

Borough Council of
**King's Lynn &
West Norfolk**



Resources and Performance Panel

Agenda

Tuesday, 22nd March, 2016
at 6.00 pm

in the

**Committee Suite
King's Court
Chapel Street
King's Lynn
PE30 1EX**



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King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616200
Fax: 01553 691663

Monday, 14 March 2016

Dear Member

Resources and Performance Panel

You are invited to attend a meeting of the above-mentioned Panel which will be held on **Tuesday, 22nd March, 2016 at 6.00 pm** in the **Committee Suite, King's Court, Chapel Street, King's Lynn** to discuss the business shown below.

Yours sincerely

Chief Executive

AGENDA

1. Apologies

To receive any apologies for absence.

2. Minutes

To approve the minutes of the Resources and Performance Panel held on 23 February 2016 (previously circulated).

3. Declarations of Interest

Please indicate if there are any interests which should be declared. A declaration of an interest should indicate the nature of the interest (if not already declared on the Register of Interests) and the agenda item to which it relates. If a disclosable pecuniary interest is declared, the Member should withdraw from the room whilst the matter is disclosed.

These declarations apply to all Members present, whether the Member is part of the meeting, attending to speak as a local Member on an item or simply observing the meeting from the public seating area.

4. Urgent Business Under Standing Order 7

To consider any business which, by reason of special circumstances, the Chairman proposes to accept as urgent under Section 100(b)(4)(b) of the Local Government Act 1972.

5. Members Present Pursuant to Standing Order 34

Members wishing to speak pursuant to Standing Order 34 should inform the Chairman of their intention to do so and on what items they wish to be heard before the meeting commences. Any Member attending the meeting under Standing Order 34 will only be permitted to speak on those items which have been previously notified to the Chairman.

6. Chairman's Correspondence (if any)

7. Matters referred to the Committee from other Council Bodies and responses made to previous Committee recommendations/requests

To receive comments and recommendations from other Council bodies, and any responses subsequent to recommendations, which this Panel has previously made. (N.B. some of the relevant Council bodies may meet after dispatch of the agenda).

8. Exclusion of Press and Public

To consider passing the following resolution:

That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of the Part 1 of Schedule 12A to the Act.

9. Exempt Report: Hunstanton Sailing Club - Interim Report

The Panel will receive an interim report on Hunstanton Sailing Club.

RETURN TO OPEN SESSION

10. Cabinet Report: Child Protection Policy Update (Pages 6 - 43)

The Panel is invited to consider the report and make any appropriate recommendations to Cabinet.

11. Cabinet Report: Staff Pay Award (Pages 44 - 50)

The Panel is invited to consider the report and make any appropriate recommendations to Cabinet.

12. Cabinet Report: Review of Members Allowances (Pages 51 - 67)

The Panel is invited to consider the report and make any appropriate recommendations to Cabinet.

13. Cabinet Report: Review of Scrutiny Arrangements (Pages 68 - 91)

The Panel is invited to consider the report and make any appropriate

recommendations to Cabinet.

14. Members Training

Members re invited to discuss any future training opportunities that they might find useful.

15. Work Programme 2016/2017 and Forward Decisions List (Pages 92 - 93)

19 April 2016

No scheduled items, only any Cabinet reports to be identified from the Forward Decisions List.

If Council adopt the review of scrutiny arrangements on 28 April 2016, a work programme for the proposed Corporate Performance Panel will be drafted.

16. Date of Next Meeting

To note that the next meeting of the Resources and Performance Panel will take place on Tuesday 19 April 2016 at 6 pm in the Committee Suite, King's Court, Chapel Street, King's Lynn.

To:

Resources and Performance Panel: B Anota, J Collop, P Colvin, I Devereux, I Gourlay, G Hipperson (Vice-Chairman), P Hodson, H Humphrey (Chairman), G Middleton, A Morrison, D Tyler and G Wareham

Portfolio Holder:

Councillor N Daubney, Leader

Management Team Representatives:

Lorraine Gore, Assistant Director

Ray Harding, Chief Executive

Appropriate Officers: The following officers are invited to attend in respect of the Agenda item shown against their name

Item 9: Laura Hampshire, Regeneration Project Officer

Item 10: Becky Box, Personnel Services Manager

Item 11: Debbie Gates, Executive Director Central and Community Services

Item 12: Sam Winter, Democratic Services Manager

Item 13: Ray Harding, Chief Executive

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	NO	
	Discretionary /	Need to be recommendations to Council	YES	
	Operational	Is it a Key Decision	NO	
Lead Member: Cllr N Daubney E-mail: <i>cllr.nick.daubney@west-norfolk.gov.uk</i>		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Becky Box, Personnel Services Manager E-mail: <i>becky.box@west-norfolk.gov.uk</i> Direct Dial: 01553 616502		Other Officers consulted: Management Team		
Financial Implications NO	Policy/Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications NO

Date of meeting: 5th April 2016

CHILD PROTECTION POLICY

Summary

This report invites Members to consider and endorse updates to the corporate Child Protection Policy. The policy has been in place since 2007 and has been revised to reflect current practice and developments which have evolved during the intervening period. The policy is designed to ensure the Council meets its responsibilities and safeguards children and young people from potential harm and abuse, as well as protecting itself, its staff and elected members.

Recommendation

1. That Members approve the revised Child Protection Policy.
2. That Members delegate authority to the Executive Director, Central and Community Services, in consultation with the relevant Portfolio Holder, to agree amends/updates to the Policy that may be required to ensure it remains compliant with legislation
3. That Officers take steps to ensure that the Council's duty to safeguard and promote the welfare of children is appropriately reflected in contracts, leases and licences

Reason for Decision

To ensure that the Council meets its statutory duties with respect to child protection.

Background

1.1 There is a considerable body of legislation, government guidance and standards designed to ensure that children are protected from harm. These include 'The Children Act 1989', 'The Children Act 2004', 'The Protection of Children Act 1999', 'The Human Rights Act 1998', 'The Children and Families Act 2014', the 'Working Together to Safeguard Children 2006' document by the Department of Health and the revised versions of this document adopted in 2013 and 2015.

1.2 In particular, Section 11 of the Children Act 2004 places duties on a range of organisations to ensure their functions are discharged having regard to the need to safeguard and promote the welfare of children. This duty extends to contractors who deliver services to children and families on behalf of the Council.

1.3 The aim of the policy is to co-ordinate the Council's approach to child protection and help ensure we are compliant with our statutory obligations. It covers corporate arrangements in respect of this compliance. Each service, function or facility will retain its own operational guidance and procedures, and refer to the corporate framework as appropriate. Having this 'umbrella' policy in place reduces duplication of effort and ensures all areas are working to the same standards and guidance.

1.4 The policy formulates the procedures and processes we have in place and provides detailed guidance to assist staff, members and volunteers of the Council in recognising signs of potential harm or abuse, and how to respond to any concerns or allegations that may arise. It also identifies good practice to limit the potential risk where situations of harm or abuse of a child may occur, as well as reducing the possibilities for allegations against staff, members, volunteers and the Council.

1.5 The key changes included within this revision to the policy are as follows:

- updates to reflect changes as a result of the new arrangements in leisure and arts
- more prominent display of information relating to the Council's child protection co-ordinator, and deputy
- a new section outlining the Council's corporate responsibilities (section 1.3 of the policy) and service specific responsibilities (section 1.4 of the policy)
- an updated diagram to summarise the basic response procedure if an employee or Elected Member needs to raise a concern (section 6.2 of the policy)
- general updating of the section relating to recruitment and retention of staff (section 8 of the policy) to reflect changes in practice and to reflect the requirements of the Disclosure and Barring Service (including updating appendices F and G)

1.6 Once adopted, the revised policy will be communicated to staff. An ongoing programme of child protection training is already in place, and this will be revised to include refresher training on a three yearly basis, in accordance with recommended best practice. The refresher training will include a session specifically covering the Council's Child Protection Policy.

1.7 The Council's internal safeguarding group is currently reviewing arrangements for the consideration of child protection issues when letting contracts, providing funding to external organisations and granting leases for use of providing funding to external organisations and granting leases for use of Council land/property. Any changes required to ensure the Council is fulfilling its safeguarding responsibilities in these areas and will be implemented as a result of the review.

1.8 Members will note that the policy relates specifically to children. Until the Care Act 2014 came into force on 1st April 2015 there was no English law that dealt specifically with safeguarding adults who might be at risk of abuse or neglect, although the Human Rights Act 1998 brought certain rights into UK law. It is proposed to review the potential of introducing an overarching 'Safeguarding Policy' incorporating elements of both child and adult protection over the coming year and any resulting policy will be presented to Members in the usual manner.

Policy Implications

This is an update to an existing Council policy.

Financial Implications

None. Training related costs are already budgeted for within the corporate training budget.

Personnel Implications

None.

Statutory Considerations

The Council has a statutory duty which it is required to meet under the Children Act 2004. The corporate Child Protection Policy is designed to ensure the Council meets its responsibilities in respect of this duty (section 11 of the Children's Act 2004).

Equality Impact Assessment (EIA)

(Pre screening report template attached)

Risk Management Implications

Local Authorities have an important role in the safeguarding and protection of children. Without a Corporate Child Protection Policy the Borough Council's work in this area is at risk of lacking progress and without a policy and the relevant procedures in place, potentially risk legal action should any issues around child protection or allegations occur.

Declarations of Interest / Dispensations Granted

None

Background Papers

- Statutory Guidance under Section 11 of the Children Act 2004
- The Children Act 2004
- The Protection of Children Act 1999
- The Human Rights Act 1998
- The Children and Families Act 2014
- Working Together to Safeguard Children 2006, and as updated in 2013 and 2015

Pre-Screening Equality Impact Assessment

Borough Council of
King's Lynn & West Norfolk



Name of policy/service/function	Child Protection Policy				
Is this a new or existing policy/service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations	<p>The policy is designed to ensure the Council meets its responsibilities and safeguard children and young people from potential abuse or harm, as well as protecting itself, staff and elected members.</p> <p>The policy is based on a range of statutory requirements, most notably the Children's Act 2004</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age	√			
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
Other (low income)			√		

Question	Answer	Comments
<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	No	
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	No	
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	No	<p>However, the policy is designed to safeguard and promote the welfare of children and young people and to ensure the Council fulfils its statutory duties in this respect.</p>
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes	<p>Actions: The policy provides guidance to employees and Elected Members on issues such as recognising signs of abuse and how to respond to/report any such concerns. Therefore the impact of the policy is positive and no further action is required.</p> <p>Actions agreed by EWG member: </p>
<p>Assessment completed by: Name</p>	Becky Box	
<p>Job title</p>	Personnel Services Manager	
<p>Date</p>	25 th February 2016	

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.



Child Protection Policy

April 2016

Contents

Executive Summary	3
1. Introduction.....	4
2. The Legal Framework	5
3. Diversity Statement	5
4. Aims, Objectives & Scope	6
5. Definition of Abuse, Harm & Neglect.....	7
6. Responding to Concerns & Allegations.....	10
7. Good Practice for Staff, Elected Members & Volunteers	15
8. Recruitment and Selection of Staff.....	17
9. Useful Links and Further Information	21

Executive Summary

Local authorities have overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. Whilst local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families, or who works for a local authority, has a role to play.

Safeguarding and promoting the welfare of children is defined¹ for the purposes of this policy as:

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

This council, together with local agencies including the police and health services, also has a duty under section 11 of the Children Act 2004 to ensure that it considers the need to safeguard and promote the welfare of children when carrying out its functions. This duty extends to contractors who deliver services to children and families on behalf of the council.

Professionals working in agencies with these duties are responsible for ensuring that they fulfil their role and responsibilities in a manner consistent with the statutory duties of their employer.

This policy sets out the arrangements to ensure this will be achieved within the Borough Council of King's Lynn and West Norfolk.

The nominated child protection co-ordinator for the Borough Council of King's Lynn & West Norfolk is Debbie Gates, Executive Director Central and Community Services, to whom all concerns should be addressed in the first instance:

**Debbie Gates
Executive Director Central and Community Services
01553 616605
Debbie.Gates@west-norfolk.gov.uk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX**

the Council's Deputy child protection co-ordinator, who should be contacted in Debbie's absence, is Becky Box, Personnel Services Manager, who can be contacted on 01553 616502, becky.box@west-norfolk.gov.uk, address as above

¹ see 'Working together to safeguard children' A guide to interagency working to safeguard and promote the welfare of children, HM Government (March 2015)

Introduction

The Borough Council of King's Lynn and West Norfolk believes that all children have the right to live their lives to the fullest potential, to be protected, to have the opportunity to participate in and enjoy any activity, and to be treated with dignity and respect. Although many children have wonderful experiences, abuse does happen.

This Child Protection Policy is designed to ensure the Borough Council of King's Lynn & West Norfolk meets its responsibilities and safeguards children and young people from potential abuse or harm as well as protecting itself and its staff, elected members and volunteers.

1.1 Definitions²

- The term children or young person is used to refer to anyone under 18 years of age.
- The term parent is used as a generic term to represent parents, carers and guardians.
- The term staff or employee is used to refer to any person working for or on behalf of the Council in a paid or voluntary capacity, including employees of Alive Management Limited and Joint Employees of Alive Management and Alive Leisure.
- The term contractor or sub-contract is used to describe any individual or organisation delivering services to children and families on behalf of the council

1.2 Policy Statement

The Borough Council believes that all children and young people irrespective of their age, class, religion, culture, disability, gender, ethnicity or sexual preference have the right to protection from harm. We have a duty to promote the welfare of and safeguard all children and young people from harm as far as is reasonably practicable. We will do this by

- raising awareness of child protection and safeguarding children across the organisation so that all staff are aware of their responsibilities
- ensuring our recruitment procedures are robust and proper checks and procedures are followed
- where appropriate, contractors and funded organisations have child protection policies and procedures in place.

1.3 Corporate Responsibilities

The Council undertakes a range of activities to demonstrate its commitment to meeting its responsibilities with regards to child protection, including:

- active participation in the Norfolk District Safeguarding Group, which has been established to ensure all Norfolk district Council's are meeting their duties and obligations in accordance with relevant legislation
- effective co-ordination of an internal safeguarding group to ensure the effective sharing and dissemination of safeguarding related information within the organisation
- participation in an annual Section 11 audit undertaken by the Norfolk Safeguarding Children Board – designed specifically to ensure that

² Taken from 'Working together to safeguard children' Department of Children, Schools and Families (2010)

organisations are comply with the requirements of section 11 of the Children Act 2004

1.4 Service Specific Responsibilities

This policy sets out the Council's overall approach to child protection and ensures that we are compliant with our statutory obligations. Certain services, in particular Housing Services and Community Safety services, will retain their own operational guidance and procedures for dealing with specific incidents and/ circumstances. For other services, where are no specific processes in place, this policy and the procedures outlined within it should be adhered to in full.

1. The Legal Framework

There is a considerable body of legislation, government guidance and standards designed to ensure that children are safeguarded from harm. These include the 'Children Act 1989', the 'Children Act 2004', the 'Protection of Children Act 1999', the 'Human Rights Act 1998', the 'Sexual Offences Act 2003' and the 'Working Together to Safeguard Children 2006' document by the Department of Health.

The statutory inquiry into the death of Victoria Climbié highlighted the lack of priority status given to safeguarding. The Government's responses to these findings included the 'Every Child Matters' green paper and the 2004 Children Act. Section 11 of this act places a duty on organisations and individuals (including this authority) to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children.

Everyone who works with or around children need to be aware of the laws that aim to protect children from harm.

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

Section 11 places a duty on local authorities and district councils that provide children's and other types of services, including children's and adult care services, public health, housing, sport, culture and leisure services, licensing authorities and youth services. The responsibilities and duties placed on the Council by the Children Act 2004, the Children Act 1989 and the Protection of Children Act 1999 are outlined in Appendix A – which in particular highlights the need for inter-agency co-operation and reciprocal duties between such agencies, including district and county councils.

