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Date: 14 March 2017

## Notice of meeting

### Cabinet

**Date:** Wednesday, 22 March 2017

**Time:** 7.00 pm

**Place:** Goddard Room, Council Offices, Knowle Green, Staines-upon-Thames

<b>The members of the Cabinet</b>	<b>Cabinet member areas of responsibility</b>
I.T.E. Harvey (Leader)	Leader and Council Policy co-ordination
A.C. Harman (Deputy Leader)	Deputy Leader and Towards a Sustainable Future programme (TaSF)
M.M. Attewell	Community Wellbeing
C.B. Barnard	Planning and Economic Development
N.J. Gething	Environment and Compliance
A.J. Mitchell	Corporate Management
J.M. Pinkerton OBE	Housing
H.R.D. Williams	Finance and Customer Service

**Spelthorne Borough Council, Council Offices, Knowle Green**

**Staines-upon-Thames TW18 1XB**

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## AGENDA

Page nos.

- 1. Apologies for absence**  
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 14**  
To confirm the minutes of the meeting held on 22 February 2017.
- 3. Disclosures of Interest**  
To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.
- 4. Children and Adults Safeguarding Policy - Key Decision** **15 - 94**  
**Councillor Attewell**  
  
To consider a report on Safeguarding Children and Adults Policy and Procedures for 2017-2018.
- 5. Spelthorne Pay Award 2017-2018** **95 - 96**  
**Councillor Mitchell**  
  
To consider a report on the Spelthorne Pay Award for 2017-2018 and make a recommendation to Council.
- 6. Fixed Penalty Notices for Fly-Tipping** **97 - 100**  
**Councillor Gething**  
  
To consider a report on the issuing of Fixed Penalty Notices for Fly Tipping Offences.
- 7. The Food Hygiene Service Plan 2017-2018 and the Health and Safety Service Plan 2017-2018** **101 - 156**  
**Councillor Gething**  
  
To consider a report on the proposed Food and Health and Safety Service Plans for 2017-2018.
- 8. Appointment of Independent Remuneration Panel** **157 - 162**  
**Councillor Harvey**  
  
To consider a report on the appointment of an Independent Remuneration Panel and make a recommendation to Council.

**9. Amendment to Representation on Outside Bodies 2016-2017** **163 - 164**  
**Councillor Harvey**

To consider changes to councillor representation on certain Outside Bodies.

**10. Leader's announcements**

To receive any announcements from the Leader.

**11. Urgent items**

To consider any items which the Chairman considers as urgent.

**12. Exempt Business**

To move the exclusion of the Press/Public for the following item, in view of the likely disclosure of exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006.

**13. Exempt Report - Development in the Borough (Churchill Hall) - Key Decision** **165 - 176**

**Councillor Harvey**

To consider a report on proposals for developing the site at Churchill Hall.

It may be necessary to exclude the press and public during consideration of this item due to the fact that Appendix 2 to the report contains exempt information within the meaning of Part 1 of Schedule 12A to the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985 and by the Local Government (Access to information) (Variation) Order 2006, Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information) and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information because divulging the information contained in the appendix to the public prior to the development of the site would be likely to give an advantage to a person entering into or seeking to enter in a contract with the Authority for the redevelopment.

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**Minutes of Cabinet**

**22 February 2017**

**Present:**

Councillor I.T.E. Harvey, Leader and Council Policy co-ordination  
Councillor A.C. Harman, Deputy Leader and Towards a Sustainable Future programme (TaSF)  
Councillor M.M. Attewell, Community Wellbeing  
Councillor C.B. Barnard, Planning and Economic Development  
Councillor A.J. Mitchell, Corporate Management  
Councillor J.M. Pinkerton OBE, Housing  
Councillor H.R.D. Williams, Finance and Customer Service

**Apologies:**

Councillor N.J. Gething, Environment and Compliance

**Councillors in attendance:**

Councillor M.P.C. Francis

Councillor O. Rybinski

**2335 Minutes**

The minutes of the Cabinet meeting held on 25 January 2017 were agreed as a correct record.

**2336 Disclosures of Interest**

There were none.

**2337 \*Detailed Revenue Budget 2017 - 2018 - Key Decision**

Cabinet considered an updated report on the detailed revenue budget 2017-2018. The budget showed a very positive picture in that for the first time in a decade a balanced budget had been put forward without the use of reserves, with investment being made in retaining staff, addressing resourcing issues and maintaining the Council's assets.

**Resolved to recommend Council that:**

1. the growth and savings items as set out in the report's appendices be approved;
2. the Council tax base for the whole council area for 2017-18.[Item T in the formula in Section 31b(3) of the Local Government Finance Act 1992, as amended (the "act")] should be 38.908.60 band D equivalent dwellings and the Council tax requirement for the Council's own purpose for 2017-2018 is £192.44 Per Band D equivalent dwelling;

3. a 2.7 % or (£5) increase in the Spelthorne Borough Council element of the Council tax for 2017-18 be approved. Moreover:
- a) the revenue estimates as set out in Appendix 1 be approved.
  - b) no Money, as set out in this report is appropriated from General Reserves in support of Spelthorne's local Council tax for 2017/18.
  - c) the council tax base for the year 2017/18 is 38,908.60 band D equivalent dwellings calculated in accordance with regulation 3 of the Local Authorities (Calculation of Council tax base) Regulations 1992, as amended, made under Section 35(5) of the Local Government Finance Act 1992, be agreed;

That the following sums be now calculated by the Council for the year 2017/18 in accordance with Section 31 to 36 of the Local Government Act 1992.

A	71,540,160	Being the aggregate of the amount which the council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
B	64,052,589	Being the aggregate of the amount which the Council estimates for the items set out in Section 31A(3) of the Act
C	7,487,571	Being the amount at 3(c) above (Item R), all divided by Item T (2 above) calculated by the Council in accordance with Section 31B(1) of the Act, as the basic amount of it's Council tax for the year (including Parish precepts)
D	192.44	Being the amount at 3(c) above (item R), all dividend by item T(2 above) calculated by the Council in accordance with Section 31B(1) of the act, as the basic amount of its Council Tax for the year (including Parish precepts)
E	0	Being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act.
F	192.44	Being the amount at 3(d) above less the result given by dividing the amount at 3 ( e ) above by Item T(2 above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings on those parts of its area to which no Parish precept relates.

That the following amounts be calculated for the year 2017/18 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 as amended by the Localism Act 2011.

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
128.29	149.68	171.06	192.44	235.20	277.97	320.73	384.88

Being the amounts given by multiplying the amount at (e) above by the number which in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the sum which in that proportion is applicable to dwellings listed in valuation band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different band.

4. that the Council agrees to continue the Council's Local Council Tax Support Scheme with the same rules and regulations as was agreed for the 2014/15 scheme;
5. that the Council agrees to continue the complete disregard of war pension /armed forces pension income from benefit calculations; and
6. that it be noted that for the year 2017/18 Surrey County Council and Surrey Police and Crime Commissioner have stated the following amounts in precepts issued to Spelthorne Borough Council in accordance with Section 40 of the Local Government Finance Act 1992 for each of the categories of dwellings shown below:

Precepts issued to the Council

Band	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Surrey County Council	887.70	1035.65	1183.60	1331.55	1627.45	1923.35	2219.25	2663.10
Surrey Police	149.71	174.67	199.62	224.57	274.47	324.38	374.28	449.14

**Reason for decision**

The Authority is required to set a balanced budget and a Council tax rate for the financial year 2017/18.

**2338 \*Draft Capital Programme 2017-18 to 2020-21- Key Decision**

Cabinet considered a report on the Capital Programme 2017-2018 to 2020-2021, in the light of the available resources and corporate priorities. The report covered progress on current schemes and included future schemes for consideration. The report also provided information on the availability of resources to continue moving forward with the proposed capital schemes within the Programme.

All bids to go on the Capital Programme had been critically assessed and reviewed by Management Team and Cabinet to ensure they met the new criteria of Capital expenditure.

**Resolved to recommend that Council approves:**

1. the Capital Programme for 2017/18 to 2020/21 and
2. the Prudential Indicators for 2017/18 to 2020/21.

**Reason for decision**

To allow the authority to spend its capital resources for the financial year 2017/18.

**2339 Economic Strategy 2017-2022 - Key Decision**

Cabinet considered a report on the adoption of an Economic Strategy for the period 2017-2022.

The Strategy had been designed to stimulate more investment, jobs and visitors to Spelthorne to further the overall economic wellbeing and prosperity of the Borough and its residents in accordance with the Council's Corporate Plan.

**Resolved** to adopt the Economic Strategy 2017-2022.

**Reason for decision**

The previous Economic Strategy ran from December 2013 – 2016 and needed to be replaced with a current and relevant strategy.

**2340 Revenue Monitoring**

Cabinet considered a report on revenue expenditure covering the period April to December 2016.

**RESOLVED** that Cabinet notes the current level of revenue spend.



### **2341 Capital Monitoring**

Cabinet considered a report on capital expenditure covering the period April to December 2016.

**RESOLVED** that Cabinet notes the current level of capital spend.

### **2342 \*Pay Policy Statement 2017-2018**

Cabinet considered a report on a Pay Policy Statement for 2017-2018.

The Pay Policy Statement set out the Council's policies on a range of issues relating to the pay of its workforce, particularly its senior staff and the lowest paid employees, including:

- Remuneration of its Chief Officers
- Remuneration of its lowest paid employees
- The relationship between the remuneration of its Chief Officers and the remuneration of those employees who are not Chief Officers
- The publication of and access to information relating to remuneration of Chief Officers.

**Resolved to recommend that Council approves:**

1. the Pay Policy Statement 2017-2018 and
2. amendments to the Pensions Policy Statement

#### **Reason for decision**

Local authorities are required to publish an annual Pay Policy Statement to increase transparency regarding the use of public funds to pay council staff. This requirement was set out in the Localism Act 2011 with guidance on items to be included issued by the Secretary of State for Communities and Local Government.

### **2343 Annual Grants 2017-2018**

Cabinet considered a report on the proposed grants to organisations in the voluntary and community sectors for 2017-18 and other support for charities and community organisations.

**Resolved to:**

1. agree the grants awards for 2017-2018 to the organisations set out in the report;
2. delegate authority to the Leader, in consultation with either the Deputy Leader or the Chief Executive or the Deputy Chief Executive (for Finance) to award Windfall Grants; and
3. to note all other support to the voluntary and charity sector.

#### **Reason for decision**

The agreement to award grants for 2017-18 will:

- enable a number of charities to continue operating in the borough for the year ahead;
- maintain service levels where charities provide complementary activities to Council frontline services; and
- enable new charities and community groups to begin working in the borough, or expand their operations.

#### **2344 Changes to Outside Body representatives**

Cabinet considered a report proposing changes to the representation on certain outside bodies where that appointment was relevant to the portfolio, following the part reshuffle of Cabinet portfolios announced on 25 January 2017.

It was proposed that the following councillors be appointed as representatives on each of these bodies according to their new portfolios:

1. South East Employers (SEE) - Cllr. Barnard will replace Cllr. Gething
2. Spelthorne Safer, Stronger Partnership Board - Cllr. Gething will replace Cllr. Mitchell
3. Local Plan Working Party - Cllr. Barnard will replace Cllr. Gething
4. Surrey Waste Partnership - Cllr. Gething will replace Cllr. Mitchell.

**Resolved** to agree the following changes of representation on outside bodies:

1. South East Employers (SEE) - Cllr. Barnard will replace Cllr. Gething
2. Spelthorne Safer, Stronger Partnership Board - Cllr. Gething will replace Cllr. Mitchell
3. Local Plan Working Party - Cllr. Barnard will replace Cllr. Gething
4. Surrey Waste Partnership - Cllr. Gething will replace Cllr. Mitchell.

#### **2345 Grant of a new lease**

Cabinet considered a report seeking an in principle agreement to the grant of a new lease for the facility at the Pavilion, Ashford Recreation Ground, Clockhouse Lane, Ashford.

Dramatize, a community organisation who run theatrical workshops at the Pavilion for those with learning difficulties, had asked for a 15 year lease rather than a 3 year lease, due to the level of investment that they were planning to put into the building.

Alternative options considered and rejected by the Cabinet:

- Option 2  
To enter into a lease but for a shorter period of time.
- Option 3  
To enter into a lease but require a higher rent.
- Option 4  
Not to enter into a new lease and require Dramatize to find and relocate to new premises.

**Resolved to:**

1. approve in principle a new lease for the facility at the Pavilion, Ashford Recreation Ground, Clockhouse Lane, Ashford for a period of 15 years and on the terms set out in option 1 of the main report.

2. delegate authority to the Group Head Regeneration and Growth in consultation with the Cabinet Member for Planning, Economic Development and Fixed Assets to finalise details of the lease terms and to enter into the lease and associated licences for works.

**Reason for decision**

Renewal of this lease will enable a well-used community group to continue using the facility (and to extend it at their own cost). It will also bring in an on-going income stream for the Council next 15 years

**2346 Leader's announcements**

The following are the latest service updates from various Council departments:

The Council secured the conviction of Firoz Mohammed of Feltham, a former taxi driver who grossly overcharged six vulnerable adults and invalidated his insurance by carrying too many passengers. The defendant charged the six adults between £10 and £15 each for a journey that started at Staines railway station and ended in Shepperton, and which should have cost around £35 in total. Mr Mohammed was found guilty of all 14 charges. He was given six points on his licence and fined £180 for having no insurance, £650 for breaching taxi licensing bye-laws, a victim surcharge of £20 and costs of £1,000. He also had his Spelthorne hackney carriage licence revoked.

Four of the Council's car parks have been given Disabled Parking Accreditation. Elmsleigh surface and multi-storey, Tothill and Riverside were all recognised for being user-friendly for disabled drivers and providing good access, clear signage and accessible payment machines.

A Spelthorne Licensing Officer took part in an enforcement day with an officer from Surrey Police's Roads Policing Unit on Wednesday 15 February. A vehicle licensed within the TFL area was reported for illegal parking, and a Spelthorne-licensed driver was given penalty points for the same offence.

One driver was reported for offences under smoke-free legislation and another given a police notice for a broken number plate. Several drivers were given warnings for minor breaches of taxi licensing bye-laws. Following the success of the day, evening and late night enforcement dates are planned.

Three defendants appeared at Southwark Crown Court on 20 December 2016 charged with conspiracy to commit Housing Benefit fraud and making false representations. Between 2008 and 2013, the defendants, Fadi Ajjaoui and Abo Zeinah, formerly of Staines, and Ali Zeine, formerly of Sunbury, made fraudulent Housing Benefit claims totalling over £100,000 by providing false details. All three pleaded guilty in Court. Fadi Ajjaoui was sentenced to twelve months in prison, suspended for 18 months, Ali Zeine was given an 18 month community order and Abo Zeinah was ordered to carry out 200 hours of unpaid work.

The Council has welcomed the Government's announcement of a 16-week consultation on their draft National Policy Statement (NPS) regarding Heathrow expansion. Residents can find out more about the proposals at one of the DFT consultation events being held on Monday 20 February at the Hythe Centre in Staines and Tuesday 28 February at Stanwell Moor Village Hall. The deadline for responding to the consultation is 11.45pm on 25 May.

Landlords are being reminded about the new Spelthorne Rent Assure scheme which allows them to let their properties through the Council. Rents are guaranteed to reflect the local rate and are paid monthly in advance directly to the landlord. Other benefits include a six week security bond and free inventory. Adverts in the local press and social media updates are planned for February.

Work has started on the spring Bulletin which will be delivered to residents from 18 March. It includes articles on Kempton Park, changes to the recycling service and improvements at Sunbury Cross.

The Leader of the Council has expressed his strong opposition to the proposals put forward by the Jockey Club and Redrow Homes for the redevelopment of Kempton Park. In an open letter the Leader stressed that the 'call for sites' is a statutory part of the Local Plan development and that the Council is not bound by any particular proposals from developers.

Slough and Spelthorne Councils have announced the formation of a "Working with Heathrow" group, designed to maximise the huge employment, apprenticeship and investment opportunities which could arise from a new runway at Heathrow Airport.

Cllr Ian Harvey and Kwasi Kwarteng MP welcomed the news that Surrey County Council has agreed to keep Staines fire station open until the new Fordbridge station is up and running. The Leader has said he will continue to lobby for a second fire engine with a retained crew to be stationed at the Fordbridge site.

The Council recently announced the purchase of a business property, Elmbrook House, in Sunbury-on-Thames for just over £7m. Situated next to Sunbury railway station, the newly refurbished property is occupied by

insurance provider, Complete Cover Group. The company recently relocated from Hampton and their 10 year lease on Elmbrook House will provide the Council with a secure income stream during that period.

**2347 Urgent items**

There were none.

**NOTES:-**

- (1) Members of the Overview and Scrutiny Committee are reminded that under Overview and Scrutiny Procedure Rule 16, the "call-in" procedure shall not apply to recommendations the Cabinet makes to the Council. The matters on which recommendations have been made to the Council, if any, are identified with an asterisk [\*] in the above Minutes.**
- (2) Members of the Overview and Scrutiny Committee are entitled to call in decisions taken by the Cabinet for scrutiny before they are implemented, other than any recommendations covered under (1) above.**
- (3) Within five working days of the date on which a decision of the Cabinet or a Cabinet Member is published, not less than three members [one of whom must be the Chairman] of the Overview and Scrutiny Committee are able to "call in" a decision;**
- (4) To avoid delay in considering an item "called in", an extraordinary meeting of the Overview and Scrutiny Committee will be convened within seven days of a "call in" being received if an ordinary meeting is not scheduled in that period;**
- (5) When calling in a Cabinet decision for review the members doing so should in their notice of "call in":-**
  - Outline their reasons for requiring a review;**
  - Indicate any further information they consider the Overview and Scrutiny Committee needs to have before it in order to conduct a review in addition to the written report made by officers to the Cabinet;**
  - Indicate whether, where the decision was taken collectively by the Cabinet, they wish the Leader or his nominee (who should normally be the Cabinet Member) or where the decision was taken by a Cabinet Member, the member of the Cabinet making the decision, to attend the committee meeting; and**

- ***Indicate whether the officer making the report to the Cabinet or the Cabinet Member taking the decision or his/her representative should attend the meeting.***
- (6) ***The deadline of five working days for "call in" by Members of the Overview and Scrutiny Committee in relation to the above decisions by the Cabinet is the close of business on 3 March 2017.***

**Cabinet****22 March 2017**

<b>Title</b>	Safeguarding Children and Adults Policy and Procedures 2017-2018		
<b>Purpose of the report</b>	To make a Key Decision		
<b>Report Author</b>	Lisa Stonehouse		
<b>Cabinet Member</b>	Councillor Maureen Attewell	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Recommendations</b>	<b>Cabinet is asked to:</b> <b>Approve the policy</b> <b>Delegate authority to the portfolio holder to approve any minor amendments to the policy such as procedure changes and telephone numbers.</b>		
<b>Reason for Recommendation</b>	<b>It is statutory requirement for the Council to have a Safeguarding Policy.</b>		

**1. Key issues**

- 1.1 The Spelthorne Safeguarding Children and Adults Policy and Procedure 2017-2018 has been written to replace the existing Children's Safeguarding Policy and Adults at Risk Policy.
- 1.2 The Surrey District and Borough Safeguarding Leads Group compiled a Safeguarding template for use by all Boroughs and Districts. This template has been used to compile the Spelthorne policy. The template was written in liaison with all Boroughs and Districts and in liaison with Surrey County Council and includes all the latest guidance, including information in relation to Child Sexual Exploitation, Prevent (preventing radicalisation and extremism) and Modern Slavery.
- 1.3 A robust Safeguarding Policy and procedure is required to ensure that Spelthorne Borough Council complies with our statutory duty under section 11 of the Children's Act 2004 and under the Care Act 2014.

**2. Options analysis and proposal**

- 2.1 Cabinet is asked to approve the Safeguarding Children and Adults Policy and Procedures 2017-2018 (appendix 1).
- 2.2 Delegate authority to the portfolio holder to approve any minor amendments to the policy, such as contact details and procedure changes instigated by Surrey County Council Safeguarding Boards.

### **3. Financial implications**

- 3.1 There are no new financial implications in relation to the adoption of this strategy. Safeguarding training continues to be provided by e learning, Surrey learn partnership and Surrey Safeguarding Boards, to which Spelthorne make a contribution. Time out to attend training is an operational cost.

### **4. Other considerations**

- 4.1 There are none.

### **5. Timetable for implementation**

- 5.1 The policy will be implemented immediately upon approval and will be communicated to staff.

**Background papers: There are none**

### **Appendices:**

App. 1 Safeguarding Children and Adults Policy and Procedures 2017-2018



# **Safeguarding: Policy and Procedures 2017-18**

A guide to safeguarding  
children and adults in Spelthorne





## Table of Contents

Introduction.....	3
<b>PART 1: Policy Legal background, principles and values, definitions, and roles and responsibilities .....</b>	<b>5</b>
a. Legal Framework .....	6
b. Principles and Values .....	9
c. Definitions .....	12
d. Roles and responsibilities .....	15
e. Surrey Safeguarding Boards.....	17
<b>PART 2: Procedure A guide on how to respond if you have a concern.....</b>	<b>25</b>
Procedure .....	26
How to respond: Good practice guidelines .....	28
How to respond: Information sharing and record keeping .....	28
<b>PART 3: Other related policies and strategies .....</b>	<b>31</b>

## Appendices

Appendix 1: Spelthorne Safeguarding Leads and Other Useful Contacts.....	36
Appendix 2: Multi-Agency Referral Form .....	38
Appendix 3: Raising an Alert.....	41
Appendix 4: Forms of abuse and indicators of abuse .....	44
Appendix 5: Surrey Adults and Children’s Board Representation.....	54
Appendix 6: MS1 – Notification of Potential Victim of Modern Slavery Form .....	56
Appendix 7: National Referral Mechanism Form for Potential Child Victims of Modern Slavery (England and Wales) .....	60
Appendix 8: National Referral Mechanism Form for Potential Adult Victims of Modern Slavery England and Wales.....	68



## **Emergencies**

Please go to page **25-29** if you need to check the procedure for reporting a concern.

In an emergency call 999 to speak to the relevant emergency service. Follow normal procedures after you have reported the incident to the emergency services.

## **Introduction**

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

This policy sets out how the Council will meet its obligations to safeguard vulnerable adults and children. It applies to staff, agency workers, volunteers and contractors employed by the Council, it is also applicable to Councillors undertaking official duties on behalf of the Council. The policy compliments and supports the Surrey Safeguarding Children Board and Surrey Safeguarding Adults Board agreed multi-agency procedures<sup>1 2</sup>. The policy is governed by a set of key principles and themes, designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. It is vital for successful safeguarding that the procedures in this section are understood and applied consistently at an individual, managerial, and organisation level.

The aims of safeguarding are to:

- Prevent harm and reduce the risk of abuse or neglect.
- Stop abuse or neglect wherever possible.
- Prevent impairment of development and enable individuals to have the best outcomes.
- Safeguard individuals in such a way that supports them in making choices and having control over how they want to live.
- Promote an approach that concentrates on improving life for the individual.
- Raising public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect.

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<sup>1</sup> In the event of any potential conflict between procedures; the multi-agency procedures and/or government guidance take precedence.

<sup>2</sup> <https://www.surreycc.gov.uk/social-care-and-health/safeguarding-boards/surrey-safeguarding-adults-board/surrey-safeguarding-adults-board-information-for-professionals/surrey-safeguarding-adults-multi-agency-procedures-information-and-guidance>

- Provide accessible information and support to help people understand what constitutes abuse and neglect, and how to respond.
- Address what has caused the abuse or neglect.

Safeguarding and promoting the welfare of children specifically aims to:

1. Protect children from maltreatment;
2. Prevent impairment of children's health or development;
3. Ensure that children grow up in circumstances consistent with the provision of safe and effective care; and
4. Take action to enable all children to have the best outcomes.

# PART 1

## Policy

Legal background, principles and values, definitions, and roles and responsibilities

## a. Legal Framework

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

### The Children Acts 1989 and 2004

- 1.2 The Children Act 1989 and Children Act 2004 along with the statutory guidance, 'Working Together to Safeguard Children 2015'<sup>3</sup>, provide the current framework for safeguarding children.
- 1.3 This legislation places an overarching responsibility on Surrey County Council, as the lead authority for children, for safeguarding and promoting the welfare of all children in their area, but makes clear that other agencies also have a role to play.
- 1.4 Section 11 of the Children Act 2004 places a statutory duty on various agencies, including districts and borough councils, to make arrangements to ensure that their functions are discharged taking account of the need to safeguard and promote the welfare of children. This includes any services or function they contract out.
- 1.5 This Act lead to the establishment of the Surrey Safeguarding Children's Board<sup>4</sup> and required Surrey County Council to secure the co-operation of partners in setting up arrangements to improve the well-being of children in Surrey.
- 1.6 *Working Together to Safeguard Children 2015*<sup>5</sup> sets out how organisations and individuals should work together to achieve this using the key principles:
- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part.
  - The approach must be child-centred: in order to be effective, there needs to be a clear understanding of the needs of the child.

### The Care Act 2014

- 1.7 *The Care Act 2014* sets out the legal framework for how local authorities and other statutory agencies, including district and borough councils, should protect adults with care and support needs who are at risk of abuse or neglect. It consolidates existing law and puts similar arrangements in place to those safeguarding children.
- 1.8 The Act required Surrey County Council, as the lead authority for vulnerable adults, to establish a Safeguarding Adults Board to bring together the key local partners to focus on safeguarding strategy and practice. The Act also places a duty on Surrey County Council to carry out safeguarding enquiries where it is suspected that someone is suffering or at risk of abuse or neglect conducting Safeguarding Adults Reviews (SARs) where there is a cause for concern about a particular case, to learn

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<sup>3</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/419595/Working\\_Together\\_to\\_Safeguard\\_Children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf)

<sup>4</sup> This replaced the Area Child Protection Committee

<sup>5</sup> This guidance is updated from time to time; therefore the most up to date guidance will apply in relation to the operation of this policy.



lessons for the future.

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

### The responsibilities of local authorities as identified in the Care Act 2014

What must be done by all Borough and District Councils	Paragraph in Care Act 2014
To ensure effective safeguarding arrangements all organisations must have arrangements in place which set out clearly the processes and the principles for sharing information between each other, with other professionals and the Safeguarding Adults Board; this could be via an Information Sharing Agreement to formalise the arrangements.	Paragraph 14.43
In order to respond appropriately where abuse or neglect may be taking place, anyone in contact with the adult, whether in a volunteer or paid role, must understand their own role and responsibility and have access to practical and legal guidance, advice and support. This will include understanding local inter-agency policies and procedures.	Paragraph 14.51
Local authorities must cooperate with each of their relevant partners, as described in section 6(7) of the Care Act, and those partners must also cooperate with the local authority, in the exercise of their functions.	Paragraph 14.63
When an employer is aware of abuse or neglect in their organisation, then they are under a duty to correct this and protect the adult from harm as soon as possible and inform the local authority, Care Quality Commission and Clinical Commissioning Group where the latter is the commissioner.	Paragraph 14.69
Everyone involved in a safeguarding adult's enquiry must focus on improving the adult's well-being and work together to that shared aim.	Paragraph 14.93
It is the responsibility of all staff and members of the public to act on any suspicion or evidence of abuse or neglect and to pass on their concerns to a responsible person or agency.	Paragraph 14.95
Employers must ensure that all staff, including volunteers, are trained in recognising the symptoms of abuse or neglect, how to respond and where to go for advice and assistance.	Paragraph 14.102
Employers must also ensure all staff keep accurate records, stating what the facts are and what are the known opinions of professionals and others and differentiating between fact and opinion. It is vital that the views of the adult are sought and recorded.	Paragraph 14.103
Employers who are also providers or commissioners of care and support not only have a duty to the adult, but also a responsibility to take action in relation to the employee when allegations of abuse are made against them.	Paragraph 14.116
When a person's conduct towards an adult may impact on their suitability to work with or continue to work with children, this must be referred to the local authority's designated officer (LADO)	Paragraph 14.124
Employers, student bodies and voluntary organisations should have clear procedures in place setting out the process, including timescales, for investigation and what support and advice will be available to individuals against whom allegations have been made.	Paragraph 14.126

What must be done by all Borough and District Councils	Paragraph in Care Act 2014
If an organisation removes an individual (paid worker or unpaid volunteer) from work with an adult with care and support needs (or would have, had the person not left first) because the person poses a risk of harm to adults, the organisation must make a referral to the Disclosure and Barring Service.	Paragraph 14.127
Where an adult has refused to consent to information being disclosed for these purposes, then practitioners must consider whether there is an overriding public interest that would justify information sharing ... and wherever possible, the appropriate Caldicott Guardian <sup>6</sup> should be involved.	Paragraph 14.188
Operational front line staff are responsible for identifying and responding to allegations of abuse and substandard practice.	Paragraph 14.198
Concerns about abuse or neglect must be reported whatever the source of harm is. It is imperative that poor or neglectful care is brought to the immediate attention of managers and responded to swiftly, including ensuring immediate safety and well-being of the adult.	Paragraph 14.200
The Safeguarding Adults Board (SAB) should ensure that relevant partners provide training for staff and volunteers on the policy, procedures and professional practices that are in place locally, which reflects their roles and responsibilities in safeguarding adult arrangements. Employers, student bodies and voluntary organisations should also undertake this, recognising their critical role in preventing and detecting abuse.	Paragraph 14.225
The Care Act 2014 requires that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegation against anyone who works (in either a paid or unpaid capacity) with adults with care and support needs. These people are known as People in a Position of Trust. Surrey Safeguarding Adults Board (SSAB) also requires partner agencies and the service providers they commission to identify a designated PiPoT lead or contact to oversee the delivery of responsibilities in their organisation.	Paragraph 14.120

### The Mental Capacity Act 2005

- 1.10 *The Mental Capacity Act 2005* provides a statutory framework for people who lack the capacity to make decisions themselves, or who have capacity and want to make preparations for a time when they may lack capacity in the future. The Act sets out who can make decisions, in which situations, and how they should go about doing so. The act assumes that a person has full legal capacity to make decisions themselves unless it can be shown that they lack capacity.
- 1.11 Additional safeguards have been introduced in law in *Deprivation of Liberty Safeguards*, to protect the rights of individuals at risk who lack the capacity to consent to treatment/care in hospitals and care homes and to ensure the treatment or care is in their best interests.

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<sup>6</sup> The contact details for the Caldicott Guardian for Adult Social Care can be found in Appendix 1.

## **b. Principles and Values**

- 1.12 Safeguarding is underpinned by key principles and values that guide how we respond when alerts are raised.

### **Adult safeguarding: principles and values**

#### ***The key principles of adult safeguarding***

- 1.13 The Care Act 2014 introduced six principles of safeguarding which are listed below.

<b>Empowerment</b>	Presumption of person led decision making and informed consent.
<b>Prevention</b>	Take action before harm occurs.
<b>Proportionality</b>	Take the least intrusive response appropriate to the risk presented.
<b>Protection</b>	Provide support and representation for those in the greatest need.
<b>Partnership</b>	Local solutions through services working with their communities.
<b>Accountability</b>	Ensure there is accountability and transparency in safeguarding practices.

#### ***Making Safeguarding Personal***

- 1.14 Making Safeguarding Personal (MSP) is a shift in culture and practice in response to what we now know about what makes safeguarding more or less effective from the perspective of the person being safeguarded.
- 1.15 It is about having conversations with people about how we might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety. It is about seeing people as experts in their own lives and working alongside them. It is a shift from a process supported by conversations to a series of conversations supported by a process.
- 1.16 The key focus is on developing a real understanding of what people wish to achieve, agreeing, negotiating and recording their desired outcomes, working out with them (and their representatives or advocates if they lack capacity) how best those outcomes might be realised and then seeing, at the end, the extent to which desired outcomes have been realised.

