

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 8 December 2014 at 2.15 pm
Exe Room, Phoenix House

Next ordinary meeting
Monday, 19 January 2015 at 2.15 pm

Those attending are advised that this meeting will be recorded

Membership

Cllr J Roach
Cllr E J Berry
Cllr J Rendle
Cllr T W Snow
Cllr M E Turner
Cllr N A Way
Cllr A V G Griffiths
Cllr S Griggs
Cllr T G Hughes
Cllr M R Lee

A G E N D A

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).

- 2 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.

- 3 **MEMBER FORUM**
An opportunity for non-Cabinet Members to raise issues.

- 4 **MINUTES OF THE PREVIOUS MEETING** (*Pages 7 - 10*)
To approve as a correct record the minutes of the meeting held on 10 November 2014 (attached).

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.

5 **DECISIONS OF THE CABINET**

To consider any decisions made by the Cabinet at its meeting on 27 November 2014 that have been called-in.

6 **CHAIRMAN'S ANNOUNCEMENTS**

To receive any announcements that the Chairman of Scrutiny Committee may wish to make.

7 **DEVON COUNTY COUNCIL - CLOSURE OF CARE HOMES** (*Pages 11 - 18*)

The Committee to discuss the response received from Devon County Council to questions submitted by this Committee regarding the closure of care homes.

Correspondence attached.

8 **PERFORMANCE AND RISK** (*Pages 19 - 38*)

To consider a report of the Head of Communities and Governance providing Members with an update on performance against the corporate plan and local service targets for 2014/15 as well as providing an update on the key business risks.

9 **COUNCILLOR D F PUGSLEY HAS REQUESTED THAT THE FOLLOWING BE DISCUSSED BY THE COMMITTEE;** (*Pages 39 - 40*)

Exclusion of Press and Public. The minutes of Scrutiny Committee on 11 March 2013 and Cabinet on 28 March 2013 are relevant.

Scrutiny 11/03/13

RECOMMENDED to the Cabinet that:

(a) A training session be held for all Chairmen, Vice-Chairmen and relevant Officers regarding the use of the exemption clause in Schedule 12A of the Local Government Act 1972 regarding the exclusion of the press and public; and

(b) Whenever there is a possibility that an item may need to be discussed in part two the agenda should include a brief explanation as to why this might be the case, in plain English, and make reference to the Constitution, Article 13, which mentions a presumption in favour of openness and transparency.

Cabinet 28/03/13

RESOLVED that the above recommendations be approved.

Correspondence attached.

10 **STAFF RECRUITMENT** (*Pages 41 - 82*)

At the request of the Committee the Head of Human Resources, Learning and Development will give a briefing regarding both internal and external recruitment to the Authority.

During discussion of this item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The Committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.

ACCESS TO INFORMATION ACT – EXCLUSION OF THE PRESS AND PUBLIC

RECOMMENDED that under section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, namely information relating to an individual.

11 **ASBESTOS** (*Pages 83 - 90*)

To receive a report from the Head of Housing and Property Services providing Members with an update on the Health and Safety Executive (HSE) investigation into the alleged Asbestos Insulating Board (AIB) asbestos soffit removal by an unlicensed contractor at Brays Close, Crediton.

12 **UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ISSUES:** (*Pages 91 - 96*)

- Safeguarding - The Head of Communities and Governance attended the Districts Safeguarding Meeting on the 18th November where the safeguarding reps from the District Councils in Devon met along with the Chairman of the Devon Safeguarding Childrens Board (DSCB) and the following items were discussed:

As District Councils deal with the safeguarding of children and vulnerable adults it was felt that it would be useful to bring together training in these two areas rather than the lead officers having to attend individual sessions on safeguarding children and safeguarding adults. The DSCB are going to look into this

One of the priorities of the DSCB is to tackle Child sexual

exploitation. The DSCB briefed the district leads on the role we can play in this including discussions with licencing and tourism leads and work that can be done in respect of hotels in our area

We are required to submit our Section 11 returns (a self-evaluation of compliance with the specific and general duties in respect of safeguarding children as defined in the Children Act 2004) to the DSCB by the end of January 2015. Once the returns have been completed the District leads will discuss areas of commonality and gaps and then form a workplan to address issues we can work on jointly such as training, referral routes, policies (including HR), communication and publications and wellbeing of and support for employees.

The next meeting is likely to be in early February 2015.

- Planning Committee Procedures: – Members are asked to note that there has been a delay in the issue of this report which will be considered by the Planning Committee. Following this, the report will be further considered by the Scrutiny Committee at the next available meeting.
- Chief Executive of the Police Commissioners Office: – Answers to questions raised by the Committee are attached to the agenda.
- Active Daily Living Equipment (ADL): – Following discussion at the meeting of this Committee held on 30 September 2014, Devon County Council have provided the attached response.
- Harlequin Valet - Following its deferral from the last meeting of this Committee the Head of Planning and Regeneration will attend the next meeting on 19th January to answer outstanding queries regarding the time-line and fill any gaps. Also to discuss any recommendations that could be developed from the section titled summary and points for consideration.

13 IDENTIFICATION OF ITEMS FOR THE NEXT MEETING

Members are asked to note that the following items are already identified in the work programme for the next meeting:

Review draft budget review for 2015-16
Car Parking update from Cabinet Member
Reorganisation/Redundancies within the Council
Harlequin Valet update
Procurement Working Group Report

Note: - this item is limited to 10 minutes. There should be no discussion on items raised.

Kevin Finan
Chief Executive
Friday, 28 November 2014

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Members of the public may also use other forms of social media to report on proceedings at this meeting.

Members of the public are welcome to attend the meeting and listen to discussion. Lift access to the Council Chamber on the first floor of the building is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available. There is time set aside at the beginning of the meeting to allow the public to ask questions.

An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, or

If you would like a copy of the Agenda in another format (for example in large print) please contact Julia Stuckey on:

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MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on Monday 10 November 2014 at 2.15pm

Present

Councillors: Mrs J Roach (Chairman), E J Berry, A V G Griffiths, M R Lee, Mrs J R Rendle, Cllr T W Snow and N A Way

Apologies

Councillors: T G Hughes and Mrs M E Turner MBE

Also Present

Councillors: R M Deed, Mrs L J Holloway, M A Lucas, D F Pugsley, R L Stanley, K D Wilson and N Woollatt

Also Present

Officers: J May (Head of Human Resources, Learning and Development), J Guscott (Head of Planning and Regeneration) A Tregellas (Head of Communities and Governance), S Noyce (Waste and Transport Manager) and J Stuckey (Member Services Officer)

91 **PUBLIC QUESTION TIME**

There were no members of the public in attendance.

92 **MEMBERS FORUM**

There were no issues raised under this item.

93 **MINUTES OF THE PREVIOUS MEETING – 20 October 2014**

The Minutes of the Meeting held on 20 October 2014 were approved as a correct record and **SIGNED** by the Chairman.

94 **DECISIONS OF THE CABINET – 30 October 2014**

The Committee **NOTED** that none of the decisions made by the Cabinet on 30 October 2014 had been called in.

95 **CHAIRMAN'S ANNOUNCEMENTS**

The Chairman had no announcements to make.

96 **WASTE AND TRANSPORT MANAGER**

The Chairman introduced the new Waste and Transport Manager, Mr Stuart Noyce, to the Committee.

The Officer gave some background to the Route Optimisation project that had taken place in April 2014. He explained that the project had taken place with the intention of;

- Coinciding with the annual issue of collection calendars;
- Matching collection days for waste and recycling;

- Reducing costs by making routes more efficient;
- Introducing zone working.

He was pleased to confirm that all but 200 properties now had waste and recycling collections on the same day and that zone working was in place. This allowed for more economical management of events such as vehicle breakdown. The new routes had not proved to be as efficient as anticipated and savings had not materialised, however minor 'tweaking' was still taking place which would show some efficiencies.

The performance for missed collections had improved in the last quarter and was now back to a normal, or better than normal, level.

Recycling staff had been moved to 'task and finish' working on a trial basis and this had proved to be positive. The Officer was meeting with Human Resources that week to discuss options for making this permanent. A meeting had been scheduled for the waste staff to clarify task and finish.

Mileage for the recycling fleet had reduced following the move to the new depot in Tiverton. The Waste and Transport Manager agreed to provide the group with mileage savings following the meeting.

In general he informed the Committee that staff moral had improved and performance was back to normal levels.

Ten new recycling vehicles had been ordered which would be delivered over the next two months, with the first two vehicles expected shortly.

He continued by informing the Committee that the extra costs of implementing Route Optimisation, and dealing with the problems which occurred, was shown on Financial Monitoring as a variance. The Committee requested clarification about what figures were extra costs and which were savings not found.

Discussion took place regarding:

- New vehicles and their suitability to 'do the job';
- Savings that would be made on maintenance when the new vehicles were in service;
- The possibility of holding another WEEE (Waste Electrical and Electronic Equipment) Amnesty at Station Yard;

The Committee discussed the matter of communal storage areas for recycling and waste at new developments in the District. The Head of Planning and Regeneration explained that there was a policy in place which required developers to provide adequate facilities for waste and recycling. He agreed that the Planning Service and Waste Service needed to liaise over future provision when the new scheme was agreed for October 2015.

The Waste and Transport Manager informed the Committee that he had staff (District Officers) that he would task to look into the ongoing matter of bins being permanently left outside at new properties in Cullompton. The Officer also informed the Committee that it was possible to educate/enforce recycling regarding households that continued to put out black sacks and not recycle at all.

RECOMMENDED that the Managing the Environment Policy Development Group look into areas of concern regarding the provision of facilities for waste and recycling in new developments.

(Proposed by the Chairman)

97 **HARLEQUIN VALET**

The Committee had before it * supportive documents provided by Councillors Mrs N Woollatt and Mrs L J Holloway who had requested that the Committee scrutinise the 'Independent Review of Matters Concerning Harlequin Valet, Cullompton' to consider whether the content of the report sufficiently addressed and answered the concerns which had led Cllr Woollatt to call for an inquiry, and to seek answers to any gaps which may be found.

Secondly, that based on the findings of the review and any subsequent findings from their scrutiny, that recommendations were formed to address problem areas.

Councillor Woollatt informed the Committee that in her opinion it was lucky that no serious injury or fatality had occurred following the collapse of the building concerned.

She explained that her concerns into how the matter had been dealt with had led to the original request for an inquiry which had resulted in the report which was being discussed today. However Councillor Woollatt considered that there were questions that remained unanswered and gaps in the time line which needed to be answered.

The Councillor pointed out that there was nothing in the report to say what action had been taken between 11th January 2010, when there was a fire at the premises and the 6th January 2011 when parts of the soffit and fascia fell from the building and then from December 2011 until January 2014 when there was a partial collapse at the building.

Councillor Mrs Holloway explained that she did not consider the 'Summary and Points for Consideration' part of the report to be specific enough. She felt that there needed to be recommendations put in place for actions that would prevent a similar situation occurring in the future.

It was **AGREED** to defer this item until the next meeting of the Committee so that Officers could investigate the time-line and fill any gaps. Also that recommendations be developed from the section titled summary and points for consideration.

Note: * previously circulated, copy attached to the minutes.

98 **COUNCILLOR D F PUGSLEY (01hrs.32mins.00secs)**

Councillor Pugsley asked the Committee if they considered the Council to actually have a powerful and effective system for holding decision-makers to public account?

Councillor Pugsley also asked why, with regard to a planning appeal at Bampton which ended up costing the Council £30K, the Planning Committee did not take the decision to resist the planning appeal at all costs?

Discussion took place regarding the effectiveness of the Councils Scrutiny function. It was agreed that if decisions were not made properly it was the role of the Scrutiny Committee to investigate. The earlier agenda item regarding the Harlequin Valet was an example of this.

The Committee discussed the lack of Officer support to the Committee and the fact that Officer support given is from the Committee Clerk and not a designated Scrutiny Officer and that the Lead Officer for Scrutiny had recently been changed. It was **AGREED** that lack of resource was part of the problem.

It was further **AGREED** that in future if the Committee requests the attendance of a decision maker, every effort should be made to ensure that this happens.

The Committee also discussed minutes of meetings and the fact that Chairman do not get to see the minutes before they were published on the internet.

RECOMMENDED to Council that in future all minutes of meetings are seen by the Chairman of the meeting prior to publication on the internet.

(Proposed by Cllr N A Way and seconded by A V G Griffiths)

It was felt that although there was still room for improvement the Scrutiny Committee was moving in the right direction with regard to holding decision makers to account.

99 **UPDATES AND ITEMS TO NOTE REGARDING OUTSTANDING ISSUES:
(02hrs.08mins.00secs)**

The updates were noted.

100 **IDENTIFICATION OF ITEMS FOR THE NEXT MEETING: 8 December 2014**

No additional item/s, other than those already identified in the work programme, were requested to be discussed at the next meeting:

Performance and Risk
Staff Recruitment – to include the use of Consultants
The Pro's and Cons of Cabinet v Committee
The cost of holding a referendum
Harlequin Valet

(The meeting ended at 4.23 pm)

CHAIRMAN

1. Devon County Council (DCC) have maintained that residents will always be treated with dignity and respect throughout the process. In the light of this why did DCC arrange staff meetings and press releases on 16th June to announce their decision? Why were relatives not contacted to arrange for them to be there for support when the decision was announced?

Residents are always treated with utmost dignity and respect and this has continued throughout this process. The method of communicating the decision was very carefully considered. Care home managers were informed at a meeting early on the morning of the decision so that they could be given the information together and take letters for their residents and staff back to their homes. They were tasked with returning to their homes and speaking to staff on duty in order that they could support residents, while managers contacted resident's next of kin. It was important that residents heard the information on the day of the decision and as soon as possible. Managers and staff were very careful to ensure they put their own thoughts or concerns aside, and provided the very best support to their residents on this difficult day and afterwards.

2. Why was the closure so aggressive in terms of timings? The Birmingham University report "Achieving Closure" suggests a minimum of two – three months' notice from the date of the announcement.

Closure of homes has not been aggressive, the Association of Directors of Adult Social Services (ADASS) are the definitive best practice guidelines, they were informed by the Birmingham report and are being successfully followed. Many residents have already achieved their preferred new home. A specialist team of staff has worked with residents and their families to support their moves. This support is at the pace the resident and their family wish to proceed through an assessment of need, provision of support, information and choice about available options.

There are a growing number of successful moves which have improved the outcome for those involved. Moves have been made to a number of areas of the country including Scotland and Wales where individuals chose to move closer to their families. People have moved into larger en-suite rooms as a result of choice. People wanting to move together have been able to. The transition teams are very experienced and know how to ensure people are properly supported. Many residents and their families have been finding their own new home ahead of the advertised phasing, often closer to their relatives. At the date of the decision there were 257 residents in our homes, the current figure is under 138.

3. Why was the budget for Fairlea not appropriately amended after the operational beds were amended between 2012-13 and 2013-14 from 33 beds to 10 beds? This meant that Fairlea came in over £115,000 under budget for 2013-14 yet the budget figures were used to feed the £906 figure for bed costs.

The underspend was factored into the calculation for the actual average unit cost within the consultation document. The number of operational beds was reduced at Fairlea following an adverse CQC inspection. The high level of dependency of remaining residents alongside the layout and size of rooms within Fairlea meant that operational bed numbers remained static into the following year. The underspend for 2013/14 was forecast at £62k because of reduced staffing (staff leaving). The cost per room has consistently been stated to be the average cost.

4. Why are the budget versus actual figures for some homes so inaccurate? For examples Alphin House came in £100k under budget in the financial year.

The figures are not inaccurate, DCC budgets are for the whole service and allocated by dividing the budget by the total number of usable beds. This figure is then allocated to each home on the basis of the number of rooms in each home.

In year budget savings were made at Alphin during 2013-14 because the Manager worked across 2 residential homes. In addition, individual dependency levels lowered and meant that fewer staff were required by redesigning shift patterns. The staffing budget was reduced by £58k during the 2014-15 budget preparation process to reflect the savings.

5. Why were spare beds not used by self-funding residents to off-set costs?

There are few spare beds. It is wrong to assume that there has been under use of DCC beds. The bed numbers in the consultation only represent the residential use and most spare beds are taken up by respite and short stay cases which have actually delivered an occupancy close to the private sector average occupancy. DCC have also closed rooms because they are not suitable for increased dependency. The higher costs of DCC rooms mean the cost of care for self funders in a Devon County Council care home is higher than most people pay a private sector home for their residential care,

6. Why did DCC not look at the CQC reports when it was looking at availability of spaces? For example, it references Margaret Allen House as a potential but this had failed a CQC inspection at the time of the sample and has failed another since.

DCC does not place residents in homes that have adverse CQC inspection outcomes. DCC monitors CQC inspection reports and works closely with independent sector providers to improve their performance and also works with the CQC to support provider improvement. DCC meets its commissioning requirements with 90%+ of funded residents currently in private sector homes. There has been no safeguarding issue raised at Margaret Allen House.

7. Why is there so much variety between homes in terms of agency staffing? What are the guidelines given to homes? 19% of staff costs at Harewood were on agency as opposed to, for example 3% at Charlton Lodge.

