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Date: 19th November 2014

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 26th November, 2014** at **2.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

- 1 To receive apologies for absence.
- 2 Declarations of Interest.
Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- 3 Cabinet held on 12th November 2014.

To receive and consider the following reports on which executive decisions are required: -

- 4 Land at Riverside Walk, Deri.
- 5 National Home Improvement Loan Scheme.

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6 Draft Domestic Abuse, Gender-Based Violence and Sexual Violence Policy and Guidance for Managers.

7 Draft Flexible Working Policy and Procedure.

8 Cabinet Forward Work Programme.

To receive and consider the following report which requires a recommendation to Council: -

9 Anti Social Behaviour, Crime and Policing Act 2014 - Amendment to Authorisation of Officers.

Circulation:

Councillors Mrs C. Forehead, D.T. Hardacre, K. James, Mrs B. A. Jones, G. Jones, Mrs R. Passmore, D.V. Poole, K.V. Reynolds, T.J. Williams and R. Woodyatt,

All other Members not listed above.

And Appropriate Officers



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 12TH NOVEMBER 2014 AT 2.00 PM

PRESENT:

Councillor K.V. Reynolds - Leader

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), D.T. Hardacre (Performance and Asset Management), G. Jones (Deputy Leader and Cabinet Member for Housing), Mrs B. Jones (Deputy Leader and Cabinet Member for Corporate Services), K. James (Regeneration, Planning and Sustainable Development), Mrs R. Passmore (Education and Lifelong Learning), D.V. Poole (Community and Leisure Services), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

Together with:

C. Burns (Interim Chief Executive), Mrs S. Aspinall (Acting Deputy Chief Executive), Mrs N. Scammell (Acting Director Corporate Services and S.151 Officer), Mr D. Street (Corporate Director Social Services).

Also in Attendance:

C. Jones (Head of Performance and Property), P. Elliott (Head of Regeneration and Planning), D. Coles (RDP Delivery Manager, Countryside and Landscape Service), P. Martin (Conservation and Design Officer), M.S. Williams (Head of Community and Leisure Services), J. Dix (Policy and Research Manager), M. Jones (Interim Financial Services Manager), G. Evans (Interim Manager Community Education), G. Hardacre (Head of Workforce and Organisational Development), S.M. Kauczok (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor R. Woodyatt declared an interest in agenda item 8 - Update Report Groundwork Caerphilly - in that he is a co-opted member and Director of the Board.

3. CABINET

RESOLVED that the minutes of the meeting held on 29th October 2014 (minute nos. 1 - 9) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. FORMER NEWBRIDGE LIBRARY

The report sought Members' views on the proposed options concerning the disposal of the site of the former Newbridge Library, which is surplus to the requirements of the holding service and for which no ongoing operational use has been identified. The Head of Performance and Property outlined the four options set out in the report.

Following consideration and discussion, it was moved and seconded that Option 2 i.e. to dispose of the Council's interest, either through a freehold sale or leasehold disposal to those external parties who present the most favourable business case, be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the officer's report: -

1. Cabinet approved Option 2 i.e. to dispose of the Council's interest, either through a freehold sale or leasehold disposal to those external parties who present the most favourable business case.
2. A further Cabinet report be submitted outlining Asset Management Group recommendations for the preferred end use following consideration of any business proposals submitted.
3. The decision regarding the detailed terms of the sale/lease be delegated to the Head of Performance and Property and Cabinet Member for Performance and Asset Management.

5. RURAL DEVELOPMENT PLAN (RDP) FUNDING 2014-2020

The Head of Regeneration and Planning presented the report which informed Members of the development of the new Rural Development Plan (RDP) and recommended a number of processes that are underway in order to access funding under the new RDP LEADER programme.

Under the current programme (2007-2013) the local LEADER element of the RDP is delivered by the Countryside and Landscape Service. LEADER is effectively a rural regeneration programme aimed at working with rural people, communities and businesses to develop projects and ideas and add value through networking and local supply chains. It is overseen by a Local Action Group (LAG), which is an informal steering group of local stakeholders. Examples from the current RDP LEADER in Caerphilly are outlined in the appendix to the report.

For the new programme Welsh Government is expecting areas to join together at least for the administrative functions involved in order to realise some cost efficiencies. WG have confirmed that in principle the proposed joint arrangement with Blaenau Gwent meets their requirements for joint working.

Following consideration and discussion, during which Members received assurances that everything possible was being done to ensure that the processes were in place to enable the

funding to be drawn down in January 2015, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the officer's report: -

1. The approach of working with Blaenau Gwent on the LEADER element of the RDP 2014-2020 with Caerphilly acting as the administrative body be endorsed.
2. The establishment of a formally constituted Local Action Group to serve the purposes of the funding be endorsed. The formation of the LAG will be in line with guidance from Welsh Government and Legal Services.

6. 'THE VALUE OF HISTORIC PLACES' CONSERVATION STRATEGY FOR THE HISTORIC ENVIRONMENT 2014-2019

The report, which outlined the stakeholder engagement undertaken in respect of the Draft Conservation Strategy for the Historic Environment 2014-2019, and sought Members' views on proposed changes to the Draft Conservation Strategy as a consequence of public consultation, was considered by the Regeneration and Environment Scrutiny Committee on 28th October 2014 prior to being referred to Cabinet.

The report detailed the need for and the scope of a Conservation Strategy, with Officers outlining the list of statutory designations within the county borough to be included within the remit of the Strategy (encompassing listed buildings, scheduled ancient monuments, historic parks and gardens and historic landscapes). The Strategy will include a number of priority objectives, which will be reviewed after five years.

The Conservation and Design Officer drew attention to an incorrect description in paragraph 1.3 of the covering report from the Regeneration and Environment Scrutiny Committee i.e. the reference to 'local heritage sites' should read 'scheduled ancient monument and a grade II listed building'.

A Member queried the accuracy of the request that had been received during the consultation process to update the description of Bargoed Police Station in the list of Listed Buildings to Bargoed Town Hall. The Officer confirmed that she would verify this matter and amend the document if necessary.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the Officer's report: -

1. The stakeholder engagement undertaken in respect of the Draft Conservation Strategy for the Historic Environment 2014-2019 (July 2014) be noted.
2. The amended Conservation Strategy be named "The Value of Historic Places".
3. The strategic framework, which will positively and beneficially conserve, enhance and where appropriate preserve the historic environment for its intrinsic value and for containing important historic assets, be approved.

7. HEADS OF THE VALLEYS ORGANICS PROCUREMENT - MEMORANDUM OF UNDERSTANDING

The Head of Community and Leisure Services presented the report, which sought approval to adopt a Memorandum of Understanding between MoV Authorities and Monmouthshire County Council prior to the preparation of the Outline Business Case.

The HoV organics procurement project aims to secure long term (20 year) capacity for the treatment of organic waste for its member authorities, (at present Blaenau Gwent, Caerphilly and Torfaen County Borough Council's). The original project commenced in 2009 but the recent withdrawal of the 2 remaining bidders has resulted in the procurement process closing. This has initiated discussions with Welsh Government and a revised approach to a new procurement process potentially involving an additional Authority, Monmouthshire County Council, to make a new partnership of 4 Authorities.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the Officer's report: -

1. The Memorandum of Understanding attached as Appendix 1 to the report be approved.
2. The Senior Responsible Officer (Head of Community and Leisure Services) acting on behalf of Caerphilly CBC as part of the project team, be authorised to approve minor drafting amendments to the Memorandum of Understanding in consultation with the relevant Cabinet Member(s) as may be necessary.

8. UPDATE REPORT GROUNDWORK CAERPHILLY

Councillor R. Woodyatt declared an interest in this item as a co-opted member and Director of Groundwork Caerphilly.

The Policy and Research Manager presented the report, which provided background to the merger of Groundwork Caerphilly into Groundwork Wales and highlighted the potential issues around Grant State Aid in the future funding of Groundwork Caerphilly/Wales and other voluntary organisations by the Council.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the Officer's report the merger of Groundwork Caerphilly into Groundwork Wales be noted and Officers be authorised to take appropriate steps in ensuring the merger.

9. CHARGING FOR TELECARE SERVICES

The Interim Financial Services Manager presented the report, which was considered by the Health Social Care and Wellbeing Scrutiny Committee on 21st October 2014. The report outlined the reasons for undertaking the review of charges for Telecare services and sought approval for the recommendations arising from the process.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

1. The charges identified in the table in paragraph 4.9.1 be implemented with effect from 1st January 2015 in order to maximise income while allowing a reasonable lead in time.
2. The Supporting People Team pay £1.50 per dispersed unit towards the weekly charge for service users in receipt of Council Tax benefit throughout the 2014/15 financial year. This will be reviewed for the 2015/16.
3. The £65k be vired on a permanent basis from the Adult Services Supporting People budget in the Telecare Services budget.
4. The existing service users' charges continue to increase by £0.50 per week each year until they reach parity with charges for new service users.

10. PUBLIC LIBRARY STANDARDS IN WALES - ANNUAL LIBRARY UPDATE REPORT 2013-2014

The Interim Manager Community Education presented the report, which had been considered by the Education for Life Scrutiny Committee on 4th November 2014. The report informed Members of progress made by the County Borough Library Service in seeking to meet the 4th Framework of Welsh Government Public Library Standards and Performance Indicators during 2013-14 the final year of the improvement scheme in its present form.

It was noted that CCBC Library Service had met or exceeded 8 of 9 Welsh Government Public Library Standards in 2013-14, an improvement of 2 Standards on that achieved in 2011-2012 or 2012-13. This performance is deemed above average when compared to Wales as a whole. This attainment was commended by the WG assessor and peer led Reference Group in the Annual Report for Caerphilly 2013-14, as significant and sustained, the result of careful planning and the implementation of a development plan. .

Following consideration and discussion, during which Members congratulated officers on the sustained progress in performance and discussed present and potential future challenges to the Library Service, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report: -

1. The information received from the County Borough Library Service with regard to its performance for 2013-14 in working towards achieving the 4th Framework of Welsh Government Public Library Standards and Performance Indicator Set 2011-14, be noted.
2. The Welsh Government's Public Library Standard Reference Group assessment of this performance be noted. The Authority's attainment of 8 Public Library Standards, above the median for Wales of 6.5 is of particular note and the subject of the assessor's formal commendation.
3. The Welsh Government Public Library Standards Annual Report 2013-14 be endorsed.

11. DRAFT WHISTLEBLOWING POLICY

The Head of Workforce and Organisational Development presented the report, which sought Members' approval of a revised Whistleblowing Policy to enable employees to raise concerns with the Council without fear of victimisation, subsequent discrimination or embarrassment. The report also informed Members of a proposed change to the administration form used to record declarations of interests made by employees. The report was considered by the Policy and Resources Scrutiny Committee on 11th November 2014 prior to being presented to Cabinet and Council.

It was noted that the Policy only applies to Council employees and that volunteers or contractors working on the premises including builders, drivers and suppliers, should raise their concerns under the Corporate Complaints Policy which is available on the Authority's website. During the ensuing discussion it was felt that this had not been made clear within the draft Policy and it was requested that the document be amended where appropriate to reflect this concern.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved subject to the Head of Workforce and Organisational Development making minor changes to ensure it is clear who is covered by the Policy. By a show of hands this was unanimously agreed.

RECOMMENDED that for the reasons contained in the officer's report:-

1. Members noted the contents of the report and the draft Whistleblowing Policy and recommend it to Council for adoption subject to the Head of Workforce and Organisational Development making minor changes to ensure it is clear who is covered by the Policy. The Council's Monitoring Officer make the necessary amendments to the Council's Constitution.
2. Members noted the changes to the administrative form for the declaration of interests recorded by employees and recommended to Council the adoption of the declaration form. The Council's Monitoring Officer be authorised to make the necessary changes to the Council's Constitution.

The meeting closed at 15.03 pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 26th November 2014.

CHAIR



CABINET - 26TH NOVEMBER 2014

SUBJECT: LAND AT RIVERSIDE WALK, DERI

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval to the principle of disposing of land at Riverside Walk (the former Concrete Works), Deri to United Welsh Housing Association (UW) on terms to be negotiated.

2. LINKS TO STRATEGY

- 2.1 The contents of this report link to the following key strategic objectives:

“To encourage the development and maintenance of high quality, well designed and efficient, sustainable homes and environments which can meet all needs.” (*Community Strategy: Living Environment – Objective 1*)

“To meet housing requirements through the provision of a range of good quality, affordable housing options.” (*Aim 5: Affordable Housing – Local Housing Strategy*)

“To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.” (*Aim 6: Housing Management - Local Housing Strategy*)

“To promote sustainable and mixed communities that are located in safe and attractive environments.” (*Aim 11: Community Regeneration - Local Housing Strategy*)

There is a need to increase the number of affordable homes for purchase or rent (*Improving Lives and Communities – Homes in Wales – April 2010*).