#### ***Wellbeing Principle***

- 1.17 The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of a person. This is sometimes referred to as “the wellbeing principle” because it is a guiding principle that puts wellbeing at the heart of care and support.
- 1.18 The wellbeing principle applies in all cases where carrying out any care and support function, or making a decision, or safeguarding. When safeguarding adults it applies equally to adults with care and support needs and their carers.
- 1.19 Promoting “wellbeing” means actively seeking improvements, at every stage in

relation to the individual, and where applicable their carer. It is a shift from providing services to the concept of “meeting needs”. To promote “wellbeing” it should be assumed that individuals are best placed to judge their own wellbeing, their individual views, beliefs, feelings, wishes are paramount and individuals should be empowered to participate as fully as possible.

## **Safeguarding Children**

### ***Every Child Matters***

1.20 The purpose of all safeguarding should be to achieve the best possible outcomes for each individual child. The government has set out five key outcomes for all children in the publication ‘Every Child Matters’. Effective safeguarding of children will contribute to the attainment of these outcomes:

- Stay safe
- Be healthy
- Enjoy and achieve
- Make a positive contribution
- Achieve economic wellbeing

1.21 ‘*Working together to safeguard children 2015*’ suggests that the focus when safeguarding children should be to promote children’s wellbeing and welfare through supporting families. It recommends that safeguarding must focus on the needs of a child as much as the risk to a child in order to give children and families positive outcomes. When safeguarding children, the response needs to be in line with the following key principles:

### ***Safeguarding Is Everyone’s Responsibility***

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

### ***A Child Centred Approach***

1.23 In all cases, safeguarding should be child-centred. This means prioritising the needs of the children, and their views. In order to do this, children’s views must be sought, heard and respected, and they must have consistent support that meets their needs. Children have clearly expressed what they want from the safeguarding process (see box below).

<b>Vigilance</b>	To have adults notice when things are troubling them.
<b>Understanding and action</b>	To understand what is happening; to be heard and understood; and to have that understanding acted upon.
<b>Stability</b>	To be able to develop an on-going stable relationship of trust with those helping them.
<b>Respect</b>	To be treated with the expectation that they are competent rather than not
<b>Information and engagement</b>	To be informed about and involved in procedures, decisions, concerns and plans.
<b>Explanation</b>	To be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response.
<b>Support</b>	To be provided with support in their own right as well as a member of their family.
<b>Advocacy</b>	To be provided with advocacy to assist them in putting forward their views.

## **c. Definitions**

### *Who is an adult at risk of abuse and neglect who may require safeguarding?*

- 1.24 The safeguarding duties apply to an adult (someone aged 18 or over) who:
- has needs for care and support (whether or not the local authority is meeting any of those needs) and;
  - is experiencing, or at risk of, abuse or neglect; and
  - as a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

### *What is the definition of 'child' in this policy?*

- 1.25 The term 'child' is used to encapsulate all children and young people up to the age of 18 years of age, including unborn babies.

### *What is the definition of abuse/neglect?*

- 1.26 Defining abuse or neglect is complex and rests on many factors. The term "abuse" can be subject to wide interpretation. It may be physical, verbal or psychological, it may be an act of neglect, or occur where a person is persuaded to enter into a financial or sexual transaction to which they have not, or cannot consent.
- 1.27 Incidents of abuse may be one-off or multiple, and affect one person or more. Professionals and others should look beyond single incidents or individuals to identify patterns of harm. Repeated instances of poor care may be an indication of serious problems and of what we now describe as organisational abuse. In order to see these patterns it is important that information is recorded and appropriately shared.
- 1.28 Abuse or neglect may be the result of deliberate intent, negligence or ignorance. Exploitation can be a common theme in the experience of abuse or neglect. Abuse or neglect can take many different forms and there are common types of abuse that affect adults and children, as set out in the tables below respectively.
- 1.29 The Care Act guidance identifies a wider range of common types of abuse or neglect, see table below.

<b>The types of abuse / neglect as set out in the Care Act</b>	
<b>Physical abuse</b>	Including assault, hitting, slapping, pushing, misuse of medication, restraint, inappropriate physical sanctions.
<b>Domestic violence</b>	Including psychological, physical, sexual, financial, emotional abuse; so called 'honour' based violence.
<b>Sexual abuse</b>	Including rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the person has not consented or was pressured into consenting.
<b>Psychological abuse</b>	Including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation or unreasonable and unjustified withdrawal of services or supportive networks.
<b>Financial or material abuse</b>	Including theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.
<b>Modern slavery</b>	Encompasses slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.
<b>Discriminatory abuse</b>	Including forms of harassment, slurs or similar treatment; because of race, gender and gender identity, age, disability, sexual orientation or religion.
<b>Organisational abuse</b>	Including neglect and poor care practice within an institution or specific care setting such as a hospital or care home, for example, or in relation to care provided in one's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.
<b>Neglect and acts of omission</b>	Including ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating.
<b>Self-neglect</b>	This covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

### The categories of abuse used in relation to children include

<b>Physical Abuse</b>	is to cause physical harm to a child
<b>Emotional Abuse (including Domestic Abuse)</b>	Persistent emotional maltreatment of a child such as to cause effects on the child's emotional development. Bullying (including cyber bullying) does not have its own category but may be considered to be emotional abuse by causing children to feel frightened or in danger'
<b>Sexual Abuse</b>	involves forcing or enticing a child or young person to take part in sexual activities
<b>Neglect</b>	Persistent failure to meet a child's basic physical &/or psychological needs

1.30 For further details about abuse and possible indicators of abuse, see Appendix 4.



## d. Roles and responsibilities

### Spelthorne Borough Council

#### *The Council as an Organisation*

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

- Representation at the Surrey Safeguarding Adults Board and the completion of standard returns for this board;
- Representation at the Surrey Safeguarding Children Board and the completion of Section 11 returns for this board;
- Appointment of a Lead Member for Children's Safeguarding;
- Appointment of Safeguarding Officers across the Council;
- Sign up to protocols and policies;

#### *The Council as an Employer*

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

#### *Recruitment Procedures*

Spelthorne is committed to safer recruitment. New employees who are taking up a position which involves working closely with children or adults at risk (in a voluntary or paid capacity) will be required to acquire an Enhanced DBS Disclosure. Enhanced DBS Disclosures verify identity and will provide information regarding any unspent and spent convictions, under the Rehabilitation of Offenders Act 1974, cautions, reprimands, final warnings plus any additional information held locally by police. Some employees will have access to the secure public services network and will therefore be subject to the Government Baseline Personnel Security Standard check. A Basic Disclosure Certificate via Disclosure Scotland will be undertaken and any unspent convictions will be listed.

#### *Training*

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

- *Citizen level:* This training is designed for all members of staff to educate them on what safeguarding is, forms of abuse, and how to report any concerns they may have.
- *Advanced level:* This training is aimed at those employees who have a role that involves direct contact with families. These employees will take part in a half-day Safeguarding Children or Adults session (sometimes both), to develop a greater knowledge of signs to be aware of where children and adults may be at risk.
- *Safeguarding Officer level:* Housing Officers, Leisure Officers, Supporting Families Team and Independent Living Officers will undertake additional training as organised and recommended by the Surrey Safeguarding Adults Board and Surrey Safeguarding Children Board to ensure that their knowledge is up to date and is reflected in Spelthorne policies and procedures.

### ***Council Employees***

All Council employees are required to participate in safeguarding training to a level appropriate to their role and adhere to the Safeguarding Policy and Procedure. It is expected that employees will maintain professional standards at all times and in their dealings with the public will never:

- Engage in rough, physical or sexually provocative games including horseplay;
- Allow or engage in inappropriate touching of any form;
- Allow children to use inappropriate language unchallenged;
- Make sexually suggestive comments, even in fun;
- Let allegations a child or adult at risk makes go unchallenged, unrecorded or not acted upon;
- Do things of a personal nature for a person that they can do for themselves.

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

The Council is a licensing authority for services such as taxi drivers, public events, alcohol and entertainment, charity collections, gambling, animal licensing, boot fairs, Sunday and street trading and other licences such as fireworks. A complete list can be found on the Council's website.

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

### ***Contracts:***

Safeguarding is referenced in all applicable contractual arrangements. If a supplier breaches the contract, legal will follow their processes in addition to following the Council's Safeguarding Policy and Procedure.

## **e. Surrey Safeguarding Boards**

- 1.31 In Surrey, the statutory Safeguarding Child Board and Safeguarding Adults boards are responsible for providing local agencies with guidance and holding agencies to account for their actions.

### ***Representation on Safeguarding Boards***

- 1.32 The Children Act 2004 and Care Act 2014 together with associated statutory guidance sets out which organisations are required to sit on both boards and comprises all relevant statutory and key voluntary agencies.
- 1.33 The agencies representation for both boards can be found in Appendix 5.
- 1.34 The 11 Borough and District Councils have a single representative nominated by the Surrey Chief Executives Group to represent them on each board. Other borough and district council officers may attend the boards or the various sub groups that deal with the operational arrangements and ensure effective practice throughout the County.

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

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

#### ***Representation on the Safeguarding boards:-***

##### ***Surrey County Council Safeguarding Meetings:***

Rachel O'Reilly (Mole Valley District Council) represents all Surrey district and boroughs at Adult Safeguarding Meetings.

Louise Round (Chief Executive Tandridge Council) represents all Surrey district and boroughs at Children Safeguarding Meetings.

##### ***North West Safeguarding Adults Meetings***

Janice Lowin and Niky Rentall represent Spelthorne Borough Council at the North West Safeguarding Adults Group.

##### ***Surrey Safeguarding Children's Board North East Area Meeting***

Lisa Stonehouse represents Spelthorne Borough Council at the Surrey Safeguarding Children's Board NE Area Meeting.

## **Surrey Safeguarding Adults Board (SSAB)**

- 1.36 The Surrey Safeguarding Adults Board helps and protects adults in Surrey who have care and support needs and who are experiencing, or are at risk of, abuse or neglect.
- 1.37 Representatives from carers' groups, disability groups and older people's groups are members of the board.
- 1.38 The board ensures the voices of adults at risk, their families and their carers are heard, ensures there are effective processes in place to prevent and respond to abuse and neglect and raises awareness of the importance of safeguarding through publicity campaigns. The board has a multi-agency training programme in place to give staff the right skills to safeguard adults.

## ***Surrey Safeguarding Adult Priorities***

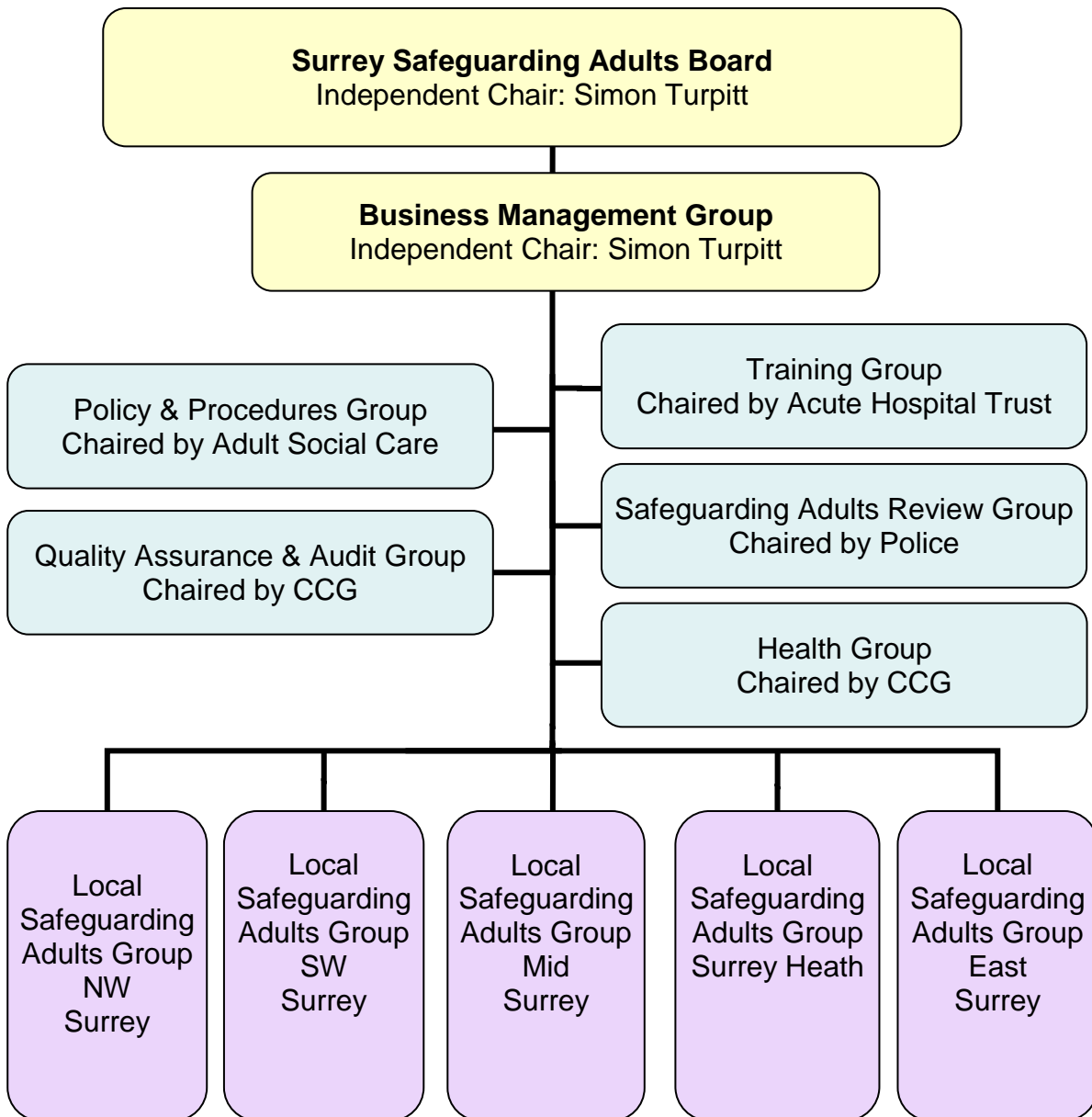
1.39 The SSAB has 3 core duties:

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

1.40 The functions that support its objectives and duties are:

- Developing a framework of multi-agency policies , protocols and procedures
- Requiring member agencies to provide assurance on their safeguarding activities
- Quality assuring the safeguarding of member agencies
- Implementing a multi-agency Competency Framework and training programme
- Undertaking Safeguarding Adults Reviews and learning lessons from them
- Learning lessons from other reviews including Domestic Homicide Reviews and children's Serious Case Reviews
- Undertaking activities to raise awareness of safeguarding and to support the prevention of abuse and neglect.

1.41 The structure of the board can be viewed in the figure below:



## **Surrey Safeguarding Children Board (SSCB)**

1.42 To ensure the SSCB is able to deliver its responsibilities set out in Working Together 2015 it has five core business objectives:

- Optimise the effectiveness of arrangements to safeguard and protect children and young people
- Ensure clear governance arrangements are in place for safeguarding children and young people
- Oversee Serious Case Reviews (SCR's), Partnership Reviews and Child Death (CDOP) processes and ensure learning and actions are implemented as a result
- To ensure a safe workforce and that single-agency and multi-agency training is effective and disseminate good practice
- To raise awareness of the roles and responsibilities of the LSCB (Local Safeguarding Children's Board) and promote agency and community roles and responsibilities in relation to safeguarding children and young people.

## **Surrey Safeguarding Children Priorities**

1.43 The SSCB has 2 main objectives:

- To coordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area
- To ensure the effectiveness of what is done by each such person or body for those purposes

1.44 The functions that support these objectives are:

- Developing policies and procedures
- Communicating and raising awareness
- Monitoring and evaluating the effectiveness of partners individually and collectively
- Participating in the planning of services
- Undertaking reviews of all child deaths and serious case reviews and disseminating the learning
- Commissioning and delivery of multi-agency training
- Evaluation of single agency and multi-agency training

## Additional Priorities

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

**Targeted priority 1** – To monitor and challenge the effectiveness of **Early Help** and to ensure that the voice of children and young people is heard

**Targeted priority 2** – To ensure professionals and the current **child protection processes effectively protect** those children identified as in need of protection and who are looked after (LAC)

**Targeted priority 3** – To ensure children and young people at risk of **Child Sexual Exploitation** (CSE) are protected

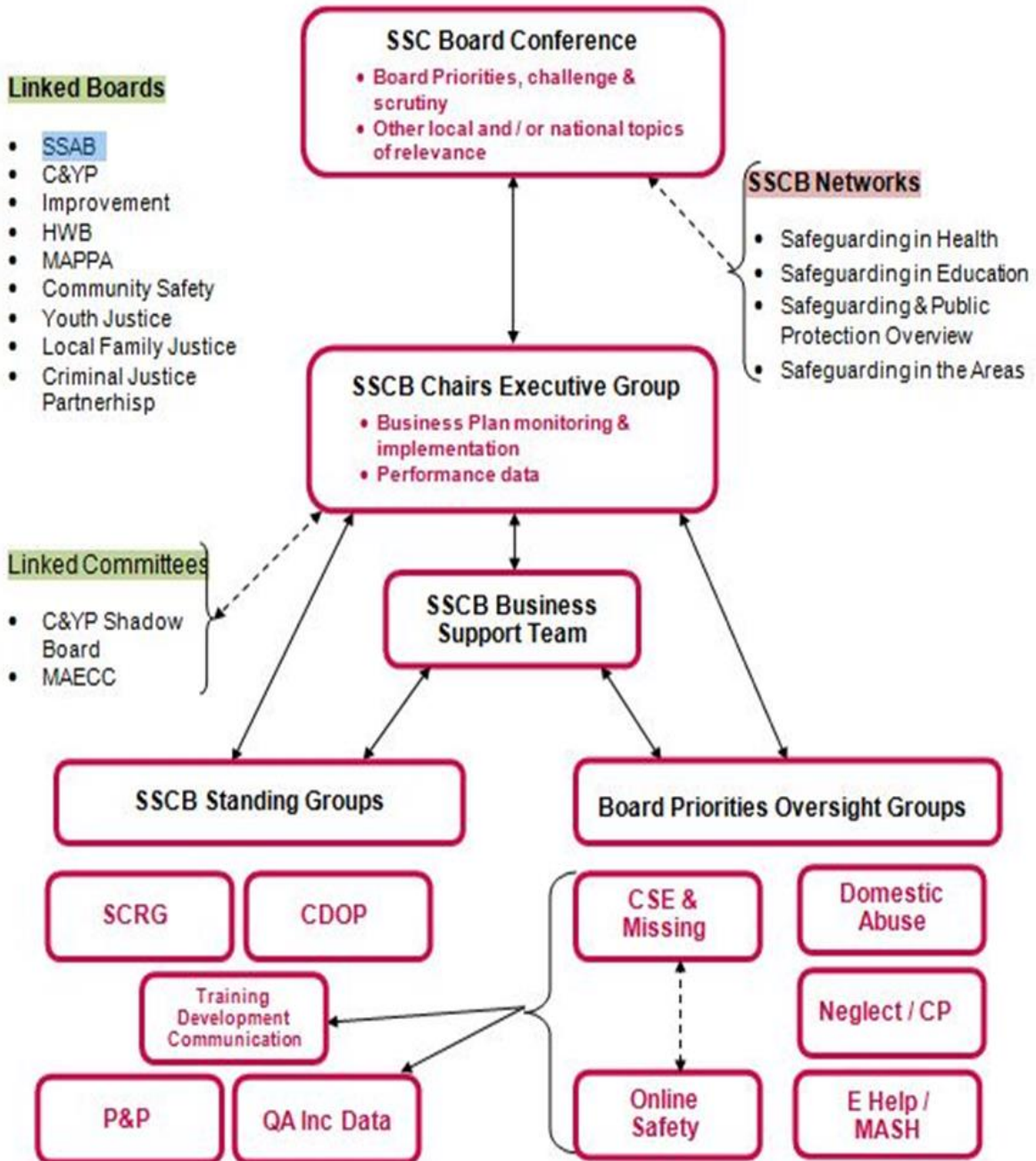
**Targeted priority 4** – To monitor and challenge the effectiveness and impact of the Domestic Abuse Services in reducing the incidences of **Domestic Abuse** and protecting children and young people from harm.

1.46 Each Borough and District completes Section 11 forms to be returned to the SSCB.

1.47 The structure of Surrey Safeguarding Children Board can be viewed in the figure below:

SSCB Review of Structure 2016

Role of the SSCB: to coordinate and ensure the effectiveness of what is done by each person or body represented on the Board, for the purpose of safeguarding and promoting the welfare of children within Surrey.





## Surrey Multi Agency Safeguarding Hub (MASH)

### *What is the MASH?*

- 1.48 The Surrey Multi-Agency Safeguarding Hub (MASH) is the single point of contact for reporting concerns about the safety of a child, young person or adult. It aims to improve the safeguarding response for children and adults at risk of abuse or neglect through better information sharing and high-quality and timely responses.
- 1.49 The Surrey MASH achieves this by co-locating agencies. It brings together Surrey County Council social care workers for children and adults, early help services, health workers and police as well as a vast array of virtual partners across Surrey. Its aim is to identify need, risk and harm accurately to allow timely and the most appropriate intervention.

### *The MASH partners*

- 1.50 The Surrey MASH is made up of staff from Adult Social Care, Children's Social Care, Health and Surrey Police. We also have a virtual team of partners who support the MASH via information sharing.
- 1.51 This includes WISE Workers, Education Workers, Independent Domestic Violence Advisers, Youth Support Services, Probation Service, Ambulance, Hospitals, Surrey Fire and Rescue Service, Trading Standards, schools and colleges, a Data Analysis team as well as four Early Help Co-Ordination hubs.
- 1.52 Because of closer partnership working, there is clearer accountability and less duplication.

### *How does the MASH work?*

- 1.53 The MASH will consider all matters that come to its attention and decide what the best level of support, or most appropriate service, is. If there is not enough information to make this decision, the MASH will request other agencies such as police, health and schools, for information to be able to make that decision and get it right the first time. By offering advice from social workers from both adults and children services, it can take a whole family approach—adults look after children/ young people and vice versa—concerns/ risks often affect both adults and children. For example, an adult at risk who is experiencing abuse could also be a parent and the abuse they are experiencing could impact on their child. A MASH which covers both can look at the risks for both adult and child and come up with a holistic plan that supports the family.

### *When should the MASH be contacted?*

- 1.54 The Surrey MASH should be contacted if you would like to report a concern about the safety of a child, young person or an adult. The MASH is for new contacts not existing open cases. If it is an existing case, contact their social worker or the relevant locality team, details can be found in Appendix 1.

### *Situations where you would call a different number instead of the MASH*

- 1.55 If you have already been in touch with adult social care or children's social care services, please contact your allocated social worker or family support worker directly.

### *Data Sharing in the MASH*

- 1.56 Any data or information in the MASH is shared using a secure IT system. **Only information that is 'lawfully' relevant** to each case will be shared. The data will be used to inform our decision on the most appropriate service by gaining a better understanding of risk and need. All other information that is not relevant, necessary or proportionate to the need or risk of that individual case will not be shared and will not be accessible to any third parties.

# PART 2

## Procedure

### A guide on how to respond if you have a concern

The safeguarding procedures outlined below form a framework for raising an alert and taking action, however, it must be remembered that safeguarding is a dynamic process that must be undertaken with people, and is not something that happens to people.

#### Contact details

The contact details for the Spelthorne Safeguarding Officers and the Multi Agency Safeguarding Hub (**MASH**), can be found on page 26. These details, plus contacts for Surrey County Council Children's Social Care, Adult Social Care and other relevant numbers are also listed in Appendix 1.

To report a Prevent concern/make a referral phone Surrey Police on 101, **or in an emergency, call 999**. Prevent concerns can also be discussed with Aisling Brophy (Resilience Advisor) 07940 482 445 or 020 8251 7866. [aisling@appliedresilience.org](mailto:aisling@appliedresilience.org)

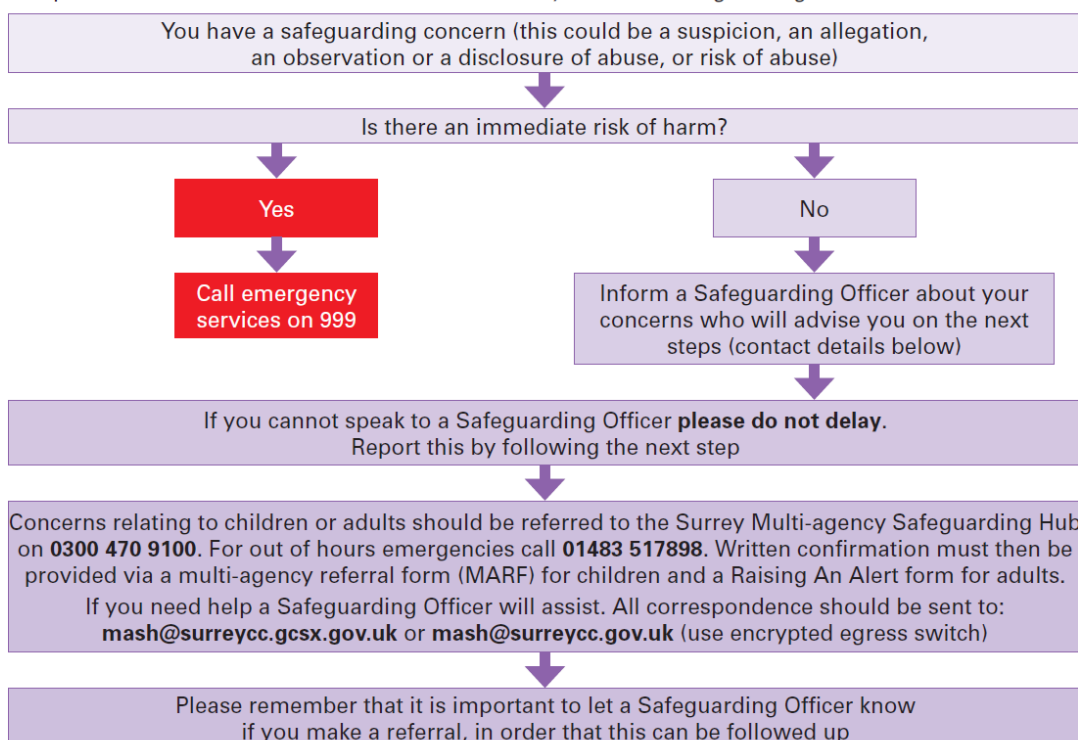
## Procedure

2.1 The procedure outlined below should be followed in response to any concerns.



## Safeguarding Children and Adults

The procedure outlined below should be followed if you have a safeguarding concern:



The Safeguarding Children and Adults Officers are:

Name	Job title	Contact Details
Karen Sinclair and Deborah Ashman	Joint Group Head Community Wellbeing	01784 446206 / 446208
Lisa Stonehouse	Leisure Services Manager	01784 446431
Lewis Brown	Housing Options Manager	01784 446382
Herbie Mann	Senior Housing Projects Officer	01784 448553
Paul Smith	Community Safety Officer	01784 446322
Claire Moore	Sports and Facility Manager	01784 446452
Pauline Wilkie	Housing Options Officer	01784 444280
Katy Frame	Administrative Assistant, Streetscene	01784 446312
Martin Cole	Law Enforcement Officer	01784 448635
Charlene Edwards	Family Support Manager (Family Support Cases only)	01372 474375

The Safeguarding Adults Officers are:

Name	Team	Contact Details
Niky Rentall and Janice Lowin	Joint Independent Living Managers	01784 446343 / 446396
Victoria Mason	Independent Living Supervisor	01784 446290
Jan Kinsella	Manager at Fordbridge Community Centre	01784 243880
Pat White	Manager at Greeno Community Centre	01932 246173

The Management Team Lead Officer for Spelthorne is Terry Collier (Deputy Chief Executive), he can be contacted on 01784 446296.

10 November 2016

## What you should do if you have a Safeguarding Concern about a child or an adult

### *Employees*

- Please follow the procedure on page 26 of this policy. The procedure is also displayed on all staff notice boards and in every office. Please also take note of the information on pages 28-30. Ensure that you liaise with a Safeguarding Officer as per the procedure. **In an emergency call 999.**
- If a referral is made to the Multi Agency Safeguarding Hub (MASH), they will let you know if further information or action is required from you. A Safeguarding Officer will help you with this. You may not find out the outcome of the alert you raised, as information is only provided on a need to know basis.

### *Safeguarding officers*

- Decide whether a safeguarding referral needs to be made (do not refer to the MASH if the person already has a nominated social worker. (contacts in appendix 1). **In an emergency call 999**
- If a telephone referral is made, please ensure that this is confirmed by completing Multiagency Referral Form for a child referral (see appendix 2) or a Raising an Alert Form for an adult referral. (see appendix 3). Please forward these forms to the MASH. If the MASH would like further information, they will contact you.
- Please log the referral on the confidential safeguarding team site spreadsheet to ensure that other safeguarding officers are aware of the details.

## How to respond: Good practice guidelines

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

- In an emergency ring 999
- Do ensure the safety of the individual and others if in immediate danger, contact the relevant emergency service.
- Do **not** be judgemental or jump to conclusions.
- Do listen carefully.
- Do provide support and information to meet their specific communication needs.
- Do use open questions.
- Do tell them that they did a good/right thing in telling you.
- Do tell them you are treating the information seriously.
- Do tell them it was not their fault.
- Do ask them what they need to keep themselves safe.
- Do **not** make promises you cannot keep
- Do **not** promise to keep secrets
- Do seek consent to share the information with your lead for safeguarding, however lack of consent should not prevent you from reporting your concerns.
- Do explain that you have a duty to tell your lead for safeguarding.
- Do provide support and information to meet their specific communication needs.
- Do not confront the person alleged to have caused the harm as this could place you at risk, or provide an opportunity to destroy evidence, or intimidate the person alleged to have been harmed or witnesses.
- Do explain that you will try to take steps to protect them from further abuse or neglect.
- Do support and reassure the person.
- Do preserve any forensic or other evidence.

### Action after the concern of abuse has been recognised: (to be taken as soon as possible or within 4 hours)

- Report concerns to a lead for safeguarding or other designated person.
- Record your concerns and how they came to light, any information given by the person, information about any witnesses, the individual's wishes, actions taken, who was present at the time, dates and times of incident(s).
- Record details of the person alleged to have caused harm.
- Do record any concerns about the person's capacity to make any decisions and the reasons for the concerns.
- Do record whether the person is aware that the concerns have been reported.
- Do record their perspective.
- Do record any previous concerns about the person.
- Do **not** breach confidentiality for example by telling friends, other work colleagues.
- Do use Whistleblowing Procedures if you feel that you will not be believed, taken seriously or believe that your manager or lead for safeguarding may be causing the risks of abuse to the adult or child.

## How to respond: Information sharing and record keeping

2.2 Safeguarding relies on good practice in order to be effective. In order to gain an accurate view of a situation, it may require putting pieces of information together. It is therefore essential that high standards of record keeping and information sharing are employed.

### Information sharing

2.3 Information sharing is crucial to delivering better, more efficient services that are coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding, promoting welfare and for wider

public protection. Information sharing is a vital element in improving outcomes for all. Nevertheless, it is important to understand that most people want to be confident their personal information is kept safe and secure and that practitioners maintain their privacy, while sharing appropriate information to deliver better services. All information sharing should be in line with the agreed set of principles about sharing personal or confidential information in the Surrey Multi-Agency Information Sharing Protocol (MAISP). Further information can be found at <http://www.surreycc.gov.uk/social-care-and-health/safeguarding-boards/surrey-safeguarding-adults-board/surrey-safeguarding-adults-board-information-for-professionals/protocols-forms-and-guidance>

### *Record keeping*

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

### *A guide to making a record*

- 2.5 As soon as possible on the same day, make a written record of what you have seen, been told or have concerns about. Try to make sure anyone else who saw or heard anything relating to the concern also makes a written report. The written report will need to include:
- the date and time when the disclosure was made, or when you were told about / witnessed the incident/s,
  - who was involved, any other witnesses including service-users and other staff,
  - exactly what happened or what you were told, in the person's own words, keeping it factual and not interpreting what you saw or were told,
  - the views and wishes of the adult
  - the appearance and behaviour of any persons involved
  - any injuries observed,
  - any actions and decisions taken at this point,
  - any other relevant information, e.g. previous incidents that have caused you concern.
- 2.6 Remember to:
- include as much detail as possible,
  - make sure the written report is legible, written or printed in black ink, and is of a quality that can be photocopied,

- make sure you have printed your name on the report and that it is signed and dated,
- keep the report factual as far as possible. However, if it contains your opinion or an assessment, it should be clearly stated as such and be backed up by factual evidence. Information from another person should be clearly attributed to them.
- keep the report/s confidential, storing them in a safe & place until needed.

