. The investigation will determine whether there is need to undertake disciplinary action, or to cease to use the services of the individual, and/or refer to individual's name to the Secretary of State for possible inclusion on the appropriate barring list.

Where a criminal investigation has been undertaken but the police and/or CPS decide not to charge the individual with an offence, or decide to administer a caution, or the person is acquitted by a Court, the organisation will still investigate the matter and consider whether to apply the organisation's disciplinary procedures.

Disciplinary proceedings are not subject to the same burden of proof as legal proceedings. Lack of conviction or charge within itself is not an adequate defence against an allegation within the work setting or an acceptable reason for the employer not to pursue internal disciplinary investigation. There may

be elements of an allegation which clearly suggest a breach of expected or appropriate standards of behaviour or propriety, or which pose a risk to the welfare of children and young people; even where no criminal activity is identified.

Inevitably, given the gravity of such allegations, the Council will be concerned to make the right decision. It is important to ensure that any disciplinary board members give proper weight to all the evidence, and consider the context in which the allegation is said to have occurred, the risks incurred by the abuse having occurred and, the risk of further harm if it occurs again. The burden of proof in disciplinary proceedings requires that on balance, the evidence provided suggests that the allegation is more likely to be true than untrue (balance of probabilities) in which case the panel must apply a disciplinary action appropriate to the behaviour.

As employers, the panel must also consider the duty of care to their employees; this requires ensuring the employee is treated fairly and reasonably and informed about the process to be followed (See Appendix F).

Consideration should be given to:

- the context in which the allegation occurred and whether this provides further insight which may mitigate risk.
- the type of activity the individual is expected to undertake,
- the level of access to children this provides,
- the indicative risks presented by the nature of the allegation and
- what if any mechanisms exist to reduce or manage the risk.

The internal investigation may determine that disciplinary action is not necessary and may exonerate the individual concerned. It is important that a clear and comprehensive summary of any allegations made, details of how the allegation was followed up and resolved, and a note of any action taken and decisions reached, is kept on a person's confidential personnel file, and a copy provided to the person concerned

The LADO and the senior manager should discuss whether disciplinary action is appropriate in all cases where:

- It is clear at the outset or decided by a strategy discussion that a Police investigation or Safeguarding & Specialist Services enquiry is not necessary; or
- The employer or LADO is informed by the police or the CPS that a criminal investigation and any subsequent trial is complete, or that an investigation is to be closed without charge, or a prosecution discontinued.

The discussion should consider any potential misconduct or gross misconduct on the part of the member of staff, and take into account:

- Information provided by the police and/or safeguarding & specialist services;

- The result of any investigation or trial;
- The different standard of proof in disciplinary and criminal proceedings

The options will range from no further action to summary dismissal or to not using the person's service in the future

In the case of supply, contract and volunteer workers, normal disciplinary procedures may not apply. In these circumstances, the LADO and employer should act jointly with the providing agency, if any, in deciding whether to continue to use the person's services, or provide future work with children, and if not, whether to make a report for consideration of barring or other action.

Where the initial Evaluation / Strategy discussion decides that the allegation does not require a criminal or social care investigation, it will be dealt with by the employer who should consider appropriate action within **3 working days**, if progression under the organisation's disciplinary policy and procedure is not warranted.

On completion of a police and/or social care investigation where there are issues for the employer to address, these should be brought to a conclusion within **one month** if further internal investigation is not required.

Where further investigation is needed to decide upon disciplinary action, the employer and the LADO should discuss who should undertake that.

In some circumstances, the employer may not have the appropriate resources and may need to commission an independent investigation, because of the nature and or complexity, of the case and in order to ensure objectivity.

The aim of the investigation is to obtain, as far as possible, a fair, balanced and accurate record in order to consider the appropriateness of disciplinary action and/or the individual's suitability to work with children. Its purpose is not to prove or disprove the allegation.

If at any stage, new information arises that requires a child protection referral, the disciplinary investigation may need to be postponed while a child protection investigation is conducted, and only resumed when agreed with Safeguarding and Specialist Services and police. Consideration should again be given as to whether suspension is appropriate in light of the new information.

The investigating officer should aim to provide a report as quickly as possible to enable the employer to decide whether a disciplinary hearing is needed. Any delays encountered must be reported to the LADO to ensure the process is managed as quickly as possible.

The investigation and any subsequent hearing should be conducted within **3 months**.