3. THE REPORT

- 3.1 The site is the former concrete works Deri that was purchased and remediated by the local authority in April 1996. The site has been declared surplus to requirements and is currently held by Property Services, pending disposal. There is a Welsh Government claw back on the land.
- 3.2 An operational housing use for the land has been identified at this site for the provision of affordable housing; the housing waiting list data for the Deri area demonstrates that there is housing demand in this area. The 2012 update of the Local Housing Market Assessment identifies a shortfall throughout the County Borough of 530 affordable homes per annum. It also identifies a high number of households who are living in unsuitable housing because their accommodation no longer meets their requirements arising from disabilities, medical conditions or old age.

- 3.3 As there is a housing need in this area of the County Borough, Policy CW 11 (Affordable Housing) of the Council's Local Development Plan will apply to this site, as it is capable of being developed for 5 or more dwellings. Subject to viability of the development, any developer will be under an obligation to provide an element of affordable housing as part of its development. However, if the land is sold to UWHA, 100% affordable housing will be achieved.
- 3.4 Under the Welsh Government's Social Housing Grant funding programme, Housing Associations are zoned to operate in specific local authority areas for affordable housing development. There are four zoned housing associations within Caerphilly. These are
- United Welsh Housing Association,
 - Seren Group,
 - Linc Cymru, and
 - Wales and West Housing Association.
- 3.5 Wales and West Housing Association and Linc Cymru have chosen not to work in partnership with the Council on the Council's affordable housing development programmes. As such, the Council's currently zoned housing association partners are United Welsh, operating in the western valley and Seren, operating in the eastern valleys. As this site falls within the area zoned for United Welsh, it is the Council's partner for this scheme.
- 3.6 UW will prepare a scheme in consultation with relevant officers to identify a mix of properties that addresses the needs identified within the Council's Housing register. Other benefits that UW can bring are the emphasis on sustainable construction including Code for Sustainable Homes Level 3+ and Targeted Recruitment and Training (TR&T).
- 3.7 The development is intended to be tenure neutral, which will have no defined tenure for the units and will allow applicants to choose to rent or purchase an equity share in the properties as Low Cost Home Ownership to create a more sustainable community.
- 3.8 The Protocol for Disposal of Property states, at paragraph 8.1(iv), that in those cases where it is possible to market a property but the Head of Property is of the opinion that this course of action may not be in the best financial or service interests of the Authority, Cabinet approval will be obtained before direct negotiations are opened with a single party, and the views of ward members will be taken into consideration.
- 3.9 In the event that UW is unable to proceed at market value (because its total cost of development, including land acquisition and build cost, is limited by Welsh Government regulations), a further report will be brought forward setting out options for members' consideration.

4. EQUALITIES IMPLICATIONS

- 4.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and / or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

5. FINANCIAL IMPLICATIONS

- 5.1 A capital receipt will be received from the sale of this land; however, the net receipt will be clawed back by the Welsh Government subject to the deduction of the main road infrastructure.

6. PERSONNEL IMPLICATIONS

6.1 There are no personnel implications arising out of this report.

7. CONSULTATIONS

7.1 There are no views expressed as a result of consultation that differ from the recommendation.

8. RECOMMENDATIONS

8.1 That land at Riverside Walk, Deri be sold to United Welsh Housing Association for the development of affordable housing, on terms to be negotiated.

8.2 Approval of the detailed terms of the disposal be delegated to the Head of Performance and Property Services, for the purposes identified in the report, but subject to WG approval in light of the claw back.

9. REASONS FOR THE RECOMMENDATIONS

9.1 The asset is surplus to the operational requirements of Caerphilly CBC.

9.2 Paragraph 8.1(iv) of the Disposal Procedure in Part 4 of the Council's Constitution states that Cabinet approval will be obtained before direct negotiations are opened with a single party where it is possible to market a property but where the Head of Performance and Property Services is of the opinion that this course of action may not be in the best financial or service interests of the Authority.

9.3 To deliver an affordable housing scheme that meets with the needs identified within the Council's Local Housing Market Assessment and Housing register.

10. STATUTORY POWER

10.1 Local Government Acts 1972 and 2000, and The Local Government Act 1972: General Disposal Consent (Wales) 2003. This is a Cabinet Function.

Author: Colin Jones - Head of Performance and Property Services

Consultees: Chris Burns - Interim Chief Executive

Nicole Scammell - Acting Director of Corporate Services

Pauline Elliott - Head of Regeneration & Planning

Tim Stephens - Development Control Manager

Rhian Kyte - Team Leader Strategic & Development Planning

Clive Campbell - Transportation Engineering Manager

John Rogers - Principal Solicitor

Shaun Couzens - Chief Housing Officer

David A Thomas - Senior Policy Officer (Equalities & Welsh Language)

Cllr D Hardacre - Cabinet Member for Performance and Asset Management and Ward Member

Cllr G Jones - Deputy Leader and Cabinet Member for Housing

Angharad Price - Deputy Monitoring Officer

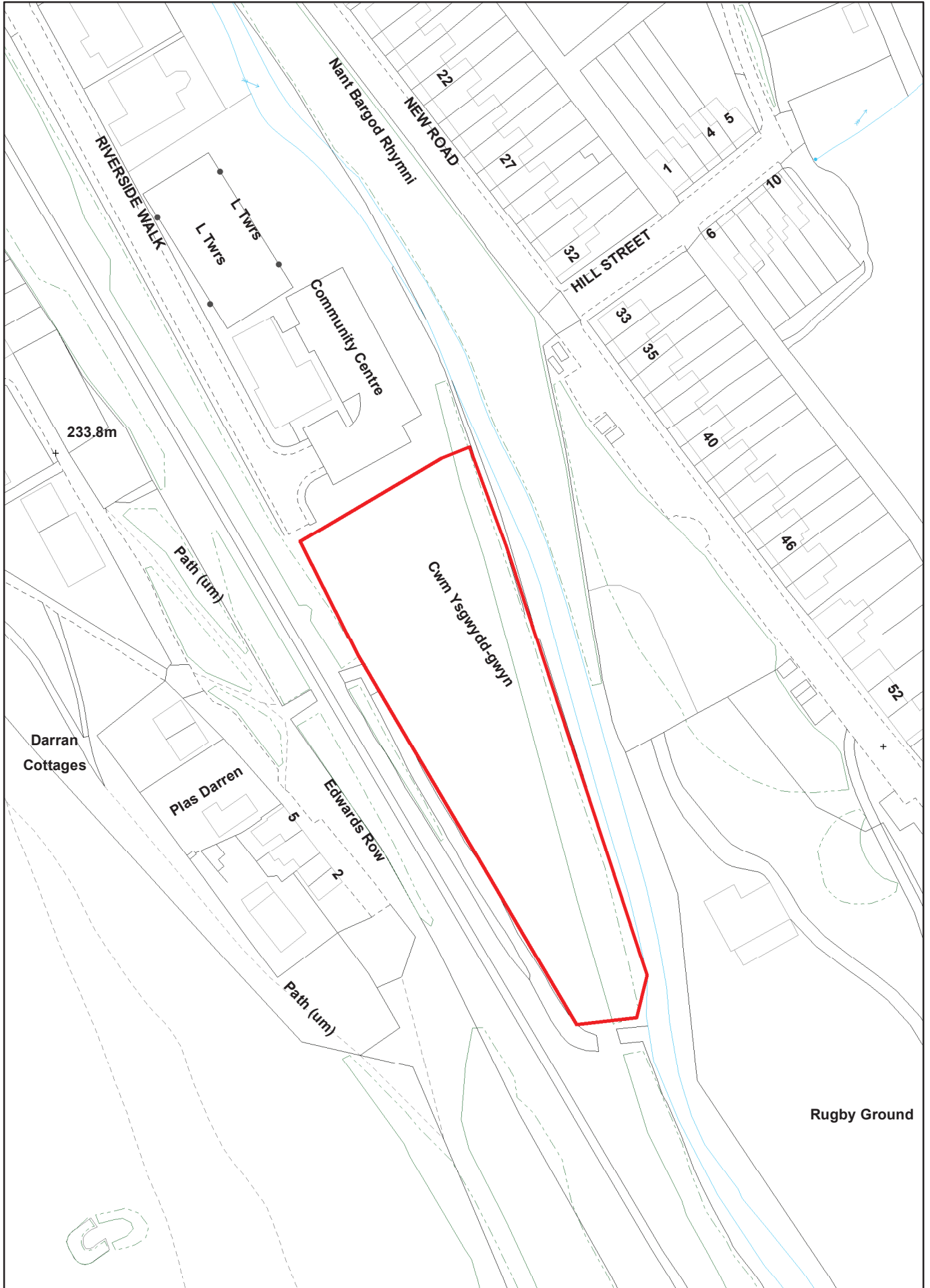
Background Papers:

Property file 4063 can be inspected at Tredomen House

Appendices:

Appendix 1 Plan showing the land

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CABINET – 26TH NOVEMBER 2014

SUBJECT: NATIONAL HOME IMPROVEMENT LOAN SCHEME

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

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- 1.1 The attached report outlined a Welsh Government initiative that will afford local authorities the opportunity to take advantage of a new long-term loan scheme to fund interest-free Home Improvement Loans to private sector housing owners, and also outlined changes to the funding mechanism for the current “Homes Into Homes scheme”. The report sought the endorsement of Members prior to its presentation to Cabinet for determination and was considered by the Policy and Resources Scrutiny Committee on 11th November 2014.
 - 1.2 The report explained that the new initiative would come into effect in January 2015 and offer interest-free long term loans to Local Authorities to provide a source of capital funding for those Authorities who wished to offer Home Improvement Loans to qualifying house owners. The loan to Local Authorities will be for a maximum 15-year period with Authorities making staged repayments in years 13-15.
 - 1.3 Research undertaken on similar loan products suggests that the potential repayment default is around 5%, with it agreed by WG that this risk can be shared between themselves and participating Authorities, with WG committed to funding 50% of any shortfall up to a maximum of 2.5% of the overall loan made to the Authority.
 - 1.4 Members were reminded of the Private Sector Housing Renewal Policy presented to the Committee on 15th April 2014, which referenced the National Home Improvement Loans Scheme and outlined the opportunities for additional capital funding, and had been endorsed by the Committee. Officers also explained to Members the grant funded and loan funded elements of the initiative and further details of the loan repayment terms.
 - 1.5 The report also outlined funding changes to the Homes Into Homes scheme, with it explained that a further £10m has been made available by WG to support the initiative. However, this additional capital is only available by way of a loan from WG as opposed to WGs previous investment in the scheme that came regionally by way of a capital grant. Unlike the previous capital grant allocated to the region, future loan monies will be allocated to participating Authorities on an individual basis.
 - 1.6 Following consideration of the report, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein:-
 - (i) The Home Improvement Loan Scheme to form part of the Authority’s Private Sector Housing Renewal Policy (as outlined in Option 2 of the report) be adopted;
 - (ii) The Homes Into Homes Scheme continue to be operated, utilising both the capital grant funding element and also the loan funded element offered by Welsh Government (as outlined in Option B of the report).

1.7 Members are asked to consider the recommendations.

Author: R. Barrett, Committee Services Officer
Ext. 4245

Appendices:

Appendix 1: Report to Policy and Resources Scrutiny Committee on 11th November 2014 –
Agenda Item 15



POLICY AND RESOURCES SCRUTINY COMMITTEE – 11TH NOVEMBER 2014

SUBJECT: NATIONAL HOME IMPROVEMENT LOAN SCHEME

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To inform members of a new initiative being launched by Welsh Government (WG) that will afford Welsh Local Authorities the opportunity to take advantage of a long-term loan scheme to fund interest-free Home Improvement Loans to private sector house owners. The report also outlines changes to the funding mechanism for the current “Houses Into Homes” scheme.
- 1.2 A Cabinet decision is required in respect of the options outlined in the report and consequently the views of the Policy and Resources Scrutiny Committee are first being sought.

2. SUMMARY

Home Improvement Loan Scheme

- 2.1 In January 2015 Welsh Government (WG) will launch a new initiative involving the provision of interest free, long term loans to Local Authorities to provide a source of capital funding for those Authorities who wish to offer Home Improvement Loans (HIL) to qualifying house owners. The loan to Local Authorities will be for a maximum 15 year period with Authorities having to make staged repayments to the UK Treasury in years 13 – 15.
- 2.2 The report outlines how the proposed Home Improvement Loan scheme will operate and highlights the links to the Authority’s existing Private Sector Housing Renewal Policy, particularly in respect of Loan assistance already available to homeowners.
- 2.3 As the proposed Home Improvement Loan scheme is prescriptive in its format Members are asked to consider only 2 options i.e. whether to adopt the scheme or not adopt the scheme as part of its Private Sector Housing Renewal Policy.