2.7 More information about recording keeping can be found at:

<http://www.surreycc.gov.uk/social-care-and-health/safeguarding-boards/surrey-safeguarding-adults-board/surrey-safeguarding-adults-board-information-for-professionals/protocols-forms-and-guidance>



# **PART 3**

## **Other related policies and strategies**

## County level

### *Prevent Strategy*

- 3.1 The purpose of the Prevent Strategy is to stop people becoming terrorists or supporting terrorism. It aims to identify individuals at risk of radicalisation and being drawn into extremist activity. The Community Safety Board has overall governance of the Prevent Strategy with the Multi-Agency Prevent Partnership Group established to review trends and developments as well as provide a 'quality assurance' overview around Prevent delivery across Surrey.
- 3.2 The Surrey Community Safety Partnerships have identified Prevent as a priority and each District and Borough has developed a local Prevent Action Plan. Workshops have been held to raise awareness.
- 3.3 Contact details for the Prevent Officer can be found in Appendix 1

### *Domestic Abuse*

- 3.4 Domestic abuse (DA) can be any incident of threatening behaviour, violence or abuse between adults who are, or have been, intimate partners, family members or members of the same household regardless of gender or sexuality. Domestic abuse is not limited to violent abuse; it can be physical, psychological, sexual, emotional or financial. Children's health and wellbeing can be seriously affected by living in households where there is any form of domestic abuse. The county-wide DA Management Board has overall responsibility for the development and implementation of the DA Strategy. Spelthorne Borough Council is represented on this Board by a Community Safety Manager from the north of the county. A housing representative attends the Multi Agency Risk Assessment Conference (MARAC). This is a risk management meeting where professionals share information on high risk cases of domestic abuse and put in place a risk management plan. The meeting's aim is to address the safety of the victim, children and agency staff and to review and co-ordinate service provision in high risk domestic abuse cases. In addition, the MARAC meeting will also seek to focus appropriate resources on the needs of the perpetrator with the aim of reducing offending behaviour and supporting the associated criminal justice process as required. More information including contacts for agencies that can offer support and practical advice can be found on [www.surreyagainstda.info](http://www.surreyagainstda.info)

### *Child Sexual Exploitation*

- 3.5 CSE is the sexual abuse of a child or young person aged under 18 by an adult who involves them in inappropriate sexual activities either with themselves or another person. The activity often takes place in exchange for money, alcohol, drugs, food, accommodation or presents. Online grooming is a type of CSE that impacts both boys and girls across Surrey. This area of work is led by specialist police officers working closely with partners such as local Councils, social services, youth services, housing providers and the voluntary sector.
- 3.6 A local MAECC (Missing and Exploited Children Conference) chaired by Children's Services meets monthly to discuss and agree actions to safeguard those young people identified as being at high/medium risk of CSE. District/Borough officers also

attend and participate in these meetings.

- 3.7 More information can be found on Surrey Police's website.

### *Early Help*

- 3.8 Early Help co-ordination supports all Surrey agencies, preventing and reducing the repetition of youth and parental crime, schools' pupil absence and exclusion, domestic abuse and or violence, child abuse and neglect, poor family physical and emotional health, substance misuse, homelessness and financial exclusion. Improved compliance by the safeguarding partnership with provision of help earlier with an audit trail showing outcomes to agencies involved.

### *Missing Persons Protocol*

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

### *Surrey Multi-Agency Information Sharing Protocol*

- 3.10 The MAISP is an agreed set of principles about sharing personal or confidential information. It enables each organisation signed up to the protocol to understand the circumstances in which it should share information and what its responsibilities are. The MAISP has been developed in partnership with Surrey County Council, all the borough and districts as well as the health services and Surrey Police.

<http://www.surreycc.gov.uk/social-care-and-health/safeguarding-boards/surrey-safeguarding-adults-board/surrey-safeguarding-adults-board-information-for-professionals/protocols-forms-and-guidance>

### *Information Sharing within MASH*

- 3.11 Any data or information in the MASH is shared using a secure IT system. **Only information that is 'lawfully' relevant** to each case will be shared. The data will be used to inform our decision on the most appropriate service by gaining a better understanding of risk and need. All other information that is not relevant, necessary or proportionate to the need or risk of that individual case will not be shared and will not be accessible to any third parties.
- 3.12 Surrey Safeguarding Partnership: An Information Sharing Agreement and Individual Working Agreement has been developed between this Council, Surrey Adult Social Care/Surrey & Border Partnership NHS Foundation Trust (SABP) & Children's Services in relation to the Surrey Multi Agency Safeguarding Hub (MASH).
- 3.13 For more information about MASH: <https://www.surreycc.gov.uk/social-care-and-health/contacting-social-care/contact-childrens-services/about-the-multi-agency-safeguarding-hub>

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

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

#### **Spelthorne Borough Council**

The PiPoT Leads for Spelthorne Borough Council are:  
Janice Lowin and Niky Rental (Independent Living)  
Their contact details can be found in Appendix 1.

## **Information, policies and procedures associated with Safeguarding**

### **The Spelthorne Community Safety Partnership (CSP)**

The Spelthorne CSP is a statutory body responsible for the development and delivery of a strategic response to National, Countywide and local crime and disorder and community safety issues. Domestic abuse, Prevent and Child Sexual Exploitation are among its priorities and associated working groups and action plans have been implemented to support these work areas.

### **Prevent Strategy**

The Prevent Strategy 2016-2018 and accompanying action plan has the following objectives:-

- Respond to the ideological challenge of terrorism and the threat we face from those who promote it;
- Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
- Work with sectors and institutions where there are risks of radicalisation which we need to address. The Prevent duty is intended to challenge all forms of terrorism, including the influence of far right extremists.

Radicalisation could be comparable to other forms of harm and abuse, and therefore considered to be a safeguarding issue and considered alongside the Council's wider safeguarding agenda. The Prevent lead reports to the quarterly CSP board meeting.

### **Child Sexual Exploitation (CSE)**

The Community Safety Officer is the council's lead officer for CSE and attends the monthly Missing and Exploited Children's Conference meetings (MAECC) and the CSP.

### **Whistle-blowing policy:**

If safeguarding concerns are highlighted as a result of or during a whistle-blowing concern, the safeguarding procedure must be followed.

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

The Council is the licensing authority for the regulation of activities such as the taxi and private hire trade and the sale of alcohol. A complete list of licencing functions can be found on the website.

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

### **Contracts:**

Safeguarding is referenced in all applicable contractual arrangements. If a supplier breaches the contract, legal will follow their processes in addition to following the Council's Safeguarding policy and procedure.

## Appendix 1: Spelthorne Safeguarding Leads and Other Useful Contacts

<b>Spelthorne Borough Council</b>			
<b>Safeguarding Children Officers</b>			
<b>Name</b>	<b>Role</b>	<b>Team</b>	<b>Contact Details</b>
Karen Sinclair & Deborah Ashman	Joint Group Head	Community Wellbeing	01784 446206/446208
Lisa Stonehouse	Leisure Services Manager	Leisure Services	01784 446431
Lewis Brown	Housing Options Manager	Housing Options	01784 446382
Herbie Mann	Senior Housing Projects Officer	Housing Options	01784 448553
Paul Smith	Community Safety Officer	Community Safety	01784 446322
Claire Moore	Sports and Facility Manager	Leisure Services	01784 446452
Pauline Wilkie	Housing Options Team Leader	Housing Options	01784 446280
Katy Frame	Administrative Assistant	Streetscene	01784 446312
Martin Cole	Law Enforcement Officer	Streetscene	01784 446312
Charlene Edwards	Family Support Manager (Family Support Cases Only)	Family Support	01372 474375
<b>Safeguarding Adult Officers</b>			
Niky Rentall & Janice Lowin	Joint Independent Living Managers	Independent Living	01784 446343/446396
Victoria Mason	Independent Living Supervisor	Independent Living	01784 446290
Jan Kinsella	Manager	Fordbridge Community Centre	01784 243880
Pat White	Manager	Greeno Community Centre	01932 246173
<b>Child Sexual Exploitation Officer</b>			
Paul Smith	Community Safety Officer	Community Safety	01784 446322
<b>Prevent Lead</b>			
Aisling Brophy	Resilience Advisor	Applied Resilience	07490 482 445 or 020 8251 7866

<b>Raising Alerts</b>		
To ensure timely response to Safeguarding concerns, alerts should be made by telephone to <b>Surrey Multi Agency Safeguarding Hub (MASH)</b> :		
<b>Surrey Multi Agency Safeguarding Hub (MASH)</b>		
The team of multi-agency staff will be based at Guildford Police Station, working hours 9am to 5pm Monday to Friday.		
<b>Monday to Friday 9am to 5pm</b>	<b>MASH Phone number:</b> 0300 470 9100	MASH team Surrey Police
	<b>MASH Email:</b> mash@surreycc.gov.uk	PO Box 101 Guildford
	<b>MASH Secure email:</b> <a href="mailto:mash@surreycc.gcsx.gov.uk">mash@surreycc.gcsx.gov.uk</a>	GU1 9PE
<b>Out of hours – emergency duty team</b>	<b>01483 517898</b>	

### **The Caldicott Guardian for Surrey Adult Social Care**

Toni Carney – Email: [toni.carney@surreycc.gov.uk](mailto:toni.carney@surreycc.gov.uk)

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

Crimestoppers anonymously 0800 555 111

Childline 0800 1111

### **General, non-safeguarding queries or existing open cases for Adults**

If the adult you are concerned about already has an allocated social worker please call:-

#### **Spelthorne Locality Team**

#### **Adult Social Care**

Spelthorne Borough Council  
Knowle Green, Staines TW18 1XB

**Tel: 01932 795292**

Email: [spelthornelocalityteam@surreycc.gov.uk](mailto:spelthornelocalityteam@surreycc.gov.uk)

### **General, non-safeguarding queries or existing open cases for Children**

If the child you are concerned about already has an allocated social worker please call:-

#### **The North East Team**

**Tel 0300 123 1610**

## Appendix 2: Multi-Agency Referral Form

SCS700/Jan 017



### Multi-agency referral form to Surrey Children's Services

This form is to be used when **making a referral** which requires a response from Surrey Children's Service. If you are unclear whether to make a referral, please discuss this with your Safeguarding lead and or the MASH before completing this form. MASH email address: [mash@surreycc.gcsx.gov.uk](mailto:mash@surreycc.gcsx.gov.uk)

Referral Completed by: (details of person taking the referral)		
Name of Referrer:	Job title:	Agency:
Address:	Email:	Telephone:
Date of Referral:	Time of referral:	Date and time MARF form completed:

1. CHILD/YOUNG PERSON DETAILS/SIBLING DETAILS						
Last Name	First Name	Age/DOB/EDD	M/F	Ethnicity/ Language	5 Religion	6 Address and telephone number

2. HOUSEHOLD DETAILS (including extended family)						
Last Name	First Name	Age/DOB/EDD	7 M/F	Ethnicity/ Language	Relationship to child	8 Address and telephone number

Give details of principal carers and those with Parental Responsibility (if their address is different from the child):						
Last Name	First Name	Age/DOB/EDD	9 M/F	Ethnicity/ Language	Relationship to child	0 Address and telephone number

Are there any communication/interpreting needs for the child and/or family?	Does the child and/or family have a disability or special needs?
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Page 56



3. Other professionals involved (to include GP, school and details of any voluntary agencies involved)			
Name	Job Title	Address	Telephone/email

4. Reason for Referral	
What was the date and time of presentation?	Was the child/young person present? <input type="checkbox"/> YES <input type="checkbox"/> NO
If NO, please give details of where the child was at the time of referral and who they were with:	
What are you worried about?	
What does the history tell us?	
What is working well?	
What is not working well?	
What do you consider to be the appropriate level of need for this case? Please refer to <a href="#">Surrey Levels of Need</a> document for guidance.	

5 . Previous involvement	
Has an Early Help Assessment been completed?	If No, please say why not:
<input type="checkbox"/> No <input type="checkbox"/> Yes , please attach	
What early help support has already been offered by your agency and/or other agencies and what were the outcomes?	
Are you aware of any previous social work involvement with this family? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If YES, please give details, including approximate dates:	

6. Consent (Please note that parents/carers have to consent to this referral unless obtaining this consent will place the child at further risk of harm)	
Is the child/young person aware of the referral? <input type="checkbox"/> YES <input type="checkbox"/> NO	If no then why?
Has the child's views been sought? <input type="checkbox"/> YES <input type="checkbox"/> NO	If no then why?
Please record the child's view	
Is the parent/carer aware of the referral? <input type="checkbox"/> YES <input type="checkbox"/> NO	If no then why?
Does the parent give consent for this referral? <input type="checkbox"/> YES <input type="checkbox"/> NO	If no then why?
Does the parent give consent to information being shared with partner agencies? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Who has given consent?	

Has the parent/carer specified that information should NOT be shared with a particular person/agency?  YES  NO If yes, please specify

7 . Are there any issues we should be aware of when contacting parents/carers?

## Appendix 3: Raising an Alert



### **SAFEGUARDING ADULTS ALERT / CONCERN FORM - CONFIDENTIAL (when completed) -**

If you have a concern that an adult who has care and support needs is experiencing abuse or neglect, please phone the Multi Agency Safeguarding Hub (MASH) for advice and support. Some people may also want to complete a form, setting out in writing their concern. If so, please use this form to notify ASC that you have a concern an adult is at risk of abuse or neglect (including self-neglect). Anyone can fill in this form, including members of the public.

In an emergency, always dial 999 for the police.

Multi Agency Safeguarding Hub (MASH)

- Contact the Multi Agency Safeguarding Hub (MASH): 0300 470 9100
- Email: mash@surreycc.gov.uk
- Secure email mash@surreycc.gcsx.gov.uk

Out of hours

- Call Adult Social Care emergency duty team on: 01483 517898

<b>1. Your details</b>	
Date form completed:	
Time form completed:	
Name of Person completing this form	
How do you know the adult at risk / your involvement with them	
Your Telephone	
Your Mobile	
Your email	

<b>2. Adult at risk's details</b>	
Name:	
Address	
Date of Birth	
Gender	
Does the adult have any language or communication difficulties	
Does the adult have any known Mental Capacity issues	
Their telephone:	
Their mobile:	
Their email:	

<b>3. Details of concern</b>				
Date of alleged abuse or neglect (if known):				
<b>Type of suspected abuse or neglect (tick all that apply)</b>				
Physical	<input type="checkbox"/>	<input type="checkbox"/>	Modern slavery	<input type="checkbox"/>
Domestic abuse	<input type="checkbox"/>		Discriminatory	<input type="checkbox"/>
Sexual	<input type="checkbox"/>		Organisational	<input type="checkbox"/>
Psychological	<input type="checkbox"/>		Neglect and acts of omission	<input type="checkbox"/>
Financial and material	<input type="checkbox"/>		Self neglect	<input type="checkbox"/>
<p><b>Please give details about your concerns</b> (such as what has happened to make you concerned that the person may be being abused / neglected, who was involved, were there any witnesses, whether you have any immediate concerns about the persons safety, whether any action has already been taken to keep the person safe such as have the police been called, medical assistance requested etc, is there anyone else who could be at risk due to your current concerns such as a child or another adult at risk/ vulnerable person):</p>				

<b>4. Please tell us if you know whether other people are involved with the adult at risk.</b>
This may include people such as their GP, family, neighbours, professionals, other agencies. If possible, please include Name, Job Title (if any), Address and Telephone number. 1. 2. etc.

<b>5. Does the adult at risk know you are contacting us?</b>			
<b>Yes</b>			<b>No</b>
<b>If yes</b> , what are their views. Please include whether they agree with the referral being made.		<b>If no</b> , were there any reasons why you did not feel it appropriate to advise them that you were making contact with us	

**If you are sending the referral from a professional secure email address**– this will be an email address containing: .gcsx.gov.uk (Local Government/Social Services), .gse.gov.uk (Central Government), .gsi.gov.uk (Central Government including Department of Health), .gsx.gov.uk (Central Government), .mod.uk (Military), .nhs.net (NHSmail), .pnn.police.uk (Police), .scn.gov.uk (Criminal and Justice), .cjsm.net (Criminal and Justice) – **then please send your completed Safeguarding Adults Concern Form to the secure email address of the MASH**

**If you do not have one of the above secure email addresses please send the completed form, marked ‘CONFIDENTIAL’ by post:** MASH team, Surrey Police, PO Box 101, Guildford. GU1 9PE.

**Alternatively**, you can register with the Egress system at [www.egress.com](http://www.egress.com). You can then send the form via their system, securely to the MASH.

## Appendix 4: Forms of abuse and indicators of abuse

### Physical abuse

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

### *Possible indicators*

1. Unexplained or inappropriately explained injuries;
2. Exhibiting untypical self-harm;
3. Unexplained cuts or scratches to mouth, lips, gums, eyes or external genitalia;
4. Unexplained bruising to the face, torso, arms, back, buttocks, thighs, in various stages of healing. Collections of bruises that form regular patterns which correspond to the shape of an object or which appear on several areas of the body;
5. Unexplained burns on unlikely areas of the body (e.g. soles of the feet, palms of the hands, back), immersion burns (from scalding in hot water/liquid), rope burns, burns from an electrical appliance;
6. Unexplained or inappropriately explained fractures at various stages of healing to any part of the body;
7. Medical problems that go unattended;
8. Sudden and unexplained urinary and/or faecal incontinence. Evidence of over/under-medication;
9. Flinches at physical contact;
10. Appears frightened or subdued in the presence of particular people;
11. Asks not to be hurt;
12. May repeat what the person causing harm has said (e.g. 'Shut up or I'll hit you');
13. Reluctance to undress or uncover parts of the body;
14. Wears clothes that cover all parts of their body or specific parts of their body;
15. An adult with capacity<sup>7</sup> not being allowed to go out of a care home when they ask to;
16. An adult without capacity not being allowed to be discharged at the request of an unpaid carer/family member.

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<sup>7</sup> The NHS defines capacity as "the ability to use and understand information to make a decision, and communicate any decision made. A person lacks capacity if their mind is impaired or disturbed in some way and this means the person is unable to make a decision at that time. <http://www.nhs.uk/Conditions/Consent-to-treatment/Pages/Capacity.aspx>

## Domestic abuse

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

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

- Incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse by someone who is or has been an intimate partner or family member regardless of gender or sexuality
- Includes: psychological, physical, sexual, financial, emotional abuse, so called 'honour' based violence, Female Genital Mutilation, forced marriage.
- Age range extended down to 16.

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

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

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

In a situation where there is concern that an adult with care and support needs is being forced into a marriage they do not or cannot consent to, there will be an overlap between action taken under the forced marriage provisions and the adult safeguarding process. In this case action will be co-ordinated with the police and other relevant organisations. The police must always be contacted in such cases as urgent action may need to be taken.

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

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

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

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

## Sexual abuse

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

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

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

## Possible indicators

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

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

Sexual exploitation can occur through the use of technology without the person's immediate recognition. This can include being persuaded to post sexual images or videos on the internet or a mobile phone with no immediate payment or gain, or being sent such an image by the person alleged to be causing harm. In all cases those exploiting the



individual have power over them by virtue of their age, gender, intellect, physical strength, and/or economic or other resources.

### **Psychological abuse**

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

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

It includes preventing a person from using services that would otherwise support them and enhance their lives. It also includes the intentional and/or unintentional withholding of information (e.g. information not being available in different formats/languages etc.).

### **Possible indicators**

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

### **Financial or material abuse**

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

### **Possible indicators**

- Lack of heating, clothing or food;
- Inability to pay bills/unexplained shortage of money;
- Lack of money, especially after benefit day;

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

### Modern slavery

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

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

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

Someone is in slavery if they are:

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

Contemporary slavery takes various forms and affects people of all ages, gender and races.

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

If an identified victim of human trafficking is also an adult with care and support needs, the response will be co-ordinated under the adult safeguarding process. The police are the lead agency in managing responses to the victims of human trafficking. There is a national framework to assist in the formal identification and help to coordinate the referral of victims to appropriate services, known as the National Referral Mechanism.

### ***Possible Indicators:***

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

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

### ***Environmental indicators***

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

### ***Discriminatory abuse***

This includes discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic or

ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur or similar treatment. Hate crime can be viewed as a form of discriminatory abuse, although will often involve other types of abuse as well. It also includes not responding to dietary needs and not providing appropriate spiritual support. Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.

The government has recently published a four year plan for tackling hate crime – “Action Against Hate”. The plan is available via: [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

### **Possible Indicators**

- Indicators for discriminatory abuse may not always be obvious and may also be linked to acts of physical abuse and assault, sexual abuse and assault, financial abuse, neglect, psychological abuse and harassment, so all the indicators listed above may apply to discriminatory abuse.
- May reject their own cultural background and/or racial origin or other personal beliefs, sexual practices or lifestyle choices
- Making complaints about the service not meeting their needs.

### **Organisational abuse**

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

Organisational abuse is the mistreatment, abuse or neglect of person by a regime or individuals in a setting or service where the person lives or that they use. Such abuse violates the person's dignity and represents a lack of respect for their human rights.

Organisational abuse occurs when the routines, systems and regimes of an institution result in poor or inadequate standards of care and poor practice which affect the whole setting and deny, restrict or curtail the dignity, privacy, choice, independence or fulfilment of the individuals.

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

- receive little support from management;
- are inadequately trained;
- are poorly supervised and poorly supported in their work;
- receive inadequate guidance;

or where there is:

- Unnecessary or inappropriate rules and regulations;

- Lack of stimulation or the development of individual interests;
- Inappropriate staff behaviour, such as the development of factions, misuse of drugs or alcohol, failure to respond to leadership;
- Restriction of external contacts or opportunities to socialise.

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

These include ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

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

#### ***Possible indicators***

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

### **Self-neglect**

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

#### ***Possible indicators***

- living in very unclean, sometimes verminous, circumstances;
- poor self-care leading to a decline in personal hygiene;

- poor nutrition;
- poor healing/sores;
- poorly maintained clothing;
- long toenails;
- isolation;
- failure to take medication;
- hoarding large numbers of pets;
- neglecting household maintenance;
- portraying eccentric behaviour/lifestyles;

NOTE: Poor environments and personal hygiene may be a matter of personal or lifestyle choice or other issues such as insufficient income.

### Where does abuse take place?

Abuse can take place anywhere. For example:

- the person's own home, whether living alone, with relatives or others;
- day or residential centres;
- supported housing;
- work settings;
- educational establishments;
- care homes;
- clinics hospitals;
- prisons;
- other places in the community.

### Who might abuse?

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

- a spouse/partner;
- an adult with care and support needs;

- other family members;
- neighbours;
- friends;
- local residents;
- people who deliberately exploit adults they perceive as vulnerable to abuse;
- paid staff or professionals: and
- volunteers and strangers.

## Appendix 5: Surrey Adults and Children’s Board Representation.

<b>Surrey Safeguarding Adult’s Board</b>	
<b>SSAB Membership Voluntary sector / User led organisations</b>	Action for Carers (Surrey) Age UK, Surrey Surrey Coalition of Disabled People Surrey 50+
<b>Emergency Services</b>	Ambulance Services Surrey Police Surrey Fire and Rescue Service
<b>Housing</b>	Anchor Trust - Housing
<b>Hospital / Acute Trusts</b>	Ashford & St Peters NHS Foundation Trust Frimley Park Hospital NHS Foundation Trust Royal Surrey County Hospital NHS Foundation Trust St Helier & Epsom University Hospitals NHS Trust Surrey & Sussex Healthcare NHS Trust
<b>Community Health providers</b>	Central Surrey Health First Community Health & Care FirstPointCIC Virgin Care Surrey and Borders Partnership NHS Foundation Trust
<b>Regulators, regional and representative organisations</b>	Care Quality Commission NHS England Surrey Care Association
<b>District and Borough Councils</b>	Guildford Spelthorne Tandridge Mole Valley
<b>Surrey County Council</b>	Director of Adult Social Services, Interim Assistant Director for Service Delivery, ASC Business Intelligence Manager, ASC Area Directors, Interim Head of Safeguarding and Quality Assurance, legal services, Trading Standards, Domestic Abuse service.
<b>Clinical Commissioning Groups</b>	Surrey Downs CCG – hosting adult safeguarding in Surrey East Surrey, North West and Surrey Heath CCGs attend in their capacity as chairs of Local Safeguarding Adults Groups
<b>Probation Service</b>	Kent Surrey & Sussex Community Rehabilitation Company Ltd (formerly Probation) National Probation Service
<b>Chairs of Local Safeguarding Adults Groups</b>	
<b>Associate Cabinet Member with lead for adult safeguarding at Surrey County Council</b>	
<b>Surrey Safeguarding Children’s Board Partnership Support Manager</b>	



<b>Surrey Safeguarding Children's Board</b>
<b>Surrey County Council:</b> <ul style="list-style-type: none"> <li>• Children's Services</li> <li>• Schools and Learning</li> <li>• Youth Support Services (YSS)</li> <li>• Early Years and Childcare Service</li> <li>• Public Health</li> </ul>
<b>Health:</b> <ul style="list-style-type: none"> <li>• Acute Hospitals</li> <li>• Clinical Commissioning Groups (CCGs)</li> <li>• Community Providers</li> <li>• Mental Health and Learning Disabilities</li> </ul>
<b>Districts and Boroughs</b> <ul style="list-style-type: none"> <li>• Chief Executive Tandridge District Council</li> </ul>
<b>Surrey Police</b>
<b>Early Years Independent Sector</b>
<b>Voluntary Sector</b>
<b>Faith Sector</b>
<b>National Probation Service (NPS)</b>
<b>Rehabilitation Company (KSSCRC)</b>
<b>Children and Family Court Advisory Support Service (CAFCASS)</b>
<b>HM Forces</b>
<b>Independent Schools</b>
<b>Private Organisations</b>
<b>Lay Members</b>

## Appendix 6: MS1 – Notification of Potential Victim of Modern Slavery Form<sup>8</sup>

### MS1 - Notification of Potential Victim of Modern Slavery Form

**THIS IS NOT A REFERRAL TO THE NATIONAL REFERRAL MECHANISM (NRM)  
– PLEASE VISIT <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms> FOR THE CORRECT FORMS TO REFER  
AN INDIVIDUAL FOR ASSESSMENT AND SUPPORT.**

This form should be completed to notify the Home Office if you have encountered a potential victim of modern slavery but they do not want to be referred into the NRM (to receive support and a decision about their case). This form allows the potential victim to remain anonymous (unless they consent to being identified in Part C).

The police, local authorities, the National Crime Agency and the Gangmasters Licensing Authority have a duty to notify the Home Office under the Modern Slavery Act 2015. Information marked with an asterisk (\*) must be provided. Other organisations can complete this form on a voluntary basis.

This form should not be relied upon to safeguard an individual at risk. Existing safeguarding processes should still be followed in tandem with a notification.

For more information please see the accompanying guidance on gov.uk. If a referral to the NRM has already been made, this form does not need to be completed.

Completed forms should be sent to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk).

#### *A. Contact Details for the Person Making the Referral*

Name

\*Organisation

Unit / Area

Telephone

Email

#### *B. Anonymous Information about the Potential Victim*

**\*What is the victim's gender?**

Male

Female

Undefined / other

**\*What is the victim's nationality?**

MS1 form published 18 March 2016 version 2.0

<sup>8</sup> The referral form and guidance can be found at <https://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery>

## MS1 - Notification of Potential Victim of Modern Slavery Form

**\*Was the victim under 18 when the slavery or human trafficking first occurred?**

- 18 or over                       Under 18                       Don't know

**\*Do you think the person is a victim of slavery or human trafficking? (*tick all that apply*)**

- Slavery, Servitude and Forced or Compulsory Labour  
 Human Trafficking

**\*In which country or territory do you think the slavery or human trafficking occurred?**

**If in the UK, which police force area do you think the offence occurred in?**

Please select

**\*Which police force area was the victim identified in?**

Please select

**\*Have you referred this case to the police? (*If you represent the police tick yes*)**

- Yes                       No

**\*If yes, which police force did you refer it to? (*this should be the same as the force area where the offence occurred, if known*)**

Please select

**\*If not referred to the police, why not?**

**Do you think that the slavery or human trafficking (*tick all that apply*):**

- \*occurred wholly or partly within residential premises (i.e. involved domestic servitude)  
 \*involved slavery, servitude and forced or compulsory labour  
 \*involved sexual exploitation  
 \*involved the removal of organs or human tissue  
 \*involved the commission of an offence by the victim  
 unknown  
 other (*please state*)

MS1 form published 18 March 2016 version 2.0

## MS1 - Notification of Potential Victim of Modern Slavery Form

### C. Additional Information about the Potential Victim

You should only complete this part if you have the consent of the potential victim to do so. If they are under 18 you do not need their consent. **Where the potential victim is an adult and does not consent, ALL of Part C should be left blank.**

**Is the potential victim a minor?**

Yes

No

*I have explained the Duty to Notify to the potential victim and explained that all of the information on this form will be submitted to the Home Office, the National Crime Agency and the police to assist in the detection and prevention of modern slavery offences. I confirm that on this basis, the potential victim has consented to provide the information in Part C and to being identified on this form.*

**Signature:**

Is the potential victim also willing to be contacted by the police?

Yes

No

Potential Victim's First Name

Potential Victim's Surname

Potential Victim's Alias

Potential Victim's Date of Birth

*A safe phone number and address for communications should ONLY be provided if the potential victim is willing to engage with the police.*

Safe Phone Number

Safe Address for Communications (can be via legal representative)

**The names of persons who may have perpetrated the suspected slavery or human trafficking of the victim (if you do not know, leave blank)**

**The names of persons who may also have been victims of slavery or human trafficking by the same perpetrators (if you do not know, leave blank)**

MS1 form published 18 March 2016 version 2.0

## MS1 - Notification of Potential Victim of Modern Slavery Form

### D. Other Additional Information

**Other Relevant Information (free text) – N.B. This should not allow the potential victim to be identified, unless they agreed to be identified in Part C.**

MS1 form published 18 March 2016 version 2.0

## Appendix 7: National Referral Mechanism Form for Potential Child Victims of Modern Slavery (England and Wales)<sup>9</sup>

**To note: this form is for all child cases identified across England and Wales. For Scotland or Northern Ireland cases please use the relevant form.**

**For referral of potential adult victims please refer to the specific adult guidance and form.**

Modern slavery, including child trafficking, is child abuse. When an agency comes into contact with a child who may have been exploited or trafficked, Local Authority Children's Services and the Police should be notified immediately. A referral into the NRM does not replace or supersede established child protection processes, which should continue in tandem.

All children, irrespective of their immigration status, are entitled to safeguarding and protection under the law. Referrals to the NRM should be for all potential victims of trafficking and modern slavery, who can be of any nationality, and may include British national children, such as those trafficked for child sexual exploitation or those trafficked as drug carriers internally into the UK.

Where there is reason to believe a victim could be a child, the individual must be given the benefit of the doubt and treated as a child under an assessment is carried out.

This form should be completed with reference to the linked guidance available on gov.uk

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<sup>9</sup> The referral form and guidance can be found at: <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

### **How to complete the form**

Throughout the form, items marked with an asterisk (\*) should be supported by documentary evidence where possible. This form should be completed with reference to the linked guidance available on gov.uk.