2. Diversity Statement

The Borough Council of King's Lynn & West Norfolk is bound by the provision and spirit of the relevant legislation and all its work is informed by a commitment to the promotion of diversity. All constituent agencies are required to ensure that their services are equally underpinned by such commitment.

The Borough Council believes that the welfare of children is of paramount concern, and that their individual needs and rights should be respected. Those working with children and young people should be sensitive to the diversity of children's

circumstances and backgrounds (e.g. in respect of their age, gender, physical and mental ability, ethnicity, culture and religion, language, sexual orientation and socio-economic status).

These principles underpin all Borough Council of King's Lynn & West Norfolk policies, procedures, protocols and training.

The Borough Council will use its influence to promote these principles and will seek wherever possible, both in its own work and that of its partner agencies, to eliminate discrimination, harassment and attacks on any group or individual. We will monitor the effectiveness of our work, and that of partner agencies, in these areas, and continuously seek to improve our performance.

3. Aims, Objectives & Scope

The Borough Council of King's Lynn & West Norfolk accepts the moral and legal responsibility to implement procedures, to provide a duty of care for children and young people, safeguard their well-being and protect them from harm when they are engaged in services organised and provided by the Council.

4.1 Aims

With this Child Protection Policy, the Council aims to:

- Raise awareness of the duty of care responsibilities relating to children and young people throughout the Council.
- Actively encourage good practice amongst all staff, elected members and volunteers throughout the Council and promote wider awareness wherever possible, i.e. partnership organisations and user groups.
- Create a safe and healthy environment within all our services, avoiding situations where abuse or allegations of abuse may occur.
- Respect and promote the rights, wishes and feelings of children and young people. Listen to children and young people, minimising dangers and working closely with other agencies.
- Recruit, train, supervise and support staff who work with children and young people to adopt best practice to safeguard and protect children and young people from abuse or harm, and themselves against false allegations. Staff who work with children and young people will be subject to the appropriate level of Disclosure and Barring Services check.
- Respond to any allegations and concerns against staff appropriately and implement the appropriate disciplinary and appeals procedures.
- Requires staff to adopt and abide by the Council's Child Protection Policy and Procedures and Council's Officer Code of Conduct (as detailed in the Employee Handbook).

4.2 Objectives

The Council will do this by:

- Providing appropriate training for staff to enable them to recognise the potential signs and indicators of abuse or harm and to improve good practice.
- Aiding staff to respond sensitively and seriously to a child or young person who discloses information about abuse and be confident and able to take appropriate action swiftly, regardless of whom the allegation is about, e.g. carer/staff member.

- Maintaining a level of good working practice at all times and therefore reducing the risk to children and young people under the care of our staff and volunteers.
- Promoting the general welfare and well being of children and young people during and within Council services.
- Developing and implementing effective procedures for recording and responding to incidents and accidents.
- Developing and implementing effective procedures for recording and responding to complaints of alleged or suspected child abuse.

4.3 Scope of Policy

This policy applies to all council activity, including that of Alive Management Limited, whether functions are directly provided or commissioned from a third party. It sets out the corporate arrangements made by the Council to meet its responsibilities. The accompanying supporting notes provide detailed guidance. It remains the responsibility of each service area, function or facility to make appropriate arrangements to comply with these responsibilities. These arrangements will reflect local circumstances and the nature of the service provided. This policy will be subject to review on an annual basis.

4.4 Norfolk Local Safeguarding Children Board

The Norfolk Local Safeguarding Children Board (LSCB) brings together all agencies and professionals in Norfolk. The aim is to work together to protect children from abuse and neglect, and minimise any adverse consequences of abuse. The Borough Council is a member agency and as such the Chief Executive is the Council's representative on the LSCB Executive Board. As a member agency, the Borough Council of King's Lynn & West Norfolk is signed up to all LSCB protocols and procedures.

5 Definition of Abuse, Harm & Neglect

Abuse and neglect are forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting harm, or by failing to act to prevent harm. Children may be abused in a family or in an institutional or community setting, by those known to them or, more rarely, by a stranger. They may be abused by an adult or adults, or another child or children.

Employees and Elected Members should note that it is not their responsibility to determine if a child is being abused, only to record and report their concerns to the Council's Child Protection Co-ordinator, Children's Services or the Police who have the responsibility to investigate concerns.

The following definitions and symptoms are not a comprehensive or definitive list, but it provides a guide to the more common non-accidental injuries which may suggest situations where more expert advice should be sought.

5.1 Physical Abuse

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

Indicators of physical abuse or harm may or may not include:	
<i>Physical Observations</i>	<i>Behavioural Observations</i>
<ul style="list-style-type: none"> • Bruising especially: <ul style="list-style-type: none"> - bruising on the trunk - bruises on the upper arm, shoulders and/or neck consistent with gripping - finger tip bruising/finger marks • Burns and scalds especially: <ul style="list-style-type: none"> - cigarette burns - burns caused by lengthy exposure to heat • Human bite marks • Fractures, particularly spinal fractures • Swelling and lack of normal use of limbs • Any serious injury with no explanations/inconsistent accounts • Untreated injuries 	<ul style="list-style-type: none"> • Unusually fearful with adults • Unnaturally compliant to parents • Refusal to discuss injuries/fear of medical help • Withdrawal from physical contact • Aggression towards others • Wears cover-up clothing

5.2 Emotional Abuse

Emotional abuse is the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development. It may involve conveying to children that they are worthless or unloved, inadequate, or valued only insofar as they meet the needs of another person. It may feature age or developmentally inappropriate expectations being imposed on children. These may include interactions that are beyond the child's developmental capability, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another. It may involve serious bullying causing children frequently to feel frightened or in danger, or the exploitation or corruption of children. Some level of emotional abuse is involved in all types of maltreatment of a child, though it may occur alone.

Indicators of emotional abuse may or may not include:
<ul style="list-style-type: none"> • Physical, mental and emotional development lags • Acceptance of punishment which appears excessive • Over reaction to mistakes • Continual self-depreciation • Sudden speech disorders • Fear of new situations • Inappropriate emotional responses to painful situations • Neurotic behaviour (such as rocking) • Self harming • Fear of parents being contacted • Extremes of passivity or aggression • Drug/solvent abuse • Running away • Compulsive stealing, scavenging

5.3 Sexual Abuse

Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities, including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or watching sexual activities, or encouraging children to behave in sexually inappropriate ways.

Indicators of sexual abuse may or may not include:	
<i>Physical Observations</i>	<i>Behavioural Observations</i>
<ul style="list-style-type: none"> • Damage to genitalia, anus or mouth • Sexually transmitted infections • Unexpected pregnancy in very young girls • Soreness around the genital area, anus or mouth • Unexplained recurrent urinary tract infections and discharges or abdominal pain 	<ul style="list-style-type: none"> • Sexual knowledge inappropriate for age • Sexualised behaviour in young children • Sexually proactive behaviour/promiscuity • Hinting at sexual activity • Inexplicable falling off in school performance • Sudden apparent changes in personality • Lack of concentration, restlessness and aimlessness • Socially withdrawn • Overly compliant behaviour • Acting out, aggressive behaviour • Poor trust in significant adults • Regressive behaviour, onset of wetting by day or night • Onset of insecure, clinging behaviour • Arriving early at school, leaving late, running away from home • Suicide attempts, self-harm, self-disgust • Eating disorders, hysteria attacks in adolescents

5.4 Neglect

Neglect is the persistent failure to meet a child’s basic physical and/or psychological needs, likely to result in the serious impairment of the child’s health or development. Neglect may occur during pregnancy as a result of maternal substance abuse. Once a child is born, neglect may involve a parent or carer failing to provide adequate food and clothing, shelter including exclusion from home or abandonment, failing to protect a child from physical and emotional harm or danger, failure to ensure adequate supervision including the use of inadequate care-takers, or the failure to ensure access to appropriate medical care or treatment. It may also include neglect of, or unresponsiveness to, a child’s basic emotional needs.

Indicators of neglect may or may not include:	
<i>Physical Observations</i>	<i>Behavioural Observations</i>
<ul style="list-style-type: none"> • Poor personal hygiene 	<ul style="list-style-type: none"> • Constant hunger

<ul style="list-style-type: none"> • Poor state of clothing • Emaciation, pot belly, short stature • Poor skin tone and hair tone • Untreated medical problems 	<ul style="list-style-type: none"> • Constant tiredness • Frequent lateness or non-attendance at school • Destructive tendencies • Low self-esteem • Neurotic behaviour • No social relationships • Running away • Compulsive stealing or scavenging • Multiple accidents and accidental injuries
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It is important to remember that many children and young people will exhibit some of these signs at some time and the presence of one or more should not be taken as proof that abuse or neglect is occurring. There could be a number of reasons for changes in behaviour such as a new birth or death in the family for example. However, **staff should talk to the designated Child Protection Co-ordinator if they have any concerns at all about a child.**

6 Responding to Concerns & Allegations

The following procedures are intended to inform all staff, elected members and volunteers of what actions they should take if they have concerns or encounter a case of alleged or suspected child abuse.

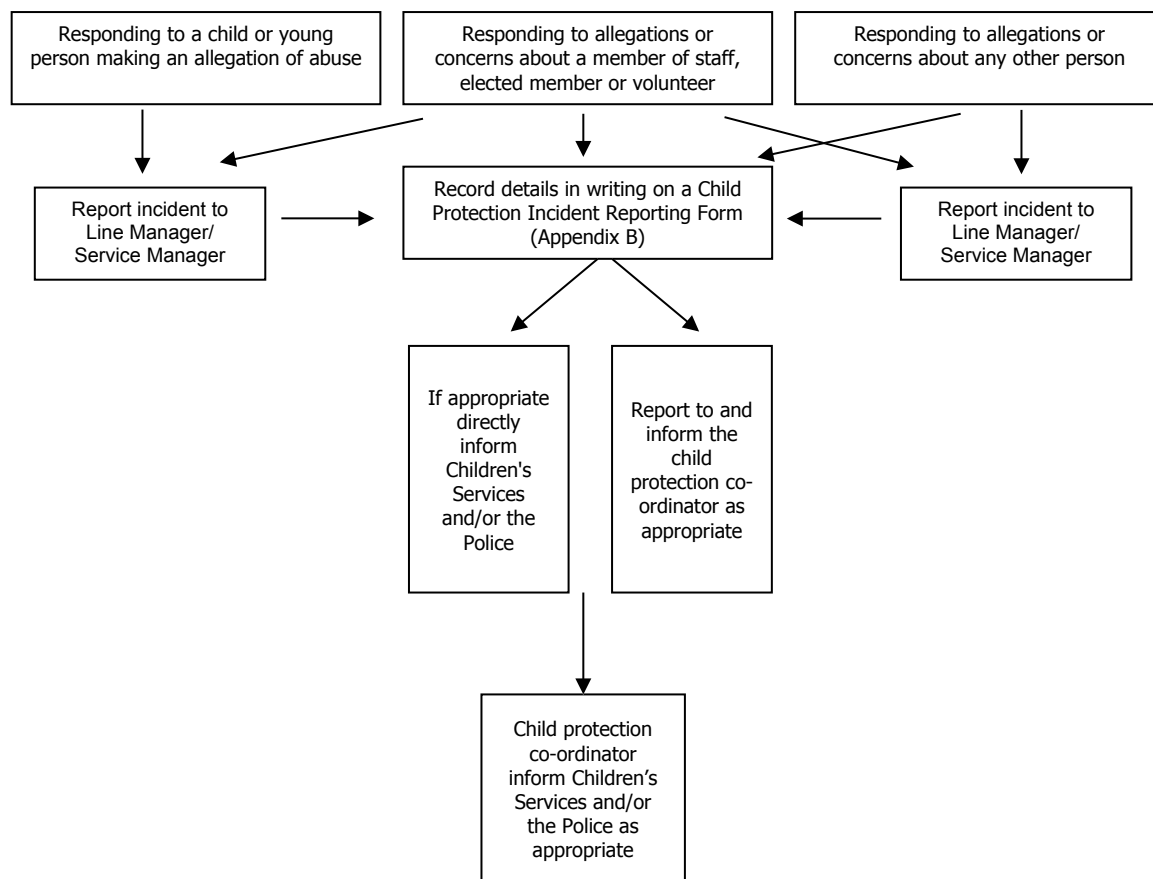
6.1 Duty to Refer

There is a duty on staff to report concerns about children where they may be at risk of harm or abuse. It is appropriate to gather and record facts about the concern, but care must be taken not to prejudice formal investigations which must be conducted in accordance with laid down procedures. There are a range of situations that staff, elected members and volunteers may need to respond to where there is a concern or case of alleged or suspected harm. For example:

- responding to a child or young person or officer etc disclosing abuse, i.e. they make an allegation of harm
- responding to allegations or concerns about a member of staff, elected member or volunteer
- responding to allegations or concerns about any other person, i.e. parent, carer, other service user and the impact their actions may have on a child.

6.2 Response Procedure - Summary

The diagram below summarises the basic response procedure/actions that should be followed for the response situations described above.



NB. Exceptions to the above are Housing Services and Community Safety where designated senior officers have the authority to report incidents directly. Staff in these areas should contact their Service Manager in the first instance.

6.3 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 and listen carefully to what is said.
- Find an appropriate opportunity to explain that it is likely that the information will 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 at all times avoid asking questions that suggest a particular answer.
- Reassure the child or young person 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 on a Child Protection Incident Reporting Form 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. An example of this form and accompanying guidance can be found in Appendix B.
- Report and inform the Child Protection Co-ordinator and/or directly contact Social Services and the Police as appropriate.

- The Child Protection Co-ordinator informs relevant persons, i.e. Children's Services and/or the Police if appropriate.

REMEMBER: It is not your job to judge or investigate BUT to inform

6.4 Responding to allegations or concerns against a member of staff, elected member or volunteer

- Take the allegation or concern seriously.
- Consider any allegation or concern to be potentially dangerous to the child or young person.
- Record in writing on a Child Protection Incident Reporting Form all the details that you are aware of as soon as possible. An example of this form and accompanying guidance can be found in Appendix B.
- Report to and inform the Child Protection Co-ordinator or directly contact Children's Services and/or the Police as appropriate.
- Child Protection Co-ordinator informs relevant persons, i.e. Children's Services and/or the Police.

REMEMBER: It is not your job to judge or investigate BUT to inform

6.5 Responding to allegations or concerns against any other person e.g. parent, carer, service user

- Take the allegation or concern seriously.
- Consider any allegation or concern to be potentially dangerous to the child or young person.
- Record in writing on a Child Protection Incident Reporting Form all the details that you are aware of as soon as possible. An example of this form and accompanying guidance can be found in Appendix B.
- Report to and inform the Child Protection Co-ordinator
- Child Protection Co-ordinator informs relevant persons, i.e. Children's Services and the Police if appropriate.

REMEMBER: It is not your job to judge or investigate BUT to inform

6.6 Allegations of previous abuse

Allegations of abuse may be made some time after the event, for example by an adult who was abused as a child by a member of staff who is still working with children. Where such an allegation is made, the procedures detailed above should be applied, and the matter reported to Children's Services or the police. This is because others may still be at risk. Anyone who has a previous criminal conviction for offences related to abuse is automatically excluded from working with children. This is reinforced by the details of the Protection of Children Act 1999, which states that it is an offence for such an individual to apply for or for an employer to offer, employment with children and young people. Jobs which require contact with children and young people will require a Disclosure and Barring Service check which reveals any previous convictions which make applicants ineligible for such a role.

6.7 Child Protection Co-ordinator

The nominated Child Protection Co-ordinator is responsible for:

- Ensuring the Child Protection Policy is adhered to.
- Ensuring that the relevant staff member records their concerns/completes the disclosure form as soon as possible.