Houses Into Homes Funding

- 2.4 The Houses Into Homes scheme has been in operation since April 2012 and is essentially a recyclable loan scheme operated regionally, offering interest free loans to owners of long term empty properties to assist in bringing them back into beneficial use by way of sale or rent. Funding for the scheme has to date been provided by way of WG Capital grant, deployed regionally for dissemination and use by the individual Authorities within the region in response to demand. A report titled “Private Sector Housing Renewal Policy” was presented to Living Environment Scrutiny Committee on 20th March 2012 – this report outlined the principles of the Houses Into Homes scheme.

The WG Budget announcement in October 2014 identified a further £10m to support the scheme, however, future funding will now be by way of a long term loan paid direct to individual Local Authorities rather than by way of a capital grant paid and held regionally as are the current arrangements.

As the proposed Houses Into Homes funding arrangements have been decided by Welsh Government, Members are again asked to consider only 2 options i.e. whether to continue offering Houses Into Homes loans using capital grant funding only or whether to extend the scheme by utilising both capital grant and loan funding.

3. LINKS TO STRATEGY

- 3.1 The provision of loan assistance to house owners within the County Borough supports all 6 Key Priorities identified within the Caerphilly County Borough Council Private Sector Housing Renewal Policy. This Policy is the strategic document upon which the Authority's private sector housing activities are based. By providing a framework for the improvement of conditions and management within the private sector the policy also links to:
- Improving Lives and Communities: Homes in Wales (Welsh Government, 2010) which sets out the national context on improving homes and communities, including the energy efficiency of new and existing homes
 - Caerphilly Delivers, Single Integrated Plan (Prosperous Caerphilly - P2) - Improve standards of housing and communities, giving appropriate access to services across the County Borough.
 - Local Housing Strategy (Aim 10) - To promote the growth of a private housing sector that is healthy, vibrant and well managed.
 - 2014/15 Service Improvement Plan.

4. THE REPORT

Home Improvement Loans

- 4.1 In January 2015 Welsh Government (WG) will launch a new initiative offering interest free long term loans to Local Authorities to provide a source of capital funding for those Authorities who wish to offer Home Improvement Loans (HIL) to qualifying house owners. The loan to Local Authorities will be for a maximum 15 year period with Authorities having to make staged repayments to the UK Treasury in years 13 – 15. The amount of Loan finance that will be offered to individual Authorities will be on the basis of the number of private sector homes in their area and will be paid to individual Authorities following the submission of the relevant claim. The October 2014 budget announcement identified funding for the loans scheme of £5m in 2014-15 and £5m in 2015-16. For this Authority this would mean an annual allocation of £270,581 for each of the financial years.
- 4.2 Welsh Government will issue Loan Agreement schedules to which individual Authorities must sign up before any funding can be forthcoming. The Council's Legal Department has had sight of the proposed Loan Agreement and officers have not expressed any reservations in respect of its content.
- 4.3 Research undertaken on similar loan products suggests that the potential repayment default is around 5%. Welsh Government have agreed that this risk can be shared between themselves and participating Authorities and have committed to funding 50% of any shortfall up to a maximum of 2.5% of the overall loan made to the Authority.
- 4.4 To participate in this initiative Welsh Government have set some "ground rules" and stated that Home Improvement Loans to eligible applicants must be provided within the following framework:

Minimum and maximum HIL value	£1,000 up to £25,000 per unit of accommodation
Maximum loan available per loan recipient	£150,000.
Maximum fee charged to a loan recipient.	A one off administration fee of up to 15% of the HIL amount may be charged.
Interest	HILs must be interest free.
Permitted improvement works.	Works to make a residential property safe, warm and/or secure.
Loans can be provided for the purpose of improving a residential property to/for:	<ul style="list-style-type: none"> • Continued ownership • Sale • Rent
HIL conditions.	<p>The HIL terms and conditions must specify:</p> <ul style="list-style-type: none"> • The purpose/works for which the HIL is provided. • That, in respect of privately rented properties, the property must be free of Category 1 hazards as defined by Housing Health and Safety Rating System (HHSRS). • That if the recipient sells the property during the term of the HIL the loan must be immediately repaid in full.
Maximum loan period.	Up to 5 years for private sector landlords, 10 years for owner/occupiers
Payment terms.	HILs can be drawn down by loan recipients in advance, in stages or on completion of the improvement works as determined by the Local Authority.
Repayment terms	Either staged repayments (monthly, quarterly or yearly) or full repayment at the end of the HIL term or on sale of the property if earlier.
Eligible loan recipients.	Owners of sub standard residential properties e.g. landlords and owner/occupiers who satisfy affordability tests. (** See note below)
Risk mitigation measures.	<p>Two or more of the following measures should be applied to each HIL:</p> <ul style="list-style-type: none"> • Loan to property value ratio. • First/second property charges. • Local Land Charges • Staged payments to the loan recipient • Default fees. <p>Staged repayments from the loan recipient.</p>
Part funding and financial viability.	<p>HILs must only be provided to fund financially viable improvement works.</p> <p>A HIL may be provided to fund part of the improvement works provided that evidence of sufficient/adequate funding for the remainder of the works is provided.</p>
Other funding options:	<ul style="list-style-type: none"> • Other funding options such as Arbed must be explained to loan applicants. • Other funding options can be used in conjunction with the HIL as long as there is no double funding of the works. • Loan applicants that can easily obtain commercial finance to fund the improvement works should be directed to appropriate sources of funding.
Regional arrangements	Arrangements should be made to ensure that the manner in which HILs are offered is consistent throughout the relevant region. (For this Authority the relevant region is Gwent and meetings have already taken place with

partner Authorities to ensure compliance with this condition.

** Affordability testing is a task that will require the expertise of an external provider. In the short term, as a pilot, it is intended that such testing will be undertaken by a partner Credit Union based within the County Borough. Affordability testing for the longer term will, however, be subject to a formal procurement exercise involving legitimate interested parties.

4.5 Members will be aware that Policy and Resources Scrutiny Committee at its meeting on 15th April 2014 endorsed a revised Private Sector Housing Renewal Policy which itself offered a Loan product similar to that outlined above. The report presented to the Committee on 15th April made direct reference to the impending national Home Improvement Loans scheme and the opportunities it would present by way of additional capital funding for loans. The report informed Members that the national scheme would be the subject of a separate report presented nearer the time of its introduction and this report, therefore, now outlines in more detail the principles of the national scheme.

4.6 Importantly, however, Members should note that the Authority's existing Loan scheme mirrors the principles of the national scheme and so the adoption of the national scheme would, in essence, provide the Authority with an extra funding source to support our existing scheme – there would be no additional administrative burden as a result of adopting the national scheme.

Houses Into Homes Funding

4.7 Since April 2012 this Authority has participated in the Houses Into Homes scheme in partnership with the 4 other Local Authorities within the former Gwent county. The principles of the scheme were outlined to members by way of a report on Empty Homes submitted to the Living Environment Scrutiny Committee on 20th March 2012. Essentially, however, the scheme involves offering interest free loans to owners of long term empty houses to assist in bringing them back into beneficial use.

4.8 Funding to support the scheme was provided by Welsh Government by way of a capital grant to the Gwent region which each member Authority could call upon as demand warranted. This Authority has to date offered 7 loans, utilising loan funding of £342k, which on completion of schemes will bring 15 empty homes back into use. Loans are repayable over 2 or 3 years and as the Loan fund recycles over this period further loans can be offered to demand.

4.9 The purpose of this report is to inform Members that a further £10m has been made available by WG to support the initiative. However, this additional capital is now only available by way of a Loan from WG as opposed to WG's previous investment in the scheme that came regionally by way of capital grant. Also, unlike the previous capital grant that was allocated to the region, future loan monies will be allocated to participating Authorities on an individual basis. Members are, therefore being asked whether they wish to take up the offer of loan finance to support additional activity within the Houses Into Homes scheme.

5. OPTIONS:

5.1 Home Improvement Loans

As the Home Improvement Loan scheme is prescriptive in its format, there are essentially only 2 options for Members to consider:

Option 1 – Decline the opportunity to formally adopt the Home Improvement Loan scheme to form part of the Authority's Private Sector Housing Renewal Policy.

Option 2 - Take up the opportunity to formally adopt the Home Improvement Loan scheme as an additional product in support of the Authority's Private Sector Housing Renewal Policy.

5.2 **Houses Into Homes Funding**

As the future funding mechanism for Houses Into Homes has been decided by Welsh Government there are essentially only 2 options for Members to consider:

Option A – To continue operating the Houses Into Homes scheme on the basis of the existing capital grant funded regime only.

Option B – To continue operating the Houses Into Homes scheme utilising both the capital grant funding element and also the Loan funded element.

6. **EQUALITIES IMPLICATIONS**

- 6.1. An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified, therefore a full EIA has not been carried out.

7. **FINANCIAL IMPLICATIONS**

- 7.1 There are no adverse financial implications as a result of this report. If adopted the Authority would be able to secure substantial additional funds to support its existing Private Sector Housing Renewal activities, albeit the funding on offer from Welsh Government is loan funding which will have to be repaid in years 13-15.

8. **PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications as a result of this report.

9. **CONSULTATIONS**

- 9.1 All comments from consultees have been incorporated into the report.

10. **RECOMMENDATIONS**

- 10.1 That the Policy and Resources Scrutiny Committee considers this report and recommends to Cabinet the adoption of Option 2 in para 5.1 above. i.e. to formally adopt the Home Improvement Loan scheme to form part of the Authority's Private Sector Housing Renewal Policy.
- 10.2 That the Policy and Resources Scrutiny Committee considers this report and recommends to Cabinet the adoption of Option B in para 5.2 above. i.e. To continue operating the Houses Into Homes scheme utilising both the capital grant funding element and also the Loan funded element now on offer from Welsh Government.

11. **REASONS FOR THE RECOMMENDATIONS**

- 11.1 To enable the Authority to benefit from additional funding to support interest free loans to eligible householders within the County Borough.

12. **STATUTORY POWER**

- 12.1 The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002.

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Consultees: Cllr Gerald Jones, Deputy Leader & Cabinet Member for Housing
Cllr Hefin David – Chair Policy and Resources Scrutiny Committee
Cllr Sean Morgan – Vice-Chair Policy and Resources Scrutiny Committee
Nicole Scammell - Acting Director of Corporate Services.
Stephen Harris – Acting Head of Corporate Finance
Shaun Couzens - Chief Housing Officer
Graham North – Public Sector Housing Manager
Paul Smythe - Housing Repair Operation Manager
Lesley Allen - Principal Accountant
Fiona Wilkins - Principal Housing Officer (Private Sector)
Suzanne Cousins – Principal Housing Officer (Housing Portfolio)
Allan Elliott - Principal Housing Officer (Agency)
Gail Williams – Interim Head of Legal Services
Liz Lucas – Head of Procurement
Richard Crane – Senior Solicitor
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)

Background papers:

Report: “Private Sector Housing Renewal Policy” presented to Policy and Resources Scrutiny Committee on 15th April 2014.

Report: “Private Sector Housing Renewal Strategy – Empty Homes “ presented to Living Environment Scrutiny Committee on 20th March 2012.



CABINET – 26TH NOVEMBER 2014

SUBJECT: DRAFT DOMESTIC ABUSE, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE POLICY AND GUIDANCE FOR MANAGERS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report, which outlined the revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy and Guidance Notes for Managers and sought the views of Members prior to its presentation to Cabinet for determination, was considered by the Policy and Resources Scrutiny Committee on 11th November 2014.
 - 1.2 The report explained that according to the Corporate Alliance Against Domestic Violence, 75% of those experiencing domestic abuse are targeted at work. Under current legislation, the Council has legal responsibilities in promoting the welfare and safety of all employees. The Council's current Policy and Guidance Notes were introduced in July 2005 and require review and updating.
 - 1.3 In June 2014 the Welsh Government introduced the Gender-based Violence, Domestic Abuse and Sexual Violence Bill which proposes a duty on Local Authorities to publish strategies aimed at ending gender-based violence, domestic abuse and sexual violence. However, the duty to have a workplace policy, as proposed in the White Paper, has been removed. The Bill is subject to scrutiny over the coming months and may be subject to change. During consultation, the Council's Trade Unions advised that the Policy should be gender neutral, and following discussions with Welsh Government the term 'violence against women' has been replaced with 'gender-based violence',
 - 1.4 The revised Policy and Guidance Notes outline how the Council will respond where it becomes aware that an employee is a victim of domestic abuse/violence including appropriate measures to safeguard the employee at work and support mechanisms available. The Policy and Guidance Notes also provide advice on: recognising the signs of domestic abuse and violence; asking questions of employees; ensuring employees' safety and referring to the appropriate support agencies; as well as dealing with employees who are perpetrators or alleged perpetrators of domestic abuse/violence.
 - 1.5 During discussion of the report, concerns were raised regarding references to conduct outside of work and possible disciplinary action against employees, with it explained that each individual case would be considered on its own merits. Concerns were raised regarding safeguarding procedures, and Members were referred to Section 22 which outlined confidentiality protocol and the Council's position on the sharing of information. Links between this policy and other Council policies were outlined to Members, including that of the Council's Code of Conduct. Queries were also raised in regards to the numbers of affected employees, with it confirmed that this information was held by relevant agencies (although not the CCBC HR department) but was a matter that could be addressed in the future.