### **Where to send the form**

The Home Office is currently piloting changes to the NRM system. Completed forms should therefore be sent to the following teams depending on the location the victim was identified:

- In West Yorkshire police force area and the South West (Avon and Somerset, Devon and Cornwall, Dorset, Gloucestershire and Wiltshire police force areas) a local Slavery and Safeguarding Lead'
- In the rest of England and Wales to NVA Modern Slavery and Human Trafficking Unit via email to [nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk) or by fax to 0870 496 5534.

If you are unsure which police force area the individual was identified in, please check <https://www.police.uk/>.

### **Duty to notify**

From 1 November 2015, specified public authorities are required to notify the Home Office about any potential victims of modern slavery they encounter in England and Wales. Completing this NRM form is sufficient to satisfy this duty to notify as long as all of the section marked with a † are completed. However, if the potential victim does not want to be referred to the NRM, then an MS1 form should be completed and sent to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk). The MS1 form can be anonymous. The MS1 form and associated guidance is available at:

[www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery](http://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery).

NRM forms should **not** be sent to the [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk) address.

**Section A: child's details**

†Last name: ..... †First name(s): .....

†Also known as: ..... Sex: .....

†Date of birth: ..... known / claimed *(delete as appropriate)*

Age *(approximate if not known)*: ..... known / claimed *(delete as appropriate)*

Place of birth:  
.....

†Nationality:  
.....

Immigration status *(where known)*:.....

Language(s) spoken:  
.....

Any English spoken / interpreter needed *(delete as appropriate)*

Home Office reference *(where known)*:  
.....

UK visa reference *(where known)*:  
.....

Any other reference numbers:.....

UK home address:  
.....  
.....

UK Port of entry *(where known)*..... known / claimed *(delete as appropriate)*

Method of entry to UK *(where known)*  
.....

Carrier *(where known)*:  
.....

..



**Section B: contact details of person making referral**

Name: .....

Job title: .....

†Organisation: .....

Unit or area: .....

Tel: ..... Fax: .....

Mobile: ..... Email: .....

Signature..... Date: ...../...../.....

**Section C: General details of the encounter**

**Date encountered (if relevant) or date of first agency contact:** .....

**Address encountered or place of first contact with your agency (if different from above):**

.....  
.....

Date of referral to local authority: ...../...../.....

Local authority area .....

Local authority / social worker contact details: .....

.....

**†Responsible police force area for this location:**

.....

**†Have you reported the case to the police:**

- †yes
- †no
- NRM referral is being made by the police

**†If yes, was the case reported to the police in England, Wales, Scotland or Northern Ireland?**

.....

**†If reported to the police in England or Wales, which police force was the case**

reported to?

.....

**Crime reference numbers relating to this incident of modern slavery (where available):**

.....

**If you have not referred the case to the police, what was the reason for this?**

.....

**Section D: General information about the suspected modern slavery**

**†Suspected victim of (tick any that apply):**

- †human trafficking
- †Slavery, servitude, forced or compulsory labour

**†The country or territory where the modern slavery is believed to have occurred**

.....

**†Suspected form of exploitation or forced service:**

- †domestic servitude (i.e. occurred wholly or partly within residential premises )
- †forced or compulsory labour
- †provision of sexual services or the commission of sexual offences by the victim
- †criminal services (i.e. involved the commission of an offence by the victim)
- †removal of organs
- unknown
- other (*please state*).....

## Section E: potential indicators of children who may have been victim of modern slavery (Y = Yes, S = Suspicion)

Child development			Parenting Capacity			Family/environment		
Exploitation	Y	S	Exploitation	Y	S	Exploitation	Y	S
Claims to have been exploited through sexual exploitation, criminality, labour exploitation or domestic servitude by another person			Required to earn a minimum amount of money every day			Located / recovered from a place of exploitation (for example brothel, cannabis farm, involved in criminality)		
Physical symptoms of exploitative abuse (For example sexual or physical)			Involved in criminality highlighting involvement of adults (for example recovered from cannabis farm / factory, street crime, petty theft, pick pocketing, begging)			Deprived of earnings by another person		
Underage marriage			Performs excessive housework chores and rarely leaves the residence			Claims to be in debt bondage or "owes" money to other persons (for example for travel costs, before having control over own earnings)		
Physical indications of working (For example overly tired in school, indications of manual labour – condition of hands/skin, backaches)			Reports from reliable sources suggest likelihood of sexual exploitation, including being seen in places known to be used for sexual exploitation			Receives unexplained / unidentified phone calls whilst in placement / temporary accommodation		
Sexually transmitted infection or unwanted pregnancy			Unusual hours / regular patterns of child leaving or returning to placement which indicates probable working			No passport or other means of identity		
Story very similar to those given by others, perhaps hinting they have been coached			Accompanied by an adult who may not be the legal guardian and insists on remaining with the child at all times			Unable or reluctant to give accommodation or other personal details		
Significantly older partner			Limited freedom of movement			False documentation or genuine documentation that has been altered or fraudulently obtained; or the child claims that their details (name, date of birth) on the documentation are incorrect		
Harbours excessive fears / anxieties (for instance about an individual, of deportation, disclosing information)			Movement into, within or out of the UK			Movement into, within or out of the UK		
Movement into, within or out of the UK			Gone missing from local authority care			Entered country illegally		
Returning after missing, looking well cared for despite no known base			Unable to confirm name or address of person meeting them on arrival			Journey or visa arranged by someone other than themselves or their family		
Claims to have been in the UK for years but hasn't learnt local language or culture			Accompanying adult previously made multiple visa applications for other children / acted as the guarantor for other children's visa applications			Registered at multiple addresses		
Other risk factors			Accompanying adult known to have acted as guarantor on visa applications for other visitors who have not returned to their countries of origin on visa expiry			Other risk factors		
Withdrawn and refuses to talk / appears afraid to talk to a person in authority			History with missing links or unexplained moves			Possible inappropriate use of the internet and forming online relationships, particularly with adults		

Shows signs of physical neglect – basic care, malnourishment, lack of attention to health needs			Pattern of street homelessness			Accounts of social activities with no plausible explanation of the source of necessary funding		
Shows signs of emotional neglect			Other risk factors			Entering or leaving vehicles driven by unknown adults		
Socially isolated – lack of positive, meaningful relationships in child's life			Unregistered private fostering arrangement			Adults loitering outside the child's usual place of residence		
Behavioural - poor concentration or memory, irritable unsociable / aggressive behaviour			Cared for by adult/s who are not their parents and quality of relationship is not good			Leaving home / care setting in clothing unusual for the individual child (for example inappropriate for age, borrowing clothing from older people)		
Psychological – indications of trauma or numbing			Placement breakdown			Works in various locations		
Exhibits self-assurance, maturity and self-confidence not expected in a child of such age			Persistently missing, staying out overnight or returning late with no plausible explanation			One among a number of unrelated children found at one address		
Evidence of drug, alcohol or substance misuse			Truancy / disengagement with education			Having keys to premises other than those known about		
Low self-image, low self-esteem, self-harming behaviour including cutting, overdosing, eating disorder, promiscuity			Appropriate adult is not an immediate family member (parent / sibling)			Going missing and being found in areas where they have no known links		
Sexually active			Appropriate adult cannot provide photographic identification for the child					
Not registered with or attended a GP practice								
Not enrolled in school								
Has money, expensive clothes, mobile phones or other possessions without plausible explanation								

**Section F: evidence to support reasons for referral (2 pages available)**

Please use this section to:

1. Expand on the circumstances and details of the encounter or contact
2. provide supporting evidence for the indicators that you have identified in the matrix (please number the indicator you are referring to)
3. Provide details of any other indicators you feel are relevant but are not listed.
4. Provide any other relevant information that you consider may be important and wish to include for example details of behaviour, abuse and neglect
5. Provide details of any movements into, within or out of the UK, including dates (if known)
6. Provide name of any adults, exploiters or traffickers (if known)
7. Provide details of any linked victims (if known)
8. Provide suspected place of exploitation (if known)
9. Provide details of suspected form of exploitation (whether this had taken place or was yet to take place)
10. Detail any action you have taken including referral to other agencies such as police, local authorities.
11. Provide reasons why you think individual is a child
12. Details of any adults or other children the individual was encountered with, or whether the child was unaccompanied.

(if a separate sheet is required, please indicate that section D is continued and provide with referral)

**Section D: evidence to support reasons for referral (continued) if required**

## Appendix 8: National Referral Mechanism Form for Potential Adult Victims of Modern Slavery England and Wales.<sup>10</sup>

### National Referral Mechanism form for potential adult victims of modern slavery

**Adults cannot enter the NRM unless they have signed this form.**

**To note: this form is for all adult cases in England or Wales. For Scotland or Northern Ireland cases please see separate guidance and form.**

**For referral of potential child victims please refer to the specific child guidance and form.**

#### **How to complete the form:**

Throughout the form, items marked with an asterisk (\*) should be supported by documentary evidence where possible. This form should be completed with reference to the linked guidance available on gov.uk

#### **Where to send the form:**

The Home Office is currently piloting changes to the NRM system. Completed forms should therefore be sent to the following teams depending on the location the victim was identified:

- in West Yorkshire police force area and the South West (Avon and Somerset, Devon and Cornwall, Dorset, Gloucestershire, and Wiltshire police force areas) a local Slavery and Safeguarding Lead;
- In the rest of England and Wales to NCA Modern Slavery and Human Trafficking Unit via email to [nrm@nca.x.gsi.gov.uk](mailto:nrm@nca.x.gsi.gov.uk) or by fax to 0870 496 5534.

If you are unsure which police force area the individual was identified in, please check <https://www.police.uk/>.

#### **Duty to notify**

From 1 November 2015, specified public authorities are required to notify the Home Office about any potential victims of modern slavery they encounter in England and Wales. Completing this NRM form is sufficient to satisfy this duty to notify as long as all of the sections marked with a † are completed. However, if the potential victim does not want to be referred to the NRM, then an MS1 form should be completed and sent to [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk). The MS1 form can be anonymous. The MS1 form and associated guidance is available at [www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery](http://www.gov.uk/government/publications/duty-to-notify-the-home-office-of-potential-victims-of-modern-slavery). NRM forms should not be sent to the [dutytonotify@homeoffice.gsi.gov.uk](mailto:dutytonotify@homeoffice.gsi.gov.uk) address.

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<sup>10</sup> The referral form and guidance can be found at <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms>

**Section A: Nature of referral** *(Indicate the nature of the referral and whether support is required and has been requested, to ensure the case is dealt with efficiently.)*

- Full NRM referral no support (adults must sign the form prior to referral)
- Full NRM referral with support (support is optional; adults must sign both consent sections to receive support).
- Individual has been referred to The Salvation Army by First Responder / Slavery Safeguarding Lead (having signed relevant parts of the form).

**Section B: Consent of potential victim**

*(The potential victim should have the NRM referral clearly explained to them and sign the form to indicate their consent here. If they do not consent, the form cannot be accepted into the NRM and a duty to notify form (MS1) should be completed. You should also highlight that as they are a victim of crime the form will be shared with the police, either by the SSL / First responder or once referred to the Competent Authority. This does not mean the individual is required to cooperate with the police.)*

**Consent to the referral (mandatory)**

I consent to my details including name and date of birth being submitted to the Competent Authorities (UK Visas and Immigration/ Immigration Enforcement/NCA Modern Slavery and Human Trafficking Unit /Multi Disciplinary Panel) and the Home Office, who where appropriate might contact other relevant agencies to assist in the identification and decision making process.

The police will also be provided with a copy of the NRM form – to assist in the detection and prevention of modern slavery offences. The police will record the incident in line with Home Office Counting Rules and consider further action, but may not pursue a case unless the individual engages with them directly.

Signed:.....Date: ...../...../.....

**Request for support (optional)**

*(Support through the NRM is optional. If a potential victim wishes to receive support they need to sign the following declaration. You should explain that this can include advice, accommodation, protection and independent emotional and practical help delivered by specialist charities.)*

I consent that my details, including name, date of birth and contact details, may be passed on to support providers The Salvation Army, and their subcontractors, for the purpose of assessing my support needs.

Signed: .....Date: ...../...../.....

**Indication of willingness to engage with police (optional)** *(Referral to the NRM and access to NRM support is not dependent on engaging with the police. However, if a victim is willing to engage with the police the police will engage with them to keep them informed of any action taken in relation to their modern slavery experience. Information will still be shared with the police where an individual will not engage – see above.)*

I am willing to be contacted by the police in relation to my modern slavery experiences, and would like to be kept up to date on action taken.

Signed: .....Date: ...../...../.....

**Section C: Potential victim personal details**

\*†Last name: ..... \*†First name(s): .....

†Also known as: .....

\*†D.O.B: ...../...../..... Age: ..... Sex: .....

\*†Nationality:.....

Language(s) spoken: .....

Any English spoken: Y or N Interpreter needed: Y or N

Immigration status (where known): .....

Other communication aids required (for example sign language): Y or N Details:

.....

Home Office (immigration) reference where known:.....

UK visa or work permit reference:.....

Any other reference numbers (e.g. National insurance number, or your organisation's reference number):

.....

Safe telephone number on which to contact the potential victim, such as a personal mobile number:.....

Other safe means of contacting the potential victim, such as via legal representative.

.....

UK current address.....

.....

Can address be used for correspondence relating to victim identification and support?  
Y / N

If not, please provide an alternative safe address for postal communications if available.

.....

.....



**Section D: Contact details of person making referral**

Name: .....

Job title: .....

†Organisation: ..... Unit or area.....

Tel: ..... Mobile: .....

Email: .....

Signature: ..... Date: ...../...../.....

**Section E: General details of the encounter**

**Date of encounter:** ...../...../.....

**Location of encounter (provide address if different from above):**

.....  
.....

†**Responsible police force area for this location:**

.....

†**Have you reported the case to the police:**

- yes
- no
- NRM referral is being made by the police

†**If yes, was the case reported to the police in England, Wales, Scotland or Northern Ireland?**

.....

†**If reported to the police in England or Wales, which police force was the case reported to?**

.....

**Crime reference numbers relating to this incident of modern slavery (where available):**

.....

**If you have not referred the case to the police, what was the reason for this?**

.....

**General information about the suspected modern slavery**

**†Suspected victim of (tick any that apply):**

- †human trafficking
- †Slavery, servitude, forced or compulsory labour

**†Age at the time the slavery or human trafficking is believed to have first occurred:**

- †Under 18
- †18 or over

**†The country or territory where the modern slavery is believed to have occurred**

.....

**†Suspected form of exploitation or forced service:**

- †domestic servitude (i.e. occurred wholly or partly within residential premises )
- †forced or compulsory labour
- †provision of sexual services or the commission of sexual offences by the victim
- †criminal services (i.e. involved the commission of an offence by the victim)
- †removal of organs
- unknown
- other (please state).....

**Section F: general indicators for modern slavery** (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section J)

**Please tick all relevant boxes**

1. Distrustful of authorities
2. Expression of fear or anxiety
3. Signs of psychological trauma (including post-traumatic stress disorder)
4. The person acts as if instructed by another
5. Injuries apparently a result of assault or controlling measures
6. Evidence of control over movement, either as an individual or as a group
7. Found in or connected to a type of location likely to be used for exploitation
8. Restriction of movement and confinement to the workplace or to a limited area
9. Passport or documents held by someone else
10. Lack of access to medical care
11. Limited social contact / isolation
12. Limited contact with family
13. Signs of ritual abuse and witchcraft (juju)
14. Substance misuse
15. Person forced, intimidated or coerced into providing services
16. Doesn't know home or work address
17. Perception of being bonded by debt
18. Money is deducted from salary for food or accommodation
19. Threat of being handed over to authorities
20. Threats against the individual or their family members
21. Being placed in a dependency situation

- 22. No or limited access to bathroom or hygiene facilities
- 23. Self identifies
- 24. Any other, please provide details in section J

**Section G: Indicators of forced or compulsory labour** (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section J)

**Are any of these indicators present? (tick as applicable)**

**Yes**  **please tick all relevant boxes in section G**

**No**  **continue to section H**

- 1. No or limited access to earnings or labour contract
- 2. Excessive wage reductions, withholding wages, or financial penalties
- 3. Dependence on employer for a number of services for example work, transport and accommodation
- 4. Any evidence workers are required to pay for tools, food or accommodation via deductions from their pay
- 5. Imposed place of accommodation
- 6. Found in poor living conditions
- 7. Evidence of excessive working days or hours
- 8. Deceived about the nature of the job, location, or employer
- 9. Any other, please provide details in section H
- 10. Employer or manager unable to produce documents required when employing migrant labour
- 11. Employer or manager unable to provide record of wages paid to workers
- 12. Poor or non-existent health and safety equipment or no health and safety notices
- 13. Any other evidence of labour laws being breached

**Where indicators are identified record full details in section J**

**Section H: Indicators of domestic servitude** (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section J)

**Are any of these indicators present? (tick as applicable)**

**Yes**  **please tick all relevant boxes in section H**

**No**  **continue to section I**

- 1. Living with and working for a family in a private home or place of accommodation
- 2. Not eating with the rest of the family or being given only leftovers, or inadequate food
- 3. No private sleeping place or sleeping in shared space for example the living room
- 4. No private space
- 5. Forced to work in excess of normal working hours or being 'on-call' 24 hours per day
- 6. Employer reports them as a missing person
- 7. Employer accuses person of theft or other crime related to the escape
- 8. Never leaving the house without permission from the employer
- 9. Any other, please provide details in section J

**Where indicators are identified record full details in section J**

**Section I: Indicators of sexual exploitation** (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section J)

**Are any of these indicators present? (tick as applicable)**

**Yes**  **please tick all relevant boxes in section I**

**No**  **continue to section J**

1. Advertises for sexual services offering individuals from particular ethnic or national groups
2. Sleeping on work premises
3. Movement of individuals between brothels or working in alternate locations
4. Individuals with very limited amounts of clothing or a large proportion of their clothing is 'sexual'
5. Only being able to speak sexual words in local language or language of client group
6. Having tattoos or other marks indicating 'ownership' by their exploiters
7. Person forced, intimidated or coerced into providing services of a sexual nature
8. Person subjected to crimes such as abduction, assault or rape
9. Someone other than the potential victim receives the money from clients
10. Health symptoms (including sexual health issues)
11. Any other, please provide details in section H

**Where indicators are identified record full details in section J**

### **Section J: evidence to support reasons for referral**

Please use this section to:

- Expand on the circumstances or details of your encounter or contact with the potential victim, providing background to how the information was provided (for example on first encounter during police operation). Please set out in as much detail as possible exactly what you think has happened to this person that makes them a potential victim of modern slavery, and why you think the story is credible – for example external supporting evidence, or the behaviour and appearance of an individual.
- provide evidence of the indicators that you have identified in sections F to I
- note whether it is likely that further information will be become available at a later date
- provide any other relevant information that you consider may be important and wish to include for example living or working conditions, behaviour, appearance, demeanour
- movements in or to the UK, including dates (if known)
- suspected place of exploitation (if known)
- †name of agent, exploiter or trafficker (if known)
- †name of other victims (if known)
- record any action you have taken including referral to other agencies (for example The Salvation Army, police, UK Visas and Immigration) where appropriate
- note any immediate concerns regarding the potential victim's health, psychological well-being or safety.

(If a further sheet is required, please indicate that section J is continued and provide with referral form)

Section	Indicator

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**Cabinet****22 March 2017**

<b>Title</b>	Spelthorne Pay Award		
<b>Purpose of the report</b>	To make a recommendation to Council		
<b>Report Author</b>	Debbie O'Sullivan and Angela Tooth, Human Resources Manager		
<b>Cabinet Member</b>	Councillor Tony Mitchell	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Recommendations</b>	<p><b>The Cabinet is asked to recommend to Council that the Spelthorne Pay Award is approved as follows:</b></p> <p><b>An additional pay award of 1% is awarded to all scale points with effect from 1 April 2017.</b></p>		
<b>Reason for Recommendation</b>	<p><b>The pay award over and above the National Pay Award is made to help attract and retain staff and is comparative to other pay awards in the County.</b></p>		

**1. Key issues**

- 1.1 Within Cabinet Report dated 22 February 2017 (Appendix 1), the Cabinet were asked to recommend to Council that the Pay Policy Statement for 2017-18 is approved. Within this report it was suggested that consideration is given to an additional Spelthorne Pay Award.
- 1.2 The Cabinet are asked to recommend to Council the percentage increase for this award as detailed in Recommendations above. This is for 2017/18 only. This is required prior to any payment being made.
- 1.3 The National Pay Award which was agreed for 2017/18 will continue to apply.
- 1.4 The Chief Finance Officer presented at the Budget Briefing in January 2017 a proposal for a pay review which took into consideration pay review data from other Councils within Surrey. In order to remain competitive and retain staff a total increase of 2% was recommended.
- 1.5 The proposal has been subject to consultation and discussion between the Chief Executive, Chief Finance Officer, Human Resources and Unison and the percentage increase of 1% in addition to the National Pay Award was recommended.

## **2. Options analysis and proposal**

- 2.1 To approve the additional Spelthorne Pay Award as detailed in Recommendations above. This is required to remain competitive with our comparators and will demonstrate a commitment to staff.
- 2.2 To not approve the additional Spelthorne Pay Award. This will reduce morale and may lead to issues with retention.

## **3. Financial implications**

- 3.1 The budget for 2017/18 has built in sufficient provision to cover the proposed additional percentage increase.

## **4. Other considerations**

- 3.1 It is understood that Cabinet wish to move to a new agreement of local pay for 2018/19 onwards. This is not included within this Report and will be subject to further consultation and discussion.

## **5. Timetable for implementation**

- 3.1 It is understood that an additional Spelthorne Pay Award will be effective from 1 April 2017 and will be backdated.

**Background papers:** There are none.

**Appendices:** None



**Cabinet**

**22 March 2017**



<b>Title</b>	<b>Issue of Fixed Penalty Notices for Fly Tipping Offences</b>		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Jackie Taylor, Group Head Neighbourhood Services / Martin Cole Joint Enforcement Team (JET) Officer		
<b>Cabinet Member</b>	Councillor Nick Gething	<b>Confidential</b>	No
<b>Corporate Priority</b>	Clean and Safe Environment		
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. Set the Penalty Charge for Unauthorised Deposit of Waste (Fixed Penalty Notices) at £400 (four hundred pounds) with no early payment discount as detailed in <b>2.1</b></li> <li>2. Delegate authority to the Group Head of Neighbourhood Services to issue fixed penalty notices (FPN's) under section 33(1)(a) of the Environmental Protection Act 1990 (EPA), to persons whom the officer has reason to believe have committed a small scale fly tipping offence.</li> </ol>		
<b>Reason for Recommendation</b>	The implementation of a Fixed Penalty Charge of £400 for the Unauthorised Deposit of Waste (fly-tip) will contribute to the Council's commitment to a stronger approach to Enforcement.		

**1. Key issues**

- 1.1 Fly-tipping, is the illegal and unauthorised dumping of waste, it is a significant problem to local communities and a risk to the environment. It is a drain on council resources and undermines legitimate waste businesses, where unscrupulous operators undercut those that operate within the law. The number of incidents have been on the increase in recent years in Spelthorne:

Year	Number of reported incidents
2011/12	684
2012/13	752
2013/14	820
2014/15	888
2015/16	964

- 1.2 To help tackle a variety of issues of anti-social behaviour in Spelthorne the Council set aside funding in June 2014 to support the creation of a Joint Enforcement Team (JET). Since their formation the JET have spent a vast

majority of their time dealing with all aspects of littering and fly tipping, both small and large scale. They have undertaken a number of projects aimed at reducing and tackling fly tipping incidents e.g. through using enforcement & surveillance, communications campaigns, and the installation of barriers. The JET have also been working with Surrey County Council to develop a fly tipping strategy for the County.

Year	Fly tipping reports investigated by JET
2015	369
2016	680

- 1.3 Section 33(1)(a) of the Environmental Protection Act 1990 creates the offence of depositing controlled waste or knowingly permitting controlled waste to be deposited on any land unless the person has a valid permit and the deposit is in accordance with the permit. A person found to have contravened this provision commits an offence and is liable to prosecution. However prosecutions are time consuming and expensive to pursue for both local authorities and magistrates courts, and even if prosecutions are successful, full costs are not always granted or recovered.
- 1.4 From May 2016, it has been possible for local authorities to introduce FPNs for fly tipping under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, which amend section 33 of the Environmental Protection Act 1990. The Regulations introduce new powers for local authorities to issue FPNs for small scale fly tipping, providing Councils with an alternative remedy to prosecutions and providing the offender an opportunity to avoid a criminal conviction.
- 1.5 This change provides local authorities with a more immediate, efficient and proportionate response to fly tipping, and the introduction of these FPNs would provide an additional tool for Spelthorne to tackle fly tipping. The new FPNs for small scale fly tipping would not be appropriate for operators in the waste management industry, repeat offenders or those responsible for large-scale fly tipping, or the fly tipping of hazardous waste.
- 1.6 Under these regulations Spelthorne is permitted to set its own penalty levels within the limits set by the government i.e. between £150 and £400, as well as any discount criteria, as shown in the table below:

Offence	Default penalty	Minimum full penalty	Maximum full penalty	Minimum discounted penalty
Fly-tipping	£200	£150	£400	£120

See - Government Guidance on Fixed penalty notices: issuing and enforcement by councils <https://www.gov.uk/guidance/issued-penalty-notices-issuing-and-enforcement-by-councils>

- 1.7 The statutory minimum fine is £200 with an early payment discount of £120 if paid within 14 days. Officers consider that imposing the maximum £400 fine,

with no early payment discount would have the greatest deterrent effect. The intention is that this will lead to a decrease in the number of small scale fly tipping incidents in Spelthorne, helping the borough remain clean and safe. The control of fly tipping is the responsibility of the Councils Neighbourhood Services division and the Joint Enforcement Team. The issuing of these additional FPNs would be undertaken by the Councils Joint Enforcement Team.

- 1.8 Fly-tips can vary hugely in their scale, impact on the environment and cost of clearing and it is useful to have a range of sanctions available to us which can be implemented in proportion to the severity of the offence. This gives the option to issue a penalty without the need to allocate the time to prepare prosecution papers and attend at court.

## **2. Options analysis and proposal**

- 2.1 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 allows the fine for an FPN to be set between £150 and £400. Taking into account the cost of clearing up small fly tips, enforcement and investigation time, setting the level at the maximum £400 with no reduction for early payment is appropriate and is the preferred and recommended option.
- 2.2 This level of fine would properly reflect the damage to the environment and local community and the cost to the local authority in clearing the waste material and detecting the offence. It should also act as a deterrent against future offending.
- 2.3 In setting the charge the Council's Environmental Protection Fixed Penalty Notice Enforcement Policy (Environmental Offences) will need to be amended to reflect the introduction of a penalty charge (FPN) for Unauthorised Deposit of Waste.

## **3. Financial implications**

- 3.1 In accordance with the Environmental Protection Act 1990 and the new supporting Regulations, the income received by Local Authorities from FPNs should be spent on functions relating to litter, dog fouling and cleansing. It is not to be used as a means of generating income for other uses. Income will also be used to widely communicate the potential consequences when residents do not carry out their duty of care when arranging for disposal of the waste generated from their property.
- 3.2 The introduction and issuing of the new fixed penalties for small scale fly-tipping will be achieved within existing resources.

## **4. Other considerations**

- 4.1 The ability to issue FPN's for fly tipping on the public highway should have a positive impact on the health and well-being of all residents of the borough including vulnerable adults & children.
- 4.2 Communication of this additional FPN for fly tipping is key to ensuring that our residents are equipped with the relevant information on how to safeguard themselves from becoming a victim of the illegitimate waste carriers. Whilst much information has been publicised by both Spelthorne & Surrey we will continue to highlight this issue via the Bulletin, commencing with an article in the Spring 2017 issue.

- 4.3 A key aim of the Spelthorne Corporate plan 2016-2019 identifies a priority to provide a place where people want to live work and enjoy their leisure time and feel safe to do so.

## **5. Legal Implications**

- 5.1 The Spelthorne Joint Enforcement Team currently issue FPNs for other environmental offences, and the admin costs and methods of recovery are intended to be the same as what is currently in place. Failure to pay an FPN within 14 days will lead to cases being referred to the Spelthorne legal team to pursue.

- 5.2 These penalties have been introduced by DEFRA nationally in England, as amendments to section 33 of the Environmental Protection Act 1990. See Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016.

<http://www.legislation.gov.uk/uksi/2016/334/made>

### **Background documents:**

- The unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 - <http://www.legislation.gov.uk/uksi/2016/334/contents/made>
- Explanatory Memorandum to the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 <http://www.legislation.gov.uk/uksi/2016/334/memorandum/contents>

**Cabinet****22 March 2017**

<b>Title</b>	Food and Health and Safety Service Plans for 2017/18		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Tracey Willmott-French & Liz England		
<b>Cabinet Member</b>	Councillor Nick Gething	<b>Confidential</b>	No
<b>Corporate Priority</b>	Clean and Safe Environment		
<b>Recommendations</b>	Cabinet is asked to adopt the proposed service plans for 2017/18		
<b>Reason for Recommendation</b>	Local Authorities are required to produce and adopt annual service plans for their food safety and health and safety enforcement services (section 2.3 of this report refers).		

**1. Key issues**

- 1.1 Local Authorities are required by the Food Standards Agency and the Health and Safety Executive to produce annual service plans for their food safety and health and safety services. Each service plan must outline the aims and objectives for the year ahead and evaluate the achievements of the past year.
- 1.2 This report briefly outlines the main achievements of the Environmental Health (Commercial) Team who is responsible for enacting the plans and the objectives for the 2017/18 plans.
- 1.3 The Main achievements of the Commercial Team in 2015/16 and 2016/17 (so far) are summarised within the Executive Summary on page 3 of the Food Service Plan and page 3 of the Health and Safety Service Plan. These include:-
  - carrying out 473 food hygiene interventions and 73 health and safety visits/inspections
  - Service of 47 food hygiene improvement notices
  - 372 of the lowest risk food premises were sent self-assessment questionnaires; some 90 of these have been completed and returned so far. Officers are assessing the responses to determine follow-up action. Those who failed to respond will be visited depending on the nature and potential risk of the business operation.
  - the successful prosecution of two businesses for non-compliance with food safety law. This resulted in fines totalling £35,300
  - the on-going investigation of two serious workplace accidents

- 112 cases of food poisoning were investigated in 2015/16, and 55 cases (so far) for 2016/17
- 1.4 Inter-Authority Audit - In December 2015, Spelthorne's Food Safety Service participated in an inter-authority audit for the implementation of the Food Hygiene Rating Scheme (FHRS); this was funded by the Food Standards Agency. The auditor found a good level of compliance with the operating standards for the FHRS.
- 1.5 Health and Safety in the Work Place Service - In 2015/16, those businesses where local or national intelligence indicate a health and safety intervention may be appropriate were the focus of attention for the Environmental Health team. Six health and safety improvement notices were served on these businesses to secure compliance with health and safety at work legislation.
- 1.6 Customer Satisfaction – Through 2015/16, 360 customer care questionnaires were returned from businesses who had received either a food hygiene or health & safety inspection. 100% of respondents either strongly agreed or agreed they were treated fairly by the EHO.
- 1.7 The Senior Environmental Health Manager restructured the Environmental Health service in September 2015 and in January 2016, a 'Principal Environmental Health Officer (Commercial)' (PEHO) was internally appointed. The PEHO has responsibility for the day-to-day running of the Commercial Team and works closely with the Senior Environmental Health Manager to ensure that the aims and objectives of the service plans are met.
- 1.8 During 2016/17, one Environmental Health Officer (EHO) in the Commercial team left Spelthorne's employment to work in the private sector and the PEHO went on maternity leave (returns summer 2017). Both these positions have been backfilled with contract EHOs although due to limitations on the salary budget this always results in shortfall of staff resources. The vacant post has since been filled. The remaining Senior EHO has stepped up as acting PEHO. Overall, this has impacted on the ability of the team to deliver all aspects of the service plans, however, the team has coped well during this time and has ensured that all high risk premises, complaints and notifications have been attended to.

