

# Cabinet



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



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Tuesday, 9 July 2024 at 2.00 pm  
Council Chamber - South Kesteven House, St. Peter's  
Hill, Grantham. NG31 6PZ

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**Cabinet Members:** Councillor Ashley Baxter, Leader of the Council (Chairman)  
Councillor Paul Stokes, Deputy Leader of the Council (Vice-Chairman)

Councillor Rhys Baker, Cabinet Member for Environment and Waste  
Councillor Richard Cleaver, Cabinet Member for Property and Public Engagement  
Councillor Phil Dilks, Cabinet Member for Planning  
Councillor Philip Knowles, Cabinet Member for Corporate Governance and Licensing  
Councillor Virginia Moran, Cabinet Member for Housing  
Councillor Rhea Rayside, Cabinet Member for People and Communities

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## Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-I Channel](#)

1. **Apologies for absence**
2. **Disclosure of Interests**
3. **Minutes of the previous meeting** (Pages 5 - 8)  
Minutes of the meeting held on 11 June 2024.

### **Items for Cabinet Decision: Key**

- 4. Contract Award for HRA Roofing Services** (Pages 9 - 26)  
To obtain approval to enter into a contract with Foster Property Maintenance Limited for the provision of replacing both pitched and flat roof coverings to Council owned dwellings for South Kesteven District Council. The contract would be awarded for an initial period of 2 years with an option to extend for a further 1 plus 1 year.
- 5. Update on the Grantham Meres Leisure Centre Decarbonisation Scheme** (Pages 27 - 33)  
This report provides an update on the Grantham Meres Decarbonisation Scheme and seeks approval for the procurement of a contractor to undertake the works.
- 6. Contract Award for New Build Housing Scheme for 19 units at Larch Close, Grantham** (To Follow)  
This report sets out the proposals for a 19-unit new build social housing development at Larch Close, Grantham.
- 7. Contract Award for Disabled Adaptations at Council Owned Properties** (Pages 35 - 54)  
To seek approval to enter into a contract with Foster Property Maintenance Ltd. for the provision of carrying out disabled adaptation works to Council owned dwellings. The contract would be awarded for an initial period of 2 years with the option to extend for a further 1 year plus 1 year.
- 8. Contract award supply and install of Stairlifts, through floor lifts and external modular ramps** (Pages 55 - 70)  
The report will provide a summary of the procurement exercise completed and put forward the proposed winning bidder for cabinet to formally consider and approve contract award.
- The contract is for the provision of supply, install and maintenance of stairlifts and ramps for the Disabled Facility Grants Team and Council Adaptations service covering both private and council owned properties. The contract is for 5 years to the value of £600,000
- 9. Provisional Outturn Report 2023/24** (To Follow)  
This report provides the Cabinet with the details of the Council's provisional outturn position for the financial year 2023/2024. The report covers the following areas:
- General Fund Revenue Budget
  - Housing Revenue Account Budget
  - Capital Programmes – General Fund and Housing Revenue Account
  - Reserves overview – General Fund and Housing Revenue Account

### **Items for Cabinet Decision: Non-Key**

- 10. South Kesteven District Council Productivity Plan 2024/25** (To Follow)  
To present the proposed Productivity Plan 2024/25 for South Kesteven District Council, and to recommend to Cabinet the submission of said plan to the Department of Levelling Up, Housing & Communities.
- 11. Housing Revenue Account Asset Acquisition and Disposal Policy** (Pages 71 - 84)  
To provide Cabinet with an opportunity to strengthen the process and delegated authority associated with acquiring or disposing of Housing Revenue Account (HRA) assets.

- 12. Update on the development of the Economic Development Strategy for South Kesteven 2024 - 2028** (Pages 85 - 89)
- To inform members of Cabinet on the progress made toward the development of an Economic Development Strategy for South Kesteven 2024 – 2028.

**Matters Referred to Cabinet by the Council or Overview and Scrutiny Committees**

- 13. Animal Welfare Policy** (Pages 91 - 124)
- To provide Cabinet with the opportunity to approve the new Animal Licensing Policy.
- 14. Empty Homes Strategy** (Pages 125 - 141)
- This report presents the updated Empty Homes Strategy. The Strategy was initially implemented in 2022. The revised version has been updated to reflect changes in the national and local context, providing a framework for the Council's approach to reducing the number of Empty Homes within the district and mitigating their impacts.
- This report seeks approval of the updated Empty Homes Strategy, as recommended by Housing Overview and Scrutiny Committee.
- 15. Safeguarding Policy and Procedures 2024-2027** (Pages 143 - 232)
- The Children Act 2004 and the Care Act 2014 place responsibilities on the Council with regard to the safeguarding of children, young people and adults with needs of care and support. This report brings to the attention of Cabinet the update of the Council's Safeguarding Policy and Procedures.
- 16. Draft Play Area Strategy** (Pages 233 - 255)
- Following the recommendation by Members of the Culture and Leisure Overview and Scrutiny on 18 June 2024, the purpose of this report is to seek approval of the Play Area Strategy for South Kesteven.

**Items for information**

- 17. Key and Non-Key Decisions taken under Delegated Powers** (Pages 257 - 258)
- This report provides an overview of decisions taken by individual Cabinet Members since the last meeting of the Cabinet on 11 June 2024.
- 18. Cabinet's Forward Plan** (Pages 259 - 271)
- This report highlights matters on the Cabinet's Forward Plan.

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# Minutes

**Cabinet**  
**Tuesday, 11 June 2024**



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

**Date of publication – 17 June 2024**  
**Call in expiry 24 June, decisions can**  
**be implemented (provided no call-in)**  
**on 25 June 2024.**

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**The Leader:** Councillor Ashley Baxter, Leader of the Council (Chairman)(none)

## **Cabinet Members present**

Councillor Rhys Baker, Cabinet Member for Environment and Waste  
Councillor Richard Cleaver, Cabinet Member for Property and Public Engagement  
Councillor Phil Dilks, Cabinet Member for Planning  
Councillor Philip Knowles, Cabinet Member for Corporate Governance and Licensing  
Councillor Virginia Moran, Cabinet Member for Housing  
Councillor Rhea Rayside, Cabinet Member for People and Communities

## **Non-Cabinet Members present**

Councillor Tim Harrison

## **Officers**

Karen Bradford, Chief Executive  
Richard Wyles, Deputy Chief Executive and Section 151 Officer  
Alison Hall-Wright, Director of Housing  
Graham Watts, Assistant Director (Governance and Public Protection) and Monitoring Officer  
Emma Whittaker, Assistant Director of Planning  
Chris Prime, Communications Manager  
Debbie Roberts, Head of Corporate Projects, Policy and Performance  
James Welbourn, Democratic Services Manager (Deputy Monitoring Officer)  
Patrick Astill, Communications Officer

## **1. Apologies for absence**

The Leader of the Council welcomed everyone to the meeting.

He thanked those that had taken part in the events related to the 80<sup>th</sup> anniversary of D-Day.

The Leader also thanked Inspire Plus for inviting him and the Chief Executive to the 'Mini-Olympics', a fantastic event where over 700 young children had taken part in a sports event at Grantham Meres Stadium.

An apology for absence was received from Councillor Paul Stokes.

Councillor Virginia Moran was welcomed to her first Cabinet meeting.

## **2. Minutes of the previous meeting**

The minutes of the meeting held on 7 November 2023 were re-confirmed as a correct record.

The minutes of the meeting held on 14 May 2024 were also confirmed as a correct record.

## **3. Disclosure of Interests**

There were no disclosures of interests.

## **4. Contract Award for New Build Housing Scheme for 21 units at Larch Close, Grantham**

The Contract Award for New Build Housing Scheme for 21 units at Larch Close, Grantham was **DEFERRED** until a future meeting of Cabinet in order that the value for money proposal could be revisited.

The Leader explained that it was vital to ensure a scheme of such scale and cost provided value for money to the Housing Revenue Account whilst also meeting the needs of those in housing need.

## **5. Local Development Scheme (2024 - 2027)**

### Purpose of report

To ask Cabinet to approve the revised Local Development Scheme (2024-2027) which included a change to the Local Plan timetable.

### Decision

That Cabinet approves the revised Local Development Scheme 2024-2027 (attached as Appendix A to the report).

### Alternative options considered and rejected

The alternative of not reviewing the Local Development Scheme was discounted. Failing to keep the Local Development Scheme up to date would have contravened the statutory requirements of the Planning and Compulsory Planning Act 2004 (as amended by the Localism Act 2011) and Town and Country Planning (Local Planning) (England) Regulations 12.

## Reasons for decision

Following the adoption of the Local Plan in January 2020, the Council embarked on a Local Plan review to take it up to 2041. In line with the Local Development Scheme Regulation 18 the draft Local Plan was published for an 8-week consultation in February 2024. The consultation attracted c1500 responses from members of the public and relevant stakeholders. To ensure each comment was carefully considered the timetable had been revised to allow the Council to properly process these representations and incorporate any prudent changes into the Local Plan.

The Council had reviewed the scheme and ensured that the timetable was realistic and achievable.

The reason for the decision was to ensure the Council was providing an up-to date position and an accurate timeline for the production of development plan documents. This would ensure that the Council was acting in accordance with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended). Maintaining an up-to-date Local Development Scheme would ensure a transparent process. This was important because the local community and others with an interest in the district could be kept aware of development plan production and stages of consultation.

Supporting the continuity of the planning function in South Kesteven would aid the recovery of the local economy and the economic resilience of the district by providing greater certainty and confidence for future investment and development.

The revised scheme indicated that the next regulatory consultation stage was scheduled for winter 2024/2025, with a submission to the Secretary of State by 30 June 2025, ensuring that the Local Plan was considered under the existing legal framework.

The revised scheme was to be published on the South Kesteven District Council website, and all town and parish councillors in the district would be notified.

Part of the process being undertaken now by Planning officers was the gathering of any petitions on sites in the Local Plan.

There was one error in the report – the Consultation on the Draft Local Plan was completed on 25 April 2024, not 2025.

## **6. Cabinet Forward Plan**

The following updates were provided to members:

- On 12 June the Council would release a video on Grantham being 'open to business'.
- A decision on Mallard Pass by Lincolnshire County Council had been deferred due to the General Election taking place. A decision would not be taken before 4 July 2024.

- Summons for the next Cabinet meeting on 9 July would go out on 1 July, therefore all reports would be marked 'to follow' to ensure that no reports could significantly influence the election on 4 July.

The Forward Plan was noted.

## **7. Members' Open Questions**

There were none.

The meeting closed at 2:17pm.



**SOUTH  
KESTEVEN  
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COUNCIL**



## Cabinet


9 July 2024

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Contract Award for HRA Roofing Services

### Report Author

Andrew Garner – Senior Project Officer – Technical Services

 [andy.garner@southkesteven.gov.uk](mailto:andy.garner@southkesteven.gov.uk)

### Purpose of Report

To obtain approval to enter into a contract with Foster Property Maintenance Limited for the provision of replacing both pitched and flat roof coverings to Council owned dwellings for South Kesteven District Council. The contract would be awarded for an initial period of 2 years with an option to extend for a further 1 plus 1 year.

### Recommendations

#### That Cabinet:

1. Approves the award of a contract to Foster Property Maintenance Limited for the replacement of pitched and flat roof coverings at South Kesteven District Council owned dwellings with an annual contract value of up to £1.5m for a period of 2 years with the option to extend for a further 1 year plus 1 year.

Decision Information	
Is this a Key Decision?	Yes, this is a Key Decision. Yes, has been included on the Forward Plan.
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing
Which wards are impacted?	Grantham, Bourne, Stamford & The Deepings.

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 The 2024/25 HRA Capital Budget includes an approved budget of £1.5m for re-roofing and a total indicative budget for 2025/26 – 2026/27 of £2.46m which can be used to fund the cost of this contract.

Reviewed/Completed by: Paul Sutton, Interim Head of Finance and Deputy S151 Officer

### ***Legal and Governance***

- 1.2 There are no significant legal and governance implications arising from the report which are not already reflected elsewhere in the report, particularly in relation to procurement and compliance with the Council's Contract Procedure Rules.

Reviewed/Completed by: Graham Watts, Monitoring Officer

### ***Procurement***

- 1.3 It is confirmed that a fully compliant procurement process has been completed and the Council's Procurement Lead has been consulted throughout the process.

Reviewed/Completed by: Helen Baldwin, Procurement Lead

## ***Risk and Mitigation***

- 1.4 Any risk will be monitored as part of the contract management process.

Reviewed/Completed by: Tracey Elliott, Governance and Risk Officer

## ***Health and Safety***

- 1.5 As part of the tender documentation, a comprehensive Pre-Construction Information document was provided for all bidders to review and consider the aspects of health & safety associated with the proposed roofing contract.
- 1.6 When the contract is awarded to the successful bidder, a Construction Phase will be requested and must be provided prior to works commencing by the Principle Contractor and this will detail how all the health & safety risks associated with the construction phase will be implemented to minimise the risks or where possible or eliminate them. This will be monitored regularly through the management of the contract

Reviewed/Completed by: Philip Swinton Health, Safety and Compliance Manager

## **2. Background to the Report**

- 2.1 The Council has a clear commitment in its Corporate Plan 2024 – 2027 to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.
- 2.2 The purpose of this report is to seek approval to enter into a contract with Foster Property Maintenance Ltd. the provision of replacing existing roof coverings on South Kesteven District Council's housing stock. The contract would be awarded for an initial period of 2 years with an option to extend for a further 1 year plus 1 year.
- 2.3 The existing roof coverings on the Council dwellings have been in place for a considerable amount of time, many for 60+years, but they are starting to show signs of wear and have become porous. Repair works have been carried out over the years, but they are now coming to the point where they are beyond economical repair and materials are difficult to source to complete effective, lasting repairs.

Flat roof coverings were predominantly of mineral felt with poor levels of thermal performance. The replacements to these roof coverings will be of an improved standard which will both last longer and have a thermal efficiency to a modern standard.

- 2.4 The procurement opportunity was originally tendered as a mini competition using a framework run by Efficiency East Midlands (EEM), for Roofing Services EEM0070. Unfortunately, no tender submissions were received due to suppliers on the framework being unable to tender at the time. This feedback was given to the EEM Framework, and the decision was taken to advertise this procurement opportunity to the open market.
- 2.5 In accordance with the Public Contract Regulations 2015, this Tender opportunity was advertised on the Find a Tender Service (FTS). The Contract Notice (2024/S 000-012041) was dispatched on 12 April 2024 and advised that award of the contract would follow an open procedure. The opportunity was also advertised on Contracts Finder. A total of 36 expressions of interests were initially received which resulted in 10 tender submissions being received to be evaluated.
- 2.6 The Tender was made up of two questionnaire sets: one questionnaire for the selection criteria questions, and one for award criteria questions. The award criteria questions were evaluated as follows:

Evaluation	Weighting
Quality	40%
Price	60%

- 2.7 An evaluation panel was constructed to ensure that individuals assigned to evaluate questions were the most suitable and relevant to the criteria being examined, based upon qualifications and experience. Each question was evaluated by at least two evaluators and their scores, and comments recorded.
- 2.8 Following the completion of the evaluation process, a moderation meeting was held by Welland Procurement on the 11 June 2024. This was attended by both the evaluators and Welland Procurement to review the scores and also to ensure that the scoring had been consistent and the key points in each question had been accounted for. As the scoring was consistent between the evaluators, average scoring was not used.



- 2.9 Following the completion of the evaluation and moderation process the scores awarded to the participants were as follows:

Rank	Bidder	Overall Score
1	Foster Property Maintenance Limited	88.38%
2	Bidder 2	86.00%
3	Bidder 3	78.61%
4	Bidder 4	76.39%
5	Bidder 5	64.54%
6	Bidder 6	54.85%
7	Bidder 7	52.73%
8	Bidder 8	50.57%
9	Bidder 9	42.89%
10	Bidder 10	Disqualified

- 2.10 It is therefore recommended that the contract is awarded to Foster Property Maintenance Ltd for the provision of replacing existing roof coverings on The Council's Housing Stock.

### **3. Key Considerations**

- 3.1 Key areas for consideration are that the existing roof coverings are becoming porous and difficult to effectively maintain which is having a detrimental impact on the structure of Council properties. The replacement of the roof coverings and associated thermal improvements such as increased loft insulation will improve heat retention within the dwellings and potentially lower heating costs. The procurement has gone through a formal process and established a competitive outcome with a best value for money and quality of product.

### **4. Other Options Considered**

- 4.1 Consideration has been given to the option of maintaining the roof coverings, with replacement of failed components and replacing sections of tiles and felt, but these are not cost effective in the long term with replacement being inevitable.

### **5. Reasons for the Recommendations**

- 5.1 The proposed contract award has followed compliant procurement processes and shall provide the Council with the appropriate contracts to aid enable it to deliver the commitment to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.

### **6. Appendices**

- 6.1 Appendix 1 - Roofing Tender Award Report.

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# Procurement Summary Report

## TENDER FOR ROOFING SERVICES SOUTH KESTEVEN DISTRICT COUNCIL DN719436

This report is commercially sensitive (under the Freedom of Information Act 2000 with 2012 updates) and is therefore intended for restricted circulation only. **The report should only be published with the consent of the Lead Council Officer, and after bidder's details and tender submission details (£) have been redacted;** due to the sensitive information it contains relating to the bidder's Tender submissions.

CONTRACT DETAILS	
Lead Officer (Contracting Authority)	South Kesteven District Council
Project ID	DN719436
FTS Reference	2024/S 000-012041
Contract Dates	<u>Start:</u> 01/07/2024 <u>End:</u> 30/06/2026 <u>Extension option:</u> 24 Months
Length of Contract	2 years with an option to extend for 2 years in 1 year increments, making a total of 4 years.
Procurement Value (£)	The budget prior to going to market was in the region of £6,000,000.
Type of Contract	Works
CPV Codes	45260000 - Roof works and other special trade construction works

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## Appendices

- A. [Tender Award Questions](#)
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## 1.0 Introduction

- 1.1 The purpose of this report is to ensure all the pertinent procedures followed for the selection of the Provider(s) to be awarded the Roofing Services for South Kesteven District Council contract are recorded. This is for both the provision of an audit trail, and to enable the appropriate Officer to approve the recommendation as part of the Council's internal governance and accountability arrangements. This report also satisfies the reporting requirements under Regulation 84 of the Public Contract Regulations 2015.
- 1.2 This report is commercially sensitive (under the Freedom of Information Act 2000 with 2012 updates) and is therefore intended for restricted circulation only. **The report should only be published with the consent of the Lead Officer;** due to the sensitive information it contains relating to the bidder's Tender submissions.

## 2.0 The Project

- 2.1 The contract is for the provision of works in respect of roofing replacements and repairs for the residential properties owned by South Kesteven District Council.
- 2.2 This requirement has not been divided into Lots as the Council considers that on this occasion this would not provide any practical, technical or economic benefit.

## 3.0 Pre-procurement Process

- 3.1 This opportunity was originally tendered on a mini competition using a framework run by Efficiency East Midlands (EEM), for Roofing Services EEM0070. Unfortunately, the original tender did not return any submissions due to suppliers being unable to tender at the time. This feedback was given to EEM, and the decision was taken to take this procurement opportunity to the open market. As such it has been much more successful.

## 4.0 Project Governance

- 4.1 Include details of Officer that approved the below, along with the relevant dates.
- PID – Richard Wyles SKDC 06.12.23
  - Budget/spend – Richard Wyles SKDC 06.12.23
  - To make the Tender live – Andy Garner SKDC 12.04.24
  - Accept any relevant abnormalities within the Tender – Andy Garner SKDC 17.05.24
  - Accept/Reject SQ submissions – Charlotte Highcock WP 20.05.24
  - Accept pricing submitted – Charlotte Highcock WP/ Andy Garner SKDC 13.6.24
- 4.2 Include details of the Key Officers:

- Procurement Lead (Welland) Charlotte Highcock (Deputy Head of WP)
- Lead Officer (Contracting Authority) Andy Garner SKDC
- Budget Holder – Andy Garner SKDC

## 5.0 The Public Procurement Process

- 5.1 In accordance with the Public Contract Regulations 2015, this Tender opportunity was advertised on the Find a Tender Service (FTS). The Contract Notice (2024/S 000-012041) was dispatched on 12<sup>th</sup> April 2024 and advised that award of the contract would follow an open procedure. The opportunity was also advertised on Contracts Finder.
- 5.2 On publication of the opportunity, organisations were asked to register their interest via the Council's "ProContract" e-Sourcing portal, where Tender documents were available. A total of 36 expressions of interest were received, resulting in 10 Tender submissions.

## 6.0 Invitation to Tender

- 6.1 The Tender was made up of two questionnaire sets: one questionnaire for the selection criteria questions, and one for award criteria questions.
- 6.2 The award questionnaire was constructed in sections to facilitate evaluation. Some sections carried a percentage weighting (%). For every weighted section, there was at least one question that carried an individual question sub weighting (%). The overall weighting (%) of questions within a section also totalled 100%.
- 6.3 **Selection Criteria**

There were some questions to which an adverse answer may have resulted in the elimination of a bidder. Questions that may have resulted in the elimination of a tender submission (marked as P/F (Pass/ Fail)) are detailed in the table below:

SELECTION CRITERIA QUESTIONS		
Section Title	P/F	Question Number
<b>Important: Please Read</b>	-	-
<b>Part 1: Potential Supplier Information</b>		
<b>Section 1 - Potential supplier information</b>	-	-
<b>Section 2 - Bidding model</b>	-	-
<b>Section 3 - Contact details and declaration</b>	-	-
<b>Part 2: Exclusion Grounds</b>		
<b>Section 2 - Grounds for mandatory exclusion</b>	P/F	
<b>Section 3 - Grounds for discretionary exclusion</b>	P/F	

<b>Part 3: Selection Questions</b>		
<b>Section 4 - Economic and Financial Standing</b>	<b>P/F</b>	
<b>Section 5 - Technical and Professional Ability</b>	<b>P/F</b>	
<b>Section 6 - Modern Slavery Act 2015</b>	<b>P/F</b>	
<b>Section 7 – Insurance</b>	<b>P/F</b>	
<b>Section 8 - Skills and Apprentices</b>	<b>-</b>	<b>-</b>
<b>Section 9 - Health and Safety Project Specific Questions</b>	<b>P/F</b>	
<b>Section 10 - Environment Project Specific Questions</b>	<b>P/F</b>	
<b>Section 11 - Equality Project Specific Questions</b>	<b>P/F</b>	
<b>Section 12 - GDPR Questions</b>	<b>P/F</b>	
<b>Declaration</b>	<b>-</b>	<b>-</b>

#### 6.4 Award Criteria

The award criteria questions considered the merit of the eligible Tenders to identify the most economically advantageous Tender.

The Council evaluated the award criteria as follows:

- A quality assessment worth **40%**; the following criteria, weighting and methodology were applied:

Each bidder's response to each question was evaluated and marked a maximum of 5 marks as per the below scoring matrix:

In the evaluator's reasoned opinion, the response is an:	
<b>5</b>	<b>Excellent Response</b> The response is excellent in relation to the stated requirements of the question. The response provides an excellent level of detail and demonstrates that the bidder's expertise and approach significantly exceeds the Council's minimum requirements such as to provide added value.
<b>4</b>	<b>Strong Response</b> The response is strong in relation to the stated requirements of the question. The response provides a good level of detail and demonstrates that the bidder's expertise and approach exceeds the Council's minimum requirements.
<b>3</b>	<b>Satisfactory Response</b> The response is satisfactory in relation to the stated requirements of the question. The response provides a satisfactory level of detail and demonstrates that the bidder has the necessary expertise to meet the Council's minimum requirements and has a reasonable understanding of what those minimum requirements are.



<b>2</b>	<b>Weak Response</b> The response is weak in relation to the stated requirements of the question. The response provides a low level of detail and provides less than satisfactory evidence to demonstrate that the bidder has the expertise to satisfy the Council's minimum requirements and/or demonstrates some misunderstanding of those requirements.
<b>1</b>	<b>Poor Response</b> The response is poor in relation to the stated requirements of the question. The response provides a very low level of detail. There is a significant lack of evidence to demonstrate that the bidder has the expertise to satisfy the Council's minimum requirements or really understands what those requirements are.
<b>0</b>	<b>Unacceptable Response</b> The response is unacceptable in relation to the stated requirements of the question. The response provides no detail and fails to provide any evidence that the bidder can meet the requirements of the question. <b>OR</b> No answer has been given.

The award criteria questions were split into the following sections:

Section Title	Question Number	Question Sub Weighting (%)
<b>Award Criteria – Quality 40%</b>	1	10%
	2	10%
	3	10%
	4	10%

Bidders were advised that irrespective of the methodology described above, an agreed score for any of the quality questions of '0' or '1' would result in the elimination of their Tender, as the Council requires a minimum quality threshold.

- A price assessment worth **60%**; the following criteria were applied:

Price scores were calculated based on the bidder with the lowest overall compliant price being awarded the full score of 60%. The remaining bids were scored in accordance with the following calculation:

$$= \left( \frac{\text{lowest submitted price}}{\text{potential supplier's submitted price}} \right) \times \text{price weighting}$$

6.5 Bidders were required to submit responses by no later than 12pm noon 17<sup>th</sup> May 2024.

## 7.0 Review of the Selection Criteria

- 7.1 The selection questionnaire responses were reviewed by Charlotte Highcock Deputy Head of Welland Procurement on behalf of South Kesteven District Council.
- 7.2 Another Level Roofing Limited had missed a tick box under section 8. Upon further clarification they provided a response that passed the requirements.

## 8.0 Evaluation of the Award Criteria

- 8.1 An evaluation panel was constructed to ensure that individuals assigned to evaluate questions were the most suitable and relevant to the criteria being examined, based upon qualifications and experience. Each question was evaluated by at least two evaluators and their scores, and comments recorded (see appendix B for details).
- 8.2 Subjective evaluation was undertaken, and initial scores to a maximum of 5 marks were awarded using the scoring matrix above.
- 8.3 A process of moderation for each individual evaluator's scores was undertaken by Welland Procurement. The responses were discussed at a moderation meeting held on 11<sup>th</sup> June 2024, attended by all evaluators and chaired by the moderator.

The moderation meeting enabled the panel to review the scores awarded by each evaluator and agree a moderated score for each question. The meeting also ensured that scoring had been consistent and key points in each question had been accounted for. Average scoring was not used.

In all such cases, following discussion, the moderator concluded the most appropriate mark to be awarded.

- 8.4 Bidder 10 provided a cost that was over 50% lower than the next cheapest option and overall was three times lower than the average bid price submitted. On further investigation, Welland Procurement were able to identify that the price submission did not include the costs for scaffolding which was confirmed in the clarification window of the tender as essential. This was clarified with the supplier and confirmed to be the case. This made the tender submission incomplete and therefore the supplier was eliminated from the process.
- 8.5 Foster Property Services Limited was also sent a clarification to confirm their contract manager details. This response was received and assured the panel.

## 9.0 Results

- 9.1 The evaluation scoring process was devised based upon a maximum score of 100% being available to each bidder as stated in the Tender documentation and outlined above.

9.2 Following the completion of the evaluation and moderation process the scores awarded to the participants were as follows:

1 <sup>st</sup>	Foster Property Maintenance Limited	88.38%
2 <sup>nd</sup>	Bidder 2	86.00%
3 <sup>rd</sup>	Bidder 3	78.61%
4 <sup>th</sup>	Bidder 4	76.39%
5 <sup>th</sup>	Bidder 5	64.54%
6 <sup>th</sup>	Bidder 6	54.85%
7 <sup>th</sup>	Bidder 7	52.73%
8 <sup>th</sup>	Bidder 8	50.57%
9 <sup>th</sup>	Bidder 9	42.89%

DISQUALIFIED – Bidder 10

## 10.0 External Financial Checks

10.1 Financial checks were carried out by the Council on the preferred Provider(s) on 18<sup>th</sup> June 2024. Please see below for details:

Bidder	Risk Indicator	Description of Risk Indicator
<b>Foster Property Services Limited</b>	65	Below Average Risk - Ok to offer limited terms

## 11.0 Risk Implications

11.1 The procurement process has been conducted in accordance with best practice and the Public Contract Regulations 2015, ensuring the principles of transparency, equity and fairness have been adhered to.

11.2 The Council will use a 10-day standstill period following the distribution of the notification letters (after approval has been granted).

11.3 As part of the tender, several risks were identified. The main risks include:

- Lack of responses from the mini competition led to SKDC being concerned there would not be interest in the tender.
- There were a lot of clarifications received in relation to the pricing schedule. However, these were all clarified and all but one of the submissions took into account all information given.
- Tight timescales due to lack of submissions in the first attempt tendering this opportunity.

## 12.0 Recommendation

- 12.1 Following the completion of the procurement process, it is recommended that Foster Property Maintenance Limited is awarded the contract.
- 12.2 Please note the share of the contract which the successful tenderer intends to subcontract to third parties is to be confirmed on contract award.
- 12.3 The name(s) of the main contractor's subcontractors are:
- Nobel Roofing Limited

## 13.0 Next Steps

- 13.1 **The Lead Council Officer must ensure the internal governance/approval process is followed, prior to returning this summary report to Welland Procurement.**
- 13.2 This summary report does not supersede or replace any internal governance/approval process the Council may have.
- 13.3 Once the recommendation has been approved by the appropriate approvers, the preferred bidder and all unsuccessful bidders will be notified of the outcome simultaneously. Subject to the satisfactory return of due diligence, and no legal challenge being received, the Council intends to execute the Contract at the conclusion of the standstill period.

## 14.0 Governance

- 14.1 Signed (Procurement Lead) (redacted)  
Name: Charlotte Highcock  
Job Title and Authority: Deputy Head of Welland Procurement Unit  
Date: 18<sup>th</sup> June 2024
- 14.2 Signed (Lead Council Officer) .....  
Name:  
Job Title and Authority:  
Date:
- 14.3 Signed (Chief Officer/Approver/Budget Holder) .....  
Name:  
Job Title and Authority:  
Date:



## Appendix A – Tender Award Questions

Q No.	Question
1	Delivery of Contract (10%)
2	Good Housing for All (10%)
3	Grow the Economy (10%)
4	Keep SK Clean, Green and Healthy (10%)

## Appendix B – List of Evaluators

Name	Job Title	Authority
Graeme Walden	Senior Inspector	South Kesteven District Council
Andy Garner	Manager	South Kesteven District Council

## Appendix C – Final Scores

See attached Moderations Roofing SKDC Tender



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**



## Cabinet

Tuesday, 9 July 2024

Report of Councillor Rhys Baker,  
Cabinet Member for Environment and  
Waste

## Update on the Grantham Meres Leisure Centre decarbonisation scheme

### Report Author

Serena Brown, Sustainability and Climate Change Manager



[Serena.brown@southkesteven.gov.uk](mailto:Serena.brown@southkesteven.gov.uk)

### Purpose of Report

This report provides an update on the Grantham Meres Decarbonisation Scheme and seeks approval for the procurement of a contractor to undertake the works.

### Recommendations

**That Cabinet:**

- 1. Notes the updates to progress a decarbonisation scheme at Grantham Meres Leisure Centre**
- 2. Delegates authority to the Deputy Chief Executive in consultation with the Cabinet Member for Environment and Waste, to utilise a Framework in order to direct award to a contractor to supply and install Solar PV at Grantham Meres Leisure Centre.**
- 3. Delegates authority to the Deputy Chief Executive in consultation with the Cabinet Member for Environment and Waste, to utilise a Framework in order to direct award to a contractor to carry out the design and installation of an upgraded low carbon heating system.**

Decision Information	
Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Sustainable South Kesteven
Which wards are impacted?	Grantham Earlesfield

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 The funding of these works will be met by a combination of awarded external funding and a contribution of £492,500 from the Council's Local Priorities Reserve. Due to the time constraints set by the grant conditions, it is recommended that a direct contract award to a contractor is undertaken as this will ensure the works are undertaken within the specified time frame. Once the energy efficiency measures are put in place, this will reduce the energy costs currently being met by the leisure provider – Leisure SK Ltd. Therefore there is an expectation that any future management fee requests by the leisure provider will reflect their reduction in operating expenditure.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

### ***Procurement***

- 1.2 The Compliant procurement routes for the upgrades at Grantham Meres leisure centre are part of the funding agreements with Salix and with Sport England. Officers have been reviewing framework details alongside Welland Procurement. Frameworks identified for both projects have been confirmed as a compliant route to market and a favourable approach given challenging timescales to progress the projects. Above routes to market are compliant.

Completed by: Helen Baldwin (Procurement Lead)



## ***Legal and Governance***

- 1.3 Cabinet was made aware of the plans surrounding the Council's Public Sector Decarbonisation Scheme application at their meeting of 18 January 2024 and recommended the budget amendment to Full Council to ensure the additional contribution of £492,500 was in place to support the bid should it be successful. A delegation was agreed at the Full Council meeting held on 25 January 2024 to enable the Deputy Chief Executive, in consultation with the Portfolio Holder for Finance to accept the grant funding if the application was successful. The terms of the funding as set out by Salix must be adhered to as part of effective delivery and governance of the project.
- 1.4 Cabinet was also made aware of the successful award of funding through the Swimming Pool Support Fund (Phase II) administered by Sport England on 6<sup>th</sup> February 2024, and agreed to accept the funding to install pool covers and additional solar PV panels at Grantham Meres Leisure Centre.

Completed by: James Welbourn, Democratic Services Manager and Deputy Monitoring Officer

## ***Climate Change***

- 1.5 The allocation of funding to the decarbonisation scheme for Grantham Meres Leisure Centre will allow the Council to significantly reduce the energy consumption and carbon emissions from the site. Once installed, the new low-carbon heating system is projected to reduce the energy consumption of the centre significantly, reducing carbon emissions by over 550 tonnes annually. This is equivalent to a quarter of the total 30% by 2030 reduction the Council has committed to make and will put the leisure centre on the path to being net-zero carbon.

Completed by: Serena Brown, Sustainability and Climate Change Manager

## **2. Background to the Report**

- 2.1 South Kesteven District Council made a formal declaration of a climate emergency on 26 September 2019 with cross party support. Alongside this, the Council confirmed the political ambition to reduce the organisation's carbon footprint by at least 30% by 2030, and to endeavour to become net-zero as soon as viable before 2050.
- 2.2 An analysis of the Council's carbon emissions was conducted in 2020, including the operation of the leisure centres within the district. The carbon emissions arising from the centres were found to account for 41% of the Council's operational carbon emissions, representing the single largest area. This is

principally a result of energy used for heating and hot water, as well as electricity to power the centres.

- 2.3 Grantham Meres Leisure Centre, as the largest centre in the district, has a number of facilities including a 25m pool, learner pool and two leisure pools, alongside a gym facility, exercise studios, sports hall and outdoor facilities including 3G football pitch and outdoor running track.
- 2.4 The Centre also has significant utility costs as a result of energy used on site. Under current tariff rates for gas and electricity, an annual cost of over £770k was reported for the main centre for the 2023/24 financial year.
- 2.5 A detailed energy review of the Council's leisure facilities was undertaken by Leisure Energy on behalf of LeisureSK Limited in July 2023, providing an analysis of on-site energy consumption for each of the three centres operating and recommendations for various energy conservation measures and decarbonisation of heating systems.
- 2.6 To achieve a significant reduction in a centre's carbon emissions, all gas consumption for heating systems will need to be replaced. The predominant technology to facilitate this is heat pumps. Due to the high efficiencies of electric heat pumps, there is a net reduction in energy consumption and carbon emissions. Nevertheless, as the technology is electrically powered and electricity remains around four times more expensive than gas, efforts need to be made to design a new system optimally to reduce running costs as well as maximising carbon savings.
- 2.7 Phase 3 of the Public Sector Decarbonisation Scheme (PSDS), worth £1.425bn, was launched by Salix on behalf of the Department for Energy Security and Net Zero in 2021. Phase 3c has up to £230m available for 2024/25. The focus of the scheme is on making public buildings more comfortable and cheaper to heat, alongside helping to decarbonise the public sector estate.
- 2.8 Eligible properties include those owned by a public sector authority. The focus of the scheme is on clean heat, and all applications must remove the vast majority of fossil fuel heating. Successful grant applicants are expected to provide a minimum funding contribution.
- 2.9 Leisure Energy were commissioned to support the Council in developing a detailed application into PSDS, targeting the Grantham Meres Leisure Centre as the site with highest energy consumption. The focus of the bid is on complete removal of the existing series of gas boilers and Combined Heat and Power (CHP) units, and installation of a new Air Source Heat Pump (ASHP) system with supporting design, infrastructure, and project management.

- 2.10 Applicants are expected to provide a minimum co-funding contribution of at least 12% or equivalent to the cost of installing a new fossil fuel based heating system. The application developed includes only the measure of the new air source heat pump system and no other energy efficiency upgrades for the site.

Total grant funding request	£3,587,500
Applicant funding contribution	£492,500
<b>TOTAL project value</b>	<b>£4,080,000</b>

- 2.11 Salix notified South Kesteven District Council on 10 May of their decision to allocate funding to the Council's original proposal for Grantham Meres Leisure Centre.
- 2.12 The key timescales for the delivery of the project are:
- May 2024 – confirm acceptance of grant funding
  - April 2025 – complete detailed technical designs for installation of new low-carbon heating system
  - April 2026 – install and commission new low-carbon heating system
- 2.13 There are a series of conditions which also must be met throughout the project to ensure it is compliant and enable drawdown of grant funding. This includes provision of monthly monitoring reports to Salix on progress, spend and other deliverables.
- 2.14 In addition to the offer of funding via PSDS phase 3c, an existing allocation for Grantham Meres Leisure Centre via the Swimming Pool Support Fund (Phase II) administered by Sport England was awarded for £445,725 to fund installation of pool covers to both pools in the centre as well as installation of additional solar PV panels on available roofspace on the building. In order to adhere to conditions of the SPSF allocation, all works must be completed and the funding claimed by the 31<sup>st</sup> March 2025.
- 2.15 In total, the combination of the funding awards from PSDS phase 3c and the Swimming Pool Support Fund (Phase II), as well as the Council's co-funding contribution to the project will represent an investment of over £4.5 million in Grantham Meres Leisure Centre once completed. The key benefits of the upgrades are set to include:
- Energy reductions and utility cost reductions
    - Measures will reduce energy use, generate electricity and cease gas consumption for the main building, helping to mitigate against the sustained high cost of utilities
  - Improved comfort for building users
    - Heating infrastructure for the building is end of life and the heat demand for the centre struggles to be met at times of peak demand. The upgrades will help to stabilise the internal

temperature of the building and improve the user experience of the facility.

- Significant carbon reductions
  - Reductions of over 550 tonnes of carbon are expected annually once upgrades to the heating system are completed – equivalent to a quarter of the needed 30% carbon reduction the council has committed to make by 2030. The facility will be on track to become a net-zero building.
- Help to ensure ongoing sustainability of the centre
  - Energy costs have increased significantly since 2021, with an annual cost of over £770k reported for the main centre for the 2023/24 financial year. A well-designed and upgraded system will provide the building with required heat the next two decades and stabilise utility costs for the centre.

2.16 The Council is now exploring procurement routes for both the low-carbon heating system upgrades funded via PSDS 3c, and the solar PV installation funded through SPSF, with the potential for being able to direct award to a chosen, suitable supplier, following an authorised and compliant framework. Officers at the Council have been working alongside Welland Procurement to find an appropriate route, due to the tight timeframe and deadlines needing to be met.

2.17 A direct award route has been identified as the most viable, given the tight timeframes to be met for both schemes. The Council have identified two suitable frameworks – UK Leisure Framework and Everything FM. Both frameworks are being evaluated to consider the appropriate delivery model for both projects.

### **3. Key Considerations**

3.1 Officers at the Council and Welland Procurement are continuing to investigate appropriate procurement routes to allow a direct award route to a chosen supplier in order to reach timeframes set out by both Salix and Sport England as a condition of the grant funding awards. This would require delegation to the Deputy Chief Executive and S151 Officer in consultation with the Cabinet Member for Environment and Waste, to enter into an agreement once the framework and direct award has been agreed.

### **4. Other Options Considered**

4.1 Reporting back to Cabinet for delegated authority after the framework route was finalised and contract documents agreed. This would delay the projects significantly due to the next cabinet meeting being in September, which would create a high risk of not meeting deadlines set out by Salix as a condition of the PSDS grant funding, and not meeting deadlines by Sport England as a condition of the grant SPSF funding.

- 4.2 Do not enter into a direct award framework and go to open market tender. Welland procurement have advised an open tender process would conclude in December, which again would delay the project significantly due to open market process, and required authorisations needed, which would create a high risk of not meeting deadlines set out by Salix as a condition of the grant funding and jeopardise any delivery of the solar PV installation.

## **5. Reasons for the Recommendations**

- 5.1 By delegating authority to the Deputy Chief Executive and S151 officer, to enter into an appropriate framework to direct award to a suitable contractor to carry out the required works, using the grant provided from Salix and Sport England, the Council would then be confident that due diligence checks are carried out on the chosen supplier, as part of the framework criteria, and the Council can begin to plan and start required works in line with both the Salix and Sport England grant funding criteria.

## **6. Background Papers**

- 6.1 Environment Overview and Scrutiny Committee – 19<sup>th</sup> March 2024 – [Update on climate change reserve fund.pdf \(southkesteven.gov.uk\)](#)

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SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Cabinet


9 July 2024

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Contract Award for Disabled Adaptations at Council Owned Properties

### Report Author

Andrew Garner – Senior Project Officer – Technical Services

 [andy.garner@southkesteven.gov.uk](mailto:andy.garner@southkesteven.gov.uk)

### Purpose of Report

To seek approval to enter into a contract with Foster Property Maintenance Ltd for the provision of carrying out disabled adaptation works to Council owned dwellings. The contract would be awarded for an initial period of 2 years with the option to extend for a further 1 year plus 1 year.

### Recommendations

**That Cabinet approves the award of a contract to Foster Property Maintenance Ltd for carrying out disabled adaptation works to Council owned dwellings with an annual contract value of up to £520k for a period of 2 years with the option to extend for a further 1 year plus 1 year.**

### Decision Information

Is this a Key Decision?	Yes
Does the report contain any exempt or confidential information not for publication?	<b>No</b>
What are the relevant corporate priorities?	Housing that meets the needs of all residents Healthy and strong communities
Which wards are impacted?	Grantham, Bourne, Stamford & The Deepings.

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 The 2024/25 HRA Capital Budget includes an approved budget of £150k and a total indicative budget for 2025/26 – 2026/27 of £0.738m and the 2024/25 HRA Revenue budget has an approved budget of £350k and a total indicative budget for 2025/26 – 2026/27 of £0.80m for Disabled Adaptation Works which can both be used to fund the cost of this contract.

Completed by: Paul Sutton, Interim Head of Finance and Deputy S151 Officer

### ***Legal and Governance***

- 1.2 There are no significant legal and governance implications arising from the report which are not already reflected elsewhere in the report, particularly in relation to procurement and compliance with the Council's Contract Procedure Rules.

Completed by: Jame Welbourn, Democratic Services Manager and Deputy Monitoring Officer

### ***Procurement***

- 1.3 It is confirmed that a fully compliant procurement process has been completed and the Council's Procurement Lead has been consulted throughout the process.

Reviewed/Completed by: Helen Baldwin, Procurement Lead



### ***Risk and Mitigation***

- 1.4 Any risk will be monitored as part of the contract management process.

Reviewed/Completed by: Tracey Elliott, Governance and Risk Officer

### ***Health and Safety***

- 1.5 As part of the tender documentation, pre-construction information was provided for all bidders to review and consider the aspects of health & safety associated with the proposed disabled adaptation works.
- 1.6 When the contract is awarded to the successful bidder, a Construction Phase will be requested and must be provided before works commence by the Principal Contractor, and this will detail how all the health & safety risks associated with the construction phase of the works will be implemented to minimise the risks where possible or eliminate them. This will be monitored through the management of the contract.

Reviewed/Completed by: Phil Swinton Health, Safety and Compliance Manager

## **2. Background to the Report**

- 2.1 The Council has a clear commitment in its Corporate Plan 2024 – 2027 to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.
- 2.2 The purpose of this report is to seek approval to enter into a contract with Foster Property Maintenance Ltd for the provision of completing disabled adaptation works on the Council's housing stock. The contract would be awarded for an initial period of 2 years with an option to extend for a further 1 year plus 1 year.
- 2.3 The adaptation requests which the Council receives from the Occupational Therapists at Lincolnshire County Council are wide and varied. These range from a simple hand or grabrail through to bathroom conversions to provide level access showering facilities, door widening for wheelchair access, ramps and on rare occasions where alternative solutions cannot be found small extensions to create ground floor bedrooms and shower facilities.
- 2.4 The Council is committed to meeting the needs of its tenants and their household to live independently with privacy and dignity. The Council aims to support people to continue to live independently and comfortably in their homes for as long as possible or, if this is not possible or practical, the council will assist them in finding suitable alternative accommodation typically within its own housing stock.

- 2.5 The procurement opportunity was originally tendered as a mini competition using the Fusion 21 Framework. Unfortunately, no tender submissions were received so the decision was taken to advertise this procurement opportunity to the open market.
- 2.6 The tender opportunity was advertised on Contracts Finder on 10 May 2024. A total of 44 expressions of interests were initially received which resulted in 8 tender submissions being received to be evaluated.
- 2.7 The Tender was made up of two questionnaire sets: one questionnaire for the selection criteria questions, and one for award criteria questions. The award criteria questions were evaluated as follows:

Evaluation	Weighting
Quality	60%
Price	40%

- 2.8 An evaluation panel was constructed to ensure that individuals assigned to evaluate questions were the most suitable and relevant to the criteria being examined, based upon qualifications and experience. Each question was evaluated by three evaluators and their scores, and comments recorded.
- 2.9 Following the completion of the evaluation process, a moderation meeting was held by Welland Procurement on 19 June 2024. This was attended by both the evaluators and Welland Procurement to review the scores and also to ensure that the scoring had been consistent and the key points in each question had been accounted for. As the scoring was consistent between the evaluators, average scoring was not used.
- 2.10 Following the completion of the evaluation and moderation process the scores awarded to the participants were as follows:

Rank	Bidder	Overall Score
1	Foster Property Maintenance Limited	82.75%
2	Bidder 2	76.00%
3	Bidder 3	63.27%
4	Bidder 4	62.12%
5	Bidder 5	60.12%
6	Bidder 6	48.24%
7	Bidder 7	46.19%
8	Bidder 8	45.38%

- 2.11 It is therefore recommended that the contract is awarded to Foster Property Maintenance Ltd for the provision of disabled adaptation on the Council's Housing Stock.

### **3. Key Considerations**

- 3.1 Key areas for consideration are that the disabled adaptation works are required to allow the Council's tenants to continue to live in their homes whilst maintaining independence and to have the ability to carry out day to day activities within their home. Without the adaptation works, some tenants may not be able to safely reside in their home and use basic facilities such as cooking, bathing or bedrooms. The procurement has gone through a formal process and established a competitive outcome with a best value for money and quality of product.

### **4. Other Options Considered**

- 4.1 The option of utilising the Council's own labour resource has also been considered, but given the current demand on resources, this is not considered a viable option.

### **5. Reasons for the Recommendations**

- 5.1 The proposed contract award has followed compliant procurement processes and shall provide the Council with the appropriate contract to enable it to deliver the commitment to ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.

### **6. Appendices**

- 6.1 Appendix 1 – Disabled Adaptation Award Report.

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## Procurement Summary Report

### Tender for Disabled Adaptations to Residential Properties at South Kesteven District Council

This report is commercially sensitive (under the Freedom of Information Act 2000 with 2012 updates) and is therefore intended for restricted circulation only. **The report should only be published with the consent of the Lead Council Officer, and after bidder's details and tender submission details (£) have been redacted;** due to the sensitive information it contains relating to the bidder's Tender submissions.

CONTRACT DETAILS	
Lead Officer (Contracting Authority)	Andy Garner
Project ID	DN723413
FTS Reference	N/A
Contract Dates	<u>Start:</u> 01/07/24 <u>End:</u> 30/06/26 <u>Extension option:</u> 24 Months
Length of Contract	2 years with an option to extend for 2 additional years, making a total of 4 years.
Procurement Value (£)	The budget prior to going to market was in the region of £520,000.00 per annum.
Type of Contract	Works
CPV Codes	45262700-8 - Building alteration work

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- 6.0 [Invitation to Tender](#)
- 7.0 [Review of the Selection Criteria](#)
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## Appendices

- A. [Tender Award Questions](#)
- B. [List of Evaluators](#)
- C. [Final Scores](#)
- D. [Pricing Evaluation](#)

## 1.0 Introduction

- 1.1 The purpose of this report is to ensure all the pertinent procedures followed for the selection of the Provider(s) to be awarded the disabled adaptations to residential properties at South Kesteven District Council contract are recorded. This is for both the provision of an audit trail, and to enable the appropriate Officer to approve the recommendation as part of the Council's internal governance and accountability arrangements. This report also satisfies the reporting requirements under Regulation 84 of the Public Contract Regulations 2015.
- 1.2 This report is commercially sensitive (under the Freedom of Information Act 2000 with 2012 updates) and is therefore intended for restricted circulation only. **The report should only be published with the consent of the Lead Officer;** due to the sensitive information it contains relating to the bidder's Tender submissions.

## 2.0 The Project

- 2.1 The contract is for the provision of the supply of goods and services in respect of delivering major and minor adaptations to identified disabled residents living in some of South Kesteven's 5,900 owned residential properties who have applied for a Disabled Facilities Grant
- 2.2 This requirement has not been divided into Lots as the Council considers that on this occasion this would not provide any practical, technical, or economic benefit.

## 3.0 Pre-procurement Process

- 3.1 An initial meeting was held with the lead officer to discuss the requirement. It was initially agreed that this would be procured using the Fusion21 framework, as this met the requirements of the project. However, the procurement undertaken using the framework resulted in zero bids being submitted. After reviewing the explanations of the suppliers on the framework for not submitting a bid, it was established that they did not have the capacity for the work rather than any specifics relating to the project. Therefore, there was no requirement to amend the specification or tender documents as they did not impact the lack of bids. Following further discussions with the lead officer, it was agreed that the best route to market would be via an open tender.

## 4.0 Project Governance

- 4.1 Include details of Officer that approved the below, along with the relevant dates.
  - PID – Richard Wyles Signed off 06/12/23
  - Budget/spend - Richard Wyles
  - To make the Tender live – Tom Paling 10/05/24
  - Accept any relevant abnormalities within the Tender – Andy Garner



- Accept/Reject SQ submissions – Tom Paling 14/06/24
- Accept pricing submitted – Andy Garner

4.2 Include details of the Key Officers:

- Tom Paling - Procurement Lead (Welland)
- Andy Garner - Lead Officer (Contracting Authority)
- Richard Wyles - Budget Holder

## 5.0 The Public Procurement Process

5.1 This Tender opportunity was advertised on Contracts Finder. The Contract Notice was dispatched on 10<sup>th</sup> May 2024 and advised that award of the contract would follow an open procedure.

5.2 On publication of the opportunity, organisations were asked to register their interest via the Council's "ProContract" e-Sourcing portal, where Tender documents were available. A total of 44 expressions of interest were received, resulting in 8 Tender submissions.

## 6.0 Invitation to Tender

6.1 The Tender was made up of two questionnaire sets: one questionnaire for the selection criteria questions, and one for award criteria questions.

6.2 The award questionnaire was constructed in sections to facilitate evaluation. Some sections carried a percentage weighting (%). For every weighted section, there was at least one question that carried an individual question sub weighting (%). The overall weighting (%) of questions within a section also totalled 100%.