DCC has a below average rating for the use of agency staff and has reduced the numbers of agency staff used each year. It isn't correct to compare different areas in the way indicated because the supply and availability of people varies from area to area and it is necessary to meet assessed needs. DCC is not legally able to provide the specialist 1:1 support required for small number of residents who have NHS Continuing Healthcare eligibility so this is commissioned through agencies and recharged to the NHS

8. What is the status of the twelve expressions of interest in the homes and are any moving forward?

The Council did not request expressions of interest in its residential homes, however some 12 initial enquiries have been received which range from simple questions about what is to happen to the building, to when the site may become available for other purposes and to interest in continuing to use the home for residential services. No action is being taken regarding any of these contacts at this point. Following the decision that DCC will cease to be a provider of residential care it is not appropriate to open discussions whilst there are still residents in the homes. Until there was a confirmed decision it wasn't possible to respond to expressions of interest. Responses are being considered. It should be noted that new owners of care homes would have to be capable of achieving a new registration with CQC and ensure buildings meet current standards for size of rooms etc. Registration transfer is not possible.

9. When will Well UK, the independent body overseeing the process, be publishing its findings to the public?

Well UK is not overseeing the process. Transitions are managed by very experienced DCC staff. Well UK is evaluating how the process was received by sampling residents, day service users and their families who have moved to new homes or day services. It is expected that an interim report will be presented to the DCC scrutiny committee when there are sufficient numbers sampled.

10. In Cllr Barkers statement he says that the need for residential care is reducing each year. Was the decision to close the homes partly based on this assumption. Is the need reducing and can this be validated?

The decision report details the issues that led to the decision that was taken. The number of residential placements purchased by DCC is currently reducing around 9% per year. The figures are contained in regular performance reports submitted to the DCC scrutiny committee. The expectation of DCC and government is that more people will be cared for at home as this is the preference people express.

11. Has Council has considered the effect on the NHS of bed blocking? The acute sector had been failing to discharge people.

Recent government reports clearly indicate that social care is not the main cause of delayed discharges, this rests with the NHS. DCC has a responsibility to work with Health Partners to reduce incidents of delayed discharges from hospital. Devon has a good history of close joint working as evidenced by the effective Complex Care Teams in place across the county. Health and social care teams work in partnership to prevent unnecessary admissions into hospital and facilitate discharge. The NHS has lead responsibility for intermediate care, there are very successful jointly provided schemes in Devon where people are discharged straight home with intensive support from their GP and teams of health and social care professionals.

12. If there are no DCC homes and the authority has a statutory obligation to provide care for anybody, what happens if they cannot find anyone to take the client at the stated rate of £459.00? Is there a limit to what they will pay and has that been built into the budget?

DCC commissions the overwhelming number of beds it needs from the private sector, currently this is in excess of 90%. The private sector also reports a reduction in bed use and representatives of the private sector report average occupancies now of 85%, so supply is not anticipated to be an issue. The Care Act will use the care costs determined by the Local Authority as the cost of care used to build the care account individuals in care will need to have. DCC has met the local care costs of people with an assessed need which is why the decision report indicated both the cost of care and the average amount paid. The latter accounted for the average including where premiums have been paid over the year.

13. How can you be sure that the private sector has the capacity to meet the need for social care? If there is insufficient capacity how do the Council to propose to deal with this?

There is sufficient capacity. DCC has had a statutory responsibility to develop market sufficiency for some time and does this with grants and training support. The private sector has been seeing the number of unused rooms increase. The CQC website details the bed numbers available at all homes in Devon. The amount of available capacity varies from day to day.

14. Would it have been cheaper and more humane to allow other providers to come in and take over the service so that the residents didn't have to move?

DCC has previously made two attempts to have other organisations take over its homes. The same decision was made by a previous administration in 2006 which led to a potential new owner. This failed when they could not meet the cost of modernising the homes. A further attempt failed in 2011 when a tender was published allowing each home to be acquired individually with no cost expectation. There were no bids made for any home. The costs of taking over a DCC home would need to include TUPE and pension costs so taking such action would not reduce costs. A new owner would also need to meet the costs of a new registration with CQC which would need to meet the current standard for room sizes.

15. Do DCC intend to sell the land off for housing when they have closed the homes?

DCC have a current policy to create and support additional capacity of Extra Care Housing similar to a scheme proposed in Tiverton. This enables people to live independently but still benefit from the availability of onsite 24/7 care.

16. Will Cllr Barker and Mrs Stephens be willing to come to a meeting once the outcome of the judicial review is known?

There is currently no Judicial Review. A challenge has been made but it requires the Court's permission to take the challenge forward to a Judicial Review. This will not be determined until late November. If permission is granted it is not anticipated that it will be heard until sometime next year.

17. Have staff been offered the opportunity to run the homes under the Localism Act or advised on the options that are available such as social enterprise?

There is no requirement in the Localism Act to make such an offer and there are restrictions on the support that can be provided. There is legislation which allows bids to run Council services but there are conditions on this in terms of when bids have to be made. It is not likely that a social enterprise will be able to reduce costs if an existing service is taken over as TUPE regulations and pension transfers will apply and transfers will require a new CQC registration which meets current standards.

18. When did the Council decide to reduce occupancy numbers or restrict admissions?

No such decision was made and the occupancy during the year ended March 2014 was not reduced from the previous year so there is no evidence of restricted admissions. Occupancy does not just include residential care beds. The proposal was to cease being a provider of residential care so the beds used for respite and short stays were not included in the bed numbers, when including the additional bed uses the overall occupancy the beds used for respite care and short stay have to be included. When they are occupancy for the year ended March 2014 was around the same average of private sector homes.

The launch of the review of residential services in December 2013 meant that anyone considering a DCC Residential Care Home was advised of the review and potential outcome; it was the personal choice of individuals to decide where they were placed. There were long stay admissions during the process.

19. Has consideration been given to adapt premises so that they come up to CQC standards?

Yes it would have been a capital cost which is not affordable when the care beds needed by DCC can be purchased from the private sector at a significantly lower cost to the revenue budget.

20. Would Cllr Barker like to comment on the story of a patient aged 96 who had been discharged from hospital but was in need of respite care? There had been no spaces locally so he had been sent out of the county and away from family and friends. The care he had received was poor so he had discharged himself.

I do not comment on anecdotal information. Respite care is not used to facilitate hospital discharges; it is extensively used to provide breaks and holidays for carers. The answer to question 11 covers hospital discharges. We would be happy to investigate any such complaint, to investigate an issue the permission of the individual is needed alongside their name, address, the hospital and the dates.

21. A question was asked about the location of the two specialist dementia homes, where are they and if they are not in Mid Devon, where would people who live in Mid Devon access this specialist provision?

One is in Torrington and the other is in Newton Abbot. There is private sector dementia provision available across all areas of Devon. DCC has a statutory responsibility to ensure market sufficiency so it has been working with private sector homes for some time to increase the number of residential placements available for people with dementia. The CQC website indicates where specialist homes exist in Mid Devon.

22. How is respite care going to be provided and how are carers going to be supported by being able to book in advance regular respite care?

The majority of respite beds are currently purchased from the private sector and the current arrangements will continue to apply. Devon has commenced a tender to this market to block contract for bookable respite rooms. These contracts are due to be let before the end of November 2014.

23. How much time is to be allocated to individuals that are receiving care in the community?

People with an assessed care need who are eligible for DCC support receive a personal care plan which describes how their assessed need will be met; there is no specific time, the care plan allocates time according to assessed need. To maintain current eligibility criteria DCC needs to reduce costs.

24. Is the need for human interaction and company to be provided for when assessing and allocating carer's time?

Care workers provide practical support and personal care in a way which involves sensitive interaction and company. The relationship between a carer and the person they support with intimate personal care tasks is extremely important. Additionally, in order to provide a more universal approach DCC is starting to engage communities to create local volunteer befriending schemes. This extends and complements the dementia friendly communities we have already supported.

25. Concerning the risk assessments undertaken the score appeared to be too low given the high level of risk associated with an unwanted move.

Risk assessments at a home by home level are continually monitored and refreshed to provide a guide, the comment is a personal one which doesn't appear qualified by any evidence. In terms of residents each individual has a personal risk assessment as part of the broader assessment process completed by qualified professionals and this is extended to transfers.

26. If the homes are sold what does DCC intended to do with the capital receipts if DCC decided to sell the buildings. Would this money be ring-fenced for care services?

DCC has a strategy to support provision of extra care housing to provide independent living with 24/7 on site care. Mid Devon council has been aware of this for sometime and has indicated support for a local scheme. Sites will be considered for social care needs first. If there is subsequently no take up then the site will be declared surplus and will be the responsibility of the corporate property department. Capital receipts are not ring fenced and cannot be used to support revenue costs.

27. When will a Strategy for the Elderly be written?

Policies and Strategies which support older people have been in existence for sometime and are regularly reviewed in the light of changes to legislation, government direction and funding. DCC has a Strategic Plan which indicates support for vulnerable people. Examples of legislation which change strategies are The Better Care Fund, The Care Act and Transforming Community Services, just some recent ones.

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Your Ref:
Our Ref:

Councillor Barker
7d International House
Battle Road
Heathfield
Newton Abbot
TQ12 6RY

Date 25 November 2014

Dear Stuart,

Thank you for your response to the questions raised by the Mid Devon District Council Scrutiny Committee. Thank you for your comprehensive answers, I would however like to seek clarification on some of the issues and raise some further questions.

One of the main concerns is the lack of clear information in all our correspondence in relation to options available under the Localism Act. It appears that expressions of interest have to be made in March, as the decision to close was taken after March 2014, does this mean that expressions of interest could be made in March 2015?

Did any staff members show an intention to set up a social enterprise? Were staff informed at any time of this option and the Government's commitment to encouraging staff to take over and run services?

Mid Devon District Council supported a bid for a 50 bed care home in the grounds of Alexandra Lodge. At the point this decision was made Councillors were unaware that Charlton Lodge would be closing. In the report to Council regarding the provision of this extra care facility Devon County Council committed £1 million and MDDC committed £300k to the scheme. Given the change in circumstances, could that finance be used to refurbish Charlton Lodge to provide the extra care housing which is predicted will be the way to meet future needs?

The question relating to risk assessments has still not be answered, the risk assessment as printed in DCC reports assesses risk, following mitigation, as a 'possible minor' – all available information indicates that the risk of an enforced move is higher than has been assessed.

In your response to Question 9 you state 'Well UK is not overseeing the process. Transitions are managed by very experienced DCC staff. Well UK is evaluating how the process was received by sampling residents, day service users who have moved to new homes or services and their families.' Please would you explain how Well UK are going to sample the people involved in the moves, what is the sample percentage/number? When will Well UK be reporting back and who will be receiving their report. Will this report go directly to DCC Scrutiny?

In your response, you state 'it is expected that an interim report will be presented to Scrutiny when there are sufficient numbers sampled' surely, as this is an ongoing process, the Scrutiny committee will want to be aware of the effect of these moves on those who have



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already moved? It might be that information on the progress of the planned closures may require a re-evaluation of the process?

The Centre for Public Scrutiny (What Rotherham and Mid Staffordshire tell us about Scrutiny, and where it's lacking. September 2014) make several relevant points, in particular; 'In both Stafford and Rotherham, scrutiny appears to have placed too much store on the assurances of people in authority that everything was fine. Even if they had wanted to ask challenging questions, it appears they did not have access to the information to do so.' In view of these comments it would be helpful if the question in relation to Well UK and the evaluation to date could be made available before the next round of closures takes place.

Do all residents and service users involved in the planned moves have access to independent advocates?

You did agree to attend one of our Scrutiny meetings; however, you avoided answering that question in my last email! If members of the MDDC Scrutiny committee would still like you to attend a meeting, would you be available?

I look forward to your response.

Kind regards,

Jenny

Cc Scrutiny Agenda.
Scrutiny Chairman DCC

SCRUTINY COMMITTEE 8 DECEMBER 2014:

PERFORMANCE AND RISK FOR THE FIRST TWO QUARTERS OF 2014-15

Cabinet Member Cllr Clive Eginton
Responsible Officer Head of Communities & Governance

Reason for Report: To provide Members with an update on performance against the corporate plan and local service targets for 2014/15 as well as providing an update on any key business risks.

RECOMMENDATION: That the Committee reviews the Performance Indicators and Risks that are outlined in this report and feeds back any areas of concern to Cabinet.

Relationship to Corporate Plan: Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

Financial Implications: None identified

Legal Implications: None

Risk Assessment: If performance is not monitored we may fail to meet our corporate and local service plan targets or to take appropriate corrective action where necessary. If key business risks are not identified and monitored they cannot be mitigated effectively.

1.0 Introduction

- 1.1 Appendices 1-6 provide Members with details of performance against the Corporate Plan and local service targets for the 2014/15 financial year.
- 1.2 Appendix 7 shows the higher impact risks from the Corporate Risk Register. This includes operational and Health and Safety risks where the score meets the criteria for inclusion

2.0 Performance

Managing the Environment Portfolio - Appendix 1

- 2.1 Performance has improved this quarter but some of the improvement, to recycling for example, is to do with the time of year. The missed collections logged are markedly better now the new rounds have become established.
- 2.2 Where benchmarking information is available for the previous year it is included.

Decent and affordable Homes Portfolio - Appendix 2

- 2.3 All Repairs PIs are either at or above target meaning that performance continues to be good with void times coming down significantly from 17 days for 2013-14 to 14 days for the first 6 months of 2014-15.
- 2.4 Rent Collection performance is very good with both PIs above target.

Community Well Being Portfolio - Appendix 3

- 2.5 The number of empty shops in quarter 2 has gone down for Crediton which is now on target; however both Tiverton and Cullompton have 1 more empty shop this quarter compared to quarter 1.
- 2.6 The Leisure performance is slightly below target.

Planning and Regeneration Portfolio - Appendix 4

- 2.8 The Planning performance is taken from the last report to Planning Committee.

Working Environment Portfolio - Appendix 5

- 2.9 The high volume of complaints in the first quarter due to the waste round changes have had an impact on quarter 2 as well as some were still due to a delay in updating the system.

Finance Portfolio - Appendix 6

- 2.10 All PIs are above target.

3.0 Risk

- 3.1 The Corporate risk register is reviewed by Management Team (MT) and updated quarterly. Risk reports to Audit Committee, Cabinet and Scrutiny continue to include risks with a total score of 15 or more and all those with an impact score of 5. (Appendix 8)
- 3.2 As Service Business Plans for 2014-15 are approved any risks identified which meet the above criteria for inclusion will be added to the corporate risk register.

3.3 The profile of these risks for this quarter is:

| | | | | | | |
|---------------|----------|-------------------|----------|----------|----------|----------|
| Impact | 5 | 14 | 2 | | | |
| | 4 | | | | | |
| | 3 | | | | | |
| | 2 | | | | | |
| | 1 | | | | | |
| | | 1 | 2 | 3 | 4 | 5 |
| | | Likelihood | | | | |

4.0 Conclusion and Recommendation

4.1 That the Committee reviews the performance indicators and any risks that are outlined in this report and feeds back any areas of concern to Cabinet.

Contact for more Information: Amy Tregellas, Head of Communities & Governance ext 4246

Circulation of the Report: Management Team and Cabinet Member

MTE PDG Performance Report - Appendix 1

Quarterly report for 2014-2015

No headings

For Environment - Cllr Neal Davey Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

| | | | | | | |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|
| Performance Indicators: | No Data | Well below target | Below target | On target | Above target | Well above target |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|

MTE PDG Performance Report - Appendix 1

| Performance Indicators | | | | | | | | | |
|------------------------|--------------------------------|--|---------------|---------------|----------------|--------|--------|--------|--------|
| Status | Quartile | Title | Prev Year End | Annual Target | Current Target | Q1 Act | Q2 Act | Q3 Act | Q4 Act |
| Well below target | 2014-2015 No Data Available | <u>Increase Dry Recycling Rate to 20% by 2015</u> | 14.89% | 20.00% | 20.00% (2/4) | 13.46% | 14.13% | | |

Management Notes:
(Quarter 2)
Dry recycling continues to be around the 14% rate. The collection of cardboard and mixed plastics in the future will increase this rate .

(SN)

| | | | | | | | | | |
|--------------|--|---|-------|-------|-------------|-------|-------|--|--|
| Above target | 2012-2013 Best Performing District Councils | <u>Residual household waste per head</u> | 482.3 | 455.0 | 227.5 (2/4) | 115.8 | 223.7 | | |
|--------------|--|---|-------|-------|-------------|-------|-------|--|--|

Management Notes:
(Quarter 1 - 2)

Residual waste down slightly against same period last year. Possible that this relates to disruptions with service and householders finding alternative disposal routes.

(SN)

| | | | | | | | | | |
|--------------|---|--|-------|-------|-------------|-------|-------|--|--|
| Above target | 2012-2013 Above Median District Councils | <u>% of Household Waste Reuse, Recycled and Composted</u> | 46.7% | 50.0% | 50.0% (2/4) | 50.5% | 51.6% | | |
|--------------|---|--|-------|-------|-------------|-------|-------|--|--|

Management Notes:
(Quarter 2)

A 1% increase on the same 1/4 last year. This will relate to a reduction in waste arisings during the first half of the year. The recycling rate will also be higher in the 1st half of the year due to high levels of garden waste collected.

(SN)

| | | | | | | | | | |
|-----------|--------------------------------|--|-----|--|--|-------|-------|--|--|
| No Target | 2014-2015 No Data Available | <u>Number of Missed Collections logged per Quarter (refuse and organic waste)</u> | 661 | | | 1,190 | 1,542 | | |
|-----------|--------------------------------|--|-----|--|--|-------|-------|--|--|

Management Notes:
(Quarter 2)

The number of reported missed collections for this 1/4 (Jul- 171, Aug - 97, Sept - 84) have continued to fall as rounds have been become established. Approx. 151,000 collections made per month.