1.6 Following consideration of the report and the draft revised Policy, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein, the revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy and Guidance Notes be adopted.

1.7 Members are asked to consider the recommendation.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 11th November 2014 – Agenda Item 15



POLICY AND RESOURCES SCRUTINY COMMITTEE - 11TH NOVEMBER 2014

SUBJECT: DRAFT DOMESTIC ABUSE, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE POLICY AND GUIDANCE FOR MANAGERS

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 This report seeks the views of Members on the revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy and Guidance Notes for Managers prior to presentation to Cabinet.

2. SUMMARY

- 2.1 According to the Corporate Alliance Against Domestic Violence, 75% of those experiencing domestic abuse are targeted at work. Perpetrators may attempt to threaten, harass or abuse victims using workplace resources such as phones and email. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999), the Council has legal responsibilities in promoting the welfare and safety of all employees. The Council's current Policy and Guidance Notes were introduced in July 2005 and therefore require review and updating. The changes to the Policy and Guidance Notes include updated statistics, definitions and contact details of support available for employees and managers.

3. LINKS TO STRATEGY

- 3.1 The Scheme links to the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that relies on employees to deliver the strategy and service provision.

4. THE REPORT

- 4.1 According to the Corporate Alliance Against Domestic Violence, 75% of those experiencing domestic abuse are targeted at work. Perpetrators may attempt to threaten, harass or abuse victims using workplace resources such as phones and email. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999), the Council has legal responsibilities in promoting the welfare and safety of all employees. The Council's current Policy and Guidance Notes were introduced in July 2005 and therefore require review and updating. The changes to the Policy and Guidance Notes include updated statistics, definitions and contact details of support available for employees and managers.

- 4.2 Victims of domestic abuse/violence may experience physical injury, homelessness, low self-esteem, social exclusion and depression. Domestic abuse and violence may have a detrimental affect on a victim's working life which can include absenteeism, harassment / abuse at the workplace, decreased productivity, performance and morale. Whilst employees are more likely to be affected by domestic abuse, rape and sexual violence and harassment are often interlinked with domestic abuse. As an employer, the Council has the potential to reach and support a significant number of victims.
- 4.3 The 10,000 Safer Lives Project commissioned by the Minister for Local Government and Communities highlighted that effective workplace policies can lead to better outcomes for victims and included this as one of the proposed eleven minimum standards for public services in Wales. The Welsh Government White Paper Consultation on legislation to end violence against women, domestic abuse and sexual violence issued in November 2012 also proposed a duty for all public sector employers to have a violence against women, domestic abuse and sexual violence workplace policy.
- 4.4 As part of its work to implement the 10,000 Safer Lives Project, Welsh Government has been liaising with public services to introduce or review workplace policies. Advice was received from the Welsh Government's Community Safety Division that the Policy title and definitions should include the terms 'violence against women' and 'sexual violence' in addition to 'domestic violence/abuse'. The use of the term 'violence against women' is also in line with Equality and Human Rights Commission guidance due to the disproportionate affect of violence on women.
- 4.5 In June 2014 the Welsh Government introduced the Gender-based Violence, Domestic Abuse and Sexual Violence Bill. The Bill proposes a duty on Local Authorities to publish strategies aimed at ending gender-based violence, domestic abuse and sexual violence, however, the duty to have a workplace policy, as proposed in the White Paper, has been removed. The title also differs, with the term 'violence against women', being replaced by 'gender-based violence'. It should be noted that the Bill is subject to scrutiny over the coming months and may be subject to change. During consultation, the Council's Trade Unions advised that they did not agree that the Policy should make a specific reference to 'violence against women' and that the Policy should be gender neutral. Following discussions with Welsh Government the term 'violence against women' has been replaced with 'gender-based violence' which reflects the terminology used in the Gender-based Violence, Domestic Abuse and Sexual Violence Bill.
- 4.6 The revised Policy and Guidance Notes outline how the Council will respond where it becomes aware that an employee is a victim of domestic abuse/violence including appropriate measures to safeguard the employee at work and support mechanisms available. The Policy and Guidance Notes also provide advice on: recognising the signs of domestic abuse and violence; asking questions of employees; ensuring employees' safety and referring to the appropriate support agencies; as well as dealing with employees who are perpetrators or alleged perpetrators of domestic abuse/violence.
- 4.7 The revised Policy and Guidance for Managers includes updated definitions for domestic abuse, gender-based violence and sexual violence and statistics. The list of support services available to managers and employees has been included in the Guidance for Managers and has been considerably reduced from the current Policy to provide key contacts such as the Caerphilly Multi Agency Centre, the Council's Employee Assistance Programme and the All Wales Domestic Abuse and Sexual Violence Helpline. Following feedback from the Council's Trade Unions, information has also been included on the Domestic Violence Disclosure Scheme and Protection Orders to highlight services and support available through the Police.
- 4.8 The new Policy and Guidance Notes will be publicised on the HR Support Portal and Wellbeing@Work intranet pages. A training programme for managers will be developed and delivered by the Domestic Abuse Co-ordinator. The Council has also recently been awarded the White Ribbon Status Award for organisations wishing to demonstrate their commitment to ending violent behaviour against women. The review of the policy will assist the Council in

working towards the actions contained in the White Ribbon Campaign Award Action Plan.

5. EQUALITIES IMPLICATIONS

- 5.1 Issues of domestic abuse are very closely linked to Equalities issues, as domestic abuse cannot be separated from gender, age, sexual orientation or disability issues. The updated policy and guidance links the two agendas in order to ensure that any employees covered by the protected characteristics are also covered by the Policy.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications of introducing the revised Policy and Guidance Notes.

7. PERSONNEL IMPLICATIONS

- 7.1 There are no personnel implications of introducing the revised Policy and Guidance Notes.

8. CONSULTATIONS

- 8.1 The report reflects the views of the Consultees listed at the end of the report. There are no other views other than those reflected in the report.

9. RECOMMENDATIONS

- 9.1 That Scrutiny members consider the contents of the report and the draft revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy and Guidance Notes and make a recommendation to Cabinet for adoption of the revised Policy and Guidance Notes.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 The introduction of the revised Domestic Abuse, Gender-based Violence and Sexual Violence Policy will:
- Raise awareness of domestic abuse, gender-based violence and sexual violence
 - Provide advice and guidance for managers to assist in mitigating the risks related to domestic abuse/violence and to create a safe workplace
 - Assist managers and employees who may be affected by domestic abuse/violence to identify sources of support available
 - Send out a strong message that domestic abuse/violence is unacceptable

11. STATUTORY POWER

- 11.1 Local Government Act 1972
Local Government Act 2000
Employment Act 2008

Author: Lucy Farmer, Human Resources Officer
Consultees: Head of Workforce and Organisational Development
HR Service Manager (Customer Services)
HR Service Manager (Strategy and Operations)
HR Managers
Head of Legal and Democratic Services

Senior Policy Officer (Welsh Language and Equalities)
Community Safety Manager
Domestic Abuse Coordinator
Welsh Government Community Safety Unit
Health & Safety Manager
Chief Executive's Joint Consultative Committee

Appendices:

- Appendix 1 Draft Domestic Abuse, Gender-based Violence and Sexual Violence Policy
Appendix 2 Draft Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers

Background papers:

- Equality and Human Rights Commission (2013), 'The proposed violence against women, domestic abuse and sexual violence duty: Guidance for developing an effective workplace policy'
- Equality and Human Rights Commission and CIPD (2013), 'Managing and Supporting Employees Experiencing Domestic Abuse'
- Welsh Government (2014), 'Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill'
- Welsh Government (2014), 'The Right to be Safe: Violence against Women and Domestic Abuse Strategy'
- Welsh Government (2012), 'White Paper: Consultation on legislation to end violence against women, domestic abuse and sexual violence (Wales)'
- 10,000 Safer Lives Project: Final Report (2012)

DRAFT DOMESTIC ABUSE, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE POLICY

Version:	Version 2 – Draft 3
Policy Ratified by:	Human Resources
Date:	2015
Area Applicable:	All Caerphilly employees except School based employees unless the School Governing Body has adopted the Scheme.
Review Year	2017

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INTRODUCTION

1. Caerphilly County Borough Council recognises that some of its employees may be amongst those affected by domestic abuse/violence either as: a survivor, an individual who is currently living with domestic abuse/violence, someone who has been affected by a domestic homicide or as an individual who perpetrates domestic abuse/violence. In 2011-12 domestic abuse accounted for 30% of all violence against the person offences in Caerphilly County Borough.
2. The Council believes that everyone has the right to live free from fear and abuse. The Council is committed to developing a workplace culture in which there is zero tolerance for violence and which recognises that the responsibility for domestic abuse lies with the perpetrator.
3. The Council is committed to reducing domestic abuse and violence and this policy sets out the actions that will be taken in responding to employees who are experiencing domestic abuse/violence and where there are concerns that an employee may be the perpetrator of domestic abuse/violence.
4. By developing an effective Domestic Abuse, Gender-based Violence and Sexual Violence Policy and working to mitigate the risks related to domestic abuse/violence, the Council will create a safe workplace and we will also send out a strong message that domestic abuse/violence is unacceptable.
5. This policy must be cross-referenced with all the relevant Council policies and procedures, especially the Code of Conduct, Leave of Absence Scheme, Violence at Work Policy and relevant legislation. Copies of all the Council's policies and procedures are available on the Council's HR Support Portal, from managers or HR.

SCOPE OF THE POLICY

6. The Council's recognised trade unions have been consulted on this policy.
7. The Domestic Abuse, Gender-based Violence and Sexual Violence Policy applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment. Throughout this Policy and associated guidance notes the term Domestic Abuse/Violence is used to cover Domestic Abuse, Gender-based Violence and Sexual Violence.
8. The effective date of this policy is 1st January 2015. This policy supersedes all earlier policies.

GUIDING PRINCIPLES

9. According to the Corporate Alliance Against Domestic Violence, 75% of those experiencing domestic abuse are targeted at work. Perpetrators may attempt to threaten, harass or abuse victims using workplace resources such as phones and email. This may also impact on colleagues who may have to fend off questions or abuse from perpetrators and therefore fear for their own safety.
10. Under the Health and Safety at Work Act (1974) and the Management of Health and Safety at Work Regulations (1999), the Council recognises its legal responsibilities in promoting the welfare and safety of all employees.

11. It is a criminal offence to be a perpetrator of domestic abuse/violence and there is a duty of care on the Council to refer incidents of domestic abuse/violence to the appropriate agencies where there may be vulnerable adult or child protection issues.
12. This policy and associated guidance for managers outline how the Council will respond where it becomes aware that an employee is the victim of domestic abuse/violence including appropriate measures to safeguard the employee at work and support mechanisms available. The policy and guidance for managers also provides advice on dealing with employees who are perpetrators or alleged perpetrators of domestic abuse/violence. The Council recognises that there will be employees who are survivors of domestic abuse/violence or secondary victims of domestic abuse homicide and such employees may also wish to make use of the support as outlined in the Guidance for Managers and will be treated sympathetically and confidentially where they raise issues.
13. With one in four women experiencing domestic abuse/violence at some point in their lifetime, the Council recognises the gendered nature of domestic abuse and recognises that the majority of survivors and victims of domestic abuse are women and that the majority of perpetrators are men.
14. However, the Council also recognises that domestic abuse is experienced in same sex relationships, by men from women partners and by family members. This policy is therefore applicable whatever the nature of the intimate relation.
15. Any abuse of the provisions of this policy may lead to the Disciplinary Procedure being invoked. The making of malicious allegations is a very serious matter and any employee who does so may, subject to discussions with the appropriate agency, face disciplinary action.