### 6.3 Selection Criteria

There were some questions to which an adverse answer may have resulted in the elimination of a bidder. Questions that may have resulted in the elimination of a tender submission (marked as P/F (Pass/ Fail)) are detailed in the table below:

SELECTION CRITERIA QUESTIONS		
Section Title	P/F	Question Number
<b>Important: Please Read</b>	-	-
<b>Part 1: Potential Supplier Information</b>		
<b>Section 1 - Potential supplier information</b>	-	-
<b>Section 2 - Bidding model</b>	-	-
<b>Section 3 - Contact details and declaration</b>	-	-
<b>Part 2: Exclusion Grounds</b>		

<b>Section 2 - Grounds for mandatory exclusion</b>	<b>P/F</b>	
<b>Section 3 - Grounds for discretionary exclusion</b>	<b>P/F</b>	
<b>Part 3: Selection Questions</b>		
<b>Section 4 - Economic and Financial Standing</b>	<b>P/F</b>	
<b>Section 5 - Technical and Professional Ability</b>	<b>P/F</b>	
<b>Section 6 - Modern Slavery Act 2015</b>	<b>P/F</b>	
<b>Section 7 – Insurance</b>	<b>P/F</b>	
<b>Section 8 - Health and Safety Project Specific Questions</b>	<b>P/F</b>	
<b>Section 9 - Equality Project Specific Questions</b>	<b>P/F</b>	
<b>Section 10 - GDPR Questions</b>	<b>P/F</b>	
<b>Declaration</b>	<b>-</b>	<b>-</b>

#### 6.4 Award Criteria

The award criteria questions considered the merit of the eligible Tenders to identify the most economically advantageous Tender.

The Council evaluated the award criteria as follows:

- A quality assessment worth **60%**; the following criteria, weighting and methodology were applied:

Each bidder's response to each question was evaluated and marked a maximum of 5 marks as per the below scoring matrix:

In the evaluator's reasoned opinion, the response is an:	
<b>5</b>	<b>Excellent Response</b> The response is excellent in relation to the stated requirements of the question. The response provides an excellent level of detail and demonstrates that the bidder's expertise and approach significantly exceeds the Council's minimum requirements such as to provide added value.
<b>4</b>	<b>Strong Response</b> The response is strong in relation to the stated requirements of the question. The response provides a good level of detail and demonstrates that the bidder's expertise and approach exceeds the Council's minimum requirements.
<b>3</b>	<b>Satisfactory Response</b> The response is satisfactory in relation to the stated requirements of the question. The response provides a satisfactory level of detail and demonstrates that the bidder has the necessary expertise to meet the Council's minimum requirements and has a reasonable understanding of what those minimum requirements are.

<b>2</b>	<b>Weak Response</b> The response is weak in relation to the stated requirements of the question. The response provides a low level of detail and provides less than satisfactory evidence to demonstrate that the bidder has the expertise to satisfy the Council's minimum requirements and/or demonstrates some misunderstanding of those requirements.
<b>1</b>	<b>Poor Response</b> The response is poor in relation to the stated requirements of the question. The response provides a very low level of detail. There is a significant lack of evidence to demonstrate that the bidder has the expertise to satisfy the Council's minimum requirements or really understands what those requirements are.
<b>0</b>	<b>Unacceptable Response</b> The response is unacceptable in relation to the stated requirements of the question. The response provides no detail and fails to provide any evidence that the bidder can meet the requirements of the question. <b>OR</b> No answer has been given.

The award criteria questions were split into the following sections:

Section Title	Question Number	Question Sub Weighting (%)
<b>Award Criteria – Quality</b>	1	20%
	2	20%
	3	15%
	4	15%
	5	15%
	6	15%

Bidders were advised that irrespective of the methodology described above, an agreed score for any of the quality questions of '0' or '1' would result in the elimination of their Tender, as the Council requires a minimum quality threshold.

- A price assessment worth 40%; the following criteria were applied:

Price scores were calculated based on the bidder with the lowest overall compliant price being awarded the full score of 40%. The remaining bids were scored in accordance with the following calculation:

$$= \left( \frac{\text{lowest submitted price}}{\text{potential supplier's submitted price}} \right) \times \text{price weighting}$$

6.5 Bidders were required to submit responses by no later than 12:00 noon on the 14<sup>th</sup> June 2024.

## **7.0 Review of the Selection Criteria**

- 7.1 The selection questionnaire responses were reviewed by Tom Paling, Contract & Supply Specialist, Welland Procurement.

## **8.0 Evaluation of the Award Criteria**

- 8.1 An evaluation panel was constructed to ensure that individuals assigned to evaluate questions were the most suitable and relevant to the criteria being examined, based upon qualifications and experience. Each question was evaluated by three evaluators and their scores, and comments recorded (see appendix B for details).
- 8.2 Subjective evaluation was undertaken, and initial scores to a maximum of 5 marks were awarded using the scoring matrix above.
- 8.3 A process of moderation for each individual evaluator's scores was undertaken by Welland Procurement. The responses were discussed at a moderation meeting held on 19<sup>th</sup> June 2024, attended by all evaluators and chaired by the moderator.

The moderation meeting enabled the panel to review the scores awarded by each evaluator and agree a moderated score for each question. The meeting also ensured that scoring had been consistent and key points in each question had been accounted for. Average scoring was not used.

In all such cases, following discussion, the moderator concluded the most appropriate mark to be awarded.

- 8.4 Following the evaluation of the pricing schedules received, two bids were identified as being abnormally low in comparison to the average price quoted. A message was sent to both suppliers via the ProContract system requesting reassurance as to how the overall bid value was reached and how sustainable the pricing is over the life of the agreement.

## **9.0 Bid Clarifications**

- 9.1 A message was sent to Foster Property Maintenance as their initial pricing schedule was incomplete, 3 key figures were missing. Foster Property Maintenance provided an updated pricing schedule within an hour of the request being made.
- A message was sent to both Foster Property Maintenance and Bidder 2, as their pricing fell well below the average quote for the works. Both suppliers provided additional information and assurances that the prices submitted are reasonable. The Lead Officer confirmed these reassurances were sufficient to instil confidence in the prices submitted. The project lead has also reviewed the pricing schedules from a technical perspective to ascertain if the quotes provided were achievable. Additionally, a comparison was done of

the schedule of rates submitted by all 8 suppliers. This was to establish if the suppliers who had submitted the lowest bids were also offering the lowest prices on all items listed. This comparison was reviewed by the lead officer who confirmed all prices were acceptable.

## 10.0 Results

10.1 The evaluation scoring process was devised based upon a maximum score of 100% being available to each bidder as stated in the Tender documentation and outlined above.

10.2 Following the completion of the evaluation and moderation process the scores awarded to the participants were as follows:

1 <sup>st</sup>	Foster Property Maintenance	82.75%
2 <sup>nd</sup>	Bidder 2	76.00%
3 <sup>rd</sup>	Bidder 3	63.27%
4 <sup>th</sup>	Bidder 4	62.12%
5 <sup>th</sup>	Bidder 5	60.12%
6 <sup>th</sup>	Bidder 6	48.24%
7 <sup>th</sup>	Bidder 7	46.19%
8 <sup>th</sup>	Bidder 8	45.38%

## 11.0 External Financial Checks

11.1 Financial checks were carried out by the Council on the preferred Provider(s) on 24<sup>th</sup> June 2024 Please see below for details:

Bidder	Risk Indicator	Description of Risk Indicator
Foster Property Maintenance	65	Below Average Risk - Ok to offer limited terms

## 12.0 Risk Implications

12.1 The procurement process has been conducted in accordance with best practice and the Public Contract Regulations 2015, ensuring the principles of transparency, equity and fairness have been adhered to.

12.2 As part of the tender, several risks were identified. The main risks include:

- There were zero bids submitted when running the tender via a framework, the decision was made to run this as an open tender to ensure a good level of competition.

- Following the initial failed procurement, the feedback from the suppliers was taken into consideration before the new opportunity was published. The reasons for suppliers opting out were not related to the opportunity but the individual supplier's availability to undertake an increased workload.
- During the tender process many clarification questions were received about the pricing schedule. To mitigate this risk and to ensure suppliers were confident in completing the pricing schedule to a good standard, clear responses were provided, and further clarification sought from the lead officer by the procurement officer, where responses were not deemed to be clear enough.
- Two of the pricing schedules submitted by bidders were considered abnormally low. A message was sent to both suppliers seeking reassurance and clarification, their responses were passed to the lead officer who confirmed they were happy to proceed as the reassurance and reasons for the prices submitted were reasonable.

### 13.0 Recommendation

- 13.1 Following the completion of the procurement process, it is recommended that **Foster Property Maintenance Ltd** are awarded the contract.
- 13.2 **All members of the evaluation panel completed a conflict of interest declaration, no conflicts of interest were identified.**

### 14.0 Next Steps

- 14.1 **The Lead Council Officer must ensure the internal governance/approval process is followed, prior to returning this summary report to Welland Procurement.**
- 14.2 This summary report does not supersede or replace any internal governance/approval process the Council may have.
- 14.3 Once the recommendation has been approved by the appropriate approvers, the preferred bidder and all unsuccessful bidders will be notified of the outcome simultaneously. Subject to the satisfactory return of due diligence, and no legal challenge being received, the Council intends to execute the Contract.

### 15.0 Governance

- 15.1 Signed (Procurement Lead) .....(redacted).....

Name: Tom Paling  
Job Title and Authority: Contract & Supply Specialist, Welland Procurement  
Date: 24<sup>th</sup> June 2024

15.2 Signed (Lead Council Officer) .....(Redacted).....  
Name: Andrew Garner  
Job Title and Authority: Senior Project Officer – South Kesteven District Council  
Date: 24<sup>th</sup> June 2024

15.3 Signed (Chief Officer/Approver/Budget Holder) .....  
Name:  
Job Title and Authority:  
Date:

## Appendix A – Tender Award Questions

Question
<p>1. Please Provide evidence of previous contracts, minimum of 2 examples are required, where you have carried out Disabled Adaptation works for similar organisations to SKDC.</p>
<p>2. How will you ensure that sufficient resources are provided to meet the requirements of this contract, especially during periods of high demand?</p> <p>Your response should include as a minimum:</p> <ul style="list-style-type: none"> <li>• How you will structure your team for the full range of required services. Please provide a structure chart (s) to show how this will fit within your existing organisational structure and provide an overview of key personnel along with their roles and responsibilities.</li> <li>• Detail any succession planning you have in place to ensure the continuity of work throughout the length of the Contract.</li> <li>• If you are to bring in additional resources, how will you ensure their competences?</li> <li>• Confirm the team that will be working on this project</li> <li>• Confirm that your team will have the required levels of competence and qualifications required for this contract including examples of relevant experience.</li> </ul>
<p>3. Please describe the daily management routine that will be applied to this contract.</p> <p>Please detail how you will manage communications with residents affected by the work.</p> <p>This may be individual tenants in domestic properties, users of the building or owners of connecting/adjourning buildings. Disruption should be kept to a minimum and in many cases access within and around the property will need to be maintained during the works.</p> <p>Please address each of the following areas within your response.</p> <ul style="list-style-type: none"> <li>• Personnel responsible for communications and liaison before, during and after the work.</li> <li>• Detail the process you intend to use for ensuring tenants and building occupiers are made aware of the works in advance and kept informed throughout.</li> <li>• Explain the process you will use for booking appointments with residents.</li> </ul>
<p>4. Please outline (giving examples) your ability to deliver the works.</p> <p>Details should ideally include approximate timeframes from receipt of survey to attend site, carry out the survey and provide quote.</p> <p>Booking in of works once the contractor has been provided with an order; commencement of work through to completion.</p>
<p>5. Please provide your safeguarding policy or document how will you use our policy to report any concerns staff see. <b>(OUR SKDC POLICY IS ATTACHED)</b></p> <ul style="list-style-type: none"> <li>• How will your staff be made aware of their responsibilities to report safeguarding concerns through supervision / training / induction materials?</li> <li>• Is there a designated safeguarding individual to whom concerns are reported and who knows what action may or should be taken when concerns are raised?</li> <li>• Provide evidence that all members of staff hold a current DBS certificate.</li> </ul>
<p>6. As part of your response, please provide your approach to the following social value priorities:</p>



- Sustainability and Environment
- Local Workforce
- Local Economy
- Bidders' responses should include:
- The key steps required to deliver each of the Social Value measures to demonstrate that achievement of the targets set is reasonable.
- Timeframes for delivery of Social Value targets including key milestones to deliver each measure proposed.
- Clear explanation as to how the Social Value offered will apply directly to this contract and benefit the local communities.
- Resources required to ensure delivery of all the Social Value measures.
- Details as to how the delivery of all the Social Value commitments made will be monitored and measured throughout the contract term to provide clear and regular updates to the Council.
- Considerations to be made to the local authority's outputs and outcomes to be achieved as part of this project.

## Appendix B – List of Evaluators

Name	Job Title	Authority
Andy Garner	Senior Project Officer – Technical Services	South Kesteven District Council
Phil Reynolds	Project Officer – Technical Services	South Kesteven District Council
Amy Kellett	Stock Management Co-Ordinator – Technical Services	South Kesteven District Council

## Appendix C – Final Scores

Question	Weight (%)	Bidder 8	Bidder 4	Foster Property Maintenance	Bidder 7	Bidder 6	Bidder 5	Bidder2	Bidder 3
<b>QUALITY QUESTIONS</b>	<b>60%</b>								
<b>1</b>	<b>20%</b>	12%	16%	16%	8%	8%	12%	12%	12%
<b>2</b>	<b>20%</b>	8%	16%	16%	12%	12%	16%	12%	12%
<b>3</b>	<b>15%</b>	9%	9%	9%	9%	9%	9%	9%	9%
<b>4</b>	<b>15%</b>	6%	9%	12%	9%	9%	12%	9%	12%
<b>5</b>	<b>15%</b>	9%	9%	12%	9%	9%	12%	9%	9%
<b>6</b>	<b>15%</b>	6%	9%	9%	6%	9%	12%	9%	9%
<b>Sub Total (out of 100%)</b>		<b>50%</b>	<b>68%</b>	<b>74%</b>	<b>53%</b>	<b>56%</b>	<b>73%</b>	<b>60%</b>	<b>63%</b>
<b>Sub Total (out of 60%)</b>		<b>30%</b>	<b>40.8%</b>	<b>44.4%</b>	<b>31.8%</b>	<b>33.6%</b>	<b>43.8%</b>	<b>36%</b>	<b>37.8%</b>

PRICE ASSESSMENT	40%								
Sub Total (out of 40%)	15.38%	21.32%	38.35%	14.39%	14.64%	16.32%	40%	25.47%	
TOTAL	45.38%	62.12%	82.75%	46.19%	48.24%	60.12%	76%	63.27%	

#### Appendix D – Pricing Evaluation

<b>Bidder</b>	<b>Total cost</b>	<b>% Score (out of 40%)</b>
Bidder 8	£1,948,569.92	15.38
Bidder 4	£1,405,594.10	21.32
Foster Property Maintenance	£781,571.20	38.35
Bidder 7	£2,083,004.76	14.39
Bidder 6	£2,047,000.00	14.64
Bidder 5	£1,836,320.00	16.32
Bidder 2	£749,241.08	40.00
Bidder 3	£1,176,500.00	25.47



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**



## Cabinet


Tuesday, 9 July 2024

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Contract award supply and install of Stairlifts, through floor lifts and external modular ramps

### Report Author

Tom Amblin-Lightowler, Environmental Health Manager – Environmental Protection & Private Sector Housing

 [tom.amblin-lightowler@southkesteven.gov.uk](mailto:tom.amblin-lightowler@southkesteven.gov.uk)

### Purpose of Report

To obtain approval to enter into a contract with EMS Lifts Ltd for the provision, installation and maintenance of stairlifts, through floor lifts, step lifts and ramps for the Disabled Facility Grants Team and Council Adaptations service covering both private and council owned properties for a period of 3 years with the option to extend by a further 1 year plus 1 year.

### Recommendations

**That Cabinet approves the contract award for the supply, installation and maintenance of stairlifts, through floor lifts, step lifts and external modular ramps to EMS Lifts Ltd with an annual contract value of £120k for a period of 3 years with the option to extend by a further 1 year plus 1 year**

### Decision Information

Is this a Key Decision?	Yes – included on the forward plan
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing Effective council
Which wards are impacted?	All wards

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 The financial implications are set out within the report. The contract costs can be met from the existing Disabled Facilities Grant capital budget.

Completed by: Paul Sutton Interim Head of Finance (Deputy 151)

### ***Procurement***

- 1.2 This tender was a compliant process with no risk to challenge.

Completed by: Helen Baldwin – Procurement Lead

### ***Legal and Governance***

- 1.3 There are no significant legal and governance implications arising from this report.

Completed by: Graham Watts, Monitoring Officer

## **2. Background to the Report**

- 2.1 The Council has a legal obligation under The Housing Grants, Construction and Regeneration Act 1996 to provide adaptations to disabled individuals' properties where they meet the eligibility requirement. This obligation is undertaken via the Disabled Facility Grants Team for those living in the private sector and the Council Adaptations Service for those living in a Council owned property.
- 2.2 The current contract for the Council Adaptations service expires on 30 June 2024 and the pilot for the Private Sector Housing adaptations is not delivering as expected and therefore will not be continuing so the Council there is a requirement to procure a new contractor.
- 2.3 The purpose of this report is to seek approval to enter into a contract with EMS Lifts Ltd for the supply, installation and maintenance of stairlifts, through floor lifts, step lifts and external modular ramps. The contract value is £120,000 per year, with an initial term of 3 years and with the option to extend for two subsequent

years. This totalling a possible contract length of 5 years and a full value of £600,000.

- 2.4 Welland Procurement established that no frameworks were available which met the specification for the contract so an open tender process was followed. The tender opportunity was advertised on Contracts Finder which resulted in 5 tender submissions being received to be evaluated.
- 2.5 The tender was made up of two questionnaire sets: one questionnaire for the selection criteria questions and one for award criteria questions. The award criteria questions were evaluated as follows:

Evaluation Criteria	Weighting
Quality	60%
Price	40%

- 2.6 An evaluation panel was constructed to ensure that individuals assigned to evaluate questions were the most suitable and relevant to the criteria being examined, based upon qualifications and experience. Each question was evaluated by four evaluators and their scores, and comments recorded.
- 2.7 Following the completion of the evaluation process, a moderation meeting was held by Welland Procurement on the 16 May 2024. This was attended by both the evaluators and Welland Procurement to review the scores and also to ensure that the scoring had been consistent and the key points in each question had been accounted for. As the scoring was consistent between the evaluators, average scoring was not used.
- 2.8 Following the moderation meeting one bidder was rejected as they had not met the minimum threshold for the award criteria. The scores awarded to the remaining 4 tenders are as follows:

Rank	Bidder	Overall Score
1	EMS Lifts Ltd	79.02%
2	Bidder 5	74.20%
3	Bidder 4	72.76%
4	Bidder 1	63.55%

- 2.9 It is therefore recommended that EMS Lifts Ltd be awarded the contract with a proposed start date of the 15 July 2024. The full procurement summary report can be found at Appendix A.

### **3. Key Considerations**

- 3.1 The provision of the supply and install of stairlifts, modular ramps, through floor lifts and step lifts is a legal requirement on the Council, in order to meet the needs of or disabled residents. This is in accordance with the Housing Grants, Construction and Regeneration Act 1996.
- 3.2 The Council is unable to undertake this provision internally therefore the only consideration is to award to a suitable external contractor.

### **4. Other Options Considered**

- 4.1 No other options have been considered, this function cannot be delivered in house and the current arrangements are due to end. Therefore this is the only option considered.

### **5. Reasons for the Recommendations**

- 5.1 The current contractual arrangements are ending and following a robust procurement process the successful supplier. Due to the contract value and in accordance with the Constitution, the contract award requires cabinet approval.

### **6. Appendices**

- 6.1 Appendix A – Procurement report summary



# Procurement Summary Report

## TENDER FOR SUPPLY OF STAIRLIFTS, THROUGH FLOOR LIFTS, STEP LIFTS AND EXTERNAL MODULAR ACCESS RAMPS

This report is commercially sensitive (under the Freedom of Information Act 2000 with 2012 updates) and is therefore intended for restricted circulation only. **The report should only be published with the consent of the Lead Council Officer, and after bidder's details and tender submission details (£) have been redacted;** due to the sensitive information it contains relating to the bidder's Tender submissions.

CONTRACT DETAILS	
<b>Lead Officer (Contracting Authority)</b>	Tom Amblin-Lighttower
<b>Project ID</b>	DN716014
<b>FTS Reference</b>	N/A
<b>Contract Dates</b>	<u>Start:</u> 01/06/2024 <u>End:</u> 01/06/2027 <u>Extension option:</u> 12 Months plus a further 12 Months
<b>Length of Contract</b>	3 years with an option to extend for 1 year plus an additional 1 year, making a total of 5 years.
<b>Procurement Value (£)</b>	The budget prior to going to market was in the region of £120,000.00 per annum.
<b>Type of Contract</b>	Works
<b>CPV Codes</b>	44115000-9



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- 3.0 [Pre-procurement Process](#)
- 4.0 [Project Governance](#)
- 5.0 [The Public Procurement Process](#)
- 6.0 [Invitation to Tender](#)
- 7.0 [Review of the Selection Criteria](#)
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- 9.0 [Results](#)
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## Appendices

- A. [Tender Award Questions](#)
- B. [List of Evaluators](#)
- C. [Final Scores](#)
- D. [Pricing Evaluation](#)

## 1.0 Introduction

- 1.1 The purpose of this report is to ensure all the pertinent procedures followed for the selection of the Provider(s) to be awarded the supply of stairlifts, through floor lifts, step lifts and external modular ramps contract are recorded. This is for both the provision of an audit trail, and to enable the appropriate Officer to approve the recommendation as part of the Council's internal governance and accountability arrangements. This report also satisfies the reporting requirements under Regulation 84 of the Public Contract Regulations 2015.
- 1.2 This report is commercially sensitive (under the Freedom of Information Act 2000 with 2012 updates) and is therefore intended for restricted circulation only. **The report should only be published with the consent of the Lead Officer;** due to the sensitive information it contains relating to the bidder's Tender submissions.

## 2.0 The Project

- 2.1 The contract is for the supply and installation of stairlifts, through floor lifts, step lifts, external modular access ramps and enabling works covered by disabled facilities grants or other discretionary grants. In addition to providing stairlift installations to the Private Sector, the successful bidder will also be invited to deliver disabled adaptations to Council owned Housing occupied by council tenants in the district of South Kesteven.

## 3.0 Pre-procurement Process

- 3.1 An initial meeting was held with the Lead Officer to gain an understanding of the requirement and the timescales we were working to. It was established that it would not be possible to utilise a framework as they don't cater to the supply of both stairlifts and ramps, therefore it was deemed this would be an open tender.
- Following a further meeting it was decided to merge two similar procurements, for the supply and fit for private housing and the supply and fit for Council housing.

## 4.0 Project Governance

- 4.1 **Details of Officer that approved the below, along with the relevant dates.**
- **PID – Graham Watts signed off 13 November 2023**
  - **Budget/spend – Graham Watts**
  - **To make the Tender live – Tom Amblin-Lightowler 18<sup>th</sup> March 2024**
  - **Accept any relevant abnormalities within the Tender – Tom Amblin-Lightowler**
  - **Accept/Reject SQ submissions – Tom Paling**
  - **Accept pricing submitted – Tom Amblin-Lightowler**
- 4.2 **Details of the Key Officers:**

- **Procurement Lead (Welland) – Tom Paling**
- **Lead Officer (Contracting Authority) – Tom Amblin-Lightowler**
- **Budget Holder – Graham Watts**

## 5.0 The Public Procurement Process

- 5.1 This Tender opportunity was advertised on Contracts Finder. The Contract Notice was dispatched on 18<sup>th</sup> March 2024 and advised that award of the contract would follow an open procedure.
- 5.2 On publication of the opportunity, organisations were asked to register their interest via the Council's "ProContract" e-Sourcing portal, where Tender documents were available. A total of 27 expressions of interest were received, resulting in 5 Tender submissions.

## 6.0 Invitation to Tender

- 6.1 The Tender was made up of two questionnaire sets: one questionnaire for the selection criteria questions, and one for award criteria questions.
- 6.2 The award questionnaire was constructed in sections to facilitate evaluation. Some sections carried a percentage weighting (%). For every weighted section, there was at least one question that carried an individual question sub weighting (%). The overall weighting (%) of questions within a section also totalled 100%.
- 6.3 **Selection Criteria**

There were some questions to which an adverse answer may have resulted in the elimination of a bidder. Questions that may have resulted in the elimination of a tender submission (marked as P/F (Pass/ Fail)) are detailed in the table below:

<b>SELECTION CRITERIA QUESTIONS</b>		
<b>Section Title</b>	<b>P/F</b>	<b>Question Number</b>
<b>Important: Please Read</b>	-	-
<b>Part 1: Potential Supplier Information</b>		
<b>Section 1 - Potential supplier information</b>	-	-
<b>Section 2 - Bidding model</b>	-	-
<b>Section 3 - Contact details and declaration</b>	-	-
<b>Part 2: Exclusion Grounds</b>		
<b>Section 2 - Grounds for mandatory exclusion</b>	<b>P/F</b>	
<b>Section 3 - Grounds for discretionary exclusion</b>	<b>P/F</b>	
<b>Part 3: Selection Questions</b>		

<b>Section 4 - Economic and Financial Standing</b>	<b>P/F</b>	
<b>Section 5 - Technical and Professional Ability</b>	<b>P/F</b>	
<b>Section 6 - Modern Slavery Act 2015</b>	<b>P/F</b>	
<b>Section 7 – Insurance</b>	<b>P/F</b>	
<b>Section 8 - Skills and Apprentices</b>	-	-
<b>Section 9 - Health and Safety Project Specific Questions</b>	<b>P/F</b>	
<b>Section 10 - Environment Project Specific Questions</b>	<b>P/F</b>	
<b>Section 11 - Equality Project Specific Questions</b>	<b>P/F</b>	
<b>Section 12 - GDPR Questions</b>	<b>P/F</b>	
<b>Declaration</b>	-	-

#### 6.4 Award Criteria

The award criteria questions considered the merit of the eligible Tenders to identify the most economically advantageous Tender.

The Council evaluated the award criteria as follows:

- A quality assessment worth 60%; the following criteria, weighting and methodology were applied:

Each bidder's response to each question was evaluated and marked a maximum of 5 marks as per the below scoring matrix:

In the evaluator's reasoned opinion, the response is an:	
<b>5</b>	<b>Excellent Response</b> The response is excellent in relation to the stated requirements of the question. The response provides an excellent level of detail and demonstrates that the bidder's expertise and approach significantly exceeds the Council's minimum requirements such as to provide added value.
<b>4</b>	<b>Strong Response</b> The response is strong in relation to the stated requirements of the question. The response provides a good level of detail and demonstrates that the bidder's expertise and approach exceeds the Council's minimum requirements.
<b>3</b>	<b>Satisfactory Response</b> The response is satisfactory in relation to the stated requirements of the question. The response provides a satisfactory level of detail and demonstrates that the bidder has the necessary expertise to meet the Council's minimum requirements and has a reasonable understanding of what those minimum requirements are.

<b>2</b>	<b>Weak Response</b> The response is weak in relation to the stated requirements of the question. The response provides a low level of detail and provides less than satisfactory evidence to demonstrate that the bidder has the expertise to satisfy the Council's minimum requirements and/or demonstrates some misunderstanding of those requirements.
<b>1</b>	<b>Poor Response</b> The response is poor in relation to the stated requirements of the question. The response provides a very low level of detail. There is a significant lack of evidence to demonstrate that the bidder has the expertise to satisfy the Council's minimum requirements or really understands what those requirements are.
<b>0</b>	<b>Unacceptable Response</b> The response is unacceptable in relation to the stated requirements of the question. The response provides no detail and fails to provide any evidence that the bidder can meet the requirements of the question. <b>OR</b> No answer has been given.

The award criteria questions were split into the following sections:

Section Title	Question Number	Question Sub Weighting (%)
<b>Award Criteria – Quality</b>	1	20%
	2	20%
	3	15%
	4	15%
	5	15%
	6	15%

Bidders were advised that irrespective of the methodology described above, an agreed score for any of the quality questions of '0' or '1' would result in the elimination of their Tender, as the Council requires a minimum quality threshold.

- A price assessment worth 40%; the following criteria were applied:

Price scores were calculated based on the bidder with the lowest overall compliant price being awarded the full score of 40%. The remaining bids were scored in accordance with the following calculation:

$$= \left( \frac{\text{lowest submitted price}}{\text{potential supplier's submitted price}} \right) \times \text{price weighting}$$

6.5 Bidders were required to submit responses by no later than 3<sup>rd</sup> May 2024.

## 7.0 Review of the Selection Criteria

- 7.1 The selection questionnaire responses were reviewed by Tom Paling, Contract & Supply Specialist, Welland Procurement.

## 8.0 Evaluation of the Award Criteria

- 8.1 An evaluation panel was constructed to ensure that individuals assigned to evaluate questions were the most suitable and relevant to the criteria being examined, based upon qualifications and experience. Each question was evaluated by four evaluators and their scores, and comments recorded (see appendix B for details).
- 8.2 Subjective evaluation was undertaken, and initial scores to a maximum of 5 marks were awarded using the scoring matrix above.
- 8.3 A process of moderation for each individual evaluator's scores was undertaken by Welland Procurement. The responses were discussed at a moderation meeting held on 16<sup>th</sup> May 2024 attended by all evaluators and chaired by the moderator.

The moderation meeting enabled the panel to review the scores awarded by each evaluator and agree a moderated score for each question. The meeting also ensured that scoring had been consistent and key points in each question had been accounted for. Average scoring was not used.

In all such cases, following discussion, the moderator concluded the most appropriate mark to be awarded.

- 8.4 Following the moderation meeting, the following bidders were identified as failing to meet the minimum threshold (%) for the award criteria:
- Bidder 3

## 9.0 Results

- 9.1 The evaluation scoring process was devised based upon a maximum score of 100% being available to each bidder as stated in the Tender documentation and outlined above.
- 9.2 Following the completion of the evaluation and moderation process the scores awarded to the participants were as follows:

1 <sup>st</sup>	Bidder 2	79.02%
2 <sup>nd</sup>	Bidder 5	74.20%
3 <sup>rd</sup>	Bidder 4	72.76%
4 <sup>th</sup>	Bidder 1	63.55%

## 10.0 External Financial Checks

- 10.1 Financial checks were carried out by the Council on the preferred Provider(s) on 21 May 2024. Please see below for details:

Bidder	Risk Indicator	Description of Risk Indicator
EMS Lifts (Bidder 2)	100	Very Low Risk - Ok to offer your best terms

## 11.0 Risk Implications

- 11.1 The procurement process has been conducted in accordance with best practice and the Public Contract Regulations 2015, ensuring the principles of transparency, equity and fairness have been adhered to.

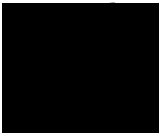
## 12.0 Recommendation


- 12.1 Following the completion of the procurement process, it is recommended that EMS Lifts Ltd are awarded the contract.
- 12.2 All evaluators were required to complete and return a conflict of interest form. No conflicts of interest were declared.


## 13.0 Next Steps

- 13.1 **The Lead Council Officer must ensure the internal governance/approval process is followed, prior to returning this summary report to Welland Procurement.**
- 13.2 This summary report does not supersede or replace any internal governance/approval process the Council may have.
- 13.3 Once the recommendation has been approved by the appropriate approvers, the preferred bidder and all unsuccessful bidders will be notified of the outcome simultaneously. Subject to the satisfactory return of due diligence, the Council intends to execute the Contract.

## 14.0 Governance

- 14.1 Signed (Procurement Lead) .....  .....
- Name: Tom Paling
- Job Title and Authority: Contract & Supply Specialist
- Date: 21<sup>st</sup> May 2024

14.2 Signed (Lead Council Officer)   
Name: Tom Amblin-Lightowler  
Job Title and Authority: Environmental Health Officer  
Date: 31<sup>st</sup> May 2024

14.3 Signed (Chief Officer/Approver/Budget Holder)   
Name: Graham Watts  
Job Title and Authority: Assistant Director (Governance and Public Protection) and  
Monitoring Officer  
Date: 3 June 2024



## Appendix A – Tender Award Questions

Question
1. Please detail how you will manage the contract; please provide the following as a minimum: <ul style="list-style-type: none"> <li>• The main contact for your organisation on this project</li> <li>• A staffing structure for all members of staff on this contract</li> <li>• Details of how you will provide regular updates and communications with the contracting authority.</li> </ul>
2. Please detail how you intend to meet the Key Performance Indicators of this contract.
3. Please explain how you would manage health and safety on this contract. Please demonstrate how all members of staff are made aware of, and trained to adhere to, health and safety measures on site. Please also attach your organisation's health and safety policy.
4. Please provide details of your organisation's Complaints Procedure and Dispute Resolution Processes. Please also provide an example of where you have successfully resolved a complaint.
5. Please provide an indicative risk register for this project in line with the specification. Please also explain how you would mitigate each identified risk.
<p>6. Social Value</p> <p>As part of your response, please provide your approach to the following social value priorities:</p> <ul style="list-style-type: none"> <li>• Sustainability and Environment</li> <li>• Local Workforce</li> <li>• Local Economy</li> <li>• Bidders' responses should include: <ul style="list-style-type: none"> <li>• The key steps required to deliver each of the Social Value measures to demonstrate that achievement of the targets set is reasonable.</li> </ul> </li> <li>• Timeframes for delivery of Social Value targets including key milestones to deliver each measure proposed.</li> <li>• Clear explanation as to how the Social Value offered will apply directly to this contract and benefit the local communities.</li> <li>• Resources required to ensure delivery of all the Social Value measures.</li> <li>• Details as to how the delivery of all the Social Value commitments made will be monitored and measured throughout the contract term to provide clear and regular updates to the Council.</li> <li>• Considerations to be made to the local authority's outputs and outcomes to be achieved as part of this project.</li> </ul>

## Appendix B – List of Evaluators

Name	Job Title	Authority
Tom Amblin-Lightowler	Environmental Health Manager	South Kesteven District Council
Phil Reynolds	Project Officer – Technical Services	South Kesteven District Council
Jo Short	Grants Surveyor – Private Sector Housing	South Kesteven District Council
Vivienne Cann	Senior Housing Grants Officer	South Kesteven District Council

### Appendix C – Final Scores

Question	Weight (%)	AMMCASS	EMS Lifts	J & D Mobility Services	Obam Stairlifts
<b>QUALITY QUESTIONS</b>	<b>60%</b>				
<b>1</b>	<b>20%</b>	12%	16%	12%	16%
<b>2</b>	<b>20%</b>	12%	12%	16%	8%
<b>3</b>	<b>15%</b>	12%	9%	12%	6%
<b>4</b>	<b>15%</b>	9%	12%	9%	9%
<b>5</b>	<b>15%</b>	9%	9%	12%	6%
<b>6</b>	<b>15%</b>	9%	9%	9%	12%
<b>Sub Total (out of 100%)</b>		<b>63%</b>	<b>67%</b>	<b>70%</b>	<b>57%</b>
<b>Sub Total (out of 60%)</b>		<b>37.80%</b>	<b>40.20%</b>	<b>42.00%</b>	<b>34.20%</b>
<b>PRICE ASSESSMENT</b>	<b>40%</b>				
<b>Sub Total (out of 40%)</b>		<b>25.75%</b>	<b>38.82%</b>	<b>30.76%</b>	<b>40.00%</b>
<b>TOTAL</b>		<b>63.55%</b>	<b>79.02%</b>	<b>72.76%</b>	<b>74.20%</b>

### Appendix D – Pricing Evaluation

Bidder	Total cost	% Score (out of 40%)
AMMCASS	£260,065.00	25.75
EMS Lifts	£172,537.50	38.82
J & D Mobility Services	£217,755.00	30.76
Obam Stairlifts	£167,438.00	40.00



SOUTH  
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## Cabinet

9 July 2024

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Housing Revenue Account Asset Acquisition and Disposal Policy

### Report Author

Alison Hall-Wright, Director of Housing

 [alison.hall-wright@southkesteven.gov.uk](mailto:alison.hall-wright@southkesteven.gov.uk)

### Purpose of Report

To provide Cabinet with an opportunity to strengthen the process and delegated authority associated with acquiring or disposing of Housing Revenue Account (HRA) assets.

### Recommendations

**That Cabinet approves amendments to the Housing Revenue Account Asset Acquisition and Disposal to reflect the following:**

- 1. Incorporation of the template attached at Appendix B to demonstrate a business case associated with a proposed acquisition or disposal based on the criteria set out in the Policy.**
- 2. Delegated authority for the acquisition or disposal of HRA assets, as follows:**

***The Chief Executive, Deputy Chief Executive or relevant Director, in consultation with the Cabinet Member responsible for Housing, the Section 151 Officer, and Monitoring Officer, has authority to acquire or seek disposal of Housing Revenue Account Assets up to a value of £500,000, exclusive of any applicable VAT, subject to legal and valuation advice.***

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing
Which wards are impacted?	Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 The proposal set out in this report will strengthen the financial and governance arrangements to ensure value for money is achieved.

Completed by: Richard Wyles, Deputy Chief Executive and S151 Officer

### ***Legal and Governance***

- 1.2 The strengthening of governance, particularly delegated authority relating to decision-making, in respect of the acquisition or disposal of assets is to be welcomed.

Completed by: Graham Watts, Monitoring Officer

## 2. Background to the Report

- 2.1 Cabinet adopted the HRA Asset Acquisition and Disposal Policy on 23 October 2023. This is attached at **Appendix A**.
- 2.2 The Policy sets out the criteria associated with the acquisition of former council homes, the acquisition of strategic land sites and private housing, and the disposal of HRA assets.
- 2.3 In comparison to the process in place regarding the management of General Fund assets, a number of inconsistencies have been identified. For example, the process for HRA acquisitions and disposals does not specify any financial limits or

require any consultation with the relevant Cabinet Member as part of decision-making.

### 3. Key Considerations

- 3.1 Whilst the HRA Asset Acquisition and Disposal Policy does include a criteria for each of the category of acquisition or disposal, the process is not as comprehensive as that which is in place for the General Fund.
- 3.2 General Fund acquisitions or disposals require the completion of a business case, demonstrating where such a proposal meets a specified criteria. The current proforma included in the HRA Asset Acquisition and Disposal Policy does not make any reference to the criteria set out in the Policy and, therefore, does not provide any rationale for justification for the acquisition or disposal based upon the Policy. The template used for General Fund acquisition or disposal proposals is attached at **Appendix B**.
- 3.3 In relation to delegated authority to take decisions with regard to acquisitions or disposals, the following specific delegation exists in relation to the General Fund:

*The Chief Executive, Deputy Chief Executive or relevant Director, in consultation with the Cabinet Member(s) responsible for finance and property, the Section 151 Officer, and Monitoring Officer, has authority to dispose of General Fund Assets up to a value of £2 million, exclusive of any applicable VAT, subject to legal and valuation advice.*

- 3.4 There is no equivalent delegation in place for HRA acquisitions or disposals in terms of clear delegated authority, any consultation with the relevant Cabinet Member(s) or a financial limit. The current process relies upon the completion of a requisition form from the Director of Housing which is subsequently approved by the Chief Finance Officer under existing delegated powers and financial limits set out in the Council's Financial Regulations.
- 3.5 It is therefore proposed that the following delegated authority be put in place for HRA acquisitions or disposals:

*The Chief Executive, Deputy Chief Executive or relevant Director, in consultation with the Cabinet Member responsible for housing, the Section 151 Officer, and Monitoring Officer, has authority to acquire or dispose of Housing Revenue Account Assets up to a value of £500,000, exclusive of any applicable VAT, subject to legal and valuation advice.*

- 3.6 A threshold of £500,000 is considered reasonable in the context of acquisitions or disposals likely to occur in the context of the HRA.

- 3.7 It is also recommended that the template used for General Fund acquisition or disposal proposals is adopted for the HRA and the Policy be amended accordingly to incorporate this.

#### **4. Other Options Considered**

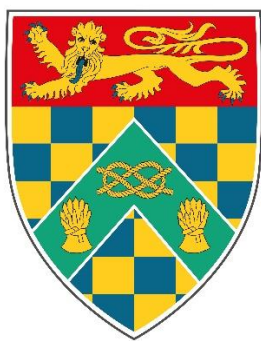
- 4.1 To take no action and retain the existing arrangements.
- 4.2 To consider an amendment to the delegated authority proposed.
- 4.3 To consider an amendment to use of the template proposed.

#### **5. Reasons for the Recommendations**

- 5.1 The introduction of a new template for presenting a business case, identifying how a proposal meets the criteria of the Policy, will strengthen the Council's process in determining whether an acquisition or disposal is necessary or reasonable. This will lead to better informed decision-making.
- 5.2 The proposal also clarifies delegated powers associated with decision-making, ensuring that the Cabinet Member and other key officers are consulted prior to any decisions being made, with a clear financial threshold.

#### **6. Appendices**

- 6.1 Appendix A – HRA Asset Acquisition and Disposal Policy
- 6.2 Appendix B – General Fund Asset and Disposal business case template



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South Kesteven District Council  
Housing Revenue Account  
Asset Acquisition and Disposal Policy  
2023

Service Area		Housing	
Policy Owner		Director of Housing	
Introduced	2023	Last Reviewed	n/a
Version	One	Review Date	2026

Contents

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2. Use of capital receipts acquired through Right to Buy ..... 3

3. Criteria for Acquisition of former council homes..... 3

4. Criteria for Acquisition of strategic land sites and private housing. .... 4

5. Criteria for Disposal of HRA assets..... 5

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7. Appendix B ..... 7



## 1. Introduction

The Councils, Housing Revenue Account Acquisition and Disposal Policy applies to the council's acquisition and disposal of land, development sites, residential properties, former council properties, current housing stock and empty homes acquired using Right to Buy receipts, Sec 106 affordable homes funding or HRA reserves to increase the supply of affordable homes and to bring more empty homes back into use.

## 2. Use of capital receipts acquired through Right to Buy

Under the latest Right to Buy (RTB) regulations owners of former council homes purchased under RTB regulations must, if they wish to re-sell their property within ten years of their initial purchase, offer it to their former landlord (the council), or another social landlord.

Should the sale take place within the first 5 years of their ownership they must also repay a percentage of the RTB discount they have received on the purchase of the property.

Local Authorities have the ability to reinvest RTB receipts within Retention Agreements (so-called 1-4-1 capital receipt agreements) for a period of 5 years. RTB receipts can be used for 30% of the capital costs of purchase and repair of a property or new build on the basis that they provide a one for one replacement for affordable housing (as defined by section 68 (1)(a) of the Housing and Regeneration Act 2008.)

The number of RTB sales over the past five years are shown in the table below.

Year	Number of RTB sales	Receipts £
2022/23	40	3,448,960
2021/22	21	1,645,785
2020/21	28	1,909,290
2019/20	56	3,794,320
2018/19	64	3,649,420

As a result of these sales there is a pressure on the council to spend RTB retained capital receipts for the purposes of replacing social housing. Any underspend of retained capital receipts will have to be returned to the Secretary of State with interest of 4% above the base rate on a day-to-day basis compounded with three monthly rests.

## 3. Criteria for Acquisition of former council homes

It is proposed that former council properties that are offered back to the council for purchase or are for sale on the open market will be assessed and a business case prepared with a recommendation to either purchase or reject the property. We will aim to purchase as many properties as is required to negate the requirement of returning

any RTB receipts. Properties can be purchased through the Right of Return process or through proactive engagement with local estate agents to identify available properties.

The decision to purchase properties will be dependent on a business case and considered on a property-by-property basis which would be determined by the following factors:

- There is a specific housing need for the type, size and location of the property that is being offered, in accordance with the council's housing register.
- A property is considered of strategic importance, for example individual units within a council owned block or located within the council's defined regeneration area.
- The decision to purchase individual properties funded by retained capital receipts will be considered alongside any planned or potential purchase of larger sites/properties.
- Larger sites/properties will be prioritised over individual properties if at any time there is a limit on the availability of the council's retained capital receipts.
- The purchase price and refurbishment costs will be met through RTB receipts and prudential borrowing or resources within the Housing Revenue Account, whichever is determined most financially prudent at the time of purchase.
- The non-availability of any RTB receipts will, however, not restrict the purchase of individual properties if there is still a business case to support the acquisition.
- The viability of the purchase, refurbishment and borrowing costs will be assessed against rent levels as set out in the council's rent policy to ensure that all purchased properties are self-funded and do not exceed the ceiling price. The property is purchased with vacant possession.
- Each party will bear the costs of their own legal and valuation fees.
- Each decision will be made bearing in mind the protected characteristics of the Equality Act.

The following process for the acquisition of former council homes will be adopted:

- Once a property has been identified a HRA Asset Acquisition pro-forma (Appendix A) shall be completed by a Housing Head of Service with sign off from the Director of Housing.
- The pro-forma shall be passed to the Chief Finance Officer or Assistant Director of Finance for authorisation.
- Once authorised the instruction sheet shall be passed to the relevant team/officer or external company for execution.

#### **4. Criteria for Acquisition of strategic land sites and private housing.**

The council are on occasions approached directly by landowners/property owners offering to sell vacant, recently developed housing sites or individual private properties. It is proposed that residential sites offered to the council for sale directly or that become available on the open market are assessed to determine if they meet the council's strategic priorities and a defined local housing need.

The decision to purchase sites will be dependent on a business case informed by the completion of a HRA Asset Acquisition pro-forma (Appendix A) and considered on a site-by-site basis which would be determined by the following factors:

- Due to the financial costs and resources required by the council to purchase

land/properties, larger sites will be prioritised over individual properties if resources are limited at any time.

- The viability of the purchase, new build/refurbishment and borrowing costs will be assessed against rent levels as set out in the council's rent policy to ensure that all development/developed sites/private properties are self-funded.
- The council will undertake land valuations (to be appointed internally or externally depending on the expertise/capacity available at the time) and ground surveys where necessary when considering any purchase of land sites.
- The council will consider the benefit of green spaces in the acquisition and development process.
- The purchase price and refurbishment costs will, in the first instance, be met by RTB receipts with the balance of financed through prudential borrowing or resources within the Housing Capital Programme. The non-availability of any RTB receipts will, however, not restrict the purchase of individual properties if there is still a business case to support the purchase.
- Where RTB receipts are used to purchase sites there is a specific housing need in location that is being offered, in accordance with the council's housing register. Where a site is purchased with existing housing the properties are sold with vacant possession.
- Each party will bear the costs of their own legal and valuation fees.
- Each decision will be made bearing in mind the protected characteristics of the Equality Act.

## **5. Criteria for Disposal of HRA assets.**

The council are on occasions required to consider the disposal of HRA assets, whether that be parcels of land or properties. There can be numerous reasons for disposal of assets, to include, cost prohibitive building types reducing the ability to achieve lettable standards, listed buildings that require extensive and expensive alterations or repairs and small parcels of land that are maintained by the Council that have little value.

The decision to dispose of HRA assets will be considered following the completion of a HRA Asset Disposal pro-forma (Appendix B).

The following process for the disposal of HRA assets will be adopted:

- Once an asset has been identified a HRA Asset Disposal pro-forma (Appendix B) shall be completed by a Housing Head of Service with sign off from the Director of Housing.
- The pro-forma shall be passed to the Chief Finance Officer or Assistant Director of Finance for authorisation.
- Once authorised the instruction sheet shall be passed to the relevant team/officer or external company for execution.
- Each decision will be made bearing in mind the protected characteristics of the Equality Act.

In relation to the disposal of council homes following approval of the proposal the council are required to seek authorisation to dispose from the Secretary of State.

## 6. Appendix A

### **HRA Asset Acquisition pro-forma**

To be completed in accordance with the SKDC HRA Asset Disposal and Acquisition Policy

Date, Monday, 02 October 2023

Prepared by,

Property address,

Site plan,

Valuation (include refurbishment costs)

Rental value per week (48 chargeable weeks per annum), £

Payback period in years =

Housing need to address (Housing, Supply, Homelessness, Development Opportunity, protection of green spaces),

Condition,

EPC,

Bedrooms,

Storeys,

Adaptable,

Parking,

Reason for acquisition,

Funding split, (HRA Capital, 1 for 1, sec 106)

Decision taken by,

Finance comments and sign off,

Authorised by,

## 7. Appendix B

### HRA Asset Disposal pro-forma

To be completed in accordance with the SKDC HRA Asset Disposal and Acquisition Policy

Date, Monday, 02 October 2023

Prepared by,

Property address,

Site plan,

Valuation,

Void cost if applicable, £

Rental value per week (48 chargeable weeks per annum), £

Payback period in weeks = Void cost divided by rental income,

Reason for disposal,

Identification of loss of community asset if relevant,

Decision taken by,

Finance comments and sign off,

Authorised to apply to Secretary of State by,

Authorisation date,

Secretary of State approval, Yes/No

Secretary of State approval date,

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## Identification of HRA Assets for Acquisition or Disposal – Record of Proposal

Date:		Name of asset:	
Asset Classification: Strategic Operational Income generating			
Reason for seeking acquisition or disposal of the asset:			
Proposed method of acquisition or disposal (auction/open market etc)			
Valuation price (if known):		Valuation advice:	
Legal advice (any covenants/title restrictions etc):			
Supporting documentation: RICS valuation Photographs Maps			

## Identification of HRA Assets for Acquisition or Disposal – Record of Proposal

<b>Record of Decision:</b>			
<b>Signature:</b>	<b>Signature:</b>	<b>Signature:</b>	<b>Signature:</b>
<b>Name:</b> Cllr Virginia Moran	<b>Name:</b> Karen Bradford	<b>Name:</b> Richard Wyles	<b>Name:</b> Graham Watts
<b>Date:</b>	<b>Date:</b>	<b>Date:</b>	<b>Date:</b>
<i>Cabinet Member for Housing</i>	<i>Chief Executive</i>	<i>Deputy Chief Exec &amp; S151 Officer</i>	<i>Monitoring Officer</i>





**SOUTH  
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## Cabinet


Tuesday, 9 July 2024

Report of Ashley Baxter  
Leader of the Council and  
Cabinet Member for Finance and  
Economic Development

## Update on the development of the Economic Development Strategy for South Kesteven 2024 – 2028

### Report Author

Nick Hibberd, Head of Economic Development and Inward Investment

 [nick.hibberd@southkesteven.gov.uk](mailto:nick.hibberd@southkesteven.gov.uk)

### Purpose of Report

To inform members of Cabinet on the progress made toward the development of an Economic Development Strategy for South Kesteven 2024 – 2028.

### Recommendations

#### That Cabinet:

1. Notes the content of this report in respect to the development of the Economic Development Strategy including the revised timetable set out in Table 1.
2. Notes that a Workshop for Members of the Finance and Economic Overview and Scrutiny Committee will be held on 15 July 2024 to consider feedback from the recent consultation and its impact on the development of the Economic Development Strategy.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Sustainable South Kesteven Enabling economic opportunities Effective council
Which wards are impacted?	All Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### **Finance**

- 1.1 The development of the Economic Development Strategy is an important part of the work programme of the Committee as it has significant implications for the economic vibrancy of the District. The development of the supporting Action Plan may have financial implications and these will be considered at that time.

*Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer*

### **Legal and Governance**

- 1.2 There are no significant legal or governance implications arising from this report.