### **Internal Disciplinary Enquiries and Suspension**

All allegations and/or suspicions of abuse by a member of staff will be passed to Social Services and the Police for them to investigate whether a child protection and/or criminal issue has taken place. From the point a concern is raised, the accused will be notified and temporarily suspended. If child abuse and/or a criminal action have taken place, Social Services and/or Police will deal with the issue until its end.

Further details of the disciplinary and appeals procedures can be found in the Staff Handbook

### **Sharing Information for Disciplinary purposes**

Considerations should be given at the beginning of enquiries by the police and Safeguarding and Specialist Services to obtain consent from those involved, to provide the employer and/or regulatory body with statements and evidence for disciplinary purposes. This will enable the sharing of information at the conclusion of the investigation or Court case, without delay.

If the police or CPS decides not to charge, or decide to administer a caution, or the person is acquitted, the police should pass all relevant information to the employer without delay.

If the person is convicted, the Police should inform the employer straight away so that appropriate action can be taken.

### **Action in response to Unsubstantiated Allegations**

Where it is concluded that there is insufficient evidence to substantiate an allegation, the employer should consider what further action, if any, should be taken.

If the allegation is unfounded, this should be recorded and made clear to the employee.

### **Action in respect of false allegations**

False Allegations are rare and may be a strong indicator of abuse elsewhere, which requires further exploration. If an allegation is demonstrably false, the employer, in consultation with the LADO, should refer the matter to Safeguarding & Specialist Services to determine whether the child is in need of services, or might have been abused by someone else

If it is established that an allegation has been deliberately invented or found to be malicious, the Police should be asked to consider what action may be appropriate.

False allegations made by other employees may be escalated in accordance with the organisational disciplinary and grievance policy and procedure.

## **Confidentiality**

Every effort should be made to maintain confidentiality and guard against publicity while an allegation is being investigated or considered. Apart from keeping the child, parents and accused person up to date with progress of the case, information should be restricted to those who have a `need to know` in order to protect children, facilitate enquiries, managed related disciplinary or suitability processes.

## **Support**

The organisation together with Safeguarding and Specialist Services and/or police, where they are involved, should consider the impact on the child concerned and provide support as appropriate. Liaison between the agencies should take place in order to ensure that the child's needs are addressed.

As soon as possible after the allegation has been received, the accused member of staff should be advised to contact his/her Union or professional association. Human Resources should be consulted at the earliest opportunity in order that appropriate support can be provided via the organisations Occupational Health or Employee Welfare Arrangements. Support should be routinely available to all staff who are the subject of an allegation. They should also be encouraged to provide feedback on the quality of that support.

## **Suspension**

Suspension is not a disciplinary measure. It is a neutral act and should not be an automatic response. Employers should consult their own organisational policies for guidance and process. It should be considered in any case where:

- There is cause to suspect a child is at risk of significant harm
- The allegation warrants investigation by the police; or
- The allegation is so serious that it might be grounds for dismissal.

The possible risks to children should be evaluated and managed in respect of the child/ren involved and any other children in the accused member of staffs home, work or community life.

If suspended person is to return to work, the employer should consider what help and support might be appropriate e.g. a phased return to work and/or provision of a mentor, and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

## **Record Keeping**

Employers should keep a clear and comprehensive summary of the case's record on the person's confidential personnel file and give a copy to the individual

The record should include details of how the allegation was followed up and resolved, the decisions reached and the action taken. It should be kept at least until the person reaches normal retirement age or for 10 years if longer.

The record will provide accurate information for any future reference and provide clarification if a future Criminal Record Bureau (CRB) disclosure reveals an allegation that did not result in a prosecution or a conviction. It will prevent unnecessary re-investigation if the allegation should resurface.



## **Section 5 Service Development**

Service development will take account of the need to safeguard and promote welfare. Our services will be informed, where appropriate, by the views of children and families.

## **Section 6 Training**

The Council will provide suitable training in child protection to staff or volunteers working or coming into substantial contact with children. This training will have three levels.

Level 1 General awareness training for all Councillors and Staff

Level 2 Detailed training for those with substantial contact with children

Level 3 Comprehensive training for Designated Officers.

## **Section 7 Recruitment**

Wear Valley District Council is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

The Council will take all reasonable steps to ensure unsuitable people are prevented from working in settings that bring them into close or unsupervised contact with children.