(SN)

| | | | | | | | | | |
|-----------|-----------|---|-----|--|--|-----|-----|--|--|
| No Target | 2014-2015 | <u>Number of Missed Collections logged per</u> | 652 | | | 719 | 976 | | |
|-----------|-----------|---|-----|--|--|-----|-----|--|--|

DAH PDG Performance Report - Appendix 2

Quarterly report for 2014-2015

No headings

For Decent and Affordable Homes - Cllr Ray Stanley Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

| | | | | | | |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|
| Performance Indicators: | No Data | Well below target | Below target | On target | Above target | Well above target |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|

DAH PDG Performance Report - Appendix 2

| Performance Indicators | | | | | | | | |
|--|--|---------------|---------------|----------------|---------|---------|--------|--------|
| Status | Title | Prev Year End | Annual Target | Current Target | Q1 Act | Q2 Act | Q3 Act | Q4 Act |
| Well below target | <u>Deliver 15 homes per year by bringing Empty Houses into use</u> | 16 | 15 | 8 (2/4) | 2 | 6 | | |
| Management Notes: (Quarter 2) | | | | | | | | |
| Resources for delivery of this target need to be re-examined. Limited work is carried out by the PSH Lead officer as the Empty Homes delivery role has been stripped out of the PSH resource following various restructuring. This will need to be considered during the review of the current Empty Homes Strategy and Action Plan which runs out in March 2015 | | | | | | | | |
| (HS) | | | | | | | | |
| Well below target | <u>Number of affordable homes delivered (gross)</u> | 68 | 80 | 40 (2/4) | 0 | 4 | | |
| Management Notes: | | | | | | | | |
| On target | <u>% Emergency Repairs Completed on Time</u> | 99.74% | 100.00% | 100.00% (6/12) | 100.00% | 100.00% | | |
| Management Notes: | | | | | | | | |
| On target | <u>% Urgent Repairs Completed on Time</u> | 100.00% | 100.00% | 100.00% (6/12) | 100.00% | 100.00% | | |
| Management Notes: | | | | | | | | |
| On target | <u>% Routine Repairs Completed on Time</u> | 99.96% | 100.00% | 100.00% (6/12) | 100.00% | 100.00% | | |
| Management Notes: | | | | | | | | |
| Above target | <u>% Repairs Completed at First Visit</u> | 99.86% | 99.90% | 99.90% (6/12) | 100.00% | 100.00% | | |
| Management Notes: | | | | | | | | |
| Well above target | <u>Ratio of expenditure between planned and responsive repairs</u> | 76.24 | 70.30 | 70.30 (2/4) | 81.19 | 82.18 | | |
| Management Notes: | | | | | | | | |
| Above target | <u>Rent Collected as a Proportion of Rent Owed</u> | 100.66% | 100.50% | 100.50% (6/12) | 98.09% | 100.82% | | |
| Management Notes: | | | | | | | | |
| Well above | <u>Rent Arrears as a Proportion of Annual</u> | 0.72% | 1.00% | 1.00% (6/12) | 1.11% | 0.47% | | |

DAH PDG Performance Report - Appendix 2

| Performance Indicators | | | | | | | | |
|--|---|---------------|---------------|-----------------|--|----------|--------|--------|
| Status | Title | Prev Year End | Annual Target | Current Target | Q1 Act | Q2 Act | Q3 Act | Q4 Act |
| target | <u>Rent Debit</u> | | | | | | | |
| Management Notes: | | | | | | | | |
| Well below target | <u>% Decent Council Homes</u> | 83.45% | 100.00% | 100.00% (6/12) | 81.55% | 89.20% | | |
| Management Notes: (October) | | | | | | | | |
| As at the end of September 147 properties had been completed with £400k of the back log funding. | | | | | | | | |
| (NS) | | | | | | | | |
| Below target | <u>% Properties With a Valid Gas Safety Certificate</u> | 100.00% | 100.00% | 100.00% (6/12) | 99.91% | 99.72% | | |
| Management Notes: (October) | | | | | | | | |
| A bad month for instances of non-compliance, caused by a combination of poor administration in the main offices that issue the appointment letters and MDDC tenants not keeping appointments. All are now in the process of enhanced efforts to gain access. 2 are at the Administrator stage (Stage 3) the remainder require additional input from the contractor and MDDC before we can safely progress them to a higher level of intervention. The hope is to gain access before the need to take further (Legal) action. | | | | | | | | |
| (WD) | | | | | | | | |
| Well below target | <u>Average Days to Re-Let Local Authority Housing</u> | 19.9days | 17.0days | 17.0days (6/12) | 20.0days | 22.6days | | |
| Management Notes: (October) | | | | | | | | |
| We have now divided the time spent in Housing Needs into lettable and un-lettable days. The un-lettable days relate to the period between when the keys are returned from Repairs and the following Monday, as Monday is the first day a property can be let. In September there were 2 days "un-lettable "time with Housing Needs. | | | | | | | | |
| (MP) | | | | | | | | |
| Printed by: Catherine Yandle | | | SPAR.net | | Print Date: Friday, November 07, 2014 14:42 | | | |

CWB PDG Performance Report - Appendix 3

Quarterly report for 2014-2015

No headings

For Community Well-Being - Cllr Colin Slade Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Not calculable

Key to Performance Status:

| | | | | | | |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|
| Performance Indicators: | No Data | Well below target | Below target | On target | Above target | Well above target |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|

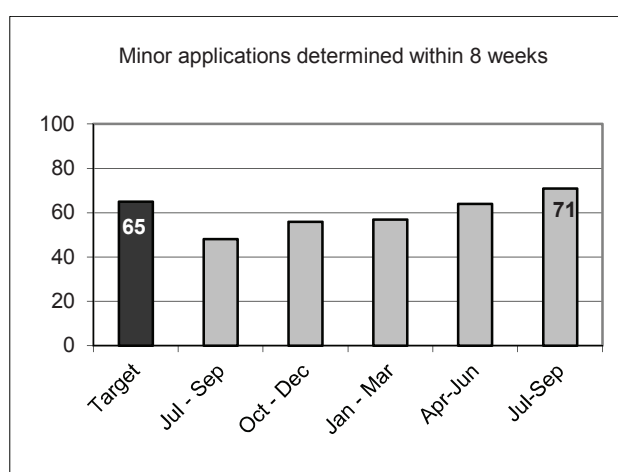
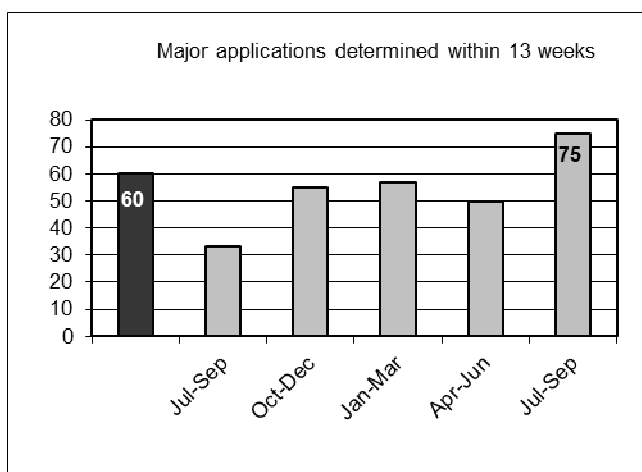
CWB PDG Performance Report - Appendix 3

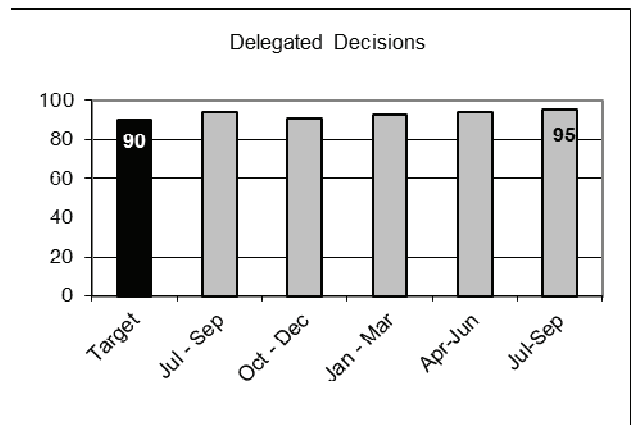
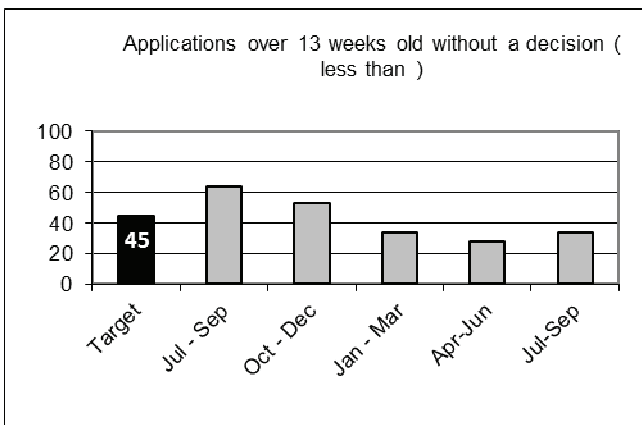
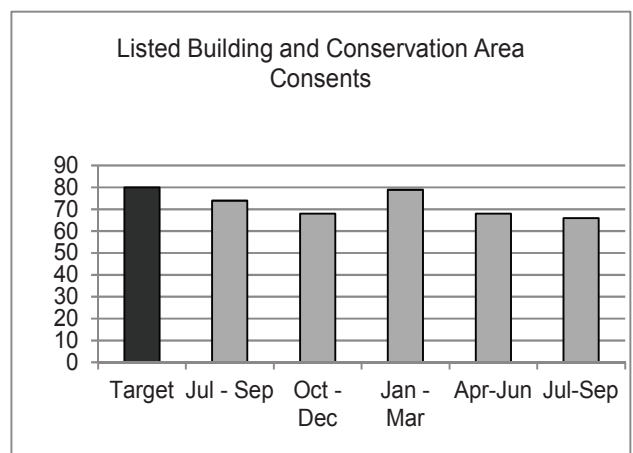
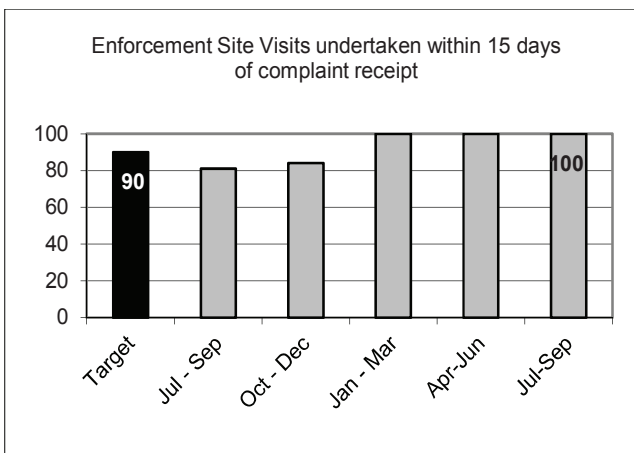
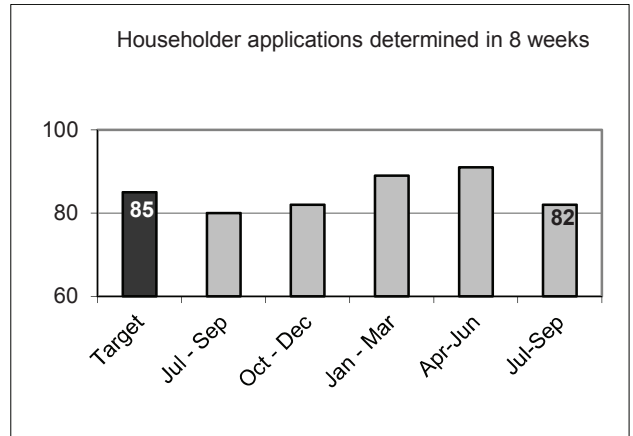
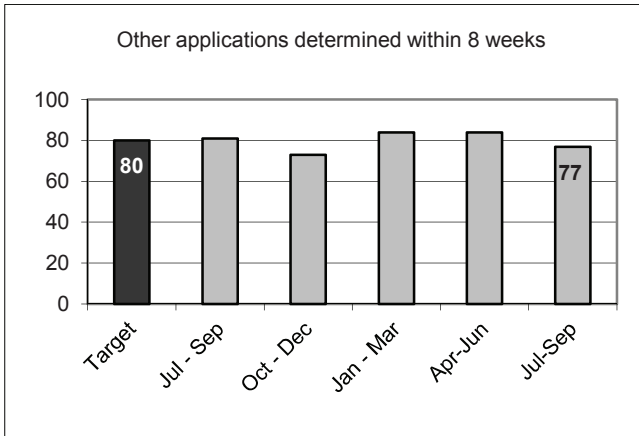
| Performance Indicators | | | | | | | | |
|--|--|---------------|---------------|----------------|--------|--------|--------|--------|
| Status | Definition | Prev Year End | Annual Target | Current Target | Q1 Act | Q2 Act | Q3 Act | Q4 Act |
| Well above target | <u>Target is a maximum of 8.00% empty shop units out of total shop units (as per Planning Use Classes). (TIVERTON)</u> | 18 | 20 | 20 (2/4) | 15 | 16 | | |
| <u>Management Notes:</u> (Quarter 2) July 2014 no. empty units = 16 / 244 (September 2009 = 30 / 245) (ZL) | | | | | | | | |
| On target | <u>Target is a maximum of 8.00% empty shop units out of total shop units (as per Planning Use Classes). (CREDITON)</u> | 7 | 10 | 10 (2/4) | 12 | 10 | | |
| <u>Management Notes:</u> (Quarter 2) July 2014 no. empty shop units = 10 / 119 (September 2009 = 17 / 114) (ZL) | | | | | | | | |
| Above target | <u>Target is a maximum of 15.00% empty shop units out of total shop units (as per Planning Use Classes). (CULLOMPTON)</u> | 12 | 14 | 14 (2/4) | 12 | 13 | | |
| <u>Management Notes:</u> (Quarter 2) July 2014 no. empty shop units = 13 / 94 (September 2009 = 17 / 91) (ZL) | | | | | | | | |
| Below target | <u>The percentage of Leisure's operational expenditure recovered through customer receipts</u> | 88.18% | 87.50% | 87.50% (2/4) | 86.51% | 86.08% | | |
| <u>Management Notes:</u> (Quarter 2) Expenditure is over budget mainly due to increased pension costs and some equipment at Culm Valley however income at Culm Valley is over budget as well. (SB) | | | | | | | | |
| Below target | <u>% of Leisure members retained from month</u> | 95.2% | 95.50% | 95.50% (2/4) | 94.30% | 94.90% | | |

<http://www.middevon.gov.uk/index.aspx?articleid=4026>. The performance over the last twelve months is set out below.

| Planning Service Performance 2011/12 | Target | 2013/14 | | | 2014/15 | |
|---|--------|---------|---------|---------|---------|------------|
| | | Q2 | Q3 | Q4 | Q1 | Q2 |
| | | Jul-Sep | Oct-Dec | Jan-Mar | Apr-Jun | Jul-Sep |
| Major applications determined within 13 weeks | 60 | 33 | 55 | 57 | 50 | 75 |
| Minor applications determined within 8 weeks | 65 | 48 | 56 | 57 | 64 | 71 |
| Other applications determined within 8 weeks | 80 | 81 | 73 | 84 | 84 | 77 |
| Householder applications determined in 8 weeks | 85 | 80 | 82 | 89 | 91 | 82 |
| Listed Building and Conservation Area Consents | 80 | 74 | 68 | 79 | 68 | 66 |
| Enforcement Site Visits undertaken within 15 days of complaint receipt | 90 | 81 | 84 | 100 | 100 | 100 |
| Delegated Decisions | 90 | 94 | 91 | 93 | 94 | 95 |
| Applications over 13 weeks old without a decision (less than) | 45 | 64 | 53 | 34 | 28 | 34 |
| Major applications determined within 13 weeks (over last 2 years) | >40% | N/A | 55 | 55 | 57 | 53 |
| Determine all applications within 26 weeks (per annum – Government Guarantee) | 100 | 94 | 97 | 95 | 94 | 95 |
| Customers rating the service good | 80 | 100 | 88 | 94 | 83 | 75 |
| Building Regulation Applications examined within 3 weeks | 95 | 80 | 90 | 85 | 70 | 92 |
| Building Regulation Full Plan applications determined in 2 months | 95 | 98 | 100 | 100 | 100 | 99 |

Figures up to 26 SEP 14. Update to 30 SEP 14 will be given at Committee





Working Environment Portfolio Performance - Appendix 5

Quarterly report for 2014-2015

No headings

For Working Environment and Support Services - Cllr Brenda Hull Portfolio

For MDDC - Services

Filtered by Performance Status: Exclude PI Status: Data not due, Data not entered

Key to Performance Status:

| | | | | | | |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|
| Performance Indicators: | No Data | Well below target | Below target | On target | Above target | Well above target |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|