- Recording their own conversations with the person, staff member or child to whom the disclosures were made.
- Contacting Children's Services, preferably in the area the child lives – passing on full details including factual information that they have on the child/young person.
- Providing a contact telephone number for Children's Services to get back to the Council.
- Ensuring Children's Services confirm who will liaise with the parent/carer.
- Increasing awareness of child protection issues within the Council.
- Maintaining clear communication channels between Co-ordinators.
- Ensuring that if a disclosure has been made to another member of staff that the child is not re-questioned by any other officer of the Council.

The nominated child protection co-ordinator for the Borough Council of King's Lynn & West Norfolk is:

Debbie Gates
Executive Director Central and Community Services
01553 616605
Debbie.Gates@west-norfolk.gov.uk
 King's Court
 Chapel Street
 King's Lynn
 Norfolk
 PE30 1EX

The Council's deputy child protection co-ordinator is:

Becky Box
Personnel Services Manager
01553 616502
becky.box@west-norfolk.gov.uk
 Address as above

6.8 Further help and information

If you are unsure about making a formal referral then you should phone your local area consultation line and the Western area number is given below. However, this should not cause a delay in you making a referral if a child is at risk of significant harm. The consultation line will allow you to discuss your analysis or understanding with an advanced practitioner experienced in child protection work. Further details on the consultation line can be found online www.lscb.norfolk.gov.uk.

The relevant contact details for Children's Services (referrals and consultation), the Police and the NSPCC are:

Children's Services
Norfolk County Council
 Tel: 0344 800 8020
 County Hall
 Martineau Lane
 Norwich
 Norfolk

NR1 2DH
Consultation Line (Western Area): 01553 669330

Norfolk Safeguarding Children Board Support Team: 01603 223409

Norfolk Local Authority Designated Officer (LADO) Team: 01603 223473

Norfolk Police

Central Referral & Tasking Team	Tel: 01603 276332
Child Protection Team	Tel: 01760 720207
Out of Hours Emergency	
Operational Command Centre	Tel: 01953 424242

If you are unable to contact any of the above and there is an immediate danger dial 999 stating clearly that it is a child protection issue that needs immediate attention.

NSPCC

Child Protection Helpline	Tel: 0808 800 5000
www.nspcc.org.uk	

6.9 Confidentiality and Sharing of Information

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, i.e. the Child Protection Co-ordinator, Children's Services, the Police. It is extremely important that allegations or concerns are not discussed, as any breach of confidentiality could be damaging to the child or young person, their family, the person whom the allegation is being made against and any child protection investigations that may follow.

Informing the parents of a child or young person you may have concerns about needs to be dealt with in a sensitive way and will be co-ordinated by the Child Protection Co-ordinator in consultation with Children's Services and/or the Police.

Any individual under suspicion has the right to be notified about the cause for concern. This should be done in joint consultation with Children's Services and the Police. It is important that the timing of this does not prejudice the investigation. Recorded information should be stored in a secure place with access limited to Child Protection Co-ordinators, in line with data protection laws (e.g. that information is accurate, regularly updated, relevant and secure). If enquiries arise from the public (including parents) or any branch of the media, it is vital that all staff, elected members and volunteers are briefed so that they do not make any comments regarding the situation. All media enquiries should be directed through the usual channels e.g. the Communications Manager and team.

6.10 Photography and Pornography

There is increasing evidence that some people have used children and young person's activities and events as an opportunity to take inappropriate photographs or video footage of children and young people. Staff, elected members and volunteers should be vigilant at all times and any person using cameras or videos (including those on mobile phones, iPads or PDA's) within the Borough Council of King's Lynn & West Norfolk's services and at events or activities which involve children and young people should be approached and asked to complete a consent form for the use of

cameras and other image recorders. An example of this form can be found in Appendix C.

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

- 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 persons 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. An example of this form can be found in Appendix D.
- It is recommended that the names of children or young people should not be used in photographs or video footage, unless with the express permission of the child or young person's parent.

7 Good Practice for Staff, Elected Members & Volunteers

Promoting good practice among staff, elected members and volunteers will limit the possibilities of allegations against themselves, the Council and potential risks in which situations of harm or abuse of a child may occur.

The guidelines aim to promote positive practice and are examples of care which should be taken by staff, elected members and volunteers while working with children and young people.

7.1 Staff, Elected Members & Volunteer Guidelines for Good Practice

- Always be publicly open when working with children and young people.
- Avoid situations where a member of staff, elected member or volunteer and an individual child or young person are alone unobserved. If a conversation is being held in a room away from others, where possible it should be held in a room with a glass door or window, and more than one adult should be present.
- Children or young people should never be left unattended. For example, it is the parents/carers responsibility to supervise any children in their care whilst they are visiting the Council offices and children should not be left unattended within the council offices.
- Respect the child or young person 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 staff 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 and volunteers must respect the rights, dignity and worth of every person and treat everyone equally within the context of the activity.
- Staff, elected members and volunteers must place the well being and safety of the child or young person above the development of performance.
- Staff, elected members and volunteers must feel confident to report concerns or worries about other staff members, elected members or volunteers to the appropriate person in authority, i.e. the Child Protection Co-ordinator, or directly report to Children's Services and/or the Police if the Child Protection Co-ordinator cannot be contacted.
- If a child or young person is accidentally injured as the result of a staff member, elected member or volunteers actions, seems distressed in any way, appears to be sexually aroused by your actions, misunderstands or misinterprets something you have done, always report such incidents as soon as possible to your Line Manager 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 procedures outlined in this document under section 6.
- The Child Protection Co-ordinator must be informed of all potential Child Protection incidents or concerns at the earliest opportunity. Parents/Carers will be contacted through the relevant Children's Services Department and not by any Officer from the Borough Council of King's Lynn & West Norfolk.

It is **not** good practice for staff, elected members and volunteers 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 organised activity or service.

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 parents/carer. Written consent may be desirable.

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

- Engage in rough physical games including horseplay.
 - Engage in sexually provocative games.
 - Allow or engage in inappropriate touching of any form.
 - Allow children or young people to use inappropriate language unchallenged, or use it yourself.
 - Make sexually suggestive comments about or to a child or young person, even in fun.
 - Let any allegation a child or young person makes be ignored or go unrecorded.
 - Do things of a personal nature for children and young people that they can do for themselves, e.g. assist with changing.
- NB. It may sometimes be necessary to do things of a personal nature for children or young people, particularly if they are very young or are disabled. These tasks should only be carried out with the full understanding and consent of the parents. In an emergency situation that requires this type of

help, you should endeavour to have someone present and fully inform the parents as soon as it is reasonably possible. In such situations it is important that you ensure that all staff etc. are sensitive to the child or young person and undertake personal care tasks with the utmost discretion.

- Share a room with a child or young person.
- Enter areas designated only for the opposite sex.
- Use the internet to access child pornography sites.
- Should not 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 in changing areas, as most modern phones also have a camera built into them.

7.2 Good Practice for the Borough Council of King's Lynn & West Norfolk

Children can be subjected to abuse by those who work with them in any and every setting and it is important that all reasonable steps are taken by the Borough Council of King's Lynn & West Norfolk to ensure that unsuitable people are prevented from working with children and young people.

Use of Contractors

The Borough Council of King's Lynn & West Norfolk has a legal responsibility to ensure that those priority services to children and families are compliant with the duties set out in Section 11 of the Children Act 2004. Executive Directors/ Services Managers will ensure that this expectation is built into all such contracts the Council has with external contractors and the Council will reserve the right to audit the contractor's compliance procedures at any time.

Funding

Where the Borough Council of King's Lynn & West Norfolk is providing funding or grants to organisations whose work involves children, there is an expectation that the organisation will have relevant child protection procedures in place. The Council will build this into the eligibility criteria.

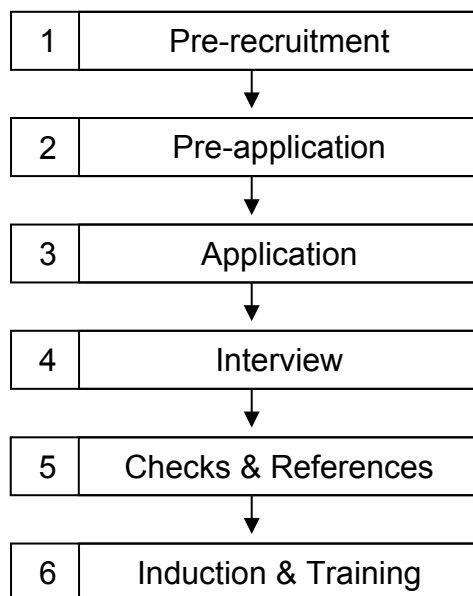
Whistleblowing Policy

Council employees are often the first to realise that there may be something seriously wrong within the Council. Any serious concerns that you have about any aspect or service provisions or the conduct of officers or Members of the Council or others acting on behalf of the Council, can be reported under the Council's Whistleblowing Policy.

8 Recruitment and Selection of Staff

It is important that all staff working or having contact with children and young people, whether they are full time, part time, paid or unpaid, have the same recruitment and selection procedures applied to them, and that these procedures are used to obtain as much information as possible about the person's previous experience of, and suitability for, working with children.

The fundamental stages of the procedure for recruiting and selecting staff are illustrated in the following diagram:



Stage 1: Pre-recruitment

It is essential that the need to work with children is clearly identified from the outset of the recruitment process for any post. When preparing paperwork for the position (job description, personal specification etc) clear reference should be made to this requirement. If such a post requires the successful candidate to be checked by the Disclosure and Barring Service, it is essential that this is agreed with Personnel Services prior to any job advertisement being placed. This is in accordance with the Council's procedure for dealing with DBS checks (as set out in Appendix E).

If any form of advertising is used to recruit staff, it should reflect:

- The aims of the Borough Council of King's Lynn & West Norfolk
- The responsibilities and duties of the role
- The level of experience or qualifications required (e.g. experience of working with children is an advantage)
- The Borough Council of King's Lynn & West Norfolk's Equal Opportunities Policy for Employment
- Any requirements for disclosure checks via the Disclosure and Barring Service

It is noted that potential employees seeking casual work may approach the Council direct. All such enquirers are asked to formally express their interest in working for the organisation by registering their details via the recruitment pages on The Council's website. Applications for any positions are only progressed once such details have been registered in this manner.

It is noted that often volunteers may approach or be approached by the Council to become involved in a particular event/initiative, rather than in response to an advertisement. In these cases, when discussing the requirements of the role, the Manager leading the process must explain the checks that will be required (see below).

Stage 2: Pre-application information

Information on all Council job opportunities are published on the recruitment pages of the Council's web-site. Such information will be:

- A job description detailing the roles and responsibilities of the position
- A person specification (e.g. stating qualifications or experience required)
- An online application form
- A copy of the Council's Equal Opportunities Policy for Employment
- A Rehabilitation of Offenders Act Disclosure Form (as part of the main application form)
- An equal opportunities monitoring form (as part of the main application form)
- The Council's Policy on the Employment of Ex-Offenders (Appendix F)
- The Council's policy on the use and storage of Disclosure and Barring Service checks (if relevant) (Appendix G)

Stage 3: Applicant information

Information that will be requested from applicants for vacancies will include:

- Name and address and
- Past career, including duties undertaken within previous posts and reasons for leaving
- Relevant experience, educational qualifications, job specific qualifications and training
- Details of any criminal record or disciplinary history with previous employers, in accordance with the Rehabilitation of Offenders Act 1974 and Rehabilitation of Offenders (Exceptions Order) 1979 (via the Council's Rehabilitation of Offenders Disclosure form)
- The names of at least two people (not relatives) willing to provide written references who are able to comment on the applicant's previous experience of and suitability for the job applied for. One of the provided referees must be the applicant's current or most recent employer, and one referee must be the most recent employer for whom the applicant worked in a capacity that involved working with children. Therefore at least one of the referees will have knowledge of the applicants previous experience of, and suitability for, working with children and young people
- Completion of a equal opportunities monitoring questionnaire

By highlighting the need for a Disclosure and Barring Service check (where appropriate) in the paperwork relating to a post the Council is fulfilling it's obligation to make applicants aware of the need for such a check, should they be successful in their application.

Managers engaging volunteers should request equivalent information relating to career history, previous offences and referees are supplied.

Stage 4: Interview

At least two people must conduct any job interview, and at least one member of the interview panel must have attended the Council's in-house recruitment and selection training course. This training course covers all the Council's requirements with regards to recruitment and selection, including issues relating to posts working with children. Ideally at least one member of the interview panel should have also received basic training in child protection issues.

During the interview the interview panel should explore information contained in the application form against the qualities and skills needed in the post. Any areas of concern, such as frequent job changes, gaps in candidates' career history or changes in career path, should also be explored during the interview.

Having completed interviews and determined the successful candidates, interview panels must always discuss their choice with Personnel Services prior to making an offer of employment. This enables Personnel Services to check confidential information held on the Rehabilitation of Offenders Disclosure Form and Equal Opportunities Monitoring form.

All offers of employment are made subject to the receipt of two written references considered satisfactory by the Authority (and in the case of posts working with children, which comply with the requirements outlined above) and receipt of a satisfactory medical enquiry form. A check is also completed to ensure that the candidate is legally entitled to work in the UK.

In cases where a Disclosure and Barring Service check is required the post must also be made subject to receipt of a satisfactory disclosure check.

Any start date agreed for a new recruit is only made on a provisional basis pending completion of the above checks being satisfactory completed. Written provisional offers of employment issued by Personnel Services will reflect these conditions.

Stage 5: Checks and References

All staff and volunteers recruited to work in services for children and young people must be checked for any possible irregularities, which may give reason for concern.

- **Disclosure and Barring Service**

The Council is registered with the Disclosure and Barring Service for the purpose of undertaking 'disclosure' checks for employees and volunteers engaged in the delivery of Council services / projects. As outlined above, it must be made clear from the outset if a disclosure is required for a particular post. Queries regarding the eligibility of a post for a disclosure check should be discussed with Personnel Services. For posts where a check is deemed necessary:

- paperwork issued during the recruitment process will reflect this fact and any offer of employment will be made subject to a satisfactory check.
- Once a provisional offer of employment has been made on these grounds, Personnel Services or an officer nominated to deal with disclosure checks within the relevant service (NB. All such nominated officers, including relevant Personnel staff, have themselves been subject to a DBS check), will issue a disclosure application form.
- Once completed, this form must be returned to Personnel Services/the nominated officer within the service together with original personal documentation (such as a passport, driving licence, birth certificate – a list of acceptable documents, as determined by the Disclosure and Barring Service, is supplied with the application form).
- The officer receiving this paperwork is then required to undertake a number of checks, which are also recorded on the disclosure application form.
- The disclosure application form is then forwarded to the Personnel Services Manager who reviews the information contained on the form and may then authorise the check, despatching the form to the Disclosure and Barring Service.
- New recruits to posts which require a disclosure to be undertaken will not commence their new job until the disclosure has been received and Personnel have confirmed that it is acceptable.

- A minimum of two references must be taken up, and these should meet the conditions outlined above. Where relevant queries arising from the reference must be discussed with Personnel Services and followed up by letter or telephone.
- **Working with volunteers.** When appointing volunteers Managers should request references in accordance with the requirements of this policy. It is the responsibility of Managers to take up and check these references – Personnel Services can supply a standard form to assist with this process.

Stage 6: Induction and Training

It is important that the recruitment and selection process is followed by relevant induction and training in order to further protect children and young people from possible abuse. Appropriate training will enable individuals to recognise their responsibilities with regard to their own good practice and the reporting of suspected poor practice and concerns or allegations of abuse. The induction and training will include:

- Initial awareness raising relating to child protection is included in the Councils standard induction e-learning package, including a link to this policy
- Basic awareness of the signs and indicators of abuse and an understanding of their responsibility to act swiftly and sensitively when concerns arise.
- All staff and volunteers need to be aware of the procedures they need to follow in response to any concerns that they have.
- Line Managers should ensure that this policy document is read and understood by all new and existing staff and volunteers
- Clarification of the job expectations, roles and responsibilities (e.g. through a formal or informal work programme / objectives).
- Child protection procedures explained and training needs established.