*Completed by: Graham Watts, Monitoring Officer*

## 2. Background to the Report

- 2.1 At the 16 April Cabinet meeting, Officers reported progress to Members against indicative milestones, which would see the adoption of an Economic Development Strategy in the Summer of 2024. This included a month-long of consultation starting on 7 May, which was approved by Cabinet.
- 2.2 Between 7 May and 8 June officers wrote directly to Stakeholders introducing the consultation process for the Economic Development Strategy and asking them to visit the Council's website to make representation on the online consultation software. The Stakeholder group included over 250 public sector partners, Town

and Parish Councils, business club representatives and citizens, who had expressed an interest in previous Planning, Economic or similar consultation exercises.

- 2.3 Officers also attended several business clubs or business exhibitions across the district, where a presentation was given or 'flyers' handed out to interested parties. In addition, the SKDC Communications Team broadcast details of the consultation period across the Council's social media channels throughout the four-week period.

### Consultation Feedback Summary

- 2.4 As a result of the consultation, the Council has received more than fifty responses. An early review has identified a number of themes. This non-exclusive list includes:
- **'Connectivity' within the district to maximise economic and social benefit.** Respondents recognised the excellent infrastructure links provided by the A1, A52 and East Coast Mainline, however, noted the rural dimension to the district and the lack on internal connectivity between settlements across South Kesteven and the areas of employment, tourism, and leisure.
  - **Consideration to facilitating a supply of available commercial business premises.** Comments identified that whilst issues around the supply of employment land were considered in the strategy there was limited references to ensuring a supply of commercial premises that will meet the needs of local business; a 'supply side' issue considered to be consistent across the district.
  - **Identification and development of key sectors.** Respondents noted the sectoral approach to supporting new and emerging sectors that will be important in providing new and higher value employment opportunities across South Kesteven, however, they felt the strategy should go further and identify which sectors should be supported.
  - **Further consideration to understand local productivity drivers and inclusion of plans to address them.** The strategy recognises the need to increase productivity locally and the challenges in the relative performance of the district in comparison to the regional and national economies, however, respondents would like the strategy to be more specific on what the local issues are i.e. economic activity rates, skills, company profiles or other.
- 2.5 The full results will require further exploration and thought before the Strategy can be revised to take account of the consultation responses. As part of this process, an update report was taken to Finance Economic Overview Scrutiny Committee (FEOSC) which approved a further Cabinet Member Workshop to be organised for FEOSC Members to discuss the consultation responses. This is scheduled for 17 July following the next FEOSC committee meeting.

- 2.6 This approach will require the previously 'indicative timetable' to be amended to include the following revised dates and milestones, which will be kept under review:

Table 1

<b>Activity</b>	<b>Dates: Previous</b>	<b>Revised</b>
Initial consultation feedback presented back to Finance and Economic Overview & Scrutiny Committee.	27 June 2024	27 June 2024
Cabinet to receive initial consultation feedback. Cabinet had anticipated to agree the final strategy.	9 July 2024	9 July 2024
2 <sup>nd</sup> FEOSC Members Workshop	N/A	17 July 2024
Revised Strategy presented back to Finance and Economic Overview & Scrutiny Committee.	N/A	17 September 2024
Recommendation to Cabinet to approve the final economic development strategy	9 July 2024	8 October 2024

### **3. Key Considerations**

- 3.1 Consultation is an important part of the development of the Strategy. Feedback from stakeholders including local businesses, local representatives and community groups will be invaluable in shaping the Economic Development Strategy and helping officers understand the needs and aspirations of local communities and businesses.

### **4. Other Options Considered**

- 4.1 To move straight to a re-draft, without a second FEOSC Members Workshop.

### **5. Reasons for the Recommendations**

- 5.1 This revised timetable facilitates a request from FEOSC to be regularly updated on progress towards the adoption of an Economic Development Strategy for the District 2024 – 2028 and provides a direct opportunity for Members to fully engage with the process.

## **6. Background Papers**

- 6.1 *A progress update on the new South Kesteven Economic Development Strategy 2023-2028* – Report for Finance, Economic Development and Corporate Services Overview and Scrutiny Committee, published 22 November 2022, available online at:  
<https://moderngov.southkesteven.gov.uk/documents/s36141/Progress%20Update%20on%20new%20South%20Kesteven%20Economic%20Development%20Strategy%202023%20-%202028.pdf>
- 6.2 A report to seek approval for stakeholder consultation in respect to the draft Economic Development Strategy 2024 – 2028 and accompanying action plan. Published April 2024, available online amongst papers for Cabinet held on 16 April 2024.
- 6.3 A report to update members of Finance and Economic Overview and Scrutiny Committee (FEOSC) on the progress made in developing an Economic Development Strategy for South Kesteven 2024 - 2028. Available online amongst papers for FEOSC on 8 May 2024.
- 6.4 A report to the Finance and Economic Overview and Scrutiny Committee (FEOSC) on 27 June 2024 to update Members on the progress made toward the development of an Economic Development Strategy 2024 – 2028.

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**SOUTH  
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COUNCIL**



## Cabinet

9 July 2024

ENV885

Report of Councillor Phillip Knowles,  
Cabinet Member for Corporate  
Governance and Licensing

## Animal Welfare Policy

### Report Author

Heather Green, Licensing Manager

✉ [heather.green@southkesteven.gov.uk](mailto:heather.green@southkesteven.gov.uk)

### Purpose of Report

To provide Cabinet with the opportunity to approve the new Animal Licensing Policy.

### Recommendations

#### That Cabinet:

1. Approves the updated final draft of the South Kesteven District Council Animal Welfare Policy.
2. Delegates to the Deputy Chief Executive, in consultation with the Cabinet Member for Corporate Governance and Licensing, to make minor amendments to the Policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Enabling economic opportunities Effective council
Which wards are impacted?	All Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 There are no direct financial implications associated with the recommendations in this report. The costs associated with delivering the Licensing service are recovered through licensing fees which are reviewed annually by the Council.

Completed by: Richard Wyles, Deputy Chief Executive and s151 Officer

### ***Legal and Governance***

- 1.2 Whilst each individual licensing application or enforcement decision will be judged on its own merits, a Policy ensures a transparent and consistent approach to licensing that will reduce the opportunity for challenge through the Courts. Any departure from the Policy should be based on material evidence and documented giving clear and compelling reasons.

Completed by: Graham Watts, Monitoring Officer

### ***Diversity and Inclusion***

- 1.3 An initial equality impact assessment has been undertaken and is at Appendix 2. This has been reviewed (January 2024) following the consultation and it has not identified any significant negative impacts.

Completed by: Heather Green, Licensing Manager



## ***Community Safety***

- 1.4 The draft Policy outlines conditions and standards for all businesses and relevant individuals seeking a licence under the Animal Welfare legislation outlined in the Policy. Along with the Authority's wider legislative requirements and integration with other guidance, strategies and policies

Completed by: Ayeisha Kirkham Head of Service - Public Protection

## **2. Background to the Report**

- 2.1 This Policy covers the licensing of activities involving animals and the relevant establishments covered within the legislation referenced within the Policy. It sets out the principles the Council will use when dealing with animal related licensing matters. Currently, the Council issues animal welfare licences, for example for the breeding of dogs, in accordance with the Regulations. However South Kesteven District Council currently does not have a policy providing a framework to support this.
- 2.2 There is no statutory requirement for a Local Authority to adopt an Animal Welfare Policy. However, the adoption of an Animal Welfare Policy ("the new Policy") will provide clarity to applicants, partner agencies and the public.
- 2.3 The purpose of animal licensing is to protect animals and ensure their health and wellbeing, as well as providing protection for the public and those using the licensed facility, within the terms of the relevant Acts and legislative Guidance. A Policy provides a framework for Officers and Members to enable consistent decision making and transparency.
- 2.4 Representations have been received from a public speaker at the Environment Overview and Scrutiny Committee meetings on 13 February 2024. Following this, legal advice was sought from Legal Services Lincolnshire.
- 2.5 Further representations were received when the updated draft Policy was published prior to the 4 June 2024 Environment Overview and Scrutiny Committee. Any typographical and grammatical errors have been updated, however the Policy is not meant as a recital of the legislation / regulations and no amendments have been made in respect of that feedback.

## **3. Key Considerations**

- 3.1 To address the concerns outlined during the 13 February 2024 committee meeting, legal advice was received from Legal Services Lincolnshire.
- 3.2 The draft Policy has been updated to reflect that legal advice.

- 3.3 The updated final draft Policy is provided at Appendix 1.

## **4. Other Options Considered**

- 4.1 An Animal Welfare Policy is not necessary and therefore Cabinet can decide that a Policy is not required. The Authority can continue to provide the animal welfare licensing provision in the current manner.

## **5. Reasons for the Recommendations**

- 5.1 A new Animal Welfare Policy supports the Authority in fulfilling its statutory duties associated with Animal Welfare Licensing, providing guidance to the public and for both Officers and Members when decision making.

## **6. Consultation**

- 6.1 The new Policy was considered by Environment Overview and Scrutiny Committee on 3 October 2023 who endorsed it for consultation. The Licensing Committee reviewed the draft new policy on 17 November 2023, no amendments were recommended. The Environment Overview and Scrutiny Committee considered the consultation report at its meeting on 13 February 2024.

## **7. Background Papers**

- 7.1 [Environment Overview and Scrutiny Committee Report and minutes - Tuesday, 3rd October, 2023, 10.00 am | South Kesteven District Council](#)
- 7.2 [Environment Overview and Scrutiny Committee Report and minutes - Tuesday, 13th February, 2024, 10.00 am | South Kesteven District Council](#)
- 7.3 [Current Animal welfare licensing information on website \(https://www.southkesteven.gov.uk/business-trade-and-licensing/licensing/animal-welfare-licensing\)](https://www.southkesteven.gov.uk/business-trade-and-licensing/licensing/animal-welfare-licensing)
- 7.4 [Environment Overview and Scrutiny Committee on Tuesday, 4th June, 2024, 2.00 pm | South Kesteven District Council](#)

## **8. Appendices**

- 8.1 Appendix 1 – Animal Welfare Policy
- 8.2 Appendix 2 – Equality Impact Assessment



SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL

# **Animal Welfare Policy**

**2024**

DRAFT

## Version control

Version	Stage	Date
v1	Environment Overview and Scrutiny Committee (approve for consultation)	03 October 2023
v2	Environment Overview and Scrutiny Committee (following consultation)	13 February 2024
v3	Update following legal advice, represented to Environment Overview & Scrutiny Committee	4 June 2024
v4	Updating of typographical errors and feedback following submission to above Environment Overview & Scrutiny Committee, presentation at Cabinet	9 July 2024

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## **Executive Summary**

This policy covers the licensable activity of Animal Welfare. The legislation covers activities aimed at protecting animals and makes it an offence for any person to possess, own or keep animals in order to carry out certain businesses and sets standards of care. The possession of certain animals or animal related activities within the District of South Kesteven, must be licensed by the Council.

Animal Licensing is controlled in accordance with legislation. Together this legislation provides a scheme of animal welfare and licensing requirements.

This policy will be reviewed every five years but will remain in force beyond this time if no significant changes are required. In the interim, minor amendments to the policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent may be made in accordance with delegated authority.

Decisions taken by the Licensing Authority regarding the determination of Animal Licences will aim to promote the Corporate Plan.

Each application will be determined on its own merits. Decisions can be taken by Officers using delegated powers.

Nothing in this document will bind the Council to a particular course of action, and we will continue to consider each licence application on its merits. Similarly, this policy does not take precedence over any statutory provisions or guidance, or established case law.

Where relevant, the Licensing Authority will consult with other authorities, local people and Members of the Council with their opinion heard through public consultation on this policy and by making representations.

Enforcement of the legislation is a requirement of the Act and is undertaken by the Licensing Authority. This policy describes the Licensing Authority's enforcement principles and follows the principles of the Council's overarching Enforcement Policy, as can be found on the website [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk) .

## 1. Introduction

- 1.1 South Kesteven District Council is one of seven districts in Lincolnshire with a population of approximately 143,400<sup>1</sup>. Two thirds of people live in the four main market towns of Grantham, Stamford, Bourne and the Deepings with the remaining third living in one of over 80 villages and hamlets. With an area of 365 square miles, it is one of the largest districts in the county.
- 1.2 South Kesteven District Council, (hereinafter referred to as the 'Licensing Authority'), is responsible for the licensing of animal welfare activities under various legislation:
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.
  - Dangerous Wild Animals Act 1976.
  - Zoo Licensing Act 1982.
  - Animal Welfare Act 2006.
- 1.3 The Regulations replace previous licensing and registration regimes under the following legislation:
- Pet Animals Act 1951.
  - Animal Boarding Establishments Act 1963.
  - Riding Establishments Act 1964 & 1970.
  - Breeding of Dogs Act 1973.
  - Breeding and Sale of Dogs (Welfare) Act 1999.
  - Performing Animals Act 1925.
- 1.4 This policy sets out the principles the Council will use when dealing with animal related licensing matters. The purpose of animal licensing is to protect animals and ensure their health and wellbeing as well as providing protection for the public and users of those licenced within the terms of the relevant Acts and legislative Guidance.
- 1.5 This policy will cover the following activities for which the Licensing Authority issue licences:
- Animal boarding establishment licences.
  - Horse riding establishment licences.
  - Pet shop licences.
  - Dangerous wild animal licences.
  - Dog breeding establishment licences.
  - Keeping or training animals for exhibition.
  - Zoo licences.
- 1.6 In preparing this policy statement the Licensing Authority has consulted with those listed below and taken in account the views of all the appropriate bodies and organisations who responded:

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<sup>1</sup> <https://www.ons.gov.uk/visualisations/censuspopulationchange/E07000141/>

- The Chief Constable of Lincolnshire Police.
- Lincolnshire Fire and Rescue Authority.
- Lincolnshire Highways Department.
- Town Councils – Stamford & Bourne.
- The public.
- Showman's Guild (Mid Lent Fair)
- Market Traders
- Current licence holders.
- Departments within South Kesteven District Council:
  - Planning
  - Environmental Health - Public Protection (Health & Safety).
  - Public Protection (Environmental Protection).
  - Legal Services.

1.7 Each licence type has its own application process and requirements that the Licensing Authority needs to take into consideration before determining a licence. Details on how to apply for a licence can be found on the Licensing Authorities website [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

1.8 The Acts, Regulations and Statutory Guidance state the criteria which must be satisfied before a licence is granted. Where the relevant licensing officer/inspector is not satisfied that the relevant legal requirements are met, or where a veterinary surgeon has raised concerns that the legal requirements or standards are not met or are unlikely to be met, the applicant for the licence will be notified.

1.9 In undertaking its licensing function, the Licensing Authority is also bound by other legislation, therefore, this Policy should be read in conjunction with this legislation:

- Section 17 of the Crime and Disorder Act 1998 – which imposes a duty on every Local Authority to do all that it reasonably can to prevent crime and disorder in its decision-making process. The duty now extends to anti-social behaviour, substance misuse and behaviour adversely affecting the environment.
- Children Act 2004 and the Care Act 2014 in relation to safeguarding legislation for the protection of children and vulnerable persons.
- The European Convention on Human Rights, which is given effect by the Human Rights Act 1998, which places a duty on public Authorities to protect the rights of individuals in a variety of circumstances.
- The Provision of Services Regulations 2009 to ensure requirements are:
  - i. Non- discriminatory.
  - ii. Justified by an overriding reason relating to the public interest.
  - iii. Proportionate to that public interest objective.
  - iv. Clear and unambiguous.
  - v. Objective.
  - vi. Made public in advance, and
  - vii. Transparent and accessible.



- Disability and age discrimination legislation. South Kesteven District Council is committed to the implementation and application of this policy in such a manner as to ensure that no applicant or other person is treated less favourably on grounds of sex, marital status, race, nationality, ethnicity, national origin, colour, disability or age; nor is disadvantaged by the application of a rule, condition or requirement which has a discriminatory effect, which cannot be justified either in street trade licence terms or as a requirement of law.

## **2. Integrating other Guidance, Policies and Strategies**

- 2.1 The Authority may implement government guidance, such as the House of Lords – Delegated Powers and Deregulation Enforcement Concordat (Twenty-Eighth Report) and internal policies, strategies and initiatives that may impact on the activity within the remit of this policy statement. Subject to the general principles of this policy statement, the officers and/or committee may have to have regard to them when making licensing decisions.
- 2.2 By consulting widely prior to this policy being published and working with our partners at all levels, it is hoped this will generate an alignment between this policy and any that may be developed by partner agencies.
- 2.3 In reaching a decision of whether to grant an animal licence, the Licensing Authority will take account of any non-compliance with other statutory requirements brought to its attention. Non-compliance with statutory requirements may demonstrate that the proposed activity or that the management of such is not appropriate to protect either the animal(s) welfare or the public from harm or nuisance.

## **3. Policy objectives**

- 3.1 This policy is designed to ensure that:
  - Any person who carries on, attempts to carry on or knowingly allows a licensable activity to be carried on, holds a licence in accordance with the relevant legislation.
  - The licence holder is not disqualified from holding a licence in accordance with the requirements of the relevant legislation.
  - The five overarching principles of animal welfare (known as the “five needs”) introduced by the Animal Welfare Act 2006 are upheld in any decision.
  - The safeguarding of any children or vulnerable persons in contact with a licensable activity is ensured, in accordance with relevant legislation.
  - Each application is considered on its own merits.
  - Decisions by the Licensing Authority are transparent and consistent.
- 3.2 In addition, the Licensing Authority will base its licensing regime on the following principles which arise from the responsibilities arising under the Animal Welfare Act 2006:
  - Responsibility to protect the welfare of all fellow creatures.

- Ensuring the welfare of domestic or captive animals by implement appropriate standards that promote the “five needs”.
- Ensuring that those responsible for the management of animal welfare observe recognised standards of good practice.
- Ensuring that, so far as it falls within its powers, the requirements of all animal related legislation is rigorously and pro-actively enforced.

3.3 The “Five Needs” were introduced by the Animal Welfare Act 2006, it introduced the five overarching principles of animal welfare;

**1. The need for a suitable environment**

By providing an appropriate environment, including shelter and a comfortable resting area.

**2. The need for a suitable diet**

By ready access, where appropriate, to fresh water and a diet to maintain full health.

**3. The need to be able to exhibit normal behaviour patterns .**

By providing sufficient space, proper facilities and the company of an animal of its own kind, where appropriate

**4. Any need to be housed with, or apart from, other animals.**

By providing the company of an animal of its own kind, where appropriate

**5. The need to be protected from pain, suffering, injury and disease.**

By prevention or rapid diagnosis and treatment and ensuring conditions and treatment which avoid mental suffering.

**4. Licensable Activities**

The Animal Welfare (licensing of Activities Involving Animals) (England) Regulations 2018

4.1 The Regulations came into force on 1<sup>st</sup> October 2018 and have an impact on establishments licensed under previous animal health legislation. The following require to be licensed:

- Animals for exhibition.
- Catteries.
- Dog day care.
- Dog breeders.
- Home boarders.
- Kennels.
- Pet Shops.
- Riding Establishments.

4.2 A licence is required when any of the licensable activities outlined in Schedule 1 of the Regulations are undertaken. These are:

- Selling animals as pets (Part 2).

- Providing or arranging for the provision of boarding for cats or dogs (including the provision of boarding for cats; kennels for dogs; home boarding for dogs; or day care for dogs (Part 3).
- Hiring out horses (Part 4).
- Breeding dogs (Part 5).
- Keeping or training animals for exhibition (Part 6).

#### Dangerous Wild Animals Act 1976

- 4.3 This legislation requires that a licence is held to keep certain animals considered wild, dangerous or exotic. A full list of the animals is outlined in The Dangerous Wild Animals Act 1976 (Modification) (No.2) Order 2007 (legislation.gov.uk).
- 4.4 The Licensing Authority does not support the licensing of primates under the Dangerous Wild Animal Act 1976 as 'pets' living in domestic premises. Primates are dangerous and highly intelligent animals with complex needs that cannot be met in a home environment. Consideration will be given to applications for animal sanctuaries where it can be evidenced that there is no intention to breed or allow the primates into a home environment.
- 4.5 The position in 4.4 supports The Animal Welfare (Primate Licences) England Regulations 2024, which will come into effect on 6 April 2026. This regulation will require zoo-level welfare standards to enable a primate to be kept in a private setting.

#### Zoo Licensing Act 1981

- 4.6 The legislation outlines requirements for a licence to keep wild animals which are displayed to the public for at least 7 days a year, in a place that is not a circus or a pet shop.

### **5. Who can apply ?**

- 5.1 In accordance with the Regulations, any individual who carries on a licensable activity will be designated as the 'operator' of the business and can apply for a licence, providing they are not disqualified from holding a licence in accordance with the Regulations.
- 5.2 Each licence type has its own application process and requirements that the Licensing Authority takes into consideration before determining a licence. Details on how to apply for a licence can be found on the Licensing Authority's website but must be made in writing on the relevant application form.
- 5.3 The Licensing Authority will consider how the applicant intends to operate their business as they will be assuming responsibility for the welfare of animals, either their own that are being used in the running of their business, or customers animals that they are caring for. The 2018 regulations set out a number of

conditions that the licence holder will need to comply with, and we will be looking for the following when considering the application:

- (a) **Applicant's Experience:** Confidence in the ability to handle and control an animal and a clearly demonstrated knowledge of its welfare needs are a paramount consideration and form part of the conditions in law. Experience over years and/or qualifications will be taken into account.
- (b) **Premise Suitability:** This not only means the condition and security of the premises as a whole but includes any areas in which animals are to be contained. With a view to ensure the sizes of such areas comply with or exceed minimum sizes set out in the Regulation
- (c) **Recording and Storing Information/Records:** Before a premise is inspected, Officers would expect to see templates of client's forms, policies and procedures for the operation of the business that pay particular attention to the record keeping requirements set out in the Regulations including the operator and staff (if employed) development. Future inspections will require the licence holder to produce complete records for the period since the previous licence application/renewal and must be available for inspection upon request.

5.4 An applicant will be granted a licence if the Licensing Authority is satisfied that the licence conditions will be met. In considering this, the Council will take into account whether the applicant is a fit and proper person to be the operator of the activity.

5.5 Legislation does not define the term "fit and proper person" and this policy does not attempt to provide such a definition. The Licensing Authority may consider any issue it deems relevant when making its determination.

5.6 As the term fit and proper is not defined in legislation, the Licensing Authority will consider a "fit and proper person" to be an individual who can demonstrate upon application that they have:

- The right to work in the UK;
- No relevant convictions
- Not been disqualified from holding a licence (by means outlined in the policy);
- The knowledge, experience, compliance history and ability to comply with licence conditions and safeguard the welfare of animals in their care.
- Made suitable management and training arrangements to safeguard and protect any staff and/or members of the public who may be affected by the licensed activity.

This list does not limit the scope of the fit and proper assessment and the Council may take into account other matters, should they be relevant to this licensing process.

## **6. Safeguarding**

- 6.1 Safeguarding is everyone's responsibility, and this Licensing Authority works to promote peoples welfare and to protect them from harm. Councillors and everyone working for South Kesteven District Council has a role to play in identifying safeguarding concerns and taking prompt action when issues are identified, via the relevant reporting mechanisms.
- 6.2 The Animal Welfare Regulations have the aims of maintaining and improving animal welfare standards. However, there are other safeguarding considerations arising from licensable activities, in particular around the protection of children and vulnerable persons and the Licensing Authority must consider these in light of the Children Act 2004 and the Care Act 2014.
- 6.3 The Licensing Authority is aware that some licensable activities may involve unsupervised contact with children and/or vulnerable persons (e.g. the tuition of a young person provided at a Riding Establishment or entertaining at a children's party with an exhibition of animals).
- 6.4 The Licensing Authority expects applicants and licence holders whose activities involve contact with children or vulnerable persons to:
- Have a written safeguarding policy and provide training for staff; and
  - Have a procedure for vetting staff who have unsupervised contact with young/vulnerable persons.

## **6. Relevance of convictions**

- 6.1 In all cases, the Licensing Authority will consider the convictions or behaviour in question and what weight should be attached to it in relation to the applicant's suitability to hold the licence applied for. Every case will be determined on its own merits but in light of these guidelines.
- 7.2 The Licensing Authority will not normally grant a licence to a person with one (or more) convictions for any offence that is related to animal cruelty or suffering. The primary purpose of the Regulations enforced by the Licensing Authority is to ensure the welfare of animals and as such, these types of offences are highly relevant.
- 7.3 In addition, the Licensing Authority has wider obligations to prevent crime and disorder and safeguard both children and vulnerable adults. As a result, the Licensing Authority will not normally grant a licence to a person with one (or more) convictions for any of the following offences:
- Offences involving violence.
  - Possession of a weapon.
  - Sex and indecency offences.
  - Offences involving dishonesty.
  - Offences involving drugs.

- 7.4 Any offences or behaviour not expressly covered by this Policy may still be considered by virtue of any other Guidance, Policies and Strategies outlined in Section 2 above.
- 7.5 The Licensing Authority must ensure that licence holders remain suitable to retain their licence, therefore licence holders must notify the Licensing Authority in writing within 5 working days if any of the following occurs (in relation to the types of offences outlined above):
- They have any type of licence suspended or revoked;
  - Are arrested (whether or not charged with an offence);
  - Are charged with a criminal offence;
  - Are convicted of a criminal offence;
  - Receive any caution or warning;
  - Allegations are made of involvement in criminal activity; or
  - Any pending charges, to include any notices of intended prosecution.
- 7.6 Failing to provide such notification will raise serious questions for the Licensing Authority as to the honesty of the licence holder and may result in a review of the suitability of the licence holder to continue to hold a licence.
- 7.7 Animal Welfare licence holders are not identified as an exempt profession and the Rehabilitation of Offenders Act 1974, and, therefore, the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full. The Licensing Authority will not take into consideration any conviction, caution or similar sanction that is deemed to be spent by virtue of a provision of the 1974 Act or any associated regulations.

## **8. Granting or renewing a licence**

### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 8.1 The guidance produced by DEFRA for licences issued stipulates that once a Licensing Authority receives an application for the grant or renewal of a licence it must do all of the following before granting or renewing a licence:
- The Licensing Authority appoints an appropriately qualified Licensing Authority Inspector and/or vet.
  - The Inspector and/or vet visits the animal activity site and produces a report.
  - The Licensing Authority reviews the report and a copy is sent to the applicant. Any outstanding documents or issues raised as a result of the inspection must be resolved by the applicant.
  - Once the final report has been submitted the Licensing Authority makes a decision to grant or refuse the licence application.
  - The Licensing Authority notifies the applicant.
  - The applicant has a right of appeal to the first tier tribunal for a refusal.

- 8.2 The Licensing Authority aims to issue a decision on a new licence application within 10 weeks of receiving the application. It is possible the process can take longer, for example, if further information is needed.
- 8.3 Applicants will be notified of the need to renew their licence 3 months before it is due to expire. The licence holder must apply to renew a licence at least 10 weeks before their current licence expires. This is to avoid incurring a break in the licensable activity, if they wish to continue to operate the licensable activity.
- 8.4 If following the inspection the applicant meets the requirements for the grant of a licence, they will be required to pay Part B of the application fee. Upon receipt of the payment the applicant will receive the following:
- The Licence with the Star Rating.
  - Details of how the business has been rated, including a list of the higher standards the business currently fails to meet or a list of the minimum standards the business is failing to meet (resulting in a “minor failing” category).
  - A copy of the risk management assessment table.
  - Details of the appeals process and timescales.
  - Details of the application for re-rating scheme.
- 8.5 An animal activity licence will comprise of the licence holder detail and activities they are carrying out, the star rating, a list of conditions and a set of specific conditions relating to the particular activity or activities that have been authorised. Applicants must not operate prior to the grant of any licence, as it is an offence to do so. Any person found guilty of this offence could be prohibited from being granted a licence in the future.

#### Dangerous Wild Animals 1976 and Zoo Licensing Act 1981

- 8.6 These premises are not required to be risk rated and as a result no Star Rating is issued. A licence with relevant conditions only will be provided.

### **9. Veterinary and Other Inspections**

- 9.1 Where Acts or Regulations require an inspection of the premises by a veterinary surgeon, or an Inspector appointed by the Licensing Authority the Licensing Authority will instruct the Vet or approved Inspectors, the cost of which will be recharged to the applicant.
- 9.2 At the time of making the application the applicant must pay to the Licensing Authority the application fee (Part A) and the sum quoted by the vet or approved Inspector. The Licensing Authority will then instruct that vet or approved Inspector and pay the fee.
- 9.3 The purpose of the Licensing Authority instructing the vet or approved Inspector is to avoid any conflict of interest that may arise between the vet or approved Inspector and the applicant.

- 9.4 An inspection, whether this be by an approved inspector or vet (as outlined in the Regulations), will be required on first application and every subsequent renewal. An unannounced visit may take place during the licence duration and following any complaint or concern regarding the animal licence activity.

## 10. Duration of a Licence and Star Rating

### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 10.1 Depending upon the nature of the licensable activity, the duration of the licence may be issued for one, two or three years corresponding to the Star Rating for the establishment. To achieve a star rating the Licensing Authority follows the risk based scoring matrix (detailed below) created by DEFRA, it is not set by South Kesteven District Council.
- 10.2 A copy of the scoring matrix is below:

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>3 Star</b> 2yr licence Min 1 unannounced visit within 24 month period	<b>5 Star</b> 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	<b>1 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>2 Star</b> 1yr licence Min 1 unannounced visit within 12 month period	<b>4 Star</b> 2yr licence Min 1 unannounced visit within 24 month period

- 10.3 The Department for Environment, Food and Rural Affairs (DEFRA) guidance indicates that any member of the Kennel Club Assured Dog Breeder Scheme, of at least three years standing, should be awarded a five-star breeding licence valid for three years. However, the DEFRA guidance advises that significant evidence of poor animal welfare standards or non-compliance found during a Licensing Authority inspection, would enable the Licensing Authority to not grant a five-star licence for 3 years, where the Authority is of the opinion that it is appropriate and justified.
- 10.4 Following the issuing of a star rating, an operator may wish to apply for a 're-rating' following completion of works to rectify any non-compliance or improvements to achieve higher standards. This re-rating is chargeable in accordance with the Council's published fees and charges.



- 10.5 Keeping or training animals for exhibition requires a licence but no star rating is provided. A licence is valid for 3 years.

Dangerous Wild Animals Act 1976

- 10.6 Premises licensed under the Dangerous Wild Animals Act are not risk rated and licences, when issued, are valid for 2 years.

Zoo Licensing Act 1981

- 10.5 Premises licensed under the Zoo Licensing Act are not risk rated and any new premises licence when issued will be valid for 4 years. On renewal, licences will be valid for 6 years.

**11. Appeals to Star Rating**

Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 11.1 The Licensing Authority has an appeals procedure in place for an operator to dispute the star rating given. The inspection report will highlight the inspecting officer's decision on how the risk rating, compliance level and star rating has been achieved. The operator is encouraged to discuss any issues with the inspecting officer in the first instance.
- 11.2 An operator may appeal their star rating if they consider it to be wrong as it does not reflect the standards found at the time of the inspection. Any appeal to the rating must be made in writing to the Licensing Authority within 21 days, from when the star rating is issued.
- 11.3 Any appeal must specifically relate to the standards present at the time of the inspection and will be chargeable.
- 11.4 DEFRA Guidance states that no officer or inspector involved with the initial star rating or inspection should consider an appeal. It also states that the appeal should be determined by the Head of the Department or a designated deputy. Appeals will be determined by the Department/Service Manager. If the operator disagrees with the outcome of the appeal, they can request that the Licensing Authority considers their concerns via the Licensing Authority complaint's procedure. The reviewing officer may or may not visit the premises themselves, this will be left to them to determine.
- 11.5 If the operator disagrees with the outcome of the appeal, they can challenge the decision by means of judicial review. There is also the availability of the Local Government Ombudsman where appropriate if they consider that the Licensing Authority has not made decisions in the correct way.

**12. Standards and conditions**

#### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 12.1 The Regulations include mandatory conditions for each licensable activity and DEFRA have produced statutory guidance. The conditions are divided into two categories, namely 'General Conditions' and 'Specific Conditions'.
- 12.2 Applicants and licence holders are required to meet all the General Conditions and Specific Conditions, although for existing businesses, a minor failing may be noted/recorded providing they do not compromise the welfare of the animals. However, these failings should be predominantly administrative in nature, as highlighted in the relevant statutory guidance.
- 12.3 The higher standards are classified into two categories – mandatory (required) and optional. To qualify as meeting the higher standards the business must achieve all of the required (mandatory) standards as well as a minimum of 50% of the optional higher standards.
- 12.4 Meeting the higher standards is optional but is the only way to gain the highest star rating.

#### Dangerous Wild Animals 1976 and Zoo Licensing Act 1981

- 12.5 The Licensing Authority will impose any condition prescribed in the legislation, suggested by DEFRA or required by the Licensing Authority Inspecting Officer and/or Vet.
- 12.6 Where the Licensing Authority places conditions on a licence they will be based, wherever practicable, on existing codes of best practice and industry standards produced by organisations.

### **13. Refusing an application**

#### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 13.1 The Licensing Authority may refuse to issue a licence if it considers that the applicant cannot meet the licence conditions or has a previous history of non-compliance with licensing conditions or requirements. The Licensing Authority may also refuse a licence if the granting of a licence could have a negative impact on animal welfare or if the level of accommodation, staffing or management is inadequate for the well-being of animals.
- 13.2 A Licence cannot be issued to an operator who has been disqualified, as per regulations.
- 13.3 If a licence is refused under the Regulations, the applicant will have the right of appeal to a First-tier Tribunal within 28 days of the decision notice.

#### Dangerous Wild Animals 1976

13.4 The legislation states that the Licensing Authority shall not grant a licence unless it is satisfied that:

- a) It is not contrary to the public interest on the grounds of safety, nuisance or otherwise to grant the licence;
- b) The applicant for the licence is a suitable person to hold a licence under the relevant Act;
- c) Any animal will at all times of its being kept only under the authority of the licence:
  - i. Be held in accommodation which secures that the animal will not escape, which is suitable as regards constructions, size temperature, lighting, ventilation, drainage and cleanliness and which is suitable for the number of animals proposed to be held in the accommodation, and
  - ii. Be supplied with adequate and suitable food, drink and bedding material and be visited at suitable intervals;
- d) Appropriate steps will be taken for the protection of any animal concerned in case of fire or other emergency;
- e) All reasonable precautions will be taken at all such times to prevent and control the spread of infectious diseases;
- f) While any animal concerned is at the premises where it will normally be held, its accommodation is such that it can take adequate exercise.

13.5 If a licence is refused under the Dangerous Wild Animals Act 1976, the applicant has the right of appeal to the Magistrates Court within 21 days of the decision notice.

#### Zoo Licensing Act 1981

13.7 The legislation states that the Licensing Authority shall refuse a licence when;

- a) It is satisfied that the zoo, or its continuance, would injuriously affect the health or safety of persons living in the neighbourhood of the zoo, or seriously affect the preservation of law and order.
- b) They are not satisfied that it would be able to meet conditions to take forward the relevant conservation measures.

The Licensing Authority may refuse a licence if;

- c) They are not satisfied that the standards of accommodation, staffing or management are adequate for the proper care and well-being of the animals either individually or as a whole, or otherwise for the proper conduct of the zoo.
- d) They are not satisfied that planning permission has been granted for a zoo or the granting of a licence can be suspended until the local planning authority confirm that permission has been, or is deemed to be, granted.

13.8 A licence may also be refused if anyone associated with the zoo has a conviction under the Zoo Licensing Act 1981 or any of the Acts mentioned in the legislation.

- 13.9 If a licence is refused under the Zoo Licensing Act 1981, the applicant has the right of appeal to the Magistrates Court within 28 days of the decision notice.

#### **14. Animal Welfare Licensing & Planning**

- 14.1 Premises maintained or used for an animal based business or activity may require planning permission for that usage. It is advised that licence applicants seek advice from South Kesteven District Council's Planning department prior to making an application for a licence.
- 14.2 Whilst applicants are encouraged to make necessary applications for planning permission before or at the same time as they make application for licence, there is nothing in law which specifically precludes an application for a licence being made before planning consent has been sought.
- 14.3 Planning and Licensing Departments operate as separate regulatory regimes, and the absence of planning permission for a particular site will not serve to prohibit the Licensing Authority from granting a licence. There is no legal basis for the Licensing Authority to refuse a licence application because the business does not have planning permission.
- 14.4 Applicants should note that planning and licensing requirements must both be satisfied prior to the commencement of business operations, and if this is not the case then the applicant will be liable for enforcement action for breaches of the relevant legislation.

#### **15. Variations, Suspension and Revocation of a Licence**

##### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 15.1 The Regulations allow the Licensing Authority to vary a licence:
- a) On the application in writing of the licence holder, or
  - b) On the initiative of the Council, with the written consent of the licence holder.
- 15.2 The Licensing Authority may suspend, vary or revoke a licence without the consent of the licence holder if:
- a) The licence conditions are not being complied with.
  - b) There has been a breach of the Regulations.
  - c) Information supplied by the licence holder is false or misleading.
  - d) It is necessary to protect the welfare of an animal.
- 15.3 A suspension or variation of a licence will take effect 7 working days after the decision has been issued to the licence holder unless the reason is to protect the welfare of an animal, in which case the Licensing Authority may stipulate that the decision is with immediate effect.

- 15.4 A decision to vary or suspend a licence must be notified in writing to the licence holder and will outline the reasons for the decision including any specific actions that can be taken to remedy the situation. The notification will also confirm when the suspension or variation will take effect and the rights of the licence holder to make written representations, as well as any deadlines for remedial action/review timescales.
- 15.5 The decision to vary, suspend or revoke a licence will be dependent on the severity of the situation.
- If an operators fails to meet administrative conditions or provide information when requested, then this could potentially lead to the suspension of a licence. If such a scenario happens repeatedly, the Licensing Authority may consider revocation appropriate.
  - Immediate revocation or suspension of a licence may occur in an instance where poor welfare conditions are discovered, or it would otherwise benefit the welfare of the animals involved to be removed from the activity.
  - Variations can occur if adjustments need to be made, whether that is to the licence itself or to the premises/animals referred to in the licence.
- 15.6 Following the issuing of the notice of suspension or variation, the licence holder will have 7 working days to make written representations. Upon receipt of this the Licensing Authority will decide whether to continue with the suspension or variation of the licence or cancel the decision.
- 15.7 If the licence has been altered with immediate effect to protect the welfare of animals, the Licensing Authority will indicate that this is the reason.
- 15.8 The business must not trade once the suspension of a licence has come into effect and cannot do so until the decision is overturned by the Licensing Authority, due to either the decision being reversed, or it is satisfied that all licence conditions are being met.
- 15.9 Other than the right outlined above (15.6) there is no other right of appeal against the suspension of a licence. After 28 days of suspension the licence must be either revoked or reinstated.
- 15.10 A licence holder may appeal to a First Tier Tribunal if they do not agree with the decision made by the Licensing Authority to vary or revoke the licence. The appeal must be made within 28 days of the decision notice being issued.

#### Dangerous Wild Animals Act 1976

- 15.11 The Licensing Authority can, at any time, add conditions, vary conditions or revoke conditions that are in a Dangerous Wild Animal licence (although any conditions prescribed in the legislation cannot be varied or revoked).

#### Zoo Licensing Act 1981

- 15.12 The Licensing Authority can, at any time, vary, cancel or attach new conditions to a licence if it is considered necessary or desirable to do so for ensuring the proper conduct of the zoo. Prior to doing so, the licence holder will have an opportunity to make representations. If the change is a significant amendment, then an inspection of the premises must be arranged and the report considered, prior to any alteration being made to the licence.
- 15.13 If a licence condition is not being complied with the Licensing Authority can issue a direction requiring compliance, in accordance with the Zoo Licensing Act 1981. The direction will state the steps that the licence holder must take and the period in which they must take them. In addition, the direction can also require the zoo, or part of the zoo, to be closed to the public while the direction is in force. The direction will be revoked once the zoo has complied with the requirements.
- 15.14 In accordance with the Zoo Licensing Act 1981, the Licensing Authority must permanently close a zoo in certain circumstances (e.g. non-compliance with a direction in relation to a conservation measure). The Council also has a discretionary power to close a zoo which may be used for several reasons (e.g. non-compliance with a direction in relation to a conservation measure).

## **16. Status of a licence upon the death of a licence holder**

### Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 16.1 If a licence holder dies, the legislation outlines that the personal representative of the deceased may take on the licence. The Licensing Authority must be informed, by the personal representatives, within 28 days of the death that they are now the licence holder. The licence will remain in place for three months from the death of the former holder or for the rest of the time it was due to remain in force if that time period is shorter. The new licence holder should apply for a new licence before the expiry of this new period, as outlined in 8 – Granting or renewing a licence.
- 16.2 The Licensing Authority can extend the three month period by up to another three months if requested by the personal representative and if they believe this time is needed to wind up the estate of the former licence holder.
- 16.3 If the personal representative does not notify the Licensing Authority within 28 days of the death of the licence holder, the licence will cease to have effect after those 28 days.

### Dangerous Wild Animals Act 1976

- 16.4 If a licence holder dies, the licence will continue for 28 days as if it had been granted to the personal representative. If an application is made for a new licence within this period, the licence will be considered as being still in force pending the grant or refusal of the new application.

### Zoo Licensing Act 1981

- 16.5 If a licence holder dies, the licence will continue for 3 months as if it had been granted to the personal representatives. The Licensing Authority may extend this period if it considers it appropriate to do so.

## **17. Inspections during the term of a licence**

- 17.1 There will be cases where inspections must be carried out during the term of a licence.
- 17.2 For the activity of hiring out horses, there is a requirement for an annual inspection by a listed vet, regardless of the term of the licence. The Licensing Authority must appoint a listed Vet to inspect the premises on which the activity is being carried out before the end of the first year after the licence is granted and then each subsequent year. It is this Licensing Authority's policy that the vet must be independent and not one that is retained by the applicant / licence holder.
- 17.3 Depending on the type of zoo, inspections may be required on an annual basis, but the frequency of inspections can be less if an exemption (or 'dispensation') is in place. Inspections will include visits by the Secretary of States Zoo Inspectors, in addition to licensing inspectors.
- 17.5 Unannounced inspections can be carried out and may be used in the case of complaints or other information that suggests the licence conditions are not being complied with or that the welfare of the animals involved in a licensed activity is at risk.
- 17.6 During the inspection of premises licensed under the Animal Welfare Regulations, the inspector may choose to take samples for laboratory testing from the animals on the premises occupied by an operator. The operator must comply with any reasonable request of an inspector to facilitate the identification, examination and sampling of an animal, including ensuring that suitable restraints are provided if requested.

## **18. Fees and Charges**

- 18.1 The fees for each licence are made up of two parts, Part A and Part B.
- Part A covers the direct costs associated with processing the application and is payable on submission of the application.
  - Part B covers the costs associated with the running of the licensing function. This includes dealing with complaints, enforcement and general administration.
- 18.2 The Part B fee is payable once a decision to grant a licence has been made and must be paid before the licence is issued and becomes operational and valid. It will be a condition of all licences that the licence itself will be inoperable should the Part B fee not be paid.
- 18.3 The Part A fee paid by an applicant who has not been granted a licence will not be refunded.

- 18.4 The fees and charges are reviewed annually and can be viewed on the Council's website [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)

## **19. Qualifications of Inspectors**

- 19.1 As outlined in the Animal Activity Licensing Process: Statutory Guidance for Local Authorities all Licensing Authority Inspectors (whether employed by the Licensing Authority or contracted / appointed) must be suitably qualified.

A suitably qualified person can be any of the following:

- Holds a Level 3 certificate (or equivalent) granted by a body recognised and regulated by the Office of Qualifications and Examinations Regulation (Ofqual). Their certificate must apply to that particular type of activity to count as qualified. The training must cover the application of the licensing conditions for all licensable activities and must contain a practical element.
- Has a formal veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS), together with a relevant RCVS continuing professional development record.

## **20. Enforcement**

- 20.1 The main enforcement and compliance role for the Licensing Authority in terms of animal licensing will be to ensure the welfare of animals. This is done by ensuring compliance with the conditions placed upon the licence and taking action when standards are not met. The Licensing Authority also investigates and will take appropriate action against unlicensed premises.
- 20.2 In carrying out its enforcement duties, the Licensing Authority has adopted a Corporate Enforcement Policy, which is available on our website at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)
- 20.3 The Licensing Authority will appropriately log and investigate complaints regarding animal establishments which are currently licensed or may require a licence. The Licensing Authority will require complainants to provide their name and contact details so that witness evidence may be obtained if required for further action and to try and ensure that a complaint is not malicious nature. When investigating complaints Officers will take care to not reveal the identify of the complainant, unless agreed otherwise, or unless it is necessary for the progression of legal proceedings.
- 20.4 The Licensing Authority aims to maintain a consistent approach when investigating complaints and making decisions. In reaching any decision it will consider, amongst other things, the following criteria:
- Seriousness of any offences or breach of conditions;
  - Operator's past history;
  - Consequence(s) of non-compliance;
  - Likely effectiveness of the various enforcement options;
  - Danger to the welfare of animals and/or public.



- 20.5 The Animal Welfare Act 2006, section 30 allows Licensing Authorities to prosecute offences under that Act.
- 20.6 The post-conviction power from section 34 of the Animal Welfare Act 2006 is in place, whereby a person convicted of an offence under the Act or any relevant regulations may be disqualified from owning, keeping, participating in the keeping of animals and/or from being party to an arrangement under which they can control or influence the way an animal is kept. Disqualification also prohibits the person from transporting or dealing in animals. Breaching these disqualification provisions is an offence.
- 20.7 The post-conviction power from section 42 of the Animal Welfare Act 2006 is also in place whereby a court can cancel an existing licence and disqualify a person from holding a licence for any period it sees fit when that person is convicted of an offence under the Act or any relevant regulations.

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018

- 20.8 The Regulations introduce a range of enforcement powers to allow the Licensing Authority to issue a suspension, variation or revocation notice where licence conditions are not being complied with; where there is a breach of the regulations; or issues relating to the protection of the welfare of an animal.
- 20.9 Anyone who carries on any of the licensable activities without a licence is committing a criminal offence and is liable to imprisonment for a term of up to six months, a fine or both.
- 20.10 It is a criminal offence to breach any licence condition. It is also a criminal offence not to comply with an inspector's request with regards to taking a sample from an animal.
- 20.11 It is a criminal offence to obstruct an inspector who has been appointed by a local authority to enforce the Regulations. Committing any of these offences could result in an unlimited fine.
- 20.12 The Regulations also make provision for the inspectors to take samples for laboratory testing from any animals on premises occupied by an operator, for the purposes of ensuring the licence conditions are being complied with. A licence holder must comply with any reasonable request of an inspector to facilitate the identification and examination of an animal and the taking of samples and, in particular, must arrange the suitable restraint of an animal if so requested by an inspector.
- 20.13 Samples should be as non-invasive as possible; however inspectors may deem more invasive samples necessary if there are concerns over the welfare of the animals. The provision for sampling is primarily aimed at vets carrying out inspections and it is not expected that samples will be taken by those without the training to properly and safely do so.

- 20.14 Additional information about the suspension and revocation of a licence can be found in section 15 of this policy.

#### Dangerous Wild Animals Act 1976

- 20.15 Anyone that keeps a dangerous wild animal without the required licence is committing a criminal offence and is liable for a fine.
- 20.16 It is a criminal offence to breach any licence condition. It is also a criminal offence to obstruct an inspector who has been appointed by the Licensing Authority to enforce the Act. Committing any of these offences could result in a fine.

#### Zoo Licensing Act 1981

- 20.17 Anyone who operates a zoo without the required licence is committing a criminal offence and is liable for a fine.
- 20.18 It is a criminal offence to breach any licence condition. It is also criminal offence to obstruct an inspector who has been appointed by the Licensing Authority to enforce the Act. Committing any of these offences could result in a fine.
- 20.19 Additional information about the suspension and revocation of a licence can be found in Section 15 of this policy.

### **21. Policy Review**

- 21.1 This policy will be reviewed every five years but will remain in force beyond this time if no significant changes are required. In the interim, minor amendments to the policy, such as legislative updates, which may become necessary from time to time to ensure its continued accuracy, but do not affect its direction or intent may be made in accordance with delegated authority.

### **22. Advice and Guidance**

- 22.1 Further information and advice on the animal welfare licensing process can be obtained by contacting South Kesteven District Licensing Authority Licensing team by e-mail at [licensing@southkesteven.gov.uk](mailto:licensing@southkesteven.gov.uk) or by visiting the Business and Licensing area of the Council's website [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

## Appendix 1 - Definitions

**DEFRA:** Department for Environment, Food and Rural Affairs

**Licensing Authority:** South Kesteven District Council

**Licensing Authority Inspector:** An employee of the Licensing Authority, suitably qualified to undertake animal welfare licensing activities and inspections of premises.

**Operator:** An individual who carries on, attempts to carry on or knowingly allows a licensable activity to carry on or is the licence holder of a granted or renewed licence

**Relevant convictions:** Offences outlined in the policy that are not considered spent under the Rehabilitation of Offenders Act 1974, namely:

- 7.2 – Convictions relating to any offence related to animal cruelty or suffering
- 7.3 – Convictions involving violence, Possession of a weapon, Sex and indecency offences, Offences involving dishonesty, Offences involving drug

However this list is not exhaustive and other convictions may be considered relevant due to the legislative requirements placed upon Local Authorities/Licensing Authorities as outlined in Section 2 of the policy.

**Listed Vet:** A person on the Royal College of Veterinary Surgeons list of approved riding establishment inspectors.

**Vet:** A person holding a veterinary qualification recognised by the Royal College of Veterinary Surgeons (RCVS), together with a relevant RCVS continuing professional development record.

**Zoo dispensation:** Some zoos do not need a licence because of the small number of animals, or the type of animal, kept in them. This is known as having a 'dispensation'. The Secretary of State will make a decision on a case-by-case basis as to whether the zoo requires a zoo licence. Usually both of the following must apply:

- Very small zoos (eg. zoos that have no more than around 120 animals).
- Zoos that don't have many different kinds of animals, eg deer parks.

The Secretary of State will also decide if the animals are hazardous or conservation sensitive.

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### Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Animal Welfare Policy
2. Summary of aims and objectives of the policy/funding activity/event	Introduction of an animal welfare policy for the handling of applications, renewals and existing animal licenses for the welfare of animals.
3. Who is affected by the policy/funding activity/event?	Animal licence applicants, users of licensed facilities and members of public (members of public for the purposes of animals escapes etc)
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	Asking Environment Overview and Scrutiny Committee to approve the draft policy and a 4 week consultation starting on 23 October 2023, at which time we can then review feedback/this initial assessment.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	The policy can be reviewed in light of any operational issues found and will be reviewed if there are any guidance or legislative change. This policy will be reviewed every 5 years.

Protected Characteristic	Is there a potential for positive or negative impact?	Please explain and give examples of any evidence/data used	Action to address negative impact e.g. adjustment to the policy <i>(The Action Log below should be completed to provide further detail)</i>
Age	No impact	Age asked for on the application form.  Inspections are undertaken.	The policy sets out the application process, age is not the sole determining factor but extent of knowledge of subject matter and experience. It also seeks to protect service users and the public
Disability	Positive	No disability specific questions on the application.  Inspections are undertaken	The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.  The inspection process can also advise applicants to ensure those with a disability are able to access/use the licensed facility.
Gender Reassignment	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.



Marriage and Civil Partnership	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.
Pregnancy and Maternity	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.
Race	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.
Religion or Belief	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.
Sex	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.
Sexual Orientation	No impact	This protected characteristic does not affect the application or the process.	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual protected characteristic has been put place to ensure standards are met and licences are issued on an equitable basis.