DEFINITIONS

16. The Government's definition of domestic violence and abuse is:

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

- psychological
- physical
- sexual
- financial
- emotional

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

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

17. Gender-based violence is directed against a person on the basis of gender. It is defined in the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill as:
 - 'violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
 - female genital mutilation;

- forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony or marriage (whether or not legally binding)'

18. The Equality and Human Rights Commission defines sexual violence as:

'any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual'.

IMPACT OF DOMESTIC ABUSE AND VIOLENCE ON VICTIMS

19. Some of the effects experienced by victims of domestic abuse and violence include: physical injury, homelessness, low self-esteem, social exclusion and depression.
20. It is also recognised that domestic abuse and violence may have a detrimental affect on a victim's working life which can include absenteeism, harassment / abuse at the workplace, decreased productivity, performance and morale.
21. As an employer, the Council has the potential to reach and support a significant number of victims. The Council recognises that it has an ethical and moral responsibility to take all reasonable steps to ensure the welfare of all employees in the workplace and to support them in having relationships free from abuse.

CONFIDENTIALITY

22. Employees who disclose experiencing or perpetrating abuse can be assured that the information they provide will be kept confidential as far as possible. However, there are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults, where the manager needs to act to protect the safety of employees and/or the public, where there is a significant risk to the victim of abuse, of very serious harm or that their life is in immediate risk. As far as possible, information will only be shared with relevant professionals on a 'need to know basis'. Where there are concerns about children or vulnerable adults the manager should refer to the Council's Safeguarding Policies in relation to children and vulnerable adults.
23. Improper disclosure of information, i.e. breaches of confidentiality by an employee, will be taken seriously and may be subject to disciplinary action.
24. If an employee does not wish to discuss the domestic abuse/violence with their manager, the manager should advise them of other specialist agencies that they may consult, as contained in the Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers.

ROLE OF COLLEAGUES

25. The Council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, managers should ensure that the person is made aware of this policy and that there is internal and external support available.

SUPPORT

26. Employees affected by domestic abuse/violence do not have to keep their experience to themselves; there is help and support available.

27. The Council recognises that developing a life free from abuse is a process not an event and ongoing support will be provided to employees who disclose abuse.
28. Sources of confidential internal and external support available to all employees are outlined in the Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers.
29. Managers may become aware that an employee is experiencing domestic abuse/violence when undertaking procedures in relation to Managing Sickness Absence, Underperformance or Conduct. If an employee discloses, this it must be taken into account as a mitigating factor in line with the appropriate procedure and appropriate help and support offered to the employee as contained in this policy and associated guidance.
30. If an employee is experiencing domestic abuse/violence and there are concerns in relation to the employee's sickness absence, conduct or performance, where possible, these concerns should be raised informally with the employee at the earliest opportunity, unless an issue has arisen which requires a more formal approach in line with the relevant policy.

RECORD KEEPING

31. In line with Health and Safety legislation, the Council has a duty to maintain a safe place of work. This will include monitoring and recording all incidents of violence or threatening behaviour in the workplace in line with the Violence at Work Policy. These may include persistent telephone calls, e-mails and visits to the workplace by the perpetrator.

DEALING WITH EMPLOYEES WHO MAY BE PERPETRATORS OF DOMESTIC ABUSE/ VIOLENCE

32. The Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.
33. If an employee approaches the Council about their abusive behaviour, the Council will provide information about the services and support available, as outlined in the Domestic Abuse, Gender-based Violence and Sexual Violence Guidance for Managers.
34. The Council will treat any allegation, disclosure or conviction of a domestic abuse/violence related offence on a case-by-case basis with the aim of reducing risk and supporting change.
35. Employees are required to advise their manager if they are arrested, given a police caution, charged or convicted of a criminal offence relating to domestic abuse/violence. The manager should seek further advice from HR and Health and Safety in such circumstances, to consider whether this affects the employee's ability to undertake their role, whether action is required in line with the Disciplinary Procedure and discuss any security or safety considerations.
36. Conduct outside of work (whether or not it leads to a criminal conviction) may lead to disciplinary action being taken against an employee because of its employment implications and the fact that it may undermine the confidence the Council has in the employee. There should be an investigation of the facts as far as possible and the provisions of the Disciplinary Procedure will be followed.
37. In considering whether further action should be taken the nature of the conduct and work undertaken by the employee should be considered.

38. The Council will not tolerate any form of abuse or violence within the workplace nor the use of the workplace resources for perpetrating such acts and will deal with perpetrators of such behaviour in line with the Disciplinary Procedure.

EXTERNAL PERPETRATORS

39. If an employee suspects that an external person is a perpetrator of domestic abuse/violence, and is using the Council workplace to commit such acts against an employee, this should be raised directly with their line manager who will take appropriate action to ensure that employees are safe including reporting incidents to Health and Safety in line with the Violence at Work Policy and / or reporting that person to the Police where appropriate.

AWARENESS RAISING AND EARLY INTERVENTION

40. The Council will strive to create an environment, which is alert to domestic abuse and violence and in which employees feel supported to use confidential mechanisms to disclose experiencing or perpetrating abuse/violence.
41. All employees will be made aware of this policy through a range of methods including induction, training, appraisal, leaflets and posters.

INTERPRETATION OF THE POLICY

42. In the event of a dispute relating to the interpretation of this scheme the Head of Workforce and Organisation Development or the HR Service Manager will make the final decision on interpretation.

REVIEW OF THE POLICY

43. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements or contact details, the policy will be amended and reissued.

JANUARY 2015

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DRAFT DOMESTIC ABUSE, GENDER-BASED VIOLENCE AND SEXUAL VIOLENCE GUIDANCE FOR MANAGERS

Version:	Version 2
Policy Ratified by:	Human Resources
Date:	2015
Area Applicable:	All Caerphilly employees except School based employees unless the School Governing Body has adopted the Scheme.
Review Year	2017

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INTRODUCTION

1. Caerphilly County Borough Council recognises that some of its employees may be amongst those affected by domestic abuse/violence either as: a survivor, an individual who is currently living with domestic abuse/violence, someone who has been affected by a domestic homicide or as an individual who perpetrates domestic abuse/violence.
2. The Council is committed to reducing domestic abuse and violence and this guidance and the Domestic Abuse, Gender-based Violence and Sexual Violence Policy sets out the actions that will be taken in responding to employees who are experiencing domestic abuse/violence, and where there are concerns that an employee may be the perpetrator of domestic abuse/violence.
3. This guidance offers advice to managers on recognising the signs of domestic abuse and violence, asking questions of employees, ensuring employees' safety and referring to appropriate support agencies. This Guidance should be read in conjunction with the Domestic Abuse, Gender-based Violence and Sexual Violence Policy.

DEFINITIONS

4. The Government's definition of domestic violence and abuse is:

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

- psychological
- physical
- sexual
- financial
- emotional

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

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

5. Gender-based violence is directed against a person on the basis of gender. It is defined in the Gender-based Violence, Domestic Abuse and Sexual Violence (Wales) Bill as:
 - 'violence, threats of violence or harassment arising directly or indirectly from values, beliefs or customs relating to gender or sexual orientation;
 - female genital mutilation;
 - forcing a person (whether by physical force or coercion by threats or other psychological means) to enter into a religious or civil ceremony or marriage (whether or not legally binding)'

6. The Equality and Human Rights Commission defines Sexual violence as:

'any behaviour perceived to be of a sexual nature which is unwanted and takes place without consent or understanding. Sexual assault covers any other sort of sexual contact and behaviour that is unwanted, ranging from touching to any other activity if it is sexual'.

IMPACT OF DOMESTIC ABUSE ON VICTIMS

7. Some of the effects experienced by victims of domestic abuse/violence include: physical injury, homelessness, low self-esteem, social exclusion and depression.
8. It is also recognised that domestic abuse and violence may have a detrimental affect on a victim's working life which can include absenteeism, harassment / abuse at the workplace, decreased productivity, performance and morale.
9. As an employer, the Council has the potential to reach and support a significant number of victims. The information below therefore provides advice and guidance to managers in dealing with employees affected by domestic abuse/violence.

RECOGNISING THE SIGNS

10. If domestic abuse/violence is disclosed, or if a manager becomes aware of domestic abuse/violence (as managers may not be told directly), they need to take a sensitive and non-judgemental approach when dealing with affected employees. Managers should be alert to any changes of behaviour that may signal that an employee may be experiencing difficulties at home. Managers may also become aware of domestic abuse and violence via such activities as Return to Work Interviews after an absence or Performance Development Reviews.
11. Some of the signs which may alert a manager to the fact that an employee is experiencing difficulties outside of the workplace include:
 - Uncharacteristically high absenteeism levels without explanation
 - Arriving late for work or needing to leave early
 - Inappropriate or excessive clothing for the time of the year or work situation
 - Repeated injuries or unexplained bruising or explanations that do not fit the injuries
 - Uncharacteristically depressed, anxious, distracted or having trouble concentrating
 - Changes in the quality of work performance for unexplained reasons
 - Receiving repeated upsetting calls/faxes/emails or being a victim of vandalism or threats
 - Obsession with time or avoiding lunch breaks or socialising outside work
 - Isolating themselves at work
 - Needing time off for appointments
 - The partner exerts an unusual amount of control over their life
 - The partner makes demands over their work schedule
 - Changes in behaviour: may become quiet and avoid interaction
 - Frequent and/or sudden/unexpected medical problems/sickness absences
 - Uncharacteristic or reduced self confidence and self esteem
12. This is not an exclusive or exhaustive list and the effects of domestic abuse will vary amongst employees. A more important sign is when an employee starts to behave in a way that is unusual for them.

ASKING QUESTIONS

13. Research shows that victims of domestic abuse/violence wish somebody had asked them about it. When raising the issue of domestic abuse and violence:
 - Use an appropriate location to ensure confidentiality is maintained
 - Use indirect / non threatening questions such as "how are you feeling? or 'how are things at home?', "are there any issues you would like to discuss with me?"

- Let them know what you have observed, for example: changes in their behaviour and bruising injuries. Ask direct questions such as: “I’m worried about you because...” or “I’m concerned about your safety...”
14. The manager should record this conversation to ensure detailed records are available which may need to be referred to in future discussions. If an employee chooses not to confide in the manager, that decision must be respected. The employee may wish to confide at another time.

RESPONDING TO CONCERNS

15. Employees who disclose experiencing or perpetrating abuse/violence can be assured that the information they provide will be kept confidential as far as possible. However, there are some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults, where the manager needs to act to protect the safety of employees and/or the public, where there is a significant risk to the victim of the abuse of very serious harm or that their life is in immediate risk. Where there are concerns about children or vulnerable adults the manager should refer to the Council’s Safeguarding Policies in relation to children and vulnerable adults.
16. As far as possible, information will only be shared with relevant professionals on a ‘need to know basis’. Managers should be aware that children could be affected by domestic abuse even if they are not in the same room/house.
17. Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.
18. If an employee does not wish to discuss the domestic abuse/violence with their manager, the manager should advise them of other specialist agencies that they may consult as outlined below.

Responding to concerns that a member of staff is experiencing abuse/violence

19. When responding to disclosures from a member of staff that they are experiencing domestic abuse/violence, managers should:
- Take the employee seriously, listen to them and respond in a sensitive and supportive manner
 - Make the employee aware of how the Council is able to help them
 - Ensure that any discussion about the employee’s situation takes place in private and that confidentiality is respected as far as possible
 - Understand that the employee may not wish to approach their manager and may prefer to involve a third party such as a colleague, trade union representative or external support agency
 - Respect any decisions that the employee may make
 - Be non-judgemental – the employee may need some time to decide what to do and that it can take a long time to break free from a violent/abusive relationship
 - Be aware of what support is available and explore these options with the employee
 - Make the employee aware of the Council’s Employee Assistance Programme (Care First) help line which will offer support to the employee and also provide them with information on the support agencies that are available

SUPPORT

20. Employees affected by domestic abuse/violence do not have to keep their experience to themselves; there is help and support available.

21. The Council recognises that developing a life free from abuse is a process not an event and ongoing support will be provided to employees who disclose abuse.
22. Sources of confidential internal and external support available to all employees are outlined below and further information can be obtained from the Caerphilly Multi Agency Centre or Community Safety Partnership Team.