9 Useful Links and Further Information

Norfolk LSCB www.lscb.norfolk.gov.uk/ 01603 223409

The Norfolk LSCB has a comprehensive website detailing its protocols and procedures, as well as information on training, guidance and recent updates. It also hosts a number of useful leaflets and guidance which are available to download.

Every Child Matters www.everychildmatters.gov.uk

The Government website detailing the background and the five aims for every child. It also contains links to a number of useful documents including the Working Together to Safeguard Children document.

Working Together to Safeguard Children (2006): A guide to inter-agency working to safeguard and promote the welfare of children

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00060/>

What to do if you're worried a child is being abused - Summary

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00182/>

Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00042/>

Appendix A

The Legal Framework

The **Children Act 2004** places responsibilities on organisations and individuals, including this authority. These include:

- the duty under section 10 for local authorities (in this context, county level or 'children's services' authorities) to promote inter-agency co-operation between named agencies (including district councils)
- the reciprocal duty on those agencies (including district councils) to co-operate with the local authority (a duty which is accompanied by budget pooling powers and is the key provision that underpins children's trust arrangements)
- the requirement under section 11 to make arrangements to safeguard and promote the welfare of children, on which statutory guidance was published in August 2005 and came into effect from 1 October
- representation on, and participation in, Local Safeguarding Children's Boards under section 13
- entitlement to be consulted on the production of the local authority's Children and Young People's Plan under section 17 and subsequent regulations

The Children Act 1989 provides county councils (children's services departments) and others with powers and duties to protect children whilst at the same time providing safeguards for both children and parents against excessive or unwarranted intervention.

There are a number of general principles which need to be borne in mind when considering any part of the legal framework. The child's welfare is of paramount importance. Under section 47 of the Children Act, Children's Services must make enquiries regarding a child's welfare (investigate) where they:

- are informed that a child who lives, or is found, in their area:
 - is the subject of an emergency protection order; or
 - is in Police protection; or
 - has contravened a ban imposed by a curfew notice made under the Crime and Disorder Act 1998; or
- the Authority has reasonable cause to suspect that a child living or found in their area is suffering, or is likely to suffer significant harm.

The enquiries will enable Children's Services to decide whether they should take any specific action to safeguard and/or promote the child's welfare. It is very important that all investigations into such matters are conducted in accordance within laid down procedures and in a manner that will not prejudice any further action such as a criminal prosecution. For this reason, if you become aware of something that may need further investigation, **do not attempt to investigate the matter yourself.**

The Protection of Children Act 1999 has four principle objectives:

- to place the previous Department of Health's Consultancy Index (a list of people who are considered to be unsuitable to work with children) on a statutory basis and to require certain child care organisations to refer the names of anyone considered unsuitable to work with children for inclusion on the new list (called the Protection of Children Act List)
- to provide rights of appeal against the Protection of Children Act List and the Department for Education and Skills List 99

- to require regulated child care organisations to check the names of anyone they propose to employ involving regular contact with children against both departmental lists and not to employ them if they are listed
- to allow the Criminal Records Bureau to act as a central access point for criminal records information and the above two lists.

Appendix B

Guidance notes for recording concerns and allegations and example child protection concerns/allegations form.

LS3 GUIDANCE NOTES FOR RECORDING CONCERNS & ALLEGATIONS

Box	Notes
1	Only fill in the details you have, do not question the child.
2	Only complete if details are known.
3	Complete details
4	Complete details.
5	Remember to remain calm and listen to the child. You may ask open questions to clarify a statement. i.e. "How did that happen?" It is important to write down as far as you can remember the exact words that were used including your questions if any. Do not write up notes in presence of person disclosing. Where appropriate do be honest with the person disclosing, and inform them of what you will do next. Remember do not promise to keep secrets.
6	Do not investigate further to find this information. Only use it where it has been included in dialogue.
7	Each location should have an incident log. Refer to this to reference.
8	It is important not to discuss serious concerns with anyone else other than the designated officer for child protection as this may jeopardise any investigation by the Police or Children's Services.
9	It is vital that consultation with the designated child protection officer takes place as soon as possible and records made. In the absence of the designated child protection person, delay must be avoided; consult with your line manager. However, this should not delay any referral to Children's Services.
10	Remember to sign, time & date.
11	Complete job/role title & contact number.

FORM FOR RECORDING CHILD PROTECTION/VULNERABLE ADULTS CONCERNS and/or ALLEGATIONS

Recordings must be made as soon as possible after the event. **Do not delay.** Any additional information should be recorded on a separate sheet and attached. **REMEMBER – DO NOT INVESTIGATE; Children’s Services will undertake this role.**

1	Details of Child (name, age, address, telephone number (if known))	
2	Details of Parents/Carer (if known)	
3	Is the family aware of this referral	
4	Details of person reporting concern/allegation to you (this may be the child)	
5	Details of concerns & any supporting evidence you/others have observed	
6	When & where did the incident occur? Do not investigate; only if known through disclosure	
7	Have any previous concerns been logged?	
8	Details of anyone else who may have witnessed/have relevant information. Do not discuss details with an alleged perpetrator of abuse	
9	Record who has been made aware of the concern, time & date.	
10	Date	Time
Signed		
11	Job Title	Contact Number

PASS THIS FORM TO THE DESIGNATED CHILD PROTECTION OFFICER IMMEDIATELY IN AN ENVELOPE MARKED CONFIDENTIAL. DO NOT DELAY

CHILD PROTECTION OFFICER NOTIFIED BY	Date	Time

Appendix C

Example Consent Form for the use of Cameras and other Image Recorders

Venue	
Description of Equipment	
Surname	
Forename	
Address & Postcode	
Telephone Number	
Fax Number	
Mobile Number	
Email Address	
Name(s) of the subject(s)	
Relationship of the photographer & subject(s)	
Reason for taking photographs & uses the images are being or intended to be put to (e.g. family record, advertising etc)	
I declare the information provided is true and correct and that the images will only be used for the purposes stated.	
Signed: _____ Date: _____	
Authorised by	
Date	
Job Title	

Under the Data Protection Act 1998 the information that you have provided will be used only for the purposes monitoring camera and image recorder use and will be destroyed at the end of a year.

Appendix D

Example Consent Form

All information will be treated in strict confidence

Please use block capitals and print clearly

Event/Activity	
Date	
Name of Child	
Age	
Date of Birth	
Address & Postcode	
Telephone Number	
Mobile Telephone Number	
Medical Conditions (if any) e.g. asthmas, diabetes, allergies etc	

I confirm that my son/daughter is in good health and I give consent for my son/daughter to participate in the above event/activity.

I consent to any emergency treatment required by my son/daughter during the course of the event/activity.

I give consent for my son/daughter to be photographed during the course of the above event/activity and I consent to the photographs being used by the Borough Council of King's Lynn & West Norfolk for bona fide promotional purposes. This also includes the use on the World Wide Web (internet).

The information you provide will be used in accordance with the Data Protection Act 1998, to ensure the safety of all participants and may be shared with other people/organisations involved in the delivery of the above event/activity, if appropriate. By signing this form you are consenting to the Council using the information, which you have supplied in the manner stated above.

Name of Parent/Guardian	Signed	Date

Appendix E

Recruitment procedure for posts where 'Disclosure' (formally police checks) are required

Stage	Action	Who's Responsibility
Before the job advert is placed	Evaluate the need for Disclosure	Line Manager
	If Disclosure required, advise Personnel Manager as soon as possible	Line Manager
	Determine at what level (Standard or Enhanced) Disclosure required	Personnel in discussion with Line Manager
Formulating recruitment paperwork	Advert – must state that <ul style="list-style-type: none"> • the post requires a Disclosure and should state that • the successful candidate will be asked to apply for a Disclosure • the level of the Disclosure required 	Personnel
	Application Form/Job Description/Personal Specification – must include a statement that <ul style="list-style-type: none"> • the successful candidate will be asked to apply for a Disclosure • the level of the Disclosure required • that further information about the Disclosure scheme can be found at www.disclosure.gov.uk 	Personnel
Selection process	Confirm candidate's identity and evaluate qualifications, skills and experience	Interview panel
	Make final selection on candidate subject to references and Disclosure	Person making job offer
	Formal offer of employment to state subject to references and Disclosure	Personnel
Disclosure Application	Contact CRB to request Disclosure	Personnel
	Disclosure application completed and returned to CRB	Successful candidate
	Disclosure undertaken and results notified to successful candidate and organisation	CRB
	Line manager notified of Disclosure results	Personnel
	Candidate contacted to arrange start date	Line Manager
	Candidate contacted in writing to confirm satisfactory Disclosure received	Personnel

Appendix F

POLICY STATEMENT ON THE RECRUITMENT OF EX-OFFENDERS

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess applicants' suitability for positions of trust, the Borough Council complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of conviction or other information revealed.

- The Borough Council can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can be legally requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended and where appropriate Policy Act Regulations as amended), the Borough Council can only ask an individual about convictions and cautions that are not protected.
- The Borough Council is committed to the fair treatment to its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- This written policy on the recruitment of ex-offenders is made available to all persons applying for a position which requires a DBS check at the outset of the recruitment process.
- The Borough Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a through risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary all job adverts and job details will contain a statement that a Disclosure check will be request in the event of the individual being offered the position.
- We ensure that all managers within the Borough Council who are involved in the recruitment process have been suitably trained to identify and assess the relevant and circumstances of offences. We also ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, we ensure that an open and measured discussion take place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.
- We made every subject of a criminal record check submitted to the DBS aware of the existence of the Code of Practice and make a copy available on request.
- We undertake to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment

Having a criminal record will not necessarily bar you from working for the Borough Council. This will depend on the nature of the position and the circumstances and background of your offences.

Agreed by Cabinet March 2008, Updated December 2012 to reflect change to DBS service. Updated version confirmed as still current September 2015

Appendix G

POLICY STATEMENT ON THE SECURE STORAGE, HANDLING, USE, RETENTION AND DISPOSAL OF DISCLOSURES AND DISCLOSURE INFORMATION

As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess applicants' suitability for positions of trust, the Borough Council complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a criminal record check on the basis of conviction or other information revealed.

- The Borough Council can only ask an individual to provide details of convictions and cautions that it is legally entitled to know about. Where a DBS certificate at either standard or enhanced level can be legally requested (where the position is one that is included in the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended and where appropriate Policy Act Regulations as amended), the Borough Council can only ask an individual about convictions and cautions that are not protected.
- The Borough Council is committed to the fair treatment to its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.
- This written policy on the recruitment of ex-offenders is made available to all persons applying for a position which requires a DBS check at the outset of the recruitment process.
- The Borough Council actively promotes equality of opportunity for all with the right mix of talent, skills and potential and welcomes applications from a wide range of candidates, including those with criminal records. We select all candidates for interview based on their skills, qualifications and experience.
- A DBS check is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a criminal record check is identified as necessary all job adverts and job details will contain a statement that a Disclosure check will be requested in the event of the individual being offered the position.
- The Borough Council ensures that all managers within the Borough Council who are involved in the recruitment process have been suitably trained to identify and assess the relevant circumstances of offences. The Borough Council also ensures that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, e.g. the Rehabilitation of Offenders Act 1974.
- At interview, or in a separate discussion, The Borough Council ensures that an open and measured discussion take place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to the withdrawal of an offer of employment.

- The Borough Council made every subject of a criminal record check submitted to the DBS aware of the existence of the Code of Practice and make a copy available on request.
- The Borough Council undertakes to discuss any matter revealed on a DBS certificate with the individual seeking the position before withdrawing a conditional offer of employment

Having a criminal record will not necessarily bar you from working for the Borough Council. This will depend on the nature of the position and the circumstances and background of your offences.

Agreed by Cabinet March 2008. Updated December 2012 to reflect change to DBS service. Updated version confirmed as still current September 2015.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Discretionary /	Be entirely within Cabinet's powers to decide	YES	
	Operational	Need to be recommendations to Council	NO	
		Is it a Key Decision	NO	
Lead Member: Cllr Nick Daubney, Leader E-mail: Cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Debbie Gates E-mail: Debbie.Gates@west-norfolk.gov.uk Direct Dial: 01553 616605		Other Officers consulted: Management Team Trade Unions		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications NO	Equal Impact Assessment YES If YES: Pre-screening	Risk Management Implications YES

Date of meeting: 05.04.2016

PAY AWARD 2016/17

Summary

The Council's annual pay increase for all employees is locally determined, having regard to national pay and labour market information. This paper recommends the pay increase for 2016/17 and outlines the budget implications.

Recommendation

1. That an annual pay award of 1% be implemented with effect from 1st April 2016.
2. That the Authority continues its practice of matching the bottom point of PG13 to the lowest point on the National pay scales. This will start the process of moving towards the expected level of the Living Wage by 2020.
3. That discussions are held with recognised Trade Unions prior to the April 2017 pay award, to identify ways of fairly and affordably meeting the longer term Government target for the National Living Wage to equate to 60% of median earnings by 2020.

Reason for Decision

To implement an annual pay increase for employees whilst continuing to reflect the Government's policy of public sector pay restraint and the Authority's ongoing budget savings requirement. To reflect the approach taken by the National Employers in relation to increases in the minimum wage

paid to employees.

1. Background

- 1.1 The Council's annual pay increase for all employees has been locally determined since 1991.
- 1.2 The overall context for the 2016/17 Pay Award is a continuation of the Government's 1% target for public sector pay alongside a gradual increase in the overall level of pay settlements within the economy as a whole and the Government's target of increasing the Living Wage to 60% of median earnings by 2020.
- 1.3 Pay increases over the past 5 years are detailed below:

2011/12 Freeze

2012/13 Freeze (A non-consolidated lump sum of £250 was awarded to all permanent and fixed term staff (pro rata for part-time staff) to recognise the fact that the Authority exceeded its savings targets for 2011/12)

2013/14 1%

2014/15 1% and introduction of a minimum wage of £7 per hour.

2015/16 1%, with an additional 0.5% for staff earning less than £21,500 and a minimum wage of £7.20 per hour. A non-consolidated lump sum of £250 was awarded to all permanent and fixed term staff (pro rata for part-time staff) in recognition of the Authority exceeding its budgeted savings target for 2014/15.

2. General Pay and Prices

- 2.1 The latest Retail Prices Index (RPI) figure (December 2015) increased to 1.2% from 1.1% in November 2015. The Consumer Prices Index (CPI) rose to 0.2% from 0.1% in November.
- 2.2 Data for the previous 5 years is detailed below:

	RPI	CPI
April 2011	5.2%	5.0%

April 2012	3.5%	3%
April 2013	2.9%	2.4%
April 2014	2.5%	1.8%
April 2015	0.9%	-0.1%

- 2.3 Inflation forecasts (RPI) range from 0.8% - 1.3% (median 1%) for the 4th quarter of 2015 and 1.8% - 3.9% (median 2.4%) for the first quarter of 2016.
- 2.4 Incomes Data Services have reported that pay settlements in the whole economy for the 3 months to November 2015 averaged 2%.

3. National Negotiations

- 3.1 The Chancellor announced in his 2015 Summer Budget a new National Living Wage of £7.20 for workers aged 25 and over with effect from 1st April 2016. This will rise to £9 per hour by 2020.
- 3.2 The National Employers have made a two year pay offer to Local Government Unions that is designed, not only to meet the immediate obligations under the National Living Wage, but also to start the process of moving towards the expected level of the Living Wage by 2020.
- 3.3 The current offer comprises a 1% pay increase from both 1st April 2016 and 1st April 2017, with those on lower salaries receiving higher increases. The minimum pay rate would rise to £7.52 per hour from 1st April 2016 and £7.78 per hour from 1st April 2017.