Working Environment Portfolio Performance - Appendix 5

| Performance Indicators | | | | | | | | |
|---|--|---------------|----------------------|----------------------|--------|--------|--------|--------|
| Status | Title | Prev Year End | Annual Target | Current Target | Q1 Act | Q2 Act | Q3 Act | Q4 Act |
| No Target | <u>Number of phone calls to CF per month</u> | 11,929 | For Information Only | For Information Only | 14,160 | 13,843 | | |
| Management Notes: | | | | | | | | |
| Above target | <u>Number of visitors per month < 4,500</u> | 4,257 | 4,500 | 4,500 (7/12) | 4,480 | 4,397 | | |
| Management Notes: | | | | | | | | |
| Below target | <u>Satisfaction with front-line services</u> | 80.33% | 80.00% | 80.00% (2/4) | 77.00% | 79.50% | | |
| Management Notes: | | | | | | | | |
| Not calculable | <u>% complaints acknowledged w/in 3 days</u> | 71% | 80% | 80% (2/4) | 43% | 44% | | |
| Management Notes: (Quarter 2) CRM is currently being re written and complaints that have been acknowledged by email have not been recorded, the percentage acknowledged within the timescale would still be below target. (LR) | | | | | | | | |
| Well below target | <u>% of complaints resolved w/in timescales (10 days - 12 weeks)</u> | 73% | 90% | 90% (2/4) | 81% | 69% | | |
| Management Notes: (Quarter 2) High number of complaints open at the beginning of the quarter remained open from the waste round changes during quarter 1, complaints were responded to but there was a delay in updating the system. (LC) | | | | | | | | |
| Above target | <u>% Emails received by Customer Services responded to within 5 days</u> | 99.3% | 95.0% | 95.0% (2/4) | 99.0% | 99.0% | | |
| Management Notes: | | | | | | | | |
| Not calculable | <u>Number of Complaints</u> | n/a | For information only | For information only | 193 | 122 | | |
| Management Notes: | | | | | | | | |
| Not calculable | <u>Number of Digital Contacts</u> | n/a | For information only | For information only | 9,172 | 9,928 | | |
| Management Notes: (Quarter 2) | | | | | | | | |

Finance Portfolio Performance - Appendix 6

Quarterly report for 2014-2015
 No headings
 For Finance - Cllr Peter Hare-Scott Portfolio
 For MDDC - Services

Key to Performance Status:

| | | | | | | |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|
| Performance Indicators: | No Data | Well below target | Below target | On target | Above target | Well above target |
|-------------------------|---------|-------------------|--------------|-----------|--------------|-------------------|

Finance Portfolio Performance - Appendix 6

| Performance Indicators | | | | | | | | |
|---|---|---------------|---------------|----------------|--------|--------|--------|--------|
| Status | Title | Prev Year End | Annual Target | Current Target | Q1 Act | Q2 Act | Q3 Act | Q4 Act |
| Well above target | <u>% total Council tax collected - monthly</u> | 97.56% | 98.00% | 49.00% (6/12) | 29.31% | 56.58% | | |
| Management Notes: | | | | | | | | |
| Well above target | <u>% total NNDR collected - monthly</u> | 98.40% | 98.00% | 49.00% (6/12) | 29.70% | 57.74% | | |
| Management Notes: | | | | | | | | |
| Above target | <u>Percentage of Invoices Paid on Time</u> | 94.13% | 97.50% | 97.50% (1/2) | n/a | 99.34% | n/a | |
| Management Notes: (April - September) | | | | | | | | |
| Six- monthly (CY) | | | | | | | | |
| Well above target | <u>Time taken to process Housing Benefit/Council Tax Benefit new claims and change events</u> | 8days | 14days | 14days (2/4) | 9days | 9days | | |
| Management Notes: | | | | | | | | |

Risk Report Appendix 7

Report for 2014-2015

Filtered by Flag:Include: * CRR 5+ / 15+

For MDDC - Services

Not Including Risk Child Projects records or Mitigating Action records

Key to Performance Status:

Risks: No Data (0+) High (15+) Medium (5+) Low (1+)

Risk Report Appendix 7

Risk: Asbestos Health risks associated with Asbestos products such as lagging, ceiling/wall tiles, fire control.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Housing Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Nick Sanderson

Review Note: Following recent events procedures have been scrutinised and recommendations from the HSE are in the process of being implemented.

Risk Report Appendix 7

Risk: Breaches in HR Legislation Failure to keep Council policies up to date, that complement the appropriate legislation

Failure to develop staff knowledge and competence regarding legislation/changes

Effects (Impact/Severity): - The Council could face poor reports from assurance bodies

- Failure to meet statutory duties could result in paying penalties, stretching already thin financial resources

- Failure to comply with legislation could lead to legal challenge against individuals or the Council as a whole

- Future legislation changes, their impact on services and the cost of implementing changes to policies, procedures and service delivery

Causes (Likelihood):

Service: Human Resources

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Jill May

Review Note: The council employs four Chartered Ins of Personnel and Development (CIPD) staff who undertake regular employment law updates. All policies are reviewed on an three year programme which has slipped lately due to pressure of work (reorganisations, consultations and redundancies) however we always prioritise legislative change. Therefore whilst this is a huge risk it is a risk which is managed.

Risk: Breaches of Legislation Breaches of Anti-Money Laundering or Bribery Act both could result in a criminal conviction.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Audit

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Amy Tregellas

Review Note:

Risk: Chemicals Staff using chemicals incorrectly.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (10)

Current Risk Severity: 5 - Very
High

Current Risk Likelihood: 2 -
Low

Head of Service: Jill May

Review Note:

Risk Report Appendix 7

Risk: Council Finances - Banking Arrangements Problems with banks and online services may affect ability to access funds when we need to or receive / process payments on a timely basis

Effects (Impact/Severity): Unable to promptly pay suppliers or treasury commitments

Causes (Likelihood): ICT systems down at Council or Bank so impossible to review cash position or make urgent payments

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk: Council Finances - Investments Failure to invest in the Council's funds in an efficient and effective manner may cause potential of a loss of monies invested

Effects (Impact/Severity): • Could result in cash flow loss of up to £3M

Causes (Likelihood): • Future banking collapses

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk: Council Finances - Treasury Management Failure to comply with the CIPFA Code of Practice on Treasury Management /local authority accounting would be a breach in statutory duty

Effects (Impact/Severity):

Causes (Likelihood):

Service: Financial Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Andrew Cawdron, Andrew Jarrett

Review Note:

Risk Report Appendix 7

Risk: Digital transformation - Local Plan Jeopardisation of the Local plan consultation timetable due to problems with the website

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

Current Status:
Medium (10)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 2 - Low

Head of Service: Jonathan Guscott, Liz Reeves

Review Note:

Risk: Digital Transformation - No Website The complete failure of the Council website

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

Current Status:
Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Christina Cross, Liz Reeves

Review Note: the security patch has been successfully applied to Goss.

Risk: Document Retention If documents fail to be retained for the statutory period then we may face financial penalties

Effects (Impact/Severity):

- The Council may be disadvantaged in taking or defending legal action if prime documents are not retained;
- Performance statistics cannot be verified;
- The external auditor may not be able to verify the Council's final accounts and subsidy may be lost.
- Mismanagement of burial records

Causes (Likelihood): • "Data debris" cluttering system and storage space

Service: Management Team

Current Status:
Medium (5)

Current Risk Severity: 5 - Very High

Current Risk Likelihood: 1 - Very Low

Head of Service: Christina Cross

Review Note: no change to policy

Risk Report Appendix 7

Risk: Failure to comply with card security standards As an organisation we need to comply with the requirements of TrustWave to be authorised as card payment processors.

Effects (Impact/Severity):

Causes (Likelihood):

Service: Management Team

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross

Review Note: Policy now in place

Risk: Fire and Explosion Risks associated with storage of combustible materials, fuels and flammable substances and sources of ignition, as well as emergency procedures (existence, display and knowledge of), accessibility (or obstruction) of emergency exits and walkways to. Also, risks associated with use of fire extinguishers, having correct type in location, in date and trained operatives on site.

Effects (Impact/Severity): Very High (5) – Although the risk is low, a fire in the server or storage room could potentially cause loss of life, have serious financial implications and severely impact the councils ability to provide services due to loss of IT infrastructure.

Causes (Likelihood): Very Low (1) – The likelihood of a fire within ICT is extremely low. No quantities of combustible materials are stored within the work area. There is easy access to the emergency exit and all staff have received fire awareness training.

Service: I C T

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross

Review Note: we had an incident 7 pm Tuesday evening and our heat sensors and recovery team worked all as it should and problem averted

Risk: Information Security Inadequate Information Security could lead to breaches of confidential information, damaged or corrupted data and ultimately Denial of Service. The council fails to have an effective information strategy in place.

Risk of monetary penalties and fines, and legal action by affected parties

Effects (Impact/Severity):

Causes (Likelihood):

Service: I C T

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Christina Cross

Review Note: no changes since last risk review. Users are aware and regularly reminded

Risk Report Appendix 7

Risk: Legionella Legionella

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Michael Lowe

Review Note:

Risk: Lifeguard Training Poor quality training. Improper use of rescue equipment

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Jill May

Review Note:

Risk: Plant Rooms plant rooms

Effects (Impact/Severity):

Causes (Likelihood):

Service: Leisure Services

Current Status:
Medium (5)

Current Risk Severity: 5 -
Very High

Current Risk Likelihood: 1 -
Very Low

Head of Service: Michael Lowe

Review Note:

Printed by: Catherine
Yandle

SPAR.net

Print Date: Tuesday,
November 18, 2014 15:31

Email response to Cllr Pugsley from the Principal Member Services Officer

Cllr Pugsley

Further to your email regarding the item you wish to be included on the agenda for the Scrutiny meeting of 8 December, I am trying to establish how we can address the issues you raise:

Minute 125(a) of the Scrutiny Committee stated that:

A training session be held for all Chairmen, Vice-Chairmen and relevant Officers regarding the use of the exemption clause in Schedule 12A of the Local Government Act 1972 regarding the exclusion of the press and public; and

This session took place on Thursday 5 December 2013 with Chairmen, Vice Chairman, other Members and officers encouraged to attend.

Whenever there is a possibility that an item may need to be discussed in part two the agenda should include a brief explanation as to why this might be the case, in plain English, and make reference to the Constitution, Article 13, which mentions a presumption in favour of openness and transparency.

Since the Cabinet agreed the recommendation from Scrutiny on 28 March 2013, we have endeavoured to give a brief explanation as why it is proposed that discussions be held in Part II, however we have not made reference to Article 13 of the Constitution which of course we could.

Looking at some examples:

Council 3 September – Market Walk issue:

To consider passing the following resolution to protect the financial and business affairs of the authority

Would you consider the following an improvement

To consider passing the following resolution having reflected on Article 12 (was 13) 12.02(d) (a presumption on favour of openness) of the Constitution in that information within the report identifies the possible acquisition of land and therefore affects the financial and business affairs of the authority and other local businesses.

Standards Committee 12 November

During the discussion it may be necessary to consider passing the following resolution to protect the Members of Town and Parish Council's being discussed.

Would you consider the following an improvement

During the discussion it may be necessary to consider passing the following resolution having reflected on Article 12, 12.02(d) (a presumption on favour of openness) of the Constitution as discussions may identify individual Members of Town and Parish Councils who have received complaints against them and who should not be identified at this stage.

I would welcome your views.

Kind Regards

Sally

Sally Gabriel

Principal Member Services Officer

Mid Devon District Council

Tel 01884 234229

Scrutiny

8 December 2014

Briefing on Recruitment and Use of Consultants

1.0 Introduction - Recruitment

1.1 Recruitment is a highly legalistic process which could be costly to an employer who gets' it wrong. Mid Devon District council have invested in policies and procedures to ensure that every care is taken during this process. A number of appendices to this briefing outline the process and the issues that can occur. Ultimately it is for each Head of Service or their representative on the interview panel to agree a job description/person specification for the role and to test the suitability of the successful applicant via the interview process. The recruiting area has the knowledge and understanding of what is required for the role and they are best placed to test the candidates they have chosen to interview. Recruits who are not suitable and are new to the organisation are subject to a probationary period of six months and this time should be used to give them support to get the skills and knowledge necessary to fulfil the role see Appendix 7. If this does not prove to be successful then the manager working with the HR Business Partner for the area may need to consider dismissal.

Issues can occur when a longstanding member of staff is recruited to a role which they then prove to be unsuitable for. Once again the manager working with HR will need to give the individual the opportunity to improve and provide necessary support – if there is no improvement or it is not to an acceptable level it may require use of the capability process and may lead to dismissal or possibly re-deployment.

1.2 The most important aspects to recruitment are:-

- Manager/interviewer is trained in the process
- HR keep the information relating to recruitment up to date with any legislative changes
- The process is clear and transparent – Appendix 1 and 2
- There is a designated route for introducing new roles to the Council

- All vacancies are put through a process to ascertain if they are to be filled on a full time, part time or on a shared basis.

1.3 The Council periodically run in house training courses on recruitment and any recruiting officer must attend one of these courses to be able to sit on a recruitment panel. It would be preferable if an HR Business Partner could sit on each interview session but this is not always the case due to pressure of work and conflicting priorities see Appendix 3 and 4.

The HR section keeps up to date with any changes to legislation by attending external employment law updates and also by use of an online provider.

Vacancies are generally advertised internally and externally, on occasion a vacancy is not advertised because we have an individual “at risk of redundancy” and that person is slotted into an appropriate vacancy.

For a new role to be introduced it must go through the following process:-

- Business case including costings is produced which goes to Management Team to consider
- New role must be put through the job evaluation scheme to ascertain the banding level
- New role advertised

If someone resigns their post is not automatically filled, the manager has to complete a VAF Appendix 5 (Vacancy Approval Form) which outlines all the particulars of the role. This form then goes to the line manager of the recruiting area who will challenge as to why the replacement is needed, can the role be filled in another way, the role was a full time post does it still need to be. The form then has to be signed off by the recruiting officer, the service lead, the budget needs to be checked by the accountancy team, HR check the contractual information and finally it will need to be signed off by a member of Management Team. This provides a robust audit trail.

1.4 HR no longer request references for individuals we recruit due to the reticence of employers to give anything but basic information Appendix 6. However we do contact previous employers to verify three years history as we have to be able to clarify where a person has been for the past three years. So in essence we need to know they are who they say they are and they have been doing what they say they have been doing.

1.5 In the years 2013/2014 we have had 46 leavers and 42 FTE start with the Council.

2.0 Use of Consultants

- 2.1 Consultants are used by the Council in various situations when knowledge and expertise is not available because of staff shortages or to fill a specific short term need when recruiting is not the best use of Council money.
- 2.2 There is a difficulty with understanding who is actually working in a consultative role for the Council because the legal definition is unhelpfully vague. In order to assist members of Scrutiny I have not given information relating to agency staff – these are recording in the annual accounts and are a transparent feature of the Council’s approach to ad hoc assistance. There are also some individuals who are “on loan” or seconded from other authorities in order to help with a pressing gap in skills and knowledge for example in Forward Planning currently we have someone seconded from Teignbridge Council working in that area due to a recent resignation and a member of staff going on maternity leave.
- 2.3 Looking back over the last twelve months we have used consultants and the definition I have used is “bought in expertise” in the following areas:-
- Customer First/ICT to assist with the Digital Transformation Project have used the services of GOSS to run workshops and provide information on bringing in digital transformation.
 - We will be using consultants to help us complete an audit for the Food Standards Agency in Environmental Health this month due to capacity.
 - Housing have used the services of an external Health and Safety advisor in respect of the HSE Asbestos investigation.
 - Planning – information to be advised verbally, not available at time of production of the briefing paper.
 - Legal have taken legal opinion on complex matters requiring expertise in specific areas such as planning issues.

Contact for more Information: Jill May, Head of HR and Development, tel 01884 234381

Circulation of the briefing : Cllr Brenda Hull

PERSON SPECIFICATION SHORTLISTING FORM - For the post of

Person shortlisting:

| Job Ref | Points of Person Specification | | | | | | | | | | | | | | | | | | Total | | Shortlisted | Rejected Code |
|--------------|--------------------------------|--|--|--|-------------------------|--|--|--|--------|--|--|--|---------------------|--|----------------------|--|--|--|-----------|-----------|-------------|---------------|
| | Essential Criteria | | | | | | | | | | | | | | Desirable Criteria | | | | Essential | Desirable | YES | |
| | Qualifications | | | | Knowledge and Expertise | | | | Skills | | | | Personal Attributes | | Special Requirements | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | | |
| Candidate No | | | | | | | | | | | | | | | | | | | | | | |
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For your guidance: Please use this matrix as a tool for shortlisting. Use the evidence from the application form to measure against your requirements of the job from the person specification. It also enables us to give feedback to non-shortlisted candidates as to why/where they did not meet the criteria.

To complete the shortlisting matrix

- List across the top the essential and desirable criteria (additional columns can be added so that all essential/desirable criteria listed on the person specification).
- Assess and Mark each candidate with 2 = Positive indication 0 = Negative/No indication on which to judge
- In the end column insert the code as listed below indicating why the candidate was not suitable.

| Reason for Rejection | |
|-------------------------------------|---|
| Lacks appropriate experience | 1 |
| Lacks appropriate qualifications | 2 |
| Lacks appropriate skills | 3 |
| Lacks experience and qualifications | 4 |
| Other | 5 |

Short listing

Where a job has been advertised resulting in the receipt of a number of job applications, there will normally be a need to carry out a short listing exercise.

If the number of applicants is very small, and all appear to be suitable for the post, it may be worth interviewing all of them, but otherwise selections will have to be made to reduce the number of applications to a manageable number.

The shortlist will represent those candidates whom the company wishes to interview. The decision on how many people to shortlist for interview depends on how many people have applied for the job, the quality of the applications, the type of job and the resources (including time) available.