Support for Victims

23. Where an employee asks for help or support because they are experiencing domestic abuse/violence the Council will:
 - Allow employees time off, in line with the Leave of Absence Policy, to attend appointments with support agencies or legal representatives
 - Recognise and treat sympathetically the effect of abuse on an employee, which may result in distraction, poor timekeeping, absence, depression or other health related problems
 - Consider advancement of pay, issues surrounding relocation and flexible working, if requested
 - Provide a safe working environment, and take all reasonable steps to protect the employee from threats, intimidation or victimisation, which may be carried over into the workplace
 - Encourage a positive attitude amongst all employees in order to combat domestic abuse
 - Take the employee's view into account at every stage
 - Provide support, advice and guidance via the Council's Occupational Health Department and Care First's counselling and advice service

ENSURING EMPLOYEES' SAFETY

24. Where domestic abuse/violence is disclosed, the manager should consider undertaking a risk assessment to ensure that the potential risk to the employee and work colleagues is minimised. Managers should consult with the affected employee and contact Health and Safety and HR for further advice if required.
25. The manager can encourage the employee to contact a specialist support agency such as the Caerphilly Multi Agency Centre who can undertake a DASH (Domestic Abuse, Stalking, Honour Based Violence) risk assessment. The manager will work with the employee and specialist agency (with the employee's consent) to identify what actions can be taken to increase their personal safety as well as address any risk there may be to colleagues.
26. Managers must undertake a risk assessment where there is a potential for an employee to be exposed to violent/aggressive incidents whilst at work. The manager or nominated person carrying out the assessment must have received suitable risk assessment training. The risk assessment must be carried out in consultation with the employee. Advice on undertaking a risk assessment can be obtained from Health and Safety.
27. Employees suffering from domestic abuse/violence will very often be able to anticipate the ways in which the perpetrator may continue to harass and abuse them in the workplace. Managers should therefore discuss with victims, safety procedures that can reasonably be put in place in order to keep victims and other employees safe. These safety measures may include:
 - Improving security measures to ensure that access to buildings is open to authorised staff only
 - Reminding all staff never to divulge personal information about employees to callers (such as addresses, telephone numbers or shift patterns)

- Reviewing the employee's next of kin information – the ex-partner may still be listed
- Where practical, considering offering temporary or permanent changes to work location, work times and patterns
- Where practical, offering changes in specific duties such as answering phones or working on reception
- Agreeing information to share with colleagues to ensure they know how to respond if the perpetrator rings or calls at the workplace
- Making sure that systems for recording staff whereabouts during the working day are adequate
- Identifying a work contact for support and an emergency contact should the manager be unable to contact the employee
- Consider diverting phone calls and email messages
- Keeping a record of any incidents of violence / abuse in the workplace, including persistent telephone calls, emails or visits to the employee by the perpetrator
- Ensuring that the employee does not work alone or in an isolated area
- Moving the employee out of public view i.e. ensuring they are not visible from reception points or ground floor windows
- Reviewing content of personal information, such as temporary or new addresses and bank details
- Alerting reception and Facilities Management (with consent), including providing a copy of any existing orders against the abuser, a photograph of the perpetrator and details of the perpetrators vehicle (car registration and description)
- Liaising with the Building Manager / Facilities Management to ensure staff car parks have adequate lighting

This is not an exclusive or exhaustive list.

28. Managers should refer to the Violence at Work Policy where an employee has been abused, threatened or assaulted during the course of their duties. Any incidents that occur should be reported to Health and Safety on the 'Violent Incident Report Form' and investigated as appropriate, to ensure that suitable measures are put in place to minimise the likelihood of further incidents.

REFERRING TO THE APPROPRIATE HELP

29. Specialist advice is available for managers dealing with domestic abuse/violence cases from the Caerphilly Multi Agency Centre (MAC) (see contact details below) or the Community Safety Partnership Team on 01443 864374.
30. Managers should refer employees to appropriate agencies that can offer advice, support and guidance as detailed below. Managers or other employees may also need professional advice and support in dealing with cases involving domestic abuse/violence and the support below is available to employees, managers and colleagues of those affected by domestic abuse.

Caerphilly Multi Agency Centre (MAC)

Caerphilly County Borough Council has its own 'one stop shop' of services to support those affected by domestic abuse.

There are a wide variety of frontline services accessible via the MAC, including:

- Safer Caerphilly Community Safety Partnership
- Caerphilly County Borough Council's Social Services
- Gwent Police
- Llamau Women's Services
- Victim Support

- BAWSO – specialist support to black and ethnic minority clients

The Safer Caerphilly MAC is open Monday – Friday, 10am – 4pm.

Tel: 01443 819317

Llamau Women's Services can be contacted 24 hours a day.

Tel: 02920 860255

Care First Employee Assistance Programme

The Care First Service is a confidential service for information and advice or counselling which is available to staff free of charge. The Care First service is independent and calls are treated in the strictest confidence.

Tel: 0800 174319

All Wales Domestic Abuse and Sexual Violence Helpline

The All Wales Domestic Abuse and Sexual Violence Helpline is an information signposting service to help and guide people with experience of domestic abuse or sexual violence, who are in need of information or access to support services. It is a 24 hours, 365 days a year service.

Tel: 0808 80 10 800

Broken Rainbow

Broken Rainbow provides confidential support for lesbian, gay, bisexual and transgender people experiencing domestic abuse

Tel: 0300 999 5428 / 0800 999 5428 (freephone number)

The helpline is open Mondays and Thursdays, 10am-8pm and Tuesdays and Wednesdays, 10am-5pm. The All Wales Domestic Abuse and Sexual Violence Helpline can also be contacted as this is a 24 hours, 365 days a year service.

Dyn Wales

The Dyn Wales Helpline provides free and confidential support to men who are experiencing domestic abuse from a partner.

Tel: 0808 80 10 321

The helpline is open Monday-Tuesday, 10am-4pm, Wednesday 10am-1pm. The All Wales Domestic Abuse and Sexual Violence Helpline can also be contacted as this is a 24 hours, 365 days a year service.

Respect

The Respect Phonenumber for domestic violence perpetrators and professionals offers information about services for those using violence/abuse in their relationships. The Phonenumber is available Monday – Friday, 9am – 5pm.

Tel: 0808 802 4040

In an emergency, call 999.

Domestic Violence Disclosure Scheme and Protection Orders

The Domestic Violence Disclosure Scheme allows an individual to ask the police to check if a new or existing partner has a violent past. If records indicate that an individual may be at risk of domestic violence from a partner, the police will consider disclosing the information.

Domestic Violence Protection Orders ban perpetrators with immediate effect from returning to a residence or from contacting the victim for up to 28 days. This time can allow the victim to consider their options and obtain the support they need.

DEALING WITH EMPLOYEES WHO MAY BE PERPETATORS OF DOMESTIC ABUSE/ VIOLENCE

31. The Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.
32. If an employee approaches the Council about their abusive behaviour, the Council will provide information about the services and support available to them including Care First and the Respect Phonenumber.
33. Managers should contact HR should they be made aware of any concerns, allegations or convictions against a member of staff.
34. The Council will treat any allegation, disclosure or conviction of a domestic abuse/violence related offence on a case-by-case basis with the aim of reducing risk and supporting change.
35. Conduct outside of work (whether or not it leads to a criminal conviction) may lead to disciplinary action being taken against an employee because of its employment implications and the fact that it may undermine the confidence the Council has in the employee. There should be an investigation of the facts as far as possible and the provisions of the Disciplinary Procedure will be followed.
36. In considering whether further action should be taken the nature of the conduct and work undertaken by the employee should be considered.
37. The Council will not tolerate any form of abuse or violence within the workplace nor the use of workplace resources for perpetrating such acts and will deal with perpetrators of such behaviour in line with the Disciplinary Procedure.
38. In cases where both the victim and the perpetrator of domestic abuse/violence work for the Council, the Council will take appropriate action. In addition to considering disciplinary action against the employee who is perpetrating the abuse/violence, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace. The manager should seek further advice from HR and Health and Safety in such circumstances on measures that can be put in place to minimise the risk of the victim and perpetrator coming into contact and the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both employees or withdrawing the perpetrator's access to certain IT programs and systems.

RECORD KEEPING

39. In line with Health and Safety legislation, the Council has a duty to maintain a safe place of work. This will include monitoring and recording all incidents of violence or threatening behaviour in the workplace in line with the Violence at Work Policy. These may include persistent telephone calls, e-mails and visits to the workplace by the perpetrator.

40. It is important that records are clear and accurate and should give dates, times and locations. Witnesses to such incidents should also be recorded.
41. Managers are responsible for confidentially storing relevant information including risk assessments, records of incidents, action taken and support provided.
42. HR forms in relation to sickness absence and leave of absence, which make reference to domestic abuse/violence should be forwarded to the relevant HR Business Partner Team for secure storage.

January 2015

Draft



CABINET – 26TH NOVEMBER 2014

SUBJECT: DRAFT FLEXIBLE WORKING POLICY AND PROCEDURE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report, which outlined an amendment to the Flexible Working Policy and Procedure, and sought Members' endorsement prior to its presentation to Cabinet for determination, was considered by the Policy and Resources Scrutiny Committee on 11th November 2014.
 - 1.2 The report explained that the current arrangements have allowed employees to make a series of temporary changes to their working patterns over consecutive years, resulting in employees working these revised patterns of work for many years. This has caused managers problems in planning the resources for their Departments as they may have a number of staff who are on temporary working arrangements.
 - 1.3 The amended policy, attached at Appendix 1, still allows employees to work flexibly either on a permanent or temporary basis, with the only change being that the temporary arrangement can only last for a maximum of 12 months, after which the employee will revert to their previous working pattern. However, an employee can then make a request to make a permanent change to their working pattern.
 - 1.4 The revised Policy will apply to all employees except those covered by the JNC for Soulbury Officers and those employees where the school Governing Body sets the terms and conditions of employment for the school's employees. During discussion of the report, Members queried the impact this could have on employees employed as Carers, and Officers confirmed that this would be the subject of a separate report and policy which would be presented to the Policy and Resources Committee on 20th January 2015.
 - 1.5 Following consideration of the report and the draft revised Policy, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein, the revised Flexible Working Policy and Procedure be adopted.
 - 1.6 Members are asked to consider the recommendation.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1: Report to Policy and Resources Scrutiny Committee on 11th November 2014 – Agenda Item 14

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POLICY AND RESOURCES SCRUTINY COMMITTEE - 11TH NOVEMBER 2014

SUBJECT: DRAFT FLEXIBLE WORKING POLICY AND PROCEDURE

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To seek approval for an amendment revision to the Flexible Working Policy and Procedure for employees within Caerphilly County Borough Council.

2. SUMMARY

- 2.1 The report brings forward an amendment to the Flexible Working Policy and Procedure for the Council to clarify the length of time an employee can make a temporary change to their working pattern.

3. LINKS TO STRATEGY

- 3.1 The Policy links to the People Management Strategy and therefore to all other strategies, including all equality strategies, policies and procedures, that relies on employees to deliver the strategy and service provision.

4. THE REPORT

- 4.1 The report brings forward an amendment to the Flexible Working Policy and Procedure to clarify the length of time an employee can make a temporary change to their working pattern. The current arrangements have allowed employees to make a series of temporary changes over consecutive years resulting in employees working these revised patterns of work for many years.
- 4.2 This has caused managers problems in planning the resources for their Departments as they may have a number of staff who are on temporary working arrangements. This became evident in a recent situation where a team were looking to reduce their headcount and had a number of staff who were on temporary flexible working arrangements. In order to provide continuity of service the Manager wished to retain a member of staff who was covering the reduced hours but could not achieve this if the contracts of the existing staff remained at their substantive hours.
- 4.3 The attached amended policy still allows an employee to apply to work flexibly either on a permanent or temporary basis. The only change is that the temporary arrangement can only last for a maximum period of 12 months after which the employee will revert to their previous working pattern. However, an employee can then make a request to make a permanent

change to their working pattern.

4.4 The Policy will apply to all employees except those covered by the JNC for Soulbury Officers and those employees where the school Governing Body sets the terms and conditions of employment for the school's employees.

4.7 It is proposed that the effective date of this Policy is November 2014.

5. EQUALITIES IMPLICATIONS

5.1 The draft Policy has been impact assessed and no issues have been identified.

6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications of introducing this Policy.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications of introducing this Policy.

8. CONSULTATIONS

8.1 The Report reflects the views of the Consultees listed at the end of the Report.

9. RECOMMENDATIONS

9.1 That Scrutiny members consider the contents of the report and the Flexible Working Policy and Procedure and make a recommendation to Cabinet for adoption of the Policy.