We will follow the recruitment guidelines issued by the Local Safeguarding Children's Board (LSCB) regarding recruitment procedures.

## **Section 8 Interagency working**

The Council will have a representative on the Local Safeguarding Children's Board (LSCB). This officer will be the Senior Nominated Officer (SNO). THE SNO will ensure that the organization deals with allegations in accordance with LSCB procedures resolve any interagency issues and liaise with the Durham LSCB on safeguarding children issues. The representative on the LSCB is the XXXXX (Who? Dave Milburn) and the Wear Valley District Council Designated Safeguarding Advisor role is undertaken by the Council's (Julie Wynn) XXXXXX. This level of involvement and representation illustrates the commitment this Council has to an important area of work.

## **Section 9 Reviewing the policy and learning lessons**

At the conclusion of a case, those involved in the investigation should be debriefed and the organisation should review the circumstances of the case to determine whether there are any improvements to be made, either to the

organisation's procedures or practice to help prevent similar events in the future.

Consideration should be given to any policy or practice areas, which require greater exploration. This may include additional commitment to training, a more robust induction for all new staff, the use of codes of conduct, guidance for managing particularly vulnerable groups and dealing with parents.

The policy should be a living document and should be updated as new legislation and guidance is produced or in response to research and via review of lessons learned.

This policy will be reviewed every two years unless there are any significant legislative or policy changes.

## Appendices

### Appendix A Code of Conduct: Safeguarding and Promoting the Welfare of Children

The following lists should be used as guide rather than a definitive list of behaviours.

- Always put the welfare of the children or young people first
- Provide a good role model of behaviour
- Treat all children and young people equally with respect and dignity using positive and constructive encouragement
- Stay vigilant for the safety of all children and young people around you, not just the ones immediately in your care
- Always wear appropriate clothing when working with children or young people. If you have a uniform then wear it and a name badge
- Maintain the appropriate staff to child ratios
- Avoid being alone with a child or young person, if they are upset or need first aid then take them to one side but do not enclose yourselves in a room
- Whenever appropriate have a register of children and young people in your charge and make sure they are signed out when collected. Be aware of who is and is not authorised to collect the child and do not leave them with anyone else without checking with a parent first
- Ensure that a code of behaviour is established at the start of each session so that everyone knows what is expected of him or her and what is acceptable.
- Keep a record of any accidents or incidents

#### Practice that is never acceptable:

- Promising to keep secrets – explain that there are some secrets that you cannot keep.
- Allowing any inappropriate language or physical behaviour to go unchallenged
- Making sexually suggestive comments to or around a child/young person
- Engaging in rough physical or provocative play with a child/young person
- Allowing or engaging in inappropriate touching
- Conducting individual coaching or tuition for a child or young person

- Inviting or allowing a child or young person to stay unsupervised in you home
- Performing personal care for someone which they can do themselves or that you are not trained to do
- Sharing a room with a child or young person
- Forming sexual or other inappropriate relationships with children or young people
- Allowing allegations made by a child or young person to go un-acted upon

## Appendix B Definitions of Abuse

### Definitions of Abuse

**Neglect** - where adults fail to meet a child's basic physical and/or psychological needs, it is likely to result in the serious impairment of the child's health or development (e.g. failure to provide adequate food, shelter and clothing, failing to protect a child from physical harm or danger, or the failure to ensure access to appropriate medical care or treatment.) It may also include refusal to give children love, affection and attention. Neglect could include a teacher or coach not ensuring children were safe, exposing them to undue cold, heat or to unnecessary risk of injury.

**Physical abuse** - where adults and or other young people physically hurt or injure children by hitting, shaking, throwing, poisoning, burning, biting, scalding, suffocating, drowning or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes ill health to a child whom they are looking after e.g. factitious illness by proxy or Munchausen's Syndrome by proxy.

**Sexual abuse** - where girls and boys are abused by adults (both male and female) and or other young people who use children to meet their own sexual needs. This could include full sexual intercourse, masturbation, oral sex, anal intercourse and fondling. Showing children pornographic material (books, videos, pictures) is also a form of sexual abuse.

**Emotional abuse** - is the persistent emotional ill treatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. It may involve causing children to feel frightened, in danger by being constantly shouted at, threatened, or taunted which may make the child very nervous and withdrawn. Some level of emotional abuse is involved in all types of ill treatment of a child.