- Short listing should be carried out objectively and consistently, by comparing each application with the employee person specification. (Ensuring short listing is carried out objectively and without discrimination)
- An exception in the Employment Equality (Age) Regulations 2006 means that candidates who have reached the employer's normal retirement age, or 65 where it does not have one, or who are within six months of this age, will not be able to claim age discrimination if excluded from the shortlist on the grounds of age.
- If a job applicant has a disability such as dyslexia or learning difficulties, judging him or her on the basis of a poorly presented application form or CV could be discriminatory and unlawful. (See Avoiding assumptions).
- If a particular job applicant has stated on the application form that he or she has a disability, it is important not to draw hasty or negative conclusions about the person's suitability for the job. (See Short listing in relation to disabled applicants)
- Where someone has had an illness in the past which at the time would have amounted to a disability under the Disability Discrimination Act 1995, then it will be discriminatory to reject the person for employment on account of the past illness. (See Short listing in relation to disabled applicants)

Ensuring short listing is carried out objectively and without discrimination

Those responsible for short listing should carry out the process objectively and consistently, comparing each application with the

employee person specification to establish whether, on paper, the person has the type of background that is necessary or desirable for the job.

This approach minimises the risk of bias on grounds of gender, race or any other irrelevant factor. Short listing decisions should be based on the relevant facts as presented on the application form. Personal information such as the applicant's name, sex, age, marital or civil partnership status, sexual orientation, nationality, country of birth, religion and age should not form part of the process.

The criteria against which each application can be compared will include:

- qualifications;
- training;
- work experience - type and breadth;
- level of responsibility and authority held;
- level of salary earned to date and/or expected;
- level of knowledge and skills;
- competencies; and
- any special skills or aptitudes specific to the job.

Employers should avoid focusing too much on candidates' length of experience, as this can result in indirect age discrimination against younger candidates, who will be less likely than older people to have long experience. Instead the focus should be on candidates' skills, competencies and type and breadth of experience.

It is good practice to use a short listing matrix in order to keep a record of the reasons for the rejection of individuals at the short listing stage. The reason can be marked on each application form, or where there are a large number of applications, rejected candidates can be grouped together under standard categories, for example "inappropriate experience".

Age discrimination exception

Although the Employment Equality (Age) Regulations 2006 prohibit age discrimination at all stages of the recruitment process, there is an exception where the applicant is over the employer's normal retirement age or, if the employer does not have a normal retirement age, the age of 65 - or if he or she will reach that age within six months of the application. This means that candidates within six months of age 65 or aged over 65 may be excluded from the shortlist on the grounds of age, as such candidates will not be entitled to bring claims for age discrimination.

Avoiding assumptions

Managers responsible for short listing should try to recognise any views, opinions and attitudes they hold that could influence them when carrying out short listing. In particular, generalised assumptions and stereotyping should be avoided. For example, a blanket assumption that women would

not have sufficient physical strength to perform a heavy job would not be true of all women and could lead to unlawful treatment under the Sex Discrimination Act 1975.

Equally, an assumption that a female applicant who had young children would be unable or unwilling to work long hours would be discriminatory against a female candidate who was not shortlisted for that reason alone.

Another discriminatory example would be a manager's opinion that a candidate from a particular country or cultural background would not "fit in" to the organisation or to the team set-up. If this assumption led to a foreign candidate being rejected, it could be discriminatory under the Race Relations Act 1976 or the Employment Equality (Religion or Belief) Regulations 2003.

Similarly, managers undertaking a short listing exercise should not be influenced by stereotypes. For example, there is no evidence to support the contention that older people are less productive than younger staff (except in a limited range of jobs), or that their mental facilities automatically decline with age.

Instead of making these assumptions, the manager responsible for short listing should disregard factors such as sex, family status, race, religion or age and select for interview those candidates whose work-related background matches the employee person specification.

It is common practice to draw conclusions based on the presentation of the candidate's application form or CV, and to draw adverse inferences if there are, for example, spelling errors or a poor written communication style. Whilst these conclusions may be entirely relevant in the case of a professional job, care should be taken not to exclude arbitrarily someone who may be suitable for the job in question. Clearly if the job is a manual job that does not require any written communication skills, the odd spelling error in the application form will be irrelevant.

Furthermore, if the job applicant has a disability, for example dyslexia or learning difficulties, judging him or her on ability to present the written word could be discriminatory and unlawful.

Managers may also wish to bear in mind that there are many professional agencies on the high street that will produce beautifully constructed CVs for anyone who wishes to pay them for the service, and the submission of a well-presented document does not always indicate the degree of fluency of the applicant.

Short listing in relation to disabled applicants

If a particular job applicant has stated on the application form that he or she has a disability, it is important not to draw hasty or negative conclusions about his or her suitability for the job.

Few managers are likely to have expert knowledge on every type of physical and mental impairment, and they will not therefore be able properly to judge whether the candidate could do the job effectively.

The Disability Discrimination Act 1995 prohibits direct discrimination against a job applicant on the grounds that he or she has a disability, and there are no exceptions to this provision. However, the Act does permit discrimination for a reason that relates to a person's disability, if this is justified on grounds that are reasonable and substantial.

For example, it will always be discriminatory and unlawful automatically to reject a job applicant just because he or she is blind, whereas rejection on the grounds that the person would be incapable of performing the job even after reasonable adjustments had been made will be capable of justification. Thus it will rarely be lawful to reject a disabled candidate at the short listing stage, unless it is blatantly obvious that he or she would be unable to perform the job, for example in the event that a blind applicant was applying for a job as a van driver.

As a result, in order to avoid disability discrimination, candidates who have stated in their application that they have a disability should be shortlisted for interview unless either they are clearly unsuitable for an unrelated reason (for example if they lack the necessary experience for the job) or it is clear from the information provided that the disability would prevent effective or safe performance of the job. If in doubt, discretion should be exercised in favour of a disabled job applicant and the arbitrary rejection of a disabled candidate should be avoided.

The Disability Discrimination Act 1995, section 4A imposes a duty on employers to make reasonable adjustments to any provision, criterion or practice that they apply to any physical feature of their premises, in order to prevent or reduce any substantial disadvantage that a disabled employee or job applicant would otherwise have. If there are any legitimate areas for concern over what adjustments might be required for a particular applicant, these can be explored at interview.

Such a discussion would centre around what adjustments to working arrangements might be helpful to assist the person to overcome any disadvantage that his or her disability would otherwise cause, thus enabling him or her to perform the job effectively. It will be only after such a discussion that the disabled applicant's ability to perform the job can be properly assessed, and the need for any adjustments to working practices properly considered.

Managers should also be aware that where someone has had an illness in the past which at the time would have amounted to a disability under the Disability Discrimination Act 1995, then it will be discriminatory to reject the person for employment for this reason (Disability Discrimination Act 1995, section 2). A history of cancer or depressive illness would be good examples.

Action point checklist

- Adopt an objective and consistent approach towards short listing in order to establish whether, on paper, the applicant has the type of work-related background that is suitable for the job thus minimising the risk of unlawful discrimination.
- **Do not** take into account any personal information such as the applicant's name, sex, marital or civil partnership status, sexual orientation, nationality, country of birth, religion or age when short listing.
- Review job applicants' relevant qualifications, training, work experience, level of knowledge and skills to determine whether or not they should be shortlisted.
- Avoid making generalised assumptions about candidates and their suitability for a particular type of work.
- Keep records of the reasons for the rejection of job applicants at the short listing stage using a matrix.
- Take care not to draw adverse inferences from the presentation of an application form or CV if the ability to produce fluent written communication does not form part of the job.

Questions and answers

How can an employer ensure that line managers draw up a shortlist for a position without unlawfully discriminating against applicants?

By comparing each application with the employee person specification to establish whether, on paper, the person has the type of background that is necessary or desirable for the job, the manager will minimise the risk of bias on grounds of gender, race or age (or any other irrelevant factor). Personal information such as the applicant's name, sex, marital or civil partnership status, sexual orientation, nationality, country of birth, religion and age should not form part of the process.

Is it permissible to exclude from a shortlist any job applicants who submit untidy or badly written applications?

Although it is permissible to exclude applicants on the basis of the presentation of their application form or CV, presentation is often irrelevant except in the case of a professional job or one in which the skills of written communication are expressly required for effective performance. If the job is a manual one that does not require any written communication skills, rejection on the grounds of a poorly presented application form would be inappropriate. Furthermore, if the job applicant has a disability, for example dyslexia or learning difficulties, judging him or her on ability to present the written word could be discriminatory and unlawful.

If a job applicant has suffered from a debilitating illness in the past, can he or she be excluded from the shortlist?

No, not for that reason alone. Where someone has had an illness in the past that at the time would have amounted to a disability under the Disability Discrimination Act 1995, then it will be discriminatory to reject the person for employment for this reason (Disability Discrimination Act 1995, section 2). A history of cancer or depressive illness would be good examples.

Good practice in recruitment interviewing

The key purpose of a recruitment interview is to assess the skills, experience and general background of job applicants in order to make a decision on which candidate is the most suitable person for a particular job. Questions should therefore be structured to explore facts, and interviewers should take care not to make decisions based on assumptions about applicants linked to their own subjective views and opinions.

It is a good idea for managers to prepare a list of core interview questions to be asked of all applicants for a particular post. This approach ensures consistency and fairness because all interviewees will be given an equal opportunity to sell their skills and abilities. Managers should not, however, restrict themselves to asking only these questions, as there will also be a need to ask questions that are specific to a particular applicant, for example to clarify something vague or ambiguous on an application form or ask about a gap between jobs.

In addition, at the interview itself, further unplanned questions will be necessary in order to follow up or probe any relevant matter raised or hinted at by the interviewee.

Following the guidelines below will help those involved in recruitment interviewing to avoid discrimination.

Avoiding bias

Managers involved in recruitment have a duty to conduct selection interviews fairly and without bias for or against any particular candidate. This is harder than most people think, because all human beings are affected by bias and prejudice, and these often operate at a subconscious level. It is therefore important for managers responsible for recruitment decisions to recognise how bias might influence their thinking.

Dos and don'ts

Do recognise that candidates from different racial backgrounds may have different ways of communicating their achievements at a job interview. For example, candidates from certain ethnic backgrounds may, on account of their racial or cultural background, be relatively reserved as regards their experience and achievements. Another point to be aware of is that in some cultures it is considered impolite to make direct eye contact with a person in authority.

Do guard against the 'halo effect'. This occurs when something about a job applicant creates a favourable first impression on the interviewer with the result that he or she may not be able to view the candidate's suitability for the job objectively or recognise any negative elements in his or her background. The interviewer might, for example, find the applicant's manner, accent or appearance pleasing, or might discover that he or she attended the same school or university

as the applicant.

Do recognise your own general personal attitudes, views and likes/dislikes with regard to people, and learn to put these to one side during selection interviews.

Do distinguish between the information that the candidate is presenting and the mode of presentation. Unless presentation skills are relevant to the job in question, a slick and/or confident presentation style will be irrelevant to the person's suitability for the job.

Don't allow the initial impression of a job applicant to influence the selection decision, for example by making negative assumptions about an applicant based on mode of dress, general appearance or accent.

Don't be influenced by stereotypes, for example assuming that older candidates will not be capable of undertaking training in new technology.

Effective questioning techniques

- Design questions to check facts, obtain relevant information about each applicant's background, test achievement and assess aptitude and potential.
- Ask specific questions on matters such as the applicant's work experience, qualifications, skills, abilities, ambitions and strengths/weaknesses.
- Ask open questions, ie those beginning with 'what', 'which', 'why', 'how', 'where', 'when' and 'who', rather than closed questions inviting only a 'yes' or 'no' answer.
- Ask questions that are challenging, but never ask them in an intimidatory or aggressive tone or manner.
- Ask questions that require the applicant to give examples of real situations that he or she has experienced, for example: 'Tell me about a time when you had to discipline a member of your staff. How did you handle it?'
- Ask factual questions about past experience and behaviour and refrain from making assumptions.

Avoiding discriminatory questions

Discrimination can take place in the following circumstances. A job applicant is subjected to interview questions that have an underlying discriminatory impact, for example questions put to a woman about her children or childcare arrangements.

A question put to a job applicant implies that the interviewer thinks there may be a problem. An example could be where a question such as 'would you have a

problem working on Saturdays?' is asked specifically because the interviewer has deduced (or assumed) that the candidate is Jewish.

Such a question could be viewed as directly discriminatory on grounds of religion. Negative assumptions are made about the applicant on the basis of the answers given to the above types of questions. An applicant who is pregnant is asked questions about plans for maternity leave, childcare, etc.

Candidates should not be asked questions about:

- their marital status or marriage plans;
- childcare arrangements;
- general family commitments and/or domestic arrangements;
- actual or potential pregnancy/maternity leave;
- their partner's occupation and mobility;
- any actual or potential absences from work for family reasons.

Employment tribunals have consistently taken the view that such questions, if asked of a female candidate, indicate an intention to discriminate (whether conscious or not). This is because questions of this type are usually rooted in an assumption that childcare and other family commitments may have a negative impact on a woman's commitment to the job, attendance or availability to work overtime.

Instead, questions that explore the applicant's ability to perform the job should be asked.

| Don't say | Do say |
|---|---|
| Are you planning to get married/have a family in the next few years? | What are your general aims and goals over the next three/five years? |
| Who would look after your children if you were asked to travel away from home on a business trip? | The job would involve travelling away on business trips approximately [x] times a year. To what extent would you be able to comply with this? |
| If we needed you to work late at short notice, how would this affect your childcare arrangements? | The job might occasionally require you to work late at short notice. How would you respond if asked to do this? |
| How would your husband feel if we asked you to relocate to a different branch of the company? | How would you feel if we asked you to relocate to a different branch of the company? |

Ultimately, if a job applicant who is suitable for the job in terms of skills and experience is rejected in favour of someone of the opposite sex or of a different racial group, for example, and that person can show that he or she was materially disadvantaged by the way in which the interview was conducted, he or she will have a strong argument that the selection decision was discriminatory.

Interviewing a disabled candidate

There is no duty on job applicants to volunteer to disclose a disability to a prospective employer. It follows that where a disabled applicant is being interviewed the onus will be on the manager conducting the interview to ask appropriate questions to ascertain whether the candidate is capable of performing the job effectively. It will also be necessary for the manager to establish whether any adjustments to working practices or premises would be necessary to support the disabled applicant should he or she be appointed. Such questions are permitted, but it will be important to ask them in a positive way, ie without adopting a negative attitude or making assumptions that there will be a problem.

- Make sure that any questions asked focus on the applicant's ability to perform the job duties, and not on the potential difficulties that he or she might have in the job on account of the disability.
- Ask questions related to the effects of the applicant's disability only where the answers are likely to be relevant to the duties of the job for which the person is being considered.
- Refrain from asking intrusive questions about the candidate's medical condition or disability.
- Frame questions in a positive way so as to avoid the risk of the job applicant perceiving that you are looking for or anticipating problems.
- Avoid drawing negative conclusions about a disabled candidate's capabilities without solid evidence; as such assumptions would amount to disability discrimination.

| Don't say | Do say |
|---|--|
| I see you have a mobility impairment. This would obviously make it difficult for you to ... | I see you have a mobility impairment. Can we discuss how you think this might affect your ability to perform the job and what type of support might be helpful to you. |
| What exactly is the matter with you? | Tell me something about how your condition might impact on your ability to ... |
| You would obviously be unable to do the manual aspects of the job ... | Tell me the extent to which you think you would be able to perform the manual aspects of the job. |
| How do you think other employees might react to a disabled person in the workplace? | This company has a policy of supporting disabled employees. |
| Did your disability cause problems in your last job? | What adjustments did your last employer make that you found helpful? |

Avoiding age discrimination

When interviewing, managers should beware of placing too much importance on length of experience. Focussing on length of experience will place younger applicants at a disadvantage because they will be less likely than older candidates to have long experience. Instead, managers should concentrate on interviewees' type and breadth of experience, and their skills, competencies and talents.

Interview notes

It is essential for managers conducting recruitment interviews to keep notes of the interview and afterwards to make a record of the rationale behind the selection decision, ie to note the key reasons or reason why the successful candidate was selected and the other shortlisted candidates rejected. There are several key reasons why such records are important.

- Nobody has a perfect memory and if you have interviewed several candidates during the same day you will inevitably be unable to recall accurately who said what, what the key issues were in relation to a particular candidate, and how a particular question was answered.
- If no records are created and one of the rejected candidates subsequently brings a tribunal claim alleging discrimination, you are unlikely to be able to recall the precise matters that were discussed at the interview or the way in which questions were phrased.
- The absence of any records may lead an employment tribunal to conclude that the whole recruitment process was conducted in a random, subjective or haphazard way.
- If records are available this will provide evidence that the recruitment process was approached in a professional manner. It may also provide specific information that will form a defence against the claim, for example a record that the answers that the candidate gave to specific questions indicated that he or she did not have the essential knowledge or skills required for the job.
- Once a tribunal claimant has shown facts that indicate that he or she might have been treated less favourably on one of the prohibited grounds, the burden of proof shifts to the employer to prove, on the balance of probabilities, that it did not discriminate. In recruitment cases, this means persuading the tribunal that the candidate's recollection of events is false or inaccurate, that the questions asked were in fact phrased differently or that what was said was not discriminatory. In practice, this would be impossible to achieve without proper records.

Managers should be aware that any record created about an individual and placed in a structured file (or input to a computer) will give rise to individual rights under the Data Protection Act 1998. Specifically job applicants will have the right, upon

written request, to be given a copy of their own file. Interview notes should therefore be compiled with this in mind.