10. REASONS FOR THE RECOMMENDATIONS

10.1 The introduction of the amendment to the Flexible Working Policy and Procedure will:-

- Allow employees to apply to make a temporary or permanent change to their pattern of work.
- Limit the time an employee can make a temporary change to their pattern of work to 12 months
- Allow managers to plan their resources more effectively and retain employees within the council

11. STATUTORY POWER

11.1 Local Government Act 1972
Local Government Act 2000
Employment Act 2008

Author: Richard Ballantine, HR Manager
Consultees: Head of Workforce and Organisational Development
HR Service Manager (Customer Services)
HR Service Manager (Strategy and Operations)
HR Managers

Head of Legal and Democratic Services
Interim Monitoring Officer
Senior Policy Officer (Welsh Language and Equalities)
Councils recognised Trade Unions

Appendices:

Appendix 1 Draft Flexible Working Policy and Procedure

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FLEXIBLE WORKING POLICY AND PROCEDURE

Version:	Version 3 – Final Draft 1 – November 2014
Policy Ratified by:	Human Resources
Date:	
Area Applicable:	The policy applies to all Council employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment.
Review Year	2016
Impact Assessed	Yes



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NOTE

Wherever the designation Manager is used throughout this policy, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge or anyone who has a responsibility for employees through their work.

This policy applies to all Council employees, except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment. For these staff, the LEA will develop a policy based on the principles contained within the corporate policy, which will then be recommended to Governing Bodies for adoption. Support in managing issues in relation to the subject matter of this policy can only be offered to schools where LEA recommended policies have been adopted.

INTRODUCTION

1. Caerphilly County Borough Council believes that its employees are its most valuable resource and as a result high attendance at work by employees plays a key role in providing efficient and effective services to the residents of the County Borough.
2. Caerphilly County Borough Council demonstrates a commitment to equal opportunities and the principles of work - life balance working practices. The aim of the policy is to be supportive to employees to allow them to balance work - life issues in the best possible way.
3. The Council will ensure that flexible working is applied in a fair, equitable and consistent way by adopting a positive, proactive approach. This policy and the accompanying procedures are designed to help Managers deal with requests from employees. Flexible working is an umbrella term and should not be confused with flexi time, which is just one form of flexible working.
4. The Council recognises that there may be times when employees need some time to resolve problems outside of work and need to change their working patterns on either a permanent or temporary basis. Further rights for carers are also detailed in the Council's Carers Policy.
5. This policy applies to all employees, with 26 weeks continuous service with Caerphilly County Borough Council, as long as they have not made a request under this policy in the previous twelve months. Employees with less than twenty six weeks' service or agency workers do not have the statutory right to apply to work flexibly.

SCOPE OF THE POLICY

6. This policy and procedure applies to all employees except those school based support/teaching staff for whom the Governing Body sets the local terms and conditions of employment.
7. The effective date of the policy is November 2014.

GUIDING PRINCIPLES

8. The Flexible Working Policy provides guidance for both Managers and employees as to the procedure to be followed when an employee wishes to change their current work pattern to a more flexible one. Managers have a duty to seriously consider any application to work flexibly.
9. A flexible working request under this Policy means a request to do any or all of the following although this is not an exclusive or exhaustive list:-
 - To reduce or vary your working hours.
 - To reduce or vary the days you work
 - To work from a different work location.
10. All employees with twenty-six week's service have the right to apply to work flexibly, as long as they have not made a request under this policy in the previous twelve months.

11. The right to apply to work flexibly applies equally to all employees. It does not provide an automatic right to work flexibly but Managers must reasonably consider an employee's request to change their work pattern. There may be occasions where it is not possible, for operational reasons, for Managers to agree to the requested work pattern. Managers should keep these occasions to a minimum and wherever possible a solution that will suit both the Manager and the employee should be found.
12. All employees who work flexibly will be treated in the same way as full time employees with regard to opportunities for training, promotion, etc. For part time employees all their terms and conditions of employment will be accrued on a pro rata basis.
13. Employees who opt to work flexibly will be entitled to remain in the Local Government Pension Scheme although they should be aware that reduced hours affects Pension benefits. Further information is available from the Greater Gwent Pension Fund at Torfaen County Borough Council.
14. Employees may request to change their work pattern on a temporary or permanent basis. Where the request is of a temporary nature, an end date should be included on the request. A temporary flexible working request will only be agreed for a maximum period of twelve months, after which the employee will revert back to their original work pattern. However, an employee can then make a request to make a permanent change to their pattern of work. If the working pattern is changed permanently, there is no automatic right to apply to revert to their previous working pattern.
15. The employee has a responsibility to think carefully about their desired working pattern when making an application and the Manager is required to give each application due consideration.
16. Applications to work flexibly must be submitted to the employee's Manager on the appropriate form. Forms are available from your HR Business Partner Team or HR Support Portal. Managers must consult with their HR Business Partner Team on any flexible working applications that they receive. When approving applications to work flexibly, Managers must bear in mind the operational requirements of the Service Area. Once agreed all requests for flexible working must be forwarded to the relevant HR Business Partner Team for the necessary changes to be made to the employee's contract.
17. The procedure for dealing with applications to work flexibly is attached to this Policy.
18. This policy must be cross-referenced with all relevant Council policies.

INTERPRETATION OF THE POLICY

19. In the event of a dispute relating to the interpretation of this policy the Head of Workforce and Organisation Development or the Human Resources Service Manager will make the final decision on interpretation.

REVIEW OF THE POLICY

20. A review of this policy and procedure will take place when appropriate, and the Council retains the right to change the policy at any time. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the policy will be amended and reissued.

NOVEMBER 2014

DRAFT

PROCEDURE FOR DEALING WITH REQUESTS TO WORK FLEXIBLY

ENTITLEMENT TO MAKE A REQUEST TO WORK FLEXIBLY

1. All employees, with twenty-six week's continuous service, are eligible to make a request to work flexibly. Only service with Caerphilly County Borough Council rather than local government service will count as service.
2. If an employee wishes their work pattern to change from a given date, they should ensure that the application is made within the required time scales. Requests to work flexibly can take a lengthy period of time to arrange. This should be borne in mind when the request is being made.
3. Only one permanent application to work flexibly may be made in a 12-month period. The period is counted as the 12 months prior to the date of the current application. However, more than one temporary change may be allowed depending on the circumstances of the case e.g. terminal illness.
4. Before making an application to work flexibly, employees should look at the Council's Work life Balance Policies and Procedures to identify the most suitable for their circumstances.

SCOPE OF THE REQUEST

5. Eligible employees will be able to make a request to work flexibly which may be changes to their working patterns, such as annualised hours, compressed hours (i.e. someone works a 37 hour week over less than 5 days), flexitime, job sharing, self rostering, shift working, staggered hours and term time working or changes to the times that they are required to work. This list is not exclusive or exhaustive.
6. Changes to work patterns do not always require a significant alteration to the employees' current working patterns. An example of a change of work pattern could be if a parent starts work an hour later to allow them to take their child/children to school, they make that time up later on in the day.

MAKING AN APPLICATION TO WORK FLEXIBLY

7. Before making an application to work flexibly, employees should consider the Council's other work - life balance policies, especially the Council's Carers Policy.
8. When an application to work flexibly is made, the onus is on the employee to make a full application detailing all the necessary changes that need to be made to the working arrangements in the Service Area, if appropriate.
9. All applications to work flexibly must be in writing on the Flexible Working Application Form, FW1 (a), which is available from your HR Employee Service Team or the HR Support Portal. The application must state the date of the application, the change to working conditions the employee is seeking and when they would like the change to come into effect, whether there are any relevant equalities implications, the effect, if any, the employee thinks the requested change would have on the Service Area and how, in their opinion,

any such effect might be dealt with. If the request is for a temporary change to contract then the end date of the arrangement also needs to be included. The application must also say that this is a statutory request and if and when the employee has made a previous application for flexible working.

10. The form may be used for permanent and temporary changes to working patterns.
11. Applications must be made to the employee's Manager. Forms may be sent through the post (internal or external), faxed or E Mailed.
12. If the application is handed to the Manager, the date that this happens is deemed to be the date that they have received the form. Where applications are received through the post, internal or external, the date that the Manager is expected to receive the form will be the date that the application was made. In the case of a non-working day it will be the first working day after the non working day. If the application is faxed to the Manager, the date of the application will be deemed to be the day that the fax was transmitted. If the form is sent via E-mail, the date of the application shall be taken to have been the date that the E Mail was transmitted. These principles shall apply to any correspondence given by either the employee or the Manager during the process.
13. The onus is on the employee to identify how the change in work pattern will operate and the effects it may have on their work colleagues. On the application, the employee must: -
 - a. Confirm that they are making the request under their right to request to work flexibly.
 - b. Specify the flexible working pattern that they would like to work.
 - c. Specify the date that they would like the flexible working arrangement to commence. This date should allow the Manager to consider the request and implement any necessary changes as appropriate.
 - d. Explain what effect the change in work pattern will have on the Service Area/Section and how they think that these effects can be dealt with.
 - e. Confirm whether there are any relevant equalities implications under the Equalities Act 2010.
 - f. Explain the reasons why their preferred working pattern is compatible with the Service Area/Section as far as they can tell.
 - g. Consider how their colleagues will manage if the new working pattern is approved.
 - h. State whether an application to work flexibly has been made in the previous 12 months, and if so give the date.
 - i. Sign and date the application.
14. A meeting to discuss the above points may be held between the employee and their Manager prior to the completion of the application form.
15. If the application is for a permanent change to an employee's working pattern then the accepted application will mean a **permanent** change to the employee's terms and conditions of employment. Before making any application, the employee must consider: -
 - What would be the best for them in terms of how they could arrange their child care.
 - The financial implications of any change to hours.

- The effects that the change would have on the Service Area.
 - How the changes can be accommodated.
16. Managers have a legal duty to reasonably consider all requests to work flexibly and to establish whether the requested working pattern can be accommodated within the operational needs of the Service Area/Section. Once the Manager has received the application, they must acknowledge the request either by emailing the employee or where the employee does not have email access using form FW1 (b) which is attached to the application form. If the application is incomplete or fails to provide all the information outlined above, the Manager should refer the application back to the employee asking them to complete the form and resubmit the application. In considering the request, the Manager must not unlawfully discriminate against the employee in any way. Managers should be mindful that agreeing a flexible working request could be seen as a reasonable adjustment for a disabled employee.
 17. Once a Manager has received the employee's application for flexible working, they should consult their HR Business Partner Team for advice on dealing with the application.
 18. Upon receipt of the application to work flexibly, the Manager, will arrange to meet the employee to explore the desired work pattern and how it may be accommodated. If a Manager is unable to accommodate the requested work pattern, at this meeting alternative work patterns may be explored. The employee should receive a response to their application within 28 days of submission.
 19. Employees may be accompanied at the meeting, by a work colleague or a trade union representative (local or full time). If the person who accompanies the employee also works for the Council, they will be granted paid time off to attend the meeting. An employee from the relevant HR Business Partner Team may also be present to provide advice and guidance.
 20. If a meeting to discuss the application is arranged, or any appeal, and the employee fails to attend both this and a rearranged meeting without a good reason, the Manager can consider the request withdrawn. If this happens, the Manager must inform the employee that this has happened.
 21. Where the Manager agrees to the variation in the working pattern proposed by the employee, then they should notify the employee in writing, on form FW2, and there is no need for the meeting to take place. A copy of the FW2 form should be forwarded to the relevant Employee Service Centre Team. The Employee Service Centre Team will confirm any changes to the employee's terms and conditions in writing.
 22. After the meeting to discuss the changes to the work pattern, the Manager will write to the employee to either agree or disagree with the change to the work pattern. This should be done using the Flexible Working Response Form, FW2 . If the working pattern is to be agreed, Managers should use this form to outline the new working pattern and inform the employee of the effective date of the new work pattern. This may be a future date to allow the Manager to implement any necessary changes in the workplace. If the change is to be of a temporary nature, the end date of the arrangement should also be included on the FW2 form. Prior to the sending of the FW2 form, Managers

are encouraged to meet the employee again to inform them of their decision. A copy of the FW2 form should be forwarded to the relevant Employee Service Centre Team. The Employee Service Centre Team will confirm any changes to the employee's terms and conditions in writing. If a compromise has been agreed then this should be confirmed on the form.