## Appendix C Indicators of Abuse

Definitions of what constitutes abuse are described in **Appendix B**. Abuse can happen, wherever there are young people, and young people and disabled adults of any age can be abused. The effects of abuse can be so damaging and if untreated, they may follow a person into adulthood.

For example, a person who has been abused as a child may find it difficult or impossible to maintain stable, trusting relationships and may become involved with drugs or prostitution, attempt suicide or even abuse a child in the future.

Indications that a child may be being abused include the following:

- Unexplained or suspicious injuries such as bruising, cuts or burns, particularly if situated on a part of the body not normally prone to such injuries.
- An injury for which the explanation seems inconsistent.
- The child describes what appears to be an abusive act involving him/her.
- Someone else (a child or adult) expresses concern about the welfare of another child.
- Unexplained changes in behaviour (e.g. becoming very quiet, withdrawn or displaying sudden outbursts of temper).
- Inappropriate sexual awareness.
- Engaging in sexually explicit behaviour.
- Distrust of adults, particularly those with whom a close relationship would normally be expected.
- Has difficulty in making friends.
- Is prevented from socialising with other children.
- Displays variations in eating patterns including overeating or loss of appetite.
- Loses weight for no apparent reason.
- Becomes increasingly dirty or unkempt.

It should be recognised that this list is not exhaustive and the presence of one or more of the indicators are not proof that abuse is actually taking place.

Any of these behaviours could be related to other family issues such as family upset of parental separation, divorce or bereavement, highlighting the importance of communication needed with parents or carers to help clarify any initial concerns.

### **Abuse of disabled children and young people**

**It is not the responsibility of staff to decide that child abuse is occurring but it is their responsibility to act on any concerns.**

Some disabled children and young people are mentally or physically more vulnerable than others, which could make it easier for abusers to exploit them. They may also find it more difficult to recognize and report abuse, and to be believed.

For example, if their disability means that they:

- Have limited life experiences and so have not developed the social skills needed to work out what the behaviour and attitudes of others mean. This could make them less able to understand what is appropriate and inappropriate behaviour.
- Have been encouraged to comply with other people's wishes and not to question authority figures.
- Are afraid to challenge potentially abusive situations because of fear of the consequences. It is often easier to be compliant and pleasing rather than risk angering an authority figure and getting into trouble.
- May not be able to report abuse either because there is no one they can report it to or because they do not have the appropriate language to use.
- May not be able to recognise that abuse has taken place.
- Feel powerless because they have to depend on others for personal support.
- May not be physically able to remove themselves from abusive situations.
- Are not believed because their authority figures cannot accept that anyone would abuse a disabled child.
- May not have anybody they can trust and confide in.
- May feel guilt or shame about the abuse, which prevents them from reporting it.
- May not have a sense of ownership of their own bodies because they are so used to being examined physically by others as part of their medical and physical care.
- Have low self-esteem and a poor self-image.

Children from black and minority ethnic groups (and their parents) may have experienced harassment, racial discrimination and institutional racism. Although racism causes significant harm, it is not, in itself, a category of abuse.

All organisations working with children (including those operating where black and minority ethnic communities are numerically small) should address institutional racism, as defined in the Macpherson Inquiry Report on Stephen Lawrence as *'the collective failure by an organisation to provide appropriate and professional service to people on account of their race, culture and/or religion'*.

## Appendix D Report Form

Date Reported .....

The report should contain the following information:

Make a written record of the information (where possible in the child's own words), including.

1. When and where the alleged incident took place (time and date)
2. Who was present?
3. What was said to have happened.

Sign and date the written record

Report the matter immediately to the designated senior manager (SM), or deputy in his or her absence or where the senior manager is the subject of the allegation.



## **Appendix E: Information guide for staff facing allegations**

The aim of this information guide is to explain the processes involved, and the support and guidance available, if it is alleged that that you have:

- harmed a child or put a child at risk of harm, or
- committed a criminal act toward a child, or
- behaved in a way that raises concern about your suitability to work with children

### **Initial Action**

When the allegation is made, your manager<sup>2</sup> or the designated person within your organisation should consult the Local Authority Designated Officer (LADO) to consider the next action, taking advice from Social Care and Police as needed. Police may advise that you are not told about the allegation immediately.