Further general guidelines

- Obtain information through open questioning on matters such as the applicant's work experience, qualifications, skills, abilities, knowledge, ambitions and strengths and weaknesses.
- Do not use age as a criterion in the selection process. Age discrimination legislation was implemented in October 2006 and age is, in any event, a poor predictor of effective job performance.
- Do not allow gut feeling alone to determine the selection decision, because gut feelings are inevitably influenced by personal attitudes, and may possibly result in unlawful discrimination.

Interviewers who focus on the requirements of the job and the extent to which each applicant's background matches these will increase their chances of avoiding unlawful discrimination and selecting the most suitable candidate for the job.

INTERVIEW QUESTIONS



<POST TITLE>

| | | | |
|-----------------------|--|-----------------------|--|
| Candidate Name | | Interview Date | |
| Service | | Division | |

| | | | |
|---------------------|--|-----------------|--|
| REQUIREMENT: | Qualifications & Experience | | |
| TRIGGER QUESTION: | | MATCHING | |
| ANSWER: | | 1 | |
| | | 2 | |
| | | 3 | |
| | | 4 | |

| | | | |
|---------------------|----------------------------------|-----------------|--|
| REQUIREMENT: | Knowledge & Expertise | | |
| TRIGGER QUESTION: | | MATCHING | |
| ANSWER: | | 1 | |
| | | 2 | |
| | | 3 | |
| | | 4 | |

| | | | |
|---------------------|---------------|-----------------|--|
| REQUIREMENT: | Skills | | |
| TRIGGER QUESTION: | | MATCHING | |
| ANSWER: | | 1 | |
| | | 2 | |
| | | 3 | |
| | | 4 | |

| | | | |
|---------------------|---|-----------------|--|
| REQUIREMENT: | Personal Attributes | | |
| TRIGGER QUESTION: | Can you explain to me what you understand to be Equality & Diversity? | MATCHING | |
| ANSWER: | | 1 | |
| | | 2 | |
| | | 3 | |

| | | |
|---|--|----------|
| <ul style="list-style-type: none">• Being responsible to needs• Treating people fairly and with respect• Tailoring service to reflect different needs – no service 'fits all' | | 4 |
|---|--|----------|

| | | |
|---------------------|----------------------------|-----------------|
| REQUIREMENT: | Personal Attributes | |
| TRIGGER QUESTION: | | MATCHING |
| ANSWER: | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

| | | |
|---------------------|-----------------------------|-----------------|
| REQUIREMENT: | Special Requirements | |
| TRIGGER QUESTION: | | MATCHING |
| ANSWER: | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

| | | |
|---------------------|--|-----------------|
| REQUIREMENT: | | |
| TRIGGER QUESTION: | | MATCHING |
| ANSWER: | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

| | | |
|---------------------|--|-----------------|
| REQUIREMENT: | | |
| TRIGGER QUESTION: | | MATCHING |
| ANSWER: | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

| | | |
|---------------------|--|-----------------|
| REQUIREMENT: | | |
| TRIGGER QUESTION: | | MATCHING |
| ANSWER: | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

| | | |
|---------------------|--|-----------------|
| REQUIREMENT: | | |
| TRIGGER QUESTION: | | MATCHING |
| ANSWER: | | 1 |
| | | 2 |
| | | 3 |
| | | 4 |

UTILITY QUESTIONS

| | | | |
|--|--|---|--|
| Why are you leaving your present employment / did you leave your last job? | | | |
| Check Contact Number(s)? | | If using a council vehicle need a copy of clean driving licence | |
| Any holiday booked in the near future / dates? | | | |
| Notice period / possible start date if successful? | | Still interested in the position? | |
| If successful, would you require a parking permit? (If eligible) | | Did you receive/understand the personnel information that came with the interview letter? | |
| Note down any questions asked by candidate | | | |
| | | | |

SELECTION DECISION

| | | |
|---------------------------------------|----------|---------------------------------------|
| Was this candidate successful? | YES / NO | If not, state reason(s) below: |
| | | |

| | | | |
|---------------------------------|----------|------|----|
| Interview Conducted by | 1. | 2. | 3. |
| These notes taken by | | Date | |
| Candidates informed of outcome? | YES / NO | | |

| | |
|----------------|--|
| Vacancy Number | |
|----------------|--|

VACANCY APPROVAL FORM

This form must be completed for all new and existing vacancies, extensions to contract, increases to contracted hours and appointments through employment / recruitment agencies **prior to any action being taken. The Recruiting Manager is responsible for ensuring that the form is appropriately authorised (see notes).**

| POST DETAILS | | | POST NUMBER | | |
|--|--------|---|--|-------------------------|----------|
| JE'D POST TITLE | | | REPORTS TO | | |
| DIVISION | | | SERVICE | | |
| UNIT | | | HEAD OF SERV/SERV LEAD | | |
| NEW POST ? | | NUMBER REQUIRED | | POST VACANT FROM (date) | |
| JE completed ¹ ? | Yes/No | JE reference number | | SCP | to |
| GRADE ¹ <small>Post must have been JE'd</small> | | MANUAL RATE (hourly): | 72.5% @ Age 16/17 100% @ Age 18+ | WEEKLY HRS | 37 hours |
| LOCATION | | CRB DISCLOSURE REQUIRED ? | No | STANDARD or ENHANCED | |
| STATUS | | DURATION <small>If not permanent</small> | | CONTRACT | Standard |
| CAR SCHEME ² | None | RELOCATION | No | | |
| Is the post holder required to drive a council owned vehicle | | | What level of driving licence will be required? | Please State N/A | |
| If this is an existing post – Replacement for whom? | | | New post | | |
| ADVERTISING REQUIREMENTS | | | | | |
| INTERNAL | | EXTERNAL | | AGENCY | Yes/No |
| COST CODE | | If external please state which publications you wish to use | | | |
| Please provide details of your proposed recruitment timetable below: | | | | | |
| Anticipated date of Approval (<i>week following Management Team</i>): | | | Advertising date: | | |
| HR given draft Advert, JD & PS: | | | Closing date (<i>must allow a minimum of 1 calendar week from advert date</i>): | | |
| | | | Interviews (<i>must allow a minimum of 1 calendar week from short listing</i>): | | |
| <u>All requests must be accompanied by a Job Description and Person Specification</u> | | | | | |
| For HR use only | | | | | |
| Successful Applicant | | | Commencement date | | |

PLEASE ENSURE THAT THIS 2-PAGE DOCUMENT IS PRINTED BACK TO BACK AND ACCOMPANIED BY A JOB DESCRIPTION AND PERSON SPECIFICATION

| | |
|----------------|--|
| Vacancy Number | |
|----------------|--|

PROVIDE DETAILS OF THE RECRUITMENT

1. Reason the job is required
2. Confirm budget is within 2.5% savings target for the service or give details of funding and period covered.
3. Provide copy of the current/new job description and any relevant targets and BVPI's.
4. Provide details of any partnership working arrangements that have been investigated or alternatives to recruitment that have been explored.
5. Provide a business case to support recruitment for this post.

APPROVAL TO RECRUIT

| Signed by: | Signature | Name | Position | Date |
|--------------------------------|-----------|------|---------------------------------|------|
| Recruiting-Mgr | | | | |
| Service Lead | | | | |
| Budget checked ³ | | | Finance Manager/Officer | |
| Contractual info checked | | | Human Resources Officer/Manager | |
| Management Team Representative | | | | |

Notes

¹ - For all new posts, and posts where the Job Description is changed, salary will be dependant on JE outcome. The recruiting manager is responsible for ensuring that any significant changes to the post are discussed with HR to determine the need for a JE review of the role.

² - Only posts requiring the use of a vehicle can be designated essential or casual user. All other posts should be designated 'none' but will be entitled to casual user mileage rates should the post-holder use their car for purposes in connection with their job.

³ - Finance Officer to clearly indicate if there is an increase to establishment.

Mid Devon District Council

Pre-employment guidance

All UK employers have a duty to prevent illegal migrants working in the UK. Sections 15–25 of the Immigration, Asylum and Nationality Act 2006 (the `2006 Act`) set out the law on the prevention of illegal working.

Recruitment is a costly exercise if you get the process wrong; to enable you to employ the best candidate we need to carry out a number of pre-employment checks to establish they are who they say they are and have the experience and qualifications they claim to have and that they are able to work in the UK.

Entitlement to work in the UK Check

It is a criminal offence to knowingly employ an individual who does not have permission to work in the UK. Therefore we need to comply with the home office [‘Full guide for employers on preventing illegal working in the UK’](#).

Part of the government checks on employing people to work in the UK, a Baseline Personnel Security Standard (BPSS) check needs to be carried out prior to employment.

There are three "minimum requirement" sections of [BPSS screening](#) which are explained as follows:

1. Identity check and UK right to work.

HR needs to check and verify the identity of the new employee and keep copies of original, acceptable documents **before** they commence work at MDDC. If a person has a time limit on their stay then HR should carry out repeat checks at least once every 12 months. If a person has a restriction on the type of work they can do and, or, the amount of hours they can work, then MDDC must not employ them in breach of these restrictions.

There are two lists ‘A’ and ‘B’ which outline the acceptable documents for checking eligibility, if you can check a document from list A; you will not need to carry out further checks. If you check a document from list B, you will need to complete a recheck in 12 months.

2. Disclosure of any unspent criminal offences subject to the Rehabilitation of Offenders Act 1974.

There are 3 types of disclosure, please see the box below:

| Type of Criminal Record Check | | | | |
|--|--------------|---------------------|---------------------|---|
| Information Searched | Basic | Standard DBS | Enhanced DBS | Enhanced DBS (incl. barred list check) |
| Unspent convictions | Yes | Yes | Yes | Yes |
| Spent convictions | No | Yes | Yes | Yes |
| Cautions, Warnings, Reprimands | No | Yes | Yes | Yes |
| Other relevant police info. | No | No | Yes | Yes |
| Childrens or Adults barred list | No | No | No | Yes |

A basic check

You will be asked to apply for a basic disclosure which will provide you with details of convictions that are considered unspent (where under certain circumstances an offender is allowed to have a 'wiped' criminal record after an agreed period). A basic check is a requirement for all employees who have access to the councils

A standard check

A standard check would be a requirement for an individual who works in the finance service or legal service and would give information on spent, unspent and warnings.

A enhanced check

There are two levels to the enhanced check; they depend on the nature of the work and how much responsibility they have with working / caring for children and vulnerable adults. For further guidance go to [disclosure and barring service checks](#)

3. Employment history references (normally 3 years)

To ensure that prospective employees are not concealing any associations or gaps, HR should, as a minimum, verify recent (past 3 years) employment or academic history. Approaches to a previous and/or current employer should not be made without the individual's prior written permission.

There is an increasing reluctance on the part of employers to provide references for an individual's character and suitability for employment because of DPA/FOI concerns, references are not required as part of the BPSS.

For periods of self-employment, evidence should be obtained (e.g. from HMRC, bankers, accountants, solicitors, trade or client references, etc.), confirming that the individual's business was properly conducted and was terminated satisfactorily.

Additionally, prospective employees are required to give a reasonable account of any significant periods (6 months or more in the past 3 years) of time spent abroad.

PRE-EMPLOYMENT MEDICAL SCREENING

There is a pre-employment medical screening procedure. This ensures that potential employees are able to do the job without risk to themselves or others while providing equal access to employment.

The successful candidates will be required to complete a pre-employment health questionnaire. Some successful candidates, depending on the answers given to the questionnaire may be invited to a medical examination with our occupational health practitioner.

REFERENCES

The HR Team will request employment references for the successful candidate. These will be requested a maximum of twice before the candidate is asked to provide an alternative.

Minimum level of reference checking required:

- written references must be obtained from employers within the past 3 years
- minimum of 2 references
- must be in writing, either in hard copy or via e-mail

References for the successful applicant should be retained in their personnel file.

QUALIFICATIONS

Where a particular qualification is essential for the post, or where there is a minimum standard of education expected for the post, this should be reflected in the job description and person specification that has been evaluated.

The successful candidate should provide the original documents for verification. These should then be copied and held in the HR Team. If no certificate can be provided, a recorded check should be made with the awarding institution or

examination body. A check can also be carried out if it is suspected that the certificate is not original, is forged, or has been tampered with.

PROFFESIONAL MEMEBERSHIP

If the candidate is required to be registered with a regulatory body (e.g. CIPD), obtain and keep a copy of his or her registration certificate or number. This will be verified by the HR Team with the regulatory body as appropriate. In case of a dispute or if there is a reason to doubt that the claimed registration is genuine, clarification should be sought from the regulatory body.

CONDITIONAL OFFER

Offers of appointment should be provisional until all the pre-employment checks have been satisfactorily completed. Failure to do so will place Mid Devon District Council exposed to public liability insurance and financial risk, and loss of access to the public sector network.

Private & Confidential

Human Resources

Phoenix House
Phoenix Lane
TIVERTON
Devon
EX16 6PP

Tel: 01884 255255
Fax: 01884 234395
E-mail: HR@middevon.gov.uk
Website: www.middevon.gov.uk

Your Ref:

Date: 27 November 2014

My Ref: Baseline Personnel Security Standard

Contact: HR Section

Dear

Subject: pre-employment checks - employment history report form
Name:

You may be aware that we are required to verify employment history to help confirm the reliability of persons who may have access to Government assets. The person named above who (is an employee of) / (has applied for employment with) this organisation comes within the terms of this procedure.

S/he has given us your name as a (previous employer). It would be appreciated, therefore, if you would be good enough to let us have (confirmation (with dates) of his/her employment with you) by completing the attached Report Form and returning it to us by no later than [insert date]. Your reply will be treated in the strictest confidence.

Your cooperation and understanding in this matter will be greatly appreciated.

Yours sincerely,

HR Business Partner

Requests for alternative formats will be considered on an individual basis. Please telephone 01884 255255 or email customerfirst@middevon.gov.uk

To contact your local Councillor, his/her name and address can be obtained by visiting our website or telephoning Customer First on 01884 255255

SUBJECT: PRE-EMPLOYMENT CHECKS

NAME:

1. How long did the subject work for you and in what capacity?

| | |
|----------------------------------|-----|
| From: | To: |
| Capacity (i.e. appointment/post) | |

2. Are you related to the subject? If so, please state your relationship.

3. Over what period have you known the person?

| |
|-------|
| From: |
| To: |

Name:

Signature:

Date:

Contact address:

Tel No:

Email:

| |
|---|
| Company Name and Address (Stamp if applicable): |
|---|

Important: Data Protection Act (1998). This form contains "personal" data as defined by the Data Protection Act 1998. It has been supplied to the appropriate HR or Security authority exclusively for the purpose of the Baseline Personnel Security Standard. The HR or Security authority must protect the information provided and ensure that it is not passed to anyone who is not authorised to see it

BASELINE PERSONNEL SECURITY STANDARD VERIFICATION RECORD

1. Employee/Applicant details

Surname:

Forenames:

Address:

Tel No:

Date of birth:

Place of birth:

Nationality:

Former or dual nationality:
(with dates if applicable)

2. Certification of identity

Document:

Date of issue:

A

B

C

D

3. References (if taken)

a. Referee:

Relationship:

Address:

Length of association:

b. Referee:

Relationship:

Address:

Length of association:

C. Referee:

Relationship:

Address:

Length of association:

4. Other information (i.e. verification of employment history (past 3 years); verification of nationality and immigration status, whether and when such immigration status needs to be rechecked and by whom; disclosure of unspent criminal record; academic certificates seen; additional checks carried out etc.):

I certify that in accordance with the requirements of the Baseline Personnel Security Standard:

I have personally examined the documents listed at 2 above and have satisfactorily established the identity of the above named employee/applicant.

I have obtained the references (if taken) and information listed at 3 and 4 above and can confirm that these satisfy the requirements.

Name:

Appointment/Post:

Signature:

Date:

Important: Data Protection Act (1998). This form contains "personal" data as defined by the Data Protection Act 1998. It has been supplied to the appropriate HR or Security authority exclusively for the purpose of the Baseline Personnel Security Standard. The HR or Security authority must protect the information provided and ensure that it is not passed to anyone who is not authorised to see it.