## 2. Options analysis and proposal

- 2.1 The preferred option is to adopt the proposed service plans for 2017/18 (**available in the Members Room for viewing**), to come into effect on 1 April 2017.
- 2.2 There is also an option for Members to amend the proposed service plans.
- 2.3 There is an option for Members not to adopt the proposed service plans. This would mean the Council would not be following either the Food Standards Agency's "Framework Agreement on Local Authority Food Law Enforcement" or the Health and Safety Executive's Guidance, as this requires local authorities to have food and health and safety service plans and recommends that the plans relate specifically to food and health and safety enforcement. If these service plans are not adopted, the likelihood of the FSA or HSE auditing us would increase.

### **3. Financial implications**

- 3.1 The proposed service plans will be delivered within the proposed budget for 2017/18. The financial implications have been discussed with the relevant finance staff.

### **4. Other considerations**

- 4.1 Under the Food Standards Act 1999 and the Health and Safety at Work etc Act 1974, the Food Standards Agency and Health and Safety Executive have powers to audit respectively any local authority's food and health and safety enforcement services. In exceptional cases, the FSA and the HSE have the powers to take over the duties of persistently under-performing councils.

### **5. Timetable for implementation**

- 5.1 If the service plans are approved they shall come into effect on 1 April 2017.

**Background papers: None**

#### **Appendices:**

**Appendix 1 - Food Service Plan 2017/18**

**Appendix 2 - Health and Safety Service Plan 2017/18**

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**Spelthorne Borough Council**  
**Food Safety Service Plan**  
**2017 - 2018**

## Contents

	<b>Page</b>
Executive Summary	3
1.0 Service Aims and Objectives	4
1.1 Service Aim	4
1.2 Links to Corporate Objectives and Plans	5
2.0 Background	
2.1 Profile of Spelthorne	6
2.2 Organisational Structure	7
2.3 Scope of the Food Service	8
2.4 Demands on the Food Service	8
2.5 Accessing the Service	9
2.6 Enforcement Policy	9
3.0 Service Delivery	10
3.1 Food Premises Inspections	10
3.2 Food Complaints	13
3.3 Primary Authority Partnerships	14
3.4 Advice to Business	15
3.5 Food Inspection & Sampling	15
3.6 Control and Investigation of Outbreaks & Infectious Diseases	16
3.7 Food Safety Incidents	17
3.8 Liaison with Other Organisations	17
3.9 Promotion of Food Hygiene Rating Scheme	18
3.10 Food Safety & Standards Promotion	19
4.0 Resources	20
4.1 Financial	20
4.2 Staff Allocation	20
4.3 Staff Training & Development	20
5.0 Quality Assessment	21
5.1 Internal Monitoring	21
5.2 External Monitoring	22
6.0 Review	22
6.1 Review against the Service Plan	22
6.2 Identification of Any Variation in the Service Plan	25
6.3 Areas of Improvement	25
Appendix I Glossary of Terms	27

## Executive Summary

The Food Safety Service, provided by Environmental Health (Commercial Team) continued to be provided efficiently and effectively throughout 2015/16, and so far in 2016/17. We have achieved the following:

- a) In 2015/2016 the Commercial Team carried out 473 food hygiene interventions, including 75 new business visits.
- b) Between April 2015 and so far in 2016, the team successfully prosecuted two businesses for non-compliance with food law resulting in fines totalling £35,300.
- c) In 2016/17 we achieved a high level of satisfaction based on the customer care questionnaires returned by local businesses visited by our enforcement officers.
- d) Since April 2016 we have run 2 Level 2 Award in Food Safety in Catering training courses and 11 delegates have successfully passed.

In 2017/18 the Commercial team is committed to continue improving the food safety service provided to the local communities. Our main aims will be as follows:

- a) To achieve at least 98% of food hygiene inspections in accordance with the frequencies set out in the Food Standards Agency Food Law Code of Practice.
- b) To continue promoting the Food Standards Agency's national "Food Hygiene Rating Scheme" to improve and maintain hygiene standards in our food businesses.
- c) To sustain improvements to food hygiene standards in the Borough's food businesses.
- d) Continue to specifically target our high risk and non-compliant food businesses.
- e) Investigate and implement a new food hygiene training option/provider by late summer, due to the withdrawal of the CIEH accredited Level 2 Award in Food Safety in Catering in March 2017.
- f) Continue to actively take part in the healthy eating initiatives and encourage more local food businesses to achieve the "Eat Out, Eat Well" award.
- g) Complete the process of updating our operational food safety procedures.
- h) Continue to engage with local businesses to ensure that we achieve a high standard of customer care and provide a fair and professional service.
- i) To ensure that the remote working practices within the service continue to be a success in terms of improving the level of service provided to our customers.
- j) To complete the Competency Assessment Framework as set down in the Code of Practice for all officers undertaking official food controls.
- k) To continue progressing the recommendations made following the FSA's Inter-Authority Audit.
- l) To engage with our local schools, if approached, to promote safe food and good personal hygiene such as effective hand washing techniques.

## **1.0 SERVICE AIMS AND OBJECTIVES**

### **1.1 Service Aim**

1.1.1 Our Food Safety objectives will be set as part of the Service Improvement Plan when it has been updated as a result of the Council's wider "Towards a Sustainable Future programme". For 2017/18, the objectives which may be transferred into specific targets for the section are outlined as follows:

- To achieve 98% of all food hygiene inspections in accordance with frequencies set out in Food Safety Act Code of Practice and Practice Guidance.
- To ensure that the service provided meets the expectations of the local community and other customers. In 2015/16 and so far for 2016/17, 98% of businesses that responded to our Customer Care Questionnaires were satisfied with the intervention they received.
- To ensure that the service continues to provide for hard to reach groups.
- To offer Level 2 food hygiene training to food handlers, if a suitable alternative provider can be found.
- Complete the process of reviewing and updating our operational food safety procedures to take into account changes to legislation and the FSA's Food Law Code of Practice including the changes to the Competency Framework.
- Continue to promote the Food Standards Agency's "National Food Hygiene Rating Scheme" and sustain improvements to food hygiene standards in the Borough's food businesses. As of 31 December 2016, 92% of Spelthorne businesses included in the scheme have a food hygiene rating between 3 & 5 (generally satisfactory to very good).
- Actively take part in the Surrey healthy eating initiative to encourage targeted local catering businesses to provide more healthy options on their menus. Currently 12 businesses within Spelthorne hold an Eat Out Eat Well award.
- To ensure that remote working practices within the service continue to be a success in terms of improving the level of service provided to our customers.

In addition the Service has the following additional aims in terms of the level of service provided:

- To comply with all new legislative requirements imposed on the Borough regarding the enforcement of food safety.
- To respond to 90% of service requests within six working days.
- To ensure that at least 80% of letters sent out to food businesses, following an intervention/inspection, are done so within 7 working days.
- To ensure that the performance of the service is measured in the most appropriate way.

## 1.2 Links to Corporate Objectives and Plans

- 1.2.1 This strategy is a detailed part of the Service Plan for the Environmental Health Service, which in turn forms part of the corporate Performance Plan.
- 1.2.2 The food safety service, as part of the overall Environmental Health Service, plays an important role as outlined in the Performance Plan.

### 1.2.3 Cross Linkage to other Plans developed by the Authority

We recognise that the work carried out by the food safety service interlinks with other strategic approaches and services. Some key areas where this is the case is:-

**Regulator's Compliance Code** - This Code replaced the previous voluntary "enforcement concordant" in April 2008. All local authorities' Environmental Health and Trading Standards departments have a legal obligation to have regard to the code in the provision of their services to the public and businesses.

**Local Plan** - We recognise the importance of food businesses to the local economy and work closely with Planning Officers to encourage food businesses to 'design out' potential problems in proposed food premises.

**Licensing** - We play an active role in the licensing of a variety of premises including food establishments providing late night refreshment after 11pm, night-clubs, regulated entertainment venues, outdoor events. Officers will ensure that all food safety problems that come to light during visits for other purposes are dealt with without delay.

**Delivery of Public Health duties** - Under the Health and Social Care Act 2012 the public health role, previously delivered by the now abolished NHS PCTs, were transferred across to local authorities in April 2013. Spelthorne, along with other Surrey District Councils will have to work closely with Surrey County Council and Public Health England to ensure the public health of its residents is improved. One area within food safety where public health is being promoted is by encouraging local food businesses to offer healthy eating options on their menus. This is through the "Eat Out, Eat Well" award scheme, which Spelthorne is signed up to.

**Customer Care** - In addition to informal systems for resolving complaints and dissatisfaction, the Council has an open, clear, formal system for dealing with complaints. Clear corporate targets have been established for the speed and quality of response to letters (7 to 10 working days) and telephone calls (respond within 5 rings).

Customer consultation and feedback carried out to support national indicators has been used to set specific customer care standards and response times for work areas across the organisation, these are contained in the Service Plan for Environmental Health and Building Control.

## **Economic Development**

The policies set out in the local plan seek to achieve a balance between community health and development.

We aim to take a balanced approach to food safety enforcement that safeguards health, but does not act as a disincentive to business.

## **Social Inclusion and Diversity**

The Food Safety Service provided by the Council is committed to social inclusion and diversity within its communities. This is achieved in the following ways:

- a) Food hygiene advice leaflets are available in a number of different languages.
- b) We periodically send out a newsletter to all our food businesses to provide them with information and inviting them to contact us for further advice.
- c) We will make use of the Council's translation services, where necessary.
- d) We must have regard to the Regulator's Compliance Code, which requires us to deal with all businesses with fairness and consistency.
- e) Customer Care Questionnaires are sent out to all food businesses, who have received an inspection, to ascertain levels of satisfaction with the Commercial Section's services.

## **2.0 BACKGROUND**

### **2.1 Profile of Spelthorne**

#### **2.1.1 The Borough**

Spelthorne lies 15 miles west of Central London and sits in the far North West corner of Surrey close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt.

The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

#### **2.1.2 The People**

Spelthorne's resident population is some 95,600, based on the 2011 census, an increase of over 5,000 compared to the previous census in 2001 (90,390).

The population is predominantly white with other ethnic groups making up 12.8% of the population compared with the national average (15.5 %), based on the 2011 census, showing an increase of 7.1% compared to the of 2001 census (5.7%).

#### **2.1.3 The Local Economy**

The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. A number of large commercial organisations have their main UK offices in the Borough.

**2.2 Organisational Structure**

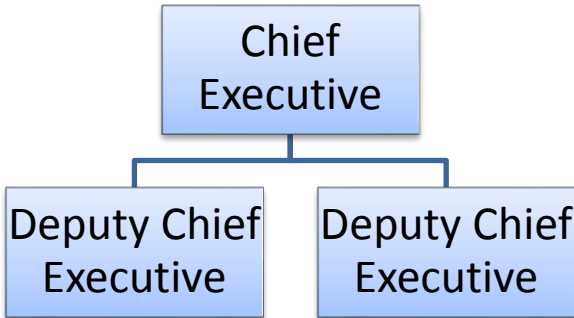
**2.2.1 The Political Structure**

The Council implements a 'cabinet' style committee structure.

The Cabinet is responsible for deciding matters relating to food and water safety, however the Overview and Scrutiny Committee examines the work we do in relation to food and water safety, monitors progress against targets and makes recommendations to the Cabinet.

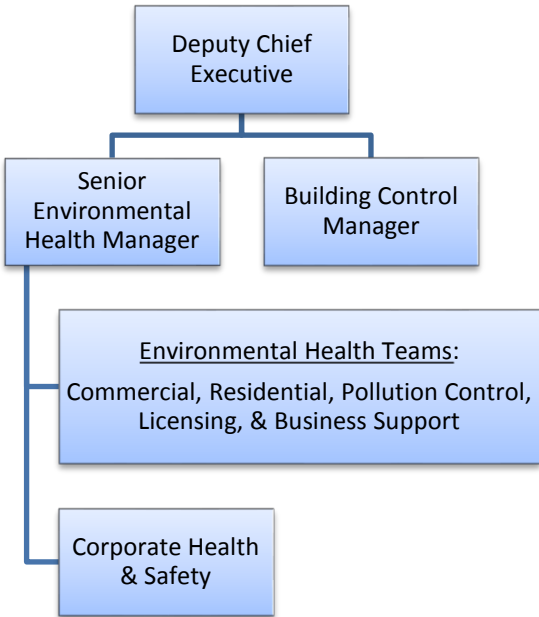
**2.2.2 The Council's Management Team**

The services provided to achieve the Council's strategic objectives are delivered under the direction of the Council's Management Team led by the Chief Executive. The Management Team comprises the following three Senior Officers:



**2.2.3 The Environmental Health & Building Control Service**

The Department structure is as follows:



The Principal Environmental Health Officer (Commercial) oversees the day-to-day activities of the Commercial Team and works closely with the Senior

Environmental Health Manager to ensure that the aims and objectives of this service plan are met.

## **2.3 Scope of the Food Service**

2.3.1 The Council provides a comprehensive service to food consumers and food businesses in Spelthorne. We have the main responsibility for enforcing the provisions of the Food Safety and Hygiene (England) Regulations 2013 and associated European Community regulations made under the European Communities Act 1972 in all food premises located within the Borough.

The main elements of the service are:-

- a) **Food Hygiene Inspections** - Regular inspection of our 808 food premises (as of 31 December 2016) to check food safety standards and to promote good hygiene practices.
- b) **Food Hygiene Rating Scheme** – to participate in the national Food Hygiene Rating Scheme to enable consumers to make informed choices about the places where they eat out or shop for food.
- c) **Food Complaint Investigations** - Investigation of complaints relating to food safety, including poor hygiene, foreign objects in food (e.g. metal, glass, insects), unfit food, and food alleged to have caused food poisoning.
- d) **Infectious Disease Control** - Investigation of notifications and outbreaks of food poisoning and gastrointestinal infection to (a) control and prevent further cases from source of disease; (b) identify source and; (c) prevent spread from primary case.
- e) **Food Sampling Programme** - Sampling of foodstuffs for microbiological examination, on (a) a programmed basis (including participation with Food Standards Agency/Public Health England sampling programme), (b) in response to cases of outbreaks of food poisoning or specific investigations and, (c) in accordance with relevant Commercial Team work procedures and statutory guidance, as detailed in the sampling strategy.
- f) **Health Promotion Programme** - Provision of accredited food hygiene training courses for food handlers, and food safety advice to managers and proprietors of food businesses and implementation of the Commercial Team's Health Promotion initiatives, e.g. "Eat Out, Eat Well" Award Scheme.
- g) **Food Premises Database** – We will maintain the database of food premises in the Borough and take steps to ensure that the information is accurate and up to date.

2.3.2 The food safety service is provided by the Commercial Team who also provide a health and safety enforcement service, process, monitor and enforce various licensing/registration regimes, such as all animal licensing and beauty treatments in relevant premises, and implement the Council's Health Promotion Programme across all Environmental Health Services.

## **2.4 Demands on the Food Service**

2.4.1 We currently have 808 food premises within the Borough of Spelthorne, with more than half being classed as restaurants and other caterers (56%). Food retailers



make up the second most significant group (21%), with food producers, distributors, importers and manufacturers accounting for the remaining 2% of premises. The number of businesses will fluctuate during the year as new ones open, others close or change hands.

- 2.4.2 During the financial year 2015-2016 we had 9 “A” rated premises. These are our highest risk premises and are visited at least every six months as required by the Food Law Code of Practice. This again will fluctuate depending on successful interventions, or on falling standards identified during inspections.
- 2.4.3 Food premises of significance include two “approved” premises, both of which are in-flight catering companies.
- 2.4.4 Spelthorne’s Environmental Health does not have any “Primary Authority” arrangements with any business. There are 3 food manufacturers in the Borough. Being close to Heathrow, within Spelthorne there are 5 Remote Internal Temporary Storage Facilities (warehouses) and 2 External Temporary Storage Facilities) through which foods of non-animal origin are imported from time to time. Responsibility for checking and dealing with imported food from our existing remote Internal Temporary Storage Facilities was transferred to Hillingdon Borough Council in 2006, through a Memorandum of Understanding.

## **2.5 Accessing the Service**

The service can be accessed by: -

- Calling in person to the Spelthorne Borough Council, Knowle Green, Staines upon-Thames, TW18 1XB. The Offices are open from 9am to 5pm Mondays to Thursdays and 9am to 4.45pm on Fridays. The office is closed in the evenings and at weekends.
- Telephoning the support staff (01784 446291).
- By phone officers through their direct line telephone numbers.
- By emailing the Commercial Team at [eh.commercial@spelthorne.gov.uk](mailto:eh.commercial@spelthorne.gov.uk)
- Emailing officers directly via their individual email addresses.
- Food safety emergencies can be dealt with by telephoning our 24-hour out-of-hour’s emergency service where the on-call officer will contact a senior officer from environmental health.
- Information and advice can be accessed via the Council’s website at [www.spelthorne.gov.uk](http://www.spelthorne.gov.uk)
- Submitting information through the Food Standards Agency website portal.

## **2.6 Enforcement Policy**

- 2.6.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator’s Code and the Environmental Health Enforcement Policy. The policy was last updated and published in October 2014. It is published and made available to businesses and consumers in printed format, if requested and on the Council’s website.

- 2.6.2 We recognise that most businesses want to comply with the law. We will therefore endeavour to help food businesses and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. Enforcement action will always be proportional to the risk to public health.
- 2.6.3 In considering enforcement action we work with our Legal Team to consider statutory Codes of Practice, the Code for Crown Prosecutors, guidance from the Food Standards Agency, UK or EU Industry Guides to Good Hygiene Practice, and Local Government Regulation guidance and advice. In addition we must also have regard to any relevant guidance produced by the Better Regulation Delivery Office (BRDO).
- 2.6.4 All authorised officers will follow the policy when making enforcement decisions. Any departure from the policy must be exceptional, capable of justification and approved by the Senior Environmental Health Manager.
- 2.6.5 The Council's enforcement policy will be regularly reviewed and amended.

### **3.0 SERVICE DELIVERY**

#### **3.1 Food Premises Inspections**

- 3.1.1 Whilst the primary responsibility for identifying food hazards and controlling risks rests with food businesses, food hygiene inspections undertaken by Spelthorne Borough Council's team of environmental health professionals serve the following purposes:
- To establish whether food is being handled and produced hygienically. This includes, as an in-land authority, identifying imported food being sold or used by the food business, and assessing whether or not it has legally entered the UK;
  - To establish whether food is, or will be having regard to further processing, safe to eat;
  - To identify foreseeable incidences of food poisoning or injury as a consequence of consumption of food.
- 3.1.2 With this in mind the main objectives of a food hygiene inspection are the:
- Determination of the scope of the business activities and of the relevant food safety legislation that applies to the operations taking place at the premises.
  - Thorough and systematic gathering and recording of information, from observations and discussions with food handlers, managers and proprietors.
  - Identification of potential hazards and associated risks to public health.
  - Assessment of the effectiveness of process controls to achieve safe food.

- Assessment of the food safety management system operated by the business.
- Identification of specific contraventions of food safety legislation.
- Consideration of appropriate enforcement action, (proportionate to risk), to secure compliance with food safety legal requirements.
- Provision of advice and information to food business proprietors and food handlers.
- Recommendation of practical, good food hygiene practices, in accordance with Industry Guides and relevant sector specific codes of practice where appropriate.
- The promotion of continued improvements in food hygiene standards through the adoption of good practice.

3.1.3 EU Food Consolidated Regulations came into force on 1 January 2006. The legislation now used to enforce food hygiene provisions in food businesses comes under the Food Safety and Hygiene (England) Regulations 2013, and associated EC Regulations 852/2004 and 853/2004.

The main change was the requirement for all food businesses to have a written food safety system in place, based on HACCP principles. LAs continue to promote a written system to existing small businesses, with no hazard analysis in place, based on Safer Food Better Business (SFBB). This will inevitably continue to impact on officer time during inspection visits, in the forthcoming year.

3.1.4 We aim to undertake 98% of food hygiene inspections of premises within the Borough at a frequency which is in accordance with the inspection framework set out within the statutory Food Law Code of Practice made under the Food Safety Act and Food Safety and Hygiene (England) Regulations 2013.

3.1.5 All food premises in the Borough are categorised according to potential risk and the frequency of inspection depends on this category. The rating system takes account of management practices and past compliance with legislation in determining likely future risk. Premises are inspected within the following minimum frequencies:

<b><u>Category</u></b>	<b><u>Minimum frequency of Inspection</u></b>
A	At least every 6 months
B	At least every year
C	At least every 18 months
D	At least every 2 years
E	Alternative Enforcement Strategy

In the financial year 2015-16 the number of programmed inspections (excluding new business inspections and those risk rated "E") was 366. The risk profile relating to this inspection programme is illustrated in the table below:

Category	No. of Inspections
A	22
B	73
C	146
D	125

- 3.1.6 Risk category "E" premises are not part of the programmed inspection programme, but are included in an "Alternative Enforcement Strategy". As of November 2016 there were 372 food businesses within this risk category. Self-assessment questionnaires were sent out to all E rated premises in October 2015 and officers are currently working through returned completed questionnaires and have been, and will continue to, follow-up with those businesses that have failed to return the questionnaires and/or require a food hygiene rating.
- 3.1.7 The Council recognises that some food businesses present a higher risk to consumers than others. We plan to visit all categories (A-C) of food premises within their due date.
- 3.1.8 Prior notice of an inspection will not normally be given in accordance with the statutory Code of Practice. Exceptions will be made for home caterers, including childminders, bed and breakfast businesses, charitable groups, church and community centres and certain large organisations in order that key personnel and documents may be available.
- 3.1.9 Food premises will be inspected during normal trading hours. We recognise that certain food businesses operate in the early hours of the morning, late at night and at weekends and indeed that some businesses are busiest at these times and would therefore benefit from a visit at these times, so the inspections programme will include food hygiene inspections outside of normal working hours.
- 3.1.10 Food hygiene inspections of all new premises will be undertaken within 28 days of registration. When we become aware of unregistered premises we will send information to require the business to register and if they do not reply, will inspect as soon as possible, subject to other priorities. We receive information regarding change of occupation from business rates on a monthly basis to assist this process.
- 3.1.11 Wherever it is practicable and appropriate to do so, we will combine a food hygiene inspection with another visit for food hygiene purposes (e.g. food complaint or a request for advice) to help make effective use of resources to prevent duplication of effort and to minimise disruption to business.

In addition, where we discover or are notified of a new food premises, we shall endeavour to undertake an initial health and safety inspection in conjunction with the initial food hygiene inspection, so that new proprietors of businesses are aware of their main priorities.

Wherever it is practicable and appropriate to do so, where a food business is due a programmed food hygiene and programmed health and safety inspection in the

current year, we will combine both inspections to help make effective use of resources to prevent duplication of effort and to minimise disruption to business.

- 3.1.12 We will reschedule our proactive food hygiene inspection programme in exceptional circumstances or if requested to do so by the Food Standards Agency (FSA) in order to take specific urgent action to protect public health. We will co-operate with the FSA and will provide them with any information and assistance as may be necessary.
- 3.1.13 All food hygiene inspections will be conducted by appropriately qualified and appropriately authorised officers who satisfy the requirements of the Food Safety Act Code of Practice and are fully aware of advice contained in the current Codes of Practice, Industry Guides and BRDO/LGA guidance.
- 3.1.14 If we identify serious contraventions of food hygiene legislation and/or poor practices during a programmed inspection and formal action is not appropriate as laid out in the enforcement procedure, we will undertake a revisit to the premises after an appropriate time period to check that matters have been attended to. We will revisit to check compliance with all notices served.
- 3.1.15 The resources required to deliver the programmed food hygiene inspection programme and associated re-visits in 2017/18 are estimated to be **2.1 FTE**.

## **3.2 Food Complaints**

- 3.2.1 Our policy is to investigate food complaints concerning extraneous matter, chemical or microbiological contamination, unfitness and food alleged to have caused food poisoning, provided that the food was purchased within Spelthorne's area, in accordance with the departmental food complaints procedure and enforcement procedure, last updated in December 2015. We will also investigate, where appropriate, allegations concerning illegally imported food, poor hygiene or food complaints in food premises located within the Borough.
- 3.2.2 Due to the proximity of Spelthorne to Heathrow Airport we are occasionally notified of food imports that have bypassed the border inspection post and ended up in one of our bonded warehouses (known as External Temporary Storage Facility). These may have to be detained, destroyed or re-exported to the country of origin. However, most imported food consignments from Heathrow that are moved into the Borough for temporary storage go into one of our two Remote Internal Temporary Storage Facilities. These are dealt with, on our behalf, by authorised officers employed by London Borough of Hillingdon.
- 3.2.3 We will refer any food complaints relating to premises outside the Borough to the relevant food authority. We will refer any complaints regarding food labelling, food allergens or composition to Surrey County Council Trading Standards Department together with any other matter which is their responsibility.
- 3.2.3 Our main aims in undertaking independent investigations of food complaints on behalf of members of the public are:
- To identify what caused the problem and assess the likely risk to public health;

- To prevent a recurrence of the complaint by securing improvements in food hygiene standards and/or food handling practices and procedures;
  - To take enforcement action where appropriate.
- 3.2.4 We aim to respond to food complaints as soon as possible after receipt, or notification in accordance with our documented procedures and relevant statutory Codes of Practice and other guidance.
- 3.2.5 The depth and scope of investigation required will depend on the nature of the complaint and whether the food was produced within a food premises for which the Council has food safety enforcement responsibility. If the foodstuff concerned is produced outside Spelthorne Borough, we liaise with our counterparts in the local authority responsible for the premises where the food was manufactured to obtain detailed information about the effectiveness of existing food safety management systems. Should this part of the investigation give cause for concern, a more detailed investigation will be carried out.
- 3.2.6 In certain circumstances, where there is a possibility that formal proceedings may be taken or it is considered in the interests of consumer protection for samples to be formally analysed, we send food complaint samples to the Public Analyst for examination. This service is currently provided by Eurofins Ltd.
- 3.2.7 All complaints are thoroughly investigated and complainants advised of the outcome.
- 3.2.8 If the number of food complaints and enquiries for 2017/2018 is consistent with recent years the human resources required to deliver the service equates to 350 hours of full time equivalent officer time (**0.2 FTE**).
- 3.3 Primary Authority Partnerships**
- 3.3.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a food business and a specific local authority, where the business trades across more than one local authority.
- 3.3.2 It is a statutory scheme set up the Better Regulation Delivery Office (BRDO). It means that all local authorities will have to have regard to it when considering enforcement action in relation to a food business which has a number of branches or units in other food authority areas and a decision making base in another area, the relevant “Primary Authority” must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.
- 3.3.3 Prior to undertaking an intervention, an officer must take appropriate steps to find out if the business concerned participates in a PAP and if so the conditions of that partnership. Any inspection plan devised as part of the PAP arrangement must be adhered to.
- 3.3.4 Spelthorne do not have PA arrangements with any business at this time.

### **3.4 Advice to Business**

3.4.1 We recognise that the majority of food businesses seek to comply with the law and will provide such advice and assistance as may be necessary.

This includes:

- Running food hygiene training courses/seminars.
- Provision of business information sheets, including leaflets detailing other local providers of food hygiene courses, practical advice on hazard analysis and controlling food safety hazards, temperature control and guides to compliance with specific food safety legislation.
- On the spot advice during routine visits and inspections.
- Advice in written inspection reports.
- Provision of free telephone advice.
- Provision of a food safety newsletter as appropriate.

3.4.2 The resource required for business advice (excluding training) is **0.1 FTE** per annum.

### **3.5 Food Inspection and Sampling**

3.5.1 Food sampling provides useful information about the microbiological safety of food produced, prepared and sold within the Borough, and constitutes an important element of the intelligence driven side of the food safety enforcement mix.

3.5.2 We will ensure that food is inspected and sampled in accordance with our sampling procedure, relevant legislation, statutory Food Safety Code of Practice and centrally issued guidance to ensure that food meets the food safety requirements.

3.5.3 We will carry out sampling in accordance with our food sampling policy, procedures and programme. Our approach to food sampling is:

- We will continue to support and participate in the FSA/PHE national sampling programmes, where staff resources allow.
- Where appropriate, samples will be taken during routine inspection and if necessary as part of legal proceedings.
- Food complaint samples will be submitted on an 'ad hoc' basis where appropriate, as they arise.
- We will adopt a policy of re-sampling should any sample result be unsatisfactory, unacceptable or potentially hazardous.

3.5.4 Food samples will be submitted for analysis to Public Health England (PHE) in Porton Down, Salisbury, which currently holds UKAS accreditation for the microbiological examination of food samples.

3.5.5 It is estimated that the proposed food-sampling programme can be delivered by 70 hours of full time equivalent officer time (**0.05 FTE**).

**3.6 Control and Investigation of Outbreaks and Food Related Infectious Diseases**

- 3.6.1 Public Health Laboratories and doctors are required by statute to notify cases of particular infectious diseases, including food poisoning, to the relevant Local Authority.
- 3.6.2 The Council will investigate notifications of food poisoning, suspected food poisoning and laboratory notifications of gastrointestinal infections such as campylobacter, cryptosporidium and giardia, in accordance with relevant central guidance, and the departmental procedures relating to the investigation of communicable diseases.
- 3.6.3 Our objective is to identify the source, to control and prevent further cases from the source if the suspected source is within the Borough, and to prevent spread from the primary case (e.g. if the case is a food handler, health worker or young child). We will work closely with our colleagues in Public Health England (PHE).
- 3.6.4 Certain cases will require exclusion, for example healthcare workers or very young children. Many of these cases will require additional faecal sampling and additional coordination with the Public Health England team, the public laboratories and occasionally employers. In certain circumstances exclusion can be enforced by us.
- 3.6.5 We received 112 notifications of food poisoning (including suspected food poisoning) or food borne disease in 2015/2016. The table below shows the numbers of cases reported over the past five years:

2015 - 2016	112
2014 - 2015	132
2013 - 2014	121
2012 – 2013	123
2011 – 2012	189

In 2016/17, up to mid-December 2016, 55 food poisoning cases have been reported to Spelthorne.

- 3.6.6 If the number of cases of food poisoning reported to the Council in 2017/2018 is consistent with last year, the service can be delivered in 100 hours of full time equivalent officer time (**0.06 FTE**).
- 3.6.7 In addition to the investigation of sporadic cases of infectious disease, the Council will also investigate outbreaks of infectious disease, such as food poisoning, in accordance with the joint PHE and Local Authority Outbreak Control Plan. The plan identifies action to be taken in order to manage infectious disease control in an outbreak situation and describes the roles and responsibilities of the various agencies concerned, including the Council.
- 3.6.8 In such outbreak situations there is a need for co-ordinated action between the Council, under the direction of the Consultant in Communicable Disease Control (CCDC), at Public Health England South East Centre, County Hall North, Chart



Way, Horsham, RH12 1XA, the PHE laboratories at Brighton and Porton Down, and other national agencies such as the Communicable Disease Surveillance Centre in Colindale.

3.6.9 Outbreaks reported to the Council, thankfully, are rare. However, each outbreak does require a significant amount of officer time to investigate, control and to prepare a case for prosecution (where appropriate), depending upon the individual circumstances of the outbreak.

3.6.10 Demand for the service in 2017/2018 is impossible to predict, however if a major outbreak occurs, staff will be taken from other Environmental Health duties as appropriate.

### **3.7 Food Safety Incidents**

3.7.1 Food alerts notify the public and food authorities to serious problems concerning food that does not meet food safety standards or food that does not meet compositional standards. The way we deal with alerts is outlined in the Food Complaints Procedure. Food Alerts are issued centrally by the Food Standards Agency and disseminated to local authorities by email. Food Alerts fall into two categories, i.e. "For action" and "For information".

3.7.2 The content of all food alerts received will be assessed by the Principal Environmental Health Officer (Commercial) or the Senior Environmental Health Officer on the Commercial team, and appropriate action will be taken as specified in the notification. The notification inbox is monitored daily.