<b>Other Factors requiring consideration</b>			
<b>Socio-Economic Impacts</b>	No impact	Inspections are undertaken	This policy has general protection levels and terms of operating. The policy, whilst not being determined by individual socio-economic status has been put place to ensure standards are met and licences are issued on an equitable basis.
<b>Carers</b> (those who provide unpaid care to a family member, friend or partner)	No impact	Inspections are undertaken.	The policy, whilst not being determined by individual characteristic has been put in to place to ensure standards are met and licences are issued on an equitable basis. The inspection process can also advise applicants to assist those with a caring responsibilities if specific issues are evident/asked.

## Consultation

Negative impacts identified will require the responsible officer to consult with the affected group/s to determine all practicable and proportionate mitigations. Add more rows as required.		
<b>Group/Organisation</b>	<b>Date</b>	<b>Response</b>
Licence Holders	23 10 2023	
Police, Fire & Rescue & other partner agencies	23 10 2023	
Public	23 10 2023	
Stamford & Bourne Town Council	23 10 2023	

## Proposed Mitigation: Action Log

To be completed when barriers, negative impact or discrimination are found as part of this process – to show actions taken to remove or mitigate. Any mitigations identified throughout the EIA process should be meaningful and timely. Add more rows as required.				
<b>Negative Impact</b>	<b>Action</b>	<b>Timeline</b>	<b>Outcome</b>	<b>Status</b>

## Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.	
<b>Question</b>	<b>Explanation / justification</b>



Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?		
<b>Final Decision</b>	<b>Tick</b>	<b>Include any explanation/justification required</b>
1. <b>No barriers</b> identified, therefore activity will <b>proceed</b>		
2. <b>Stop</b> the policy or practice because the data shows bias towards one or more groups		
3. <b>Adapt or change</b> the policy in a way that will eliminate the bias		
4. <b>Barriers and impact identified</b> , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

**Did you consult with an Equality Ally prior to carrying out this assessment? Yes**

### Sign off

<b>Name and job title of person completing this EIA</b>	Heather Green Licensing Team Leader
<b>Officer Responsible for implementing the policy/function etc</b>	Heather Green
<b>Date Completed</b>	08/09/2023
<b>Line Manager</b>	Ayeisha Kirkham
<b>Date Agreed</b> (by line manager)	11 09 2023
<b>Date of Review</b> (if required)	10 01 2024

Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to [equalities@southkesteven.gov.uk](mailto:equalities@southkesteven.gov.uk).

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.





**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**



## Cabinet

Tuesday, 9 July 2024

Report of Councillor Virginia Moran,  
Cabinet Member for Housing

## Empty Homes Strategy

### Report Author

Ayeisha Kirkham, Head of Public Protection  
Mieke Alcock, National Management Trainee

✉ ayeisha.kirkham@southkesteven.gov.uk, mieke.alcock@southkesteven.gov.uk

### Purpose of Report

This report presents the updated Empty Homes Strategy. The Strategy was initially implemented in 2022. The revised version has been updated to reflect changes in the national and local context, providing a framework for the Council's approach to reducing the number of Empty Homes within the district and mitigating their impacts.

This report seeks approval of the updated Empty Homes Strategy, as recommended by Housing Overview and Scrutiny Committee.

### Recommendations

#### That Cabinet:

1. Approves the updated Empty Homes Strategy for adoption and publication.
2. Delegates authority to the Head of Service for Public Protection to make minor amendments to the strategy to ensure continued accuracy.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Housing
Which wards are impacted?	All Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

1.1 There are no financial implications arising from this report.

Completed by: Paul Sutton, Interim Head of Finance (Deputy 151)

### ***Legal and Governance***

1.2 There are no significant legal or governance implications arising from this report.

Completed by: Graham Watts, Monitoring Officer

### ***Diversity and Inclusion***

1.3 This policy provides an outline of the Council's priorities for dealing with empty homes. The need for equality impact analysis should be determined on a case-by-case throughout its implementation.

Completed by: Carol Drury, Community Engagement Manager

## **2. Background to the Report**

- 2.1 In 2022, South Kesteven District Council published an Empty Homes Strategy, outlining the approach of the Council to bring empty homes back into use and address the impacts that they may have on our communities. In the latter part of the last financial year, responsibility for Empty Homes transferred from the Housing Directorate to the Public Protection Service.
- 2.2 An Empty Homes Working Group has now been established, containing a range of officers with a role or interest in empty homes, for example Officers from the Planning team. This operational working group has met twice, in March 2024 and May 2024, and reviewed the previous strategy, identifying that an update was required to reflect recent changes in the national and local context, and to review the approach that SKDC will take to tackling empty homes. The revised strategy is intended to replace the existing strategy.
- 2.3 The Council does not have a statutory responsibility to implement an Empty Homes Strategy, however this is regarded as good practice and aims to provide transparency and consistency in our approach to Empty Homes.
- 2.4 The strategy primarily concerns long term empty homes (LTEH), defined as properties that have been vacant for over two years. There are a variety of risks associated with LTEH, including the attraction of anti-social behaviour, fly tipping and vandalism, visual degradation, and the reduction of housing supply within an area.
- 2.5 Nationally, just over 1% of the UK's housing stock is defined as long term empty, and in England the number of LTEH has increased by nearly ten per cent over the past five years according to a report by the Local Government Association.
- 2.6 Currently the rate of Empty Homes in South Kesteven is in line with the national picture. As of 31 March 2024, there were 661 empty homes within the district. Of these, 497 properties have been empty for between six months and two years, and 164 have been empty for over two years.
- 2.7 While the majority of empty homes reported are privately owned, a small number of these properties are owned by South Kesteven District Council. As of 28 May 2024, there were 15 properties owned by SKDC that had been recorded as empty for over 2 years. As further investigation into Empty Homes takes place, this number may be updated. These properties are not within the scope of the strategy, and may be reviewed and reported on separately by the Voids Team.
- 2.8 The Empty Homes Strategy sets out the Council's response to LTEH, including how properties will be prioritised. It also sets out the tools and powers held by the Council to take enforcement action when deemed necessary.

- 2.9 The updated version of the strategy retains the same focus and core objectives as the previous strategy published in 2022. The priorities listed within the strategy remain the same. The order in which these priorities are listed does not reflect the value of the activities.
- 2.8.1 Priority 1: The Council will identify and work with owners of long term empty properties to bring them back into use for re-occupation
  - 2.8.2 Priority 2: Develop effective partnerships with key stakeholders to bring empty properties back into use.
  - 2.8.3 Priority 3: Improve our neighbourhoods by addressing long term empty homes that have become the focus of anti-social behaviour and neglect.
  - 2.8.4 Priority 4: Provide advice and information to help raise awareness around empty homes.
- 2.10 The Empty Homes Working Group is developing operational guidance to work alongside this strategy and further clarify the process undertaken in response to Empty Homes to ensure a consistent and proportionate approach.
- 2.11 The proposed Empty Homes Strategy was reviewed by Housing Overview and Scrutiny Committee on 6 June 2024. The Committee recommended that Cabinet approve the Empty Homes Strategy.

### **3. Key Considerations**

- 3.1 South Kesteven District Council does not have a statutory duty to have an Empty Homes Strategy, however it is regarded as good practice to do so. The strategy aims to provide transparency and consistency in the way SKDC deals with empty homes.

### **4. Other Options Considered**

- 4.1 Cabinet could recommend that the Empty Homes Strategy is not updated, and that the existing version of the strategy remains in place.
- 4.2 The implementation of an Empty Homes Strategy is not a statutory duty of the Council, and therefore it could be decided not to implement an Empty Homes Strategy.

### **5. Reasons for the Recommendations**

- 5.1 Empty Homes can be a cause of concern for communities. In order to effectively tackle Empty Homes, respond to concerns from residents, and support property owners in bringing their property back into use, it is important that SKDC implements a clear and consistent approach, with teams across the Council working together and sharing knowledge.

- 5.2 This strategy provides a framework for the approach to Empty Homes and aims to lead to a reduction in the number of Empty Homes across the district, as well as mitigate their impacts.
- 5.3 The updates proposed to the strategy ensure that figures and cited information are recent, and that the strategy is updated following changes to the teams holding responsibility for dealing with Empty Homes.

## **6. Consultation**

- 6.1 There is no statutory requirement to undertake consultation for this update to the Empty Homes Strategy. As a result, no consultation is proposed. The strategy provides a guide for the process undertaken when properties have been vacant for over six months, and any legislative action resulting from information contained in the strategy will be undertaken in accordance with the legislative requirements.

## **7. Background Papers**

- 7.1 Local Government Association – Article containing information about Empty Homes, available online at: [Empty homes in England rise by nearly 10 per cent in five years | Local Government Association](https://www.local.gov.uk/about/news/empty-homes-england-rise-nearly-10-cent-five-years) (<https://www.local.gov.uk/about/news/empty-homes-england-rise-nearly-10-cent-five-years>)
- 7.2 Empty Homes Strategy 2022, available online at: [Empty Homes Strategy FINAL.pdf \(southkesteven.gov.uk\)](#)
- 7.3 Housing Overview and Scrutiny Committee 6th June 2024, webcast link available: [Agenda for Housing Overview and Scrutiny Committee on Thursday, 6th June, 2024, 2.00 pm | South Kesteven District Council](#)

## **8. Appendices**

- 8.1 Appendix A: Updated Empty Homes Strategy – Draft
- 8.2 Appendix B: Updated Empty Homes Strategy Appendix 1 – Legislation Table

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## Empty Homes Strategy



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Appendix 1: Legislation



# 1. Introduction

## 1.1 Overview of the Empty Homes Strategy

- 1.1.1 The South Kesteven District Council Empty Homes Strategy 2024 has been developed to guide our response to Empty Homes within the district. Across England, the quantity of long-term empty homes rose by nearly 10% between 2018 and 2023.<sup>1</sup> Within South Kesteven, 661 homes have been empty for over 6 months as of 31<sup>st</sup> March 2024.
- 1.1.2 Long term empty homes can be a cause of concern for neighbours, lead to an increase in antisocial behaviour, have negative visual impacts on a neighbourhood, and deplete the amount of housing available.
- 1.1.3 South Kesteven District Council is dedicated to tackling Empty Homes and associated concerns, and this strategy sets out the framework for our response. It supports the Councils mission, set out in the Corporate Plan for 2024- 2027, to ensure that ‘all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.’
- 1.1.4 By following this strategy we will work with owners of Empty Homes to encourage them to bring their properties back into use. We will also strengthen our understanding of Empty Homes across South Kesteven, allowing us to monitor developing situations and work alongside owners to resolve concerns.

## 1.2 What is an Empty Home?

- 1.2.1 There are broadly two main types of empty residential properties: transactional empty properties and long-term empty properties. Transactional empty properties are generally empty for up to six months, usually due to a change in tenant or ownership, and are part of the normal cycle of people moving house; though they may be empty for longer should they be subject to major renovation works. Although transactional empty properties are empty for a shorter period of time, and therefore discussed less frequently within this policy, they can still present a concern should their condition become a hazard or contribute towards a poor street scene, and South Kesteven District Council will take appropriate action in these instances.
- 1.2.2 In some instances, a property may be empty or appear empty, but is not classed as empty. A property does not have to be used all the time to be classed as occupied. For example, if it is:
- a second home or a holiday home;
  - a property which is part of a wider regeneration programme and could be in the process of being developed or marked for demolition;
  - a property which has pending planning permission, could be waiting refurbishment or could be waiting for new occupants to move in;
  - a property where the owner is living elsewhere to provide or receive personal care.

- 1.2.3 Homes that have been recorded as empty for two or more years are classified as long-term empty by South Kesteven District Council.

### **1.3 Why do Homes Become Empty?**

- 1.3.1 Most empty homes are privately owned. There are many reasons for homes being left empty, some of which are more complex, with owners having their own individual reasons for keeping their home empty. Some of the most common reasons for homes becoming and remaining empty include:

- issues with inheritance and/or delays with probate;
- lack of finance to carry out necessary repairs and/or refurbishment;
- perceived problems associated with letting of properties;
- owner unwilling to bring the home back into use;
- individuals requiring residential care or long term hospitalisation.

## **2. Why Have an Empty Homes Strategy?**

### **2.1 Overview**

- 2.1.1 Properties that have been empty for more than six months usually have an underlying cause. When properties have been empty for more than two years, it is likely that they will stay empty and decline without intervention. Long term empty homes can become a hub for crime and attract vandalism and anti-social behaviour. The property can deteriorate, both physically and visually, and have an impact on the surrounding properties and neighbourhood. Neighbouring owners may be concerned about the impacts on the value and desirability of their property.

### **2.2 National Context**

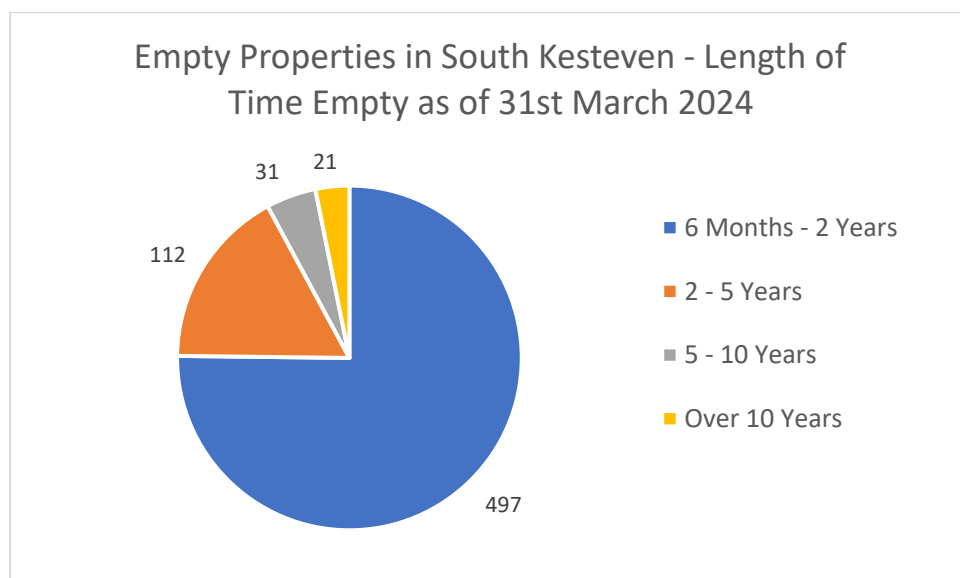
- 2.2.1 In 2023, across the UK, the number of long term empty homes were at their highest level since 2011 (excluding 2020, which was impacted by the Coronavirus pandemic)<sup>2</sup>, having increased by nearly 10 percent in the last five years<sup>3</sup>. In 2023, 261,189 homes nationally had been empty for over 6 months, representing a rise of approximately 5% since 2022<sup>4</sup>.
- 2.2.2 Just over 1% of the county's housing stock is defined as long term empty<sup>5</sup>. Simultaneously, in November 2023 there were over one million people on council house waiting lists and 104,000 households living in temporary accommodation<sup>6</sup>.
- 2.2.3 As a result, Empty Homes continue to be on the national political agenda. The National Planning Policy Framework 2023<sup>7</sup> states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained, and available sites could be used more effectively. As part of this approach, plans and decisions should support efforts to identify and bring back into

use long term empty homes and other buildings, supported by using compulsory purchase powers where appropriate.

- 2.2.4 A range of policy documents and government guidance have reiterated this as an important issue, including the Levelling Up White Paper<sup>8</sup>, which highlights the Governments desire to ‘encourage empty homes back into use.’
- 2.2.5 Following reforms in 2013, Councils have been able to implement an Empty Homes Premium, increasing the rate of Council Tax owed where properties have been vacant for over 2 years. This policy aims to encourage property owners to bring empty homes back into use.

## 2.3 Local Picture

- 2.3.1 As of the 31<sup>st</sup> March 2024, there were 661 homes within South Kesteven that had been empty for over six months. This equates to approximately 0.99% of the total housing stock across the district. Of these properties, 497 had been empty for between six months and two years, 112 had been empty for between two years and five years, 31 had been empty for between five years and ten years, and 21 had been empty for over ten years.



- 2.3.2 This means that the rate of Empty Homes within South Kesteven is broadly in line with the national rate, with approximately 0.99% of homes within South Kesteven empty for over 6 months in March 2024, compared to 1.02% nationally in 2022.

## 2.4 Local Policy Context

- 2.4.1 The South Kesteven District Council Corporate Plan sets out the Councils ambitions for the District for 2024-2027<sup>9</sup>. Priority four explains the Councils mission to ‘ensure that all residents can access housing which is safe, good quality, sustainable and suitable for their needs and future generations.’ The Empty Homes Strategy plays an important role in achieving this mission by targeting the reinstatement of properties, adding to the housing supply, and aiming to contribute to the outcomes of ‘housing delivery [that] matches the needs of communities.’

- 2.4.2 This Empty Homes Strategy complements the South Kesteven Housing Strategy 2020-2024<sup>10</sup>. At the heart of the Housing Strategy is “the belief that homes are a fundamental part of our lives. Houses should be 'healthy', good quality, sustainable and secure, providing the environment for people to thrive and achieve.” The Empty Homes Strategy aims to address one of the challenges identified in the Housing Strategy: “As well as building more homes, it is important that we maximise the use of existing homes by working with landlords to bring empty homes back into use”.
- 2.4.3 Relevant Corporate Enforcement Policies allow for the use of Enforced Sale, the use of Empty Dwellings Management Orders (EDMOs) and Compulsory Purchase Orders (CPOs).

## **2.5 What are the Problems with Empty Homes?**

### *Housing Supply*

- 2.5.1 Empty Homes detract from the local housing supply, meaning less homes are available for those that need them. There is an additional risk that increased demand for fewer homes will lead to increasing prices within the housing market.

### *Visual Impacts*

- 2.5.2 Empty Homes may be more likely to be unmaintained, leading to overgrown gardens, broken windows and general disrepair, and having a negative impact on the appearance of an area.

### *Anti-Social Behaviour*

- 2.5.3 Long term Empty Homes can sometimes become a location for anti-social behaviour. This can have impacts on the local community, including disturbance and fear. Additionally, both Council and Police resources may be required to tackle these issues.

### *Property Values and Desirability*

- 2.5.4 Empty Homes, and associated visual impacts or antisocial behaviour, may cause concern for neighbouring residents about impacts on property values or the desirability of an area.

### *Potential Loss of Revenue*

- 2.5.5 In areas where there is a large number of empty homes there may be a decrease in local spending and demand for resources.

## **2.6 What are the Benefits of Bringing Empty Homes back into use?**

- 2.6.1 Bringing long term empty properties back into use could have a number of positive impacts on both the community and local economy.

### *Financial Benefits for Home Owners*

- 2.6.2 For owners of empty homes, premium Council Tax bills are incurred when properties are vacant for an extended period of time. Payments can reach up to 100% plus 300%

of the standard Council Tax charge for properties that have been empty for over ten years. Further details can be found in section four of the strategy. Bringing these properties back into use will reduce this Council Tax burden for home owners.

- 2.6.3 Additionally, usage as a rental property, or selling the property to another owner, could generate additional income.

#### *Reducing the Likelihood of Anti-Social Behaviour Incidents and Unsightly Properties*

- 2.6.4 As previously mentioned, properties that are empty for an extended period of time may be susceptible to incidents of antisocial behaviour, vandalism, fly tipping, and can fall into a state of disrepair. By bringing properties back into use these impacts can be mitigated, having a positive impact on the surrounding properties and community, whilst also reducing the burden on SKDC and partner agencies in tackling these activities.

#### *Increasing Available Housing Supply*

- 2.6.5 Despite a growing supply of new homes in recent years, housing supply remains lower than estimated need, and therefore the rejuvenation of existing properties that are empty across the district will support SKDCs targets to increase property supply in the district. There may also be an increase in the range of housing types to meet these needs.

#### *New Homes Bonus*

- 2.6.6 The New Homes Bonus is a grant paid by central government to local authorities for increasing the net level of housing. This bonus is for every additional home and paid each year for six years. The bonus is based on the amount of extra Council Tax revenue raised for new build homes, conversions and long term empty homes brought back into use. There is an additional payment for providing affordable homes.

#### *Environmental Benefits*

- 2.6.7 Using existing housing stock rather than constructing new properties will often have a lesser environmental impact as there are generally lower carbon costs associated.

## **3. Priorities**

South Kesteven District Council has established four priorities relating to Empty Homes. The order in which the priorities are presented does not reflect the value that the Council will place on the activities described.

Priority 1: The Council will identify and work with owners of long term empty properties to bring them back into use for re-occupation

Priority 2: Develop effective partnerships with key stakeholders to bring empty properties back into use.

Priority 3: Improve our neighbourhoods by addressing long term empty homes that have become the focus of anti-social behaviour and neglect.

Priority 4: Provide advice and information to help raise awareness around empty homes.

3.1.1 To make the best use of limited resources, the Council will prioritise homes that have been empty for two years or longer, as these homes are generally considered to have the greatest impact on the community. However, the Council may also prioritise properties vacant for a shorter period if there are relevant concerns about the property, or in attempts to mitigate impact and prevent escalation.

3.1.1 Homes become vacant as part of the natural cycle of the housing market, whether for sale or between lettings. The Empty Homes Strategy is intended to demonstrate the Councils commitment to tackling long term empty homes.

## 4. Delivery

### 4.1 Tools and Powers

4.1.1 There are several tools and powers available to the Council to assist with bringing empty homes back into use. These range from guidance and support through to enforcement and enforced recovery of debts. In most cases support and guidance is the preferred approach. Enforcement will usually be reserved for when this approach fails to achieve the desired outcome, however in some circumstances enforcement may be used in the first instance. This could include but is not limited to circumstances where the empty home is open to access, or it is perceived that support and guidance will have little to no impact on the desired outcome.

4.1.2 The Council applies a Council Tax discount or premium to empty homes. The discount or premium amount depends upon the length of time the house has been empty for. It is hoped that this will deter owners of empty homes from allowing them to become long-term empties (LTE). The table below details the current premium.

EMPTY 100% DISCOUNT	EMPTY 25% DISCOUNT	EMPTY 0% DISCOUNT	LTE +50% premium	LTE+100% Premium	LTE+200% Premium	LTE+300% premium
1 month from date property first becomes empty	2 to 5 months	6+ months	Up to 2 years	Over 2 years	Over 5 years	Over 10 years

### 4.2 Advice and Guidance

4.2.1 In the first instance, empty home owners will be given advice and assistance on how to bring their property back into use. These options could be renting out the property, selling the property, or advice on becoming a landlord. The aim is to encourage owners to bring the property back into use through voluntary action. This action will

commence from six months empty, but the length of time it takes to bring a home back into use will depend on the owner's personal and financial circumstances.

#### *Financial assistance*

- 4.2.2 VAT reductions and support from estate agents may be available when renovating an empty home. The Council will continue to explore other opportunities for funding that may be used to assist with returning empty homes back into use.

#### *Voluntary Arrangements*

- 4.2.3 The Council, in this instance, will not be acting as an estate agent or providing advice or recommendation to either party. Any negotiation and sales processes would take place between the owners, interested party and their legal representatives.
- 4.2.4 The Council may offer a voluntary lease and repair agreement to owners prior or offer a voluntary acquisition of the property in a staged approach to enforcement.

### **4.3 Legislation**

- 4.3.1 Where empty home owners show reluctance to engage with the Council and continue to ignore their responsibilities in respect of the property, the Council will use relevant enforcement powers to reduce the impact the property is having on the area and neighbouring properties.
- 4.3.2 The Council will use a variety of legal powers to help bring empty homes back into use and resolve the impacts that they may have on our neighbourhoods. The following is not an exhaustive list of legislation but is an example of some of the legislative tools available. It must be noted that these are not always appropriate in all cases. A full list of relevant legislation can be found in Appendix 1.

#### *Enforced Sale*

- 4.3.3 Enforced Sales are a process to recover a debt owed to the Council, such as unpaid Council Tax or charges relating to previous enforcement action.

#### *Compulsory Purchase Orders (CPO)*

- 4.3.4 This power allows the Council to purchase a property from the owners and, depending on the specific power used, either retain it as housing stock, dispose of it to a housing partner, or sell it on the open market before or after renovation.
- 4.3.5 The initial decision to progress with a compulsory purchase arises out of exhausting all other voluntary and statutory powers and efforts continue to seek a voluntary solution throughout the process.

#### *Empty Dwelling Management Orders (EDMO)*

- 4.3.6 The Council has the power to take possession of an empty home but without taking ownership of it. The empty home owner retains the ownership and the Council in effect has the ability to undertake all the activities of an owner.

## 4.4 Prioritising Empty Homes

- 4.4.1 The Council will primarily focus its efforts on the long-term problematic empty homes, but may take action on any other empty home at its discretion. The initial focus will be on empty homes that have been vacant for 2 or more years.
- 4.4.2 The Empty Homes will be rated in priority by utilising a RAG rating tool. After completing the RAG rating the highest scoring will be the empty homes that will be focused on.

## 5. Performance and Evaluation

- 5.1.1 Performance will be reported through the Housing Overview and Scrutiny Committee.
- 5.1.2 There will be an annual report on the impact of empty homes and the successful interventions. The report will include:
- a) The changes in the number of empty homes year on year
  - b) The number of complaints received in respect of empty homes
  - c) The number of homes brought back to use through council involvement
  - d) The amount of New Homes Bonus achieved through empty homes
  - e) Examples and case reviews

## 6.0 References

Reference	Source
-----------	--------

- |         |  |
|---------|--|
| 1, 3, 6 | <a href="#">Empty homes in England rise by nearly 10 per cent in five years   Local Government Association</a> |
| 2, 4    | <a href="#">Empty Homes Data — Action on Empty Homes</a>   |
| 5       | <a href="#">A practical approach for councils on dealing with empty homes   Local Government Association</a>   |
| 7       | <a href="#">National Planning Policy Framework (publishing.service.gov.uk)</a>                                 |
| 8       | <a href="#">Levelling Up the United Kingdom White Paper (publishing.service.gov.uk)</a>                        |
| 9       | <a href="#">South Kesteven District Council Corporate Plan- 2024 to 2027.pdf</a>                               |
| 10      | <a href="#">HOUSING STRATEGY 2020 - 2024 FINAL.pdf (southkesteven.gov.uk)</a>                                  |



## Appendix 1: Empty Homes Legislation

The list below provides information about some of the legislation South Kesteven District Council may use if enforcement action is required on Empty Homes. This list is not exhaustive, and action will be taken as appropriate in accordance with relevant legislation.

Legislation	Power Granted Under Legislation
Environmental Protection Act 1990	Where a premise's condition is prejudicial to health and a statutory nuisance is identified a notice can be served, requiring the owner to mitigate or abate the nuisance. Failure to do this may result in the council carrying out the required works or prosecute the owner.
Public Health Act 1936/ 1961	The Public Health Act permits the council to require works by the owner or occupier to improve filthy, verminous and noxious conditions. If the owner or occupier fails to comply with the notice the council may themselves carry out the works and recover the expenses reasonably incurred
Prevention of Damage by Pests Act 1949	Where a premise's condition is creating a health risk due to rats and mice, a notice can be served under the Prevention of Damage by Pests Act 1949, requiring the owner to clear the land and property of vermin, and harbourage. Failure to do this may result in the council clearing the land and charging the owner.
Anti-social Behaviour, Crime and Policing Act 2014	Where a person's conduct is having a detrimental effect on the quality of life of others in the locality, a Community Protection Notice may be served, under the Anti-Social Behaviour Crime and Policing Act 2014. The use of a Community Protection Notice can ensure the owner clears and removes waste from premises including gardens, and other items such as or including vehicles from the land, and then maintains the land moving forwards.
Local Government (Miscellaneous Provisions) Act 1982	The Act allows the council to secure (board up) an insecure property to prevent unauthorised access or where the property presents a public health impact.
Housing Act 2004	The Housing Act provides a number of options for a local authority to take action to bring an empty home back into use. This may include Improvement Notices and Empty Dwelling Management Orders (EDMO)
Housing Act 1985	This Act gives us the power to take over land, houses or other properties to increase the number of houses available or improve the quality of the housing stock. The main uses of this power are to get land for housing. This includes bringing empty properties back into use and improving substandard ones.
Local Government Finance Act 1992 Council Tax (Admin and Enforcement Regs) 1992 Council Tax (Liability for Owners) Regs 1992	Covering the calculation, administration and collection of Council Tax. Council Tax Liability for owners Regs 1992 specifically cover HMO scenarios.
Town and County Planning Act 1990	This Act gives us the power to require work to be undertaken on a property to improve its appearance and address its impact upon the area.

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SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL



## Cabinet


Tuesday, 9 July 2024

Report of Councillor Rhea Rayside  
Cabinet Member for People &  
Communities

# Safeguarding Policy and Procedures 2024-2027

### Report Author

Carol Drury, Community Engagement Manager

 carol.drury@southkesteven.gov.uk

### Purpose of Report

The Children Act 2004 and the Care Act 2014 place responsibilities on the Council with regard to the safeguarding of children, young people and adults with needs of care and support. This report brings to the attention of Cabinet the update of the Council's Safeguarding Policy and Procedures.

### Recommendations

**That Cabinet approves the 2024-2027 Safeguarding Policy and Procedures.**

### Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Effective council
Which wards are impacted?	(All Wards);

## **1. Implications**

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, diversity and inclusion and community safety the following implications have been identified:

### ***Finance***

1.1 There are no financial implications directly arising from this report.

Completed by: Paul Sutton Interim Head of Finance (deputy 151)

### ***Legal and Governance***

1.2 The legal and governance implications relating to the proposed changes to the Council's Policy are set out in the body of the report and Appendices.

Completed by: Graham Watts, Monitoring Officer

### ***Risk and Mitigation***

1.3 This policy provides robust guidance and procedures for the safeguarding of vulnerable individuals within South Kesteven. The required training pathway for staff and Members ensures that everyone who has direct contact with our residents is aware of reporting procedures for when concerns are identified.

Completed by: Tracey Elliott, Governance & Risk Officer

### ***Diversity and Inclusion***

1.4 Equality requirements and considerations are contained within the policy and outlined further within the Equality Impact Assessment found at Appendix B.

Completed by: Carol Drury – Community Engagement Manager

### ***Community Safety***

1.5 Safety and the safeguarding of vulnerable individuals within our society is at the heart of this Policy. Its adoption and subsequent implementation will ensure the identification and reporting of such incidents are carried out in the most effective and expedient manner.

Completed by: Ayeisha Kirkham – Head of Service (Public Protection)

## **2. Background to the Report**

- 2.1 The Safeguarding Policy 2024-2027 reflects the responsibilities a District Council has in regard to the protection of adults and children. The policy, and the procedures contained within it, was originally developed in collaboration with the other six District Councils of Lincolnshire to ensure consistency of approach. This document which can be found at Appendix A, reflects the legal duties and moral responsibilities of the Council in the safeguarding of individuals from significant harm.
- 2.2 The Council has statutory duties under Section 11 of the Children Act 2004 and Section 14 of the Care Act 2014 to protect people from harm and neglect and to co-operate with other agencies.
- 2.3 As a District Council, responsibilities for safeguarding both children and adults are, in essence, the same – to report incidents or concerns to the responsible authority (Lincolnshire County Council) and to work with other agencies to ensure the welfare of children and vulnerable adults within this district. The policy also provides guidance to officers and members for interventions when a safeguarding threshold is not met but the individual is in need of support.
- 2.4 This policy covers the period 2024-2027 and will be reviewed on a three-yearly basis, however, any changes to legislation or statutory guidance will be made with immediate effect during this period if required.
- 2.5 The policy includes a generic overview of safeguarding responsibilities and also includes topic-specific chapters which provide information and guidance relating to:
- Domestic Abuse
  - Prevent
  - Hate Crime and Mate Crime
  - Modern Slavery and Human Trafficking
  - County Lines and Cuckooing
  - Stalking
  - Transient Families
- 2.6 Whilst some of these headings relate to criminal activity, they have at their core, vulnerable individuals often groomed into negative behaviours who are themselves victims requiring support.
- 2.7 The policy also contains training pathways for staff which are necessary to meet the requirements of the Lincolnshire Safeguarding Children Partnership (LSCP), the Lincolnshire Safeguarding Adult Board (LSAB) and the National Competencies set out for child and adult safeguarding.

2.8 Updates to the policy relate to changes in legislation and statutory guidance and include:

- Amendments throughout Chapter 3 Safeguarding Children and Young People to reflect updates to statutory guidance Working Together to Safeguard Children including direction that:
  - *“children who need help and protection deserve high quality and effective support. This requires individuals, agencies, and organisations to be clear about their own and each other’s roles and responsibilities, and how they work together”.*
  - *“successful outcomes for children depend on strong multi-agency partnership working across the whole system of help, support and protection including effective work from all agencies with parents, carers, and families.”*
  - *“Early help is support for children of all ages that improves a family’s resilience and outcomes or reduces the chance of a problem getting worse.”*
- The chapters relating to Domestic Abuse (Chapter 5) and Prevent (Chapter 6) have been updated in relation to the introduction of, or changes to, the law to include:
  - The latest definition of domestic abuse: *“Any incident or pattern of incidents of abusive behaviour such as physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse between people aged 16 or over who are personally connected”* as defined in the Domestic Abuse Act 2021, and
  - The introduction of implicit reference to children as victims of abuse.
  - The updated Prevent Duty, which forms the basis of Chapter 6, includes the need to tackle ideological causes of terrorism by limiting exposure to radicalising narratives, both online and offline and to create an environment where radicalising ideologies are challenged and not permitted to flourish. This is known under the Duty as reducing permissive environments.
  - Through the Duty, the Council is now required to ensure that it is not hiring a venue/building to a group that espouses a terrorism-related narrative. The Duty also outlines the need to ensure IT cannot be used to access information related to terrorism or proscribed organisations.
  - Previously the Prevent Duty has referred to vulnerable people being radicalised. It has been recognised that people do not need to be vulnerable to become radicalised. The definition has therefore been amended to now describe people as susceptible to radicalisation.
- Amendments have been made to Chapter 11 – Transient Families
  - This chapter was previous called ‘Mobile Families’ and is adapted from Transient Families Guidance produced by the Lincolnshire Safeguarding Children Partnership. It is aimed at raising awareness and encouraging vigilance and the professional curiosity of staff, volunteers and elected

members when it comes to families that move frequently and appear to live very transient lifestyles.

- Appendix B – Training Structure and Programmes has been updated to meet the requirements of the 6 year training pathways of the LSCP and the LSAB to ensure the Authority continues to meet national competency standards.

### **3. Key Considerations**

- 3.1 The Safeguarding Policy provides details of the Council's legislative requirements regarding the delivery of the Safeguarding responsibilities.

### **4. Other Options Considered**

- 4.1 The Council could retain its existing Safeguarding Policy but in doing so would operate outside of updated legislation and in isolation of other the District Councils of Lincolnshire.

### **5. Reasons for the Recommendations**

- 5.1 By adopting the Safeguarding Policy 2024-2-27 the Council will continue to have consistency with its District partners whilst maintaining the requirements of the Children Act 2004 and the Lincolnshire Safeguarding Children Partnership and the Care Act 2014 and the Lincolnshire Safeguarding Adult Board.

### **6. Consultation**

- 6.1 Members of Rural and Communities Overview and Scrutiny Committee were asked to review the updated Safeguarding Policy at the meeting of 28th March 2024 and recommend its approval to Cabinet.

### **7. Appendices**

- 7.1 Appendix A – Safeguarding Policy and Procedures 2024-2027.
- 7.2 Appendix B – Safeguarding Policy and Procedures Equality Impact Assessment.

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**SOUTH KESTEVEN  
DISTRICT COUNCIL**

## **Safeguarding Policy and Procedures 2024 - 2027**



**SOUTH KESTEVEN  
DISTRICT COUNCIL**

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## **1. INTRODUCTION**

### **1.1 Overview**

- 1.1.1 Safeguarding encompasses a range of legal duties and responsibilities designed to protect people's health, wellbeing and human rights. Safeguarding exists so we can support people and help prevent problems from escalating, enabling them to live free from harm, abuse and neglect.
- 1.1.2 South Kesteven District Council has a range of statutory duties to carry out in relation to safeguarding and promoting the wellbeing of individuals and communities. This policy has been written to support the Council in protecting those who need safeguarding by providing a reference point and guidance for staff, elected members, volunteers, key contractors and consultants acting on behalf of the Council. It seeks to provide practical guidance to ensure that the Council plays its full part in safeguarding and promoting the wellbeing of its individuals and communities at all times.
- 1.1.3 Safeguarding involves a number of key agencies. Although not an exhaustive list this would typically include: Criminal Justice Agencies, Children's Services, Adult Services and Health Agencies. Our duties do not extend to areas that would be considered the responsibility of our partners, but we nonetheless have duties to cooperate and to have effective processes in place with regard to collaboration.
- 1.1.4 It is important that a consistent and effective approach is adopted across the Council to ensure we meet our statutory responsibilities, protect the community and protect the reputation of the Council. Broadly speaking, our safeguarding responsibilities include:
  - Having effective safeguarding policies and procedures in place
  - Knowing how to identify concerns
  - Having a properly trained, knowledgeable and capable workforce
  - Referring concerns to partner agencies
  - Working closely with partners such as the police, social services, health agencies and other local authorities
  - Undertaking and participating in regular audit and scrutiny to test our effectiveness

### **1.2 Policy Commitment**

- 1.2.1 This Policy aims to protect: children, young people and adults who need safeguarding, including employees, volunteers, apprentices and students; those who use our services or are cared for by others who use our services; and those with whom our staff, elected members, volunteers and key contractors have contact. It aims to:
  - Ensure that the Council plays its full role in safeguarding and promoting the health, welfare and wellbeing of children, young people and adults at risk, at all times
  - Raise awareness of the duty of care and responsibilities relating to safeguarding throughout the Council
  - Ensure a person-centred approach which puts people's own needs and wishes first, hears their voice, respects their views and upholds their human rights
  - Achieve the best possible outcomes for all individuals, including enabling all children and young people to 'Stay Safe: Be Healthy: Enjoy and Achieve: Make a Positive Contribution and Achieve Economic Wellbeing' (Children Act 2004)
  - Secure stable relationships with professionals built on trust, with consistent support to meet individual needs and with all decisions taken in line with the Children Act 2004, Care Act 2014 and the Mental Capacity Act (MCA) 2005

- Ensure that everyone involved gets the support they need before a problem escalates
- Provide a proportionate, timely, supportive, informed and professional response to anyone experiencing abuse or neglect
- Actively encourage good practice amongst staff and promote wider awareness where possible (for example partner organisations and service user groups)
- Create a safe and healthy environment within all of our services, avoiding situations where abuse or allegations of abuse may occur
- Ensure that we safely recruit, train, supervise and support staff, elected members and volunteers appropriately and in accordance with Disclosure and Barring Service (DBS) guidance and the Council's DBS Policy:  
<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

### 1.3 External Links and Information

1.3.1 Safeguarding is complex and wide ranging. Given the breadth of importance of the areas contained within this policy, it cannot and must not be read and taken in isolation. Links to important external procedures and processes are included throughout the document and must be followed.

1.3.2 The principle external links are:

- [Lincolnshire Safeguarding Children Partnership \(LSCP\) Multi Agency Policy and Procedures:](#)
- [Working Together to Safeguard Children 2023:](#)
- [Lincolnshire Safeguarding Adults Board \(LSAB\) Multi Agency Policy and Procedures:](#)
- [Lincolnshire Multi Agency Domestic Abuse Guidance:](#)
- [Lincolnshire Prevent / Channel:](#)
- [Hate Crime Information and Guidance:](#)
- [Modern Slavery and National Referral Mechanism:](#)
- [Human Trafficking:](#)

## 1.4 Glossary of Terms

1.4.1 Throughout this document we use, and make reference to, various abbreviations and acronyms so have provided a glossary below.

Term	Initials	Explanation
<b>Anti-Social Behaviour</b>	<b>ASB</b>	Behaviour causing or likely to cause harassment, alarm and distress.
<b>Anti-Social Behaviour Risk Assessment Conference</b>	<b>ASBRAC</b>	Multi-agency risk assessment conference for victims of anti-social behaviour. Targeting high end ASB to protect the most vulnerable.
<b>CHANNEL</b>		Multi-agency approach to protect people at risk from radicalisation
<b>CONTEST</b>		The Government's Counter Terrorism Strategy
<b>Customer Service Centre</b>	<b>CSC</b>	Lincolnshire County Council mechanism to make safeguarding referrals or raise safeguarding queries.
<b>Domestic Abuse</b> (Stalking & Harassment and Honour Based Violence risk assessment)	<b>DASH</b>	Approved risk assessment tool used by professionals to identify risk of domestic abuse and to inform future safety planning and referrals to MARAC. <a href="http://www.dashriskchecklist.co.uk">http://www.dashriskchecklist.co.uk</a>
<b>Domestic Abuse Strategic Management Board</b>	<b>DASMB</b>	A multi-agency board focussed on preventing, responding to and reviewing responses to domestic abuse in Lincolnshire
<b>Disclosure and Barring Service</b>	<b>DBS</b>	The DBS helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable individuals.
<b>Independent Domestic Violence Advisor</b>	<b>IDVA</b>	IDVA's support high risk domestic abuse victims at a point of crisis, supporting them to plan appropriate safety management strategies.
<b>Independent Sexual Violence Advisor</b>	<b>ISVA</b>	Similar to the role of an IDVA, but supporting victims of sexual violence to access support and safety planning.
<b>Lincolnshire Safeguarding Adults Board</b>	<b>LSAB</b>	A statutory multi-agency partnership, comprising of a range of organisations that all have stakeholder interest in the safeguarding adult's agenda. <a href="https://www.lincolnshire.gov.uk/safeguarding/lisab">https://www.lincolnshire.gov.uk/safeguarding/lisab</a>
<b>Lincolnshire Safeguarding Children Partnership</b>	<b>LSCP</b>	A statutory multi-agency board made up of representatives from the Local Authority, Police, Health Service, Probation Trust, Youth Offending Service, the Voluntary Sector and others. <a href="https://www.lincolnshire.gov.uk/safeguarding/lscp">https://www.lincolnshire.gov.uk/safeguarding/lscp</a>
<b>Multi-Agency Risk Assessment Conference</b>	<b>MARAC</b>	Multi-agency meetings where information about high risk domestic abuse victims (those at risk of murder or serious harm) is shared to develop a risk focussed, coordinated safety plan to support the victim.
<b>Mental Capacity Act (2005)</b>	<b>MCA</b>	The Mental Capacity Act 2005 covers people in England and Wales who can't make some or all decisions for themselves. The ability to understand and make a decision when it needs to be made is called 'mental capacity'.
<b>National Referral Mechanism</b>	<b>NRM</b>	The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.
<b>PREVENT</b>		A key strand of the Government's Counter-Terrorism Strategy with statutory Prevent Duty placed on "specified authorities".
<b>Safer Lincolnshire Partnership</b>	<b>SLP</b>	A statutory multi-agency board focussed on reducing crime and promoting community safety in Lincolnshire. <a href="https://www.lincolnshire.gov.uk/safer-lincolnshire-partnership/">https://www.lincolnshire.gov.uk/safer-lincolnshire-partnership/</a>
<b>Vulnerable Adult Panel</b>	<b>VAP</b>	A local multi-agency panel to identify and progress housing and support solutions for households with complex needs.

## 1.5 Monitoring and Review

- 1.5.1 This policy and its procedures will be fully reviewed every three years and signed off by the **Cabinet**. The Policy will also be reviewed on an annual basis and updated where appropriate: however, if a weakness is identified in procedures or national guidelines change between reviews, the policy will be reviewed and revised by the Deputy Safeguarding Lead and agreed by the Designated Safeguarding Lead.
- 1.5.2 Changes to the policy or procedures will be communicated via management team and communication emails, with details placed on the intranet. Service Managers are responsible for ensuring the timely and accurate dissemination of information to their teams, supported by the Safeguarding Officers.
- 1.5.3 All policy revisions will be dated and recorded in the table below.

Version	Reason for change:	Amended by: (position & date)	Approved by: (position & date)	Published date:
2.0	Updates to legislation and statutory guidance and amendments to safeguarding officer detail	Carol Drury Community Engagement Manager January 2024	Jodie Archer Head of Housing Services February 2024	Feb 2024
2.1	Amendments to Safeguarding Officer detail	Carol Drury Community Engagement Manager April 2024	Sarah McQueen Interim Head of Service (Housing Options) May 2024	

## 2. SAFEGUARDING IS EVERYONE'S BUSINESS

*"I don't work directly with customers, so does this policy apply to me"?*

*Yes, it does. Safeguarding is everyone's responsibility*

### 2.1 Introduction

- 2.1.1 This policy provides guidance for anyone working on behalf of the Council who may come into contact with children, young people, vulnerable adults and their families. This policy affects every South Kesteven District Council staff member, elected member, volunteer and anyone working on behalf of and / or representing the Council.
- 2.1.2 All individuals to whom this policy and procedures apply must know where and how to access it, have a clear understanding of how, why and who to contact with their concerns and complete appropriate training in order to fulfil their responsibility in being able to identify and respond to wellbeing concerns, abuse or alleged abuse and poor practice. All officers who visit people's homes must be particularly alert to signs of abuse or neglect. All officers must always report and respond to concerns, doing so swiftly to ensure the safety and wellbeing of anyone at risk or suspected of being at risk. All employees should discuss concerns with the appropriate person or organisation as set out throughout this policy and its associated procedures. Please see the safeguarding incident flowchart at **Appendix E**.
- 2.1.3 It is the responsibility of those who have a role in engaging services, e.g. Directors, Assistant Directors and Heads of Service, to ensure that volunteers, key contractors and consultants meet these requirements.
- 2.1.4 If anyone subject to this policy finds they do not believe that they can fully comply with all requirements they must notify the Designated Safeguarding Lead immediately:

#### **Designated Safeguarding Lead**

**Sarah McQueen** – Interim Head of Service (Housing Options)

Email: [sarah.mcqueen@southkesteven.gov.uk](mailto:sarah.mcqueen@southkesteven.gov.uk)

Tel : 07917 455 375

#### **Prevent Lead and Deputy Safeguarding Lead**

**Carol Drury** – Community Engagement Manager

Email: [carol.drury@southkesteven.gov.uk](mailto:carol.drury@southkesteven.gov.uk)

Tel : 07712 199 085

#### **Deputy Safeguarding Officer**

**Kati Conway** – Senior Neighbourhoods Officer

Email: [k.conway@southkesteven.gov.uk](mailto:k.conway@southkesteven.gov.uk)

Tel: 01476 406 307



## 2.2 Corporate Safeguarding Structure

- 2.2.1 Whilst safeguarding is everyone's business, the Council has named officers who take specific responsibility for:
- Supporting staff to report concerns
  - Developing and reviewing policies and procedures
  - Working in partnership with other organisations to develop best practice and shared learning
  - Providing, coordinating and monitoring training for staff
  - Providing training to elected members as part of the Council's induction process
  - Ensuring engagement and compliance with audit frameworks
  - Implementing audit recommendations and changes to legislation
  - Engaging in serious case reviews and domestic homicide reviews
- 2.2.2 The South Kesteven District Council corporate safeguarding roles and responsibilities are set out and summarised in **Appendix A**.

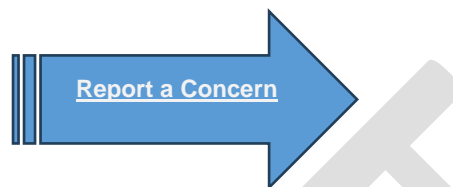
## 2.3 Training and Development

- 2.3.1 It is essential that everyone to whom this safeguarding policy applies is able to recognise and respond to possible safeguarding risks and issues. The level of training and knowledge required is determined by each person's role and their level of contact with vulnerable customers.
- 2.3.2 All training is delivered either face-to-face or via e-learning modules which are delivered and endorsed by the respective safeguarding, domestic abuse, Prevent boards and strategic groups. **Safeguarding training, appropriate to your role, is mandatory.** If you are unsure which level of training is relevant to your role or if you have any questions, please contact the Deputy Safeguarding Lead or your line manager for advice.
- 2.3.3 Depending on the level of training it is a requirement to complete, officers will either follow a 3 year or a 6 year rolling programme. The e-learning modules relating to the safeguarding of children and adults can be accessed via the Lincolnshire Safeguarding Children Partnership ([LSCP](#)) website. To find out which training you need to complete, please see **Appendix B**.
- 2.3.4 All elected members will be offered safeguarding training when they are elected, as part of the induction process. They will also be required to complete the e-learning induction module 'Introduction to Safeguarding Everyone in Lincolnshire' during their first year in office. Elected Members are also required to increase their safeguarding awareness during their term of office by use of the e-learning modules available on the [LSCP](#) website.
- 2.3.5 All staff without IT access will need to attend safeguarding briefing sessions. The briefing will cover general safeguarding principles, personal responsibilities and who to contact with any concerns.
- 2.3.6 Certain roles, mainly those listed for "officers with regular contact with the public", will require more in-depth, face-to-face or virtual training. This is will be a decision for line managers in relevant service areas e.g. Public Protection; Housing, Revenues and Benefits. All training can be accessed via the [LSCP](#) website. Please speak to your line manager if you feel any of these modules may be beneficial for you.



## 2.4 Reporting Concerns

- 2.4.1 Throughout this policy you will see the logo below. To access information and forms to enable you to report a concern (that is not an immediate risk of harm), you can click on this logo anywhere in the policy. The link will take you to the intranet. The appropriate reporting form must then be completed - childrens or adults (as appropriate) and forwarded to [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk) . Once your concern has been received, the next steps and appropriate action will be decided. You must advise the Designated Safeguarding Lead if you have NOT made a direct referral to children's or adult services.



- 2.4.2 Alternatively, and for staff without IT access, please speak to your supervisor/line manager to report a concern.
- 2.4.3 **If you feel that a child, young person or vulnerable adult is at immediate risk of significant harm**, call the Police on 999. If however you think they are at risk but that risk is not immediate, you must take appropriate action, calling 101 if you think a crime has been committed, and by reporting the matter to Children's or Adult Services through the LCC Customer Services Centre (CSC) on 01522 782111 for children, 01522 782155 for adults, or emergency out of hours 01522 782333.
- 2.4.4 In all cases you should report the incident, giving details of how you responded, to the Designated Safeguarding Lead via [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk)
- 2.4.5 Customer facing, front line services are most likely to come across safeguarding concerns in their day to day roles and should have an enhanced level of awareness. These staff groups/services will be more experienced in engaging with external agencies to report safeguarding concerns and should do so wherever possible (this should still be logged through the Designated Safeguarding Lead who will record it in the Council's tracker system).

## 2.5 Confidentiality

- 2.5.1 Every effort should be made to ensure that confidentiality is maintained for all concerned. Information should be handled and disseminated on a need to know basis only. It is extremely important that allegations or concerns are not discussed, as any breach of confidentiality could be damaging to the child, young person or vulnerable adult, to their family and any child protection, adult safeguarding or police investigations that may follow.
- 2.5.2 Informing the parents of a child or young person you have concerns about needs to be dealt with in a sensitive way and should be done in consultation with children's services and the police (if appropriate). Any individual under suspicion has the right to be notified about the cause for concern. However, informing parents, carers or the person under suspicion (if this person is not the parent or carer) should never be done if it would put the person about whom you have a concern at further/greater risk. It is also important that the timing of any disclosure does not prejudice any investigation.

- 2.5.3 Recorded information (both paper and electronic) should be stored in a secure place, with access limited to officers named within the corporate safeguarding structure, in line with data protection laws.
- 2.5.4 If enquiries arise from the public (including parents) or any branch of the media, it is vital that staff, elected members, volunteers and anyone working for or on behalf of the Council is briefed as required so that they do not make any comments regarding the situation. The Designated Safeguarding Lead will be the designated spokesperson in the event of any public/media enquiries. In the absence of the Designated Safeguarding Lead, the query should be escalated to the Chief Executive.