4. Proposal

- 4.1 The Authority has continued to demonstrate pay restraint for staff over the past 7 years in accordance with the Government's general policy on public sector pay. Throughout this period the Authority has made a commitment to matching the bottom point of PG13 to the lowest point on the national pay scales.
- 4.2 The Authority has made budget provision for a 1% annual pay increase for all employees from 1st April 2016, which is in line with the Government's target for public sector pay. It is recommended that an annual pay increase of 1% for all employees is implemented from 1st April 2016.
- 4.3 It is also recommended to match the bottom point of PG13 to the lowest point on the National Pay scales for 2016.

5. Trade Union Comments

To follow

6. Financial Implications

- 6.1 The Financial Plan 2015/2020 as agreed at Council on 26 February 2016 includes budget provision for a 1% annual pay increase from 1 April 2016.
- 6.2 The Government has made pay pledges to increase the minimum hourly rate from £7.20 in April 2016 to £9.20 by 2020. The Council increased its minimum hourly rate to £7.20 in April 2015. The Financial Plan 2015/2020 includes budget provision each year from 2017/2018 to meet the statutory increases. No details have been provided on the phasing of these proposals.
- 6.3 It is estimated that the recommendation to match the bottom point of PG13 to the lowest point on the National Pay scales from 1 April 2016 would cost £41,000 in 2016/2017. The Financial Plan 2015/2020 as detailed at 6.2 includes budget provision to meet the statutory increases from 2017/2018. The additional cost in 2016/2017 would be met from the general fund balance. It is estimated that the general fund balance as at 31 March 2016 will be higher than reported in the Financial Plan 2015/2020 due to additional savings being reported in the February 2016 monitoring report.

7. Risk Management Implications/Options

- 7.1 The Authority continues to balance the need to make financial savings and the Government's targets for public sector pay with the fact that staff pay increases have fallen substantially below the rate of inflation for the past 7 years. The East of England Local Government Association is beginning to report that there are some specific skills shortages in professional areas such as Planning and turnover of staff within the Authority is starting to increase – up from 5.92% in Quarter 3 2014/15 to 7.03% in Quarter 3 2015/16. The recommendation for a 1% annual pay increase is within budget and recognises the on-going need for financial restraint.
- 7.2 The Authority currently meets the requirements of the National Living Wage and has no statutory or contractual obligation to match the lowest point on the National Pay scales for 2016. However, the Authority has made this commitment throughout

the 7 year period of pay restraint and will need to work with Unions to find a way of fairly and affordably meeting the longer term Government target of the National Living Wage equating to 60% of median earnings in 2020. On balance, therefore, the recommendation is to increase the bottom point of PG13 in line with the lowest point of the National Pay scales for 2016 and to work with the Unions to bring forward proposals for the future implementation of the National Living Wage.

8. Statutory Considerations

- 8.1 There are no statutory considerations, other than the requirement to pay the National Living Wage.

Equality Impact Assessment (EIA)

See attached

Pre-Screening Equality Impact Assessment

Borough Council of
**King's Lynn &
West Norfolk**



Name of policy/service/function	2016 Pay Award				
Is this a new or existing policy/service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service is rigidly constrained by statutory obligations	<p>The Council's annual pay increase for employees is locally determined, taking local, regional and national pay and labour market information in consideration. This report outlines the recommendations for a pay award for the 2016/17 year.</p> <p>The proposals reflect the Government's policy of public sector pay restraint and is in line with Government plans for increases to the new National Living Wage which are required by 2020.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			√	
	Disability			√	
	Gender			√	
	Gender Re-assignment			√	
	Marriage/civil partnership			√	
	Pregnancy & maternity			√	
	Race			√	
	Religion or belief			√	
	Sexual orientation			√	
Other (low income)	√				

Question	Answer	Comments
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No	
3. Could this policy/service be perceived as impacting on communities differently?	No	
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	Yes	The Council recognises the particular difficulties faced by its lowest paid employees and introduced an organisational minimum wage in 2014, which was updated in 2015. The proposals for the 2016 pay award recommend a further increase for lower paid staff. This increase is in preparation for the National Living Wage rate anticipated in 2020.
5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section	Yes	Actions: Impact is positive so further action is not required.
		Actions agreed by EWG member: ...Becky Box.....
Assessment completed by: Name	Debbie Gates	
Job title	Executive Director, Central & Community Services	
Date	8th February 2016	

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory	(a) Be entirely within Cabinet's powers to decide	NO	
		(b) Need to be recommendations to Council	YES	
		(c) Is it a Key Decision	YES	
Lead Member: Cllr N Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk		Other Cabinet Members consulted:		
Lead Officers: Sam Winter E-mail: sam.winter@west-norfolk.gov.uk Direct Dial: 01553 616327		Other Members consulted:		
		Other Officers consulted: Chief Executive, S151 Officer		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES	Equality Impact Assessment required NO	Risk Management Implications NO

Date of meeting: 5 April 2016

REPORT OF THE INDEPENDENT MEMBERS ALLOWANCES PANEL FOR 2016/17

Summary

This item introduces the report of the Independent Members Allowances Panel for the 2016/2017 financial year and invites the Cabinet to consider the content and recommendations and then make formal recommendations to Council accordingly.

RECOMMENDATION

- 1) The Cabinet is invited to comment on the recommendations of the Panel and make onward recommendations to Council in order to set the levels of remuneration for Councillors with effect from 21 May 2015.
- 2) That the Cabinet recommend to Council that the Scheme of Allowances be updated accordingly.
- 3) That for the next four years, any increases in allowances be linked to staff pay awards.
- 4) That the recommendation to delete the IT allowance is not agreed.

Reason for Decision

To comply with the requirements of The Local Authorities (Member's Allowances) (England) Regulations 2003 and set the allowances for 2016/17

1 **THE INDEPENDENT PANEL**

All local authorities must have regard to the recommendations of their Independent Panel before making decisions on the Member's Allowances Scheme.

The Independent Panel for the current year is made up of the following members:

- Mark Palmer, South East Employers Organisation
- David Dixon, Media Representative
- Mike Press, Community Representative

It is anticipated that a member of the Independent Panel will attend the Cabinet Meeting to present the report and respond to any questions from the Cabinet.

2 **MEMBERS ALLOWANCES SCHEME**

The Council operates a Members Allowances Scheme which is updated each time to include the new levels and tax/NI implications for the current year. There are no other changes made to the scheme

3 **FINANCIAL IMPLICATIONS**

The table below shows the costs of the Panel's proposals

Allowance/SRA	Current	Recommendations
Basic Allowance	£5,140	£5,581
Leader of Council and Chairman of Cabinet	£14,760	£15,345
Vice Chair	£8,070	£8,440
Members	£6,600	£6,905
Asst. to Leader	£870	£870
Cabinet Scrutiny Committee and Policy and Review Panels		
Chairmen	£2,000	£2,148
Vice-Chairmen	£870	£859

Planning Committee Chairman Vice-Chairman	£5,050 £2,200	£6,138 £2,445
Licensing and Appeals Board Chairman and Licensing Committee Chairman Vice Chairmen	£5,050 £2,200	£5,050 £3,778 (Chairman AB) £1,262 (Chairman LC) £1,515 (VC of AB) £ 505 (VC of LC)
Standards Committee Chairman Vice-Chairman	£760 £380	£767 £307
Key Task Groups – if any Chairman	£170	No SRA
Mayor Deputy Mayor	£5,800 £2,030	£5,800 £2,030
Larger Opp. Group Leader	£680	£767
Larger Opp. Group Deputy Leader	£340	No SRA
Other Opp. Group Leader/s	£400	£460
Other Opp. Group Deputy Leader/s	£210	No SRA
Chairman of Kings Lynn Area Committee	No current SRA	£279

The cost of the increase backdated to the Annual Council meeting on 21 May 2015 if adopted is £60,800 in the first year and £32,482 thereafter.

It is suggested for the next four years, that any further increase to allowances be linked to staff pay awards.

The report recommends that the current payment of £12.50 per month for members ICT Broadband allowance be deleted. It is recommended that this allowance be continued.

4 **STATUTORY CONSIDERATIONS**

It is a statutory requirement for the Council to taken into account the comments and recommendations of the Independent Panel prior to setting its Allowances levels for the year.

5 **BACKGROUND PAPERS**



**BOROUGH COUNCIL OF
KING'S LYNN & WEST
NORFOLK- MEMBERS'
ALLOWANCES REVIEW**

2015/16

**REPORT OF THE
INDEPENDENT
REMUNERATION
PANEL**

**DAVID DIXON
MARK PALMER
MIKE PRESS**

DECEMBER 2015

1 Introduction

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 were laid before Parliament on 7 April 2003, and came into force on 1 May 2003. Under the Regulations, changes to Member allowances cannot be made by a Council without having regard to the views of an Independent Panel set up specifically to advise on the matter.
- 1.2 The Independent Panel for the Council currently consists of David Dixon, (Media Representative), Mark Palmer (South East Employers), Panel Chairman and Michael Press (Citizens Panel Representative). The Panel met to look at the current scheme of allowances and to consider any recommendations for changes for 2015/16. The effective date for the changes is proposed would be May 2016, post Annual Council.
- 1.3 Biographical information of the Panel

David Dixon – Publishing Director, Lynn News – Media Representative. Publishing Director (Retired) of East Midlands Newspapers. Festival Too Chairman of Fund Raising, King's Lynn Lions, and Treasurer.

Mark Palmer – Development Director, South East Employers. Chairman of a number of Independent Remuneration Panels and a development professional.

Mike Press – Community Representative

Retired Executive Manager, Vauxhall Motors (General Motors), and former Councillor, Chairman of Committee/s and previous Chairman and Vice-Chairman of a District Council in Bedfordshire.

- 1.4 The Panel was supported by Samantha Winter, Democratic Services Manager and Jenna Pell, Democratic Services Apprentice.

2 The Regulations

Allowances

- 2.1 The Regulations are designed to give local authorities discretion to establish remuneration schemes reflecting local circumstances.
- 2.2 Local authorities must have regard to the recommendations of their Independent Panel before making decisions on matters relating to the Member's Allowances Scheme.

3 Timetable

- 3.1 It is recommended that all the proposed allowances payable, once agreed by Council should apply from **May 2016**, after the Annual Council meeting.

4 Invitation to all Members

- 4.1 The Panel sent an invitation to all Members to either come to the Panel meetings to discuss the issue of allowances, or to complete a questionnaire. Fourteen members completed a questionnaire that was taken into account when making recommendations. The analysis of the questionnaire responses is attached as Appendix 1

- 4.2 The following Members were interviewed as part of the review on the 16th and 17th December 2015.

- Councillor M Tilbury
- Councillor K Mellish
- Councillor S Fraser
- Councillor A Tyler
- Councillor N Daubney (Leader of the Council)
- Councillor C Sampson
- Councillor C Bower
- Councillor S Squire
- Councillor G Hipperson
- Councillor R Bird
- Councillor D Tyler

5 2015/16 Review

- 5.1 The Panel undertook a full and comprehensive review. In doing so it has compared all the levels of allowances with those from other authorities across the county and the Eastern Region. The benchmark Councils include

- Breckland Council
- Broadland Council
- East Cambridgeshire District Council
- Fenland District Council
- Great Yarmouth Borough Council
- North Norfolk District Council
- Norwich City Council
- South Holland District Council and
- South Norfolk District Council

A summary of allowances in the above Councils are attached as Appendix 2.

- 5.2 The Panel acknowledges that the Council has to take a political decision in awarding any increases in its allowances for Members taking into account the Council's continued budgetary constraints and the national and local economic picture.
- 5.3 The Panel feels that there is a danger where by not making any increases on a reasonably regular basis the levels of allowance would be eroded, so potentially requiring a larger increase in future years.
- 5.4 In line with the practice in earlier reports, the Panel again draws attention to the fact that the role of Councillor should not be considered as salaried, and the allowances should not be considered as payment for a "job", but remuneration for costs incurred and a degree of the time spent on Council business.
- 5.5 The Regulations provide for the payment to Members of a Special Responsibility Allowance designed to take into account the additional degree of responsibility and some of the additional time spent in certain roles.

6. Panel's Detailed Recommendations

The Panel's considerations and recommendations are set out in the following sections of the report:

6.1 Regulation 4- Basic Allowance

- 6.1.1 This part of the Regulations state that an authority shall provide for the payment of a basic allowance for **every member of the Council and it will be the same amount for each such member.**

Position	Current	Recommendation
Basic Allowance	£5,140	£5,581

The Panel was keen to see the Basic Allowance linked to a formula that was robust, fair and transparent. The formula agreed was as follows

Median average hourly staff pay x Frontline Councillor hours per week x 52 weeks per year - Public Services Discount (PSD) %

£10.32 x 13 hours x 52 weeks = £6,976.32 – 20% PSD = £5,580.80

From next year the Panel recommends that the Basic Allowance be increased in line with staff annual percentage salary increases.

6.2 Regulation 5 – Special Responsibility Allowances (SRA's)

- 6.2.1** This Regulation states that an authority may provide for the payment for each year for an allowance to such members of the authority as have special responsibilities in relation to the authority.
- 6.2.2** Any scheme must specify the amount of each Special Responsibility Allowance and it must provide that where an authority is divided into at least two political groups that a Special Responsibility Allowance is paid to at least one member who is not a member of the controlling group.
- 6.2.3** The allowance for the Leader of the Council is based on a multiplier of the Basic Allowance, Basic Allowance x 2.75. The other SRA's with the exception of the Vice Chairman are calculated as a percentage of the Leader of the Council's Allowance. The Vice Chairman's allowances are calculated on the basis of 40% of the Chairman's of the Committees allowance. This approach provides a clear and transparent approach to calculating the SRA's.

6.3 Cabinet Members

- 6.3.1** The responsibility of the **Leader of the Council and Deputy (Vice Chairman)** and **Cabinet Members** has been considered.

Position	Current	Recommendation
Leader of Council and Chairman of the Cabinet	£14,760	£15,345 (multiplier of Basic Allowance x 2.75)
Vice Chairman	£8,070	£8,440 (55% of Leaders allowance)
Members of Cabinet	£6,600	£6,905 (45% of the Leaders allowance)

Position	Current	Recommendation
Assistant to the Leader	£870	£870

6.4 Cabinet Scrutiny Committee

6.4.1 The Panel has in previous years made the recommendation that the allowances for these posts should reflect those of the Policy Review Panels. The Panel are still of the view that this should be the case. The Panel is also aware of a separate review of the Scrutiny Committee and Policy and Review Panels.

Position	Current	Recommendation
Chairman CSC	£2,000	£2,148
Vice-Chairman CSC	£870	£859 (40% of the Chairman's allowance)

6.5 Policy Review Panels

Position	Current	Recommendation
Chairmen Panels	£2,000	£2,148
Vice-Chairmen Panels	£870	£859 (40% of the Chairmen's allowance)

6.6 Planning Committee

6.6.1 The Panel continues to consider that the responsibilities of the Chairman and Vice-Chairman of this Committee should reflect the considerable responsibility carried out behind the scenes with officers and the public as well as at the meetings of the Committee.

Position	Current	Recommendation
Chairman Planning Committee	£5,050	£6,138 (40% of the Leaders allowance)
Vice-Chairman Planning Committee	£2,200	£2,445 (40% of the Chairman's allowance)

6.6.2 In 2012/13 the Panel referred to the fact that it was very conscious of the heavy workload of the Committee, and the requirement for all members of that Committee to be present for lengthy meetings and training sessions. The Panel is still of the same view as the workload of this Committee has not diminished in any way.