Your Manager's decision in consultation with the LADO will be one, or a combination of the following:

- a) The child/young person is alleged to have suffered, or is likely to suffer significant harm – which requires immediate referral to Social Care
- b) A criminal offence is alleged – which requires referral to Social Care and Police
- c) The allegation represents poor or inappropriate behaviour – which should be considered under disciplinary and/or capability procedures, including referral if appropriate to GTC/ GSCC or appropriate medical college
- d) The allegation is clearly and demonstrably without foundation and no further action will be taken

If the conclusion of the initial discussions are a) or b) a Strategy Discussion should take place involving Police, Social Care, your Manager, LADO and where possible a HR representative from the organisation. You will not be invited. The discussion will focus on the needs of the child/ren who may be at risk. It will determine what action should be taken regarding further investigation, but it is not part of any disciplinary procedures.

If the initial discussions conclude, the situation is as outlined in c): an investigation will be initiated under the organisation's disciplinary and/or capability procedures.

---

<sup>2</sup> This process applies equally to volunteers and paid employees and the organisation should ensure that a designated person liaises with the LADO in all cases

If the conclusion is as outlined in d) you should be told orally and in writing that the allegation is without foundation, and that no further action will be taken.

### **Types of Possible Investigation**

- Child protection enquiries by Social Care
- Criminal Investigation by Police
- Disciplinary/capability investigation

A disciplinary investigation is usually held in abeyance until external agency investigations are complete, unless prior agreement is reached. Whilst these investigations should be conducted as speedily as possible, they should also be balanced against the need to be thorough and fair, in line with natural justice. Statements taken in external investigations could be used in subsequent disciplinary proceedings.

### **Suspension**

Your manager should consult with the LADO and Human Resources (HR) to consider recommendations from the strategy meeting, if appropriate, before any decision to suspend is taken.

Suspension is a neutral act, and should not be automatic. Where possible, the decision to suspend should be informed by the Strategy Discussion, and should only occur when the known facts relating to the allegation indicate:

- a child or young person may be at risk
- the allegations are so serious that dismissal for gross misconduct is possible
- suspension is necessary to allow the conduct of the investigation to proceed unimpeded

Alternatives should always be considered e.g. leave of absence, transfer duties, additional supervision.

Where suspension is being considered, an interview will normally be arranged. You have the right to be accompanied by a Trade Union representative or a friend. You are advised to seek the assistance of your Union representative. If you are suspended, one of his/her roles will be to promote your interests and raise issues that may be of concern to you.

The interview is not an examination of the evidence, but an opportunity for you to make representations concerning possible suspension.

People, including other staff, should only be told about the allegation on a 'need to know basis'. Notification may be delayed if Police think this could prejudice an investigation.

Those who will be told of the allegation and likely course of action include you, the child or young person concerned, his/her parent/carer, the person making the allegation, your managers, HR, the LADO and the investigating agencies as above.

If you are suspended, those persons likely to be on a disciplinary panel if convened will be given limited information so any future disciplinary process is not prejudiced.

If the matter becomes common knowledge, it may be necessary to issue a brief statement, agreed by the agencies concerned, to parents and the public.

## **Support**

You should expect to be:

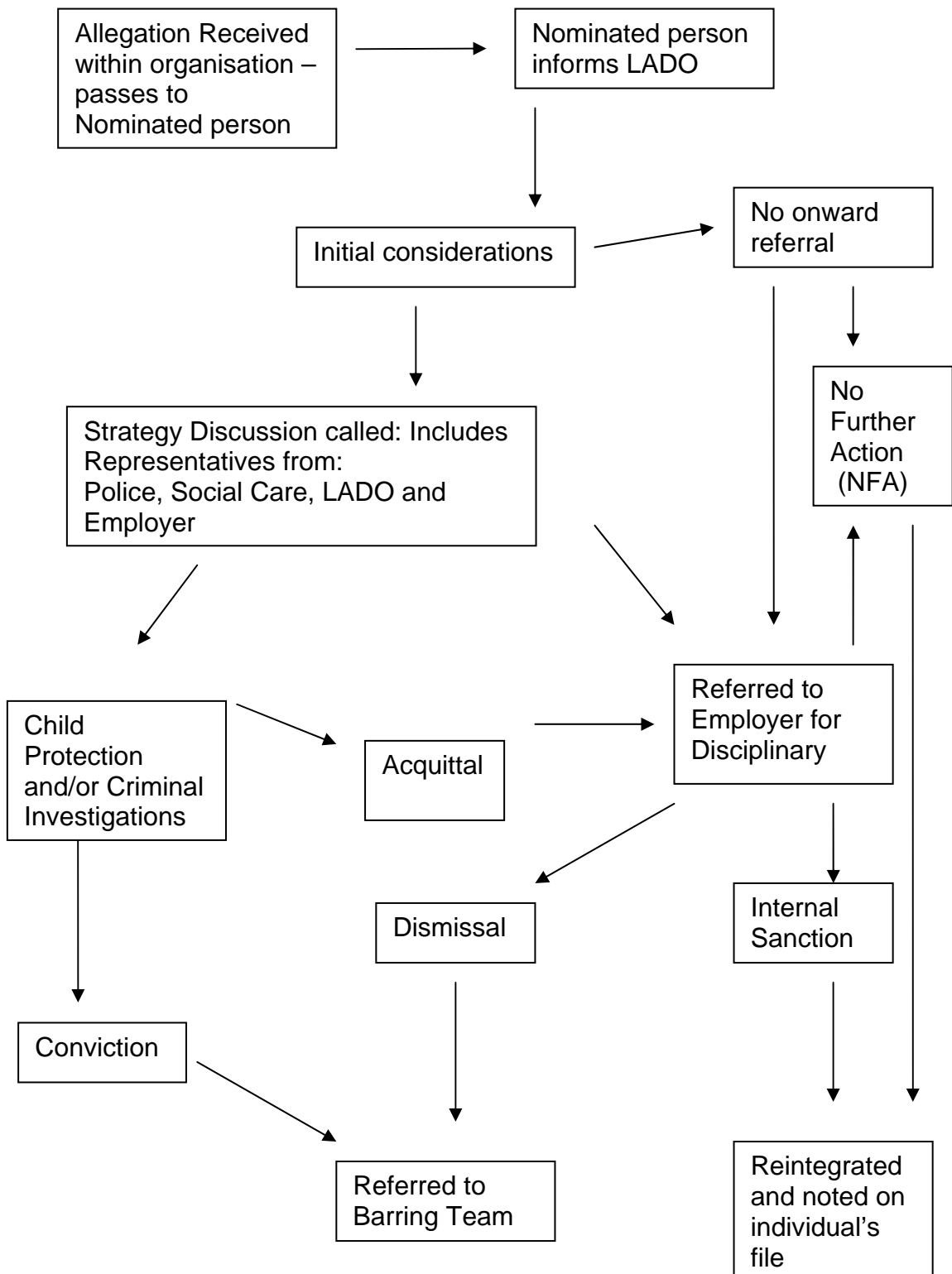
- advised to contact your Union representative
- given a Support contact within the organisation (usually in HR) who should keep you up to date with progress of your case
- given a team contact, if you are suspended, who will update you about normal organisation activities. Social contact with colleagues should not be precluded unless detrimental to the investigation. The type of information and frequency of contact should be agreed, but colleagues should not comment on or discuss the investigation
- offered Staff Counselling Service and/or Occupational Health support if available

This may be a stressful time, so in addition to contacting your Union representative, you are advised to see your GP if you think your health may be affected.

## **Return to work**

If you have been suspended and it is decided you should return to work, your Union rep can assist in negotiating and planning this return.

## Appendix F Allegation Diagram



## **Appendix G Guidance for using images of children**

### **Guidance for using images of children**

Listed below are 11 guidance points to consider when using images of children.

#### **1. Planning**

You must get consent from the parent, guardian or carer of any child or young person up to the age of 18 ('parental consent'). We suggest you ask for parental consent early in a project's lifetime and plan ahead.

In exceptional circumstances you may need to make a decision based on the individual case. For example, if a young person has left home but is under the age of 18 years, it may be difficult to obtain parental consent.

If two parents disagree over consent for their child to appear in photographs or in a video recording, then you have to treat it as if consent has not been given. Likewise, if the parents' consent but the child does not, then consent cannot be regarded as given.

You need a person's consent (or parental consent for those under 18) when they are clearly recognisable in an image. You should be especially sensitive in the case of children with special educational needs. If you need to get consent for children, you should send a consent form to the parents via the head-teacher/centre manager at the child's school/club/centre. Remember to allow plenty of time for this, so that you get permission before you take the photographs.

#### **2. How long does consent last?**

It is recommended that you destroy images five years after the date on the consent form, in case family circumstances change, unless further consent is agreed. This is particularly important if your publication will have a high profile, e.g. if it will have a wide circulation or be publicising a conference.