## 2.6 Information Sharing

- 2.6.1 SKDC is signed up to Information Sharing Agreements with the Safer Lincolnshire Partnership and the Lincolnshire Safeguarding Adults Board, allowing full sharing of information between signatories within the constraints of the GDPR. SKDC is also signed up to specific information sharing agreements referring to Multi-Agency Risk Assessment Conference (MARAC), Anti-Social Behaviour Risk Assessment Conference (ASBRAC) and E-CINS.
- 2.6.2 The Seven Golden Rules of Information Sharing:
- Remember that the General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
  - Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
  - Seek advice from other practitioners, or your information governance lead, if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
  - Where possible, share information with consent, and where possible, respect the wishes of those who do not consent to having their information shared. Under the GDPR and Data Protection Act 2018 you may share information without consent if, in your judgement, there is a lawful basis to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be clear of the basis upon which you are doing so. Where you do not have consent, be mindful that an individual might not expect information to be shared.
  - Consider safety and well-being: base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
  - Necessary, proportionate, relevant, adequate, accurate, timely and secure: ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
  - Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## 2.7 Curiosity and Uncertainty

- 2.7.1 Professional curiosity has been a recurring theme in Serious Case Reviews (SCR) across Lincolnshire. Professional curiosity is about having the capacity and communication skills to explore and understand what is happening with an individual or family. It is about enquiring more deeply and using proactive questioning and challenge. It is about challenging your own responsibility and knowing when to act rather than making assumptions or taking things at face value.
- 2.7.2 Respectful uncertainty is about considering and where necessary challenging responses, looking beneath the surface and testing the facts and 'gut feelings' rather than accepting an explanation, however plausible.

## 2.8 Inter-Agency Disputes and Escalation Policies

- 2.8.1 When working in the arena of safeguarding, it is inevitable that at times there will be professional disagreement. Whilst this is accepted, it is vital that such differences do not affect the outcomes for children, young people and vulnerable adults or detract from ensuring that they are safeguarded.
- 2.8.2 Disagreements could arise in a number of areas of multi-agency working as well as within single-agency working, but are most likely to arise in relation to:
- Criteria for referrals
  - Outcomes of assessments
  - Roles and responsibilities of workers
  - Service provision
  - Information sharing and communication
- 2.8.3 Having an Escalation Policy became a statutory requirement following a number of Serious Case Reviews.
- 2.8.4 If you are concerned or unhappy with the decisions or action/lack of action of another agency when referring a case or securing their involvement in supporting an individual, issues can be escalated through the Designated Safeguarding Lead or the Deputy Safeguarding Lead, as they are required to challenge the managers within that partner agency by using the Joint Professional Resolution and Escalation Policy set out by the LSOP or LSAB or other overarching body. This Joint Professional Resolution and Escalation Policy can be found [here](#).
- 2.8.5 **If you feel that you need to use this process, please speak to the Designated Safeguarding Lead before making a referral.**

## **2.9 Complaints and Whistleblowing**

- 2.9.1 Staff, elected Members and volunteers are advised to follow the District Council's Customer Feedback and Whistle Blowing procedures for complaints and concerns (available on the intranet and from HR for officers and Members who have no access to a computer). If the issue for complaint or whistle blowing involves a Safeguarding issue, officers and members should report the issue through the Designated Safeguarding Lead who will ensure that the Lincolnshire Safeguarding Adults Board or the Lincolnshire Safeguarding Children Partnership procedures are adhered to and the Local Authority Designated Officer (LADO) is informed if appropriate. For more information go to: [www.proceduresonline.com/lincolnshirescb](http://www.proceduresonline.com/lincolnshirescb)
- 2.9.2 Professionals can also raise concerns anonymously over how child protection issues are being handled by contacting the NSPCC whistleblowing advice line on 0800 028 0285 or [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

## **2.10 Audit and Quality Assurance**

- 2.10.1 As a statutory agency, South Kesteven District Council is subject to a number of internal and external audits and quality assurance mechanisms to ensure compliance and effective practices in each of the areas covered by this policy and associated procedures. All audit recommendations will be integrated into a corporate safeguarding action plan as required. Updates are provided to the relevant Overview and Scrutiny Committee. An annual report is made to the Council's Governance and Audit Committee to provide assurance that the Council continues to be vigilant on safeguarding matters, fulfilling its legal duties.

## **2.11 Continuous Improvement**

- 2.11.1 If you feel that we could improve on safeguarding in any way, from changing the way we communicate through to changing the way we work, please speak to either the Designated Safeguarding Lead or the Deputy Safeguarding Lead.

## **2.12 Safer Recruitment**

- 2.12.1 It is the duty of employers to identify candidates who may be unsuitable for certain jobs, especially jobs that involve working with vulnerable individuals. The Human Resources team can offer advice and support to the Council to enable relevant officers to make safer recruitment decisions in line with the requirements of the Disclosure and Barring Service (DBS). SKDC officers are responsible for the recruitment and management of staff within their service areas but the Human Resources service provides support, guidance and direction in terms of good practice and best approach.

### 3. SAFEGUARDING CHILDREN AND YOUNG PEOPLE

*“I don’t directly work with children or young people, so does this policy apply to me?”*

**Yes it does. Safeguarding is everyone’s responsibility**

#### 3.1 Introduction

- 3.1.1 This policy chapter applies to all situations within the Council’s operation, which could potentially involve children or young people, from children running around in a reception area to home visits where children or young people are present.
- 3.1.2 Although your work may not directly impact on, or relate to, children or young people, you have a duty to recognise and respond to child protection situations and concerns appropriately and you must be aware of this policy and its procedures.
- 3.1.3 Young people (under 18) may also be working within the Council’s buildings or services; either as members of staff, or as part of apprenticeships or work experience schemes. All staff must remember that these individuals are children and, as such, are protected by this policy and associated procedures.

*“Children who need help and protection deserve high quality and effective support. This requires individuals, agencies, and organisations to be clear about their own and each other’s roles and responsibilities, and how they work together”.*

**Working Together (2023)**

- 3.1.4 The **Children Act (2004)** places a duty on key statutory agencies to safeguard and promote the welfare of children. The Act embodies five principles that are key to wellbeing in children and young people:
- Being healthy
  - Staying safe
  - Enjoying and achieving
  - Making a positive contribution
  - Achieving economic wellbeing
- 3.1.5 To assist us all in our duty of care of children and young people, this policy and its associated procedures reflect the principles and practices promoted in the most recent Government ‘Working Together’ guidance, which sets out key principles of safeguarding and promoting the welfare of children as:
- providing help and support to meet the needs of children as soon as problems emerge
  - protecting children from maltreatment, whether that is within or outside the home, including online
  - preventing impairment of children’s mental and physical health or development
  - ensuring that children grow up in circumstances consistent with the provision of safe and effective care
  - promoting the upbringing of children with their birth parents, or otherwise their family network through a kinship care arrangement, whenever possible and where this is in the best interests of the children
  - taking action to enable all children to have the best outcomes in line with the outcomes set out in the Children’s Social Care National Framework.
- 3.1.6 You should always exercise professional curiosity and respectful uncertainty, looking beneath the surface, testing the facts and also use your ‘gut feelings’ rather than simply accepting explanations, however plausible. See “Curiosity and Uncertainty” on page 11 for more information.



## 3.2 Understanding Safeguarding Thresholds

*“successful outcomes for children depend on strong multi-agency partnership working across the whole system of help, support and protection including effective work from all agencies with parents, carers, and families.”*

**Working Together (2023)**

- 3.2.1 The needs of children and families are constantly changing and at different times in their lives they will have differing levels of involvement from a range of services, from universal, targeted and specialist support services. It is important that professionals work together effectively to ensure that families experience smooth transition between services and that all services supporting the family remain focused on the needs of the child. It is also critical that all professionals remain aware of their responsibilities in relation to safeguarding and protecting children.
- 3.2.2 The support and services available to children, young people and families are defined according to their needs at any given time and are set out in the diagram below:



Threshold	Overview	Details
<b>Universal services</b>	For children with <b>no</b> additional needs.	Available to all children, young people and families, working with families to promote positive outcomes for everyone, by providing access to education, health services and other positive activities. It is important that all practitioners can identify where children and families would benefit from extra help at an early stage.
<b>Early Help</b>	Targeted Services for children <b>with</b> additional needs.	Children, young people and families who may need support either through a single agency or through an integrated multi-agency response. There may be signs that without support a child may not achieve good outcomes and fulfil their potential. Targeted services can prevent escalation into specialist services and can assist with continuing lower level support once a higher level intervention has been completed.
<b>Specialist services</b>	For children with multiple / complex needs	Families with individual or multiple complex needs or where a specific disability or condition is diagnosed.
<b>Immediate Safeguarding</b>	For immediate care/protection	To protect children and young people at immediate risk. Professionals have a duty to recognise and report safeguarding concerns.

### 3.3 Early Intervention – Early Help

- 3.3.1 Lincolnshire's Early Help offer can be simply described as early intervention to ensure that children and families get the support they need before a problem escalates.

*“Early help is support for children of all ages that improves a family’s resilience and outcomes or reduces the chance of a problem getting worse.”*

**Working Together (2023)**

- 3.3.2 Early Help aims to identify the need for help for children and families as soon as problems start to emerge, or when there is a strong likelihood that problems will emerge in the future. The Early Help offer is available at any point throughout childhood and adolescence. Early Help builds on what is working well and involves action planning for what needs to change and who will take what action, enabling everyone involved to own the solutions.
- 3.3.3 An Early Help Assessment should be completed whenever there is a concern about a child (except when there is an immediate risk of serious harm). This should be completed by the person who has contact with the individual and their family and should be used to identify specific actions with those involved and to determine whether the issue needs further escalation and referral to Children's Services. The assessment should be undertaken with the agreement of the child and their parents/carers. It should involve the child and family as well as all the professionals who are working with them. Full details of Lincolnshire's Early Help offer can be found [here](#). If you are unsure about making an Early Help Assessment, please speak to the Designated Safeguarding Lead or the Deputy Safeguarding Lead.
- 3.3.4 Early Help Assessments are NOT an alternative to formal safeguarding referrals.

### 3.4 What is Child Abuse?

- 3.4.1 There are many ways in which children and young people can be harmed. A person may abuse or neglect a child or young person by inflicting harm, or by failing to act to prevent harm. Children and young people may be abused in a family, or in an institutional or community setting. Children and young people may be abused by someone known to them or, more rarely, by a stranger. Children and young people can be subjected to more than one form of abuse at any one time. Children and young people may also be perpetrators of abuse against other children or against adults. In such cases, they may still also require safeguarding themselves.
- 3.4.2 Sometimes a child 'fails to thrive' and they do not achieve the expected growth and development for their age. Although there may be a medical cause, the majority of children who fail to thrive have no organic disorders. Failure to thrive often occurs on the overall context of emotional deprivation and neglect; the child not only fails to grow but fails to develop intellectually and emotionally.

## Types of Abuse

### Physical Abuse:

This can include: hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm. Physical abuse, as well as being a result of a deliberate act, can also be caused through omission or failure to act to protect. Physical harm may also be caused when a parent or carer fabricates symptoms or deliberately causes ill health to a child, young person or vulnerable adult.

### Emotional Abuse:

This is the persistent emotional maltreatment of a child, young person or vulnerable adult such as to cause severe and persistent adverse effects on their emotional development. It may involve conveying to them that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person.

Emotional abuse may feature age or developmentally inappropriate expectations being imposed on children or young people. It may also involve causing children or young people to frequently feel frightened or in danger, or the exploitation or corruption of a child or young person. It can include the seeing or hearing of ill-treatment of others, for example through domestic abuse. It may also include the over-protection and limitation of exploration and learning, or preventing the child from participating in normal social interaction.

### Sexual Abuse:

This involves forcing or enticing a child, young person or vulnerable adult to take part in sexual activities, whether or not they are aware of or consent to what is happening. The activities may involve physical contact, including penetrative acts such as prostitution, rape, buggery or oral sex or non-penetrative acts such as fondling.

Sexual abuse may also include non-contact activities, such as involvement in looking at, or in the production of, indecent material or watching sexual activities or encouraging them to act in sexually inappropriate ways. Boys and girls can be sexually abused by males and/or females, by adults and/or by other young people.

Child Sexual Exploitation (CSE) is a form of sexual abuse that is based on an ongoing exploitative relationship between perpetrator(s) and child/children.

### Neglect:

Neglect is the persistent failure to meet a child or young person's basic physical and/or psychological needs, likely to result in the serious impairment of health or development. It may also include neglect of, or unresponsiveness to, a child or young person's basic emotional needs.

Neglect may:

- Involve a parent or carer failing to provide adequate food, clothing or shelter including exclusion from home or abandonment;
- Involve failing to protect from physical and emotional harm or danger;
- Occur during pregnancy as a result of maternal substance abuse or self-harm (please refer to the Lincolnshire Safeguarding Children Partnership's pre-birth protocol for more information).



### 3.5 Recognising Abuse and Neglect

- 3.5.1 Recognising child abuse is not easy. It is not your responsibility to decide whether or not child abuse has taken place or if a child or young person is at significant risk. You do however have a responsibility to act if you have concerns and to pass on information.
- 3.5.2 Many safeguarding concerns arise on a day-to-day basis, and often they will not develop into abuse or neglect. If you have any concerns or questions, please speak to the Designated Safeguarding Lead or Deputy Safeguarding Lead as soon as possible.
- 3.5.3 The role of staff, elected members, volunteers and others working for or on behalf of the Council is to help identify concerns and pass them on to the relevant agency. It is the role of Children's Services, Adult Services and/or the Police to investigate allegations or concerns.

**REMEMBER:**

*It is not your job to judge or to investigate, but to inform and share your concerns.*

- 3.5.4 Every child and young person is unique and it is difficult to predict how their behaviour will change as a result of their experience of abuse. The table below outlines some physical signs and behavioural indicators that may be associated with a risk of abuse. It is important to remember that many children and young people will exhibit some of these signs and indicators at some time, but the presence of one or more should not be taken as proof that abuse is occurring. There may be other reasons for changes in behaviour, for example: bereavement, the birth of a new baby in the family, relationship problems between parents/carers.
- 3.5.5 All children, regardless of background, should be given the same level of support and protection. It is important to have an understanding and awareness that some children and young people are potentially more vulnerable and may have additional care needs. This could include children young people and vulnerable adults from families affected by domestic abuse, substance misuse and mental illness as well as those from ethnic minority backgrounds, migrant and travelling communities, those with a disability or learning difficulty, those living away from home, unaccompanied asylum seeking children (UASC), children or young people in care or other temporary accommodation, as well as those who are in custody or have run away from home. Regard should always be given to a young person's religion or belief.
- 3.5.6 Additional guidance is available in the Policy and Procedures Manual of the Lincolnshire Safeguarding Children Partnership, found [here](#).

Type of abuse	Physical Indicator	Behavioural Indicator
<b>Physical</b>	<ul style="list-style-type: none"> <li>• Frequent or unexplained bruising, marks or injury</li> <li>• Bruises which reflect hand marks or shapes of articles e.g. belts</li> <li>• Cigarette burns</li> <li>• Bite marks</li> <li>• Unexplained broken or fractured bones</li> <li>• Scalds</li> <li>• Female Genital Mutilation</li> </ul>	<ul style="list-style-type: none"> <li>• Fear of parent being contacted</li> <li>• Behavioural extremes – aggressive / angry outbursts or withdrawn</li> <li>• Fear of going home</li> <li>• Flinching when approached/touched</li> <li>• Depression</li> <li>• Keeping arms/legs covered</li> <li>• Reluctance to change clothes</li> <li>• Panics in response to pain</li> <li>• Reports injury caused by parents</li> </ul>
<b>Emotional</b>	<ul style="list-style-type: none"> <li>• Delays in physical development or progress</li> <li>• Sudden speech disorders</li> <li>• Failure to thrive</li> <li>• Bedwetting and/or diarrhoea</li> <li>• Frequent psychosomatic complaints, headaches, nausea, abdominal pains</li> </ul>	<ul style="list-style-type: none"> <li>• Mental or emotional development lags</li> <li>• Behaviours inappropriate for age</li> <li>• Fear of failure, overly high standards, reluctance to play</li> <li>• Fears consequences of actions, often leading to lying</li> <li>• Extreme withdrawal or aggressiveness, mood swings</li> <li>• Overly compliant, too well-mannered</li> <li>• Excessive neatness and cleanliness</li> <li>• Extreme attention-seeking behaviours</li> <li>• Poor peer relationships</li> <li>• Severe depression, may be suicidal</li> <li>• Runaway attempts (missing children)</li> <li>• Violence is a subject for art/writing</li> <li>• Complains of social isolation</li> <li>• Forbidden contact with other children</li> </ul>
<b>Sexual</b>	<ul style="list-style-type: none"> <li>• Pain/itching in the genital area</li> <li>• Bruising/bleeding near genital area</li> <li>• Sexually transmitted disease</li> <li>• Vaginal discharge/infection</li> <li>• Frequent unexplained abdominal pains</li> <li>• Discomfort when walking/sitting</li> <li>• Bed wetting</li> <li>• Excessive crying</li> </ul>	<ul style="list-style-type: none"> <li>• Inappropriate sexual behaviour or knowledge for the child's age</li> <li>• Promiscuity</li> <li>• Sudden changes in behaviour</li> <li>• Running away from home (missing children)</li> <li>• Emotional withdrawal through lack of trust in adults</li> <li>• Unexplained money or 'gifts'</li> <li>• Inappropriate sexually explicit drawings or stories</li> <li>• Bedwetting or soiling</li> <li>• Overeating or anorexia</li> <li>• Sleep disturbances</li> <li>• Secrets which cannot be told</li> <li>• Substance/drug misuse</li> <li>• Reports of assault</li> </ul>
<b>Neglect</b>	<ul style="list-style-type: none"> <li>• Constant hunger</li> <li>• Poor hygiene</li> <li>• Weight loss/underweight</li> <li>• Inappropriate dress</li> <li>• Consistent lack of supervision/abandonment</li> <li>• Unattended physical problems or medical needs</li> </ul>	<ul style="list-style-type: none"> <li>• Begging/stealing food</li> <li>• Truancy/late for school</li> <li>• Constantly tired/listless</li> <li>• Regularly alone/unsupervised</li> <li>• Poor relationship with care giver</li> </ul>

### 3.6 Child Sexual Exploitation

- 3.6.1 The sexual exploitation of children and young people is both a child protection issue and a complex crime. Child Sexual Exploitation is based on an ongoing exploitative relationship between perpetrator(s) and child/children. A child or young person under the age of 18 is sexually exploited when they have received 'something' (e.g. food, accommodation, drugs, alcohol, gifts, money) in exchange for sex.
- 3.6.2 Sexually exploitative relationships are characterised by an imbalance of power and the use of controlling behaviours to keep the victim in a dependent position. A child or young person may not recognise the level of risk or harm that they are exposed to. It is particularly important that professionals exercise judgment when assessing a child or young person's circumstances.
- 3.6.3 You should be aware of the following when considering the risks of a young person experiencing or being at risk of Child Sexual Exploitation:
- Boys and girls are equally vulnerable to being victims of child sexual exploitation
  - Coercers and perpetrators are usually adults, of either gender, in a position of power, but can be other children and young people
  - Young people may exchange or sell sex as a result of constrained choices such as poverty, isolation and historic abuse – it is important to remember at all times – these young people are victims
  - Parents/carers may be involved in the sexual exploitation of their children, or may fail to prevent/protect them from it
  - Groups of children and young people and multiple perpetrators may be involved
  - No child under 13 years or with a learning disability will be assessed as Low Risk if their behaviours indicate involvement in CSE
  - Children and young people with additional needs up to and including those aged 25 years require special consideration
  - Disclosure of information may take time and evident risks may only emerge during on-going assessment, support and interventions with the young person and/or their family
- 3.6.4 **Grooming:** Child sexual exploitation usually involves a 'grooming' stage. Grooming describes the variety of methods that are used to manipulate and control victims including:
- The giving of gifts or presents
  - The giving of rewards – like mobile phone top-ups or games credits
  - False promises of love and/or affection
  - The supply of alcohol and/or drugs
- 3.6.5 It is very common for the grooming of children and young people to take place online. Children and young people can make themselves vulnerable through their online activities and abusers are quick to exploit this. Victims may have been persuaded or coerced into posting indecent images or performing sexual acts on webcam. Online grooming can also progress to meeting face-to-face.
- 3.6.6 The early stages of the grooming process can be an exciting time for a child or young person, particularly if they are given high status gifts or are taken to parties, pubs or clubs that they wouldn't normally get into. Grooming is a way of developing an exclusive bond with the victim. Adolescents are particularly vulnerable to grooming where the abuser deceptively constructs a connection between sought after love or affection. As a result the child or young person will believe that this person is actually their boyfriend or girlfriend – having no prior experience of sex or love against which to measure the relationship.

- 3.6.7 **Gang Activity:** Children and young people associating with or targeted by gang members are at particular risk of being sexually exploited and abused. All agencies working with young people need to ensure that they work together to prevent young people being drawn into gangs, to support those who have been drawn into the margins of gangs and to protect those who are at immediate risk of harm from gangs.
- 3.6.8 **Impact of Sexual Exploitation on Children and Families:** As a result of the grooming process, children and young people will rarely recognise the coercive and abusive nature of the relationship they are involved in and will often prioritise their attachment or loyalty to the offender over their own safety. Perpetrators of sexual exploitation are very skilled at driving a wedge between a child and their family and will also isolate them from their usual friends and support networks. Sexually exploited children also suffer physical, psychological, behavioural, and attitudinal changes, all of which present severe challenges to their parents and carers.
- 3.6.9 While there is some evidence that an unstable home life can increase the vulnerability of child sexual exploitation, the grooming process can bring chaos to a formerly 'stable' household. Further information about child sexual exploitation can be found [here](#).

### 3.7 Child Criminal Exploitation

- 3.7.1 There is no legal definition of Child Criminal Exploitation (CCE), however, it is increasingly being recognised as a major factor behind crime in communities across the UK, while also simultaneously victimising vulnerable young people and leaving them at risk of harm.
- 3.7.2 CCE often occurs without the victim being aware that they are being exploited and involves young people being encouraged, cajoled or threatened to carry out crime for the benefit of others. In return they are offered friendship or peer acceptance, but also cigarettes, drugs (especially cannabis), alcohol or even food and accommodation.
- 3.7.3 Children as young as 10 or 11 are being groomed to enter gangs and commit crime on behalf of older criminals. These young people are being exploited and, by being persuaded or lured into carrying out illegal activities, often with the promise of something they desire as a reward, they become incredibly vulnerable.
- 3.7.4 Victims of CCE are often fearful of getting into trouble themselves – for the very actions they have been exploited into carrying out – so it can also be difficult to get these young people to come forward and speak out about their situation.
- 3.7.5 Lincolnshire has Multi Agency Child Exploitation (MACE) arrangements which contribute to the delivery of the child exploitation strategic priority and outcome. Further information can be found [here](#).
- 3.7.6 For more information on one of the main types of criminal exploitation, please see Chapter 9 – County Lines and Cuckooing.

*Children experiencing exploitation – whether sexual or criminal are likely to go missing or run away from home. More information about missing children can be found [here](#)*

### **3.8 Contextual Safeguarding**

- 3.8.1 Contextual Safeguarding is a new approach to safeguarding children and young people, which aims to understand and respond to young people's experiences of significant harm beyond their families. It recognises that the different relationships that young people form in their neighbourhoods, schools and online can feature violence and abuse. Parents and carers have little influence over these contexts, and young people's experiences of extra-familial abuse can undermine parent-child relationships.
- 3.8.2 Contextual Safeguarding aims to ensure that children's service's practitioners engage with individuals and sectors who do have influence over/within extra-familial contexts, and recognises that assessment of, and intervention with, these spaces is a critical part of safeguarding practices. Contextual Safeguarding, therefore, expands the objectives of child protection systems in recognition that young people are vulnerable to abuse in a range of social contexts.

### **3.9 Impact of Sustained Abuse and Neglect**

- 3.9.1 The sustained abuse or neglect of children physically, emotionally, or sexually can have long-term effects on the child's health, development and well-being. It can impact significantly on their self-esteem, self-image and on their perception of self and of others. The effects can also extend into adult life and lead to difficulties in forming and sustaining positive and close relationships. In some situations it can affect parenting ability and can lead to the perpetration of abuse on others.
- 3.9.2 The context in which the abuse takes place may also be significant. The interaction between a number of different factors can serve to minimise or increase the likelihood or level of significant harm. Relevant factors will include the individual child's coping and adapting strategies, support from family or social network, the impact and quality of professional interventions and subsequent life events.
- 3.9.3 Physical Abuse: can lead directly to neurological damage, as well as physical injuries, disability or at the extreme, death. Harm may be caused to children, both by the abuse itself, and by the abuse taking place in a wider family or institutional context of conflict and aggression. Physical abuse has been linked to aggressive behaviour in children, emotional and behavioural problems and educational difficulties.
- 3.9.4 Severe Neglect: associated with major impairment of growth and intellectual development. Persistent neglect can lead to serious impairment of health and development, and long term difficulties with social functioning, relationship and educational progress. Neglect can also result in extreme cases in death.
- 3.9.5 Sexual Abuse: can lead to disturbed behaviour including self-harm, inappropriate sexualised behaviour and adverse effects which may last into adulthood. The severity of impact is believed to increase the longer the abuse continues; the more extensive the abuse and the older the child. A number of features of sexual abuse have also been linked with the severity of impact, including the extent of premeditation, the degree of threat and coercion, sadism and bizarre or unusual elements. A child's ability to cope with the experience of sexual abuse, once recognised or disclosed, is strengthened by the support of a non-abusive adult or carer who believes the child, helps the child to understand the abuse and is able to offer help and protection.



- 3.9.6 Emotional Abuse: There is increasing evidence of the adverse long-term consequences for children's development where they have been subject to sustained emotional abuse. Emotional abuse has an important impact on a developing child's mental health, behaviour and self-esteem. It can be especially damaging in infancy. Underlying emotional abuse may be as important, if not more so, than other more visible forms of abuse in terms of its impact on the child. Domestic abuse, adult mental health problems and parental substance misuse may be features in families where children are exposed to such abuse.

### 3.10 Significant Harm

*The Children Act 1989 introduced **significant harm** as the threshold that justifies compulsory intervention in family life in the best interests of the child and gives Local Authorities a duty to make enquiries to decide whether they should take action to safeguard or promote the wellbeing of a child who is suffering, or likely to suffer significant harm. Children experiencing exploitation – whether sexual or criminal are likely to go missing or run away from home. More information about missing children can be found [here](#)*

- 3.10.1 There are no absolute criteria to rely on when judging what constitutes significant harm, but considerations should include:
- the severity of ill-treatment
  - the degree and the extent of physical harm
  - the duration and frequency of abuse and neglect
  - the extent of premeditation
  - the degree of threat, coercion, sadism
- 3.10.2 Each of these is associated with more severe effects on the child and/or relatively greater difficulty in being able to overcome their impact. Sometimes a single traumatic event may constitute significant harm, e.g. a violent assault, suffocation or poisoning. More often, suffering significant harm is a compilation of significant events, both acute and long-standing, which interrupt, change or damage the child's physical and psychological development.
- 3.10.3 Some children live in family and social circumstances where their health and development are neglected. For them, it is the corrosiveness of long term emotional, physical or sexual abuse that causes impairment to the extent of constituting significant harm. In each case, it is necessary to consider any ill-treatment alongside the family's strengths and supports.
- 3.10.4 The child's reactions, his or her perceptions, and wishes and feelings should be ascertained and given due consideration, so far as is reasonably practicable and consistent with the child's welfare and having regard to the child's age and understanding.
- 3.10.5 The following considerations may indicate that further enquiry is needed and should be considered when assessing risks to a child. Some of these have arisen from learning from serious case reviews following incidents of significant harm:
- An unexplained delay in seeking treatment that is obviously needed
  - An unawareness or denial of any injury, pain or loss of function
  - Incompatible explanations offered or several different explanations given for a child's illness or injury
  - A child reacting in a way that is inappropriate to his/her age or development
  - Reluctance to give information or failure to mention previous known injuries

- Frequent attendances at Accident and Emergency Departments or use of different doctors and Accident and Emergency Departments
- Frequent presentation of minor injuries (which if ignored could lead to a more serious injury);
- Unrealistic expectations/constant complaints about the child
- Alcohol and/or drug misuse or other substance misuse
- A parent's request to remove a child from home or indication of difficulties in coping with the child
- Domestic abuse
- Parental mental ill health
- The age of the child and the pressures of caring for a number of children in one household
- Parental conflict about separation and contact with serious threats to harm the children

### 3.11 Responding to Disclosures, Concerns and Allegations

3.11.1 These procedures are intended as a guide to help you understand what action should be taken if you have concerns about, or encounter a case of, alleged or suspected child abuse.

3.11.2 **Responding to a child or young person making an allegation of abuse:** Abused children and young people will only tell people they trust and with whom they feel safe. By listening and taking seriously what the child or young person is saying, you are already helping the situation. The following points are a guide to help you respond appropriately:

- Stay calm
- **Listen** carefully to what is said
- Find an appropriate early opportunity to explain that the information may need to be shared with others – **do not promise to keep secrets**
- Allow the child or young person to continue at their own pace
- Ask questions for clarification only, and **avoid asking questions that suggest a particular answer**
- Reassure them that they have done the right thing in telling you
- Tell them what you will do next and with whom the information will be shared
- Record in writing all the details that you are aware of and what was said using the child or young person's own words, as soon as possible. In your record you should include:
  - The date and time
  - The child or young person's name, address and date of birth
  - The nature of the allegation or incident
  - A concise, factual description of any visible injuries, including a diagram if possible
  - Your observations e.g. a description of the child or young person's behaviour and physical and emotional state
  - Exactly what the child or young person said and what you said. Record the child or young person's account of what has happened as closely as possible
  - Any action you took as a result of your concerns e.g. who you spoke to and resulting actions. Include names, addresses and telephone numbers
  - Sign and date your record (signature not required with electronic forms)
  - Store the information in accordance with relevant procedures, i.e. GDPR
- Follow the Council's reporting procedures or speak to the Designated Safeguarding Lead or the Deputy Safeguarding Lead.

**3.11.3 Responding to allegations or concerns against a member of staff, elected member, volunteer or any other person:**

- Take the allegation or concern seriously
- Consider any allegation or concern to be potentially dangerous to the child or young person
- Record in writing all the details that you are aware of as soon as possible

3.11.4 If an allegation of abuse is made against a member of staff, elected member or volunteer, the Designated Safeguarding Lead must be informed immediately.

3.11.5 The Designated Safeguarding Lead will inform the Chief Executive (providing that the allegation is not against them) and Local Authority Designated Officer for Allegations (LADO), if appropriate to do so, and consideration will be given to suspending the member of staff from work or moving them to alternative duties not involving contact with children, young people, or adults at risk – in accordance with the Council's Disciplinary Procedure. This should be considered in conjunction with HR or the Monitoring Officer, as appropriate to the situation. If the Designated Safeguarding Lead is the subject of the suspicion/allegation, the report must be made directly to the Chief Executive.

3.11.6 If it is necessary to investigate events surrounding the complaint, this will be done in accordance with advice from the Local Authority Designated Officer (LADO), if appropriate, through the Council's Disciplinary Policy and Procedure, and will include any further procedures as set out by the Lincolnshire Safeguarding Children Partnership.

3.11.7 If the complaint is against someone other than a member of staff, elected member, volunteer, contractor or consultant e.g. parent, carer, other service user, etc., then the Designated Safeguarding Lead must be informed in line with the Council's reporting procedures.

3.11.8 It is important to remember that the language used in recording safeguarding concerns should remain objective and those making records should not use negative, victim-blaming or inflammatory language to describe children and young people.

### **3.12 Reporting Concerns**

3.12.1 Anybody subject to this policy may witness or be informed of an issue that they feel should be referred to Children's Services.

3.12.2 Throughout this policy you will see the logo below. To access information and forms to enable you to report a concern (that is not an immediate risk of harm), you can click on this logo anywhere in the policy. The link will take you to the intranet. The appropriate reporting form must then be completed - childrens or adults (as appropriate) and forwarded to [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk) . Once your concern has been received, the next steps and appropriate action will be decided. You must advise the Designated Safeguarding Lead if you have NOT made a direct referral to children's or adult services.





- 3.12.3 Alternatively, and for staff without IT access, please speak to your line manager/supervisor to report a concern.
- 3.12.4 If you feel that a child or young person is at immediate risk of significant harm, then you must call the Police on 999. If however you think they are at risk but that risk is not immediate, you must take appropriate action, calling 101 if you think a crime has been committed, and by reporting the matter to the LCC Customer Services Centre (CSC) on 01522 782111 for children, 01522 782155 for adults, or emergency out of hours 01522 782333.
- 3.12.5 In all cases you should report the incident to the Designated Safeguarding Lead accordingly.
- 3.12.6 Customer facing, front line services are most likely to come across safeguarding concerns in their day to day roles and should have an enhanced level of awareness. These staff groups/services will be more experienced in engaging with external agencies to report safeguarding concerns and should do so wherever possible.
- 3.12.7 The Council's Designated Safeguarding Lead or the Deputy Safeguarding Lead should, where there is felt to be no immediate risk to the child, be consulted prior to the referral being made. Where it is not possible to do this the same working day, then an appropriate referral should be made by the individual with the concern, supported by their line manager. Child protection referrals do not need consent from the child or their family, but it is best practice to seek this wherever possible.
- 3.12.8 It is possible that the Council will have allegations referred to them by third parties. For example, neighbours may contact staff to advise they suspect the welfare of a child or young person is suffering. Under these circumstances people should be encouraged to ring the customer services centre themselves directly (members of the public can report anonymously). These notifications should not be ignored – a child is potentially at risk - if the person reporting their concern to SKDC does not want to make a direct referral staff should contact Children's Services but explain that the information is from a third-party.
- 3.12.9 When a safeguarding referral is made, the referral will be screened in order to decide on the best course of action. LCC has one working day to decide on the response needed. If a referral meets the threshold for a social work assessment under the Children Act (2004), the referrer will be informed by letter and Children's Services colleagues will take the case forward. If the referral does not meet the threshold, the referrer should also be informed of this by letter. At this point, individuals may be advised to consider Early Help support and/or to set up a Team around the Child (TAC) case. In such cases, individuals should discuss this with a Safeguarding Officer or seek advice from the Early Help Advisors regarding their next steps.

**REMEMBER:**

*It is not your job to judge or to investigate, but to inform and share your concerns.*

### 3.13 Consent

- 3.13.1 **Reporting without consent:** During the course of your duties you may witness an incident involving a child or young person that causes you concern, but you have no personal information about the child. You may be dealing with a member (or members) of family. If this incident results (or could result) in the child sustaining significant harm you should contact Children's Services and/or the police immediately.
- 3.13.2 If you witness something that causes concern (but does not put a child or young person in danger) and you have no personal information about the child or their family you therefore cannot gain consent to pass your concerns on, you can still log your concern with our Designated Safeguarding Lead using the internal reporting form which can be found on the intranet under Safeguarding 'Report a concern about a child here' and at appendix D of this policy.
- 3.13.3 **Early Intervention – Intervention with Consent:** Early Help and Team Around the Child (TAC) are supportive processes to help children, young people and their family at the earliest possible opportunity. This is a voluntary process for families and to undertake an Early Help Child and Family Assessment or initiate a TAC you **must gain consent** from the child, young person and their family before information is shared with other agencies. A consent form can be found within the Early Help Child and Family Assessment form and signatures are required the child and parent/carer on any subsequent TAC Plan to show their agreement to the actions contained.
- 3.13.4 Officers should be aware that in the case of professional referrals relating to child protection, the assumption of the Lincolnshire Safeguarding Children Partnership (LSCP) is that the family may be told where the referral has come from by Children's Services officers. Any referral made by an officer of South Kesteven District Council is regarded as a professional referral. Officers should make referrals direct, but they can be made by the Designated Safeguarding Lead or Deputy Safeguarding Lead.
- 3.13.5 You must be aware that if there is a need by Children's Services to open a Child Protection Plan or LSCP open a Serious Case Review you may be called in to give evidence. In these instances, you will be supported by the Designated Safeguarding Lead or the Deputy Safeguarding Lead.

**REMEMBER:**

*It is not your job to judge or to investigate, but to inform and share your concerns.*

### 3.14 Good Practice Guidance

- 3.14.1 It is possible to limit the situations where the abuse of children, young people or adults may occur. These guidelines aim to promote positive practice and are examples to help safeguard children, young people and vulnerable adults. They will also protect staff, elected members, volunteers and anyone working for or on behalf of South Kesteven District Council.
- 3.14.2 Staff, elected members, volunteers and contractors should always remember:
- Avoid situations where they and an individual child or young person are alone and unobserved
  - Ensure that children or young people are not left unattended. For example, it is the parents/carers responsibility to supervise any children in their care whilst visiting Council offices, or when an employee, elected member, volunteer or contractor is carrying out a home visit

- Respect the individual and provide a safe and positive environment
- If any form of physical contact is required it should be provided openly and according to appropriate guidelines, i.e. National Governing Body of Sport Guidelines
- If supervision in changing rooms or similar environments is required, ensure you work in pairs and never enter opposite sex changing rooms
- With mixed groups, supervision should be by a male and female member of staff where possible
- Staff, elected members, volunteers and contractors must respect the rights, dignity and worth of every person and treat everyone equitably within the context of the activity
- Every assessment should reflect the unique characteristics of the child within their family and community context. The Children Act (1989) promotes the view that children and their parents should be considered as individuals and that family structures, culture, religion, ethnic origins and other characteristics should be respected
- Where appropriate, use a simple Equality Monitoring form for Children and Young People to help you assess how accessible our services are to children and young people
- Staff, elected members, volunteers and contractors must place the well-being and safety of the child or young person above the development of performance
- If a child or young person is accidentally injured as the result of a staff member, elected member, volunteer or contractor or seems distressed in any way, appears to be sexually aroused by your actions or misunderstands or misinterprets something you have done, always report such incidents as soon as possible to a Safeguarding Officer and make a written report
- If a child or young person arrives at the activity or service showing any signs or symptoms that give you cause for concern, you must act appropriately and follow the safeguarding reporting procedures
- Staff must avoid being left alone with a child. This may happen if the adult present is distracted by, for example, a telephone call in another room. Under such circumstances, the member of staff must mention the situation to the adult concerned and if the adult is intent on leaving the member of staff alone with a child, the member of staff must leave the property

3.14.3 It is **not** good practice for staff, elected members, volunteers or contractors to:

- Spend unreasonable amounts of time alone with children or young people away from others
- Take children or young people alone on a car journey, however short
- Take children or young people to your home where they will be alone with you
- Arrange to meet children or young people outside an organized activity or service
- Agree to 'look after' or be left in sole charge of children, even for short periods of time during the course of your duties
- Knowingly visit or enter a property unless in the company of an adult who resides at the property. No member of staff should enter a property where only a child is present. If a child left alone is suspected of being below an age when an adult should supervise them, a Safeguarding Officer should be contacted
- Ask children to leave a message for their guardian (direct contact must be made with the guardian before it can be assumed that a message has been received). Similarly, children should not be asked to interpret for their guardian

3.14.4 If these situations are unavoidable, they should **ONLY** occur with the full prior knowledge and consent of your line manager and the child or young person's parent/carer.

3.14.5 Staff, elected members, volunteers and contractors should **never**:

- Engage in rough physical games including horseplay
- Engage in sexually provocative games
- Allow or engage in inappropriate touching of any form
- Allow anyone to use inappropriate language unchallenged, or use it yourself
- Make sexually suggestive comments about or to a child or adult, even in fun
- Let any allegation a child or adult makes be ignored or go unrecorded
- Do things of a personal nature for children or adults that they can do for themselves, e.g. assist with changing
- Enter areas designated only for the opposite sex without appropriate warning (e.g. cleaning staff for toilets etc.)
- Share a room with a child or young person (e.g. overnight accommodation)
- Take a child to the toilet, unless this is an emergency and a second, same-sex member of staff is present
- Use a mobile phone, camera or other recording device in any changing area or other single sex location such as toilets. Exceptions to this may arise, for example where a photographic record of vandalism to a changing room is required. In such circumstances customers should be temporarily excluded from the location.

### 3.15 Photography and Pornography

3.15.1 There is increasing evidence that some people have used children's and young persons' activities and events as an opportunity to take inappropriate photographs or video footage of children and young people. Staff, elected members, volunteers and contractors should be vigilant at all times, and any person using cameras or videos within South Kesteven District Council services and events or activities that involve children and young people should be approached and asked to complete a consent form for the use of cameras and other image recorders. The form can be found [here](#).

3.15.2 When commissioning professional photographers or inviting the press to cover Council services, events or activities you must ensure that you make your expectations clear in relation to child protection. Remember:

- Check credentials of any photographers and organisations used
- Ensure identification is worn at all times. If they do not have their own, provide it
- Do not allow unsupervised access to children or young people or one-to-one photographic sessions
- Do not allow photographic sessions outside of the activities or services, or at a child or young person's home
- Parents must be informed that photographs of their child or young person may be taken during Council services, activities or events and parental consent forms need to be signed agreeing to this. This must include information about how and where these photographs will be used
- It is recommended that the names of children or young people should not be used in photographs or video footage.

## 4 SAFEGUARDING ADULTS AT RISK

*“I don’t directly work with adults at risk, so does this policy apply to me”?*

**Yes it does! Safeguarding is everyone’s responsibility**

### 4.1 Introduction

- 4.1.1 This chapter applies to all situations within the Council’s operation which could potentially involve contact with adults at risk. It applies to all staff, elected members, volunteers and anyone else working for or on behalf of and/or representing the Council who may come into contact with adults at risk in the course of their work/duties, whether in someone’s home, on Council premises or in the community. It should be a priority of all of the above to ensure the safety and protection of adults at risk and to fulfil their duty to act in a timely manner regarding any concern or suspicion that an adult is being, or is at risk of being abused, neglected or exploited.
- 4.1.2 The Lincolnshire Safeguarding Adults Board (LSAB) is responsible for developing the multi-agency policy and procedures that all relevant organisations in Lincolnshire need to follow. The LSAB policy and procedures that the Council are required to follow can be accessed [here](#).
- 4.1.3 Safeguarding adults requires people and organisations to work together to prevent and stop abuse or neglect, and make sure that the adult’s wellbeing is promoted, taking account of their views, wishes, feelings and beliefs in deciding on any action.

*Safeguarding adults is “protecting an adult’s right to live in safety, free from abuse and neglect. It is about people and organisations working together to prevent and stop both the risk and experience of abuse and neglect, whilst at the same time making sure that the adult’s wellbeing is being promoted”.*

**The Care Act (2014)**

- 4.1.4 The aims of adult safeguarding are to:
- Stop abuse or neglect wherever possible
  - Prevent harm and reduce the risk of abuse or neglect to adults with care and support needs
  - Support vulnerable adults in making choices and having control about how they want to live
  - Focus on improving life for the adults concerned
  - Raise public awareness so that communities play their part in preventing, identifying and responding to abuse and neglect
  - Provide accessible information so people understand the types of abuse, how to stay safe and how to raise a concern about someone’s safety or wellbeing
  - Address what has caused the abuse or neglect
- 4.1.5 To achieve these aims, it is necessary to:
- Ensure that everyone is clear about their roles and responsibilities
  - Create strong multi-agency partnerships that provide timely and effective prevention of, and responses to abuse and neglect
  - Develop a positive learning environment to break down cultures that are risk-averse and seek to scapegoat or blame practitioners
  - Enable access to community resources (e.g. leisure facilities, town centre, community groups) that can reduce social and physical isolation which may increase the risk of abuse or neglect
  - Clarify how responses to safeguarding concerns arising from poor quality and inadequate service provision should be responded to.

## 4.2 Wellbeing Lincs

- 4.2.1 Wellbeing Lincs is a countywide preventative service aimed at adults 18+. It is designed to promote confidence in living independently. It is funded by Lincolnshire County Council and delivered on contract by the district councils working together. More information can be found [here](#).

## 4.3 Making Safeguarding Personal

- 4.3.1 People's lives and relationships are complex and adults may be ambivalent, unclear or unrealistic about their own circumstances.

***Making Safeguarding Personal** is a Department of Health initiative which primarily engages the second objective of the Care Act which is about **engaging** the person in a **conversation** about how best to respond to their safeguarding situation in a way that enhances their involvement, choice and control as well as improving their quality of life, wellbeing and safety.*

- 4.3.2 Being safe is only one of the things people need, and we should work with the adult to establish what being safe means to them and how that can be achieved, taking account of their individual wellbeing.
- 4.3.3 Statutory safeguarding duties apply to any adult who:
- Has needs for care and support (whether or not the local authority is meeting any of those needs)
  - Is experiencing, or at risk of, abuse or neglect
  - As a result of those care and support needs, is unable to protect themselves from either the risk of or the experience of abuse or neglect
- 4.3.4 Local authority statutory adult safeguarding duties apply to adults with care and support needs regardless of whether those needs are being met, irrespective of whether the adult lacks mental capacity or not and include anyone who:
- Is frail due to age, ill-health, physical disability or cognitive impairment, or a combination of these
  - Has a learning disability, a physical disability and/or a sensory impairment
  - Has mental health needs including dementia or a personality disorder
  - Has a long-term illness or condition
  - Misuses substances or alcohol
  - Is a carer who provides assistance to adults and is subject to abuse
  - Is unable to demonstrate the capacity to make a decision
- 4.3.5 Making Safeguarding Personal ensures safeguarding adults:
- is person-led
  - is outcome-focused
  - engages the person and enhances involvement, choice and control
  - improves quality of life, wellbeing and safety
- 4.3.6 Making Safeguarding Personal must not simply be seen in the context of a formal safeguarding enquiry (Care Act, 2014, Section 42 enquiry), but also in the whole spectrum of safeguarding activity.



## 4.4 Adult Safeguarding Enquiries

4.4.1 The Care Act 2014 requires that first tier local authorities (in Lincolnshire this is LCC) **must** make enquiries, or direct others to do so, whenever abuse or neglect are suspected in relation to an adult and the local authority thinks it necessary to enable it to decide what (if any) action is needed to help and protect the adult.

4.4.2 The scope of the enquiry, who leads it, its nature and how long it takes, will depend on the specific circumstances. It will usually start with asking the adult their views and wishes to determine the next steps. Everyone involved in an enquiry must focus on improving the adult's wellbeing and work together to that shared aim.

4.4.3 The key objectives of making an enquiry about abuse or neglect are to:

- Establish facts
- Ascertain the adults views and wishes
- Assess the needs of the adult for protection, support and redress and how these might be met
- Protect from abuse and neglect, in accordance with the wishes of the adult
- Make decisions as to what follow-up action should be taken with regard to the person or organisation responsible for the neglect
- Enable the adult to achieve resolution and recovery

4.4.4 Alongside this, there are **SIX** national principles of good practice in safeguarding adults:

<b>Empowerment</b>	People are supported and encouraged to make their own decisions and involved through informed consent.  <i>"I am asked what outcomes I want from the safeguarding process and these directly inform what happens."</i>
<b>Prevention</b>	Action is taken before harm occurs and to prevent a repeat of harm. <i>"I receive clear and simple information about what abuse is, how to recognise the signs and what I can do to seek help."</i>
<b>Proportionality</b>	The least intrusive response appropriate to the risk presented.  <i>"I am sure that the professionals will work in my interests as I see them and will only get involved as much as needed."</i>
<b>Protection</b>	People in need are safe and have support and representation.  <i>"I get help and support to report abuse and neglect. I am helped to take part in the safeguarding process to the extent to which I want."</i>
<b>Partnership</b>	Local services work together and with their communities to prevent, detect and report neglect and abuse.  <i>"I know that staff treat any personal and sensitive information in confidence, only sharing what is helpful and necessary. I am confident that professionals will work together and with me to get the best result for me."</i>
<b>Accountability</b>	Processes are transparent, consistent, robust and scrutinised.  <i>"I understand the role of everyone involved in my life and so do they."</i>

## 4.5 What are Abuse and Neglect?

4.5.1 There are different types of abuse and neglect, and different circumstances in which these occur. Incidents may be one-off or multiple, may affect one person or many, and may involve an act of abuse or neglect or a failure to act. The following types of abuse are defined in an adult safeguarding context:

Type of abuse	Physical examples	Behavioural Indicator
<b>Physical</b>	Hitting, slapping, pushing, kicking, misuse of medication, being locked in a room, inappropriate sanctions or force-feeding, inappropriate methods of restraint, unlawfully depriving a person of their liberty.	<ul style="list-style-type: none"> <li>• Unexplained or inappropriately explained injuries</li> <li>• Evidence of untypical self-harm</li> <li>• Unexplained bruising to the face, torso, arms, back, buttocks, thighs, in various stages of healing. Collections of bruises, in regular patterns and/or in the shape of an object and/or appear on several areas of the body</li> <li>• Unexplained burns on unlikely areas of the body (e.g. soles of the feet, palms of the hands, back), immersion burns (from scalding in hot water/liquid), rope burns, burns from an electrical appliance</li> <li>• Unexplained or inappropriately explained fractures at various stages of healing to any part of the body</li> <li>• Untreated medical problems</li> <li>• Sudden and unexplained urinary and/or faecal incontinence</li> <li>• Evidence of over-/under-medication</li> </ul>
<b>Sexual</b>	Rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure, sexual assault, sexual acts to which the adult has not consented or was pressured into consenting.	<ul style="list-style-type: none"> <li>• Person has urinary tract infections, vaginal infections or sexually transmitted diseases that are not otherwise explained</li> <li>• Person appears unusually subdued, withdrawn or has poor concentration</li> <li>• Person exhibits significant changes in sexual behaviour or outlook</li> <li>• Person experiences pain, itching or bleeding in the genital/anal area</li> <li>• Underclothing is torn, stained or bloody.</li> <li>• A woman who lacks the mental capacity to consent to sexual intercourse becomes pregnant</li> </ul>
<b>Emotional/ Psychological</b>	emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, cyber bullying, isolation, unreasonable and unjustified withdrawal of services or supportive networks.	<ul style="list-style-type: none"> <li>• Untypical ambivalence, deference, passivity, resignation</li> <li>• Person appears anxious or withdrawn, especially in the presence of the alleged abuser</li> <li>• Person exhibits low self-esteem</li> <li>• Untypical changes in behaviour (e.g. continence problems, sleep disturbance)</li> </ul>



<b>Financial or material abuse</b>	<p>Theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, the misuse or misappropriation of property, possessions or benefits.</p> <p>Financial abuse can seriously threaten an adult's health and wellbeing. The website '<a href="#">Friends Against Scams</a>' is a National Trading Standards Scams Team initiative which aims to protect and prevent people from becoming victims of scams by empowering people to take a stand against scams. Guidance on financial abuse can be found <a href="#">here</a>.</p>	<ul style="list-style-type: none"> <li>• Change in living conditions</li> <li>• Lack of heating, clothing or food</li> <li>• Inability to pay bills, unexplained shortage of money or withdrawals from an account, or unexplained loss or misplacement of financial documents</li> <li>• The recent addition of authorised signers on a signature card</li> <li>• Sudden or unexpected changes in a will or other financial documents</li> </ul>
<b>Neglect and acts of omission</b>	<p>Ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, care and support or educational services, the withholding of the necessities of life, such as medication, adequate nutrition and heating, a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.</p>	<ul style="list-style-type: none"> <li>• Person has inadequate heating and/or lighting</li> <li>• Person's physical condition / appearance is poor (e.g. ulcers, pressure sores, soiled or wet clothing)</li> <li>• Person is malnourished, has sudden or continuous weight loss and/or is dehydrated</li> <li>• Person cannot access appropriate medication or medical care</li> <li>• Person is not afforded appropriate privacy or dignity</li> <li>• Person and/or a carer has inconsistent or reluctant contact with health, social services, etc.</li> <li>• Callers/visitors are refused access to the person</li> <li>• Person is exposed to unacceptable risk</li> </ul>
<b>Discriminatory abuse</b>	<p>Discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation or political views, racist, sexist, homophobic or ageist comments or jokes. It also includes not responding to dietary needs, not providing appropriate spiritual support.</p>	<ul style="list-style-type: none"> <li>• May not always be obvious. May also be linked to acts of physical abuse and assault, sexual abuse and assault, financial abuse, neglect, psychological abuse and harassment so all the indicators listed above may apply to discriminatory abuse.</li> <li>• A person may reject their own cultural background and/or racial origin or other personal beliefs, sexual practices or lifestyle choices</li> </ul>

<b>Organisational Abuse</b>	Includes neglect or poor care in a person's home or in an institution e.g. a hospital or care home; from isolated incidents or ongoing ill treatment; through neglect or poor practice due to an organisations structure, policies, processes and practices.
<b>Self-Neglect and Hoarding</b>	<b>Self-Neglect:</b> When a person is unable or unwilling to care for their own essential needs. It covers a range of behaviour including neglecting personal hygiene, health or surroundings and includes refusal of support. <b>Hoarding:</b> Excessive collection and storing of items, often in a chaotic manner, to the point where living space cannot be used for its intended purpose. There are typically 3 types: compulsive hoarding; bibliomania; animal hoarding. A link to the LSAB hoarding protocol can be found <a href="#">here</a> and a link to Lincolnshire Fire and Rescue's Sherman Campaign can be found <a href="#">here</a> .
<b>Modern Slavery</b>	Includes slavery, human trafficking, forced labour and domestic servitude. Traffickers and slave masters coerce, deceive and force individuals into abuse, servitude and inhumane treatment. For more information please see chapter 8.
<b>Cultural Abuse</b>	<b>Female genital mutilation (FGM):</b> a procedure where the female genitals are deliberately cut, injured or changed, but where there's no medical reason for this to be done. For more information click <a href="#">here</a> . <b>Forced marriage:</b> A marriage conducted without the valid consent of one or both parties and where duress is a factor. Forced marriage is now a specific offence. <b>Honour based violence:</b> Practices to control behaviour or punish people within families or other social groups, perceived to protect cultural and religious beliefs and/or honour when perpetrators perceive that a relative has shamed the family and/or community.