6.7 Licensing Committee and Licensing and Appeals Board

6.7.1 The Panel is aware of the changing workload for the Chairman and Vice Chairman of the Committee and the Board.

6.7.2 The current number and frequency of hearings of the Committee, the Panel were informed has reduced significantly. The Panel is of the view that the role of Chairman/Vice Chairman of the Licensing and Appeals Board is a more complex and demanding role than that of Licensing Committee. The recommendations are as follows:

Position	Current	Recommendation
Licensing and Appeals Board and Licensing Committee Chairman	£5,050	£5,050 (75% of the SRA to be provided to the Licensing Appeals Board Chairman £3,788 and 25% of the SRA to be provided to the Licensing Committee Chairman £1,262)
Vice Chairman Vice Chairman of Licensing Appeals Board Vice Chairman of Licensing Committee	£2,200	£1,515 (40% of the Chairman of the Licensing Appeals Board) £505 (40% of the Licensing Committee Chairman)

6.8 Standards Committee

6.8.1 The situation regarding a Standards Committee changed with the enactment of the Localism Act 2011. The recommendation takes note of this change

Position	Current	Recommendation
Standards Committee Chairman	£760	£767 (5% of the Leaders allowance)
Vice-Chairman	£380	£307 (40% of the Chairman's allowance)

6.9 Committee Co-Optees

6.9.1 Regulation 9 – The Co-Optees Allowance provides for payment of an annual allowance to people who are not members of the authority but who are members of a committee or sub-committee of the authority.

6.9.2 The Council currently has a small number of Co-Optees (non Borough Councillors) who support the Council.

Position	Current	Recommendation
Standards Committee Co-Optees	£200	£200

6.10 Task Groups

6.10.1 Currently Task Group Chairmen are paid a one off fee for the additional responsibility of that work (if they do not already draw a Special Responsibility Allowance). The Panel are of the view that the role of Task Group Chairman should no longer attract an SRA.

Position	Current	Recommendation
Task Group Chairman	£170	Delete SRA

6.11 Mayor and Deputy Mayor Allowances

6.11.1 The Panel considered the level of allowances payable to the Mayor and Deputy Mayor and in the light of representations regarding the contributions of the roles to the Council therefore proposes no change to the current allowances payable.

Position	Current	Recommendation
Mayor	£5,800	£5,800 (38% of the Leaders allowance)
Deputy Mayor	£2,030	£2,030 (no change)

6.12 Political Allowances

6.12.1 The Panel recognises the work carried out by the Opposition Group Leaders in motivating and coordinating activities and therefore recommends the following allowances for opposition and minority group members:

Position	Current	Recommendation
Larger Opp. Group Leader	£680	£767 (5% of the Leaders allowance)
Larger Opp. Group Deputy/Leader	£340	Delete SRA. The role is not significant enough to attract an SRA
Other Opp. Group Leader/s	£400	£460 (3% of the Leaders allowance)
Other Opp. Group Deputy Leader/s	£210	Delete SRA. The role is not significant enough to attract an SRA

RECOMMENDATION: The Panel recommends to the Council the above Special Responsibility Allowances.

7 Regulation 7 – Dependants’ Carers’ Allowance

- 7.1 The Regulations allow for a scheme to include for payment to members of the authority of an allowance in respect of such expenses of arranging for the care of their children or dependants as are necessary in performing their duties as a Councillor.
- 7.2 The present level of the Carers’ Allowance paid by the Council is £7.20 per hour which is matched to the Council's rate for employees.
- 7.3 The Panel, as in previous years, feels that the flat rate does not deal fairly with the different demands of the type of care necessary. For example, the costs involved with childcare would generally be less than those associated with the provision of agency care for more specialised attention. For these reasons the Panel recommends that the Carers' Allowances be up to **£8.25** per hour (Living Wage 2015/16, reviewed annually) for childcare and up to **£35.00** per hour for qualified Agency Care. Payment of both of these allowances must be covered by receipts. In the case of the Agency Care Allowance, medical evidence that this type of care is required must also be provided as no other carer is available.

- 7.4 **RECOMMENDATION:** 1) The Panel recommends that the Carers' Allowances be up to £8.25 per hour for childcare and up to £35.00 per hour for qualified Agency Care. Payment of these allowances must be covered by receipts. In the case of the Agency Care allowance, medical evidence that this type of care is required must also be provided and no other carer available.

8 *Regulation 8 - Subsistence Allowance*

- 8.1 This Regulation provides for the payment of an allowance in respect of travelling and subsistence. The Regulation sets out the categories within which duties must lie in order to be eligible for such payments.
- 8.2 In its report to the Council previously the Panel made recommendations that the subsistence levels should mirror those which are available to officers which are set nationally. **This is still the view of the panel.**
- 8.3 It is also acknowledged that although no specific overnight allowance is payable, the Council will pay reasonable hotel bills submitted.

9 *Travelling*

- 9.1 **RECOMMENDATION:** That the HMRC recommended figure (currently 45p per mile) apply and that the level be increased/decreased automatically in the event that this is amended.

10 *Kings Lynn Area Committee*

- 10.1 **Recommendation:** The Panel recommends that the Chairman of Kings Lynn Area Committee receives an allowance of £279 (5% of the Leaders allowance). No SRA should be paid to the Vice Chairman of the Area Committee.

11 *Communications, Broadband and Stationery Allowance*

- 11.1 The Panel were of the view that the allowance of £150 per Member for Broadband and communications should no longer be paid. Most people now have access to broadband through a telephone and television package and therefore a separate allowance for members should not be paid.

Recommendation: The Panel recommends that the communications, broadband and stationery allowance of £150 per year for each Member should no longer be paid.

12 Other Issues

12.1 Limit of the number of Special Responsibility Allowances

12.2 The Panel again considered the issue of payment of more than one Special Responsibility Allowance to any one Member.

12.3 The Panel recognises that the work carried out by a Member holding more than one position which attracts a Special Responsibility Allowance.

12.4 **RECOMMENDATION:** The Panel recommends that a Councillor is only eligible to receive one Special Responsibility Allowance (the highest).

SUMMARY OF INDEPENDENT PANEL RECOMMENDATIONS 2015/16

Allowance/SRA	Current	Recommendations for 2015/16
Basic Allowance	£5,140	£5,581
Leader of Council and Chairman of Cabinet	£14,760	£15,345
Vice Chair	£8,070	£8,440
Members	£6,600	£6,905
Asst. to Leader	£870	£870
Cabinet Scrutiny Committee and Policy and Review Panels		
Chairmen	£2,000	£2,148
Vice-Chairmen	£870	£859
Planning Committee		
Chairman	£5,050	£6,138
Vice-Chairman	£2,200	£2,445
Licensing and Appeals Board		
Chairman and Licensing Committee	£5,050	£5,050
Chairman		£3,778 (Chairman AB)
		£1,262 (Chairman LC)
Vice Chairmen	£2,200	£1,515 (VC of AB)
		£ 505 (VC of LC)

Standards Committee		
Chairman	£760	£767
Vice-Chairman	£380	£307
Co-Optees	£200	£200
Key Task Groups – if any		
Chairman	£170	No SRA
Mayor	£5,800	£5,800
Deputy Mayor	£2,030	£2,030
Larger Opp. Group Leader	£680	£767
Larger Opp. Group Deputy Leader	£340	No SRA
Other Opp. Group Leader/s	£400	£460
Other Opp. Group Deputy Leader/s	£210	No SRA
Chairman of Kings Lynn Area Committee	No current SRA	£279

CARERS ALLOWANCES

Up to £8.25 per hour for childcare
Up to £30.00 per hour for qualified Agency Care.

Payment of these allowances must be covered by receipts. In the case of the Agency Care allowance, medical evidence that this type of care is required must also be provided.

SUBSISTENCE – TO MIRROR OFFICER LEVELS

TRAVELLING

That the HMRC travel rates are applied (currently 45p per mile for a car). That the level be increased or decreased in accordance with HMRC recommendations.

NUMBER OF SPECIAL RESPONSIBILITY ALLOWANCES CLAIMABLE

One Special Responsibility Allowance (the highest) for each Member

Independent Remuneration Panel

January 2016

Mark Palmer – Chairman of the Independent Remuneration Panel

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide	NO	
	Discretionary /	Need to be recommendations to Council	YES	
	Operational	Is it a Key Decision	NO	
Lead Member: Cllr Nick Daubney E-mail: <i>cllr.nick.daubney@west-norfolk.gov.uk</i>		Other Cabinet Members consulted: Cllr Alistair Beales		
		Other Members consulted: Task Group		
Lead Officer: Ray Harding E-mail: <i>ray.harding@west-norfolk.gov.uk</i> Direct Dial:01553 616245		Other Officers consulted: Sam Winter / Debbie Gates		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES/NO Yes	Equal Impact Assessment YES	Risk Management Implications YES

Date of meeting: 5 April 2016

REPORT OF SCRUTINY STRUCTURES AND POLICY DEVELOPMENT TASK GROUP

Summary

This report presents the interim conclusions of the Scrutiny Structures and Policy Development Task Group in response to the report of the Centre for Public Scrutiny (CfPS) report and the feedback from the member workshop held on 8th October 2015.

It also makes a number of recommendations to Cabinet and Council which seek to implement the principle recommendation of the CfPS report with effect from the beginning of the municipal year 2016/17.

Recommendation

Cabinet is invited to recommend to Council the following:-

1. That the Cabinet Scrutiny Committee and the Scrutiny and Overview Liaison Committee are abolished.
2. That the Audit Committee be 'decoupled' from the Resources & Performance Panel, and reduced in size to nine members with a meeting schedule linked to key audit events.
3. That the Resources & Performance Panel be renamed as the Corporate Performance Panel and it's terms of reference be extended to provide for the Panel to consider the following:-
 - call-ins of Cabinet decisions;
 - post implementation reviews of both major projects and significant

- policy changes/introduction of new policies;
- Monitoring of the Medium Term Financial Plan.
4. That the Terms of Reference for all Panels be amended to explicitly place a greater emphasis on 'policy development' of proposed policy changes and new projects/initiatives, incorporating, where appropriate, clear recommendations for Cabinet and Council to consider.
 5. That Council, Cabinet and Panels move to a six-weekly cycle of meetings and that the programme of meetings attached at Appendix 1 be adopted for 2016/17.
 6. That in future years Panels elect their own Chairman and Vice Chairman.
 7. That the recording of meetings be changed to provide for a more succinct summary of discussion, decisions taken/recommendations made and the principle rationale for the decisions taken.
 8. That additional member scrutiny and policy development training be arranged to coincide with the introduction of the above changes.
 9. That the scheme of delegation be amended, delegating authority to Portfolio Holders to authorise the implementation of policy changes required as a consequence of the introduction of primary or secondary legislation by government. Noting that Portfolio Holder delegated decisions are open to scrutiny and the call-in process in the same way as Cabinet decisions are.
 10. That the Democratic Services Manager and Legal Services Manager be instructed to draft the consequential changes to the Council's constitution to give effect to the proposals outlined above.
 11. That the Task Group be invited to undertake a subsequent review of the Council's constitution and the effectiveness of the changes made, ... results following the implementation of the changes..
 12. That Cabinet and Council consider the minority proposal as to whether the position of Vice Chairman of the Audit Committee and the Corporate Performance Panel be reserved to members of the opposition parties, or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda.

Reason for Decision

To seek to make the roles and functions of the Council's policy development and scrutiny panels more effective and thereby enhance the good governance of the Borough Council.

1. Background

- 1.1 Following a Corporate Peer Challenge in 2014 which highlighted the potential to considerably improve the Council's Scrutiny and Overview functions the Centre for Public Scrutiny was invited to undertake a review of the Council's scrutiny function.
- 1.2 This review was undertaken in the early part of 2015 and a report (Appendix 2) with a series of wide ranging recommendations was prepared for consideration by Cabinet and Council.
- 1.3 Cabinet, upon consideration of the report in 10th June 2015, subsequently agreed to invite the CfPS to hold a member workshop with councillors and senior officers to consider the report and the recommendations contained therein. Cabinet also agreed to establish a cross party Scrutiny Structures and Policy Development Task Group to consider both the CfPS report and the deliberations of the scrutiny workshop. The workshop was held on 8th October 2015, the notes of which are to be found at Appendix 3.
- 1.4 The Task Group has subsequently met on three occasions to date. At the first meeting the Task Group considered the context for any proposed changes and in particular the anticipated reduction in the Council's budget and the consequent reduction in officer capacity within democratic services, senior management and service areas. In light of the scale of the reductions, it should be anticipated that there will, in the remaining period of this administration, be a significant reduction in the organisation's capacity to undertake new initiatives, and hence the workload of both Panels and the Executive.

2. Aims

- 2.1 The Task Group considered the primary aims of any proposed changes to the current arrangements were to:-
 - achieve more effective scrutiny as opposed to 'more' scrutiny;
 - secure a wider member influence on policy, practice and decisions made by the executive;
 - carry out more effective, in depth work rather than 'more' work;
 - enhance the skills of members involved in policy review and scrutiny;
 - focus time and energy where it can have most impact, on strategic policy development and new project developments of significance;
 - introduce rigorous post implementation reviews of major projects and initiatives and review progress in the implementation of the Corporate Business Plan;
 - add value to the decision making process.

3. Discussion

- 3.1 The Task Group went on to consider ways in which Panels might most effectively be involved at an early stage to support good policy development. Case studies in relation to the Tuesday Market Place enhancement scheme and the development of the Major Housing Schemes were presented to assist this process.
- 3.2 The Task Group also reflected on the importance of the Panels developing their own annual work programmes drawing on the Corporate Business Plan and associated Directorate and Service Plans including reviewing major projects and initiatives. This would contrast with the current position where the agendas of the following weeks Cabinet meeting largely drive those of the Panels.
- 3.3 The role of Panels in working as a 'critical friend' to Cabinet and Portfolio Holders was also considered to be important.
- 3.4 The Task Group reflected upon the merits of extending the meeting cycle, providing longer periods between meetings in light of the probability of reducing work programmes. The proposal that Cabinet and Council be invited to declutter agendas by extending the authority delegated to Portfolio Holders in respect of legislative driven changes would also make a longer meeting cycle more tenable.
- 3.5 The Task Group concluded that it should recommend to Cabinet that the meeting cycle be extended and considered the merits of both an eight week cycle and a six week cycle before on balance coming down in favour of the latter. No changes were considered to the arrangements for regulatory committees which were out with the scope of the Panels' Terms of Reference.
- 3.6 The Task Group, at an early stage, supported the CfPS recommendation that the Cabinet Scrutiny Committee in its current form be abolished in light of the widespread member feedback that the current arrangements did not work at all effectively.
- 3.7 The focus of the Task Group's consideration then turned to how best to give effect to the aims set out above. Ultimately it was felt that the proposals set out in recommendations together with 1. to 4. and recommendation 8. best deliver greater member involvement in decision making, together with more constructive and insightful pre and post implementation scrutiny.
- 3.8 Taking into account the impact of the local government finance settlement for district councils, the Task Group considered that recommendations 5 and 7 would appropriately respond to the organisation's reducing capacity and the consequent need to reduce the costs of democracy (alongside the reductions required in all other aspects of the Council's operations).

- 3.9 Recommendation 6. relates to the significance attached to securing a greater level of independence of the policy development and scrutiny function from the executive by ceasing the practice whereby the Leader of the controlling group directly appoints the Chairman and Vice Chairman of the Panels.
- 3.10 Recommendation 10. relates to the need to update the Council's constitution to reflect the changes proposed and a need to subsequently undertake a more comprehensive review of the constitution.
- 3.11 This recommendation reflects the need to review the success of the changes proposed, and to review the revised Constitution in the ...
- 3.12 Recommendation 12. reflects the view expressed by some members of the Task Group that political groups outside of the ruling administration should have a voice when scrutiny and policy development agendas are set. It is therefore proposed that each Panel Member be entitled to place at least one item on each Panel agenda.