23. If the work pattern is to be refused, it is especially important that a meeting is held with the employee so they understand the reasons why the request to work flexibly has been refused. The reasons for refusal should also be detailed on the form FW2 and employees should also be informed of their right of appeal under this procedure. A copy of the form should be forwarded to the relevant Employee Service Centre Team. The appeal must be held as soon as possible as the whole Flexible Working Process has to be completed within three months of the initial submission.
24. The employee must be informed of the decision of the appeal as soon as possible after the appeal meeting has taken place. If it has been upheld, there is a need to specify the agreed variation and the start date. If the appeal has been dismissed the reasons must be stated.
25. In a minority of cases, some employees will have grounds to pursue their request with third party involvement. This may be by referring their request to ACAS or by using another form of dispute resolution. An employee will only be able to take their claim to an Employment Tribunal in specific circumstances and in such cases Managers will have to demonstrate that they have followed the correct procedure. Further information is available from ACAS by way of The Statutory Code of Practice, Handling Requests To Work Flexibly In A Reasonable Manner and Handling Requests To Work Flexibly In A Reasonable Manner: An ACAS Guide.
26. There may be some occasions, when a Manager receives more than one request to work flexibly closely together from different employees. Where this happens it may be possible to grant all of the requests received. However, before doing so the employer will need to look closely at the impact this would have on the business before coming to a decision. Requests should be considered in the order they are received. Having considered and approved the first request the Manager should remember that the business context has now changed and can be taken into account when considering the second request against the business reasons outlined below.
27. When a Manager receives more than one request, they are not required to make value judgements about the most deserving request. The Manager should consider each case on its merits looking at the business case and the possible impact of refusing a request. The Manager may want to have a discussion with the employees to see if there is any room for adjustment or compromise before coming to a decision.

REFUSING A REQUEST TO WORK FLEXIBLY

28. Where as every effort will be made to allow employees to change their work patterns, there may be cases where this is not possible. Before refusing the request to work flexibly, Managers should give serious consideration to how the request could be accommodated.

29. There are a limited number of grounds for refusal. These are detailed below.
- The burden of additional costs.
 - The detrimental effect on the Council or Service Area's ability to meet customer demand.
 - An inability to reorganise work among existing employees.
 - An inability to recruit additional employees.
 - A detrimental impact on quality.
 - A detrimental impact on performance.
 - Insufficiency of work during the periods that the employee proposed to work.
 - Planned structural changes.
30. Where the employees application is refused other options should be discussed with the employee, for example redeployment.
31. When refusing a request to work flexibly, the Manager must detail the reason for refusal on form FW2, the Flexible Working Response Form. On this form, the Manager must provide sufficient explanation as to why one or more of the above reasons apply and how the request cannot be accommodated. It is not acceptable for a Manager to repeat one or more of the above e.g. where additional costs are the reason for refusal they should be fully detailed. Employees who are dissatisfied with their Manager's decision should appeal under this procedure. This appeal will be the final decision and there is no recourse under any other Council policy or procedure.
32. Under Sections 80F to 80I of the Employment Rights Act 1996, and the Flexible Working Regulations, there are certain circumstances where an employee can make a complaint to an Employment Tribunal after the employee has been informed of the Manager's decision. If an Employment Tribunal finds that a complaint is well founded it has the right to order that the request be reconsidered or to award compensation. The amount of this compensation will be based on an amount not exceeding eight weeks' pay.

WITHDRAWING A REQUEST

33. Employees may withdraw their request to work flexibly. A Manager shall treat an application as withdrawn if the employee has: -
- Indicated to the Manager, whether orally or in writing, that they are withdrawing the application.
 - Failed to attend more than one meeting to discuss the application.
 - Unreasonably refused to provide the Manager with information they require in order to assess whether the contract variation should be agreed.
34. Managers should confirm in writing the withdrawal of the application to the employee unless they have received written notice of the withdrawal from the employee.



CABINET – 26TH NOVEMBER 2014

SUBJECT: CABINET FORWARD WORK PROGRAMME

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet endorsement of the updated Forward Work Programme for the period December 2014 to February 2015.

2. SUMMARY

- 2.1 The report outlines a proposed forward work programme of future Cabinet reports.
- 2.2 The Forward Work Programme is updated on a monthly basis to reflect any amendments that are made to it since it was first agreed on 22nd January 2014.

3. LINKS TO STRATEGY

- 3.1 The Council is required to publish a Cabinet Forward Work Programme to assist in open and transparent decision-making.

4. THE REPORT

- 4.1 The Cabinet Forward Work Programme sets out the key reports that Cabinet expects to receive in the coming months. It is a legal requirement that such programmes are published. The programme is an important way of tracking progress against targets set in the Council's Improvement Plan.
- 4.2 Appendix 1 to this report sets out details of the Cabinet Forward Work Programme for the period December 2014 to February 2015.
- 4.3 It should be noted that urgent and unanticipated reports could be added to the Cabinet Work Programme.

5. EQUALITIES IMPLICATIONS

- 5.1 None.

6. FINANCIAL IMPLICATIONS

- 6.1 There are no financial implications associated with this report.

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications associated with this report.

8. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in this report.

9. RECOMMENDATIONS

9.1 It is recommended that Cabinet approve the Forward Work Programme as outlined in Appendix 1.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To satisfy legislative requirements and to ensure more transparent and effective decision-making.

11. STATUTORY POWER

11.1 Local Government Acts 1972 and 2000.

Author: Jonathan Jones, Democratic Services Manager
Consultees: Corporate Management Team
Cabinet Members
Gail Williams, Interim Head of Legal Services and Monitoring Officer

Appendices:
Appendix 1 Cabinet Forward Work Programme

CABINET FORWARD WORK PROGRAMME: DECEMBER TO FEBRUARY 2015

10TH DECEMBER 2014	
Council Tax Base 2015-2016	Cllr Mrs B. Jones
Write Off of Debts over £20,000 - NNDR for Ltd Companies	Cllr Mrs B. Jones
Write Off of Debts over £20,000 - NNDR Arrears (Exempt)	Cllr Mrs B. Jones
Wales Audit Office Safeguarding Report	Cllr Mrs B. Jones
Cwmcarn Leisure Centre	Cllr D.V. Poole
Cwmcarn High School	Cllr Mrs R. Passmore
Disposal of Land at Woodbine Road, Blackwood	Cllr D. Hardacre
The National Assistance Act 1948, As Amended - Removal of Persons in Care	Cllr D.V. Poole

CABINET FORWARD WORK PROGRAMME: DECEMBER TO FEBRUARY 2015

21ST JANUARY 2015	
CCBC Local Development Plan: Consideration of Strategic Options	Cllr K. James
Local Transport Plan - Adoption	Cllr T. Williams
Land at Duffryn Street, Ystrad Mynach	Cllr G. Hardacre
Foundation Phase KS4 and 5	Cllr Mrs R. Passmore
Cabinet Forward Work Programme	Cllr Mrs C. Forehead
4TH FEBRUARY 2015	
Review of NNDR Discretionary Rate Relief Policy	Cllr Mrs B. Jones
Budget Proposals 2015/2016	Cllr Mrs B. Jones
Abertysswg/Pontlloftyn Primary School - Outcome of Consultation Process	Cllr Mrs R. Passmore
17th Edition Electrical Testing	Cllr Mrs R. Passmore
18TH FEBRUARY 2015	
Cabinet Forward Work Programme	Cllr Mrs C. Forehead



CABINET – 26TH NOVEMBER 2014

**SUBJECT: ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 –
AMENDMENT TO AUTHORISATION OF OFFICERS**

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of required changes to legal powers arising from the Anti-Social Behaviour, Crime and Policing Act 2014 for Officers of the Public Protection Division, Housing and Community and Leisure Services prior to the presentation of the report to Council.

2. SUMMARY

- 2.1 Officers within the Public Protection Division, Housing Services and Community and Leisure Services require additional authorisation under the Anti-Social Behaviour, Crime and Policing Act 2014 in order to be able to enforce new legislative provisions to deal with anti-social behaviour that came into force on the 20th October 2014.
- 2.2 The Act provides a new range of powers to tackle anti-social behaviour affecting communities, and the ability of members of the public to enjoy public spaces, through two new tools with enforcement responsibilities; Community Protection Notices and Public Space Protection Orders.
- 2.3 The Act further provides a fast, flexible remedy for the closure of premises associated with nuisance or disorder through the ability to issue Closure Notices for 24/48 hours. A decision is required on the designation of Officers able to issue Closure Notices.
- 2.4 The Act provides for fixed penalty notices to be issued for breach of Community Protection Notices and Public Space Protection Orders.

3. LINKS TO STRATEGY

- 3.1 The new powers provide additional tools to tackle anti-social behaviour which contribute to the Safer Caerphilly priorities within the single integrated plan 'Caerphilly Delivers', Objective 1 of the Council's Strategic Equality Plan 2012, and the Community Strategy aim for people to feel safe in their own homes, neighbourhoods and town centres.

4. THE REPORT

- 4.1 There are a range of new provisions under the Act, however, this report deals with three areas only:
- Community Protection Notices – issue and fixed penalty notices
 - Public Space Protection Orders – enforcement and fixed penalty notices
 - Closure Notices/Orders – level of designation.

- 4.2 Community Protection Notices (CPNs) can be issued by authorised local authority staff, police officers and registered social landlords (if designated by the local authority). As yet no registered social landlords have requested designation.

CPNs are intended to deal with anti-social behaviour affecting a community e.g. graffiti, litter or noise and can be issued against the person, business or organisation responsible, following an initial warning letter.

CPNs specify the matter to be resolved and the timescale to achieve it. Breach of a CPN is a criminal offence that may be dealt with by prosecution or fixed penalty notice. Should the work required not be carried out it may be undertaken by the local authority at the responsible person's cost. Alternatively a court may order that the work is done by the person responsible.

Categories of staff who would make use of CPNs under the appropriate circumstances are:

- The Community Safety Manager and Community Safety Wardens
- Environmental Health Officers and Enforcement Officers
- Tenancy Enforcement Officers
- Community and Leisure Services (Waste Management)

- 4.3 Public Space Protection Orders (PSPOs) replace Designated Public Place Orders, Gating Orders and Dog Control Orders with a three year subsistence period for existing orders in place across the Authority.

PSPOs can be used to deal with a wider range of anti-social behaviour issues than current orders.

Local authority staff may be authorised to enforce PSPOs and to issue fixed penalty notices to persons who contravene.

Categories of staff who would make use of PSPO's under appropriate circumstances are:

- Community Safety Wardens
- Environmental Health Officers and Enforcement Officers.

- 4.4 Closure Notices may be issued ordering that closure of premises, the use of which has, or is likely to, result in disorder or nuisance to members of the public.

The issue of a Closure Notice must be followed by application to the Magistrates Court for a proposed Closure Order within set timescales.

Closure Notices may be issued for up to 24 hours by a designated Local Authority Officer or Police Inspector.

Closure Notices may be issued for up to 48 hours by a designated Local Authority Officer or Police Superintendent.

The proposed designations for Local Authority Officers are:

- Up to 24 hours the Head of Public Protection, a Director, or the Deputy Chief Executive;
- Up to 48 hours a Director or the Deputy Chief Executive.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications in this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 None directly arising from the authorisation of officers under this Act since additional workload will be absorbed within existing staffing.
- 6.2 Local Authority costs may be incurred in
- Performing works in default for Community Protection Notices not complied with, however prosecution and court orders requiring works to be done are other options available.
 - Denoting Public Space Protection Orders by means of adequate signage of geographical areas
 - Securing, maintaining and repairing premises subject to Closure Notices/Orders, however a court may order that expenditure be reimbursed.
- 6.3 Some small revenue may be obtained from the payment of fixed penalty notices. However, these are punitive and not income generation measures.

7. PERSONNEL IMPLICATIONS

- 7.1 None directly arising from the authorisation of officers under this Act since it will be used to supplement existing enforcement activities and absorbed into normal workload. The workload will be monitored and consultation with staff and their representatives will be undertaken as appropriate.

8. CONSULTATIONS

- 8.1 The report has been sent to the Consultees listed below, and there are no consultation responses, which have not been reflected in the body of the report.

9. RECOMMENDATIONS

- 9.1 That Cabinet note the implementation of this legislation and refer the recommended changes to the Council's Constitution to Council for determination. The Council's Monitoring Officer make the necessary amendments to the Council's Constitution.
- 9.2 That the Council's Constitution and Terms of Reference be amended by adding the following:
Anti-Social Behaviour, Crime and Policing Act 2014.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to ensure the proper and effective enforcement of the legislation and alleviate anti-social behaviour problems in communities.

11. STATUTORY POWER

- 11.1 Anti-Social Behaviour, Crime and Policing Act 2014. The discharge of duties under the above legislation is a Cabinet function. The proposed change to the Council's Constitution is a Council function.

Author: Kathryn Peters, Community Safety Manager
Consultees: Councillor David Poole, Cabinet Member for Community and Leisure Services
Sandra Aspinall, Acting Deputy Chief Executive

Rob Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services
Ceri Edwards, Environmental Health Manager
Tony White, Waste Strategy and Operations Manager
Graham North, Public Sector Housing Manager
Tim Stephens, Development Control Manager
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Sian Phillips, Human Resources Manager
Mike Eedy, Finance Manager