## 4.6 Criminal Exploitation of Vulnerable Adults

- 4.6.1 This relates to vulnerable adults who are used, through whatever means, to engage in criminal activity by other adults who are able to coerce them to do so. The coercion is achieved through grooming, intimidation, acts of violence and debt bondage. The individuals involved may not identify themselves as being 'exploited' as such, but it is clearly to their detriment that they are involved in this type of activity. More information on this can be found in Chapter 9 – County Lines and Cuckooing.
- 4.6.2 It is vital to begin to establish the facts at the earliest opportunity (for example, the behaviours that are occurring and the circumstances in which they are happening).
- 4.6.3 Where a concern, complaint or allegation is raised, you must discuss this with the Designated Safeguarding Lead or the Deputy Safeguarding Lead to enable them to facilitate an internal exercise to look for:
- Past Incidents
  - Concerns
  - Risks and
  - Patterns

## 4.7 Recognising Abuse and Neglect

- 4.7.1 Recognising abuse or neglect is not easy. Abuse can happen anywhere: in someone's own home, in a public place, in a hospital or care home; when an adult lives alone or with others. Anyone can carry out abuse or neglect, including:
- Spouses / partners and other family members
  - Friends and acquaintances
  - Neighbours and local residents
  - People who deliberately exploit adults they perceive as vulnerable to abuse
  - Paid staff or professionals
  - Volunteers and strangers
- 4.7.2 The Care Act also identifies self-neglect as a safeguarding adult concern. While targeted fraud or internet scams are often perpetrated by strangers, in most cases of abuse, the abuser is known to the adult and in a position to gain their trust or to exert pressure or have power over them.
- 4.7.3 Anyone can witness or become aware of abuse and neglect. Everyone has a role in identifying when an adult is at risk. The adult may say or do things that provide a clue e.g. making a complaint, calling for an urgent response, voicing a concern, or issues may emerge during a needs assessment. Regardless of how a concern is identified, you must be vigilant on behalf of those who are unable to protect themselves, knowing what to do and where to get advice.
- 4.7.4 All adults, regardless of their background, should be given the same level of support and protection. Always give regard to a person's religion or belief. Those with disabilities or different nationalities, victims of trafficking, domestic abuse and bullying may have additional care needs. Those with autism may be more likely to suffer abuse or neglect.

Personal characteristics that <u>increase</u> vulnerability may include:	Personal characteristics that <u>decrease</u> vulnerability may include:
<ul style="list-style-type: none"> <li>• Not having mental capacity to make decisions about their own safety including fluctuating mental capacity associated with mental illness and other conditions</li> <li>• Communication difficulties</li> <li>• Physical dependency – being dependent on others for personal care and activities of daily life</li> <li>• Low self-esteem</li> <li>• Experience of abuse</li> <li>• Childhood experience of abuse</li> <li>• Drug/alcohol addiction</li> </ul>	<ul style="list-style-type: none"> <li>• Having mental capacity to make decisions about their own safety</li> <li>• Good physical and mental health</li> <li>• Having no communication difficulties or if so, having the right equipment/support</li> <li>• No physical dependency or, if needing help, able to self-direct care</li> <li>• Positive former life experiences</li> <li>• Self-confidence and high self-esteem</li> </ul>
Social/situational factors that <u>increase</u> the risk of abuse may include:	Social/situational factors that <u>decrease</u> the risk of abuse may include:
<ul style="list-style-type: none"> <li>• Being cared for in a care setting, i.e. more or less dependent on others</li> <li>• Not receiving the right amount or the right kind of care</li> <li>• Isolation and social exclusion</li> <li>• Stigma and discrimination</li> <li>• Lack of access to information and support</li> <li>• Being the focus of anti-social behaviour</li> </ul>	<ul style="list-style-type: none"> <li>• Good family relationships</li> <li>• Active social life and a circle of friends</li> <li>• Able to participate in the wider community</li> <li>• Good knowledge and access to a range of community facilities</li> <li>• Remaining independent and active</li> <li>• Access to sources of relevant information</li> </ul>

## 4.8 Carers and Safeguarding

- 4.8.1 Sometimes a carer (e.g. family member or friend) may:
- Witness or speak up about abuse or neglect
  - Experience intentional or unintentional harm from the adult they care for or from professionals and organisations they are in contact with
  - Unintentionally or intentionally harm or neglect the adult they support
- 4.8.2 The needs of the carer **and** the adult they care for must be considered, including:
- Whether a carer's assessment is needed to explore their individual needs; and whether or not joint assessment is appropriate in each individual case
  - Whether the carer and/or the adult they care for need independent advocacy
  - the risk factors that may increase the likelihood of abuse or neglect occurring
  - Whether a change in circumstance changes the risk of abuse or neglect; a change in circumstance should trigger a review of any care and support plan
  - Where abuse or neglect may be unintentional, whether the carer is struggling, and needs support or help (without losing the focus on safeguarding the adult)
  - Where abuse or neglect is deliberately intended to cause harm, whether immediate steps are needed to protect the adult and/or whether a criminal investigation by the police is needed.
- 4.8.3 Whenever a carer speaks up about abuse or neglect it is essential that they are listened to and, where appropriate, a safeguarding enquiry is undertaken.

## 4.9 People Alleged to be Responsible for Abuse and Neglect

- 4.9.1 Sometimes the person alleged to have carried out the abuse has care and support needs themselves and/or is unable to understand the significance of questions put to them or their replies. They have a right to support from an 'appropriate' adult if they are questioned in relation to a suspected crime under the Police and Criminal Evidence Act 1984 (PACE). Victims of crime and witnesses may also require the support of an 'appropriate' adult. If those alleged to be responsible for abuse lack capacity, they are entitled to the help of an Independent Mental Capacity Advocate.

## 4.10 Consent

- 4.10.1 It is always essential in safeguarding to consider whether the adult at risk is capable of giving informed consent in all aspects of their life. If they are able, their consent should always be sought.
- 4.10.2 If, after discussion with the adult at risk who has mental capacity, they refuse any intervention, their wishes will be respected *unless*:
- There is an aspect of *public interest* (e.g. not acting will put other adults or children at risk)
  - There is a *duty of care on a particular agency* to intervene (for example the police if a crime has been or may be committed)
  - Seeking consent is not possible and you have a safeguarding concern
  - Consent has been refused but you feel the referral is reasonable, justified and proportionate.

## 4.11 Mental Capacity, Consent to Refer

*The Mental Capacity Act 2005 defines capacity as the ability to make a particular decision or take a particular action at the time the decision or action needs to be taken.*

4.11.1 The Act applies to everyone aged over 16 and sets out **FIVE** statutory principles:

- Always assume a person has capacity to make their own decisions unless it is established that they lack capacity
- All practicable steps to help the person decide must have been taken without success
- A person must not be treated as lacking capacity and being unable to make a decision merely because they make an unwise decision
- Any action taken or decision made on behalf of a person who lacks capacity must be in their “best interests”. A record of the action or decision and the reasons for it must be made
- An act or decision on behalf of a person who lacks capacity must aim to be the least restrictive of their rights and freedom of action.

4.11.2 Assessing capacity involves a two-stage test: • Is there an impairment of or disturbance in the functioning of the person’s mind or brain?

- If so, is the impairment or disturbance sufficient that the person lacks the capacity to make that particular decision? A person is unable to make a decision if they cannot:
  - Understand “relevant information” (e.g. the nature of the decision, why it is needed, the likely effects of deciding one way or another or of making no decision), or
  - Retain the information in their mind, or
  - Use or weigh that information in the process of making the decision, or
  - Communicate their decision to others.

### Remember

*people often make what others consider to be unwise choices, even when they have capacity.*

4.11.3 Capacity may vary as a result of illness, injury, medication or other circumstances. Staff will need to use their professional judgement and seek guidance from a Safeguarding Officer or Adult Services in order to help adults to manage risk and give them control of making their own decisions.

4.11.4 If you have concerns about the mental capacity of an adult, please refer to the Designated Safeguarding Lead or the Deputy Safeguarding Lead who will assist you to complete a mental capacity assessment tool to help determine next steps. More information can be found [here](#).

4.11.5 It is important to note that just because someone is old, frail or has a disability, this does **NOT** mean that they are inevitably ‘at risk’ or that they lack capacity. A person with a disability who has mental capacity to make decisions about their own safety may be perfectly able to make informed choices and protect themselves from harm. It is equally important to note that people with capacity can also be vulnerable.

- 4.11.6 It is vital to try and decide whether an adult has the mental capacity to make decisions about their own safety or to give informed consent about:
- a referral being made
  - the actions that may follow under multi-agency policy and procedures
  - their own safety, including understanding the potential for longer-term harm as well as immediate effects
  - what action they need to take to protect themselves from future harm.
- 4.11.7 For consent to be meaningful and legal, two criteria need to be satisfied:
- The person must have the capacity to consent, AND
  - The consent must be their own choice, and must be given freely and not through coercion, intimidation or pressure from family or professionals.
- 4.11.8 If the person **has** capacity, you must always seek their consent to make a referral.
- 4.11.9 If you are concerned that the person **does not have** mental capacity, a referral or further action may still be needed. Always do this in the person's best interests. Without causing undue delay, seek advice from the Designated Safeguarding Lead or the Deputy Safeguarding Lead. If a decision is needed quickly, make it and record all actions and decisions and your reasoning for making the decision.

## 4.12 Advocacy

- 4.12.1 If there is a concern that an adult at risk of abuse or neglect requires an advocate to help them to understand and make decisions, the County Council has a duty consider whether the adult requires an independent advocate to represent and support the adult in an enquiry. There are two distinct types of advocacy:
- **Instructed advocates:** they take their instructions from the person they are representing. For example, they will only attend meetings or express views with the permission of that person.
  - **Non-instructed advocates:** they work with people who lack the capacity to make decisions about how the advocate should represent them. Non-instructed advocates independently decide how best to represent the adult.

## 4.13. Responding to an Adult at Risk who is making a Disclosure

- 4.13.1 It is important to apply the following in practice:
- Stay calm and speak to them in a private and safe place. It is essential that the person alleged to have caused harm is not present
  - Listen carefully to what they are telling you and get as clear a picture as you can. Avoid asking too many questions at this stage unless for clarification
  - Let them talk at their own pace
  - Do not give promises of complete confidentiality – **do not promise to keep secrets.**
  - Explain that you have a duty to tell a safeguarding officer and that their concerns may be shared with other professionals who could have a role in protecting them
  - Reassure the adult at risk that they have done the right thing in telling you
  - Reassure the adult at risk that they will be involved in decisions about what will happen
  - Explain that you will try to take steps to prevent them from further abuse or neglect
  - If they have specific communication needs, provide support and information in a way that is most appropriate to them
  - Do not be judgemental or jump to conclusions
  - Record, in writing, all the details that you are aware of and what was said using the person's own words as soon as possible.



#### **4.14 Record Keeping**

4.14.1 Good record keeping is essential. Whenever a complaint or allegation is made, all agencies should keep clear and accurate records with all relevant records put into a file to record all action taken. Always and as soon as possible, make a factual record of everything that happened, was said and was seen, including:

- The date and time and the person's name, address and date of birth
- The nature of the allegation or incident and, if possible, the name, address, date of birth, employer of the person (if relevant) alleged to have caused the harm
- Factual observations e.g. any visible injuries, the person's behaviour, physical/emotional state etc.
- Exactly what they said, using their own words, and exactly what you said
- Their consent to share the information
- All actions you took e.g. who you spoke to and all resulting actions so far. Included names, addresses and telephone numbers wherever possible
- Sign and date your record and store the information securely.

4.14.2 Where there is a file for the individual, the record should be stored in their file.

#### **4.15 Responding to Allegations or Concerns against a Member of Staff, Elected Member, Volunteer or any other Person**

4.15.1 Ensure you always:

- Take the allegation or concern seriously
- Consider any allegation or concern to be potentially dangerous to the person
- Record in writing all the details that you are aware of as soon as possible

4.15.2 If an allegation of abuse is made against a member of staff, elected member or volunteer, the Designated Safeguarding Lead must be informed immediately. They will inform the Chief Executive (providing that the allegation is not against them). Consideration will be given to suspending the member of staff or moving them to alternative duties not involving contact with adults at risk, in accordance with the Council's Disciplinary Policy and Procedure. If a Safeguarding Officer is the subject of the suspicion/allegation, the report must be made directly to the Chief Executive.

4.15.3 If the complaint is against someone other than a member of staff, elected member, volunteer, contractor or consultant i.e. parent, carer, other service user, etc., then the Designated Safeguarding Lead must be informed in line with the Council's reporting procedures.

#### **4.16 Reporting Concerns**

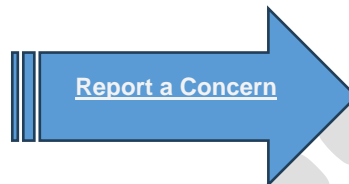
4.16.1 The first priority must always be to ensure the safety and wellbeing of the adult. The adult should experience the safeguarding process as empowering and supportive. Practitioners should, wherever practicable, seek the consent of the adult before taking action. However, there may be circumstances when consent cannot be obtained because the adult lacks capacity to give it, but it is in their best interests to undertake an enquiry. Whether or not the adult has capacity to consent, action may need to be taken if:

- Others are or will be put at risk if nothing is done
- It is in the public interest to take action because a criminal offence has occurred

*If you have a reasonable suspicion (e.g. reasons to suspect that an adult with care or support needs is experiencing or at risk from abuse or neglect) then you must gather as much information as possible. This will enable a Safeguarding Officer to carry out an internal check of the Council's previous dealings with them.*

*A Safeguarding Officer can assist to pass the concerns on to Adult Services if necessary.*

- 4.16.2 To access information and forms to enable you to report a concern, you can click on this logo anywhere in the policy. **The link will take you to the intranet.** The appropriate reporting form must then be sent to LCC Adult Services and a copy should be forwarded to [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk). Once your concern has been received, the next steps and appropriate action will be decided.



- 4.16.3 Alternatively, and for staff without IT access, please speak to the Deputy Safeguarding Lead to report a concern.
- 4.16.4 If you think someone is being abused or you think their safety is at risk, then it is important to tell someone. If you are worried about an adult and think they may be a victim of neglect, abuse, exploitation or cruelty, please call Lincolnshire County Council's CSC on 01522 782 155 or out of hours 01522 782 333. You do not need to know everything about the situation or what is happening. You may just be worried or feel that something is not right.
- 4.16.5 If you believe a crime has been committed and there is an immediate risk of danger, you should telephone the Police on 999. If you believe a crime has been committed but there is no immediate danger, you should call 101 to report your concerns.
- 4.16.6 Customer facing, front line services are most likely to come across safeguarding concerns in their day- to-day roles and should have an enhanced level of awareness. These staff groups/services will be more experienced in engaging with external agencies to report safeguarding concerns and should do so wherever possible (all referrals, whether they meet the threshold for intervention or not, should be logged with the Deputy Safeguarding Lead who will record them on the Council's safeguarding tracker system).
- 4.16.7 When an adult safeguarding referral is made, Lincolnshire County Council will apply the six objectives of the safeguarding enquiry to the discussions with colleagues and although the LCC is the lead agency for making enquiries, it may require others to undertake them.
- 4.16.8 The specific circumstances will often determine who the right person to begin an enquiry is. Statutory guidance sets out that in many cases a professional who already knows the adult will be the best person; for example, this could be a housing support worker or neighbourhoods officer.
- 4.16.9 It is possible that the Council will have allegations referred to them by third parties. For example, neighbours may contact staff to advise that they suspect that the welfare of an adult at risk is suffering. Under these circumstances staff should encourage those reporting such concerns to contact the police or the LCC Customer Service Centre (CSC) for adults accordingly.



- 4.16.10 **IMPORTANT:** Officers should be aware that in the case of professional referrals relating to an adult at risk, the assumption of the Safeguarding Adults Team at Lincolnshire County Council is that the adult at risk may be told where the referral has come from. Any referral made by an officer of South Kesteven District Council is regarded as a professional referral. Officers should make referrals direct, but these can be made by the Designated Safeguarding Lead or Deputy Safeguarding Lead.
- 4.16.11 You must be aware that if there is a need by Adult Services or the Lincolnshire Safeguarding Adults Board to open an Adult Protection Plan or Serious Case Review you may be called in to give evidence. In these instances, you will be supported by the Designated Safeguarding Lead or the Deputy Safeguarding Lead.

**REMEMBER:**

*It is not your job to judge or to investigate, but to inform and share your concerns.*

#### 4.17 Reporting to the Police

- 4.17.1 The police take any crime against an adult at risk seriously and will investigate it thoroughly, professionally and compassionately. The police work very closely with partner agencies to ensure effective information sharing, risk assessment and decision-making takes place every time an incident of abuse is reported.
- 4.17.2 There are now special measures that can be put into place to help vulnerable people through the court process. These measures have allowed many people who may once have been denied access to the criminal justice system the opportunity to give their evidence in court. The police will discuss these special measures with victims at the earliest stage possible in the investigation.

#### 4.18 Acting to Protect the Adult at Risk and deal with immediate needs

- 4.18.1 In an emergency, or if there is an immediate concern for the person's safety or wellbeing:
- **Call 999** for an ambulance if they are injured and/or for the police if you suspect a crime has been committed
  - Inform the appropriate LCC Customer Service Centre (CSC)
  - Take steps to ensure the person is not in immediate danger (without risk to yourself)
  - Avoid disturbing evidence: try to secure the scene e.g. lock the door
  - Consider the risk to any other adults or children and report to the appropriate LCC Customer Service Centre if necessary
  - Support the person to contact the police themselves if a crime has been or may have been committed
  - Provide reassurance, whilst being clear that you need to report the issue
- 4.18.2 Also, as soon as possible after the emergency has been resolved:
- Record exactly what happened on the relevant safeguarding referral form
  - Notify the Deputy Safeguarding Lead
  - Ensure that your record is signed, dated and securely stored
- 4.18.3 If a person is at risk of significant harm, or if they have made a disclosure or a direct or indirect allegation about a person or organisation outside SKDC, including a relative, carer or employee of that organisation:
- Take the allegation or concern seriously
  - Speak to them in a private and safe place
  - Ensure that the person alleged to have caused harm is not present
  - Make sure they are and feel safe and know what is happening
  - Evaluate the risk the adult; do this on the same day as the concern is identified

- **Ask for consent to share the information** (although you may not need consent if there is significant harm, it is still good practice)
  - Record the details on the relevant Safeguarding Referral Form, using their own words
  - As soon as possible, contact LCC's Customer Service Centre who will tell you what to do next. Write this down
  - Notify the Deputy Safeguarding Lead
  - Ensure that your record is signed, dated and securely stored
- 4.18.4 If someone makes allegations against a member of staff, elected member, volunteer, key contractor, consultant or directly commissioned provider acting on behalf of the Council, regardless of your role or status or theirs. **YOU MUST ALWAYS ACT.**

#### **4.19 What to do if someone makes a threat of suicide.**

- 4.19.1 If someone indicates over the phone that they are going to take their own life, simply asking about their suicidal thoughts or feelings will not push someone into doing self-destructive. In fact, offering an opportunity to talk about those thoughts or feelings may reduce the risk that someone may act on their suicidal feelings.
- 4.19.2 Start by asking questions. The first step is to find out whether the person is in danger of acting on suicidal feelings. Be sensitive but ask direct questions, check details and give further information such as:
- Check the details of what has been said (explaining again may get them to realise what they said and explain they do not mean it)
  - Check their contact number and current location (in case you need to call them back or send someone to the address)
  - Ask if they are thinking about committing suicide
  - Ask who is with them (either an adult for support or a child that may need safeguarding)
  - Inform them of the Samaritans number 116 123
  - Inform them of the number for **steps2change** the Lincolnshire NHS 24 helpline 0303 123 4000
  - Recommend they make an appointment with their GP
- 4.19.3 If the call gets cut off and you are unable to get back in touch and you have concerns that the person is going to take their life or hurt themselves or another person, please call 999 and request a safe and well check immediately.
- 4.19.4 In all cases you should report the incident to the Deputy Safeguarding Lead.

#### **4.20 What happens when you report Abuse or Neglect?**

- 4.20.1 The Care Act (2014) requires Lincolnshire County Council (LCC) to undertake Section 42 Enquiries, or to cause others (potentially including appropriate South Kesteven District Council staff) to do so, if they reasonably suspect an adult who meets the criteria is, or is at risk of, being abused or neglected. The purpose of an enquiry is to decide whether LCC or any other agency should do something to help and protect the adult. The adult should always be involved from the start of the enquiry unless that would increase the risk of abuse. If they have severe difficulty in being involved or if there is no one appropriate to support them, LCC must arrange for an independent advocate to represent them. The objectives of an enquiry into abuse or neglect are to:
- establish the facts
  - ascertain the adult's views and wishes
  - assess the need for protection, support, redress, and how this might be met
  - protect the adult from the abuse and neglect, in line with their wishes

- make decisions about further action against the person or organisation causing the abuse or neglect
- enable the adult to achieve resolution and recovery

*A personalised approach, enabling safeguarding to be done **with** and not **to** people, using practical methods defined by the adult's individual needs rather than those of an organisation.*

***"No decision about me, without me"***

- 4.20.2 The first priority is always to ensure the safety and wellbeing of the adult.
- 4.20.3 The process should be empowering and supportive. Wherever practicable, the consent of the adult will be sought before taking action but action may need to be taken if others are, or will be, put at risk if nothing is done; or if it is in the public interest because a criminal offence has occurred. Complex cases need to involve a social worker: for example, if abuse or neglect is suspected within a family. In other cases, a professional who already knows the adult or who has specific knowledge may be better placed to do an enquiry e.g. health professionals for medical issues or council staff for housing related issues. If LCC asks another agency to make the enquiry, they must set timescales and what action will follow if this is not done.
- 4.20.4 On completion of the enquiry, the outcome should be notified to LCC who must determine with the adult what, if any, further action is needed, agreeing an action plan, to be recorded on their care plan. Agencies must agree:
- what steps are to be taken to assure the person's safety in future
  - the provision of any support, treatment or therapy including on-going advocacy
  - any modifications to the way services are provided
  - how to support the adult through any action they take to seek justice or redress
  - any on-going risk management strategy as appropriate
  - any action to be taken regarding the person or organisation causing the concern
- 4.20.5 Actions could include disciplinary or criminal investigations, supporting the person through mediation, developing safeguarding plans or securing fuller assessments by health and social care agencies. A criminal investigation takes priority over all other enquiries but a multi-agency approach will be agreed to ensure that the interests and wishes of the adult are considered throughout, even if the adult does not wish to give evidence or support a prosecution. The welfare of the adult and others, including children, requires continued risk assessment to ensure the outcome is in their interests and supports their wellbeing.

## 5 DOMESTIC ABUSE

*"I don't directly work with children, families, or adults at risk of domestic abuse so does this policy apply to me?"*

**Yes it does! Safeguarding is everyone's responsibility**

### 5.1 Introduction

- 5.1.1 Sometimes you will hear the phrase domestic abuse, sometimes domestic violence. They mean the same thing. Domestic abuse includes a range of abusive behaviours which are used by an abusive partner, or ex-partner or family member to maintain power and control over another individual. Domestic abuse is not a one-off incident but is an on-going pattern of behaviour. Once begun, the abuse and/or violence will repeat itself and will often get worse over a period of time. This abusive behaviour also includes Forced Marriage, so called Honour-Based Violence and Female Genital Mutilation. Largely hidden behind closed doors, it leaves the victims feeling isolated and powerless.

### 5.2 What is Domestic Abuse?

- 5.2.1 Domestic Abuse is not just a disagreement. It is a pattern of behaviours, some causing physical injury, others not, some criminal, others not, but all potentially emotionally damaging. Frequently domestic abuse includes threats of violence, suicide or threats to take children away. It may also include breaking objects, hurting pets, abusive language, sexual abuse, driving recklessly to endanger or scare the abused person, isolating family members from others, and controlling access to money, cars and other personal belongings.
- 5.2.2 Domestic Abuse, or domestic violence, is defined as:
- **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 pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim.
  - **Threatening Behaviour** (harassment) includes threats of violence, threats of suicide or threats to take the children from the abused person.

*"Any incident or pattern of incidents of abusive behaviour such as physical or sexual abuse, violent or threatening behaviour, controlling or coercive behaviour, economic abuse, psychological, emotional or other abuse between people aged 16 or over who are personally connected"*

**Domestic Abuse Act 2021**

- 5.2.3 The Domestic Abuse Act 2021 introduced the implicit reference to children as victims of domestic abuse. Any reference in the Act to a victim of domestic abuse includes reference to a child who:
- sees or hears, or experiences the effects of the abuse and
  - is related to the principal victim or the perpetrator if:
    - the person is the parent of, or has parental responsibility for, the child or
    - the child and the person are relatives

## 5.3 Who can Experience Domestic Abuse?

- 5.3.1 Domestic Abuse has a significant impact on individuals, families and communities. Nationally, nearly one million women experience at least one incident of domestic abuse each year. One in ten men report they have experienced domestic abuse and at least 750,000 children a year witness domestic abuse. It is likely many of us are affected whether through intimate partnerships, family members, friends or our colleagues at work.
- 5.3.2 Domestic abuse can affect anyone, regardless of age, social background, gender, race, religion, sexual preference, disability or ethnicity. It may occur in a variety of relationships: married, separated, divorced, living together, dating, heterosexual, gay or lesbian, bi-sexual or transgender relationships.
- 5.3.3 Victims of domestic abuse are often too frightened or embarrassed to report what is happening or do not trust that they will be believed or safeguarded after their disclosure. Male victims of domestic abuse may find it harder to seek help. Many children witness domestic abuse and may require safeguarding action to be taken.

## 5.4 Types of Abuse

- 5.4.1 Recognising domestic abuse is not easy. The table below details some of the different types of abuse that may be present in an abusive relationship but this list is not exhaustive.

Type of Abuse	Examples
<b>Psychological Emotional</b>	Intimidation, insulting, isolating a person from friends and family, constantly criticising. Denying abuse, treating them as inferior, threatening to harm children or take them away, forced marriage. Swearing, undermining confidence, making racist remarks, making a person feel unattractive, calling them stupid or useless, eroding their independence, threatening suicide if the person leaves them.
<b>Physical</b>	Shaking, smacking, punching, kicking presence of finger or bite marks, starving, tying up, stabbing, suffocation, throwing things, using objects as weapons, female genital mutilation, honour-based violence. Physical effects such as bruises may be on areas of the body that are usually covered and hidden.
<b>Sexual</b>	Forced sex, forced prostitution, ignoring religious prohibitions about sex, refusal to practice safe sex, sexual insults, sexually transmitted diseases, preventing breastfeeding.
<b>Economic</b>	Not letting a person work, undermining their efforts to find work or study, refusing to give them money, asking for an explanation of how every penny is spent, making them beg for money, gambling, not paying bills.
<b>Controlling</b>	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 their means needed for independence, resistance and escape and regulating their everyday behaviour.
<b>Coercive</b>	An act or pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim.
<b>Stalking</b>	An activity that is designed to force contact on the subject. The stalker may use a variety of methods to attempt to establish a relationship including calling, emailing, sending letters, waiting in areas where the subject works or lives and attempting to approach or use third parties as intermediaries.
<b>Harassment</b>	Involves behaviour that is threatening and disturbing, conducted with the goal of intimidating, frightening, or irritating someone. A variety of activities can be considered harassment and some may technically be legal, but when they occur in the context of a pattern of other behaviours, they are considered harassment and can be prosecuted. This activity can include filing false reports against someone and distributing abusive materials designed to malign someone.

## 5.5 Why do People stay in Abusive Relationships?

5.5.1 Making the decision to leave a violent or abusive partner is not easy. There are a number of reasons why people do not leave an abusive relationship. It is important to understand some of these reasons. The table below sets out some of the reasons, but everyone's circumstances are different and this is not an exhaustive list.

<b>Fear of further violence:</b> Leaving may end the relationship but may not end the abuse. Many victims are tracked down and further abused when they leave, often for weeks and months afterwards. Research shows that about half of all women murdered by their partners had left or were in the process of leaving when they were killed.
<b>Lack of knowledge and access to help:</b> Despite increased awareness about domestic abuse, many victims don't know how to take advantage of their legal and housing rights. Even if they are aware of these services, some may experience problems due to language difficulties, inappropriate responses from service providers, living in isolated areas or lack of funds.
<b>Economic dependence:</b> If a victim is working, he/she may lose their job due to needing time off work, moving too far away or staying off work so they can't be found there. For other victims, becoming a single parent may mean working is no longer possible; others may face months of legal dispute over property and financial matters.
<b>Staying because of the children:</b> Many abused victims think they should stay in their relationship for the sake of their children.
<b>Social isolation:</b> Most victims experiencing domestic abuse are extremely isolated. Their partner may have deliberately isolated them from sources of support including family and friends, they may be too ashamed or afraid to tell anyone, or they may have told someone whose response has been unhelpful and judgmental.
<b>Emotional dependence:</b> Conflicting feelings of fear, shame, bewilderment, care for the abuser, a hope that things will improve, a commitment to the relationship but not to the abuse, all often contribute to a victim staying in an abusive situation.
<b>Lack of confidence:</b> After living with an abusive partner, the self-esteem of most victims has been eroded to the point where they no longer have confidence in themselves, including their ability to survive alone, and may believe that there are no other options.
<b>Cultural reasons:</b> Many victims and abusers have been brought up to believe that real fulfillment comes from being a husband/wife and mother/father or that divorce is wrong and may even be encouraged to stay in the relationship by family members or religious leaders.

5.5.2 For further information, visit [www.domesticabuselincolnshire.com](http://www.domesticabuselincolnshire.com)



## 5.6 Responding to Concerns, Allegations and Disclosures

5.6.1 Disclosing domestic abuse is not easy. It is vital that the procedures in this section are understood and applied consistently by all staff, elected members, volunteers and anyone working for or on behalf of South Kesteven District Council.

- At all times the person who has experienced Domestic Abuse must be dealt with in confidence. This is important to maximise the confidence that the individual has in the colleague/manager/practitioner and the organisation
- At all times take steps to protect the victim, accept their perception of the danger they are in and listen appropriately
- Permission must be sought to share information, unless it would put the individual in danger to do so. Information should never be discussed with other members of the family/public and should only be shared with colleagues where it is appropriate (e.g. the Multi-agency Risk Assessment Conference [MARAC](#) protocol)
- A risk assessment (known as a [DASH](#)) should be used in all cases and its use explained to the victim – **you should complete this with the victim** (unless to do so would put the person at risk) – **the form is accessible [here](#)**
- Concerns about the welfare of any children will take precedence over issues of confidentiality and be over-ridden by Child Protection procedures
- Ensure that at all times the victim is aware of organisational procedures and any action you are taking. Records should be kept of all interviews. This may be important for later evidential purposes. Use the client's exact words to record the abuse. Be as precise as possible e.g. 'my husband hit me with a cricket bat' rather than 'client has been abused'
- Do not insist on joint sessions with the victim and the perpetrator or that they should seek legal remedies if they do not wish to do so
- If the victim concerned does not want to leave yet, it does not mean they will never leave, nor that they do not require ongoing and continual support

5.6.2 South Kesteven District Council operates a Sanctuary Scheme, which is managed in partnership with the district's Independent Domestic Violence Advisor (IDVA). The scheme is open to all victims of domestic abuse who are in the district, but priority may be given to high risk victims managed under the MARAC arrangements. The scheme can be accessed via MARAC referral and professional referral. Most MARAC referrals are managed by the IDVA. A range of housing options will be discussed and offered as well as the Sanctuary scheme to enable the client to make an informed decision about the options that best suits their needs and circumstances.

### **Clare's Law - Domestic Violence Disclosure Scheme:**

*This gives individuals a 'right to ask' the Police when they have a concern that their partner may pose a risk to them or where they are concerned that the partner of a member of their family or a friend may pose a risk to that individual.*

5.6.3 If an application is made under the scheme, Police and partner agencies will carry out checks. If these show that the partner has a record of abusive offences, or there is other information to indicate that there may be a risk from the partner, the Police will consider sharing this information. For more information please click [here](#).

## 5.7 Reporting concerns

- 5.7.1 Any officer may, in the course of their duties, may witness or be informed of an issue that they feel should be referred to a domestic abuse trained officer. This can be done using the Council's standard reporting procedure. If officers are confident to do so they should complete a DASH risk assessment. Officers completing a risk assessment should discuss the outcome with a Safeguarding Officer.
- 5.7.2 For all other referrals, please follow the Council's [safeguarding incident flowchart](#) to determine an appropriate course of action.
- 5.7.3 It is possible that the Council will have allegations referred to them by third parties. For example, neighbours may contact staff to advise that they suspect that somebody is at risk of or is experiencing domestic abuse. Under these circumstances, staff should encourage those reporting such concerns to contact the Police or the Lincolnshire County Council CSC for adults accordingly.
- 5.7.4 To access information and forms to enable you to report a concern, you can click on this logo anywhere in the policy. **The link will take you to the intranet.** The appropriate reporting form must then be sent to LCC Adult Services and a copy should be forwarded to [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk) . Once your concern has been received, the next steps and appropriate action will be decided.



- 5.7.5 Alternatively, and for staff without IT access, please speak to the Designated Safeguarding Lead to report a concern.
- 5.7.6 If you are concerned that you or someone you know is experiencing Domestic Abuse and you want advice or support, you can contact EDAN Lincs:
- Telephone: 01522 510 041
  - Email: [info@edanlincs.org.uk](mailto:info@edanlincs.org.uk)
- 5.7.7 If you feel that someone is at immediate risk of significant harm, then you must call the Police on 999. If however you think they are at risk but that risk is not immediate, you must take appropriate action, calling 101 if you think a crime has been committed, and by reporting the matter to the LCC Customer Services Centre (CSC) on 01522 782111 for children, 01522 782155 for adults, or emergency out of hours 01522 782333.
- 5.7.8 In all cases you should also report the incident to the Designated Safeguarding Lead.



## 5.8 Our Commitment to Tackling Domestic Abuse

- 5.8.1 Domestic Abuse Charter: A Domestic Abuse charter has been developed for Lincolnshire that sets out 10 standards that agencies should aim to meet to ensure best practice. SKDC aims to follow this charter and will take steps to meet all 10 standards as set out below:

1.	That the agency I represent understands the realities of domestic abuse and its impact on, and cost to, the services it provides. Data will be shared within the DACGP
2.	Domestic Abuse material is displayed by the agency/department I represent in different languages relevant to local communities and is also available in alternative formats such as large print. Information about domestic abuse is included on respective agencies websites with links to the Lincolnshire DA website
3.	That there is an effective domestic abuse policy/protocol or guidance in place detailing how the agency/department will respond to domestic abuse
4.	That risk identification, risk assessment and risk management processes, for victims, perpetrators and children are fully embedded within the agency/department I represent
5.	That there is full participation by the agency I represent within the MARAC process for High Risk Victims
6.	That all appropriate referral/signposting pathways are in place for standard and medium victims
7.	That staff who require Domestic Abuse training have been identified and the level of training required assessed
8.	That all identified staff have been trained to the required level
9.	That there is regular attendance and participation at the Domestic Abuse core priority group and MARAC steering group from my agency
10.	The agency has an employee policy for staff experiencing or perpetrating domestic violence

## 6. PREVENT

### 6.1 Introduction

- 6.1.1 Prevent is one strand of the UK's wider counter-terrorism strategy known as [CONTEST](#). The four strands of the CONTEST strategy are:
- **Prevent** – aims to stop people from becoming terrorists or supporting terrorism by safeguarding people and communities
  - **Pursue** – concerned with the apprehension and arrest of people suspected of being engaged in the planning, preparation or commissioning of terrorism
  - **Protect** – seeks to strengthen our protection against a terrorist attack and reduce our vulnerability to an attack
  - **Prepare** – mitigate the impact of a terrorist attack where an attack cannot be stopped
- 6.1.2 The purpose of the Prevent strand is to safeguard and support people to stop them from becoming terrorists or supporting terrorism of any form. Prevent aims to:
- tackle the causes of radicalisation and respond to the ideological challenge of terrorism
  - safeguard and support those most at risk of radicalisation through early intervention, identifying them and offering support
  - enable those who have already engaged in terrorism to disengage and rehabilitate.
- 6.1.3 Prevent is a service that provides non-compulsory safeguarding support to people who have the final say in accepting support or not.
- 6.1.4 It is about safeguarding. In the same way, support is provided to those at risk of becoming involved in gangs, drugs, exploitation, or other forms of harm, individuals susceptible to being groomed into terrorism can also be offered support.
- 6.1.5 Prevent operates within a non-criminal space, intending to pre-empt criminal activity. This ensures the protection of communities and not its criminalisation. Importantly, those who receive support from Prevent do not receive a criminal record.
- 6.1.6 Community engagement is pivotal. We work closely, along with our partners on the Lincolnshire Prevent Steering Group, with the local community and voluntary groups to co-deliver awareness raising events and interactions.

### 6.2 The Prevent Duty

- 6.2.1 The Prevent duty requires specified authorities such as education, health, **local authorities**, police and criminal justice agencies (prisons and probation) to help prevent the risk of people becoming terrorists or supporting terrorism. It sits alongside our safeguarding duties to protect people from a range of other harms, such as substance abuse, involvement in gangs, and physical and sexual exploitation. The duty helps to ensure that people who are susceptible to radicalisation are supported as they would be under safeguarding processes.
- 6.2.2 Under the Duty, the Council has a responsibility to develop and maintain appropriate leadership and partnership working to help them have due regard to the need to prevent people from becoming terrorists or supporting terrorism.

- 6.2.3 Local authorities are required to have multi-agency arrangements in place to effectively monitor and evaluate the impact of Prevent work and provide strategic governance. In Lincolnshire we do this through the county's Prevent Steering Group which is led by the County Council. Together, this Steering Group helps to develop the Counter Terrorism Local Profile for Lincolnshire along with a delivery plan to ensure engagement, training and policy are effective. This group also produces a County risk register for Prevent which is populated by County and District Authorities.
- 6.2.4 One way that Prevent seeks to tackle the ideological causes of terrorism is by limiting exposure to radicalising narratives, both online and offline, and to create an environment where radicalising ideologies are challenged and are not permitted to flourish. This is known under the Duty as "reducing permissive environments".
- 6.2.5 Local authorities are expected to ensure appropriate frontline staff, including those of its contractors, have a good understanding of Prevent, are trained to recognise where a person might be susceptible to becoming radicalised into terrorism, and are aware of available programmes to provide support. At SKDC, in-person training is delivered on a three-year programme. Between in-person sessions, staff, contractors and Elected Members have access to Home Office Prevent Training. More information can be found [here](#).
- 6.2.6 PREVENT is included within South Kesteven District Council's safeguarding remit. Through awareness and partnership working, PREVENT seeks to safeguard and support vulnerable individuals and protect communities. You can find further information about the PREVENT duty for England and Wales [here](#).

### **6.3 Susceptibility to radicalisation**

- 6.3.1 Radicalisation is the process of a person legitimising support for, or use of, terrorist violence. Most people who commit terrorism offences do so of their own agency and dedication to an ideological cause.
- 6.3.2 There is no single profile of a radicalised person, nor is there a single pathway or 'conveyor belt' to being radicalised. There are many factors which can, either alone or combined, lead someone to subscribe to terrorist or terrorism-supporting ideology. These factors often include exposure to radicalising influences, real and perceived grievances – often created or exacerbated through grievance narratives espoused by extremists – and a person's own susceptibility.
- 6.3.3 A person's susceptibility to radicalisation may be linked to their vulnerability. A person can be vulnerable if they need special care, support or protection because of age, disability, risk of abuse or neglect. A person's vulnerabilities may be relevant to their susceptibility to radicalisation and to the early intervention approach that is required to divert them away from radicalisation.
- 6.3.4 In other cases, vulnerabilities may not be present or relevant to the early intervention approach required. Not all people susceptible to radicalisation will be vulnerable, and there are other circumstances, needs or other underlying factors that may make a person susceptible to radicalisation but do not constitute a vulnerability.

- 6.4.1 There is no single factor that leads someone to become radicalised. Instead, it is often the result of several factors. Some indicators of concern may be:
- Justifying the use of violence to bring about political, social or cultural change. This may mean supporting terrorist acts to bring about change
  - Possessing extreme material or symbols. This could include possessing certain literature, items or clothing
  - Engaging with extreme groups and their messaging. Sometimes the person may try to convince others of that message. They may also believe that violence is the only means to enable this extreme belief to be implemented
  - Use of extreme or hate terms to exclude others or incite violence
  - Spending an increasing amount of time online. The person may be sharing or consuming extreme views online.
- 6.4.2 Our key role in safeguarding people under Prevent, is to **notice, check and share**.

## 6.5 Reporting concerns

- 6.5.1 Anybody subject to this policy may witness or be informed of an issue that they feel should be referred to Prevent or to the Police. The Prevent Lead will help you to determine the next steps and to make a referral to Prevent or to the Police if required.
- 6.5.2 If you feel that a young person or vulnerable adult is at immediate risk of significant harm, then you call the Police on 999. If however you think they are at risk but that risk is not immediate, you must take appropriate action, calling 101 if you think a crime has been committed. In all cases you should report the incident to the Prevent Lead accordingly.
- 6.5.3 Individuals referred under Prevent will be offered safeguarding support under a process known as Channel. It is, however, important to recognise that not all cases referred will meet the threshold for Channel. Remember: these individuals are still vulnerable and will need to be safeguarded through the agreed processes for children and adults.

## 7. HATE CRIME AND MATE CRIME

### 7.1 Introduction

- 7.1.1 This chapter sets out the policy for identifying, reporting and dealing with hate and mate crime in South Kesteven.
- 7.1.2 This policy and the commitments made are made in the context of the Equality Act 2010, which requires public authorities to consider how they can take action to eliminate discrimination, advance equality of opportunity and foster good relations in the community. A key part of this is the correct identification and handling of hate and mate crime.
- 7.1.3 Hate crime can affect all communities, both urban and rural, and it is important that staff and elected members are aware of hate crime issues and what to do when hate crime is identified. It is also important to be aware of hate crime issues in areas of the District where they may not expect to find it. Furthermore, mate crime is a growing area of concern, and one which is not yet widely recognised, but is prevalent in all areas of society. Awareness is a key part of tackling the problem and working in partnership to prevent and stop mate crime is essential.

### 7.2 Definitions

<b>Hate Crime</b>	<p>A hate crime or hate incident is any crime or incident which is perceived by the victim or any other person to be motivated by hostility or prejudice based on a person's actual or perceived social group. There are common social groups who encounter such prejudice or hostility, and therefore the focus within this chapter is on the following protected characteristics:</p> <ul style="list-style-type: none"><li>• Disability</li><li>• Race</li><li>• Religion</li><li>• Sexual orientation</li><li>• Transgender identity</li></ul> <p>It is worth noting however, that hate crime can be based on any identifying factor, or a combination of 2 or more factors.</p>
<b>Mate Crime</b>	<p>There is currently no formally agreed definition of mate crime. However, the below is a widely accepted description:</p> <p><i>'When a person is harmed or taken advantage of by someone they thought was their friend. It is more common with people with learning disabilities and mental health conditions but not exclusive'.</i></p> <p>Those with substance misuse issues can also be more at risk.</p>

On the 30<sup>th</sup> January 2020 South Kesteven District Council formally adopted:

**The IHRA definition of anti-Semitism**

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

**The APPG on British Muslims definition of Islamophobia**

*“Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”*

and denounced all other forms of hatred.

### 7.3 Recognising Hate or Hate Crime

- 7.3.1 A hate crime or incident can encompass a large number of actions, directed at a particular person or more generally at a group of people, for the sole reason of their inclusion, or perceived inclusion, in one of the social groups mentioned above. These can include:
- Physical attacks
  - Verbal abuse
  - Offensive graffiti
  - Harassment
  - Damage to property
  - Exclusion from a group or community
- 7.3.2 It can be any activity directed at a person or group because of their social group. Usually hate crimes and incidents are easy to recognise for both the victims and the observers due to type of language used, or person targeted. However, not all attacks on minority social groups are because of hate, they may just be randomly targeted, and this must be considered.
- 7.3.3 Hate crime can be more difficult to recognise as often the victim thinks the perpetrator is their friend and may not perceive themselves as a victim or be able to see that what is happening to them is wrong.
- 7.3.4 Hate crime may include:
- Financial abuse e.g. visiting when the victim has just got their benefit and ‘borrowing’ money or going out for a drink and getting the victim to buy all the drinks
  - Physical abuse, making a joke of physical abuse, making it part of a ‘game’
  - Emotional abuse, distancing the victim from their family or other support, manipulating them into doing things they normally wouldn’t
  - Sexual abuse, coercion into prostitution, exploitation by their ‘friend’
- 7.3.5 Hate crime can be very subjective, and it is important to consider the vulnerability of the victim, the incidents occurring and any known background of the alleged perpetrator when dealing with hate crime. If you are unsure please seek advice from a Safeguarding Officer.

- 7.3.6 Indicators of a victim of mate crime may be:
- Lack of money shortly after payday
  - Withdrawal from services or family
  - Over reliance on a new friend
  - Changes in behaviour or mood
  - Making excuses for the behaviour or actions of a friend
- 7.3.7 Those subject to hate crime may be more at risk of early extremist tendencies, or those perpetrating may be exhibiting extremist views. In such cases the Prevent chapter of this policy should be referred to, which will give guidance on who to contact and go to for advice.
- 7.3.8 It is well known that hate crime and incidents are underreported nationally and locally. Statistical information can, therefore, misrepresent the reality of hate crime.
- 7.3.9 There are currently no statistics for mate crime, as often this type of incident is not identified, not reported, or can't be classed as a crime. However, we know from national case studies that the impact of mate crime can be high.
- 7.3.10 To ensure we do not see serious consequences in our area, it is important that we raise the profile of hate and mate crime and use this policy to inform, guide and protect.

## **7.4 Responding to a Report of Hate or Mate Crime**

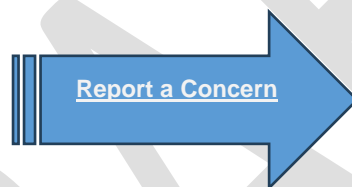
- 7.4.1 South Kesteven District Council is signed up to the Lincolnshire Hate Crime Strategy. Under the strategy, it has been agreed that all partners in Lincolnshire will use [Stop Hate UK](#) as their third party reporting centre. If a report is made to a member of staff or elected member, the following process should be followed:
- Take notes of the incident or allegation
  - Encourage the person to report the hate or mate crime to the police or to Stop Hate UK
  - If the victim does not wish to make the report themselves, contact Stop Hate UK to report the hate or mate crime as a third party. Inform a Safeguarding Officer of the report and any action taken
  - Consider any additional factors such as Anti-Social Behaviour, Domestic Abuse or Prevent. Where these factors are identified, refer the case to the Designated Safeguarding Lead for further advice
  - Make any necessary referrals arising from the above risk assessments
  - Offer the victim appropriate support, giving them a named contact. Identify any additional vulnerabilities including alcohol or substance misuse which may require a referral to substance misuse services or adult services.
- 7.4.2 If an allegation is made against a member of staff or elected member, the Designated Safeguarding Lead or Deputy Safeguarding Lead must be informed immediately. The Designated Safeguarding Lead will inform the Chief Executive and the Local Authority Designated Officer for Allegations (LADO), if appropriate, and consideration will be given to suspending the member of staff from work or moving them to alternative duties. If a Safeguarding Officer is the subject of an allegation, the report must be made directly to the Chief Executive. If it is necessary to conduct an investigation into events surrounding the complaint, this will be conducted in accordance with advice from the LADO, if appropriate, and through the Council's Disciplinary Policy and Procedure.



- 7.4.3 Staff Welfare is a key concern for the Council. If a member of staff or elected member is experiencing hate or mate crime, they will be offered the same support as a member of the public reporting to us, plus any extra support the council can offer such as management support. If the person perpetrating the hate or mate crime is an employee or elected member, the same process as described in the above paragraph will be followed, with serious consideration given to suspension to allow for proper investigation and to safeguard the welfare of staff, guided by the Council's Disciplinary Procedure.
- 7.4.4 On-line training is provided through the LSAB/LSCP to ensure that staff know what to look out for and how to respond to a report of hate or mate crime.

## 7.5 Reporting Concerns about Hate or Mate Crime

- 7.5.1 Anybody subject to this policy may witness or be informed of an issue that they feel should be referred to the Police or Prevent. An SKDC Safeguarding Officer or the Senior Neighbourhoods Officer will help you to determine the next steps and to make a referral to the appropriate authority if required.
- 7.5.2 To access information and an internal reporting form to enable you to raise a concern, you can click on this logo anywhere in the policy. **The link will take you to the intranet.** The form must then be sent to [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk). Once your concern has been received, the next steps and appropriate action will be decided.