4. Options Considered

- 4.1 A wide range of options were considered by the Task Group as outlined in the original CfPS report.

5. Policy Implications

- 5.1 The proposals contained within this report seek to enhance the effectiveness of the Council's policy making process but do not seek to alter existing policies. As regards personnel implications there will be no adverse impact on staff currently in post.

6. Financial Implications

- 6.1 The proposals contained within this report will contribute to the Council's need to reduce costs by reducing the number and frequency of meetings.

7. Personnel Implications

8. Statutory Considerations

- 8.1 Councils which operate "executive arrangements" (those who have a leader and cabinet, or an executive mayor) must have at least one overview and scrutiny function. It is considered that the proposed arrangements meet the statutory requirements.

9. Equality Impact Assessment (EIA)

(Pre-screening report template attached)

- 9.1 An outline EIA is attached. There are no equalities implications arising from this report.

10. Risk Management Implications

- 10.1 The changes proposed within this report are designed to enhance the Council's policy and decision making process and therefore should help to reduce risk attached to the introduction of new policies or major projects by achieving an earlier more in depth and effective scrutiny of proposals.

11. Declarations of Interest / Dispensations Granted

12. Background Papers

- Calendar of Meetings 2016/17
- Peer Review
- Scrutiny Workshop Notes of 8th October 2015
- Post Cabinet Report
- Minutes of Task Group

Appendix 1



Calendar of Meetings
2016 17.pdf

Appendix 2



CfPS Review.pdf

Appendix 3



Scrutiny Workshop
Notes 08 10 15.pdf



**Pre-Screening Equality Impact
Assessment**

Name of policy/service/function	Democratic Services				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Governance of the Borough Council policy making, project and programme approval.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			/	
	Disability			/	
	Gender			/	
	Gender Re-assignment			/	
	Marriage/civil partnership			/	
	Pregnancy & maternity			/	
	Race			/	
	Religion or belief			/	
	Sexual orientation			/	
	Other (eg low income)			/	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name Ray Harding					
Job title Chief Executive	Date				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.

Calendar of Meetings 2016/2017

	2016							2017				
	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Monday	2 BANK HOLIDAY			1 PC		3 PC			2 BANK HOLIDAY			3 PC
Tuesday	3			2 CABINET		4	1		3			4
Wednesday	4	1 R&D		3		5	2 LICENSING		4	1	1	5
Thursday	5 ELECTION	2		4 PC SV	1	6 PC SV	3	1	5 KLACC	2	2	6 PC SV / COUNCIL
Friday	6	3	1	5	2	7	4	2	6	3	3	7
Monday	9 PC	6 PC	4 PC	8	5 PC / AC (ACCOUNTS)	10	7 PC	5 PC	9 PC	6 PC	6 PC	10
Tuesday	10 LICENSING	7 LICENSING	5	9 LICENSING	6 LICENSING	11 LICENSING	8	6 CABINET	10 LICENSING	7 LICENSING	7 LICENSING	11 LICENSING / CABINET
Wednesday	11	8 CPP	6 E&C	10	7 CABINET	12 E&C	9 CPP	7	11 R&D	8 E&C	8	12
Thursday	12 PC SV ANNUAL COUNCIL	9 PC SV	7 PC SV	11	8 PC SV	13	10 PC SV	8 PC SV	12 PC SV	9 PC SV	9 PC SV	13
Friday	13	10	8	12	9	14	11	9	13	10	10	14 GOOD FRIDAY
Monday	16	13 AC (ACCTS)	11 AC	15	12	17 AC	14	12	16	13 AC	13	17 EASTER MONDAY
Tuesday	17 CABINET	14	12 LIC/KLACC	16	13	18	15	13 LICENSING	17 E&C	14	14	18
Wednesday	18	15	13 R&D	17	14	19 R&D	16	14	18	15 R&D	15 E&C	19
Thursday	19	16	14	18	15	20	17 COUNCIL	15	19 COUNCIL	16	16	20
Friday	20	17	15	19	16	21	18	16	20	17	17	21
Monday	23	20	18 CPP	22	19	24	21	19 CPP	23	20 CPP	20	24
Tuesday	24	21	19	23	20	25 CABINET	22	20	24	21	21 CPP	25 R&D
Wednesday	25 E&C	22	20	24 CPP	21	26	23 E&C	21	25	22	22 R&D	26 E&C
Thursday	26	23	21	25	22 CPP	27	24	22	26	23 COUNCIL (BUDGET)	23	27
Friday	27	24	22	26	23	28	25	23	27	24	24	28
Monday	30 BANK HOLIDAY	27	25	29 BANK HOLIDAY	26 KLACC	31	28 AC	26 OFFICE CLOSED	30	27	27 KLACC	
Tuesday	31	28 CABINET	26	30 R&D	27		29	27 OFFICE CLOSED	31 CABINET (BUDGET)	28 CABINET	28	
Wednesday		29	27	31 E&C	28		30 R&D	28 OFFICE CLOSED			29	
Thursday		30 COUNCIL	28 COUNCIL		29 COUNCIL (ACCOUNTS)			29 OFFICE CLOSED			30	
Friday			29		30			30 OFFICE CLOSED			31	

KEY:

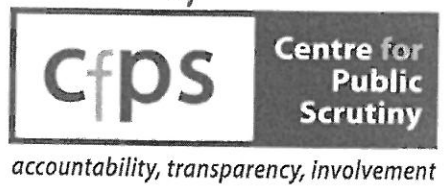
Cabinet
CPP = Corporate Performance Panel
AC = Audit Committee
R&D = Regeneration & Development
Licensing = Licensing Panel or Sub-Committee (if required)

PC = Planning Committee & Site Visits	Half Term, Christmas and Easter
KLACC = King's Lynn Area Consultative Committee	
E & C = Environment & Community Panel	
Council Annual Council	05 May 2016 - Police & Crime Commissioner Elections

PNK

Cl Tash Proj - APP 2
Woodsbury

Kings Lynn & West Norfolk review of overview & scrutiny



Introduction

Following a Corporate Peer Challenge in 2014, Kings Lynn and West Norfolk identified the need for an in-depth review of overview and scrutiny to tackle weaknesses highlighted by the CPC. CfPS was commissioned to carry out two projects:

Project 1:

- To review how effectively the current structure and arrangements for overview and scrutiny are operating;
- To identify areas of weakness and potential duplication with other elements of council governance and make initial recommendations for improvements to the structure and arrangements that can be implemented in time for the next all-out elections in 2015;
- To engage members in the review through use of focus groups and interviews and to enhance their understanding of overview and scrutiny.

Project 2:

- To engage all members in the findings of the first project to enhance their understanding of overview and scrutiny, provide examples of best practice and learning from elsewhere and generally raise awareness and appreciation of the potential of the function;
- To finalise recommendations for improvements to the structure and arrangements that can be implemented in time for the elections in 2015.

This report represents the conclusion of the first project following fieldwork carried out in Kings Lynn and West Norfolk in November and December 2014 by Jessica Crowe and Ed Hammond of CfPS, and is presented as an interim report for discussion with the council and to use as the basis for a member development session as set out in Project 2. We would like to thank the council for their assistance in arranging the interviews and focus groups and to thank all those to whom we spoke for their openness and willingness to contribute their views. The content of the report is as follows:

1. Summary of recommendations
2. Overall findings and impact of Overview and Scrutiny
3. Ways of working
4. Structural issues
5. Relationships between Overview and Scrutiny and other member functions
6. Next steps

1. Summary of Recommendations

1. There should be an annual process for developing the work programme for the panels, engaging members, officers, partners and other stakeholders to prioritise the topics for review and ensure members' work in scrutiny makes the most effective contribution possible on the most important issues facing Kings Lynn and West Norfolk;
2. The Chairs' 'sifting' meetings should be opened up to other members of the committee or panel and used as an informal member briefing and agenda-planning meeting, to agree lines of enquiry, clarify any questions of fact or interpretation that members may have, and determine the information and attendances required for the formal meetings;
3. Before any sessions with Cabinet members, officers or other witnesses, there should be pre-meetings to plan the questioning strategy and agree the desired outcomes from the session;
4. The Cabinet Scrutiny Committee should be deleted and replaced by a Corporate Performance Scrutiny Committee, chaired by an Opposition member, with an Administration member Vice-Chair, with the functions and responsibilities set out in this report, meeting four times a year;
5. The Policy Review Panels should be retained, with Administration Chairs and Opposition Vice-Chairs, but should meet formally less frequently (around 6 times a year) and should use Task and Finish Groups to carry out reviews of issues, policies and services, according to an agreed work programme;
6. The Audit and Risk Committee should be decoupled from the Resources and Performance Panel, with a smaller membership including at least one independent (non-councillor) member recruited to a defined role profile to bring additional specific skills, clearly defined terms of reference and less frequent (four times a year) meetings;
7. Consideration should be given to the role of Full Council and to how this forum could be used to enable more members to engage in policy debates on issues of particular local interest and contention;
8. There should be no Cabinet reports presented to note at either Panels or the Corporate Scrutiny Committee (with the exception of the presentation of the annual budget report, which you have committed to continue to send in the interests of member assurance) – instead there should be more effective planning and discussion with members to ensure that briefings which are prepared in paper form, and delivered verbally, reflect member priorities and interests, likely issues arising in relation to forthcoming decisions, and likely areas of member need arising from the scrutiny work programme;;
9. The induction and member development programme planned to be rolled out after the elections in 2015 should benefit from the insight of individual members to refine the content of sessions on overview and scrutiny, with a view in particular to gather members' views on content, format and timings, and covering questioning skills, understanding risk and financial analysis.

2. Findings and overall impact of Overview and Scrutiny

- 2.1. Overview and Scrutiny is not working as effectively as it could do in Kings Lynn and West Norfolk. Some examples of valuable and valued input from scrutiny were shared with us, such as the development of the Tuesday Market Place, where members were felt to have been able to influence and shape the direction of the project following proposals being taken to the Panel at an early stage for debate and input. In the past scrutiny is felt to have had more impact, with examples of where Cabinet plans were changed as a result of valid points being raised by scrutiny members, for example resource allocation was changed as a result of scrutiny raising concerns based on statistical evidence about quality of life in the more deprived wards, and alternative recommendations were made and accepted around proposals for taxi regulation.
- 2.2. However, there was universal dissatisfaction with how the Cabinet Scrutiny Committee is operating now (from the Administration, Opposition and officers alike), and a feeling that the Policy Review Panels were not fulfilling their intended purpose of enabling members to influence policy at an early stage.
- 2.3. We observed and were told about ways of working that would be considered poor scrutiny practice, including agendas dominated by copies of Cabinet reports for noting, lengthy officer presentations and unplanned and poorly-focused questioning on matters of operational detail, which missed opportunities to challenge officers on financial and other risks. Opposition members expressed frustration about access to information and it is acknowledged that pressures around workloads mean that sometimes the timescale for decisions does not enable sufficient member input. Equally there was concern expressed that some members use the scrutiny process for overtly party political purposes and that frustration on all sides is exacerbating political tensions and contributing to poor relationships and behaviours.
- 2.4. However, there is a positive desire from both the Administration and members of the Opposition to change overview and scrutiny and address these issues, a willingness to learn from others' experiences and good practice, and a wish for more members to be able to contribute to policy review and development. Members were also pleased that an external review was being carried out and that the recommendations of the LGA Peer Challenge were being acted upon.

3. Ways of working

-
- 3.1. Overview and Scrutiny in Kings Lynn and West Norfolk needs a more strategic and considered approach to the work that it carries out. Currently there is a lack of transparency about how and why items are placed on agendas, which drives suspicion about motives and means that scrutiny may not be focusing on the most important issues. There is a need to balance the desire for members to have an input with the resources available and hence a need to prioritise and support members to focus on the most important issues for the council.
- 3.2. We recommend that there should be an annual work planning process, involving an informal workshop with members, officers and other stakeholders and partners, to identify the issues that will be important during the coming year and agree the opportunities for overview and scrutiny to review performance, comment on proposals and shape policy direction at the earliest possible stage. This should lead to the creation of an annual work programme for overview and scrutiny, including those issues which will be considered in more depth using task and finish groups overseen by the Panels. Task groups are felt to have worked well in the past in Kings Lynn and West Norfolk but there needs to be common agreement about their scope, purpose and timescale and also the resources required to support them effectively to deliver their objectives.
- 3.3. The current Chairs' 'sifting' meetings are felt to have worked well in the past as a means to shape the agendas and plan objectives for the formal meetings. We recommend that these should be open to all members of the Committee or Panel, with an expectation that the Chair, Vice-Chair and other party leads will attend to develop a shared and collectively owned approach to how the Committee or Panel is going to work. These meetings should focus not solely on the agenda items but also on agreeing lines of enquiry, clarifying any questions of fact or interpretation that members may have, and determining the information and attendances required for the formal meetings. They should be properly supported by senior officers who can ensure the required actions are taken.
- 3.4. Task groups similarly need to plan their evidence-gathering and lines of enquiry effectively in advance. Reviews need to be scoped, with clear objectives and active consideration given to hearing from external witnesses and going out of the town hall on site visits and to meet service-users and members of the public. We understand that in the past Panels and task groups have sometimes had external people in to talk to them, and that this has been felt to be positive, for example in the review of taxi regulation and as part of developing a Heritage Lottery Fund bid. This needs to become more of the norm of how overview and scrutiny works in Kings Lynn and West Norfolk. Otherwise scrutiny is simply duplicating the officer reports and views provided to Cabinet and is not adding value by considering and bringing in other perspectives.

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- 3.5. We further recommend that before any evidence-gathering or witness-questioning session, the task group needs to meet informally to agree on the questions to be asked, how the session is going to be run, and what the information is that the group needs to get out of it. These kinds of pre-meetings have been found in other councils to enable members to get more value out of their meetings and to feel that they have been able to achieve what they wanted to from their scrutiny reviews.
- 3.6. Finally, there does not appear to be a robust mechanism for requiring Cabinet to respond formally to scrutiny recommendations or for scrutiny to receive feedback on progress with implementation of recommendations that have been accepted. The currently vague and brief reference to Cabinet providing feedback on their consideration of items referred to it by overview and scrutiny in the Scrutiny and Overview Protocol should be tightened up to include a requirement to respond setting out proposed actions in response to recommendations and giving reasons where recommendations are not accepted, and a default 6 monthly report back on action to implement recommendations unless a different period is agreed with scrutiny.

4. Structural issues

- 4.1. We do not feel that the Cabinet Scrutiny Committee as currently set up serves a useful purpose, in fact quite the opposite: meeting to consider reports where the decision has just been taken by Cabinet seems to have created a forum which encourages conflict and dispute without the opportunity to influence or effect change. Everyone to whom we spoke is highly frustrated by it and we recommend that it should be abolished. However, it is acknowledged that there must be an effective alternative means to challenge and scrutinise the performance of the Administration members and senior officers. The Scrutiny and Overview Liaison Committee also seems not to be working as intended, with infrequent meetings and a lack of clear business. We recommend that this body is also deleted.
- 4.2. We recommend instead the creation of a new Corporate Performance Scrutiny Committee, chaired by the Opposition, with an Administration Vice-Chair and politically proportionate membership, including the Chairs of the Policy Review Panels. This body should have the following functions and responsibilities:
- To hold Cabinet members and directors to account for policies and performance, through themed challenge sessions based around issues identified from corporate performance reports;
 - To scrutinise value for money and delivery of key projects and programmes;
 - To shadow the development of the budget, drawing on its other responsibilities in bringing ongoing and constructive scrutiny to bear on the budget-building process in-year;

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- To consider benchmarking, complaints and compliments and other feedback data alongside officer reports to provide members with an evidence-based approach to challenge and scrutiny;
 - To act as a coordinating and oversight body for the Panels, to keep track of the work programme in consultation with Panel chairs and to adjudicate where there are different views about which Panel should carry out a particular piece of work.