Pre-employment Employers Right to Work Checklist












Name of person:

Date of check:

Type of check: First check before employment

Repeat check on an employee:

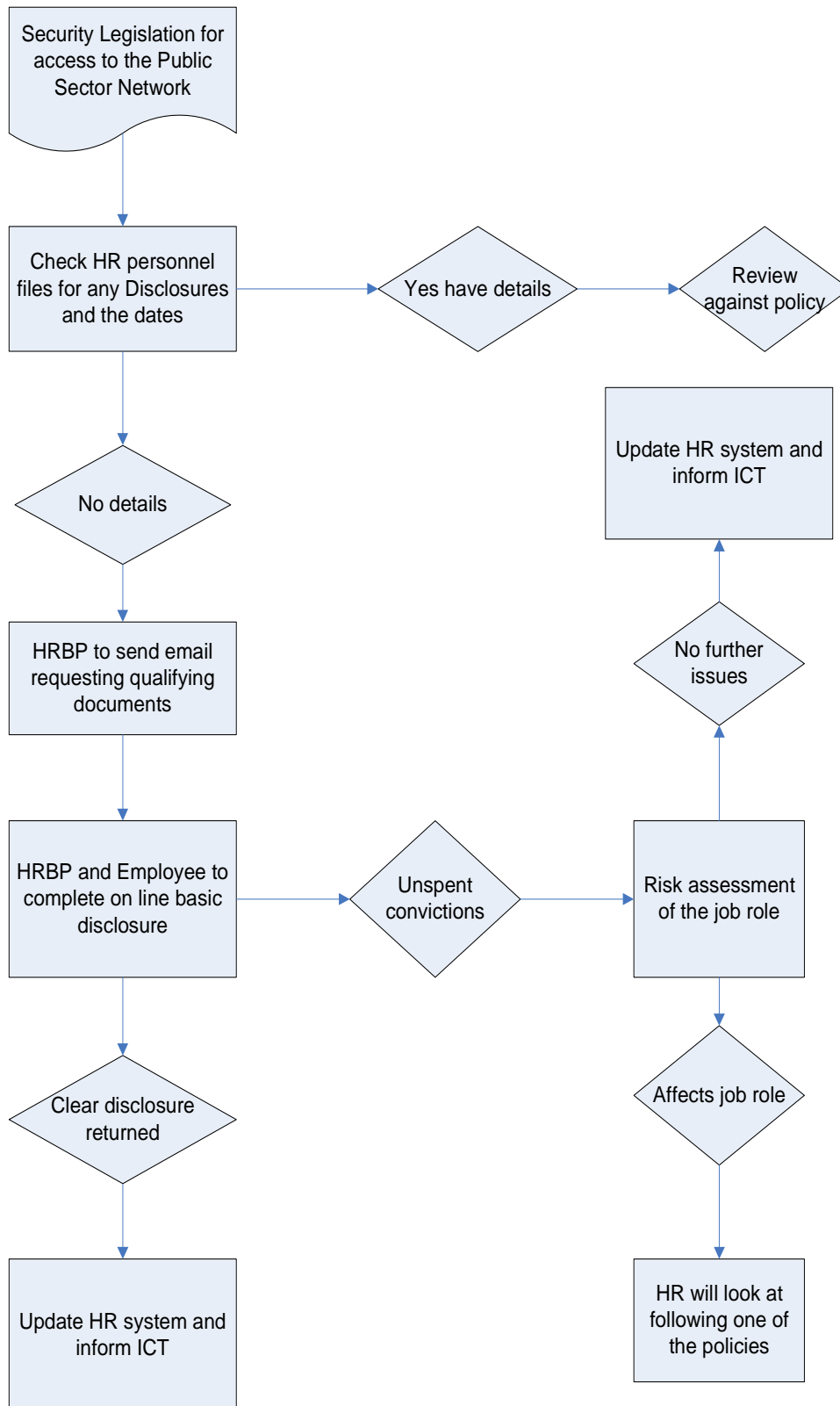
| | | | |
|--------|---|---|--|
| Step 1 | <p>You must ask for and be given an acceptable document.</p> <ul style="list-style-type: none"> ➤ You must be provided with one of the documents or combinations of documents in List A or List B below as proof that someone is allowed to work in the UK. ➤ You must only accept original documents. <p><u>Acceptable Documents List A</u></p> | | |
| | 1 |  | A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and colonies having the right of abode in the UK |
| | 2 |  | A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of an EEA country or Switzerland |
| | 3 |  | A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office to a national of an EEA country or Switzerland |
| | 4 |  | A permanent residence card or document issued by the Home Office to the family member of a national of an EEA country or Switzerland |
| | 5 |  | A Biometric Residence Permit issued by the Home Office to the holder indicating that they are allowed to stay indefinitely in the UK, or have no time limit on their stay in the UK |
| | 6 |  | A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK |
| | 7 |  | An Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK together with an official document issued by a previous employer or Government agency with their name and National Insurance number |

| | | | |
|------------------------------------|----|---|---|
| Step 1 cont: | 8 |  | A full birth or adoption certificate issued in the UK including the name(s) of at least one of the holder's parents together with an official document issued by a previous employer or Government agency with their name and National Insurance number |
| | 9 |  | A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland together with an official document issued by a previous employer or Government agency with their name and National Insurance number |
| | 10 |  | A certificate of registration or naturalization as a British citizen together with an official document issued by a previous employer or Government agency with their name and National Insurance number |
| | 11 |  | A letter issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK together with an official document issued by a previous employer or Government agency with their name and National Insurance number |
| Acceptable Documents List B | | | |
| | 1 |  | A passport or travel document showing they are allowed to stay in the UK and is allowed to do the type of work you are offering |
| | 2 |  | A Biometric Residence Permit issued by the Home Office to the holder indicating that they can stay in the UK and are allowed to do the work you are offering |
| | 3 |  | A residence card or document issued by the Home Office to a family member of a national of an EEA country or Switzerland |
| | 4 |  | A work permit or other approval to work issued by the Home Office together with either a passport or travel document showing the holder is allowed to stay in the UK and to do the work or a letter issued by the Home Office confirming the same |
| | 5 |  | A Certificate of Application less than 6 months old issued by the Home Office to or for the family member of a national of an EEA country or Switzerland stating they are allowed to work together with a positive verification letter from the Home Office's Employer Checking Service |
| | 6 |  | An Application Registration Card issued by the Home Office indicating that they are allowed to work together with a positive verification letter from the Home Office's Employer Checking Service |
| | 7 |  | An Immigration Status Document issued by the Home Office indicating that they can stay in the UK and are allowed to do the type of work together with an official document issued by a previous employer or Government agency with their name and National Insurance number |

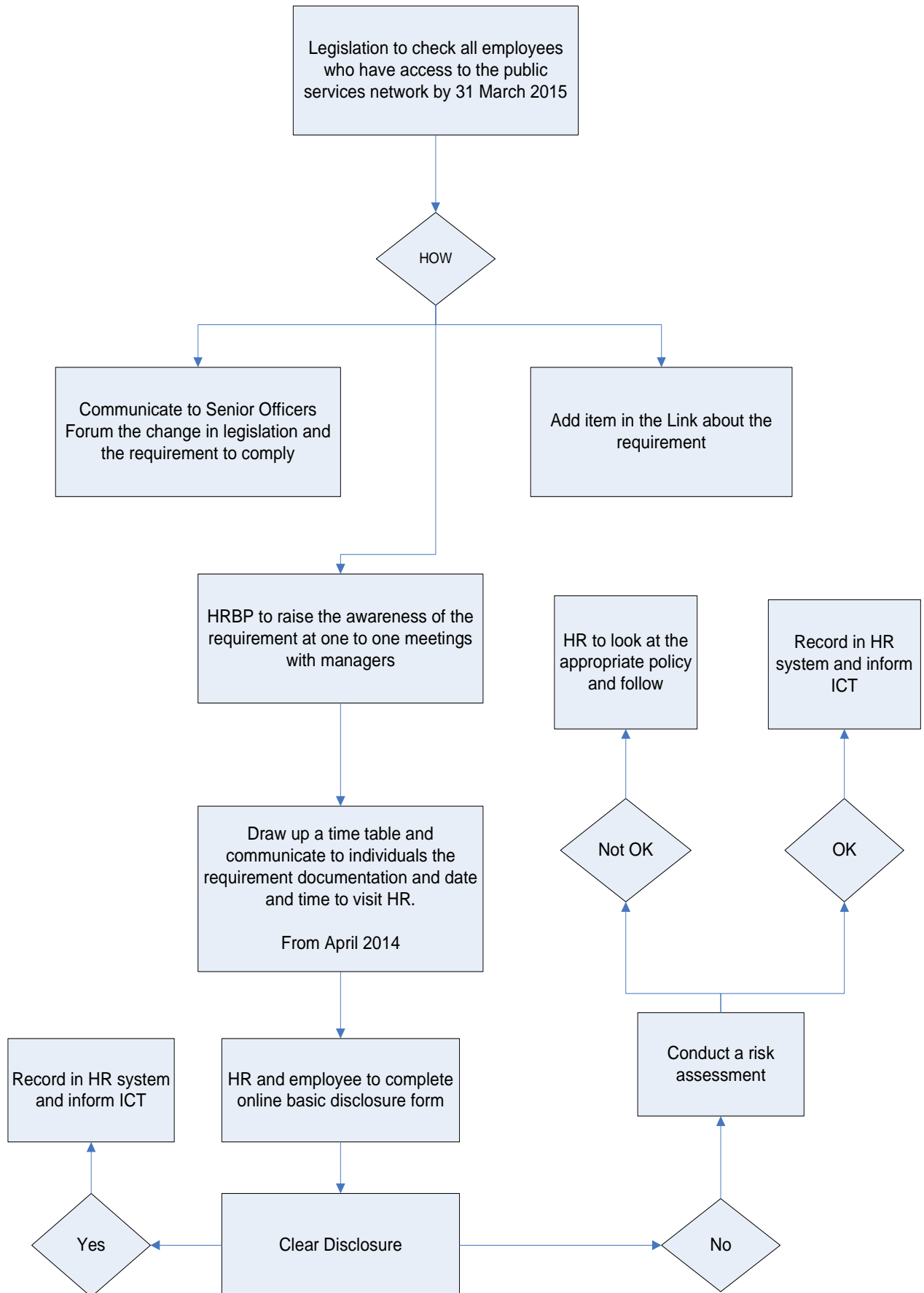
| | | |
|--------|---|--|
| | 8 | <input type="checkbox"/> <p>A letter issued by the Home Office to the holder or to you as the potential employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work you are offering together with an official document issued by a previous employer or Government agency with the their name and National Insurance number</p> |
| Step 2 | | <p>You must check the validity of the documents</p> <p>You must satisfy yourself that the documents are genuine and that the person presenting the documents is both the rightful holder and allowed to do the type of work you are offering.</p> |
| | 1 | <p>Are photographs consistent with the appearance of the person?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> |
| | 2 | <p>Are the dates of birth listed consistent with the appearance of the person?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> |
| | 3 | <p>Are expiry dates for limited leave to enter or remain in the UK in the future (if applicable) i.e. they have not passed?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> |
| | 4 | <p>Do any endorsements show the person is able to work for you and do the type of work you are offering?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> |
| | 5 | <p>Are you satisfied that the document is genuine, has not been tampered with and belongs to the holder?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> |
| | 6 | <p>Have you asked for further documents to explain why you have been given documents with different names?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> |
| Step 3 | | <p>You must take and retain a copy the documents.</p> <ul style="list-style-type: none"> ➤ You must take a copy of the documents in a format which cannot later be altered and retain them securely. ➤ Is one of the documents a passport or travel document? <p style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes then you must photocopy or scan:</p> <ul style="list-style-type: none"> ➤ the front cover and any pages providing the holder's personal details; |

| | |
|--------|---|
| | <ul style="list-style-type: none"> ➤ their nationality; photograph; date of birth; signature; date of expiry and biometric details; and ➤ any pages containing UK Government endorsements' showing the person is allowed to work in the UK and carry out the work you are offering. <p>All other documents should be copied in full, including both sides of a Biometric Residence Permit.</p> |
| Step 4 | <p>Know the type of excuse you have.</p> <p>If you have correctly carried out the above 3 steps you will have an excuse against payment of a civil penalty if the Home Office find the above named person working for you illegally.</p> <p>However, you need to be aware of the type of excuse you have as this determines how long it is valid for.</p> <p>List A</p> <ul style="list-style-type: none"> ➤ You have an excuse for the full duration of the person's employment with you. ➤ You are not required to carry out any repeat right to work checks on this person. <p>List B</p> <ul style="list-style-type: none"> ➤ You have an excuse for up to 12 months from the date on which you carried out this check. ➤ To keep your excuse you must carry out a repeat check on this person within 12 months. ➤ If the person's leave expires within a 12 month period you should carry-out your repeat check at that point to find out if they continue to have the right to work. <p>Date repeat check required:</p> <p>Date leave/right to work expires:</p> |

Process Chart for Baseline Personal Security Standard Checks



Baseline Personnel Security Standard



**MID DEVON DISTRICT COUNCIL
HUMAN RESOURCES
MEMORANDUM**

From:

Human Resources

My Ref: «EmployeeNo»

To: «Managename»

To:

To:

Date: 27 November 2014

Subject: PROBATIONARY PERIOD - «EmployeeName»

It is important that monitoring of the performance of probationary staff should be carried out on a regular basis throughout the Probationary Period.

I am therefore enclosing a Probationary Period Monitoring Form.

I would be grateful if at each stage of the procedure you meet with the individual and complete the section relating to:

- (a) 1 Months' Service
- (b) 3 Months' Service
- (c) 6 Months' Service

The Probationary Period ends on «Probends». Please return the original copy of the Monitoring Form, with all sections completed, to the Personnel Division after 6 month's service.

Please return within ONE WEEK of these monitoring dates to enable appropriate action to be taken within the required time scales should a problem necessitate extension or termination.

HUMAN RESOURCES ASSISTANT

PROBATIONARY PERIOD MONITORING FORM

NOTE: THIS FORM IS TO BE COMPLETED (AND A PHOTOCOPY TO BE SENT TO HUMAN RESOURCES) AT THE END OF THE MONITORING PROCEDURE

| | | | |
|--|--------------------------|--------------------------|--------------------------|
| NAME: «EmployeeName» | POST: «Jobtitle» | DIVISION: «Unit» | START DATE: «Startdate» |
| ELEMENT FOR APPRAISAL | 1 MONTHS' SERVICE | 3 MONTHS' SERVICE | 6 MONTHS' SERVICE |
| (1) QUALITY OF WORK PRODUCED (Finish/Accuracy) | | | |
| (2) SPEED OF WORKING | | | |
| (3) ATTITUDE TO SUPERVISION (Discipline) | | | |
| (4) ATTITUDE TO SUPERVISION (Teamwork) | | | |
| (5) INITIATIVE AND ALERTNESS | | | |

| | AFTER 1 MONTH | AFTER 3 MONTHS' | AFTER 6 MONTHS' |
|---|---------------|-----------------|-----------------|
| (6) RELIABILITY (Sense of Responsibility) | | | |
| (7) PUNCTUALITY AND TIMEKEEPING | | | |
| (8) ABSENTEEISM | | | |
| OTHER ELEMENTS TO BE MONITORED [1] [2] [3] | | | |
| ADDITIONAL ELEMENTS RELEVANT TO POST [1] Training Required [2] [3] | | | |

| | AFTER 1 MONTH | AFTER 3 MONTHS' | AFTER 6 MONTHS' |
|--|---------------------------------------|---|---|
| TARGETS/OBJECTIVES TO BE ACHIEVED | | | |
| <p>GENERAL OBSERVATIONS OF «Managename»:</p> <p>An entry should only be made here if you wish to make a significant comment, which will form part of the Officer's Work Record.</p> | | | |
| COMMENTS OF «EmployeeName» | | | |
| SIGNATURE OF «EmployeeName» | | | |
| SIGNATURE OF «Managename» | | | |
| | Please complete at the end of 1 month | Please complete at the end of 3 months' | Please complete at the end of 6 months' |

CHIEF OFFICER'S RECOMMENDATION (To be completed after 6 Months' Service)

- (a)* I recommend that in accordance with the Probationary Period Monitoring Record this Officer should be transferred to the permanent staff.
- (b)* I recommend that a further probationary period of 13 weeks be granted to this Officer, by mutual agreement.
- (c)* I recommend that this appointment be terminated.

SIGNED:.....

DATE:.....

(HEAD OF SERVICE)

*Please delete as applicable.

2022
09
09

**DECENT & AFFORDABLE HOMES PDG
25 NOVEMBER 2014**

AGENDA ITEM: 11

ASBESTOS MANAGEMENT ON COUNCIL HOUSES

Cabinet Member Cllr Ray Stanley
Responsible Officer Head of Housing & Property Services

Reason for Report: To provide Members with an update on the Health and Safety Executive (HSE) investigation into the alleged Asbestos Insulating Board (AIB) asbestos soffit removal by an unlicensed contractor at Brays Close, Crediton.

RECOMMENDATION(S):

That the PDG notes the HSE recommended actions detailed in Appendix 1 of the report and endorses the actions in Appendix 2.

Relationship to Corporate Plan: Corporate Plan priorities and targets are effectively maintained through the use of appropriate performance indicators and regular monitoring.

Financial Implications: The Health and Safety Fees and any cost of recommendations will be funded by the Housing Revenue Account.

Legal Implications: It is our legal responsibility to comply with the Health and Safety Act 1974 and the Control of Asbestos Regulations 2012.

Risk Assessment: If the recommended actions are not carried out, further enforcement action could be undertaken by the HSE.

1.0 Introduction

- 1.1 In July 2014 Members were informed that it had been reported in the press that asbestos containing soffits at Brays Close Flats, Crediton had been removed without due regard to the Control of Asbestos Regulations 2012.
- 1.2 Officers advised the Health and Safety Executive of this potential breach and provided evidence in order for the HSE to carry out an investigation. This included information on other sites where soffits and facias had been replaced.
- 1.3 The Health and Safety Executive has now concluded its investigation into the alleged AIB asbestos soffit removal by an unlicensed contractor which occurred in January 2012 and has written to the Council requesting action to be taken to rectify failings that had been identified.
- 1.4 Although the Council has been found to be in breach of the legislation, the HSE is not proposing any enforcement action. The HSE has made recommendations that need to be in place by 30 November 2015.

2.0 Action Required

- 2.1 During the investigation, the inspector identified contraventions of health and safety law which are listed in Appendix 1 attached (extract from the HSE letter dated 30.10.14), together with a summary of the incident giving relevant legislation and legal requirements. This appendix also details the reasons for the inspectors' opinions in drawing its conclusion.
- 2.2 We have also been notified that under Regulations 23 and 24 of the Health and Safety (Fees) Regulations 2012, the HSE will recover its costs for the examination. At the time of writing this report those costs are not yet known.
- 2.3 There is also a requirement under Section 28(8) of the Health and Safety at Work etc. Act 1974 that requires the HSE to give information to employees about matters affecting their health and safety. We have therefore been asked to provide a copy of the HSE Notification of Contravention letter dated 30 October 2014 to our employees for their information.