#### **3. Can I use existing photographs?**

You may have photographs on file. If consent has run out and you wish to re-use the photograph, you must renew consent. You cannot use the photograph otherwise.

If you never had consent, i.e. you had the photos before the Act came into force, you must be extremely careful and apply common sense when using them. For example, never use a picture of an untraceable person on a leaflet about a mental problem or an illness.

Destroy all photographs once the consent has expired.

#### **4. Commissioning photographers**

Any agreement with a photographer should follow above guidance on using images of people. This means that the photographer should:

- Agree to take appropriate measures to prevent unauthorised or unlawful processing of personal data, and against accidental loss, destruction of, or damage to personal data (including photographs).
- Comply with the requirements set out in the Data Protection Act 1998.
- Use a secure storage area if storing photographs electronically.

Commissioned photographers should either use our consent forms or have their own system of recording consent in place.

### **5. Can I use photographs from an agency?**

If you get photographs from an agency, you should ask the agency to guarantee that permission has been granted. You should also tell the agency how you will use the photographs because there are different charges for different situations. Ultimately, however, it is your responsibility to ensure that the agency got permission from the people in the photographs, so you might want to get this in writing from the agency.

### **6. Is a third party hosting the event?**

Where a third party hosts an event, it is up to the third party to obtain consent from people to be included in any images. For example, if an organisation wants to take photographs in a town centre, it will be the organisation's responsibility to obtain consent.

### **7. What about equalities issues?**

Remember to include images of people from different ethnic communities in your communications whenever possible and to use positive images of disabled people. This will ensure that your photographs are inclusive of the whole community and comply with the Disability Discrimination Act.

### **8. Are any children easily identifiable?**

The DCSF have advised that it is okay to use close up shots of particular children. However, no child must be named and photographed without good reason – you must also seek additional consent. It is important to realise that you must avoid captions that reveal personal details, such as e-mail addresses, telephone numbers, and/or home addresses.

### **9. Are the 'models' wearing appropriate dress?**

Exercise caution at all times to ensure that only images of children in suitable dress are used, to reduce the risk of images being used inappropriately. For example, avoid using full-length photographs of children in swimming costumes; instead use shots taken from the shoulders up, or edit/crop the original picture. Remember, clothing may also make a child easily identifiable, a logo may say something like, 'My name is KATIE'. This is also considered inappropriate dress.

### **10. What about copyright?**

Copyright does not apply to images for private family use. However, copyright does exist in commercial photographs and it rests with the photographer. Copyright is a right that the photographer automatically enjoys as the creator of the work to prevent other people exploiting his or her work and to control how other people use it.

Before using a photograph supplied by a third party you should check that the third party owns the copyright in the photograph and you should obtain their written or verbally recorded permission to use it. If you use a photograph without the copyright owner's permission you could find that an action is taken against you for copyright infringement.

Images downloaded from the Internet are also subject to copyright.

### **11. Photographs taken at public events**

If consent cannot be reasonably sought, as the photographs are being taken in a public place, e.g. opening event, or funfair, and if you can answer 'yes' to the following questions, then it would be reasonable to take the photographs and use them for the original purpose without fear of being in breach of the Data Protection Act 1998.

- Would people attending the event expect photographs to be taken?
- Would people in the photograph probably consider themselves to be in a public place, with no expectation of privacy?
- Do you think it unlikely that anyone would object to the photograph being taken? (An individual could be in a public place, but may not want any images in which they are present being used).

Some venues, e.g. children's centres, might want to consider displaying signs stating that attendees may appear in photographs taken on the centre's behalf for publicity purposes.

## Appendix H Contacts

### LOCAL CONTACTS

**Wear Valley District Council,**  
Designated Senior Manager (SM)  
Communities Department,  
Civic Centre,  
Crook,  
Co Durham  
DL15 9ES

Tel : 01388 761606 Mobile 07802 534440

**County Council**  
Local Authority Designated Officer  
Tel (01207) 562 144 Mobile 07825841729  
Marilyn.brown@durham.gov.uk

**Social Services**  
County Durham Social Care Direct – 0845 850 5010 (24hrs)

**Police**  
Durham Constabulary – 0845 6060 345

### NATIONAL CONTACTS

National Society for the Prevention of Cruelty to Children – NSPCC  
Western House,  
42 Curtain Road,  
LONDON EC2A 3NH  
Tel 0207 825 2500  
Helpline 0808 056 0566