- 7.5.3 Alternatively, and for staff without IT access, please speak to the Designated Safeguarding Lead or the Senior Neighbourhoods Officer to report a concern.
- 7.5.4 There are alternative reporting methods for hate crime and mate crime, detailed below. If you report via these methods, you must notify the Designated Safeguarding Lead.
- 7.5.5 **Reporting to the Police:** Hate crimes are just that: a crime. Reporting a hate crime to the Police is always the preferred choice so that accurate data can be captured and the incident dealt with appropriately. There is still a perception that hate crimes will not be taken seriously or may lead to reprisal, which leads to huge under-reporting. A recent report into transgender hate incidents suggested that victims did not know where to go for help as they felt embarrassed to go to the Police and did not believe any action would be taken. The Police can and do take action and victims can be reassured that their complaint will be dealt with, and that they will be treated with dignity.
- 7.5.6 **Third party reporting centres:** Where a victim or witness to an incident will not go to the police in person, third party reporting centres can be used. There are various third-party reporting centres which can be accessed in person, by phone or on the internet. Once contacted, the centre can then report an incident to the Police on behalf of the victim or concerned person, provide advice and support and signpost to other agencies as appropriate. Third party reporting provides a safe and confidential environment, with an agency that the individual may have more trust in. Some third-party reporting centres also have specialists in languages and law.



- 7.5.7 **Stop Hate UK:** Stop Hate UK is a national organisation which works to raise the profile of and challenge all forms of hate crime and discrimination. Stop Hate UK is funded to operate as a specialist third party reporting centre in Lincolnshire. [www.stophateuk.org](http://www.stophateuk.org).

## 7.6 Our commitment to tackling Hate Crime and Mate Crime

- 7.6.1 A Lincolnshire Hate and Mate Crime charter was developed by the Safer Lincolnshire Partnership that sets out 10 standards that agencies should aim to meet to ensure compliance. SKDC aims to follow this charter and will take steps to meet all 10 standards as set out below:

1	That the agency I represent will promote awareness and understanding of Hate Crime and Mate Crime and its impact on victims and communities – both internally and externally.
2.	Hate Crime and Mate Crime material is displayed by the agency/department I represent in different languages relevant to local communities and is also available in alternative formats such as large print. Information about Hate Crime and Mate Crime is included on respective agencies websites with links to the Lincolnshire Police and Stop Hate UK websites.
3.	That the agency I represent has a process in place to effectively identify Hate Incidents/Crime and Mate Crime.
4.	That there is an effective policy/protocol or guidance in place detailing how the agency/department will respond to both Hate Crime and Mate Crime.
5.	The agency I represent is committed to working in partnership to tackle Hate Crime and Mate Crime.
6.	That there is full commitment by the agency I represent to manage risk around hate crime.
7.	Ensure appropriate referral/signposting pathways are in place for victims of Hate Crime and Mate Crime.
8.	That staff that require Hate Crime and Mate Crime training have been identified and receive role appropriate training.
9.	That there is regular attendance and participation at the Anti-Social Behaviour Strategic Management Board and Hate Crime Delivery Group from my agency.
10.	The agency has a policy that includes staff experiencing or perpetrating Hate Crime and Mate Crime.

- 7.6.2 The charter recommends a traffic light system for self-assessment against each standard, with the aim of scoring green in all areas. This policy is the first step toward that aim. Training is integrated into the Council's safeguarding training plan. SKDC is committed to ensuring that information on hate and mate crime is available on its website to enable residents to find out more about the issue, including how and where to report.

## 6 MODERN SLAVERY AND HUMAN TRAFFICKING

### 8.1 Introduction

- 8.1.1 The Modern Slavery Act 2015 is an important milestone in the fight against slavery and for social justice. It unified and simplified previous legislation and gave law enforcement new powers, including increased sentencing and protection for survivors.

### 8.2 Modern Slavery and Human Trafficking

- 8.2.1 Modern slavery is a complex crime, often crossing international borders and involving multiple forms of exploitation. It is usually hidden. The common factors are that a victim is, or is intended to be, used or exploited for someone else's (usually financial) gain, without respect for their human rights.
- 8.2.2 Victims may be any age, gender and ethnicity, may have been brought from overseas or be vulnerable people from the UK. They are usually forced to work illegally against their will in many different sectors. Victims may not be aware that they are being trafficked or exploited and may appear to have consented to elements of their exploitation or accepted their situation.
- 8.2.3 Modern Slavery can take many forms including the trafficking of people, forced labour, servitude and slavery. Children (those aged under 18) are considered victims of trafficking, whether or not they have been coerced, deceived or paid to secure their compliance. They need only have been recruited, transported, received or harboured for the purpose of exploitation.
- 8.2.4 The term Modern Slavery captures a whole range of types of exploitation, many of which occur together. These include but are not limited to:
- Sexual exploitation: includes but is not limited to sexual exploitation and sexual abuse, forced prostitution and the abuse of children for the production of child abuse images/videos.
  - Domestic servitude: involves a victim being forced to work in predominantly private households, usually performing domestic chores and childcare duties. Their freedom may be restricted and they may work long hours often for little or no pay, often sleeping where they work.
  - Forced labour: victims may be forced to work long hours for little or no pay in poor conditions under verbal or physical threats of violence to them or their families. It can happen in various industries, including construction, manufacturing, laying driveways, hospitality, food packaging, agriculture, car washes, maritime and beauty (nail bars). Often victims are housed together in one dwelling.
  - Criminal exploitation: the exploitation of a person to commit a crime, such as pick-pocketing, shop-lifting, cannabis cultivation, drug trafficking and other similar activities that are subject to penalties and imply financial gain for the trafficker. Modern slavery victims are commonly involved in fraud or financial crime whereby perpetrators force victims to claim benefits on arrival but the money is withheld, or the victim is forced to take out loans or credit cards. Cannabis cultivation is the highest category of criminal exploitation.
  - Other forms of exploitation – Organ removal; forced begging; forced benefit fraud; forced marriage and illegal adoption

- 8.2.5 Human Trafficking: for a person to have been a victim of human trafficking there must have been:
- **Action** – recruitment, transportation, transfer, harbouring or receipt, which can include either domestic or cross-border (international) movement
  - **Means** – threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability – however, there does not need to be a means used for children as they are not able to give informed consent
  - **Purpose of exploitation** – for example sexual exploitation, forced labour or domestic servitude, slavery, financial exploitation, illegal adoption, removal of organs.
- 8.2.6 Slavery, Servitude and Forced or Compulsory Labour: for a person to have been a victim of slavery, servitude and forced or compulsory labour there must have been:
- **Means** – being held, either physically or through threat of penalty – e.g. threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability. However, there does not need to be a means used for children as they are not able to give informed consent
  - **Service** – an individual provides a service for benefit, e.g. begging, sexual services, manual labour, or domestic service.
- 8.2.7 Forced or compulsory labour may be present in trafficking cases. However, not every person who is exploited through forced labour has been trafficked. There will be cases of exploitation that do not meet the threshold for modern slavery. For example someone may choose to work for less than the national minimum wage, or in undesirable conditions, without being forced or deceived. In these instances, cases should be referred to the Police or Gangmasters and Labour Abuse Authority (GLAA). Safeguarding Officers will be able to advise you on this.
- 8.2.8 Slavery and servitude are more serious versions of forced or compulsory labour. You can find more information on the indicators of modern slavery [here](#).

### 8.3 National Referral Mechanism (NRM)

- 8.3.1 The National Referral Mechanism (NRM) is a framework for identifying and referring potential victims of modern slavery and ensuring they receive the appropriate support.
- 8.3.2 Modern slavery is a complex crime and may involve multiple forms of exploitation, as outlined above. An individual could have been a victim of human trafficking and/or slavery, servitude and forced or compulsory labour.
- 8.3.3 Victims may not be aware that they are being trafficked or exploited, and may have consented to elements of their exploitation, or accepted their situation. If you think that modern slavery has taken place, the case should be referred to the NRM so that the relevant competent authority can fully consider the case. You do not need to be certain that someone is a victim. In all instances, you should consult with the Designated Safeguarding Lead or the Deputy Safeguarding Lead prior to any referral taking place.

### 8.4 NRM Referral or a Duty to Notify Referral (DtN)

- 8.4.1 The online referral system is to be used for referrals into the NRM and for Duty to Notify referrals (DtN). Only staff at designated first responder organisations can make referrals. As a local authority, South Kesteven District Council is classed as a first responder.

- 8.4.2 The difference between an NRM referral and a DtN referral relates to the consent of the adult involved.
- 8.4.3 If the potential victim is under 18, or may be under 18, an NRM referral must be made – children cannot be referred in using a DtN referral. Child victims do not have to consent to be referred into the NRM and must first be safeguarded and then referred into the NRM process.
- 8.4.4 Consent is required for an adult to be referred to the NRM. For an adult to provide their informed consent, you must explain:
- what the NRM is
  - what support is available through it
  - what the possible outcomes are for an individual being referred
- 8.4.5 You should also make it clear that information may be shared or sought by the relevant competent authority from other public authorities, such as the police and local authorities, to gather further evidence on an NRM referral.
- 8.4.6 The online referral should only be completed for adults if you suspect someone is a victim of modern slavery and where the adult concerned has understood the implications of, and consented to, the referral. You must consult with the Designated Safeguarding Lead or the Deputy Safeguarding Lead prior to making a referral.
- 8.4.7 If an adult does not consent to enter the NRM, a DtN referral should be completed using the same online process.

## **8.5 Duty to Notify (DtN)**

- 8.5.1 From 1 November 2015, specified public authorities are required to notify the Home Office about any potential victims of modern slavery they encounter.
- 8.5.2 The online system provides optional and mandatory fields to enable you to submit the referral. Adult cases who do not provide consent to be referred into the NRM process, automatically become DtN referrals on the online system.
- 8.5.3 The [online form](#) will identify whether someone is a first responder by verifying their work email address. You will need to complete this verification to progress with the form. Always refer to the Designated Safeguarding Lead or the Deputy Safeguarding Lead before making a referral.
- 8.5.4 After submitting the form (which will be sent to the relevant competent authority) you will be sent a link to download a copy. The case will be assigned a reference number which will be e mailed to you. You must share this and a copy of the form submitted with the Designated Safeguarding Officer via [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk) .

## **8.6 Referring Modern Slavery Victims to the Police**

- 8.6.1 A potential victim of modern slavery is a potential victim of a crime. All NRM referrals should be referred to the police - either on the victim's behalf if they give consent, or as a third-party referral if they don't give consent (provided this does not breach any obligation of confidence under the common law).
- 8.6.2 This doesn't mean that potential victims are under any obligation to cooperate with the police. There is a section on the online form NRM where it can be confirmed if they are or are not willing to engage with the police.

## **8.7 Obligation of Confidence**

- 8.7.1 The NRM process is already a multi-agency process and when a potential victim consents to enter the NRM, they should be aware that information will be passed on by the first responder / frontline worker in order to access the NRM. It is unlikely that an obligation of confidence would prevent referring this information to the police.
- 8.7.2 If you are unsure whether an obligation of confidence would be breached by referring a case to the police, you should contact the Designated Safeguarding Lead or the Deputy Safeguarding Lead for further guidance.

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## 7 COUNTY LINES AND CUCKOOING

### 9.1 Introduction

- 9.1.1 'County Lines' and 'Cuckooing' are forms of criminal exploitation involving children and vulnerable adults. They are geographically widespread forms of harm about which relatively little is known, or recognised, currently by those best placed to spot its potential victims. This chapter is intended to explain the nature of this harm to enable staff to recognise the signs and respond appropriately so that potential victims get the support and help that they need.

### 9.2 County Lines

- 9.2.1 County Lines is a major, cross-cutting issue involving drugs, violence, gangs, safeguarding, criminal and sexual exploitation, modern slavery and missing persons; and the response to tackle it involves the police, the National Crime Agency, a wide range of Government departments, local government agencies and VCS (voluntary and community sector) organisations.

**The UK Government defines county lines as follows:**

*"County lines is a term used to describe gangs and organised criminal networks involved in exporting illegal drugs into one or more importing areas within the UK, using dedicated mobile phone lines or other form of "deal line". They are likely to exploit children and vulnerable adults to move and store the drugs and money and they will often use coercion, intimidation, violence (including sexual violence) and weapons."*

- 9.2.2 Those who become involved in county lines will almost undoubtedly be caught up in other safeguarding issues, potentially drugs, criminality, trafficking, modern slavery, sexual exploitation and gangs. It is extremely important that those involved in safeguarding children and vulnerable adults have an understanding of county lines. A typical county lines scenario is defined by the following components:
- A group (not necessarily affiliated as a gang) establishes a network between an urban hub and county location, into which drugs (primarily heroin and crack cocaine) are supplied
  - A branded mobile phone line is established in the market, to which orders are placed by introduced customers. The line will commonly (but not exclusively) be controlled by a third party, remote from the market
  - The group exploits young or vulnerable persons, to achieve the storage and/or supply of drugs, movement of cash proceeds and to secure the use of dwellings (commonly referred to as cuckooing)
  - The group or individuals exploited by them regularly travel between the urban hub and the county market, to replenish stock and deliver cash
  - The group is inclined to use intimidation, violence and weapons, including knives, corrosives and firearms



- 9.2.3 Some potential indicators of county lines involvement and exploitation are listed below, with those at the top of particular concern:
- persistently going missing from school or home and/or being found out-of-area
  - unexplained acquisition of money, clothes, or mobile phones
  - excessive receipt of texts/phone calls and/or having multiple handsets
  - relationships with controlling/older individuals or groups
  - leaving home/care without explanation
  - suspicion of physical assault/unexplained injuries
  - parental concerns
  - carrying weapons
  - significant decline in school results/performance
  - gang association or isolation from peers or social networks
  - self-harm or significant changes in emotional wellbeing
- 9.2.4 One of the key factors found in most cases of county lines exploitation is the presence of some form of exchange (e.g. carrying drugs in return for something). Where it is the victim who is offered, promised or given something they need or want, the exchange can include both tangible (such as money, drugs or clothes) and intangible rewards (such as status, protection or perceived friendship or affection). It is important to remember the unequal power dynamic within which this exchange occurs and to remember that the receipt of something by a young person or vulnerable adult does not make them any less of a victim. It is also important to note that the prevention of something negative can also fulfil the requirement for exchange, for example a young person who engages in county lines activity to stop someone carrying out a threat to harm his/her family.

### 9.3 Cuckooing

- 9.3.1 Cuckooing is a practice where people take over a person's home and use the property to facilitate exploitation. The most common form of cuckooing is where drug dealers take over a person's home and use it to store or distribute drugs.
- 9.3.2 Drug dealers will often target the most vulnerable in society. They are seeking to establish relationships to access the vulnerable person's home. Once they gain control over the victim, whether through drug dependency, debt or as part of their relationship, larger groups will sometimes move in. The threat of violence is often used to control the victim.
- 9.3.3 The victims of cuckooing are most commonly class 'A' drug users, but there are cases of victims with learning difficulties, mental health issues and, to a lesser extent, physical disabilities.
- 9.3.4 Signs that cuckooing may be going on at a property include:
- An increase in people entering and leaving
  - An increase in cars or bikes outside
  - An increase in anti-social behaviour
  - Increasing litter outside
  - People coming and going at strange times
  - Damage to the door/the door propped open
  - Unknown people pressing buzzers to gain access to the building
  - You haven't seen the person who lives there recently or, when you have, they have been anxious or distracted
- 9.3.5 If just one of these is taking place in a property, it may not mean anything. But if three or more of them are taking place, it could indicate that the property is being cuckooed.

## 9.4 The Links between County Lines and Cuckooing

*“The **cuckooing model** was initially used by **county lines** groups originating from London. County line dealing ‘franchises’ then spread throughout the country, taking the cuckooing model with them. However, due to the success of this method, cuckooing has now been adopted by other drug supply networks.”*

**National Police Chiefs Council**

- 9.4.1 Cuckooing remains the dominant method of obtaining access to suitable premises to operate and deal from. Virtually every force that reported the presence of a county line end-point reported cuckooing. County lines groups will target new premises by pursuing vulnerable individuals who attend recovery groups, dependency units and areas associated with those experiencing problems. They seek to establish relationships with vulnerable individuals for access to their homes. Once they gain control over the victim, whether through drug dependency, debt or as part of their relationship, groups move in. Once this happens the risk of domestic abuse, sexual exploitation and violence increases. In some instances, drug users may appear to be complicit in allowing their home to be used, however the issue of true consent is questionable, as many drug users will not necessarily see themselves as being vulnerable.
- 9.4.2 Cuckooed addresses have been linked to many county lines, with victims of all ages encountered by law enforcement in such properties. There is an emergence of cuckooed addresses being used by multiple county lines groups simultaneously, although there is currently insufficient detail to confirm how complicit or collaborative groups might be. It is also common for county lines networks to have access to several cuckooed addresses at any one time. They will move quickly between vulnerable peoples’ homes and will stay for just a few hours, a couple of days or sometimes longer. This helps groups evade detection, especially as intelligence gathered by law enforcement is often unclear and is quickly out of date.

## 9.5 Reporting Concerns about County Lines or Cuckooing

- 9.5.1 Anybody subject to this policy may witness, be informed of, or see during the course of their duties, a county lines or cuckooing concern. The duty to refer applies to everybody to whom this policy applies.
- 9.5.2 For further information concerning County Lines or Cuckooing and how to report it, go to [County lines | Lincolnshire Police \(lincs.police.uk\)](https://lincs.police.uk). If there are safeguarding concerns for anyone involved, please use the safeguarding procedures for children and adults.

## 9.6 Information Sharing

- 9.6.1 A multi-agency approach is necessary to address this threat. Agencies such as the Police, Housing, YOS, Probation, ARC, Adult and Children’s Services etc., are key in identifying concerns before they escalate into safeguarding referrals. Please speak to the Designated Safeguarding Lead or the Deputy Safeguarding Lead for further information if you are unsure.



## 10 STALKING

### 10.1 Introduction

*"Stalking is a psychological crime...it's a crime of great terror, and it's not often recognised."*

(Ministry of Justice Spokesperson)

10.1.1 The Suzy Lamplugh Trust defines stalking as *"a pattern of fixated and obsessive behaviour which is repeated, persistent, and intrusive and causes fear of violence or engenders alarm and distress in the victim."*

10.1.2 Stalking can consist of any type of behaviour such as regularly sending flowers or gifts, making unwanted or malicious communication, damaging property and physical or sexual assault. If the behaviour is persistent and clearly unwanted, causing fear, distress or anxiety then it is stalking and nobody should have to live with it.

10.1.3 One in two domestic stalkers will carry out the threats to harm their victim. One in ten non-domestic stalkers will carry out the threats to harm their victim.

### 10.2 Who stalks?

10.2.1 When many people hear the word stalking they still think of a stranger lurking in the shadows or a delusional fan following a celebrity. Whilst these cover some stalking scenarios they are by no means the majority. About 45% of people who contact the Suzy Lamplugh Trust are being stalked by ex- partners and a further third have had some sort of prior acquaintance with their stalker such as having dated, married or been friends with their stalker. Just because a person knows or knew their stalker does not mean that the situation is their fault - it is still stalking and it is wrong.

### 10.3 Who is a typical victim of stalking?

10.3.1 Anyone can become a victim of stalking. A report produced by Dr. Lorraine Sheridan and Network for Surviving Stalking, in which 2,292 victims of stalking were surveyed, found that victim's ages ranged from 10 to 73, they were male and female, were spread across the entire socio-economic spectrum and a large proportion (38%) were professionals. Dr. Sheridan concluded that virtually anyone can become a victim of stalking and the only way to avoid doing so would be to avoid the social world.

### 10.4 How long does stalking last?

10.4.1 There is no definite answer to this question. Dr. Lorraine Sheridan's report (mentioned above) found that stalking could last anywhere from 1 month to 43 years. The average length of time was found to be between 6 months and 2 years. Dr. Sheridan also found that the duration of stalking tends to increase as the stalker's emotional investment in the relationship increases. This is one of the reasons ex-intimate stalking is often considered to be the most dangerous.

## **10.5 Can stalking without violence cause harm?**

- 10.5.1 Yes. The absence of violence in a stalking case doesn't mean the victim is unaffected. Stalking can cause severe psychological distress to a victim. Depression, anxiety, sleep disturbance, paranoia, agoraphobia and post-traumatic stress disorder are all common side effects of stalking.

## **10.6 Responding to disclosures, concerns and allegations**

- 10.6.1 These procedures are intended as a guide to help understand what action should be taken if you have concerns about or encounter a case of alleged or suspected stalking.
- 10.6.2 In order to help identify a pattern of behaviour such as turning up at home unannounced, calling a person numerous times, sending gifts etc., best practice is to encourage a log to be kept of all incidents, keep notes regarding anything that could help show a pattern, anything witnessed such as flowers being delivered, an unwanted text message etc. Encourage reporting to police and encourage use of the original police incident number in any future reports in order to show that there is a pattern of behaviour emerging.
- 10.6.3 Depending on the nature of the disclosure/concern/allegation, different approaches may be needed to get the best outcome. This [link](#) will take you to the Lincolnshire County Council Domestic Abuse webpage S-DASH questions to check the current level of risk. More information can also be found by ringing the National Stalking Helpline on 0808 802 0300.

## **10.7 Reporting Concerns**

- 10.7.1 If you feel that someone is at immediate risk of significant harm, then you must call the Police on 999. If however you think they are at risk but that risk is not immediate, you must take appropriate action, calling 101 if you think a crime has been committed, and by reporting the matter to the LCC Customer Services Centre (CSC) on 01522 782111 for children, 01522 782155 for adults, or emergency out of hours 01522 782333.
- 10.7.2 In all cases you should report the incident to the Designated Safeguarding Lead accordingly.

## 11 TRANSIENT FAMILIES

This guidance, which is adapted from Transient Families Guidance produced by the LSCP, is aimed at raising awareness and encouraging vigilance and the professional curiosity of staff, volunteers and elected members when it comes to families that move frequently and appear to live very transient lifestyles. The guidance was produced as a response to learning from Serious Case Reviews, namely family Q which highlighted how families that frequently move house and area can be difficult to engage with and subsequently difficult to assess in terms of need.

### 11.1 Introduction

- 11.1.1 Families who experience frequent changes of address and/or are placed in temporary accommodation can be subject to particularly transient lifestyles. They are likely to lose contact with previous support networks and may become disengaged from services. Frequent movers can find it difficult to access the services they need. For those already socially excluded, moving frequently can worsen the effects of their exclusion.
- 11.1.2 Children and families who move most frequently between Local Authorities are:
- homeless families
  - asylum seekers and refugees
  - gypsy and traveller families
  - looked after children
  - people in the criminal justice system, and
  - families experiencing domestic abuse
  - families who move to coastal areas for the summer
  - families that move within the private rented sector
  - military families.
- 11.1.3 It must be remembered however that other families that move frequently may not fit into those categories. It is important to note that some families move deliberately in order to avoid professionals from discovering abuse within the family and will access a multiple of services in order to avoid individual professionals building a picture of the family. It is equally as important to note that not all families that move frequently are doing so to avoid professional scrutiny and in fact some families just like to move. However, this does not mean that frequent moves do not have a detrimental effect on children and young people, particularly in relation to feelings of social isolation and lack of educational consistency.
- 11.1.4 It is vital that services working with children maintain an awareness of how easily information and networks can be lost in moves. Effective systems must be put in place and robust action taken to ensure that as soon as such highly mobile, vulnerable children and unborn babies are identified that appropriate multi-agency planning is put in place. Local authorities, the police, education, housing and the health service, in fact all agencies have a specific 'duty to co-operate' to ensure better outcomes and to improve the well-being of adults with needs for care and support and all children, including children who move frequently.

## **11.2 Identifying risk**

11.2.1 When families move frequently, it is more difficult for us to identify risks and monitor an individual's welfare. Staff, volunteers and elected members should be alert to the possibility that a child or family that has moved may not be in receipt of universal services. If you come into contact with a family should endeavour to proactively engage with the family in order to link them into local universal services, e.g:

- Seeking information about the child / family (full names, dates of birth, previous address, GP's name, if attending any school etc.)
- Providing information about relevant services
- Following up to ensure that the family has managed to make contact and register with a local GP, school and other relevant services to which the child is entitled
- Engaging appropriately with relevant agencies regarding any concerns which emerge

11.2.2 A number of serious case reviews from around the Country identify that a risk factor to children is them not being known to universal services.

11.2.3 The following circumstances associated with children and families moving across district authority boundaries are a cause for concern:

- A child and family, or pregnant woman, not being registered with a GP
- A child not having a school place or whose attendance is irregular and who isn't being electively home educated
- A child or family having no fixed abode (e.g. living temporarily with friends or relatives)
- Several agencies holding information about the child and family, which is not co-ordinated and / or which has not followed the child or family (i.e. information which is missing or has gaps).

## **11.3 Responsibilities**

11.3.1 Although all agencies can play a role in identifying mobile families and subsequently the signals that may cause concern, it is acknowledged that some agencies will be more likely to identify transient families, those being Health professionals, Schools, Housing authorities, Children's Services and Department for Work and Pensions. Our own housing teams work within specific procedures and practices in relation to transfers in and out of their service, either within the County or outside of the County.

## **11.4 Social Housing**

11.4.1 Social housing has a very broad remit and is different dependent on district, varying further with landlord functions. In Lincolnshire, each District Council has the responsibility for delivering housing advice, homelessness prevention and statutory homeless services. In this authority we are also responsible for allocations of tenancies and general landlord functions. General professional curiosity should be applied in the context of a housing register application disclosing multiple addresses of short stays with different friends and/or family members or not disclosing details of universal providers working with the applicant. If a member of staff identifies a household with particularly high number of moves in relative short periods or a reluctance to share required residency information, the Designated Safeguarding Lead or Deputy Safeguarding Lead should be informed to agree/determine next steps in line with our own safeguarding policies and procedures.

## 11.5 Children's Services

- 11.5.1 If a child is known to Children's Services and has left the area or is about to leave the area on a child in need plan, a transfer will take place when the carer/parent has consented to information being shared and wants continuation of service from another local authority. If the carer/parent does not consent or does not want a service from another local authority consideration shall be given to whether the discontinuation of the child's plan will result in safeguarding issues. In these circumstances a referral will be still be made to the other local authority. The Social Worker will also send a letter notifying the Lincolnshire GP, Health Visitor, school and any other agencies involved of the details of the move, including the date and new address. This should be sent in all circumstances, planned or unplanned moves.
- 11.5.2 If a child is on a child protection plan on establishing that the child is moving, or has moved out of the county, the social worker will make immediate telephone contact with the new authority to exchange information regarding reasons for the original child protection plan, current level of concern and date of last visit. The Lincolnshire Social Worker has responsibility for taking any immediate action necessary to safeguard the health or welfare of the child; informing Children's Services in the new authority, and establishing temporary arrangements for case responsibility; ensuring that all agencies involved in Lincolnshire are aware of the move and that they are taking responsibility where relevant for informing their equivalent agency in the new authority; informing the Designated Manager of Children's Services in the Safeguarding Unit (Lincolnshire); who will inform the Designated Manager in the receiving authority and send initial and most recent child protection conference minutes; attending and/or providing relevant information for the child protection conference in the receiving authority.
- 11.5.3 There is a LSCP policy with regard to children subject to cross border issues. Staff, volunteers and elected members should follow our Safeguarding procedures. If your concern is in relation to an unborn child then you should follow the Lincolnshire Safeguarding Children Partnership's [Pre-birth protocol](#). The full Transient Families Guidance can be found [here](#)

## Corporate Roles and Responsibilities for Safeguarding and Prevent

Corporate Role	Overview of Responsibilities	Lead Officer(s)
Designated Safeguarding Lead (DSL)	<p>The Designated Safeguarding Lead has overall responsibility for safeguarding and will:</p> <ul style="list-style-type: none"> <li>• Ensure the Council fulfils its duties and can evidence delivery of its legal duties under Section 11 of the Children Act 2004 and the Care Act 2014, along with locally agreed standards such as the Lincolnshire Domestic Abuse Charter, through regular audits, required by Lincolnshire Safeguarding Adults Board, Lincolnshire Safeguarding Children Partnership and the Domestic Abuse Strategic Management Board</li> <li>• Represent the council on safeguarding matters at an external and strategic level and have overall responsibility for ensuring the council is meeting its safeguarding requirements</li> <li>• Maintain communication channels with outside agencies, including attending meetings</li> <li>• Advise staff on responding to and referring safeguarding concerns</li> <li>• Ensure that all cases are collated, recorded, reported and reviewed, and all requests for information are responded to within the required timescales to support case reviews, inspections, etc</li> <li>• Represent the council in the instance of any serious case review or domestic homicide review</li> <li>• Be the council spokesperson in the event of any public/ media enquiries</li> <li>• Work closely with a wide range of partner agencies, to build trust and provide robust challenge, to promote effective safeguarding activity in the District</li> </ul>	Head of Service (Housing Options)
Prevent Lead	<p>The Prevent Lead will:</p> <ul style="list-style-type: none"> <li>• Represent the Council at relevant meetings</li> <li>• Ensure the website, intranet and Safeguarding policy contain up-to-date information and advice</li> <li>• Recommend training for staff/elected members</li> <li>• Provide advice to Safeguarding Officers on Prevent/Channel referrals</li> </ul>	Community Engagement Manager
Deputy Safeguarding Officer	<p>The Deputy Safeguarding Officer will:</p> <ul style="list-style-type: none"> <li>• Develop and review the safeguarding policy and procedures</li> <li>• Ensure the programme of training and development is relevant, up-to-date and adhered to by staff</li> <li>• Work with the DSL in advising staff on responding to and referring safeguarding concerns</li> <li>• Work with the DSL in ensuring all cases are collated, recorded, reported and reviewed, and all requests for information are responded to within the required timescales to support case reviews, inspections, etc</li> <li>• Work with the DSL to ensure that the Council fulfils its duties and can evidence delivery of its legal duties under Section 11 of the Children Act 2004 and the Care Act 2014, through regular audits, required by Lincolnshire Safeguarding Adults Board, Lincolnshire Safeguarding Children Partnership and the Domestic Abuse Strategic Management Board</li> <li>• Deputise for the Designated Safeguarding Lead as required</li> </ul>	Community Engagement Manager



Safer Recruitment	<p>Employers need to identify candidates who may be unsuitable for certain jobs, especially work that involves vulnerable groups including children.</p> <p>The Head Human Resources will:</p> <ul style="list-style-type: none"> <li>• Ensure that South Kesteven District Council makes safe recruitment decisions in line with the requirements of the <a href="#">Disclosure and Barring Service (DBS)</a></li> <li>• Ensure that the Council's DBS guidance is up to date and reviewed in line with any legislative changes</li> <li>• Support safeguarding leads to identify posts that need DBS clearance</li> <li>• Undertake DBS checks for all identified posts</li> <li>• Advise management of strategic risks relating to people</li> <li>• Maintain records to demonstrate current compliance of DBS for identified posts</li> </ul>	HR Manager and corporate Management Team
Service and Line Managers	<p>Heads of Service and Line Managers are responsible for increasing safeguarding awareness in their services. Dealing with abuse and neglect can be stressful and distressing and staff can be left feeling concerned about a situation or case they have experienced. They will:</p> <ul style="list-style-type: none"> <li>• Support and supervise staff appropriately</li> <li>• Ensure that their team members complete all relevant training requirements</li> <li>• Disseminate safeguarding information to teams, supported by the safeguarding leads</li> <li>• Respond promptly to requests for information regarding specific cases and maintain clear communication with the Designated Safeguarding Lead or the Prevent Lead</li> <li>• Include safeguarding as a standing item in 1:1 meetings, appraisals etc</li> <li>• Ensure that all concerns and cases are logged via the Council's Designated Safeguarding Lead (either reporting a concern or notifying the Lead of assessments and action taken)</li> </ul>	Senior Management Team
All Staff, Contractors and Elected Members	<ul style="list-style-type: none"> <li>• Undertake training appropriate to their role</li> <li>• Report any safeguarding, domestic abuse or Prevent concerns to the appropriate authority via the Designated Safeguarding Lead, Deputy Safeguarding Lead or the Prevent Lead</li> </ul>	Line Managers

## Training and Development

Training Group	Definition	Who?
A	<p>All staff without IT access will need to attend safeguarding briefing sessions. The briefing will cover general safeguarding principles, personal responsibilities and who to contact with any concerns. All elected members will be offered safeguarding training when they are elected, as part of the induction process. Elected Members will be offered opportunities to increase their safeguarding awareness through e-learning modules.</p> <p>In person briefings will be delivered on a three-year cycle.</p>	Staff, Elected Members, Contractors, Volunteers
B	<p>Those with infrequent or no direct contact with children, young people and potentially vulnerable adults who may become aware of possible abuse, neglect or maltreatment and need an understanding of the basic principles.</p> <p>Training identified will be e learning modules supplied by the LSCP/LSAB and should be completed across a three year pathway.</p>	Office-based colleagues
C	<p>Those with regular contact or periods of intense but irregular contact with children, young people, and vulnerable adults who may be in a position to identify concerns regarding abuse, neglect or maltreatment and make a safeguarding referral. Those who may be required to participate in Team Around the Child, Child in Need, Child Protection Conferences, Team around the Adult, Vulnerable Adults Panel, MAPPA, MARAC etc. Operational Managers responsible for the supervision of those colleagues who have regular contact with children, young people, adults at risk and/or have a responsibility for systems, policies, procedures for their service.</p> <p>Training identified will be e learning modules, virtual and in-person supplied by the LSCP/LSAB and should be completed across a six year pathway with refresher training after three years.</p>	Relevant Officers in customer facing roles such as Housing Options, Housing Officers, Homelessness Officers, Neighbourhoods Officers, Environmental protection, Rents AND their Line Managers
D	<p>Designated postholders with specific safeguarding responsibilities. Those responsible for ensuring their organisation is, at all levels, fully committed to safeguarding and having appropriate systems and resources in place.</p> <p>Training identified will be e learning modules, virtual and in-person supplied by the LSCP/LSAB and should be completed across a six year pathway with refresher training after three years.</p>	Designated Safeguarding Lead, Deputy Safeguarding Lead



## Training Requirements

Code: A = Adult \* For Line Managers and other officers involved in recruitment and selection  
 C = Child \*\* For officers dealing directly with victims of domestic abuse  
 B = Both

Training Group D – Safeguarding Leads		
Year	Title of Training Module to be Completed	Code
Induction	An Introduction to Safeguarding Everyone in Lincolnshire	B
1	Introduction to Safeguarding Adults	A
	Introduction to Safeguarding Children	C
	Children Who Experience Domestic Abuse	C
	<b>Inter-Agency Safeguarding Children and Young People</b>	C
	Making Safeguarding Personal – pre-requisite	A
	Mental Capacity Act – Basic Awareness	A
	Safer Recruitment	B
	<b>Making Safeguarding Personal – Virtual Workshop</b>	A
2	Child Exploitation	C
	Missing Children in Lincolnshire	C
	<b>Missing Children in Lincolnshire</b>	C
	Understanding the Trio of Vulnerabilities	B
	Domestic Abuse - DASH	A
	Child Sexual Abuse	C
	Domestic Abuse in Practice	B
	Domestic Abuse – MARAC and MOP	A
3	Zero Suicide Alliance Training	B
	<b>Recognise Disguised Compliance and Disengagement within Families</b>	B
	Refresher – Safeguarding Children	C
	<b>Domestic Abuse in Practice</b>	B
	Refresher - Safeguarding Adults	A
	FGM (Abuse linked to faith and belief)	B
	Modern Slavery and Trafficking	B
	Understanding the Importance of Dementia Awareness	A
4	An Introduction to the Autism Spectrum	B
	Statutory and Mandatory Training: Mental Health, Dementia and Learning Disabilities	B
5	<b>Nurturing Wellbeing in Children and Young People</b>	C
	<b>Team Around the Child - Young Carers</b>	C
6	Understanding Animal Welfare in Violent Homes	B
	Special Educational Needs and Disabilities (SEND)	C
	Understanding the Impacts of Hate Crime	B

Training Group B – Officers with limited or no direct contact with the public		
Year	Title of Training Module to be Completed	Code
Induction	An Introduction to Safeguarding Everyone in Lincolnshire	B
1	Tackling Exploitation and Modern Slavery in Lincolnshire	B
	E-Safety	B
2	Domestic Abuse Awareness – Short Course	A
	A Rough Guide to Not Putting Your Foot in it	B
	Prevent – Radicalisation and Extremism	B
3	Zero Suicide Alliance Training	B
	Mental Health Awareness	B
	Understanding the Importance of Dementia Awareness	A

Training Group C – Officers with regular contact – likely to make referrals		
Year	Title of Training Module to be Completed	Code
Induction	An Introduction to Safeguarding Everyone in Lincolnshire	B
1	Tackling Exploitation and Modern Slavery in Lincolnshire	B
	Domestic Abuse Awareness – Short Course	B
	Introduction to Safeguarding Adults	A
	Introduction to Safeguarding Children	C
	Children Who Experience Domestic Abuse	C
	<b>Inter-Agency Safeguarding Children and Young People</b>	C
	Making Safeguarding Personal – pre-requisite	A
	Mental Capacity Act – Basic Awareness	A
	*Safer Recruitment	B
	<b>Making Safeguarding Personal – Virtual Workshop</b>	A
2	Child Exploitation	C
	Missing Children in Lincolnshire	C
	<b>Missing Children in Lincolnshire</b>	C
	Self Neglect	A
	Understanding the Trio of Vulnerabilities	B
	**Domestic Abuse - DASH	A
	Child Sexual Exploitation	C
	Domestic Abuse in Practice	B
	**Domestic Abuse – MARAC and MOP	A
3	Zero Suicide Alliance Training	B
	<b>Recognise Disguised Compliance and Disengagement within Families</b>	B
	Refresher – Safeguarding Children	C
	<b>Domestic Abuse in Practice</b>	B
	Refresher - Safeguarding Adults	A
	FGM (Abuse linked to faith and belief)	B
	Modern Slavery and Trafficking	B
	Understanding the Importance of Dementia Awareness	A
4	An Introduction to the Autism Spectrum	B
	Transition to Adulthood as a Child in Care	B
	A Rough Guide to Not Putting Your Foot in it	B
	Statutory and Mandatory Training: Mental Health, Dementia and Learning Disabilities	B
	Child to Parent Carer Abuse in Lincolnshire	B
	Recognising and Supporting Parents in Parental Conflict	A
	E-Safety	B
	Valuing Care	C
5	Self Harm	B
	Suicidal Thoughts	B
	Friends Against Scams	A
	<b>Nurturing Wellbeing in Children and Young People</b>	C
	The Impact of Drug and Alcohol Use on Families	B
	Online Safety	B
	A New Approach to Child Poverty	C
	LGBTQ+ Awareness	B
	<b>Team Around the Child - Young Carers</b>	C
	Mental Health Awareness	B
6	Awareness of Private Fostering	C
	Understanding Animal Welfare in Violent Homes	B
	Special Educational Needs and Disabilities (SEND)	C
	Valuing SEND Approaches and Tools	C
	Understanding the Impacts of Hate Crime	B

### Declaration for Staff, Consultants and Volunteers

This Council embraces its responsibility to develop, implement and monitor policies and procedures that safeguard the welfare of children, young people and adults in order to protect them from abuse and neglect whenever they are engaged in or with services provided directly and indirectly by the Council.

As a member of staff of, or a volunteer for this Council, you are required to be aware of your role in safeguarding, as set out in this Policy, and work within its associated Procedures.

Being made aware of the Policy and its Procedures, understanding the requirements that they place on you and being trained and supported appropriately in your role, all demonstrate the Council's commitment to ensuring that its staff and volunteers have an appropriate level of knowledge about safeguarding and are able to act if they have any concern about the health, safety and welfare of any child, young person or adult.

Declaration:

I know who the Council's Designated Safeguarding Lead is and who the Deputy Safeguarding Lead is.

I know where to find this Safeguarding Policy and Procedures.

I know that I have a duty to report any concerns about the safety and wellbeing of children, young people and adults to my line manager.

I commit to completing training appropriate to my role, including refresher training.

I commit to working within the Council's Safeguarding Policy and Procedures at all times.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Name (Please Print):

\_\_\_\_\_

Position in Organisation: \_\_\_\_\_

This declaration will be kept in your personnel file.

**\*Completion of this declaration is only necessary if the policy and procedures have not been accepted by you through NET Consent.**

## Internal Safeguarding Referral Form

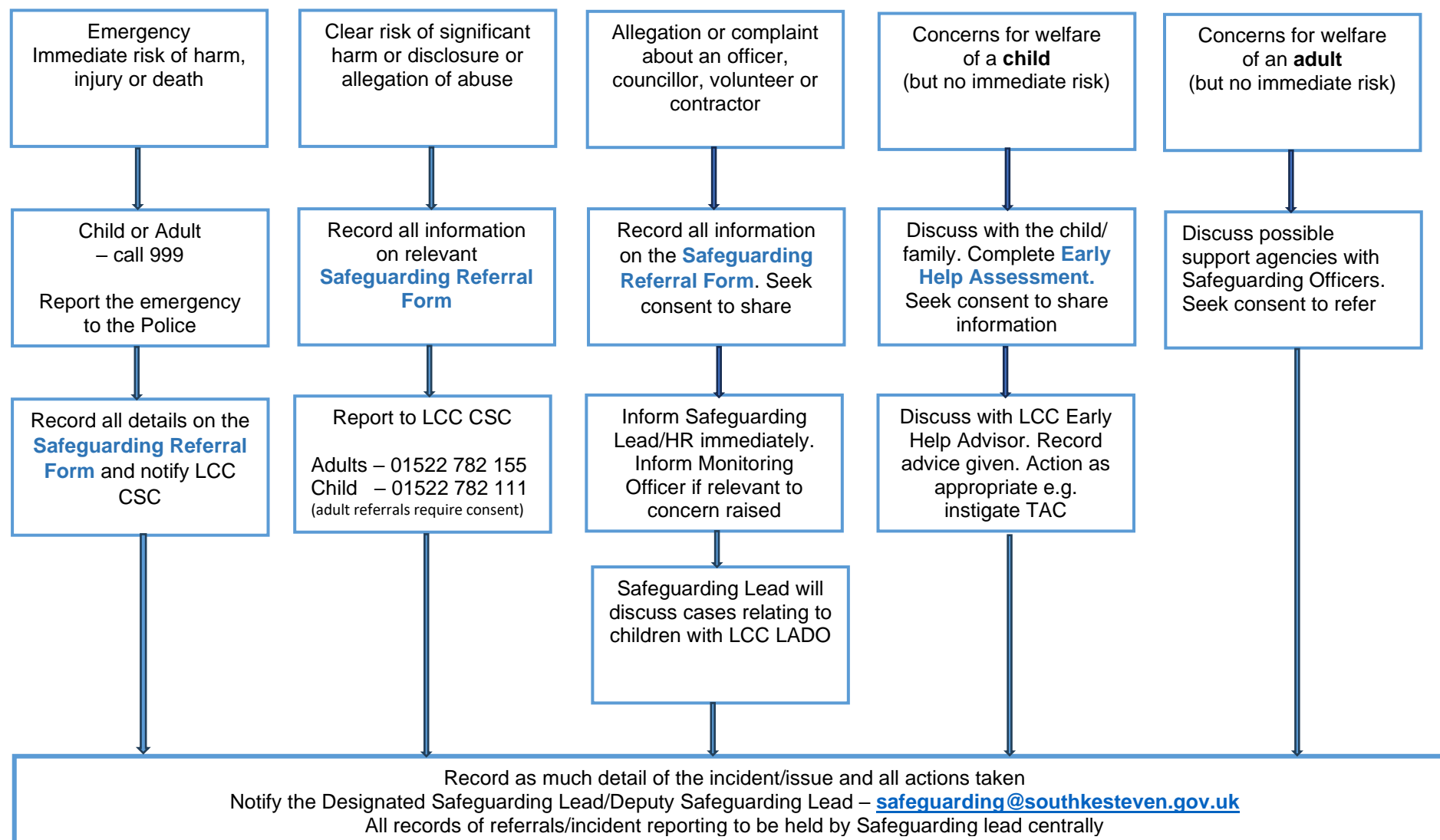
Provide as much detail as possible, but if you are unsure of any details, please leave blank.  
Use further sheets if necessary.

Your details:	Name: Tel: Email: Job title:	
Details of person you are concerned about:	Name: Age: Address: Tel: Email:	
Details of other relevant people involved:	Name, relationship to above: Age: Address: Tel: Email:	
What are your concerns? Is this an (please highlight one): <b>Allegation</b> about someone <b>Disclosure</b> from someone <b>Concern</b> regarding a person/incident	<i>Please give a brief summary here, more details can be provided later.</i>	
Details of the incident: <i>Please provide as much detail as you can and try to repeat exact wording if possible.</i>		
Date		
Time		
Location		
What happened?		
What was said?		
What action have you taken so far?		
Does the person know you are making a referral?		
Any other relevant information		
Will you require further support following making this referral?	No	Yes – please give details if possible

Please email this form to [safeguarding@southkesteven.gov.uk](mailto:safeguarding@southkesteven.gov.uk).

## SAFEGUARDING INCIDENT FLOWCHART

### SKDC Safeguarding at a glance



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### Equality Impact Assessment

Question	Response
1. Name of policy/funding activity/event being assessed	Safeguarding Policy and Procedure 2024-2027
2. Summary of aims and objectives of the policy/funding activity/event	The Policy outlines the Authority's legal and moral responsibilities under Section 14 of the Care Act and Section 11 of the Children Act 2004. It incorporates the requirements of statutory guidance: Working Together to Safeguard Children 2023 and is mindful of safeguarding adults requirements around Making Safeguarding Personal. The policy sets out our obligation toward keeping children, young people (up to the age of 18) and vulnerable adults safe from abuse and neglect. The policy outlines the procedures staff and members should take when responding to and reporting concerns. This document also provides information on the partners with whom we work and the guidance available to staff, elected members and volunteers to ensure the protection of vulnerable individuals.
3. Who is affected by the policy/funding activity/event?	Residents, staff and elected Members
4. Has there been any consultation with, or input from, customers/service users or other stakeholders? If so, with whom, how were they consulted and what did they say? If you haven't consulted yet and are intending to do so, please complete the consultation table below.	The Policy has been developed to adhere to our statutory duties under Section 14 of the Care Act, Section 11 of the Children Act. Further guidance on the implementation of our Duty comes from Working Together to Safeguard Children 2023. Data relating to the safeguarding of children and adults is collected on a case by case basis. However, due to the sensitivity of this data and the obvious requirement for confidentiality this information is not shared beyond the required partners within the Safeguarding arena. This information could not be used beyond the purposes for which it has been collected or beyond the requirements of the case. In terms of the development of the Policy, the original document was created in collaboration with the other six district authorities of Lincolnshire to ensure consistency. Each Authority's policy does however reflect local delivery alongside legislative requirements that are the duty of all.
5. What are the arrangements for monitoring and reviewing the actual impact of the policy/funding activity/event?	This policy will be reviewed annually and updated on a three-year cycle as a matter of course. The policy is further updated as necessary to reflect legislative and local changes. KPIs are in place to report against percentage of 'relevant' staff training and to review outcomes of audits relating to the safeguarding of children and adults. For the purposes of



	<p>clarity, 'relevant' staff are those with regular contact with the public and therefore are more likely to identify concerns and make referrals to the responsible authority. An Annual Report is also presented to Governance and Audit Committee as per constitutional requirements of the Council.</p>
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<b>Protected Characteristic</b>	<b>Is there a potential for positive or negative impact?</b>	<b>Please explain and give examples of any evidence/data used</b>	<b>Action to address negative impact e.g. adjustment to the policy</b> <i>(The Action Log below should be completed to provide further detail)</i>
Age	Yes	<p>The legislation that provides the framework for the protection of vulnerable individuals from significant harm is distinct in age range. It is our responsibility to protect children and young people until they reach their 18<sup>th</sup> birthday. Adult safeguarding responsibilities provide protection for vulnerable individuals from the age of 18 onward. By combining the responsibilities of adult and child safeguarding within one policy we ensure staff and elected members are aware of those responsibilities. The procedures for the safeguarding of children and adults contained within the policy ensure that appropriate action is taken when necessary to protect people from harm.</p>	<p>It is important across all aspects of safeguarding to build trust. Many interactions involving officers of the Council begin with enforcement action. It is, therefore, vital to work in a multi-agency environment to ensure that the agency with the strongest relationship with the individual is integral to any interactions and interventions. The multi-agency approach also ensures that the individual or family gets the broadest support that is respectful, involves them throughout and meets their needs.</p>
Disability	Yes	<p>The policy highlights the need to have specific regard to individuals with disabilities and to be aware of any additional care needs and potential changes in behavioural indicators. The need to be aware of and make adjustments to interactions etc with children and adults with disabilities is outlined across the policy – from thresholds for referral to the determination of mental capacity of individuals. An assessment tool is provided as part of a library of support documents on the Council's intranet to assist those making a referral to assess whether consent can be gained from an individual to report concerns. Further guidance is also</p>	





		available to staff via the Council's intranet site and via a link through to the Lincolnshire Safeguarding Children and Adults web sites	
Gender Reassignment	Yes	The protection of individuals from harm is the absolute focus of this policy. This characteristic and the protection from harm of individuals from trans communities is specifically captured within chapter 7 - Hate Crime and Mate Crime.	
Marriage and Civil Partnership	N/A	This protected characteristic relates only to employment law and is therefore not relevant to this Impact Assessment	
Pregnancy and Maternity	Yes	Safeguarding referrals can be made during pregnancy should it be determined that the unborn child is at risk of significant harm either during the pregnancy or follow the birth. The policy refers to the pre-birth protocol of the Lincolnshire Safeguarding Children Partnership	
Race	Yes	The policy highlights the need to have regard to the additional needs of migrant adults and children, asylum seekers and refugees, unaccompanied asylum-seeking children, and victims of trafficking. Chapter 5 – Domestic Abuse and Chapter 8 – Modern Slavery and Human Trafficking refer to cultural abuse – specifically, honour-based violence, female genital mutilation and forced marriage. Chapter 8 – Prevent discusses cultural difference and the need to be aware throughout interactions. Chapter 11, entitled Transient Families highlights issues that can arise in families that move from place to place on a relatively frequent basis – including asylum seekers, refugees, traveller families for example.	
Religion or Belief	Yes	The policy states that regard should always be given to an individual's religion or belief. Cultural difference is also discussed across a number of chapters including Domestic Abuse, Prevent and Modern Slavery. Extremist viewpoints can be born out of the firmly held beliefs of an individual or group of people. Chapter 6 of the policy	



		provides information on the counter-extremist Prevent duty and information on how to refer susceptible individuals to the Channel programme. It also provides guidance and procedures relating to Hate Crime in chapter 7.	
Sex	Yes	This protected characteristic was not a determinant in the development of this policy and procedures. A person is not defined as vulnerable because of a single characteristic. However some characteristics may be a contributing factor in putting an individual at risk.	
Sexual Orientation	Yes	The protection of individuals from harm is the absolute focus of this policy. This characteristic and the protection from harm of individuals who are targeted because of their sexual orientation is captured within chapter 7 - Hate Crime and Mate Crime.	
<b>Other Factors requiring consideration</b>			
Socio-Economic Impacts	Yes	It is recognised that family poverty can be a contributing factor to issues of safeguarding. Poverty can lead to safeguarding concerns such as basic needs not being met (food, warmth, clothing etc). This can result in social isolation and can have an impact on the household including emotional and domestic abuse.	It is important across all aspects of safeguarding to build trust. Many interactions involving officers of the Council begin with enforcement action. It is, therefore, vital to work in a multi-agency environment to ensure that the agency with the strongest relationship with the individual is integral to any interactions and interventions. The multi-agency approach also ensures that the individual or family gets the broadest support that is respectful, involves them throughout and meets their needs.
Carers (those who provide unpaid care to a family member, friend or partner)	Yes	The involvement of carers in the safeguarding of children, young people and adults with needs of care and support is referenced throughout the policy but also has a dedicated section relating to carers in safeguarding at 4.8	




## Evaluation Decision

Once consultation and practicable and proportionate mitigation has been put in place, the responsible officer should evaluate whether any negative impact remains and, if so, provide justification for any decision to proceed.