3.7.3 In addition, the Council will promptly notify the Food Standards Agency and all other relevant agencies if any potentially serious incidents are identified locally via food complaints, food sampling, notifications from GPs or manufacturers etc. in accordance with the Code of Practice.

3.7.4 It is impossible to predict with any degree of accuracy, the number of food alerts that the Council will have to respond to in the next financial year, but recent experience would suggest that the figures for 2015-16 are representative of the likely demand on the service. It is estimated that this relatively small demand can be met with 40 hours of full time equivalent officer time (**0.01 FTE**).

### **3.8 Liaison with Other Organisations**

3.8.1 The Council actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, to share good practice and to reduce duplicity of effort.

- Surrey Food Liaison Group
- Surrey Infection and Environmental Health Group
- Surrey Environmental Health Managers' Group
- Liaison arrangements with Building Control, Planning, Licensing, Legal etc.
- Public Health England
- Surrey County Council Trading Standards

- Surrey Healthy Eating Award Steering Group

3.8.2 The food safety element of these groups accounts for approximately 50 hours, **0.03 FTE officer time.**

### **3.9 Promotion of Food Hygiene Rating Scheme (FHRS)**

3.9.1 Section 2 of the Local Government Act 2000 gives local authorities powers to take action which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. Since 2012 this authority has been signed up to the Food Standards Agency's Food Hygiene Rating Scheme.

3.9.2 Food hygiene ratings are published online at the FSA's website and businesses are encouraged to display their stickers on their premises. As yet, in England there is no statutory requirement for businesses to do so, however this is currently being reviewed; it is now mandatory in Wales.

3.9.3 By making food hygiene rating information available in the public domain it enables consumers to make informed choices about the places where they eat out or shop for food.

3.9.4 The scheme incorporates safeguards to ensure fairness to businesses, including an appeals procedure, a right to reply on the website and a mechanism for requesting a re-inspection for the purposes of re-rating when improvements have been made.

3.9.5 Since the introduction of the FHRS in Spelthorne there has been a significant increase in the number of premises receiving the top rating, however it has proven more difficult to achieve a consistent improvement among those at the lower end.

3.9.6 It is the Council's policy to focus resources on the businesses that fail to satisfy legal requirements. Social media has the power to positively influence the behaviour of businesses and this should be maximised.

3.9.7 We further publicise our five rated businesses, on the Council's Facebook and Twitter accounts as a positive recognition of their achievement. We wish to retain the option to publicise the poorer performing premises (0's and 1's).

3.9.8 Businesses may appeal the rating they have been awarded. Consequently their rating is not published anywhere until the appeal is heard and decided upon. Appeals are reviewed by the Lead Environmental Health Officer (Food) or the PEHO (Commercial) who will assess the actions taken by the inspecting Environmental Health Officer against the Food Law Code of Practice and the FHRS "Brand Standard".

3.9.9 After a stand-still period of at least three months a re-inspection can be made (this is a FSA ruling).

3.9.10 The Commercial Team received eight revisit requests in 2012 /2013, six in 2013/2014, 36 in 2014/2015, 25 in 2015/2016, and so far 16 in 2016/17 financial year.

3.9.11 All Surrey authorities participate in the FHRS.

3.9.12 The Communications Team has reported that the information provided is very popular and is getting a lot of views/shares/retweets.

3.9.13 Due to the positive response from businesses and the general public, it is our intention to continue with this activity. However, the likely mandatory display of FHRs stickers will have an impact on the service as poorer rated premises are likely to request a rescore inspection; these could all come at a similar time.

### **3.10 Food Safety Promotion**

3.10.1 In addition to enforcing food safety legislation in food businesses, we have sought for many years to achieve high standards of food safety in the Borough by promoting awareness of good food safety practices through our programme of food hygiene training and health education initiatives and by providing businesses with a regular newsletter of information regarding food safety.

3.10.2 In 2014/2015 we trained 34 food handlers to the Chartered Institute of Environmental Health's (CIEH) Level 2 Award in Food Safety in Catering, generating an income of £2,240. Unfortunately, demand for these courses continued to fall in 2015/2016 generating an income of £2,123; demand has fallen due to an increase in the uptake of cheaper "online" training options. We have continued to run these courses through 2016/2017. From April 2017 the CIEH will no longer offer this course; consideration is being given to future provision, probably through a new supplier, but a decision will be made once the CIEH outlines future plans for its new courses within the next couple of months.

3.10.3 We routinely put articles in the Borough Bulletin to provide members of the public with information and advice on food hygiene matters. In 2015/16 we included 5 articles promoting the national food hygiene rating scheme, which contains information about food hygiene of food businesses in our Borough and other food hygiene messages. We have also regularly posted information on Social Media about current food safety messages, as provided by the FSA.

3.10.4 To assist food businesses, particularly small and medium sized businesses, to comply with legislation and improve hygiene standards, we will continue to provide a wide range of advisory information in the form of free verbal advice, leaflets and handbooks. We also will continue to ensure that the advisory information which can be used on our website is up to date and relevant in 2017/18.

3.10.5 A press release is issued following each prosecution action to ensure that an effective deterrent is set for local food businesses. This also keeps the public and other businesses informed.

3.10.6 We will assess the effectiveness of the programme by using a variety of methods, including customer questionnaires and surveys.

3.10.7 The resources required delivering this programme of training and health education initiatives in 2017/2018 will be about **0.2 FTE**.

## 4.0 RESOURCES

### 4.1 Financial

- 4.1.1 The gross cost of providing the food safety service, i.e. staff and budgetary expenses in 2016/2017 is £134,005. The budget for 2017/18 will be similar.

### 4.2 Staffing Allocation

Staffing Allocation for Food Safety Enforcement

NAME/ JOB TITLE	FTE	QUALIFICATIONS	FOOD SAFETY ENFORCEMENT EXPERIENCE
Fidelda Harding Principal EHO (Commercial)	0.7	BSc (Hons) in Environmental Health,	10 years
Liz England Senior EHO	0.7	Diploma in Environmental Health Chartered member of the CIEH	34 years
Sally Lee Senior EHO	0.7	BSc (Hons) in Environmental Health; Higher Certificate in Food Premises Inspection.	20 years
Administrative Support	0.65		
Tracey Willmott- French; Senior Environmental Health Manager	0.15	BSc (Hons) in Environmental Health,	
<b>Total:</b>	<b>2.9</b>		

This total of **2.65 FTE** includes time spent on inspections, complaints, advice to businesses, sampling, food poisoning investigations, food safety alerts, food safety promotion, primary authority work and liaison with other agencies.

In addition, **0.1 FTE** of EHO staff time is spent on duties such as checking notices, detailed investigations, small outbreaks and preparation for prosecutions etc. The team will also be delivering the Level 2 Award in Food Safety in Catering courses.

The Senior Environmental Health Manager spends **0.15 FTE** overseeing service provision including reviewing service plans, officer performance, service development, budget controls.

### 4.3 Staff Training and Development

- 4.3.1 We recognise the need for all officers engaged in food safety work to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed in order to work effectively in the field and for EHOs' to meet the requirements of the Chartered Institute of Environmental Health Continuing Professional Development (CPD) scheme.

The Food Standards Agency Framework Agreement on Local Authority Food Law Enforcement requires Local Authorities to appoint a sufficient number of authorised officers to carry out food enforcement work and that they shall have

suitable qualifications, training and experience consistent with their authorisation and duties in accordance with the relevant Food Safety Code of Practice.

The Food Safety Code of Practice requires the Local Authority to ensure that every officer receives structured on-going training, which is managed, assessed and recorded. The minimum on-going/update training for each officer should be at least 20 hours per year, of which at least 10 hours must be food based.

4.3.2 Each member of staff receives one annual appraisal and bimonthly one to one meetings per year at which development needs are identified and a plan agreed to address these.

4.3.3 Training and development is provided by a range of methods including:-

- i. Post Entry Training - Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.
- ii. Short Course Training - Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Council's short courses training budget.
- iii. In-house Training - We encourage in-house training as this helps to develop individual's presentation skills as well as cascade information to other members of staff.
- iv. Cascade Training - Staff are encouraged/required to cascade information skills and knowledge they possess or have gained through attendance at Seminars and short courses to other members of staff at in-house training sessions.
- v. Peer Review - Through the use of peer review, during joint visits, and in monitoring work performance we encourage exchange of expertise and skills between staff.
- vi. Team Meetings - These provide useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to food safety issues.

4.3.4 We will ensure that the Council's training plan is used effectively to identify general and personal training and development needs for all members of staff and ensure that these are addressed through the officers' appraisal scheme.

## **5.0 QUALITY ASSESSMENT**

### **5.1 Internal Monitoring**

5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with the statutory Code of Practice and our own internal procedures and policies. The Principal Environmental Health Officer (Commercial) occasionally checks post-inspection risk score, and always where risk ratings are lowered from "A" or a "B", and correspondence that is sent out. Buddy visits are carried out each quarter along with internal monitoring of letters, complaints etc.

Customer Care Questionnaires are sent out to all food businesses that have received an inspection, to ascertain levels of satisfaction with the service.

5.1.2 Between April 2015 to March 2016, 369 Customer Care questionnaire forms were sent out to businesses who had received either a food hygiene or health & safety inspection. In terms of whether they were treated fairly by the EHO, 100% of respondents either strongly agreed or agreed. The following comments were also made:

- *“We received excellent service and advice, the Inspector gave advice that was very useful and helped us improve our standard”*
- *“All good – thanks for your service”*
- *“Nice lady – made us feel at ease”*
- *Very helpful and was very supportive during the visit”*
- *“The most courteous, helpful, professional civil servant I have met in England”*
- *“Helpful service and clear instruction”*
- *“We were dealt with very professionally”.*

## **5.2 External Monitoring - Food Standards Agency (FSA)**

5.2.1 Our food safety enforcement service was externally audited by the FSA in October 2014. No significant areas of concern were identified and the Audit identified a number of strengths within the team including service planning and review and the management of the food premises database. Following the FSA’s Final Audit Report an action plan was devised to address any matters requiring our attention. We provided an update to the FSA in November 2015 and the final action remaining was to provide them with evidence that the changes we outlined in our update are implemented effectively. This was done by April 2016.

5.2.2 We currently submit a significant amount of additional information on our food safety service on an annual basis to the FSA. This is a requirement for all Local Authorities.

5.2.3 Our implementation of the FHRS was audited in December 2015 as part of an inter-authority audit organised by the Surrey Food Liaison Group and funded by the Food Standards Agency. It examined our arrangements for consistent operation and implementation of the FHRS looking at relevant aspects of service planning, food premises database/website management, FHRS procedures, food premises interventions, officer training and internal monitoring. The audit highlighted one of our strengths as having experienced, professional staff with a good level of training. We have completed some of the action points and will be completing the outstanding recommendations made in the final report in 2017.

## **6.0 REVIEW**

### **6.1 Review against the Service Plan**

6.1.1 This section should be read in conjunction with the Environmental Health’s Performance review.

6.1.2 Both this document and the local key performance indicators set by Spelthorne are used to determine individual and team targets through the annual appraisal process and performance is reviewed through a variety of mechanisms. These include:

- i) Bimonthly 1-2-1 meetings with individual officers
- ii) Environmental Health service meetings every two months and monthly commercial team meetings
- iii) Peer Review

6.1.3 The four principal performance measures used are:-

- i) Performance against the food safety inspection programme targets. Our target is to achieve 98% of inspection targets for all food premises.
- ii) Percentage ratio of businesses scoring a food hygiene rating between 3-5, as compared to 0-2 (92.0:8.0 in 2015/16) and percentage of food businesses with food hygiene rating scores of 0-1 (4% in 2015/16). In 2017/18 we shall aim to improve this ratio and set a new target of 94.6
- iii) Performance against local response targets for Food Safety service requests. Our target is to respond to 95% of service requests within 6 working days.
- iv) Number of reports sent out within target times (7 working days from date of visit). Our target is to send out 95% of reports within 7 working days.

**Table 1: Commercial Team Performance 2012-2016**

Performance Measure	2012/13	2013/24	2014/15	2015/16
<b>Food Safety Inspection Programme</b>				
Target % of Programmed Inspection	98%	98%	98%	98%
% achieved % (in brackets)	(87%)	(87%)	(95%)	(88%)
Rating A-C No. planned inspections carried out	177	147	243	244
Rating A-C % inspections carried out	90%	90%	98%	98.8%
Rating D No. inspections carried out	55	46	101	125
Rating D % inspections carried out	90%	70%	95%	85%
No. of new/unplanned inspections carried out	70	63	103	75
<b>Response to Commercial Enquiries</b>				
Target - to respond to within 6 working days	95%	95%	95%	95%
Number Investigated	174*	183*	158*	181
% Responded to within 6 working day target (Average across the Commercial team for food related functions carried out)	98%	98%	93%	88.8%

\* These figures only relates to the number of Food Hygiene/Safety related service requests.

6.1.5 **Commercial Team Performance against Target – 2015/16**

**Food Safety Inspection Programme** - 88% of the programmed inspections were carried out. While the 98% performance target was not achieved, the inspection

performance target for higher risk premises (A-C) was exceeded; 98.8% of high risk premises were inspected.

**Response to Commercial Enquiries** - The team received a total of 181 service requests relating to food hygiene/safety matters for 2015/2016. They responded to 88.8% of these service requests within the target time of 6 working days.

**Reports following inspections** – In 2015/16 the team provided a total of 250 written reports following food hygiene and health and safety inspections. 93.6% of these reports were sent out within 7 working days of the date of inspection, as required.

#### 6.1.6 Other achievements

- a. It is essential that the Service complies with all new legislative requirements imposed upon local authorities regarding the enforcement of food safety legislation. The Commercial team has managed to keep pace with all main legislative requirements in 2015/16 and so far in 2016/17.
- b. The FSA's national FHRS has continued to prove effective in sustaining improvements in food hygiene standards in local food businesses. The number of 5 and 4 rated premises (very good and good, respectively) increased from 262 and 134, at the start of the scheme (April 2012), to 357 and 150 respectively, by the end of March 2016.
- c. The Commercial Team has taken two successful food hygiene prosecutions against food businesses for persistent non-compliance with minimum legal standards. The first case was heard before Redhill Magistrates Court on 14 April 2015 and the food business operators received fines and costs of £25,800. The second case was heard before Redhill Magistrates Court on 20 October 2015 and the food business operator received fines and costs of £12,816, which was reduced to £9,500 on appeal.

#### 6.1.7 Comments on Commercial Team Performance

During 2015/16, the Environmental Health Service has undergone a departmental restructure, the Commercial Team has been integral part of that restructure. The Commercial team, along with the rest of the Environmental Health Service, has implemented new flexible working arrangements which included a temporary office re-locate and the introduction of new ICT hardware which has taken time to embed. During 2016/17, the team has also been short of officer resource as one EHO left and another is on 12-months maternity leave. Both posts have been temporarily backfilled by contract EHOs, and the vacant post has now been recruited too.

In spite of the above challenges, the Commercial team has performed well and managed to maintain a high level of service delivery. While it has not been possible for the team to achieved all its set targets it did ensure that it met its targets and controlled the risks associated with the high risk premises by continuing to prioritise interventions to the highest risk food businesses and target those businesses who consistently fail to comply with food law.



The team has also managed to continue to implement the systems improvements arising from the FSA audit.

In October 2015, 214 self-assessment questionnaires were sent out to all the low risk food businesses as part of our alternative enforcement strategy. To date approximately 150 completed self-assessment questionnaires have been returned. The questionnaires are being reviewed to identify any businesses that require a follow-up visit and inspection where appropriate. It is anticipated that this work should be completed by April 2017. After this follow-up and visits will be made to those businesses who failed to return the questionnaires.

For the financial year 2016/17 until 22 December 2016, the team had completed 208 food hygiene interventions; a further 116 businesses (A–D) are due to receive a programmed inspection before the end of March 2017.

## **6.2 Identification of any variation in the Service Plan**

During 2015/16 and into 2016/17 officer time was allocated to reviewing and updating our documented procedures and significant progress has been made with this. This work shall be completed in 2017/18.

## **6.3 Areas of Improvement**

6.3.1 As well as continuing to review and update our operational procedures, many of which are due their annual review, the following actions will be taken during 2017/2018 to ensure continuing improvement against the objectives:

- a. Ensure that we continue to improve the service provided to local businesses. This will be delivered by continuing to provide staff with relevant training and guidance. We will also act on any feedback we received from our satisfaction surveys, provide improved information on the Council's website.
- b. Ensure that the Service is inclusive and is provided to hard to reach groups. This will include continuing to provide Safer Food Better Business information in other languages to relevant food businesses when this information.
- c. To ensure that a 100% of our Food Safety Services remain "e-enabled" we will ensure that any new services introduced comply with this requirement. We already participate in the FSA's National Food Hygiene Ratings Scheme to ensure as many of our residents and visitors know how to use it to find out food hygiene information about local food businesses.

6.3.2 In order to ensure that we meet our relevant food safety enforcement objectives for 2017/2018 we will undertake the following:

- a. The Service Management Team will continue to carry out performance monitoring meetings to ensure that service standards and service objectives are being met and to discuss any staff issues.
- b. Development needs of all staff will be considered during regular staff appraisals and they will be provided with training and support to enable them to meet service objectives.

- c. The food service will use the allocated expenditure budget for the purpose of providing a quality, cost effective service. This budget will be monitored regularly to ensure that expenditure does not exceed that allocated.
- d. The service will ensure that technology is used efficiently to record information necessary to deal with customer queries, provide FSA returns, provide information on service available to customers in an electronic format, and to integrate with other departments to improve service to customers.

## **APPENDIX I - Glossary of Terms**

<b>CCDC</b>	-	Consultant in Communicable Disease
<b>CIEH</b>	-	Chartered Institute of Environmental Health
<b>TO</b>	-	Technical Officer
<b>EHO</b>	-	Environmental Health Officer
<b>FSA</b>	-	Food Standards Agency
<b>FHRS</b>	-	Food Hygiene Ratings Scheme
<b>LGA</b>	-	Local Government Association
<b>PHE</b>	-	Public Health England
<b>HACCP</b>	-	Hazard Analysis Critical Control Point
<b>LAs</b>	-	Local Authorities
<b>BRDO</b>	-	Better Regulation Delivery Office
<b>SFBB</b>	-	Safer Food Better Business

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# **Spelthorne Borough Council**

## **Health and Safety at Work Service Plan**

**2017/18**

## Contents

	Page
Executive Summary	3
1.0 Service Aims and Objectives	4
1.1 Service Aim	4
1.2 Links to Corporate Objectives and Plans	6
1.3 Links to HSE Strategy	6
1.4 Links to National/Regional Priorities	6
1.5 Links to HSE Section 18 – Guidance to Local Authorities	8
2.0 Background	10
2.1 Profile of Spelthorne	10
2.2 Organisational Structure	10
2.3 Scope of the Service	11
2.4 Demands on the Service	13
2.5 Assessing the Service	13
2.6 Enforcement Policy	13
3.0 Service Delivery	14
3.1 Health & Safety Inspections/Visits	14
3.2 Health and Safety Complaints	16
3.3 Accident Investigation	17
3.4 Asbestos Notifications	18
3.5 Advice to Businesses	18
3.6 Primary Authority Partnerships	18
3.7 Liaison with Other Organisations	19
4.0 Resources	19
4.1 Financial	19
4.2 Staffing Allocation	19
4.3 Staff Training & Development	20
5.0 Quality Assessment	21
5.1 Internal Monitoring	21
5.2 External Monitoring	21
6.0 Review	21
6.1 Review against the Service Plan	21
6.2 Identification of Any Variation in the Service Plan	23
6.3 Areas of Improvement	23
Appendix I – Glossary of Terms	24

## **Executive Summary**

The Health and Safety Service provided in 2015/16, and so far through 2016/17 have been successful for a number of reasons. These were as follows:

- (a) The Commercial team carried out a total of 73 health and safety visits/inspections in 2015/16.
- (b) The Commercial team served 6 health and safety improvement notices on businesses to secure compliance with health and safety at work legislation.
- (c) The service achieved a high level of satisfaction based on the customer care questionnaires returned by local businesses visited by our enforcement officers.
- (d) We participated in one national priority initiative relating to gas safety at catering establishments and mobile food traders.
- (e) We continued to target businesses where local or national intelligence indicate an intervention may be appropriate.
- (f) We continued to provide free advice to businesses within the borough.

In 2017/16 the Commercial team are committed to continue improving the health and safety service provided to the local communities. Our main aims are as follows:

- (a) To carry out all full health and safety inspections in accordance with the frequencies set out in the Health and Safety Executive's Local Authorities National Enforcement Code launched in April 2013.
- (b) To participate in two regional priority initiatives in 2015/16, as established by the Surrey Health and safety study group. They are gas safety in catering premises and mobile traders, and health and safety in swimming pools.
- (c) To continue participating in the Surrey authorities flexible warranting scheme across the seven boroughs in the county.
- (d) To respond to at least 90% of service requests within six working days.
- (e) To ensure that the remote working practices implemented within the service is a continued success in terms of improving the level of service provided to our customers.
- (f) To undertake a review of our procedures.

## **1.0 SERVICE AIMS AND OBJECTIVES**

### **1.1 Service Aim**

1.1.1 Our Health & Safety at Work enforcement objectives will be incorporated into the wider Environmental Health Service Plan. For 2017/18 the objectives which may be transferred into specific targets for the section are outlined as follows:

- To achieve 100% of programmed Category “A” health and safety inspections in accordance with frequencies set out in HSE’s Local Authorities National Enforcement Code.
- To participate in the flexible warranting scheme with other Surrey local authorities across the county and agree, where appropriate, joint projects to deliver under the scheme.
- To comply with all new legislative requirements imposed on the Borough regarding the enforcement of Health & Safety at Work. This includes any relevant guidance, codes of practice, etc., published by the HSE or the Better Regulation Delivery Office (BRDO).
- To ensure authorised officers within the Commercial team have completed the Regulators Development Needs Assessment (RDNA).
- To actively participate in selected national/regional priorities along with other Surrey LAs and HSE.
- To ensure that the service provided is that desired by the local community and other customers, including hard to reach groups.
- To ensure that the remote working practices implemented within the service are a continued success in terms of improving the level of service provided to our customers.
- To respond to at least 90% of service requests (e.g.: complaints, accident notifications) within six working days.
- To continue enforcing smoke free legislation, which bans smoking in most workplaces and public buildings and working with our partners on smoke free initiatives such as the ongoing Smoke free Playgrounds Project with Surrey County Council and other Surrey LAs.
- To undertake a review of our procedures.

### **1.2 Links to Corporate Objectives and Plans**

1.2.1 This strategy is a detailed part of the Service Plan for the Environmental Health Service, which in turn forms part of the corporate Performance Plan.

#### **1.2.2 Cross Linkage to other Plans developed by the Authority**

We recognise that the work carried out by the food safety service interlinks with other strategic approaches and services. Some key areas where this is the case is:-



**Regulator's Compliance Code** - This Code replaced the previous voluntary "enforcement concordant" in April 2008. All local authorities' Environmental Health and Trading Standards departments have a legal obligation to have regard to the code in the provision of their services to the public and businesses.

**Local Plan** - We recognise the importance of food businesses to the local economy and work closely with Planning Officers to encourage businesses to 'design out' potential problems in commercial premises, for example safe means of access to mezzanine floor storage areas.

**Licensing** - We play an active role in the licensing of a variety of premises such as: - food establishments providing late night refreshments after 11.00pm, pet shops, riding establishments, boarding establishments, acupuncture, night-clubs, regulated entertainment venues, and outdoor events etc. Officers will ensure that any health and safety problems that come to light during licensing inspections are dealt with without delay.

**Delivery of Public Health duties** - Under the Social Care Act 2012 the public health role was transferred from the now abolished Primary Care Trusts to local authorities in April 2013. The newly created "Public Health England" will oversee these changes. Spelthorne, along with other Surrey District Councils will have to work closely with Surrey County Council to ensure the public health of its residents is improved. One of the targets particularly relating to health and safety is to reduce the prevalence of smoking in Surrey. Local authorities can indirectly contribute to this aim through their responsibility to enforce the smoke free legislation. All 11 Surrey authorities continue to work in partnership with Surrey County Council and Surrey Smoke free Alliance to tackle this issue.

**Customer Care** - In addition to informal systems for resolving complaints and dissatisfaction, the Council has an open, clear, formal system for dealing with complaints. Clear corporate targets have been established for the speed and quality of response to letters (7 to 10 working days) and telephone calls (respond within 5 rings).

Customer consultation and feedback carried out to support national indicators has been used to set specific customer care standards and response times for work areas across the organisation, these are contained in the Service Plan for Environmental Health and Building Control.

**Economic Development** - The policies set out in the local plan seek to achieve a balance between community health and development. We aim to take a balanced approach to enforcing health and safety legislation in businesses we visit. We will safeguard the health, safety and welfare of their employees and visitors. However, we will not intentionally act in ways that lead to disincentive in businesses.

**Social Inclusion and Diversity** - The Health and Safety Service provided by the Council is committed to social inclusion and diversity within its communities. This is achieved in the following ways:

- (a) Customer Care Questionnaires are sent out to all businesses who have received an inspection to ascertain levels of satisfaction with the Commercial Section's services.
- (b) We periodically send out a newsletter to our businesses to provide them with Health & Safety information and advice and inviting them to contact us for further advice.
- (c) We will make use of the Council's translation services, where necessary.
- (d) We must have regard to the Regulator's Code, which requires us to deal with all businesses with fairness and consistency.

### 1.3 **Links to the HSE's Strategy – National Local authorities' Enforcement Code**

The HSE's National Local authorities' (LAs) Enforcement Code was launched in April 2013. This followed the Government commissioned review of health and safety legislation led by Professor Lofstedt. One of his recommendations was to give the HSE a stronger role in directing LA health and safety inspection and enforcement activities. One of the main changes this new Code brought in was to limit proactive health and safety inspections that local authority officers carried out to work places risk rated "A" only. Previously, local authorities were required to inspect those workplaces risk rated "A" and "B1". The Code also outlines the list of high risk work activities which should inform local authorities where to focus their limited resources.

Spelthorne Council (Environmental Health (Commercial Section)) is responsible for the enforcement of Health and Safety legislation, have an important role as a stakeholder in the delivery of this new National Code.

Spelthorne Borough Council will need to contribute to these new targets through: -

- Raising the profile of occupational health;
- Improving health and safety performance in key risk areas;
- Increasing the engagement of others and promoting full participation in improving health and safety;
- Improving openness and accountability.
- Contribute towards the development and implementation of a partnership approach to health & safety enforcement work with HSE, both locally and within Surrey and BDRO.

### 1.4 **Links to Local Authorities and HSE Working Together**

#### 1.4.1 **Operational Objectives**

In order to meet national/regional priority objectives, Spelthorne Borough Council intend to participate in a number of agreed Surrey-wide projects in 2017/18. These projects are as follows:-

- **Consider joint initiatives under the "flexible warranting" scheme for Surrey** – We will work with other participating Surrey local authorities in this scheme in determining any joint project work, where appropriate.

- **Gas safety in catering premises and mobile traders** – Continued targeted inspection throughout 2017/18 of catering businesses and mobile traders to assess risks from cooking appliances and boilers to employees and/or customers. This project is now well established and continues to result in the identification of poor equipment and installation and unqualified gas engineers.
- **Swimming Pool & Plant Safety** – we will run a targeted information campaign followed by visits where appropriate to our local swimming pools. This project follows a number of incidents around Surrey including accidental releases of chlorine gas, in one instance resulting in the near-drowning of a swimmer, injuries from poor maintenance, infection control problems from inadequate cleaning and disinfection, and concerns about pool supervision. This will be finalised during the early part of 2017.
- In 2017/2018 we will be looking at unregistered tattooists and how best to regulate these.

#### 1.4.2 **Priority programmes within HSE's National Enforcement Code for local authorities**

The HSE Local Authority Circular (LAC 67/2 (rev 5) specifies how local authorities should prioritise interventions to comply with the National Local authority Enforcement Code. The Code is designed to ensure that LA health and safety regulators take a more consistent and proportionate approach to their regulatory interventions. It sets out the Government expectations of a risk based approach to targeting. Whilst the primary responsibility for managing health and safety risks lies with the business that creates the risk, LA health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to the wider public health agenda.

Taking into account the special characteristics of the LA enforced sector, the HSE has decided that it will be necessary for Local Authorities to develop prioritise the following hazards:-

- Explosion caused by leaking LPG – premises with buried metal LPG pipework. These are notified to us by the HSE as they become aware of potentially problematic sites within our area. While other Surrey LAs have received such notifications, to date we have not.
- Workplace transport
- Legionella infection from premises with cooling towers/evaporative condensers. We currently do not have any such cooling towers on our register.
- Violence at work.
- Falls from height.

Where local authorities have such above mentioned risks/work activities then these should receive proactive inspection visits if these hazards are inappropriately managed. Furthermore, where reported work related accidents involve any of the above activities local authorities will be expected to fully investigate them.

The priority areas of potentially most relevance to Spelthorne include workplace transport and falls from height.

## 1.5 Links to the HSE Section 18 – Guidance to Local Authorities

LA's are responsible for the enforcement of the Health and Safety at Work etc. Act 1974 (HSW Act), to the extent as defined and prescribed in the Health and Safety (Enforcing Authority) Regulations 1998.

Section 18 (4) of the HSW Act requires LA's to perform their duties in accordance with guidance from the Health and Safety Executive (HSE). The "Section 18 Guidance" is therefore mandatory.

Section 18 (4) of the HSW Act states 'it shall be the duty of every local authority to:-

- I. Make adequate arrangements for the enforcement within their area of the relevant statutory provisions; and
- II. To perform the duty imposed on them by (a) above and any other functions confirmed on them by any of the relevant statutory provisions in accordance with such guidance as the commission may give them.

The guidance notes issued by the HSE under section 18 (4) contain the broad principles which they wish LAs' to adopt in enforcing health and safety legislation. They provide a framework with which LAs' should operate so that the HSE can be confident that the LA are making adequate arrangements for enforcement.

Spelthorne Borough Council will refer to this relevant guidance and subsequent revisions when considering compliance with their duties under section 18 of the HSW Act.

The HSE considers the following elements are essential for a LA to adequately discharge its duty as an Enforcing Authority:-

- A clear published statement of enforcement policy and practice;
- A system for prioritised planned inspection activity according to hazard and risk, and consistent with any advice given by the HSE and HELA;
- A Service Plan detailing the LA's priorities and its aims and objectives for the enforcement of health and safety;
- The capacity to investigate workplace accidents and to respond to complaints by employees and others against allegations of health and safety failures;
- Arrangements for benchmarking performance with peer LAs;
- Provision of a trained and competent inspectorate; and
- Arrangements for liaison and co-operation in respect of the Primary Authority Partnership Schemes.

LAs need to ensure that they devote sufficient resources to the health and safety enforcement to comply with their duties under section 18 (4) of the HSW Act. HSE will take a view on the performance of LA enforcement and promotional activities, in accordance with its strategy using information supplied by Authorities as requested (e.g. Annual LAE1 returns) and by reviewing the reports of inter-authority audits carried out using the HELA protocol.

If a LA fails to meet its legal obligation under Section 18 of the HSW Act, the Secretary of State may, after considering a report submitted by the HSE, cause a local enquiry to be held. If the Secretary of State is satisfied by such an enquiry that a LA has failed to perform any of its enforcement function, he may make an order declaring the Authority to be in default. The order may direct the LA to perform their enforcement functions in a specified manner within a specified period of time.

If the defaulting LA fails to comply with such an order, under Section 45 of the HSW Act, the Secretary of State may enforce the order, or make an order transferring the enforcement functions of the defaulting LA to the HSE, in which case the HSE's expenses are paid by the defaulting authority.