3.0 Conclusion and Recommendation

- 3.1 The HSE has noted that officers have already taken action to address some of the matters identified and unless new information comes to light to alter its opinion, the HSE consider the investigation concluded.
- 3.2 Following this investigation and our own internal review of our policies and procedures, a number of actions have been agreed. These are detailed in Appendix 2. It is intended that an independent Health and Safety advisor be engaged to verify that these actions and amendments to our policies and procedures will ensure that we comply in future to the Control of Asbestos Regulations 2012.

Contact for more Information: Nick Sanderson, Head of Housing and Property (01884 234960 – nsanderson@middevon.gov.uk)

Circulation of the Report: Management Team and Cabinet Member

Notification of Contravention

Mark Baglow, Building Services Manager &
Nick Sanderson, Head of Housing
Mid Devon District Council
Old Road Depot
Tiverton
Devon
EX16 4HQ

Reference HA/ 4380180

Helena Allum

HSE
4th Floor, North Quay House
Sutton Harbour
Plymouth
Devon PL4 0RA

Tel: 01752 276323
Fax: 01752 226024
Email:
helena.allum@hse.gsi.gov.uk

<http://www.hse.gov.uk/>

Line manager: Ms J Teasdale

Date 30th October 2014

Dear Sirs

HEALTH AND SAFETY AT WORK ETC ACT 1974

I have concluded the investigation into the alleged AIB asbestos soffit removal by an unlicensed contractor at Brays Close, Credition, which appeared to have occurred mid 2012. I am writing to inform you of my findings in relation to Mid Devon District Council and request action be taken to rectify the failings identified.

Action Required

During the investigation, I identified contraventions of health and safety law, which are listed in **Appendix 1** of this letter. I refer you to this appendix for more information on what the findings were and what action you must take on these matters to comply with the law. It is noted that you have already taken action to address some of the matters identified. Unless new information comes to light to alter my opinion, I consider the investigation concluded.

Whilst I investigated your activities to assess how you were complying with your legal responsibilities relating to asbestos, I did not examine the whole of your business. There may be additional areas to those I identified which also require your attention. It is your responsibility to ensure the health and safety of your employees and other people, such as members of the public, who may be affected by the way you run your business.

HEALTH AND SAFETY (FEES) REGULATIONS 2012 ('THE FEES REGULATIONS 2012') – FEE FOR INTERVENTION

I am notifying you that the contraventions numbered 1 & 2 in **Appendix 1** are, in my opinion, material breaches for which a fee is payable by you to HSE under Fee for Intervention. My reasons for this are also given in Appendix 1. You should read "**Information on Fee for Intervention**" accompanying this letter for further information on this.

Further Information

For further information about health and safety please visit HSE's website at www.hse.gov.uk. You can view and download HSE guidance online and also order priced publications from the website. HSE priced publications are also available from bookshops.

Information for employees

Section 28(8) of the Health and Safety at Work etc. Act 1974 requires me to give information to your employees about matters affecting their health and safety. I therefore ask you to print out a second copy of this letter to provide to the employees for their information.

Please will you write to me confirming the action you have taken on the matters listed in Appendix 1 by 30th November 2014. If you require any further information or advice please contact me.

Yours faithfully



Helena Allum
HM Inspector of Health & Safety

Enc: Appendix 1
Information on Fee for Intervention

CONTRAVENTIONS OF HEALTH AND SAFETY LAW

I identified the following contraventions of health and safety law during my investigation and these now require your attention. You must take action on them to comply with your legal duties. I have also given you the reasons for my opinion as to why you are contravening or have contravened health and safety law.

Incident - at Brays Close, Credition, mid 2012, soffits in the form of asbestos insulation board (AIB) were mistaken by Phil Squires employees as asbestos cement and removed by them. Phil Squires is not a licensed asbestos removal contractor. That work may have resulted in a release of asbestos fibres. The management survey for Brays Close did not identify the soffits as being asbestos or what type.

Legislation - Control of Asbestos Regulations 2012, reg 4, duty to manage - it is debatable whether the soffit on shared domestic premises would fall under the regulations under common parts. However you do have duties under section 3 of the Health & Safety at Work etc. Act 1974 and CDM and those duties would extend to the provision of sufficient information on presence of and type of asbestos to contractors.

Legal requirements - To avoid the risks associated with disturbance of asbestos fibres, dutyholders should carry out sufficient checks to identify the presence of and type of asbestos before any work takes place which may result in it being disturbed. For activities which involve refurbishment, removal, building work etc. a refurbishment/demolition asbestos survey carried out by a competent person (qualified surveyor) is considered to be suitable and sufficient way of identifying the presence of asbestos. If AIB is identified it should be removed by a licensed contractor.

In determining the form of action to take in relation to these incidents it has been taken into account:

- For Brays Court, though there is sufficient information to indicate legislative breaches have occurred, the identification of the AIB debris occurred over two years after the soffit removal work was complete.
- The AIB debris may be weathered but its link to the soffit boards can only be assumed. The same applies to Sunnymead Flats.
- Additionally, the potential for harm/actual harm created by the method of work cannot be determined, as the work took place too long ago to determine whether the system of work created a risk and the extent of that risk. Again the same applies to Sunnymead Flats.

1. **Issue** - Regardless of when it was received by the contractor, the asbestos survey was lacking for Brays Court as it failed to identify whether the soffit material was asbestos and what type. The Sunnymead flats survey did not clearly identify the soffit as being AIB.
Breach - Health & Safety at Work etc Act 1974 and Construction (Design & Management) Regulations 2007 – failure to provide suitable and sufficient information to the contractor on materials which could cause harm to health.
Action being taken – you are improving your management survey to more clearly indicate the presence and type of asbestos
2. **Issue** - Unclear information was provided in the 'MDDC/Contractor' contract on the asbestos related action to be taken by the contractor when they are asked to carry out refurbishment or demolition work on the exterior of the property. Also the document produced post Bray Close work, 'Management of Asbestos in MDDC properties', does not identify exterior work such as removal of soffits, roof tiles etc. as refurbishment work that requires a refurbishment/demolition asbestos survey.
Breach – Health & Safety at Work etc Act 1974, failure to provide contractors with sufficient information and instructions to avoid the risk of contact with asbestos in MDDC owned/controlled buildings.
Action required – information should be provided to contractors, which clearly states: that for any refurbishment/demolition work, internal or external, where structural changes or removal of objects etc. is to be carried out a refurbishment/demolition asbestos survey must be carried out by a competent person; and whose responsibility the obtaining of that survey is. Unless, building age or other relevant information is available to confidently state that there is no asbestos the property.

INFORMATION ON FEE FOR INTERVENTION

Under regulations 23 and 24 of the Health and Safety (Fees) Regulations 2012, HSE will recover its costs for the work it does in relation to certain contraventions of health and safety law. These contraventions are known as 'material breaches'. This cost recovery is called 'Fee for Intervention' or 'FFI'.

A material breach is when, in the opinion of the HSE Inspector, there is or has been a contravention of health and safety law that requires the Inspector to issue notice in writing of that opinion to the dutyholder. This Notification of Contravention is written notice of my opinion. The reasons for my opinion are set out in **Appendix 1**.

HSE will recover from you the costs that it incurs in consequence of any contravention that is a material breach. The costs for the whole visit where a material breach is first identified are recoverable, along with other associated work.

HSE will send you an invoice for the costs incurred.

There are exemptions and disapplications, where HSE cannot recover its costs for carrying out its functions. These exemptions and disapplications are detailed in HSE 47 - *Guidance on the Application of Fee for Intervention* at <http://www.hse.gov.uk/pubns/hse47.pdf>.

Under regulation 25(5) of the Fees Regulations 2012 you have the right to dispute the invoice. You can find further information about Fee for Intervention and details of the terms on which you can dispute an invoice in the leaflet HSE 48 - *Fee for Intervention: What you need to know* at <http://www.hse.gov.uk/pubns/hse48.pdf>. More detailed information is given in HSE 47 - *Guidance on the Application of Fee for Intervention* at <http://www.hse.gov.uk/pubns/hse47.pdf>.

Actions following Investigations into the claim that asbestos soffits were replaced without regard to Health & Safety Legislation

- An internal investigation was carried out and appropriate action undertaken
- We ensure that an Refurbishment and Demolition (R&D) survey is carried out before major works start in order to ascertain whether there is any Asbestos Containing Materials (ACM's) present and the risk attached to them so that appropriate action can be taken
- When carrying out minor works we check the asbestos register first, and where information is thought to be missing or there is any doubt we always presume the worst case
- We check the risk assessments provided by the contractor against the results of the R&D survey
- Asbestos Awareness refresher courses have been brought forward for all operational and support staff
- Asbestos Task training refreshers have been brought forward for all operational staff
- Asbestos Management training has been brought forward for all supervisory staff
- 'Asbestos Essentials' task manuals are being reissued to all operational and supervisory staff
- The HSE asbestos mobile phone application (app) is being installed on the operative's smart phones
- A hard copy of the HSE app 'How to Asbestos Guide' is being issued to all operatives
- The HSE app 'How to Asbestos Guide' is being promoted to our contractors
- We downloaded a list of all sites where the same contractor has completed similar works involving ACM's and carried out an initial survey.
- We quarantined all loft spaces where we feel there may have been a risk until a specialist survey could be carried out
- We have employed the services of Ron Boyd - Partners in Safety, to initially carry out a full review of our policies and procedures, make recommendations, and spot check sites going forward to ensure compliance.

- We are reviewing our Construction Design and Management Coordinator role (CDMC) with a view to potentially outsourcing this
- Increased site inspections for all high risk tasks such as asbestos removal and working at height
- The asbestos management policy has been reissued to all supervisory staff
- A copy of The Control of Asbestos Regulations has been reissued to all supervisory staff
- We will be improving the quality of our management surveys to include the type of asbestos rather than just their elemental composition.
 - Examples - Asbestos insulation board, Asbestos cement, Sprayed lagging, Textured Coatings, Woven cloth etc
- We will ensure that the information recorded on the Asbestos Register is complete and includes the type of the asbestos found as per above. Where no asbestos is detected this needs to be recorded as such.
- Amend the 'Management of Asbestos in MDDC Properties' policy to ensure it identifies exterior work such as removal of soffits, roof tiles etc. as refurbishment work that requires a refurbishment/demolition asbestos survey.
- Provide information ideally via the contract documentation, or before starting works, to contractors, which clearly states:
 - Any refurbishment/demolition work, internal or external, where structural changes or removal of objects etc. is to be carried out a refurbishment/demolition asbestos survey must be carried out by a competent person
 - Whose responsibility the obtaining of that survey is
 - This will apply in all cases unless the building age or other relevant information is available to confidently state that there is no asbestos the property



Response to Mid Devon District Council

Following the Mid Devon District Council Scrutiny Committee held on 20 October 2014, please find below additional information as requested at the meeting.

Call Handling Summary – Force Area as at 26 Oct 2014

- In the rolling 12 months to the 26th of October 2014, 185,303 999 calls were received by Devon and Cornwall Police.
- Of which 4,526 were re-presented or abandoned which equates to 2.4% of total 999 calls received. Data is not currently available to indicate at what point in the call making process the caller abandons the call. There can be many reasons for 999 calls being abandoned, which may include the caller has identified that another person is calling in relation to the same incident, in particular in relation to road traffic collisions, or incidents of public order and abandons their call.
- Overall 89.3% of 999 calls were answered within the 10 seconds target.

Crime Overview – Mid Devon Sector and by largest Mid Devon Sector Towns

The data in this section is based on the 12 monthly period 1st October 2013 to 30th September 2014 unless otherwise stated.

Total Crime

- 2,439 crimes were recorded in Mid Devon Sector. This is 327 fewer crimes recorded than the equivalent period a year earlier and equates to an 11.8% decrease.
- 561 crimes were recorded in Crediton Sub Sector which equates to 23% of total crime recorded in Mid Devon Sector.
- 658 crimes were recorded in Cullompton Sub Sector which equates to 27% of total crime recorded in Mid Devon Sector.
- 1220 crimes were recorded in Tiverton Sub Sector which equates to 50% of total crime recorded in Mid Devon Sector.
- Total crime has fallen in Crediton, Cullompton and Tiverton in the 12 months to 30th September compared with a year earlier.
- In both absolute and percentage terms Tiverton Sub Sector has seen the largest decrease in total crime.

| Sub Sector | Recorded Crime | Recorded Crime Previous Year | Recorded Crime % Difference | Recorded Crime Number Difference |
|-------------------|----------------|------------------------------|-----------------------------|----------------------------------|
| Crediton | 561 | 610 | -8.0% | -49 |
| Cullompton | 658 | 724 | -9.1% | -66 |
| Tiverton | 1220 | 1431 | -14.7% | -211 |

- The overall crime rate in Mid Devon Sector at 31.37 offences per 1,000 population¹ is considerably lower than the Force average (49.32 offences per 1,000 population).
- The violence against the person rate in Mid Devon at 8.91 offences per 1,000 population is also lower than the Force average (12.74 offences per 1,000 population).

Mid Devon Sector

The top 5 offence types in terms of crime volumes in Mid Devon Sector are:

- Other theft (n=405)
- Criminal damage(n=391)
- Violence without injury (n=365)
- Violence with injury (n=328)
- Burglary non-dwelling (n=214)

Breakdown by Sub Sector - % figures represent proportion of total crime in each area

| Offence | Crediton | | Cullompton | | Tiverton | |
|--------------------------------|----------|------|------------|------|----------|------|
| | Num | % | Num | % | Num | % |
| Other theft | 93 | 16.6 | 126 | 19.1 | 186 | 15.2 |
| Criminal damage | 77 | 13.7 | 111 | 16.9 | 203 | 16.6 |
| Violence without injury | 84 | 15.0 | 98 | 14.9 | 183 | 15.0 |
| Violence with injury | 65 | 11.6 | 94 | 14.3 | 169 | 13.9 |
| Burglary non-dwelling | 77 | 13.7 | 53 | 8.1 | 84 | 6.9 |

Crediton Sub Sector

The top 5 offence types in terms of crime volumes in Crediton are:

- Other theft
- Violence without injury
- Burglary non-dwelling
- Criminal damage
- Violence with injury

¹ Rates have been calculated based on 2011 Census population data

- The reduction in total crime has been driven primarily by decreases in the following offence types: Criminal damage; other theft; burglary dwelling and violence with injury.
- Burglary non-dwelling offences and violence without injury offences however have increased by 97.4% (or 38 more crimes recorded) and 29.2% (or 19 more crimes recorded) respectively.

Cullompton Sub Sector

The top 5 offence types in terms of crime volumes in Cullompton are:

- Other theft
 - Criminal damage
 - Violence without injury
 - Violence with injury
 - Burglary non-dwelling
- The reduction in total crime has been driven by decreases in the following offence types: Burglary dwelling; vehicle offences; other offences; shoplifting; criminal damage; public order; burglary non-dwelling and other theft.
 - Both violence with injury and violence without injury offences have increased by 28.8% (or 21 more crimes recorded) and 22.5% (or 18 more crimes recorded) respectively.

Tiverton Sub Sector

The top 5 offence types in terms of crime volumes in Tiverton are:

- Criminal damage
 - Other theft
 - Violence without injury
 - Violence with injury
 - Shoplifting
- The reduction in total crime has been driven by decreases in the following offence types: Vehicle offences; criminal damage; burglary dwelling; burglary non-dwelling; other theft and violence with injury.
 - Violence without injury and shoplifting however have increased by 15.8% (or 25 more crimes recorded) and 8.3% (or 10 more crimes recorded) respectively.

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Recycling Community Equipment in Devon

Introduction

Devon Community Equipment Service (CES) provides a service to deliver and collect equipment on loan across the county excluding Plymouth City and Torbay. The service is currently provided by Pluss who purchase the new equipment, but also recycle as much equipment as possible. This recycled equipment needs to be collected, cleaned, inspected, repaired with new parts, tested and then delivered to a new service user or satellite store. Some collected items are damaged and beyond economical repair so are scrapped.

Collecting equipment

All equipment is collected and recycled wherever possible. Some low value equipment is provided by the service user redeeming a prescription at any of the 50+ accredited equipment retailers around Devon. The prescription equipment issued from the accredited retailers is new, low value and belongs to the service user so is not loaned. This equipment can be collected, cleaned, inspected and serviced and then reissued via the satellite stores mainly in hospitals to be reused.

There are four ways for this low value equipment to be collected and recycled.

1. Where individual requests for low value prescription equipment is to be collected along with complex loaned equipment.
2. Where Pluss have a van in the area and a service user or hospital has complex equipment to return and it is mutually convenient for the driver and service user to collect the low value prescription equipment. Pluss van drivers are flexible, but they can not seriously disrupt their busy schedule to collect individual low value prescription items if it is not convenient for them at that time.
3. Pluss will regularly collect low value prescription equipment from the 33 Satellite stores in Devon (which are mainly at the hospitals).
4. Service Users can return equipment to Pluss Community Equipment Service store at 9 – 11 Heron Units, Heron Road, Sowton Industrial Estate, Exeter EX2 7LL tel. 01392 678533.

Ian Deakin
CES Contract Manager
30 October 2014

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