Question	Explanation / justification	
Is it possible the proposed policy or activity or change in policy or activity could discriminate or unfairly disadvantage people?	Consideration to aspects of equality and diversity in safeguarding have been made throughout the development of this policy and its implementation procedures.	
Final Decision	Tick	Include any explanation/justification required
1. <b>No barriers</b> identified, therefore activity will <b>proceed</b>	✓	
2. <b>Stop</b> the policy or practice because the data shows bias towards one or more groups		
3. <b>Adapt or change</b> the policy in a way that will eliminate the bias		
4. <b>Barriers and impact identified</b> , however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in extreme cases or where positive action is taken). Therefore you are going to <b>proceed with caution</b> with this policy or practice knowing that it may favour some people less than others, providing justification for this decision		

Did you consult with an Equality Ally prior to carrying out this assessment? Yes

Sign off

<b>Name and job title of person completing this EIA</b>	Carol Drury, Community Engagement Manager. Deputy Safeguarding Lead
<b>Officer Responsible for implementing the policy/function etc</b>	Sarah McQueen, Interim Head of Service (Housing Options). Designated Safeguarding Lead
<b>Date Completed</b>	29/5/2024
<b>Designated Safeguarding Lead</b>	
<b>Date Agreed</b> (by line manager)	11.06.2024
<b>Date of Review</b> (if required)	2027



Completed EIAs should be included as an appendix to the relevant report going to a Cabinet, Committee or Council meeting and a copy sent to [equalities@southkesteven.gov.uk](mailto:equalities@southkesteven.gov.uk).

Completed EIAs will be published along with the relevant report through Modern.Gov before any decision is made and also on the Council's website.



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**



## Cabinet


Tuesday, 9 July 2024

Report of Councillor Paul Stokes,  
Deputy Leader of the Council and  
Cabinet Member for Leisure and  
Culture

## Play Area Strategy

### Report Author

Michael Chester, Team Leader - Leisure, Parks and Open Spaces

 [michael.chester@southkesteven.gov.uk](mailto:michael.chester@southkesteven.gov.uk)

### Purpose of Report

Following the recommendation by Members of the Culture and Leisure Overview and Scrutiny on 18 June 2024, the purpose of this report is to seek approval of the Play Area Strategy for South Kesteven.

### Recommendations

#### That Cabinet:

1. Approves the Play Area Strategy for South Kesteven.
2. Recommends an Action Plan be developed and be presented to a future Culture and Leisure Overview and Scrutiny Committee.

Decision Information	
Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Connecting communities Effective council
Which wards are impacted?	All Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance***

- 1.1 The development of a Play Area Strategy is welcomed in order set out a framework and provide clarity on the future responsibilities of the District Council. The Strategy sets out the current play area locations, the current inspection and maintenance methodologies that are deployed and how a process to manage any future adoptions or transfers to Town and Parish Councils.
- 1.2 During financial year 2023/24, a decision was made to appoint external inspection contractors to undertake the monthly operational play equipment inspections and undertake a lifespan audit on all the play equipment at an annual cost of £25,821. The contractor is also currently assessing the life expectancy of the current play equipment at the 38 locations as set out in the Strategy. The Council does not have the financial resources to replace all the equipment that has reached or is reaching end of life and so it is recommended that a prioritisation replacement programme is undertaken alongside exploring options to transfer specific play areas to third parties who will be able to access external funding.

Completed by: **Richard Wyles, Deputy Chief Executive and s151 Officer**

## ***Legal and Governance***

1.3 There are no legal and governance implications arising from this report.

Completed by: **James Welbourn, Democratic Services Manager and Deputy Monitoring Officer**

## ***Risk and Mitigation***

1.4 To satisfy the requirements of BS EN1176 Zurich Insurance undertake six monthly independent inspections of all the play equipment.

Completed by: **Tracey Elliott, Governance and Risk Officer**

## ***Health and Safety***

- 1.5 The Health and Safety Executive recommend that at least one inspection is undertaken every year by an independent suitably qualified body such as The Royal Society for the Prevention of Accidents (RoSPA), to ensure the long-term safety of the site, equipment and ancillary item. This also meets the legal and insurance responsibilities as well as complying with the requirements of BS EN1176 (the British and European Playground Standard). As a Council this is undertaken by Zurich as detailed in paragraph 1.4.
- 1.6 In addition to this the Council has a defined inspection regime in place and employs qualified staff to undertake weekly visual inspections, and has commissioned KOMPAN to undertake monthly operational inspections. All inspection findings are recorded in real time on a specialist mobile app called PSS Live.
- 1.7 Following the installation of any new play area an independent post installation inspection is carried out to ensure that the playground meets modern standards and has been installed correctly.

Completed by: **Phil Swinton, Health and Safety & Emergency Planning Manager**

## **2. Background to the Report**

- 2.1 The Council's Corporate Plan (2024-27) sets out the corporate ambition to be 'A thriving District to live in, work and visit' with the aim of encouraging physical activity to support healthy lifestyles and reduce health inequalities. Underpinning this are the key priorities for the Council of 'Connecting Communities' and being an 'Effective Council'.

- 2.2 The provision of high-quality play areas supports the Council's corporate ambitions and provides opportunities for improved health and wellbeing outcomes for local communities.
- 2.3 A draft Play Area Strategy (the Strategy) has been developed and was presented to Members of the Culture and Leisure Overview and Scrutiny Committee on 18 June 2024 (see **Background Papers**).
- 2.4 The Strategy will ensure that the Council effectively manages the 38 play areas across the District that it is currently responsible for, providing young people with safe and sustainable places to play. This is attached at **Appendix One**.
- 2.5 Members of the Culture and Leisure Overview and Scrutiny Committee requested a slight amendment to the Strategy under the heading 'Future Design Principles' for play areas to be accessible and to provide opportunities for inclusive play. The Strategy has been amended to reflect this.
- 2.6 Members also requested that stakeholders such as 'Friends Of' groups and local Town or Parish Councils were consulted on the development of the Strategy. Whilst this wasn't undertaken during the development of the Strategy it was confirmed that consultation would be undertaken moving forwards should it affect a play area within their area and this is already identified in the Strategy under the heading 'Our Priorities'.

### **3. Key Considerations**

- 3.1 Spend on Play Areas is discretionary for the Council, and it is important that the management and investment into them demonstrates value for money and that the resources invested deliver the priorities the Council is seeking. This Play Area Strategy aligns with the corporate vision and takes account of the Council's challenging financial backdrop.

### **4. Other Options Considered**

- 4.1 Within its Corporate Plan there is a key theme of supporting healthier lifestyles and the provision of high-quality play areas supports this ambition. The Council is responsible for the safety of those using its play areas and has a defined inspection and maintenance regime in place to satisfy the requirements of the Health and Safety Executive and BS EN1176 (the British and European Playground Standard). Therefore the 'do nothing' option was discounted.

### **5. Reasons for the Recommendations**

- 5.1 The Play Area Strategy will become the guiding principal document to enable the Council to prioritise the replacement of equipment or refurbishment of play areas



within the allocated budget. It will be a material consideration for planning applications and be used to support decisions on planning applications.

- 5.2 The draft Play Area Strategy has previously been presented to the Culture and Leisure Overview and Scrutiny Committee on 18 June 2024, with the recommendation for the Strategy to progress to Cabinet for approval, as well as an action plan to be developed and presented to a future meeting of the Culture and Leisure Overview and Scrutiny Committee.

## **6. Background Papers**

- 6.1 *Draft Play Area Strategy* – Report to Culture and Leisure Overview and Scrutiny Committee, published 10 June 2024, available online at:  
<https://moderngov.southkesteven.gov.uk/documents/s42356/Play%20Area%20Strategy.pdf>

## **7. Appendices**

- 7.1 Appendix One – Play Area Strategy for South Kesteven

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# Play Area Strategy

2024



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# Introduction

South Kesteven District Council's Corporate Plan (2024 – 2027) sets out the corporate ambition to be 'a thriving District to live in, work and visit' with the aim of encouraging physical activity to support healthy lifestyles and reduce health inequalities.

The Council is responsible for 38 play areas across the District, as shown in **Table 2 and Appendix 1**, which provide safe and sustainable places for young people to play and support them to maintain and improve their quality of life. Provision of play areas also helps children and young people meet Sport England's target for them to be considered active through undertaking an average of 60-plus minutes of exercise per day.

It is vital that the Council uses its resources effectively to ensure that play areas remain inclusive and attractive; are easily accessible for all users; and comply with health and safety requirements. There are some challenges facing South Kesteven in respect of its play areas, which include an historical lack of investment, and the costs associated with adequately maintaining the facilities within available budgets, ensuring that spend is directed where it is most needed.

The Council also recognises that there may be a need for additional play areas within the District, for example to accompany any major new housing developments. The Council aims to take an active role in ensuring that any new play areas meet the local need and are developed to a high standard, as well as limiting exposure to ongoing maintenance liabilities in the longer term.

In assessing the adoption of any additional play areas, the Council will be guided by the 2023 Open Space, Sports and Recreation Study which complements the Council's Local Plan, and liaise with developers at an early stage to ensure that the requirements are understood. The Council is also committed to working with partner organisations in the design and development of any new play areas to ensure they offer a wide variety of inclusive equipment that supports the needs of all children and young people.

The Play Area Strategy will help to prioritise the maintenance, development, and refurbishment of play areas within the District, taking into account any opportunities to transfer play areas to the ownership of town or parish councils. Having a robust play area inspection process is viewed as an integral part of providing the service.

# Play Area Strategy

Central Government and Sport England both recognise the importance of physical activity on the health and wellbeing of children and young people, through their respective strategies: **Get Active: A Strategy for the future of Sport and Physical Activity** and **Uniting the Movement**. Furthermore, the Council's Corporate Plan (2024 to 2027) sets out the Council's priorities with a key theme of supporting healthier lifestyles. The provision of high quality play areas supports the Council's corporate ambition and provides opportunities for improved health and wellbeing outcomes for local communities.

Delivery of the Council's Play Area Strategy will ensure that residents have access to high quality play areas in key locations. To complement the financial resources the Council has within its budget framework, the Council will continue to identify external funding opportunities to facilitate the future development of play areas.

When looking at housing growth the Council will ensure that adequate open space, including play facilities, is included as part of the planning process. New play areas should form an integral part of the development layout, however, where it cannot be provided on-site a financial contribution towards provision elsewhere will be sought. In all cases it is expected that provision will be made for the ongoing future maintenance of any play facilities, which will be secured via the planning process, either through financial contributions or other suitable management strategies.

The nature of play is continuously evolving, and the Council, working with partner organisations, will need to ensure that play areas are inclusive, exciting and are inter-generational spaces for all to enjoy.

The Council will also need to identify future improvement and development requirements for current play areas to ensure it has a portfolio that is fit for current and future needs and demands.





## Our Priorities

The Council's key priorities for play areas are to ensure that they are accessible to all, providing quality, exciting play equipment that includes both individual and social play elements. To achieve this the Council will:

- Prioritise strategic capital spending on play area improvements
- Secure and utilise appropriate S106 developer contributions
- Identify external funding opportunities to rejuvenate play areas
- Continue a robust inspection regime to ensure play areas are safe
- Collaborate on the design of play areas with relevant ward members, local communities and external partners
- Promote play areas to both residents and visitors
- Undertake audits of play areas to identify capital investment programmes based on the age and condition of the equipment
- Transfer the assets to Town and Parish Councils where there is appetite to do so

As part of the Local Plan Review an updated Open Space, Sports and Recreation Study is being undertaken which will consider the requirements for play areas and informal activity spaces both now and in the future, taking into account planned development. This would inform the planning policy requirements for future play areas that will need to be provided as part of new development.



## Local and National Context

The Play Strategy is informed by a wide range of local and national initiatives to improve the health and wellbeing of local residents and communities as follows:

**Sport England** has a priority to tackle inactivity with a specific ambition to increase levels of activity of children and young people from the age of 5. The provision of high quality accessible play equipment and improved opportunities for play supports this aim. This is one of the five big issues within its Uniting the Movement strategy.

**National Planning Policy Framework (NPPF)** identifies sport and activity as a fundamental part of the planning and delivery of sustainable communities. The objectives also look to protect existing facilities, enhance the quality, accessibility and management of existing facilities, and provide new facilities to meet demand.

**South Kesteven District Council's Sport and Physical Activity Strategy (2021 – 2026)** sets out the Council's aim to provide the support our residents need now and, in the future, to build healthy and strong communities and encourage residents to live healthy, active lifestyles.

**Fields in Trust (FIT) guidance for Outdoor Sport and Play** sets out the required provision for outdoor sports, play and informal open space. The recommendations aim to ensure that the provision of outdoor sport, play and informal open space is of a sufficient size to enable effective use; is located in an accessible location and in close proximity to dwellings; and is of a quality to maintain longevity and encourage its continued use.

FIT categorises designated play areas into three types:

- Local Areas for Play (LAPs) aimed at very young children within a 100m walking distance from dwellings
- Locally Equipped Areas for Play (LEAPs) aimed at children who can go out to play independently within a 400m walking distance from dwellings
- Neighbourhood Equipped Areas for Play (NEAPs) aimed at older children within a 1,000m walking distance from dwellings

These can be complemented by other facilities including Multi Use Games Areas (MUGAs) and skateboard parks. **Table One** below sets out the quantity requirements per 1,000 population, the indicative walking distances and the quality guidelines:



Table One – Fields in Trust guidance per 1000 population

Open Space Typology	Quantity Guideline (hectares)	Walking Guideline	Quality Guideline
Playing pitches	1.20	1,200m	<ul style="list-style-type: none"> <li>■ Quality appropriate to the intended level of performance, designed to appropriate technical standards.</li> <li>■ Located where they are of the most value to the community to be served.</li> <li>■ Sufficiently diverse recreational use for the whole community.</li> <li>■ Appropriately landscaped.</li> <li>■ Maintained safely and to the highest possible condition with available finance.</li> <li>■ Positively managed taking account of the need to repair and replacement over time as necessary.</li> <li>■ Provision of ancillary facilities and equipment.</li> <li>■ Provision of footpaths.</li> <li>■ Designed so as to be free of the fear of harm or crime.</li> </ul>
All outdoor sports	1.60	1,200m	
Equipped/designated play areas	0.25	LAPs – 100m LEAPs – 400m NEAPs – 1,000m	
Other outdoor provision (MUGAs and skateboard parks)	0.30	700m	

## Current Provision

South Kesteven District Council manages 38 play areas across the District in 33 locations that are situated on a mixture of Council housing estates, formal park settings and open space areas. In October 2022 a review of play areas was undertaken by the Council's Corporate Health and Safety team, along with Officers responsible for the inspection of the play areas, using Royal Society for the Prevention of Accidents (RoSPA) guidelines.

This review identified a Health and Safety RAG status for each play area based on the condition of the play equipment and floor surface which was used to determine the frequency of visual and operational inspections to be undertaken. **Table Two** below summarises each play area the Council is currently responsible for and its location, and **Appendix One** demonstrates the spread of play areas across the District.

**Table Two – SKDC Play Areas and Locations**

Locality	Play Area
Stamford	Andrew Road, PE9 1HN
Stamford	College Close, PE9 1FN
Stamford	Elgar Way, PE9 1EY
Stamford	Elizabeth Road, PE9 1HY
Stamford	Empingham Road, PE9 2GR
Stamford	Foxglove Road, PE9 4BW
Stamford	Lonsdale Road, PE9 2SF
Grantham	Arnoldfield Adventure, NG 31 8HU
Grantham	Beechcroft Road, NG31 7NL
Grantham	Dysart Park, NG31 6JB (x3 play areas)
Grantham	Gonerby Hill Foot, NG31 8HU
Grantham	Harrowby Lane, NG31 9QY
Grantham	Hornsby Road, NG31 7RE
Grantham	Larch Close, NG31 7XL
Grantham	Tissington Road, NG31 7FP
Grantham	Queen Elizabeth Park, NG31 8FJ
Grantham	Princess Drive, NG31 9QA
Grantham	Tyndal Road, NG31 8AH
Grantham	Wyndham Park, NG31 9BB (x4 play areas)
Denton	Hungate Road, NG31 1LP
Langtoft	Manor Close, PE6 9LY
Morton	The Crescent, PE10 0NX
South Witham	Troughton Walk, NG33 5PR
Witham on the Hill	Main Street, PE10 0JH
Market Deeping	Church Street, PE6 8AL
Market Deeping	Kesteven Drive, PE6 8DU
Market Deeping	Wellington Way, PE6 8LF
Deeping St James	Crowson Way, PE6 8EY
Deeping St James	Churchfield Close, PE6 8PP
Deeping St James	Hereward Way, PE6 8QB
Bourne	Northfields, PE10 9DB
Bourne	Pinewood Close, PE10 9RL
Bourne	Wellhead, PE10 9PQ

# Inspection and Maintenance of Play Areas

The Council has a legal responsibility to those using the play areas it is responsible for and is required to have a robust inspection and maintenance regime in place. Inspections of play equipment undertaken should meet the requirements of BS EN1176 part 7 – guidance for installation, inspection, maintenance, and operation.

The provision of a robust inspection and maintenance regime for play areas is also recommended as best practice by the Department for National Heritage, the British Standards Institute, the Health and Safety Executive, and the Royal Society for the Prevention of Accidents (RoSPA).

The British and European safety standard BS EN1176 was published in 2017. In addition to setting the standards to be maintained, this also details good practice in relation to the design, manufacture, installation and maintenance of play equipment, as well as playground surfaces.

The guidance recognises that the standards are not retrospective or a legal requirement, and that equipment installed prior to 2017 will most likely have met previous standards. Whilst the play areas managed by the Council contain equipment and surfacing of varying ages, and therefore may contain older equipment which does not meet current standards, this does not necessarily mean that it is unsafe or that remedial action is required.

Where it is no longer possible to replace parts on ageing equipment, there may be times when equipment must be removed - any new equipment installed will then need to meet current standards.

The Council has a defined inspection regime in place that covers the whole site and not just the play equipment and employs trained staff to undertake visual and operational inspections. This has been complemented recently by commissioning an external contractor, KOMPAN, to undertake monthly operational inspections on behalf of the Council. As well as providing an independent assessment, KOMPAN is undertaking a lifespan audit on all pieces of play equipment. This information will assist the Council in prioritising play areas, and specific pieces of equipment, which require attention or investment.

All inspection findings undertaken by both Council Officers and KOMPAN are recorded in real time on a specialist mobile app called Public Sector Software Live (PSS Live) with any minor and major remedial works required being recorded.

Inspections occur on the following basis:

- **Weekly Visual Inspection** – a visual assessment is made of the condition of equipment and the play area. Frequency of inspections can vary and is identified by the risk assessment and risk rating associated by each play area.
- **Monthly Operational Inspection** – this looks in more detail at the equipment and requires the inspector to physically use the equipment and look for signs of deterioration. This is currently being undertaken by KOMPAN on behalf of the Council.
- **Six Monthly Inspection** – this is undertaken by Zurich Insurance, and provides external assurance to the Council. This regime satisfies the British and European safety standard BS EN1176, and is over and above the recommendation of the Health and Safety Executive that at least one inspection is undertaken every year from an independent suitably qualified body such as RoSPA.

- **Post Installation Inspections** – these are carried out following the installation of any new play area or major refurbishment programme to ensure that the playground meets modern standards and has been correctly installed.

Where it is not possible for Council Officers to undertake minor remedial works to play equipment, then specialist contractors or equipment providers are used to undertake the highlighted remedial works from any of the inspections. Any works conducted are also recorded on the PSS app to provide an audit trail.

## Future Design Principles

When considering any investment or refurbishment the Council will give consideration to the type and range of play equipment, including surfacing, to ensure that this is accessible for users with a range of abilities, and appropriate to the type of play area and its setting.

- Equipment should be laid out to maximise the play value and provide the best use of the space available. Special attention needs to be given to new or existing tree planting, orientation (particularly for metal slides) and fall areas – with plenty of ‘slack space’ included around and between equipment to allow free movement and to facilitate different types of informal play.
- Equipment should be arranged to ensure that younger children do not feel intimidated by older children and teenagers.
- Timber elements deteriorate most when buried in, or are in contact with, the ground. Therefore, any timber structures must be secured into the ground using metal feet to avoid contact and deterioration. All manufactured timber equipment must be supplied with a minimum 15-20 year guarantee. Bespoke, natural timber equipment needs to be treated correctly with a safe, long lasting, non-reactive preservative to ensure a minimum 10-year life.
- Rope equipment and netting must be sufficiently heavy duty and durable.
- Large, oversized and distinctive equipment is to be welcomed.
- Exciting, innovative and bespoke equipment that will appeal to a wide range of user groups and provides a significantly high level of play value may be deemed to offer a level of play experience equivalent to more than one piece of standard equipment.
- Equipment and surfacing should be provided that is suitable for use by children and young people with disabilities. Play areas need to be accessible and provide opportunities for inclusive play.
- Choosing the best surface for an area is dependent on many variables and should be carefully considered based on the activities planned and ease of maintenance.
- Robust finishes and high quality detailing are essential to create an attractive hard-wearing play area that will be suitably long-lasting and fit for purpose.
- The opportunity for surfaces to add play value or to be a play feature, designed for traditional games or imaginative play, should be considered.

- Acceptable types of bound surface include wetpour, grass matting and carpet system artificial grass. This should be used primarily as it has low ongoing maintenance requirements, however, loose fill surfaces such as bark nuggets, play safe pea gravel and play sand may be considered but the needs must be balanced against routine maintenance requirements.

All safety surfacing must conform to the relevant British Standards relating to the type of play equipment and the level of impact attenuation required, in addition to the quality of the product used.

## Process for Adopting New Play Areas

Before a completed play area is legally transferred to the Council from a developer the following information will be required prior to the transfer:

- Land ownership and boundary responsibility with a Land Transfer Map as a Portable Document Format (PDF) and a Geographic Information System (GIS) Shapefile
- As built drawing(s)
- Anticipated routine monitoring and inspection requirements for the play area, including trees
- Maintenance schedule setting out the frequency and types of operation for the scheme including planting during establishment and once established
- National Bureau of Standards (NBS) Landscape specification for hard and soft landscaping maintenance operation where relevant
- Confirmation of payment of agreed commuted sum figure to cover maintenance requirements for a 25-year period consistent with the Council's supplementary planning document on open spaces



**Table Three – Handover Process for new play areas**

Inspection	<ul style="list-style-type: none"> <li>■ Council to be notified on completion of the scheme and arrange an inspection to confirm build in accordance with the approved details.</li> <li>■ The Council will need to agree the scheme has been installed satisfactorily or identify any defects and remedial work required.</li> </ul>
Safety Audit	<ul style="list-style-type: none"> <li>■ Arrange an inspection to ensure any outstanding works are agreed before a RoSPA post-installation inspection is undertaken.</li> <li>■ Any items flagged and recorded to be rectified.</li> </ul>
Maintenance Period	<ul style="list-style-type: none"> <li>■ Agree the start date of the 12-month maintenance of the scheme. The maintenance period will normally begin once any outstanding or remedial works have been completed satisfactorily. The Council should be contacted one month before the end of the agreed maintenance period to arrange another inspection.</li> <li>■ On completion of the 12-month maintenance period, a further RoSPA inspection report must be provided and any items flagged by the report will need to be rectified.</li> <li>■ On completion of the 12-month maintenance period, a further RoSPA inspection report must be provided and any items flagged by the report will need to be rectified.</li> </ul>
Transfer	<ul style="list-style-type: none"> <li>■ Once all outstanding or remedial work is completed satisfactorily, the scheme is ready to be adopted. The Council will confirm the final Commuted Sum figure to be paid.</li> </ul>



# Transferring Ownership of Play Areas

Where possible the Council is committed to transferring assets to local Town and Parish Councils. This would bring further benefits in them being better positioned to attract grant funding, as well as ensuring that the facilities continue to serve and meet the needs of local communities.

The Council recognises that the current condition of its play areas may require a level of capital investment prior to asset transfers taking place. The Council will adopt a policy of actively seeking opportunities to asset transfer play areas, identifying any required investment during the early stages of discussions and, if appropriate, seek an agreement in principle to proceed with an agreed level of investment.

For an asset transfer to be undertaken the following process would be followed:

- Engagement with Town and Parish Councils to establish interest
- Once interest has been established, engagement with the Council's Property Team to discuss asset transfer process
- Copies of insurance inspection reports to be provided in relation to the play area
- Confirmation of any agreed improvements as part of the transfer
- Restrictive covenant placed on the land to ensure it can only be used as a play area and must be maintained as such
- Confirmation of transfer – freehold or leasehold arrangement
- Both sides would be required to cover their own legal costs
- Under the Local Government Act 1972 Section 123 the Council would need to advertise the site in the local press for two weeks to give consideration to any objections.
- Dependant on the size of the site, an external valuation may be required and would be arranged by the Council if deemed necessary.



# Process for Play Area Investment

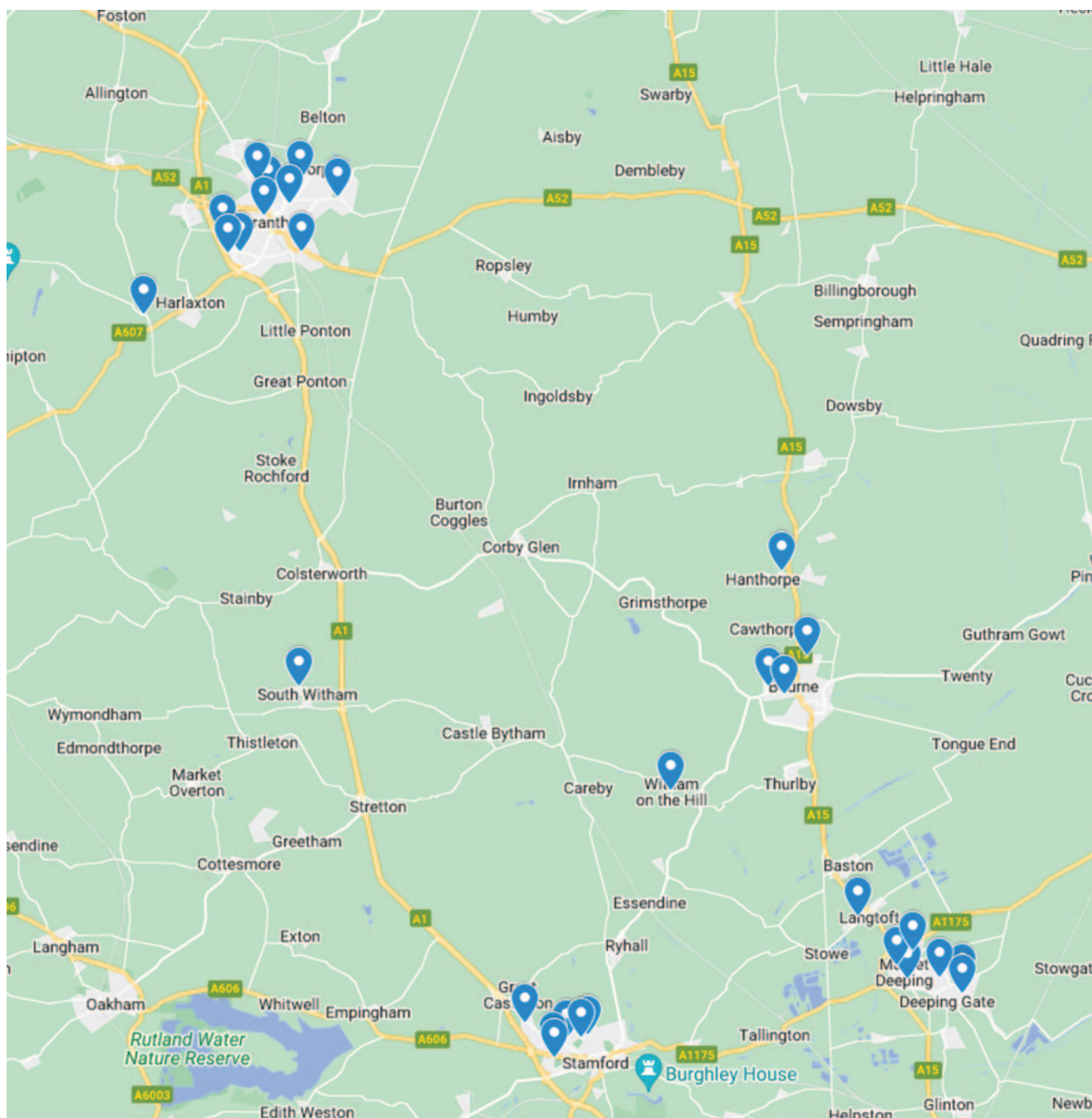
To ensure that investment into play areas across the district is undertaken in a way that is fair and utilises the Council's resources appropriately, **Table Four** below shows the step by step process which will be followed:

Table Four – Process for play area investment		
Step 1	Identify reported piece of equipment on PSS Live	
Step 2	Review the history of inspections and findings	
Step 3	Is the risk associated with the equipment 10 or above classed as either medium or high risk	If yes move to Step 4 If no move to Step 5
Step 4	If equipment is classed as high risk with a score of 16 or above, remove or isolate equipment from public use	Move to Step 7
Step 5	Is the life expectancy of the equipment within the next 12 months	If yes move to Step 7 If no move to Step 6
Step 6	Monitor the condition of the equipment through regular inspection regime and add to future replacement programme based on life expectancy	
Step 7	Contact play equipment suppliers to quote for replacement or suitable alternative	
Step 8	Identify whether budget or funding is available	If yes place order
Step 9	If more than one piece of equipment isolated or has a life expectancy within the next 12 months identify any grant funding opportunities	



# Appendices

**Appendix One** – A map of the Council's play areas it's responsible for across the District



# Resources

*Fields In Trust – Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard* [Guidance-for-Outdoor-Sport-and-Play-England.pdf \(fieldsintrust.org\)](#)

*Children's play areas – A guide to standards for playground equipment and surfacing (BS EN1176 series: 2017)* [childrens-playground-stds-hi-res.pdf \(bsigroup.com\)](#)

*DLUHC National Planning Policy Framework* [National Planning Policy Framework \(publishing.service.gov.uk\)](#)

*South Kesteven District Council – Sport and Physical Activity Strategy (2021 – 2026)* [SPORT\\_AND\\_PHYSICAL\\_ACTIVITY.pdf \(southkesteven.gov.uk\)](#)

*South Kesteven District Council – Corporate Plan (2024 – 2027)* [South Kesteven District Council Corporate Plan - 2024 to 2027.pdf](#)

*RoSPA Play Safety - Advice and information - RoSPA*

*DCMS – Get Active: A Strategy for the future of Sport and Physical Activity (August 2023)* [Get Active: A Strategy for the future of sport and physical activity \(publishing.service.gov.uk\)](#)

*Sport England – Uniting the Movement (January 2021)* [Sport England - Uniting the Movement \(sportengland-production-files.s3.eu-west-2.amazonaws.com\)](#)

*South Kesteven District Council – Local Plan for South Kesteven – Planning Obligations Supplementary Planning Document (June 2012)* [Planning Obligations Supplementary Planning Document: June 2012 \(southkesteven.gov.uk\)](#)





# Contact Details

**Alternative formats are available on request:  
audio, large print and Braille**

**South Kesteven District Council**  
**01476 40 60 80**  
 [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk)



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DISTRICT  
COUNCIL**

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SOUTH  
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DISTRICT  
COUNCIL



# Cabinet

9 July 2024

Report of the Chief Executive

## Key and Non-Key Decisions taken under delegated powers

### Report Author

Lucy Bonshor, Democratic Officer



[l.bonshor@southkesteven.gov.uk](mailto:l.bonshor@southkesteven.gov.uk)

### Purpose of Report

This report provides an overview of decisions taken by individual Cabinet Members since the last meeting of the Cabinet on 11 June 2024.

### Recommendations

#### That Cabinet:

- 1. Notes the content of this report.

### Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All

- 1.1 Since the Cabinet last met on 11 June 2024, the following Key and Non-Key decisions have been taken under delegated authority:
- 1.1.1 **Prison Leavers Guidance**
- Non-Key decision taken by the Cabinet Member for Housing on 18 June 2024.  
Date decision effective: 26 June 2024.  
The accompanying report can be viewed online at:  
<https://moderngov.southkesteven.gov.uk/ieDecisionDetails.aspx?Id=1438>
- 1.1.2 **Transfer of Land at Swinegate, Grantham**
- Non-Key decision taken by the Cabinet Member for Housing on 26 June 2024.  
Date decision effective: 4 July 2024.  
The accompanying report can be viewed online at:  
<https://moderngov.southkesteven.gov.uk/ieDecisionDetails.aspx?Id=1441>
- 1.2 Any decision made after the publication of the agenda will be reported at the next meeting of the Cabinet.



SOUTH  
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# Cabinet

9 July 2024

Report of the Chief Executive

## Cabinet Forward Plan

### Report Author

Lucy Bonshor, Democratic Officer



[l.bonshor@southkesteven.gov.uk](mailto:l.bonshor@southkesteven.gov.uk)

### Purpose of Report

This report highlights matters on the Cabinet’s Forward Plan.

### Recommendations

#### That Cabinet:

- 1. Notes the content of this report.

### Decision Information

Is this a Key Decision?	No
Does the report contain any exempt or confidential information not for publication?	No
Which wards are impacted?	All

## **1. Cabinet's Forward Plan**

- 1.1** The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the minimum requirements for publicity in connection with Key Decisions. The Council meets these legislative requirements through the monthly publication of its Forward Plan.
- 1.2** Cabinet may also receive reports on which it is asked to make recommendations to Council or review the contents and take necessary action. These items are also listed on the Forward Plan.
- 1.3** Non-Key Decisions made by Cabinet are also included within the Forward Plan.

## **2. Appendices**

- 2.1** Appendix 1 – Cabinet's Forward Plan





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COUNCIL

**CABINET FORWARD PLAN**  
**Notice of decisions to be made by Cabinet**  
**1 July 2024 to 30 June 2025**

At its meetings, the Cabinet may make Key Decisions and Non-Key Decisions. It may also make recommendations to Council on matters relating to the Council's budget or its policy framework.

A Key Decision is a Cabinet decision that is likely:

1. To result in the District Council incurring expenditure which is, or the making of savings which are, significant having regard to the District Council's budget for the service or function to which the decision relates (for these purposes, South Kesteven District Council has agreed £200,000 as the threshold at which a decision will be considered significant); or
2. To be significant in terms of its effects on communities that live or work in an area comprising two or more wards.

**The Forward Plan**

The Cabinet Forward Plan is a rolling, 12-month plan that will be updated on a regular basis. It includes those Key Decisions and Non-Key Decisions that are scheduled to be considered by Cabinet during the plan period.

Notice of future Cabinet decisions and recommendations to Council

Summary	Date	Action	Contact
<b>Disabled Adaptations Contract Award - Key Decision</b>			
To obtain approval to enter into a contract for the provision of Disabled Adaptations for a period of 2 years with the option to extend for 1 year plus 1 year	9 Jul 2024	To enter into the contract	Cabinet Member for Housing (Councillor Virginia Moran)  Alison Hall-Wright, Director of Housing <b>E-mail:</b> <a href="mailto:A.Hall-Wright@southkesteven.gov.uk">A.Hall-Wright@southkesteven.gov.uk</a>
<b>Contract award for supply and install of Stairlifts, through floor lifts and external modular ramps - Key Decision</b>			
For cabinet to consider the proposal to award the contract for the supply and install of Stairlifts, through floor lifts and external modular ramps to the proposed winning bidder following a procurement exercise. The contract value is £600,000 over 5 years.	9 Jul 2024	Approval of Contract Award	Cabinet Member for Housing (Councillor Virginia Moran)  Tom Amblin-Lightowler, Environmental Health Manager – Environmental Protection & Private Sector Housing <b>E-mail:</b> <a href="mailto:tom.amblin-lightowler@southkesteven.gov.uk">tom.amblin-lightowler@southkesteven.gov.uk</a>
<b>Draft Play Area Strategy – Non Key Decision</b>			
To consider the draft Play Area Strategy for South Kesteven	9 Jul 2024	Approval of the draft Play Area Strategy	Deputy Leader of the Council, Cabinet Member for Leisure and Culture (Councillor Paul Stokes)  Michael Chester, Leisure, Parks and Open Spaces Team Leader <b>E-mail:</b> <a href="mailto:michael.chester@southkesteven.gov.uk">michael.chester@southkesteven.gov.uk</a>

Summary	Date	Action	Contact
<b>Safeguarding Policy and Procedures 2024-2027 - Non Key Decision</b>			
For Cabinet to approve the updated Safeguarding Policy and Procedures which covers the period 2024-2027.	9 Jul 2024	To approve the updated Policy and Procedures.	Cabinet Member for People & Communities (Councillor Rhea Rayside)  Carol Drury, Community Engagement & Manager <b>E-mail:</b> <a href="mailto:c.drury@southkesteven.gov.uk">c.drury@southkesteven.gov.uk</a>
<b>Grantham Meres leisure centre decarbonisation scheme - award of contract - Key Decision</b>			
To agree the award of contract for the Grantham Meres leisure centre decarbonisation scheme.	9 Jul 2024	To agree the contract	Cabinet Member for Environment and Waste (Councillor Rhys Baker)  Serena Brown, Sustainability and Climate Change Manager <b>E-mail:</b> <a href="mailto:serena.brown@southkesteven.gov.uk">serena.brown@southkesteven.gov.uk</a>
<b>Housing Revenue Account Asset Acquisition and Disposal Policy - Non Key Decision</b>			
To provide Cabinet with an opportunity to strengthen the process and delegated authority associated with acquiring or disposing of Housing Revenue Account (HRA) assets.	9 Jul 2024	To approve the amendments.	Cabinet Member for Housing (Councillor Virginia Moran)  Alison Hall-Wright, Director of Housing <b>E-mail:</b> <a href="mailto:A.Hall-Wright@southkesteven.gov.uk">A.Hall-Wright@southkesteven.gov.uk</a>
<b>Animal Welfare Policy - Non Key Decision</b>			
A new Animal Welfare Policy for approval by Cabinet, following the 4-week consultation with the public, local businesses, partner agencies and other organisations.	9 Jul 2024	To approve the policy	Cabinet Member for Corporate Governance and Licensing (Councillor Philip Knowles)  Heather Green, Licensing Team Leader <b>E-mail:</b> <a href="mailto:heather.green@southkesteven.gov.uk">heather.green@southkesteven.gov.uk</a>

Summary	Date	Action	Contact
<b>Larch Close (19 New Build Units) - Contract Award - Key Decision</b>			
Larch Close (21 New Build Units) - Contract Award	9 Jul 2024	To agree the contract	<p>Cabinet Member for Housing (Councillor Virginia Moran)</p> <p>Suniel Pillai, New Build Project Officer  <b>E-mail:</b> <a href="mailto:suniel.pillai@southkesteven.gov.uk">suniel.pillai@southkesteven.gov.uk</a></p>
<b>Roofing Services Contract Award - Key Decision</b>			
To obtain approval to enter into a contract for the provision of Roofing Services for a period of 2 years with the option to extend for 1 year plus 1 year	9 Jul 2024	To enter into the contract	<p>Cabinet Member for Housing (Councillor Virginia Moran)</p> <p>Alison Hall-Wright, Director of Housing  <b>E-mail:</b> <a href="mailto:A.Hall-Wright@southkesteven.gov.uk">A.Hall-Wright@southkesteven.gov.uk</a></p>

Summary	Date	Action	Contact
<b>Update on the development of the Economic Development Strategy for South Kesteven 2024 – 2028 - Non Key Decision</b>			
To update Members on the Update on the development of the Economic Development Strategy for South Kesteven 2024 – 2028	9 Jul 2024	<ol style="list-style-type: none"> <li>Notes the content of this report in respect to the development of the Economic Development Strategy.</li> <li>Notes that a Workshop for Members of the Finance and Economic Overview and Scrutiny Committee will be held on 15th July 2024 to consider feedback from the consultation process and its impact on the development of the strategy.</li> <li>Notes the revised timetable for the Economic Development Strategy as set out in Table 1 of the report.</li> </ol>	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Nick Hibberd, Head of Economic Development and Inward Investment  <b>E-mail:</b> <a href="mailto:nick.hibberd@southkesteven.gov.uk">nick.hibberd@southkesteven.gov.uk</a></p>
<b>Empty Homes Strategy - Non Key Decision</b>			
This report presents the updated Empty Homes Strategy. The Strategy was initially implemented in 2022. The revised version has been updated to reflect changes in the national and local context, providing a framework for the Council's approach to reducing the number of Empty Homes within the district and mitigating their impacts.	9 Jul 2024	Approval of Empty Homes Strategy	<p>Cabinet Member for Housing (Councillor Virginia Moran)</p> <p>Mieke Alcock, National Management Trainee, Ayeisha Kirkham, Head of Public Protection  <b>E-mail:</b> <a href="mailto:mieke.alcock@southkesteven.gov.uk">mieke.alcock@southkesteven.gov.uk</a>, <a href="mailto:ayeisha.kirkham@southkesteven.gov.uk">ayeisha.kirkham@southkesteven.gov.uk</a></p>

Summary	Date	Action	Contact
This report seeks approval of the updated Empty Homes Strategy, as recommended by Housing Overview and Scrutiny Committee.			
<b>Provisional Outturn Report 2023/24 - Key Decision</b>			
<p>This report provides the Cabinet with the details of the Council's provisional outturn position for the financial year 2022/23. The report covers the following areas:</p> <ul style="list-style-type: none"> <li>• General Fund Revenue Budget</li> <li>• Housing Revenue Account Budget</li> <li>• Capital Programmes – General Fund and Housing Revenue Account</li> <li>• Reserves overview – General Fund and Housing Revenue Account</li> </ul>	9 Jul 2024	<p>Cabinet is asked to:</p> <ol style="list-style-type: none"> <li>1. Review and recommend for approval to Governance and Audit Committee the provisional Revenue and Capital Outturn position for the financial year 2023/24.</li> <li>2. Review and approve the budget carry forwards (appendices D and H).</li> <li>3. Review and recommend to Governance and Audit Committee the following reserve movements in respect of the General Fund:</li> </ol>	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Gill Goddard, Senior Accountant, Claire Morgan, Paul Sutton, Assistant Director of Finance/Deputy Section 151 Officer  <b>E-mail:</b> gill.goddard@southkesteven.gov.uk, claire.morgan@southkesteven.gov.uk, paul.sutton@southkesteven.gov.uk</p>
<b>South Kesteven District Council Productivity Plan 2024/25 - Non Key Decision</b>			
To present the proposed Productivity Plan 2024/25 for South Kesteven DC, and to recommend to Cabinet the submission of said plan to the Department of Levelling Up, Housing & Communities.	9 Jul 2024	Approves the proposed Productivity Plan for submission to the Department of Levelling Up, Housing & Communities.	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Charles James, Policy Officer  <b>E-mail:</b> charles.james@southkesteven.gov.uk</p>

Summary	Date	Action	Contact
<b>Kitchen and Bathrooms Contract Award - Key Decision</b>			
To obtain approval to enter into a contract for the provision of Kitchens and Bathrooms for a period of 2 years with the option to extend for 1 year plus 1 year	10 Sep 2024	To enter into the contract	Cabinet Member for Housing (Councillor Virginia Moran)  Alison Hall-Wright, Director of Housing <b>E-mail:</b> A.Hall-Wright@southkesteven.gov.uk
<b>Review of Public Space Protection Orders - Key Decision</b>			
To review the existing Public Space Protection Orders (PSPOs) in force across the District.	10 Sep 2024	To agree a course of action for PSPOs in the District.	Cabinet Member for People & Communities (Councillor Rhea Rayside)  Ayeisha Kirkham, Head of Public Protection <b>E-mail:</b> ayeisha.kirkham@southkesteven.gov.uk
<b>Lease to Grantham Town Football Club - Non Key Decision</b>			
The granting of a lease and delegation of authority to the Deputy Chief Executive in consultation with the Cabinet Member for Culture and Leisure to enter into it	10 Sep 2024	To agree to enter into the lease.	Deputy Leader of the Council, Cabinet Member for Leisure and Culture (Councillor Paul Stokes)  Karen Whitfield, Assistant Director – Leisure, Culture and Place <b>E-mail:</b> karen.whitfield@southkesteven.gov.uk
<b>Finance Update Report - Non Key Decision</b>			
To present the Council's forecast for the 2024/25 financial position. The report covers the following areas: • General Fund Revenue Budget • Housing Revenue Account Budget • Capital Programmes – General Fund and Housing Revenue Account • Reserves overview – General Fund and Housing Revenue Account	10 Sep 2024	That Cabinet 1. Reviews and notes the forecast 2024/25 outturn position for the General Fund, HRA Revenue and Capital budgets and identifies any variances that might require action or investigation	The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)  Gill Goddard, Senior Accountant <b>E-mail:</b> gill.goddard@southkesteven.gov.uk,

Summary	Date	Action	Contact
<b>Major Voids Contract Award - Key Decision</b>			
To obtain approval to enter into a contract for the provision of Major Voids works for a period of 2 years with the option to extend for 1 year plus 1 year	10 Sep 2024	To enter into the contract.	Cabinet Member for Housing (Councillor Virginia Moran)  Alison Hall-Wright, Director of Housing <b>E-mail:</b> A.Hall-Wright@southkesteven.gov.uk
<b>South Kesteven District Council Car Parking Order – Tariff Changes - Key Decision</b>			
The amendment to the existing South Kesteven District Council Car Parking Order Tariffs - amendment to the Car Parking Order needs to be done by way of modification Order – this has the effect to modify/amend the original Order.	10 Sep 2024	To consider the modification Order.	The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)  Gyles Teasdale, Head of Property and ICT <b>E-mail:</b> g.teasdale@southkesteven.gov.uk
<b>Maintenance Strategy (Corporate Property Assets) - Key Decision</b>			
This report sets out the proposals for a Maintenance Strategy in respect of General Fund Corporate Property Assets. The Strategy will establish the approach the Council will adopt for ongoing investment in its corporate property estate.	10 Sep 2024	To agree the approach to the development and management of maintenance activity across its corporate property portfolio.	Cabinet Member for Property and Public Engagement (Councillor Richard Cleaver)  Gyles Teasdale, Head of Property and ICT <b>E-mail:</b> g.teasdale@southkesteven.gov.uk
<b>Vehicle Procurement - Key Decision</b>			
To approve the Capital spend of over £200,000 for 2024/25 for street cleaning, refuse vehicles and vans, and other assorted vehicles.	8 Oct 2024	To approve the spend.	Cabinet Member for Environment and Waste (Councillor Rhys Baker)  Kay Boasman, Head of Waste Management and Market Services <b>E-mail:</b> <a href="mailto:kayleigh.boasman@southkesteven.gov.uk">kayleigh.boasman@southkesteven.gov.uk</a>



Summary	Date	Action	Contact
<b>Air Quality Action Plan 2024-2029 - Non Key Decision</b>			
The Air Quality Action Plan (AQAP) is required as part of having an Air Quality Management Area. Currently there is an Air Quality Management Area in place for the centre of Grantham, the previous Air Quality Action Plan is out of date and requires updating.	8 Oct 2024	Approves the AQAP	Cabinet Member for Environment and Waste (Councillor Rhys Baker)  Tom Amblin-Lightowler, Environmental Health Manager – Environmental Protection & Private Sector Housing <b>E-mail:</b> tom.amblin-lightowler@southkesteven.gov.uk
<b>Finance Update Report: April - September 2024 - Non Key Decision</b>			
To present the Council's forecast 2024/25 financial position as at end of September 2024. The report covers the following areas: • General Fund Revenue Budget • Housing Revenue Account Budget • Capital Programmes – General Fund and Housing Revenue Account • Reserves overview – General Fund and Housing Revenue Account	3 Dec 2024	That Cabinet 1. Reviews and notes the forecast 2024/25 outturn position for the General Fund, HRA Revenue and Capital budgets as at the end of September 2024 and identifies any variances that might require action or investigation	The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)  Gill Goddard, Senior Accountant <b>E-mail:</b> gill.goddard@southkesteven.gov.uk
<b>Council Tax Base 2025/2026 - Key Decision</b>			
To determine the Council Tax Base to form the basis of the 2025/2026 budget proposals to be recommend to Full Council.	3 Dec 2024	To recommend the Tax Base to Full Council.	The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)  Claire Moses, Head of Service (Revenues, Benefits Customer and Community) <b>E-mail:</b> <a href="mailto:claire.moses@southkesteven.gov.uk">claire.moses@southkesteven.gov.uk</a>

Summary	Date	Action	Contact
<b>Local Council Tax Support Scheme - Key Decision</b>			
To consider the Council's Local Council Tax Support Scheme for the 2025/2026 financial year.	3 Dec 2024	To recommend the Scheme to Full Council.	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Claire Moses, Head of Service (Revenues, Benefits Customer and Community)  <b>E-mail:</b> <a href="mailto:claire.moses@southkesteven.gov.uk">claire.moses@southkesteven.gov.uk</a></p>
<b>Draft Budget Proposals for 2025/2026 and Indicative Budgets for 2026/2027 and 2027/2028 - Non Key Decision</b>			
To consider the draft Budget Proposals for 2025/2026.	16 Jan 2025	To agree the draft proposals.	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Richard Wyles, Deputy Chief Executive and Section 151 Officer  <b>E-mail:</b> <a href="mailto:r.wyles@southkesteven.gov.uk">r.wyles@southkesteven.gov.uk</a></p>
<b>Discretionary Council Tax Payment Policy 25/26 - Non Key Decision</b>			
That the draft Discretionary Council Tax Payment Policy (25/26) be formally approved	16 Jan 2025	To approve the Policy	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Claire Moses, Head of Service (Revenues, Benefits Customer and Community)  <b>E-mail:</b> <a href="mailto:claire.moses@southkesteven.gov.uk">claire.moses@southkesteven.gov.uk</a></p>

Summary	Date	Action	Contact
<b>Discretionary Housing Payment Policy 25/26 - Non Key Decision</b>			
That the draft Discretionary Housing Payment Policy (2024/2025) be formally approved.	16 Jan 2025	To approve the Policy	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Claire Moses, Head of Service (Revenues, Benefits Customer and Community)  <b>E-mail:</b> claire.moses@southkesteven.gov.uk</p>
<b>Finance Update Report: April to December 2024 - Non Key Decision</b>			
<p>To present the Council's forecast 2024/25 financial position as at end of December 2024.</p> <p>The report covers the following areas:</p> <ul style="list-style-type: none"> <li>• General Fund Revenue Budget</li> <li>• Housing Revenue Account Budget</li> <li>• Capital Programmes – General Fund and Housing Revenue Account</li> <li>• Reserves overview – General Fund and Housing Revenue Account</li> </ul>	11 Feb 2025	<p>That Cabinet</p> <p>1. Reviews and notes the forecast 2024/25 outturn position for the General Fund, HRA Revenue and Capital budgets as at the end of December 2024 and identifies any variances that might require action or investigation</p>	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Gill Goddard, Senior Accountant  <b>E-mail:</b> gill.goddard@southkesteven.gov.uk</p>
<b>Budget Proposals for 2025/2026 and Indicative Budgets for 2026/2027 and 2027/2028 - Key Decision</b>			
To consider the proposed Budget.	11 Feb 2025	To recommend the Budget to Full Council.	<p>The Leader of the Council, Cabinet Member for Finance and Economic Development (Councillor Ashley Baxter)</p> <p>Richard Wyles, Deputy Chief Executive and Section 151 Officer  <b>E-mail:</b> r.wyles@southkesteven.gov.uk</p>

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