## 2.0 BACKGROUND

### 2.1 Profile of Spelthorne

#### 2.1.1 The Borough

Spelthorne lies 15 miles west of Central London and sits in the far North West corner of Surrey close to the boundary of Berkshire. The Borough is also bordered by the London Boroughs of Hillingdon, Hounslow and Richmond. The Borough is at the inner edge of the Metropolitan Green Belt, with 45% being urban and the remainder protected as Green Belt.

The main centres of population are the towns of Staines-upon-Thames, Ashford, Sunbury-on-Thames, Shepperton and Stanwell.

#### 2.1.2 The People

Spelthorne's resident population is some 95,600, based on the 2011 census, an increase of over 5,000 compared to the previous census in 2001 (90,390).

The population is predominantly white with other ethnic groups making up 12.8% of the population compared with the national average (15.5 %), based on the 2011 census, showing an increase of 7.1% compared to the of 2001 census (5.7%).

#### 2.1.3 The Local Economy

The local economy includes manufacturing and service industries, research, agriculture, the professions and many administration sites. A number of large commercial organisations have their main UK offices in the Borough.

## 2.2 Organisational Structure

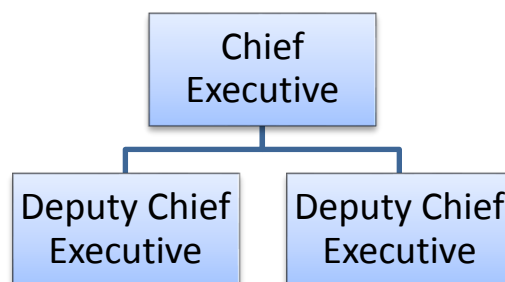
### 2.2.1 The Political Structure

The Council implements a 'cabinet' style committee structure.

The Cabinet is responsible for deciding matters relating to food and water safety, however the Overview and Scrutiny Committee examines the work we do in relation to food and water safety, monitors progress against targets and makes recommendations to the Cabinet.

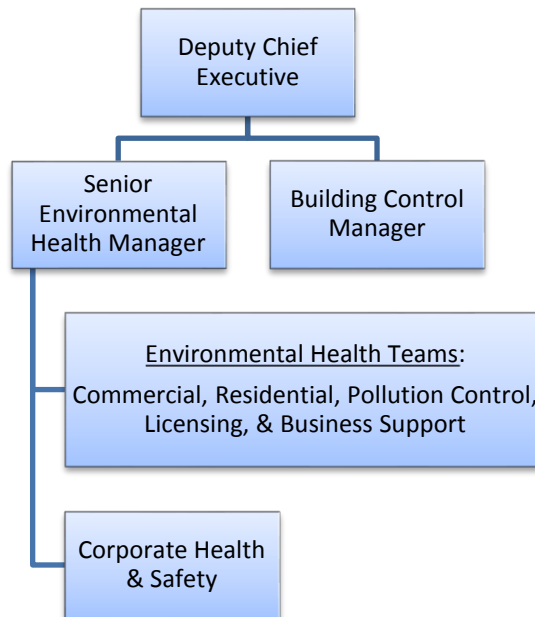
### 2.2.2 The Council's Management Team

The services provided to achieve the Council's strategic objectives are delivered under the direction of the Council's Management Team led by the Chief Executive. The Management Team comprises the following three Senior Officers:



### 2.2.3 The Environmental Health & Building Control Service

The Department structure is as follows:



The Principal Environmental Health Officer (Commercial) oversees the day-to-day activities of the Commercial Team and works closely with the Senior Environmental Health Manager to ensure that the aims and objectives of this service plan are met.

## 2.3 Scope of the Health and Safety at Work Enforcement Service

2.3.1 The Council provides a comprehensive service to both employers and employees of commercial premises, and the general public who may be affected by work activity within Spelthorne Borough Council. The responsibility for health and safety enforcement within commercial premises in the Borough, is shared between the Health and Safety Executive and the Local Authority. This responsibility is determined by statutory legislation (The Health and Safety (Enforcing Authority) Regulations 1998) and is established on the basis of the “main activity” carried out at the premises (HELA LAC 23/15 provides guidance on the allocation of premises).

Spelthorne Borough Council has the responsibility for enforcing the provisions of the Health and Safety at Work etc. Act 1974, and health and safety regulations made under the Act in approximately 1198 (at December 2016) commercial premises located within the Borough. Example of such premises which we are responsible for health and safety enforcement are as follows:

- Sale or storage of goods for retail or wholesale distribution (retail shops, warehouses)
- Offices
- Residential accommodation in Non-Domestic premises (residential care homes)
- Consumer services provided in a shop (tool hire, hairdressers)
- Care, treatment, accommodation of animals (pet shops, boarding establishments)

- Pre-school childcare, playschool or nurseries (excludes educational establishments)
- Cosmetic services and therapeutic services (sauna, massage, skin piercing).

The main elements of the service are:-

- Programmed Health and Safety Inspections** - Regular inspection of all our commercial premises, rated in the "A" category to check on health and safety standards to promote safe practices and secure compliance with the law, whilst having regard to the national/regional priority programmes. Commercial premises rated "B1", "B2" or "C" categories, will not form part of the planned inspection programme. However, these category premises will be subject to other "Intervention strategies" such as planned, local or national campaigns/initiatives on topic based issues (e.g. gas safety initiative and swimming pool safety). The inspections are carried out in accordance with the adopted Health and Safety Inspection Procedure. Enforcement is focused on particular hazards or sectors where the greatest action will be necessary, to contribute to the HSE's overall strategy.
- Special/Other Health and Safety Inspections** – To undertake visits as necessary having regard to the priority programmes within HSE's Strategy, focusing our enforcement on particular hazards or sectors where the greatest action will be necessary. This may come to light having analysed trends in official accident notifications.
- Health and Safety Investigations** - Investigation of complaints relating to health and safety received from employers, employees and the general public. In 2015/16, 45 such investigations were carried out.
- Accident Investigation** - Investigation of accident notifications received via the RIDDOR notification online system. This system is managed by the HSE and the PEHO (Commercial) or, in her absence the SEHO, checks the database on a daily basis.

Accidents are investigated in accordance with the adopted Accident Investigation Procedure. The table below shows the numbers of notifiable accidents reported to this Council over the last four years:

Year	No. of notifiable accidents
2015/16	48
2014/15	47
2013/14	61
2012/13	63

- Health and Safety Initiatives** - To develop initiatives to focus on issues within the national/regional Priority Programmes outlined in paragraph 1.4.1 in this service plan.
- Non-Food Premises Database** - we will maintain the database of non-food premises allocated to us under the Health & Safety (Enforcing Authority) Regulations 1998, in the Borough and take steps to ensure that the information is accurate and up-to-date. Ad hoc special surveys and monitoring of monthly releases of new businesses registered with the Council's Business Rents Team are examples of how this will be achieved.



2.3.2 The health and safety at work enforcement service is provided by the Commercial Team who also provide a food safety enforcement service, and animal licensing in relevant premises.

## **2.4 Demands on the Health and Safety at Work Enforcement Service**

As of January 2016 there were approximately 1238 commercial premises within Spelthorne Borough Council.

## **2.5 Accessing the Service**

The service can be accessed by: -

- Calling in person to Spelthorne Council Offices at Knowle Green, Staines upon-Thames, TW18 1XB. The Offices are open from 9am to 5pm Mondays to Thursdays and 9am to 4.45pm on Fridays
- Telephoning the Environmental Health Business Support team - telephone numbers available via the Council's website and the telephone directory
- Email to [eh.commercial@spelthorne.gov.uk](mailto:eh.commercial@spelthorne.gov.uk)
- Emergencies can be dealt with by telephoning our 24-hour out-of-hours emergency service where the on-call officer will contact a senior officer from Environmental Health.
- Information and advice can be accessed via the Council's website ([www.spelthorne.gov.uk](http://www.spelthorne.gov.uk))

## **2.6 Enforcement Policy**

2.6.1 Enforcement will be carried out in a fair, equitable and consistent manner in accordance with the Regulator's Code and the Environmental Health & Building Control Services Enforcement Policy.

2.6.2 The policy was last updated in October 2014 to take account of the Regulator's Code and minor changes, such as change to staff personnel. It is published and made available to businesses and customers in printed format if requested, and is available on the Council's website. Officers shall provide proprietors and managers of commercial premises with the new Spelthorne leaflet entitled "Enforcement Policy – Advice to Businesses" during health and safety inspections.

2.6.3 We recognise that most businesses want to comply with the law. We will therefore endeavour to help businesses and others meet their legal obligations without unnecessary expense, whilst taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. Enforcement action will always be proportional to the risk to public health.

2.6.4 In considering enforcement action we work with our Legal Team to consider the Home Office Circular 30/2005, The Code for Crown Prosecutors, and the HSE Enforcement Policy. We will also seek advice offered in relation to the current Primary Authority Partnership scheme that will replace it in the near future. We must also have regard to any relevant guidance produced by BRDO.

- 2.6.5 All authorised officers will follow the policy when making enforcement decisions. Any departure from the policy must be exceptional, capable of justification and approved by the Senior Environmental Health Manager.
- 2.6.6 The Environmental Health & Building Control Services Enforcement Policy will be regularly reviewed and amended.

### 3.0 SERVICE DELIVERY

- 3.1.1 **Health and Safety Inspections/Visits** - Whilst the primary responsibility for identifying hazards and controlling risks rests with proprietors and managers of businesses, there are several categories of health and safety visits undertaken by Spelthorne Borough Council's team of Environmental Health professionals:

**Programmed Health and Safety Inspections** - Inspections of premises involving a full health and safety inspection, where all aspects of the work throughout the premises are looked at, or a general overall assessment of health and safety is carried out, in accordance with frequencies set out in HSE's National Enforcement Code for Local authorities.

**Special Surveys/Other Visits for Enforcement Initiatives** - To undertake visits as necessary having regard to regional/national priority programmes, focusing our enforcement on particular hazards or sectors where the greatest action may be necessary to contribute to the HSE's Strategy

**Other Visits - Health and Safety Investigations** - Investigation of all complaints relating to health and safety received from employers, employees and the general public, including advice and/or complaint visits.

**Other Visits - Accident Investigation** - Investigation of accident notifications received via the online RIDDOR notification system, including visits to premises to investigate the scene/cause of the accident

**Revisits** - Revisits are carried out to premises to check if specific action has been taken to remedy faults found at a previous inspection/visit. In 2015/16, 15 revisits were undertaken.

- 3.1.2 The main objectives of a health and safety inspection are:
- a) determination of the scope of the business activities and of the relevant health and safety legislation that applies to the operations taking place at the premises thorough and systematic gathering and recording of information, from observations and discussions with employees, managers and proprietors;
  - b) identification of potential hazards and associated risks to employee/public health, safety and welfare;
  - c) assessment of the effectiveness of controls to achieve safe;
  - d) identification of specific contraventions of health and safety legislation;
  - e) consideration of appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legalisation;

- f) provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- g) recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate;
- h) the promotion of continued improvements in health & safety standards through the adoption of good practice.

3.1.3 We aim to undertake 100% of our programmed health and safety inspections (i.e. those risk rated “A” ) of premises within the Borough at a frequency which is in accordance with the inspection rating system set out within HSE’s National Enforcement Code for Local authorities.

3.1.4 All commercial premises in the Borough are categorised according to potential risk and the frequency that they are inspected depends on this category. In 2015/16 we inspected 100% of our programmed inspections for this year (i.e. businesses risk rated “A”). The rating system takes account of management practices and past compliance with legislation in determining likely future risk.

Premises are inspected within the following minimum frequencies:

Category	Minimum Frequency of Inspection
A	At least every year
B1 & B2	Use non-intervention methods, e.g. reactive intervention following accidents, complaints or other reason for visit (inspect new food business)
C	As above

3.1.5 The Council recognises that some commercial businesses present a higher risk than others. We plan to visit all Category “A” premises within their due date. Additional resources will also be targeted at specific premises to focus our attention on issues within the priority programmes contained within HSE’s National Enforcement Code for local authorities.

3.1.6 Prior notice of a programmed inspection will not normally be given to proprietors and managers unless they are not normally available at the premises to discuss health and safety issues, and ensure that relevant personnel and documentation will be made available.

3.1.7 Commercial premises will be inspected during normal trading hours. We recognise that certain businesses operate in the early hours of the morning, late at night and at weekends and indeed that some businesses are busiest at these times and would therefore benefit from a visit at these times, so the inspections programme will include health and safety inspections outside of normal working hours where appropriate.

3.1.8 Health and Safety inspections of all new catering premises and inherently “high risk” new non-food premises will be undertaken at the same time as the initial food hygiene inspection, and generally within three months of opening.

- 3.1.9 During special survey initiatives we will send a self-assessment checklist designed to enable both the business and the officers to identify whether or not the business complies with the law. We receive information regarding change of occupation from business rates on a regular basis to assist this process.
- 3.1.10 When special survey initiatives are carried out the targeted employers shall be required to return the self-assessment checklist; failure to do so may result in a visit by an officer. A sample of 5% of all premises returning the self-assessment checklists shall be visited in order to validate responses, however this percentage may alter depending on the survey being undertaken. In addition, officers shall assess the Risk Category of the business based on the information provided. Businesses shall receive feedback as may be necessary on our conclusions as a result of assessing the form and would be sent any relevant information, which they required. In addition they shall be visited where it was obvious that this was necessary. If new businesses do not reply, we will inspect the premises as soon as possible, subject to other priorities.
- 3.1.11 Wherever it is practicable and appropriate to do so, we will combine a health and safety inspection with another visit (e.g. complaint, or a request for advice, or if the premises is due a food/licensing inspection etc.) to help make effective use of resources and to minimise disruption to business.
- 3.1.12 We will reschedule our programmed health and safety inspection programme in exceptional circumstances and if requested to do so by HSE. We will co-operate with the HSE and will provide them with any information and assistance as may be necessary.
- 3.1.13 All health and safety inspections will be conducted by appropriately qualified officers who satisfy the requirements of the relevant legislation and HSE Section 18 Guidance to Local Authorities.
- 3.1.14 If we identify serious contraventions of health and safety legislation and/or poor practices during a programmed inspection and formal action is not appropriate as laid out in the enforcement policy, we will undertake a revisit to the premises after an appropriate time period to check that matters have been attended to satisfactorily. We will revisit to check compliance with all formal notices served.

## **3.2 Health and Safety Complaints**

- 3.2.1 Our policy is to investigate health and safety complaints made within Spelthorne Borough Council, in accordance with our policies and procedure notes, whilst having regard to our Enforcement Policy. The investigation of some complaints can be a lengthy process, it is expected that officers will ensure a first response within 6 days of the complaint being received.
- 3.2.2 Our main aims in undertaking independent investigations of health and safety complaints on behalf of members of the public or employees are:
- The identification of potential hazards and associated risks to employee/public health, safety and welfare;
  - The assessment of the effectiveness of existing controls;

- The identification of specific contraventions of health and safety legislation;
- To prevent a recurrence of the complaint by securing improvements in health and safety standards, including practices and procedures;
- Provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- Recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- Appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation where necessary.

3.2.3 We aim to respond to health and safety complaints within six days after receipt, or in accordance with our documented procedures and relevant HSE guidance.

3.2.4 The depth and scope of investigation required will depend on the nature of the complaint and whether the complaint arose within premises for which the Council has health and safety enforcement responsibility.

3.2.5 All complaints are thoroughly investigated and complainants advised of the outcome.

### **3.3 Accident Investigation**

3.3.1 Our policy is to appropriately investigate accident notifications received via the online RIDDOR notification system within Spelthorne Borough Council, in accordance with the departmental policies and Accident Investigation procedure notes, whilst having regard to our Enforcement Policy and HSE's National Enforcement Code for local authorities.

3.3.2 Our main aims in undertaking independent investigations of accident notifications on behalf of members of the public or employees are:

- To prevent a recurrence of the accident by securing improvements in health and safety standards, including practices and procedures;
- The assessment of the effectiveness of existing controls;
- The identification of specific contraventions of health and safety legislation;
- The identification of potential hazards and associated risks to employee/public health, safety and welfare;
- Provision of advice and information to employees, employers, managers and proprietors of commercial premises;
- Recommendation of practical, good health and safety practices, in accordance with subject specific codes of practice where appropriate
- Appropriate enforcement action, (proportionate to risk), to secure compliance with health and safety legislation where necessary.

3.3.3 We aim to respond to accident notifications within six days after receipt, or in accordance with our documented procedures and relevant HSE guidance.

- 3.3.4 The depth and scope of investigation required will depend on factors such as the nature and seriousness of the accident and whether the accident arose within premises for which the Council has health and safety enforcement responsibility.
- 3.3.5 RIDDOR Accident notifications shall be investigated in accordance with the Accident Investigation procedure.

### **3.4 Asbestos Notifications**

Asbestos notifications are received via a portal on the Health and Safety Executive's website. Contractors and others are required by law to notify the relevant enforcing authority of their intention to carry out both licensed and unlicensed work on asbestos. The PEHO (Commercial), or in her absence the SEHO, checks this portal three times a week.

In 2015/16 we received no notifications of works.

### **3.5 Advice to Business**

We recognise that the majority of businesses seek to comply with the law and during 2015/16 we have endeavoured to provide such advice and assistance as may be necessary. This includes:

- providing businesses with details of our Enforcement Policy. This may be through a leaflet either left at premises during routine visits or sent with inspection reports.
- developing and providing business information sheets, leaflets, practical information and other guides as necessary to simplify legislation and aid compliance with specific health and safety legislation;
- providing on the spot advice during routine visits and inspections;
- provision of free telephone advice;
- the publication of a health and safety information pack/guide for new businesses;
- the provision of a health and safety newsletter once or twice yearly;
- Health and Safety initiatives.

### **3.6 Primary Authority Partnerships**

- 3.6.1 The Primary Authority Principle (PAP) is a formal recognition of the importance of the relationship between a food business and a specific local authority.
- 3.6.2 It is a statutory scheme set up the BRDO. It means that all local authorities will have to have regard to it when considering enforcement action in relation to a food business which has a number of branches or units in other food authority areas and a decision making base in another area, the relevant "Primary Authority" must be consulted before taking formal action. The only exemption to this requirement is when a local authority needs to take urgent action to avoid a significant risk of serious harm to human health.
- 3.6.3 At present there are approximately 8,500 PA arrangements between businesses and local authorities (compared to 2,538 last year), Spelthorne do not have PA arrangements with any business at this time.

3.6.4 Prior to undertaking an intervention, an officer must take appropriate steps to find out if the business concerned participates in a PAP and if so the conditions of that partnership. Any inspection plan devised as part of the PAP arrangement must be adhered to.

### 3.7 Liaison with Other Organisations

3.7.1 The Council actively participates in liaison arrangements with a number of other local authorities, agencies and professional organisations in order to facilitate consistent enforcement, to share good practice and to reduce duplicity of effort.

- Surrey Occupational Health and Safety Study Group
- Surrey Environmental Health Managers' Group
- Health and Safety Executive
- Local Government Regulation
- Liaison arrangements with Building Control, Planning, Solicitors
- Public Health England

## 4.0 RESOURCES

### 4.1 Financial

4.1.1 The gross cost of providing the health and safety service, i.e. staff and budgetary expenses, in the current financial year (2016/17) is £51,474. The budget for 2017/18 will be similar.

### 4.2 Staffing Allocation

Staffing Allocation for Health and Safety Enforcement

NAME/ JOB TITLE	FTE	QUALIFICATIONS	HEALTH & SAFETY ENFORCEMENT EXPERIENCE
Fidelma Harding Principal EHO (Commercial)	0.25	BSc (Hons) in Environmental Health,	10 years
Liz England Senior EHO	0.25	Diploma in Environmental Health Chartered Member of the CIEH Post Diploma Qualification in Health & Safety	34 years
Sally Lee Senior EHO	0.25	BSc (Hons) in Environmental Health; Higher Certificate in Food Premises Inspection.	21 years
Administrative Support	0.30		
Tracey Willmott- French; Senior Environmental Health Manager	0.08	BSc (Hons) in Environmental Health,	
<b>Total:</b>	<b>1.13</b>		

This total 1.13 FTE is spent on health & safety duties including dealing with complaints, giving advice to businesses, interventions and detailed investigations, checking notices, and preparation for prosecutions etc.

### **4.3 Staff Training and Development**

- 4.3.1 We recognise the need for all officers engaged in the health and safety service to be trained, not only to the level required by law, but also to a level commensurate with the work they carry out. We also recognise the need to develop the personal skills needed in order to work effectively in the field, and for EHOs to meet the requirements of the CIEH Continuing Professional Development (CPD) scheme.
- 4.3.2 All staff are regularly appraised, development needs are identified and records of all training to be undertaken is formally recorded. Follow-up evaluation of the usefulness of the training is formally undertaken immediately following the course and three months later.
- 4.3.3. Each member of staff receives one appraisal and development meeting per year at which development needs are identified and a plan agreed to address these.
- 4.3.4 Training and development of staff is provided by a range of methods including:
- i) Post Entry Training - Nominations for formal training courses/qualifications are considered annually and in appropriate cases members of staff are sponsored on formal academic and practical courses.
  - ii) Short Course Training - Where appropriate, short courses, seminars and workshops can provide valuable updates for staff. We support attendance at such events through the Departments short courses training budget.
  - iii) In-house/cascade Training - We carry out in-house training sessions as this helps to develop an individual's presentation skills, as well as cascading information to other members of staff following attendance at seminars and short course. They also assist in maintaining consistency of enforcement and the competency of Officers.
  - iv) Peer Review - We use peer review, e.g.: joint visits, to monitor work performance; encourage exchange of expertise and skills between staff; achieve consistency in enforcement; to strive for continual improvement in service delivery.
  - v) Commercial Team Meetings - These monthly meetings provide a useful forum for exchange of information and experience amongst team members, and assist in achieving a uniformity of approach to health and safety enforcement. Health and Safety is a standing item on the agenda for these meetings.
  - vi) Attendance at the Surrey Health and Safety study group meetings.
  - Vii) Recently launched HSE webinars meaning officers do not have to leave the office but log on to a centrally hosted seminar via the internet. Dissemination of this information amongst colleagues, as above.
- 4.3.5 We will ensure that the Council's appraisal scheme and training plan is used effectively to identify general and personal training and development needs for all members of staff. These are addressed through each member of staff's agreed appraisal personal development plan.



## **5.0 QUALITY ASSESSMENT**

### **5.1 Internal Monitoring**

- 5.1.1 We have set up a number of documented internal monitoring procedures to monitor compliance with HSE strategies and guidance, and our own internal procedures and policies.
- a. Officers carry out joint visits with each other twice a year to ensure consistency between officers (Peer Review).
  - b. The Principal Environmental Health Officer (Commercial) checks a selection of post-inspection risk scores and correspondence that is sent out.
  - c. The Principal Environmental Health Officer (Commercial) shall carry out joint visits with each officer twice a year to ensure consistency between officers.
  - d. Customer questionnaires are sent out to all businesses, who have received a visit and the results are collated and discussed at team meetings every six months.
- 5.1.2 Between April 2015 to December 2015, 27 Customer Care questionnaire forms were returned from businesses who had received either a food hygiene or health & safety inspection. In terms of whether they were treated fairly by the EHO, 99.9% of respondents either strongly agreed or agreed. No additional comments were made.

### **5.2 External Monitoring**

- 5.2.1 Our health and safety enforcement at work service receives peer review as part of the local Surrey Districts inter-authority audit scheme. The health and safety at work enforcement service was first audited in 1994.

We participated in an Inter-Authority audit organised by the Surrey Health & Safety Study Group in accordance with both the HSC Section 18: Guidance to Local Authorities, which was issued in September 2001, and the revised HELA Audit Protocol (issued in January 2002). The audits were carried out in May/June 2004. Our Health & Safety Service was audited on 29 June 2004.

There are no confirmed plans in place for further inter-authority audits at present.

- 5.2.2 Health and Safety Executive - We currently submit annual statistical returns to the HSE in respect of our health and safety enforcement activity. We may need to develop additional reports in conjunction with our software suppliers IDOX solutions, to provide such information in a form that is acceptable to the HSE.

## **6.0 REVIEW**

### **6.1 Performance review against the Service Plan**

- 6.1.1 This Service Plan should be read in conjunction with the Environmental Health Service Plan.

6.1.2 Both documents are used in setting individual and team targets through the annual appraisal process. Performance is reviewed through a variety of mechanisms. These include:

- i) Periodic performance monitoring during Service management meetings.
- ii) Commercial Team Meetings.
- iii) Bimonthly case load review meetings with officers and “Cascade” training days
- iv) Monitoring of correspondence sent out by officers (e.g. letters, reports, notices etc).
- v) Peer Review (Accompanied inspections).

6.1.3 Four principal performance measures are used. These are:

- i) Performance against programmed health and safety inspection targets. Our target is to achieve 98% of inspection targets for commercial premises.
- iii) Performance against service response targets for health and safety service requests.
- iii) Performance against service response targets for accident notifications.
- iv) The Number of reports (e.g. letters/informal notices) sent out within the target time (no later than 7 days after the date of visits).

6.1.4 Commercial Team Performance in 2012/2016

Performance Measures	2012/13	2013/14	2014/15	2015/16
Target for Programme Inspection (achieved % in brackets)	98% (100%)	98% (100%)	98% (100%)	98% (100%)
Rating A number of planned inspections carried out	1	4	1	0
Rating B1 number of interventions carried out	2	2	10	3
Rating B2 and C number of interventions carried out	12	3	34	13
Number of non-inspection interventions carried out	20	46	74	47
Target to respond to within six working days	95%	95%	95%	95%
Number of health and safety related service requests	90	67	59	45
Percentage responded to within six working days target	98%	94%	93%	95%

6.1.5 Commercial Team Performance against Target – 2015/16

- The team achieved 100% of the planned inspection programme (risk rated categories “A”) and it carried out a total of 73 health and safety visits in 2015/16 (all types of health and safety related work).
- The team received a total of 45 health and safety service requests for 2015/16.
- The team produced a total of 17 reports following health and safety inspections.

#### 6.1.6 Commercial Team Performance against Target – Update (April- Dec 2016)

- The team had completed 2 health and safety inspections, with two follow up health and safety/food hygiene reports being sent out after inspection visits.
- Three serious accident investigations are ongoing.
- The swimming pool project will be carried over into 2017.

#### 6.1.7 **Comments on Commercial Team Performance**

During 2015/16, the Environmental Health Service underwent a departmental restructure and the Commercial Team was an integral part of that restructure. The Commercial team, along with the rest of the Environmental Health Service, has implemented new flexible working arrangements which included a temporary office re-locate and the introduction of new ICT hardware which has taken time to embed. During 2016/17, the team has also been short of officer resource as one EHO left and another is on 12-months maternity leave. Both posts have been temporarily backfilled by contract EHOs, and the vacant post has now been recruited too.

In spite of the above challenges, the Commercial team has performed well and managed to maintain a high level of service delivery.

#### 6.2 **Identification of any variation in the Service Plan**

A report will be submitted to the Cabinet in 2018 following a review of performance against this service plan to identify any improvements or variations from the Plan.

#### 6.3 **Areas of Improvement**

The National Local Authority Enforcement Code has resulted in a decrease to the number of proactive inspections carried out this year. This has a knock-on effect on the competency of officers as they undertake fewer inspections. To offset this risk, we ensure that officers routinely attend training events and cascade the crucial points of these events to their team.

We use the Regulators Development Needs Assessment as a tool for officers to self-assess their competency and to identify potential areas for improvement.

## **APPENDIX I - Glossary of Terms**

<b>CCDC</b>	-	Consultant in Communicable Disease
<b>CIEH</b>	-	Chartered Institute of Environmental Health
<b>TO</b>	-	Technical Officer
<b>EHO</b>	-	Environmental Health Officer
<b>FSA</b>	-	Food Standards Agency
<b>FHRS</b>	-	Food Hygiene Ratings Scheme
<b>LGA</b>	-	Local Government Regulation
<b>PHE</b>	-	Public Health England
<b>HSE</b>	-	Health and Safety Executive
<b>LAs</b>	-	Local Authorities
<b>BRDO</b>	-	Better Regulation Delivery Office
<b>SFBB</b>	-	Safer Food Better Business
<b>RIDDOR</b>	-	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations

**Cabinet****22 March 2017**

<b>Title</b>	Appointment of an Independent Remuneration Panel (IRP)		
<b>Purpose of the report</b>	To make a recommendation to Council		
<b>Report Author</b>	Gillian Hobbs		
<b>Cabinet Member</b>	Councillor Ian Harvey	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Recommendations</b>	Cabinet is asked to recommend that Council approves the appointment of the Independent Remuneration Panel.		
<b>Reason for Recommendation</b>	The Council is required to establish and maintain an Independent Remuneration Panel consisting of at least three members, none of whom is formally connected with the Council.		

**1. Key issues**

- 1.1 Under the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to establish and maintain an Independent Remuneration Panel (the Panel). The Regulations require that the Panel shall consist of at least three members, none of whom is formally connected with the Council.
- 1.2 The Panel undertakes the task of annually reviewing the Members' Allowances Scheme and making recommendations to the Council about the allowances to be paid to elected councillors.
- 1.3 The existing Panel of three members, who had served for three years, resigned in October 2016 and it is now necessary for the Council to consider appointing a new Panel.
- 1.4 The statutory guidance on members' allowances requires Councils to adopt an appointments process which best results in the Panel membership being truly independent and well-qualified to discharge its functions and be representative of the diversity of the communities in the local authority's area.
- 1.5 An advert was placed in the Surrey Advertiser on 14 October 2016 and an information pack giving much more detail about the role and purpose of the Panel was placed on the Council's website.
- 1.6 Letters were sent from the Chief Executive to members of the business community, drawing their attention to the information on the website and inviting them to consider applying for the role.

- 1.7 As a result of this publicity two applications were received, however, one regrettably later made the decision to withdraw due to a potential conflict of interest.
- 1.8 The vacancies were advertised on Facebook and Twitter on 31 October and resulted in two applications. One of these was rejected by the Monitoring Officer due to the applicant's past political connections with the Council.
- 1.9 Having only two valid applications an advert was placed on Jobs Go Public for two weeks on 14 November 2016. This did not result in any applications.
- 1.10 A further suitable candidate was subsequently identified.

## **2. Options analysis and proposal**

- 2.1 The three potential candidates: Sir Ivan Lawrence QC, Colin Squire and George McLaughlin were interviewed by the Head of Corporate Governance.
- 2.2 All three candidates met the criteria in terms of:
  - Their independence from any connection with the Council.
  - Their knowledge of the way local government works, and/or
  - Their own personal and direct experience of the business community.
- 2.3 The three proposed Panel members bring diverse experience to the role from their backgrounds in central Government, local business and local authorities. Their detailed CVs have been made available in the Members' Room and summaries are attached at Appendix 1.

## **3. Financial implications**

- 3.1 The local authority is able to pay expenses to Panel members. These expenses are for the local authority to determine but historically only out of pocket expenses for attending meetings have been paid.

## **4. Other considerations**

- 4.1 In accordance with Equality and Diversity, none of the applicants may be ruled out on the grounds of their age, gender, race or religious persuasion.

## **5. Timetable for implementation**

- 5.1 Subject to Council approval at its meeting on 27 April 2017, the Panel will be able to commence its work immediately.

**Background papers:** There are none.

### **Appendices:**

Appendix 1 – Summary CVs of applicants

**Summary CVs of applicants for positions on Independent Remuneration Panel  
22 March 2017**

**Sir Ivan Lawrence QC**

Read jurisprudence at Christ Church, Oxford  
National Service in the RAF 1955-57 and service in Malta during the Suez Crisis.  
Called to the Bar by the Inner Temple in 1962,  
Queen's Counsel in 1981  
Recorder of the Crown Court in 1985  
Bencher of the Inner Temple in 1991  
Knighted in 1992.  
He has defended in over 85 murder trials, and has appeared in a number of notable criminal trials.

**Parliamentary career**

Sir Ivan Lawrence was elected MP for Burton in February 1974 which he held until May 1997.