4.3. The creation of this new body will necessitate changes to the terms of reference of the Panels being retained. We will draw together some examples of authorities who operate similar arrangements for the purposes of comparison. For instance, in relation to call-in, we would recommend that the scrutiny of decisions made but not implemented rest with the Council's existing Review Panels. This ensures that the committee with most relevant knowledge and expertise takes the lead in considering a key decisions which has been called in.

4.4. Our recommendations for the chairing of this new body are that it should be chaired by an opposition party member, with a vice-chair from the administration's party. This reflects the current arrangements for Cabinet Scrutiny. It is an arrangement which, with appropriate support, can work well. This recommendation reflects both concerns expressed to us by Opposition members about the availability to them of formal roles, and the fact that administration members have no desire to take on this role, insofar as they have talked to us about it.

4.5. The Policy Review Panels are felt by most to work better and to have provided useful opportunities for members to act as a sounding board for the early development of proposals and to get involved in developing new policies. However, over time some of the Panel meetings seem to have become over-focused on simply receiving Cabinet reports in the cycle before they go to Cabinet for decision, which is too late in the process to enable members to have a real impact or influence on the direction of policies. Their remit as set out in the constitutional briefing notes is somewhat restrictive and overly focused on the Cabinet forward work plan and decisions and could be broadened to match the statutory right for overview and scrutiny to consider any matter that affects the local authority area or its citizens.

4.6. We recommend retaining the two Panels with their current focus in terms of areas covered and with Administration Chairs. However, to improve relations and enable Opposition members to feel more engaged with the process, we recommend that Vice-Chair positions should be given to members from Opposition parties. There should be clear role profiles for Chairs and Vice-Chairs so that they are clear about their responsibilities to lead and direct overview and scrutiny effectively and deliver its objectives and they should provide an Annual Report to a meeting of Full Council to enable all members to hold them to account for fulfilling this function.

4.7. The constitution and operation of the Audit and Risk Panel does not meet accepted good practice in terms of Audit Committees, notably the CIPFA guidance that it should be independent of scrutiny as well as Cabinet. Research (see for example, *Mirror Mirror: reflecting improvement through review and challenge*, CfPS 2012) suggests that Audit Committees work best when they have a clear and relatively narrow remit, focused on assurance and good governance, as well as the statutory responsibility to receive and review the Accounts and Annual Governance Statement.

4.8. We recommend that the Audit and Risk Panel is reconstituted as a separate, smaller body with a clear and focused remit, meeting around four times a year. We recommend that the Council considers recruiting an independent (non-councillor) Chair, against a defined role profile, to bring in external expertise, particularly around financial matters. While audit should be independent of overview and scrutiny, there is value in coordinating work programmes, and the Audit Panel Chair should be invited to the annual work planning workshop and to attend some Corporate Performance Committee meetings to provide an update on their work.

Relationship between scrutiny and other member functions

4.9. We have not looked in detail at how Full Council works. However, it seems to us, given the concerns expressed to us about the large numbers of councillors on Kings Lynn and West Norfolk Council and the feeling of disengagement that some seem to feel, that Full Council could be better integrated with the work of the Panels, providing further opportunities for those not formally involved in one of the O&S bodies to get involved in influencing policy. We recognise that significant time is set aside at meetings for public questions, and for questions to Cabinet Members (more than in other authorities, and practice to be commended). However, a proactive approach to agenda management for Full Council could enable major policies to be debated by more members as they are under development, at the time when such wide-ranging member insight would be valuable. Such debates could be informed by discussions at the Panels. The Chair and Vice-Chair of the Corporate Performance Scrutiny Committee should be invited to council agenda planning sessions to identify opportunities for discussions on scrutiny review topics and to enable Panels to report and present their findings to Full Council for debate. We recognise that such an approach will be appropriate for a certain number of topics. It may be that it provides a useful tool for the council to use prior to agreeing its budget and policy framework; it may also afford an opportunity for the authority to secure political assurance well in advance of major or contentious policy decisions, preventing delay later.

4.10. We observed and were told about scrutiny meetings being used by members to find out information that they feel entitled to but unable to access through other means. Member did acknowledge however that information was available on the intranet and

that this had improved recently, and we are aware that it is usual practice to offer briefings to members prior to virtually every Full Council meeting on a wide range of topics. We are also aware that frequent member bulletins are distributed to councillors as well. However, given councillors' concerns, and the need to ensure that overview and scrutiny does not operate as a supplementary information sharing function, we recommend that steps are taken to refine the approach that the council takes towards briefing members, with members being consulted on the topics they want to see covered at such briefings, and using the Forward Plan to identify topics in a timely fashion. We consider that this might serve to reduce the amount of information that is shared with councillors, allowing a focus more on areas of identified councillor need, which itself will serve to manage demand for more information.

- 4.11. If as a result of briefings, members identify a concern that requires further investigation, they can request it be referred to overview and scrutiny. However, it is important that there are checks and balances so that overview and scrutiny's work programme is not pushed off course by ad hoc items. Members should be encouraged to identify in such requests the purpose of an item being scrutinised, what outcomes they want to see and whether there is a genuine opportunity to influence a policy or service through a scrutiny review. The Gloucestershire "Scrutiny on one page" approach can help determine whether an issue is suitable for a scrutiny inquiry (see Appendix 1) and could be adopted here.
- 4.12. With a more focused and refined system of member briefings, and a work programme for the Policy Review Panels which enables scrutiny members to influence policies and proposals at an early stage before they have reached the point of becoming a Cabinet report for decision, there should be no Cabinet reports on scrutiny committee or panel agendas "for note" or "for information" unless it is as background information to inform a specific review. The agenda planning 'sifting' meetings should give officers a clear steer about the information required by members to be presented at future meetings and the emphasis should be on presenting information in a concise and accessible format, for example through presentations or briefing notes, rather than a formal committee-style report.
- 4.13. Finally it was acknowledged by a number of interviewees that at the present point in the electoral cycle, there was a degree of ill-feeling and disengagement amongst the member body. We feel that the forthcoming all-out elections in May 2015 offer a great opportunity for a fresh start for overview and scrutiny. We note the plans for member induction post-election, of which overview and scrutiny training is a part. We recommend that this training be used as an opportunity for a common understanding of the role and purpose of overview and scrutiny to be created amongst all members. In order to achieve this end, it may be necessary to arrange more than one session, with smaller groups of councillors, depending on their respective levels of skill, experience and

knowledge, before bringing them together in a larger group. The programme should draw on views of current elected members (“things I wish I’d known when I was first elected”) and should also include a basic introduction to core scrutiny practices and skills such as questioning skills, risk analysis and financial scrutiny. The momentum from these development sessions will need to be harnessed to deliver meaningful change.

5. Next Steps

5.1. This report is presented for discussion with the Chief Executive in the first instance as the commissioner of the review, with a view to then being circulated as a draft interim report to all members as the basis for an all-member development and discussion session.

5.2. We look forward to continuing to work with you to help improve overview and scrutiny in Kings Lynn and West Norfolk. Although this report has identified a large number of weaknesses, we believe that the elections do offer a good opportunity for a fresh start and, more importantly, that there is a genuine desire to improve overview and scrutiny from all parties on the Council. We hope that this report can be used as a positive step towards this improvement and it is presented in that light; the Council is to be commended for its openness and willingness to be challenged in order to improve.

Centre for Public Scrutiny
March 2015

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Appendix 1

Gloucestershire: Scrutiny on one page principles

When a member requests that an item goes to scrutiny or a task group should be constituted to investigate a particular issue, they are asked to complete a single page document setting out the purpose of their request for scrutiny and demonstrating how their request meets the following four principles:

- setting up a task group only when a clear public demand for one gives you a powerful mandate with which to carry out an inquiry;
- applying scrutiny only to issues and organisations that you have a legitimate opportunity to engage with and influence;
- understanding when a 'narrow and deep' method of scrutiny is of greater value than one that is 'broad and shallow'; and
- being flexible in how you conduct scrutiny to tailor it to the different demands of each situation.

(source: The state of accountability 2013 (CfPS 2013): essay by Cllr Rob Garnham, Gloucestershire County Council)

The Borough Council of King's Lynn and West Norfolk

SCRUTINY WORKSHOP NOTES

Thursday, 8th October 2015

Introduction

On 8 October 2015 a workshop was held with councillors and senior officers within the Borough Council of King's Lynn and West Norfolk to consider the report and recommendations made by the Centre for Public Scrutiny (CfPS) following its review of the scrutiny function. The workshop was facilitated by Brenda Cook, an Expert Adviser from CfPS. These notes provide a summary of the workshop discussions and aim to help move the recommendations forward. The discussions focussed on the 3 themes referred to in the CfPS report, i.e.:

- Ways of working
- Structure, and
- Relationships

The next step will be for the report, recommendations, and these notes to be considered by the Task Group to develop proposals for developing the scrutiny practice and structures within the Borough Council.

Feedback from the participants

Many of the workshop participants recognised the need to refocus and develop current scrutiny practice and structures to ensure that scrutiny is effective in influencing the work of the Council as a whole. There was also some discussion about the opportunities that might arise for scrutiny of external services that impact upon the communities within King's Lynn and West Norfolk, and which would benefit from scrutiny if the structures, policies and resources allow.

a) Recommendations on Ways of Working

The discussion groups focussed on the need to improve ways of working to ensure best use of the skills, methods and resources within the committees and panels. The

following bullet points should be read in conjunction with the section in the report on *Ways of Working* and with recommendations 1-3.

- Clearly state the purpose and principles of overview and scrutiny and ensure that all Members and officers are aware of them.
- Recommendation 1 proposing an annual work plan needs to build in flexibility to take account of changes and new initiatives during the year and enable the committee and panels to be reactive to new priorities.
- Bring reports to Panels earlier, before Cabinet report to allow more input and to influence Cabinet's decisions. This might help to address the issues about time frames from CSC to make recommendation to Council/Cabinet. Want to have early consideration of matters in order to have meaningful input into something prior to coming to Cabinet for decisions and allow for scrutiny before decision is finalised.
- It is important to ensure that all Scrutiny Members have effective scrutiny skills, e.g. listening and questioning skills, and are clear about how scrutiny fits into the broader remit of the local authority. A number of comments were made about the need for training to achieve this, both for Chairmen and other Members. It was suggested that a Skills Audit of Scrutiny Members should be undertaken to identify training needs before any training is implemented.
- Use clearer English and reduce the use of acronyms in reports.
- One group discussed and identified a list of actions for the Task Group to consider:
 - Identify what is expected from scrutiny
 - Identify how scrutineers can demonstrate independence and leadership.
 - Clarify how the role of scrutiny is communicated to witnesses and the wider public.
 - Identify the most effective scrutiny process
 - Focus on outcomes
 - Content
 - Criteria & Standards
 - Feedback.

- The proposal to open up 'sifting meetings' to all scrutiny members led to a large amount of discussion. There was some consensus that enabling members with a specific interest in an issue to attend the meeting might be helpful. However, sifting meetings must remain focussed on their task.
- Panel pre-meetings should be held to plan scrutiny and to prepare, identify lines of inquiry, types of questions and need to be clear what want out of process.
- Focus on being critical friend
 - All members to meet to put together annual work programme
 - Less reports/updates for noting focus on what we can influence
 - Top-line main issues – present main points – no long reports
 - Single issue groups focus
 - Progress reports on decisions
 - Influence the future big issues and external issues, e.g. devolution.
- Define purpose and principles.
- Up-front scrutiny is important.
- Need to develop more trust between Scrutiny and Cabinet and ensure that there is a more robust method of Cabinet responding to Scrutiny recommendations with proposed actions and/or reasons for no action.

b) Recommendations on structures

The discussions about structures considered the current committees and panels and the proposals in recommendations 4-6. There was recognition that the current model doesn't enable early scrutiny of issues through the Cabinet Scrutiny Committee (CSC). It was suggested that the Task Group should look at the proposals in the recommendations and should also look at how other authorities with structures reflecting the proposals work. The following points were made in the discussions

- CSC – Current role not always effective. Recommendations have sometimes been accepted by Cabinet but individual Councillor recommendations to CSC not often adopted by the Committee
- Corporate performance – strategic role for scrutiny, potential for duplication (with Audit & Risk) – check implementation of policies previously agreed
- Call-ins – Go back to Panel
- In relation to recommendation 7, read alongside SO refer back to Cabinet
- Emerging issues – unscheduled meetings called to deal with these. If there was capacity in the work plan these might not be needed.
- Numbers of panels – 3 plus A+ risk
 - Separate Audit & Risk from R&P
 - Specific training for Audit & Risk councillors (specialist role incl. corporate governance)
 - Proposed Independent chair – unelected – not sure whether this would work and need more information about how it might.
- Agree with Rec 4 but needs to meet more regularly (e.g. 6-weekly cycle) including Cabinet decisions and wider scrutiny role – invited reps.
- Task Groups don't have sufficient 'respect' in structure as panels, but they are important when they work effectively. Should they be proportional?
- CSC doesn't work effectively so must be deleted and replaced.
- Panels need decoupling from Cabinet and to become more independent.

c) Recommendations on relationships

The final discussion focussed on the relationship between scrutiny and other member functions and took place as a whole group discussion focussing on recommendations 7-9. A number of issues had already been identified in the previous discussions including the issues of Member training (recommendation 9). Further suggestions to be considered by the Task Group were as follows:

- The need to ensure that Member induction for new councillors explains the different aspects of the council, including Cabinet and Scrutiny Committees/Panels and how they relate to each other.
- The need for briefings by officers on key issues instead of reports for information appearing on scrutiny agenda's.
- Considering how key external stakeholders might brief Members on their priorities as part of the work programme setting process.
- There was support to implement a process for Members to raise issues for scrutiny to consider, using the Gloucester 'scrutiny on a page' approach (Appendix 1 of report). However, it was suggested that the Gloucester approach would need to be adapted to suit King's Lynn and West Norfolk.

Next steps

The previous report and this note from the workshops will be used by the Task Group to help focus its work on developing the scrutiny function within the Borough Council.

We look forward to continuing to work with you to help improve overview and scrutiny in King's Lynn and West Norfolk and we hope that the work so far can be used as a positive step towards improvement.

**Centre for Public Scrutiny
October 2015**

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FORWARD DECISIONS LIST

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
5 April 2016	Child Protection Policy Update		Non	Council	Leader Exec Dir – D Gates		Public
	Staff Pay Award		Non	Cabinet	Leader Exec Dir – D Gates		Public
	King’s Lynn: Strategic Land Acquisition		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Review of Members Allowances		Key	Council	Leader Chief Executive		Public
	Review of Scrutiny Arrangements		Non	Council	Leader Chief Executive		Public

Agenda Item 15

Date of meeting	Report title	Description of report	Key or Non Key Decision	Decision Maker	Cabinet Member and Lead Officer	List of Background Papers	Public or Private Meeting
17 May 2016	The Statement of Community Involvement		Non	Cabinet	Development Exec Director G Hall		Public
	NORA Joint Venture – Phase 3		Key	Council	Regeneration Chief Executive		Public
	Major Housing Project		Key	Cabinet	Regeneration Chief Executive		Public
	Electoral Review		Key	Council	Leader Chief Executive		Public
	RIPA Policy Review		Non	Council	Community Chief Executive		Public

	Affordable Housing Company		Non	Cabinet	Housing & Community Chief Executive		Public
	Asset Management : Land with Development Potential		Key	Council	Regeneration & Industrial Assets Exec Dir – C Bamfield		Private- Contains exempt Information under para 3 – information relating to the business affairs of any person (including the authority)
	Planning Scheme of Delegation		Non	Council	Development Exec Dir – G Hall		Public
	Devolution		Key	Council	Leader Chief Executive		Public