During his time as an MP, he was Chairman of the Home Affairs Select Committee and Chairman of the Commonwealth Parliamentary Association (UK Branch). He was a member of the Foreign Affairs Select Committee and served on a number of other Parliamentary Committees concerned with health, employment, social services and law and order.

His Private Members Bill in 1991 instigated the national lottery, and in 1985 he made the longest speech in Parliament that century (on the Water Fluoridation Bill).

**Post-parliamentary career**

Sir Ivan is now a member of 5 Pump Court Chambers, a Fellow of the Society for Advanced Legal Studies, was an elected member of the Bar Council (2004–2010) and is Visiting Professor of Law at the University of Buckingham. He was admitted to the degree of Doctor of Laws "Honoris Causa" by the University in March 2013. In April 2015, he became a Visiting-Professor at the BPP University Law School. He is well-known as an after-dinner and cruise-line speaker. His memoir, "My Life of Crime: cases and causes", was published by Book Guild in 2010.

He has been a delegate to the Board of Deputies of British Jews, and a trustee of the Holocaust Educational Trust.

## **Colin Squire**

He is a Fellow of the Institute of Horticulture and holds an Honorary Doctorate (Art & Design) from Kingston University.

His extensive Spelthorne connections include:

- President of Sunbury & Shepperton Local History Society since 1987.
- Halliford School: Deputy Chairman of Governors since 1998.
- Spelthorne Civic Award Trust: Member since 1994 and Chairman.
- Laleham Parish Lands: Trustee since 2004
- Spelthorne Young Voices: Trustee since 2006.
- Freeman of the Borough of Spelthorne since 2013
- Chairman of a local business – Squires Garden Centres

Colin Squire has lived in the borough for more than 70 years. Colin Squire is Chairman of Squires Garden Centres, originally founded by his father DJ Squire in 1935 and which now owns 15 centres in the southeast. During his time in the industry, Colin has gained a reputation for his forward thinking, enthusiasm and high business standards. He has witnessed many changes in the industry and has often been at the forefront of bringing new developments to fruition in the UK.



## **George McLaughlin**

George McLaughlin has 30 years' experience of working in Local Authorities in both Scotland and England in highway construction and maintenance, starting as a roadman and finishing in Middle Management.

He has worked in:

- Sterling County Council as a grass cutter in 1959.
- Spensborough District Council as the Highways and Drainage Superintendent
- Windsor and Maidenhead District Council in 1974
- Richmond and Twickenham Borough Council until 1989 as Highways Maintenance Manager

During his time in these roles he was involved in estimating, budgetary control and clearance of final invoices and management of employees and contractors. He has attended Committee meetings to assist councillors and explain the differences between public and private highways.

He served in the army for 12 years before starting work in the public sector. He volunteered as a first aider with the Red Cross for most of his adult life. He has continued to learn after retirement attending college for bookkeeping and computer classes. More recently he has worked in a major local supermarket starting as a general hand and moving up to the role of Team Leader.

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# Cabinet

22 March 2017



<b>Title</b>	Amendment to Representation on Outside Bodies for 2016-17		
<b>Purpose of the report</b>	To make a decision		
<b>Report Author</b>	Dan Skerten		
<b>Cabinet Member</b>	Councillor Ian Harvey	<b>Confidential</b>	No
<b>Corporate Priority</b>	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
<b>Cabinet Values</b>	Community		
<b>Recommendations</b>	<b>Cabinet is asked to agree the changes to representation on Outside Bodies</b>		

## 1. Key Issues

1.1 Following the resignation of Councillor Saliagopoulos and Councillor Sexton from the Conservative Group in February 2017, it has been necessary to change the representation on those outside bodies for which they had previously been appointed.

1.2 The following outside bodies are affected:

- On-Street Parking Partnership
- The Traffic Penalty Tribunal

1.3 It is proposed that the following councillors are appointed as representatives on each of these bodies:

1.4 On-Street Parking Partnership - Cllr Barratt will replace Cllr Sexton

1.5 The Traffic Penalty Tribunal – Cllr Capes will replace Cllr Saliagopoulos

## 2. Timetable for implementation

2.1 The appointments will be effective immediately until their expiry in June 2017, when all the representation on outside bodies will undergo their annual review.

### Background papers:

None

### Appendices:

None

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**Cabinet**

**22 March 2017**



<b>Title</b>	Development in the Borough (Churchill Hall)		
<b>Purpose of the report</b>	To make a Key Decision		
<b>Report Author</b>	Heather Morgan, Head of Regeneration and Growth		
<b>Cabinet Member</b>	Councillor Ian Harvey	<b>Confidential</b>	Yes
<b>Corporate Priority</b>	Housing		
<b>Recommendations</b>	<p><b>Cabinet is asked:</b></p> <ul style="list-style-type: none"> <li>• To agree the demolition of the existing building and redevelopment of the site for residential development</li> <li>• To agree the proposed capital provision of £0.7m for the redevelopment of the site (including contingencies) over the period March 2017 – 2019</li> <li>• To give delegated authority to the Group Head of Regeneration and Growth (in consultation with the Leader as Cabinet Member for Strategic Assets) to agree the actual spend of the budget and to deal with any minor variations (with the agreement of the Deputy Chief Executive responsible for Finance as required)</li> <li>• To give delegated authority to the Group Head of Regeneration and Growth (in consultation with the Leader as Cabinet Member for Strategic Assets) to agree any subsequent minor amendments to the proposals as a result of results of surveys, advice from the Local Planning Authority or other responses.</li> </ul>		
<b>Reason for Recommendation</b>	<p>This is a cross cutting development which will help the Council deliver on three of its key priorities:</p> <p>(1) Housing (developing an existing site for housing)</p> <p>(2) Financial sustainability (use existing assets to obtain ongoing, sustainable revenue streams and capital appreciation)</p> <p>(3) Economic Development (using assets to stimulate the local economy)</p>		

## 1. Key issues

- 1.1 On 21 July 2016, Council approved the Corporate Plan 2016 – 2019 which set out a very clear vision for how we want to move forward as a borough. It focuses on a number of core challenges and how we propose to tackle these. The redevelopment of Churchill Hall gives the Council an opportunity to demonstrate to the local community how it is going to turn these priorities into firm action.
- 1.2 There is an ever growing need for housing, and the Council is striving to meet the needs of residents in a variety of ways. One way is to look at whether we as a Council can use our existing assets for housing. Churchill Hall is no longer required for community purposes and is in an ideal location to provide much needed affordable rented accommodation. Any redevelopment will need to respect its location within an existing residential area (and be subject to planning permission – which has recently been granted).
- 1.3 Redevelopment for affordable rented accommodation will also ensure the Council is using the opportunity to obtain an ongoing, sustainable income stream, and hold on to an asset which will appreciate in value over time. There is also scope as part of the process for local architects and construction companies to bid for the work, which (if appointed) will be of benefit to the local economy.

## 2. Options analysis and proposal

- 2.1 There are a number of options for the site:
  - (a) Redevelopment for residential (affordable rented) (**preferred option**)
  - (b) Redevelopment for residential (private rented)
  - (c) Refurbishment for residential purposes
  - (d) Re-let for community use

### Redevelopment for residential (affordable rented)

- 2.2 The most realistic option (and that which meets most corporate priorities) is a residential development to help meet affordable housing needs. Houses (as opposed to flats) would provide the most suitable solution looking at the nature of the surrounding area. The site lies within the developed area where the principle of development is acceptable subject to meeting planning policies and guidance.
- 2.3 **Appendix 1** includes plans and elevations for a scheme which was approved by the Planning Committee on 8 February 2017. The scheme would provide three two bed terraced units, and maximises the use of the site. Housing have been consulted on what accommodation is most needed – this is now for affordable rented housing with a smaller number of bedrooms than has been the case in the past. There is a dearth of houses as opposed to flats, and this redevelopment would provide much needed affordable rented accommodation.
- 2.4 Once constructed, the units could be passed over to Knowle Green Estates Ltd (KGEL) which is a wholly owned Council Company, to run. In doing so, the Council would (with the agreement of KGEL) be able to retain 100% nomination rights over the units in perpetuity (rather than the 75% which is usually the case with our partner affordable housing providers such as A2D,

and Catalyst). A Cabinet report would be required at a future date if the Council were to transfer this asset across.

- 2.5 In addition, by retaining the units the Council would receive an on-going income stream (at Local Housing Allowance levels) as well as an asset which will appreciate in value over time (see Section 3 – Financial Considerations) below. **This is the preferred option**

Redevelopment for residential (private rented)

- 2.6 The site could potentially be redeveloped for private market housing. However this would not meet the need that the borough has for affordable housing. Whilst valuable for housing, the site is not in a location such that the Council could achieve high values if we were to build and sell or build and rent privately. It is considered that the site is highly suitable for affordable rented accommodation, and will go some small way towards meeting the significant need that we have.
- 2.7 This option is not recommended.

Other redevelopment options

- 2.8 There are no other options that would be suitable for this site. It is the wrong size and location for offices or light industrial. Nor is it suitably located for leisure, or retail. It may be feasible to look at childcare and medical facilities and values have been sought for these uses as a comparison. The rental income for these types of uses could be between £9.50 and £13.50 per square foot for a 3 – 5 year lease. For a hall of 1,600 square feet this would equate to approximately £16,000 pa. Whilst bringing in an income this would not make best use of the site from an asset point of view
- 2.9 This option is not recommended.

Refurbishment for residential

- 2.10 The current building (a community hall) does not lend itself to being used for residential development and would make very inefficient use of the site. This is not a realistic prospect. A first floor extension was considered several years ago but rejected by the Local Planning Authority at pre-application stage and was not progressed further.
- 2.11 This option is not recommended.

Re-let for community use

- 2.12 Prior to 2011 the hall was a Council run community facility, which operated as an elderly day centre. The facility was no longer sustainable, and a decision was made to look at what other uses the building could be put to. After a marketing exercise, the hall was leased to Kelli Dixon Academy of Dance and Stage School. The lease ran from 1 April 2011 up to 31 March 2014, at which point Kelli Dixon offered to buy the site for £90,000. This offer was declined by Cabinet who then agreed to extend the lease to 31 July 2016. At this point it was terminated by the Council (due to its redevelopment plans). The rental was £6,667 pa for an asset worth £90,000.
- 2.13 Re-letting for a community use is unlikely to bring in much more income than before (possibly around £9,000 - £12,000 pa). A true community use would require the Council to take back all the costs of running, staffing and maintaining the facility which would not make sense economically. Nor would

it fit in with the current strategy of the Council to provide day centres which are bespoke and serve different element within our community.

2.14 This option is not recommended.

### **3. Financial implications**

3.1 A high level appraisal has been undertaken of the redevelopment proposal in order to establish (1) the cost of the redevelopment and (2) the revenue income stream from the affordable rented units once they are complete (**confidential Appendix 2**). Cabinet will note that the scheme achieves an on-going income stream estimated to be c. £37,000 per annum (gross).

3.2 A capital budget of £0.7m will need to be set aside for the delivery of this project. This would be financed from borrowing. The cost of obtaining planning permission is £10,000 and this has already been accounted for from existing budgets. Further surveys are required prior to demolition (asbestos) and to look into utilities.

3.3 Building Control will be 'sense checking' the costings, both within appraisals and as we progress towards the build. They will also be checking what pricing local builders would be looking at (on a without prejudice basis). This will help to ensure that costs are minimised (and would effectively informally be taking on the mantle of a cost consultant whose role it is to assist in looking at build costs to see where designs can be tweaked or materials altered with a view to maximising cost savings).

3.4 There will be an additional cost of c. £15,000 over the lifetime of the project for the expert external resource which is being utilised. This will be absorbed from within existing budgets and no additional revenue is required.

### **4. Other considerations**

#### Project resource

4.1 Cabinet should note that the core project team currently comprise officers from assets, projects and housing (to ensure a constant dialogue is maintained).

4.2 Advice has been brought in to expedite this redevelopment and these costs are referred to in paragraph 3.3 above. Officers at Spelthorne will maintain oversight of the whole process (meeting key milestones, reviewing budgetary spend) but the detailed management of the process and contractors will be undertaken externally.

#### Planning

4.3 Permission was granted by the Planning Committee on 8 February 2017.

#### Possible further amendments to the scheme

4.4 It is recommended that delegated authority be given to the Group Head Regeneration and Growth and the Leader (who holds Cabinet responsibility for Strategic Assets) to agree refinements to the scheme as it progresses through the various development phases. The redevelopment would slow considerably (and the process would become very unwieldy) if changes to the proposal were to have to come back to Cabinet each and every time for a decision.



### Procurement and Legal

- 4.5 Legal have advised that regardless of whether the land may be transferred from the Council to KGEL that the architects and construction company will need to go through the Councils standard procurement process. Legal Services are assisting with advice on procurement and KGEL including state aid.

### Future management of units

- 4.6 The Council is not a stock holding authority and therefore do not have rent management systems in place. Were KGEL to take ownership then a resource (whether via the Council or externally) would need to be brought in to manage the affordable rented units.

### Sustainability and other issues

- 4.7 Discussions are taking place with the Sustainability Team with a view to incorporating a number of elements which will take the scheme above and beyond what is required from a planning policy point of view. It is understood that this will not necessarily increase costs if they are incorporated into the design at an early stage. These sustainability options will be included in the tender documents so we can ascertain costs before deciding on what to incorporate.
- 4.8 The development will need to meet planning and building regulations requirements in respect of those with disabilities.

## **5. Timetable for implementation**

- 5.1 An indicative timetable for the project is set out in **Appendix 3**. Cabinet should note that this is subject to no adverse findings as a result of various technical surveys (including utilities), and to there being no delays in obtaining planning permission. The Leader will be kept updated on any departures from the timetable (along with a reasoned justification).

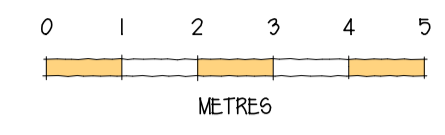
**Background papers:** There are none.

### **Appendices:**

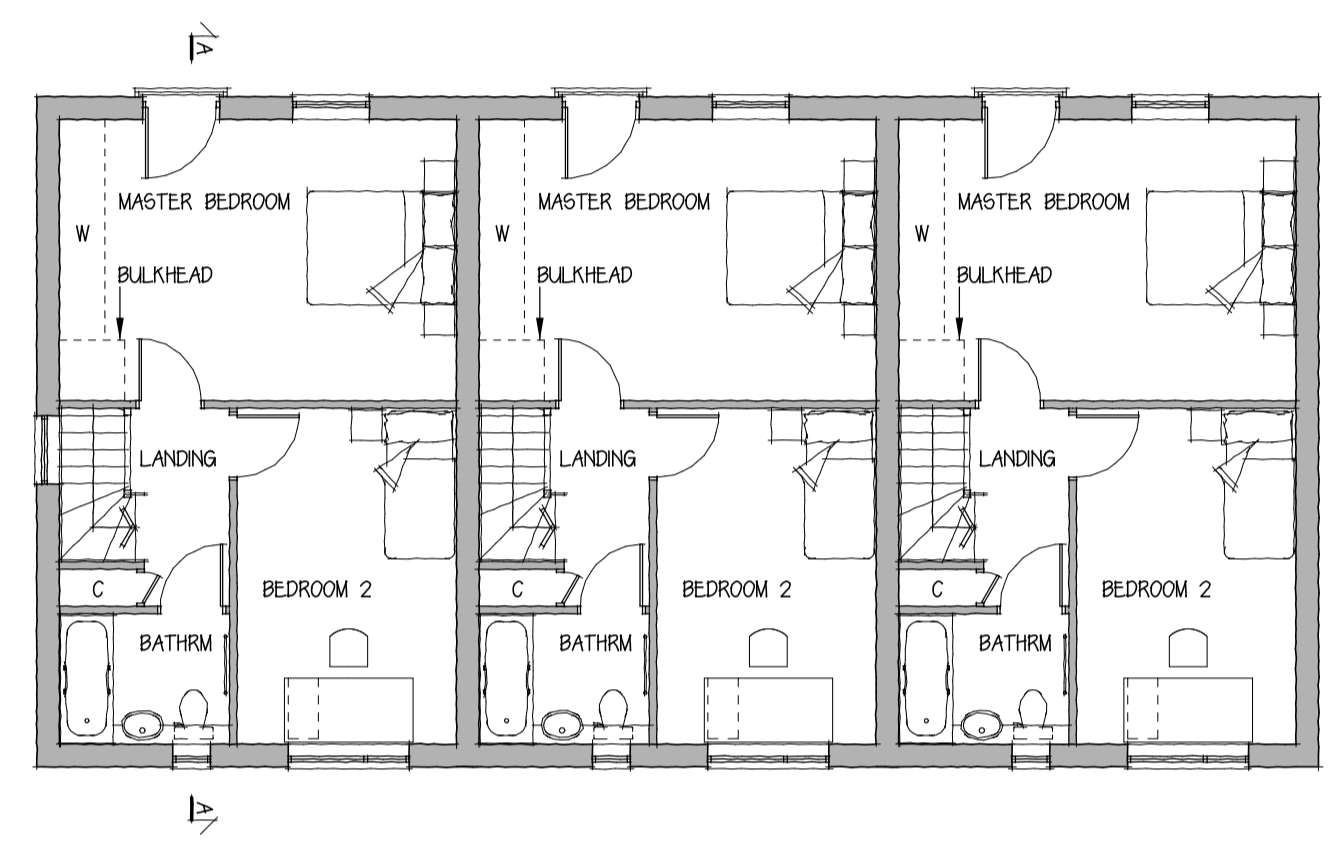
- 1 Redevelopment proposals
- 2 Financial (**confidential**)
- 3 Indicative timetable

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- NOTES
- 1 THE CONTRACTOR IS RESPONSIBLE FOR ALL SETTING OUT AND MUST CHECK DIMENSIONS ON SITE BEFORE WORK IS PUT IN HAND
  - 2 WRITTEN DIMENSIONS ONLY TO BE TAKEN THIS DRAWING MUST NOT BE SCALED
  - 3 THE ARCHITECT IS TO BE IMMEDIATELY NOTIFIED OF SUSPECTED OMISSIONS OR DISCREPANCIES



PROPOSED STREET SCENE



FIRST FLOOR PLAN  
FIRST FLOOR GROSS INTERNAL AREA 43.00m<sup>2</sup> (EACH HOUSE)

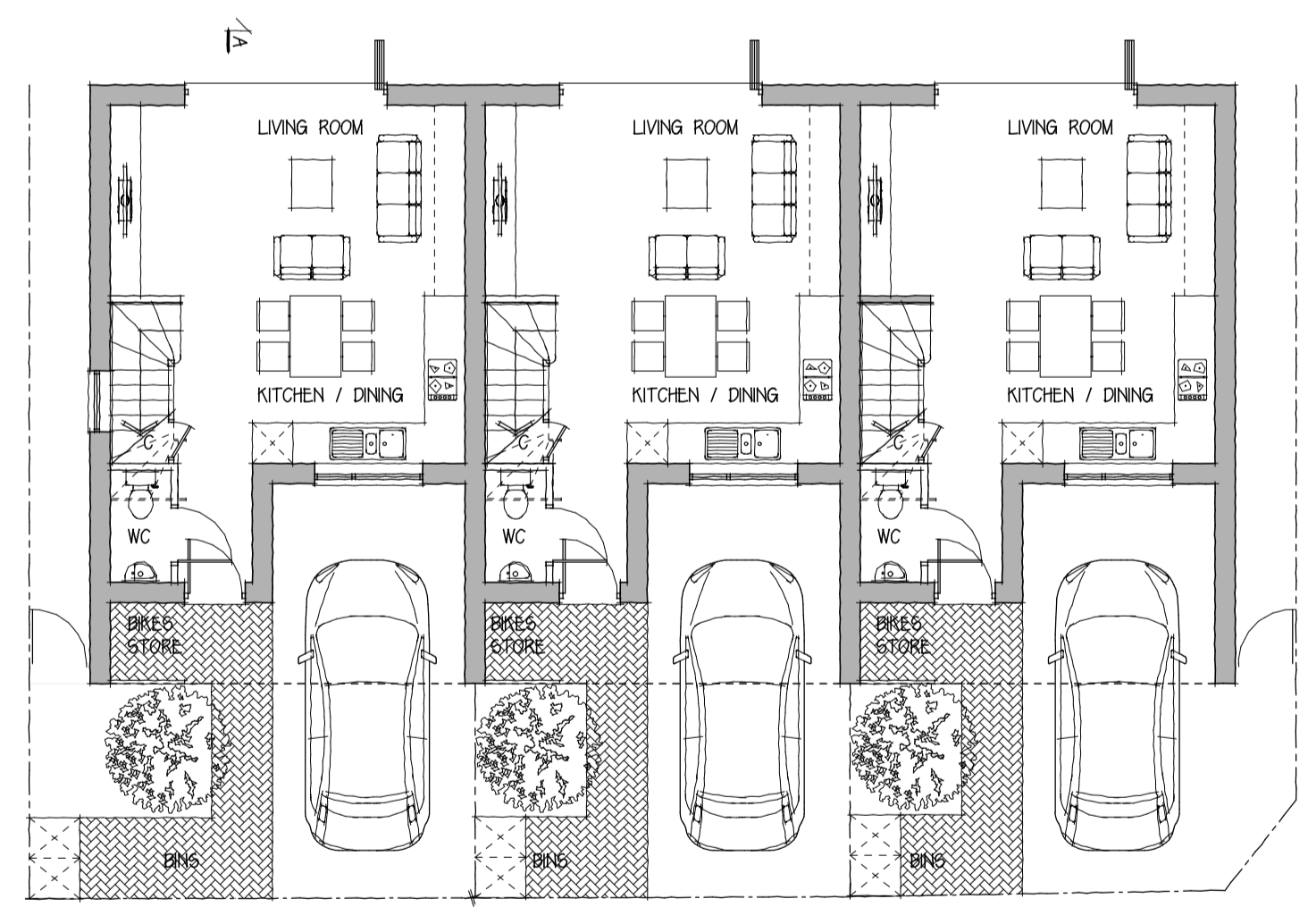


FRONT ELEVATION

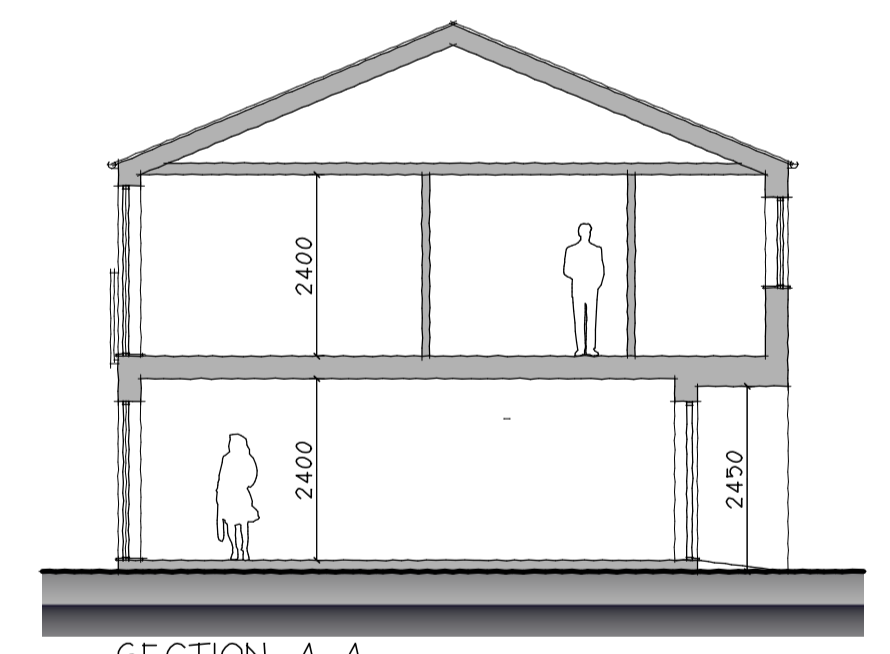


REAR ELEVATION

- EXTERNAL MATERIALS:
- ROOF - PITCHED 22.5° INTERLOCKING BROWN ROOF TILE BY MARLEY OE
  - DOWNPIPES & GUTTERS - GALVANISED LINDAB OE
  - WALLS - CREAM RENDER
  - BRK STORE - TIMBER CLADDING
  - PLINTH - DARK GREY RENDER
  - WINDOWS AND DOORS - WHITE RECYCLED ALUMINIUM
  - BATHROOMS & ENSUITES TO BE OBTAINED GLAZING AS INDICATED
  - BALCONIES - TIMBER HANDRAIL AND GALVANISED VERTICAL BARS
  - OBTAINED GLAZING SHADED THIS



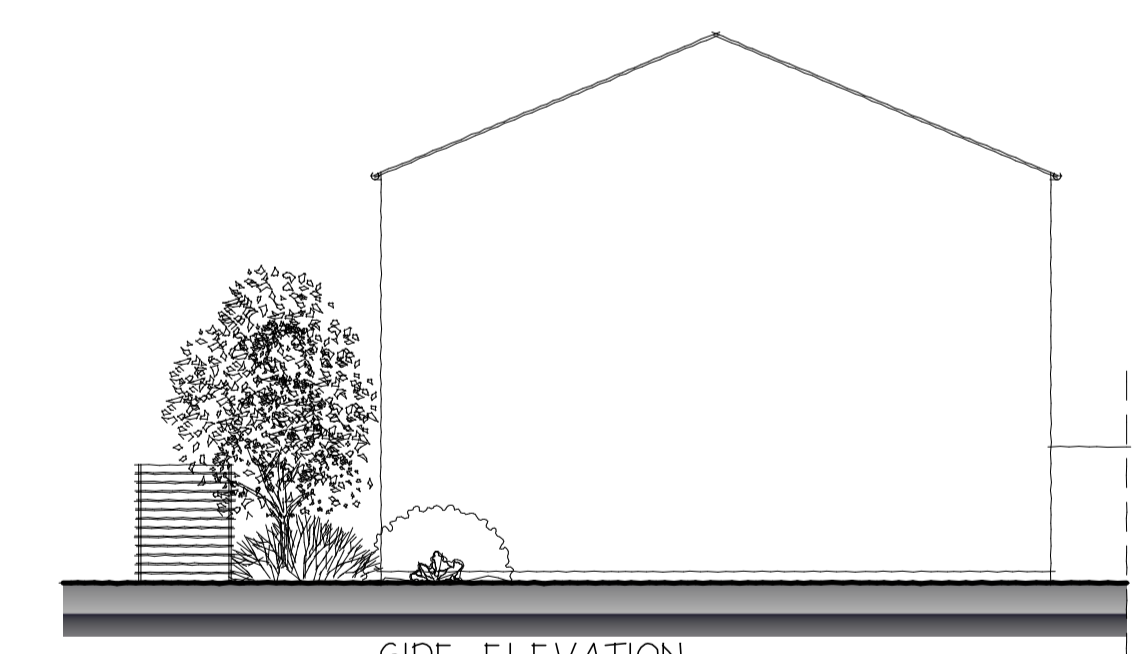
GROUND FLOOR PLAN  
GROUND FLOOR GROSS INTERNAL AREA 31.50m<sup>2</sup> (EACH HOUSE)  
TOTAL GROSS INTERNAL AREA 75m<sup>2</sup> (EACH HOUSE)  
MINIMUM REQUIRED 75m<sup>2</sup>



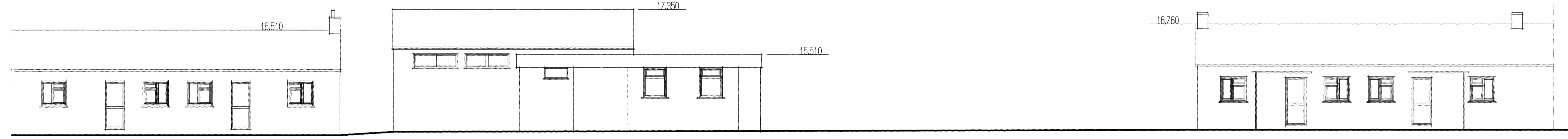
SECTION A-A



SIDE ELEVATION



SIDE ELEVATION



EXISTING STREET SCENE

REVISION	DATE	CHECKED	DATE
REV C AMENDED TO PRE APP ADVICE	KMD 09/09/16		
REV B TEXT CORRECTED	KMD 06/06/16		
REV A AMENDED TO SUIT ADDITIONAL SITE AREA	KMD 26/09/16		

**ROBERT DAVIES JOHN WEST LIMITED**  
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DATE: 21/09/15  
SCALE: 1:100 @ A1  
DRAWN: AJ  
CHECKED: KMD  
DWG NO: **L2251/05** REV C

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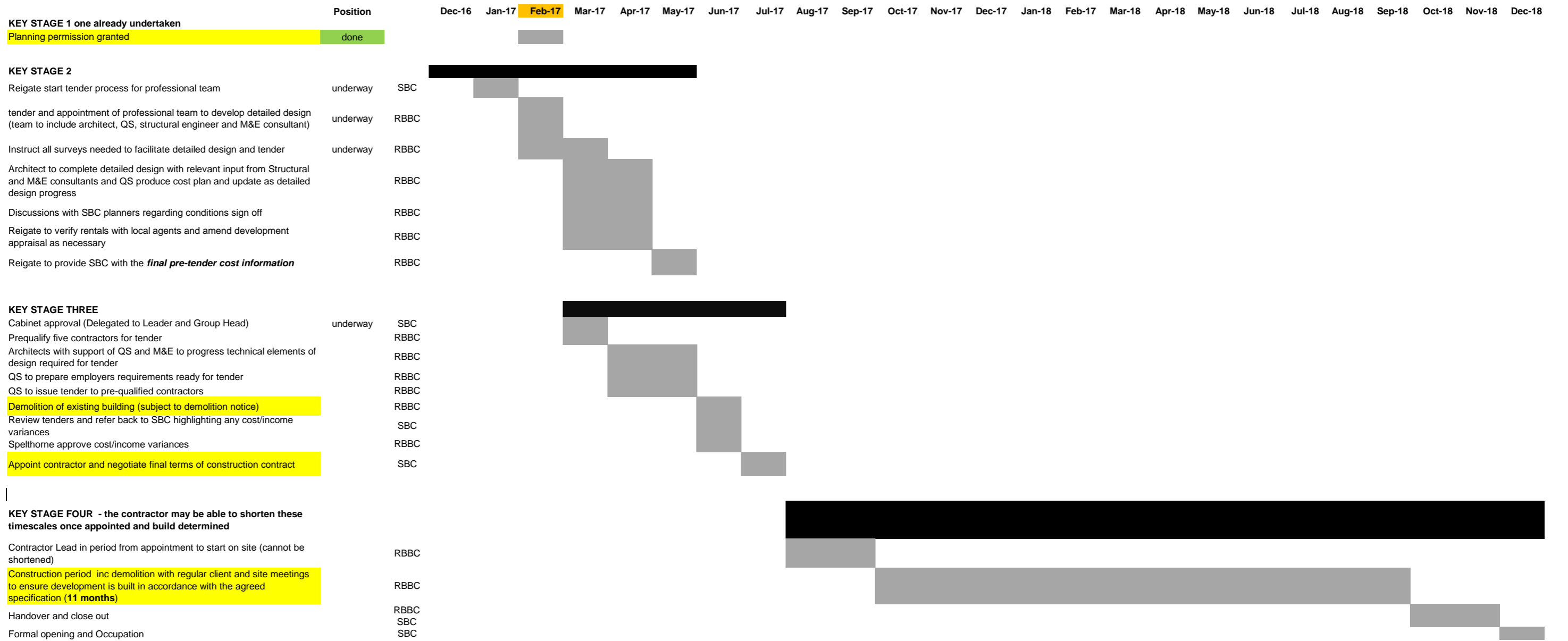
By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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CHURCHILL HALL REDEVELOPMENT FOR AFFORDABLE RENT (RESIDENTIAL) 02.17

INDICATIVE TIMESCALE (subject to no adverse issues arising out of surveys)



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