

Public Document Pack

**Democratic Services Section
Chief Executive's Department
Belfast City Council
City Hall
Belfast
BT1 5GS**

28th January, 2015

MEETING OF SHADOW STRATEGIC POLICY AND RESOURCES COMMITTEE

Dear Councillor,

The above-named Committee will meet in the Lavery Room - City Hall on Friday, 30th January, 2015 at 10.00 am, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully

Suzanne Wylie
Chief Executive

AGENDA:

1. Routine Matters
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. Democratic Services and Governance
 - (a) Appointment of Political Members to the PCSP and DPCSPs (Pages 1 - 18)
3. Finance/Value-for-Money
 - (a) Revenue Estimates 2015/16 (Pages 19 - 38)
 - (b) Capital Programme - Update (Pages 39 - 90)
 - (c) Non – Recurrent Expenditure Requirements 2014-15 and 2015-16 (Pages 91 - 96)
 - (d) DOE Expenditure Controls (Pages 97 - 114)
 - (e) Council Support for Employability - Proposed Approach (Pages 115 - 118)
 - (f) Super Connected Belfast Update (Pages 119 - 124)
 - (g) Support and Maintenance for existing server (Pages 125 - 128)

- (h) Bidding for International Events (Pages 129 - 140)
- 4. Asset Management
 - (a) Land at Old Golf Course Road, Dunmurry (Pages 141 - 144)
- 5. Cross-Cutting Issues
 - (a) DSD Consultations - Shaftesbury Square Development Framework and South West Gateway Masterplan (Pages 145 - 160)
 - (b) Safeguarding (all ages) Consultation Response (Pages 161 - 248)
 - (c) arc21 Collaborative Agreements (Pages 249 - 272)



Belfast District Council (Shadow)

Report to:	Shadow Strategic Policy and Resource Committee
Subject:	Allocation of Political Places on the Belfast Policing and Community Safety Partnership (PCSP) and the Four District Policing and Community Safety Partnerships (DPCSPs)
Date:	Friday, 30th January, 2015
Reporting Officer:	Stephen McCrory, Democratic Services Manager (ext. 6314)
Contact Officer:	Alison Allen, Safer City Manager (ext. 3780)

1	Relevant Background Information
1.1	The Council is required, under Part 3 of the Justice Act (Northern Ireland) 2011, to establish the Belfast PCSP and the four DPCSPs. The Council must, under this legislation, make the appointments, so far as is practicable, to reflect the strength of the Parties on the Council. A diagrammatic representation of the structure is given in Appendix 3.
1.2	Furthermore, Part 3, Section 6 (1) (f) of the Local Government Act (Northern Ireland) 2014 makes provision for the filling of positions of responsibility. Under this legislation, Political Members appointed to the PCSP and the four DPCSPs are considered positions of responsibility.

2	Key Issues
2.1	<p><u>Appointment of Political Members to the Principal PCSP</u></p> <p>Members are reminded that, in 2012 the Council decided to appoint a 19 Member Policing and Community Safety Partnership which comprised 10 elected Members appointed by the Council and 9 Independent Members appointed by the Northern Ireland Policing Board. There were also representatives from 7 statutory bodies and the voluntary and community sector, however there is no formal appointments process for these members.</p>
2.2	The Justice Act (Northern Ireland) 2011 provides that the Council may decide to appoint either 8, 9 or 10 Political Members to the PCSP. The number of Independent Members is to be set at one less than the number of Political Members. The decision which the Committee must make on the number of Political

	<p>Members to appoint needs to factor in both the size of the partnership, but also its political make up.</p>																																
2.3	<p>Appendix 1, Part A, sets out the allocation of places to the political parties on the Council based upon a PCSP (the citywide partnership) comprising 19 Members, 17 Members and 15 Members (numbers include both Political and Independent Members). This is based on the quota greatest remainder formula which the Council uses for sharing out of Committee posts and other posts where it is entitled to nominate representatives to outside bodies. This formula works on party strengths and is aimed at providing proportionate representation reflecting party strengths in the Council.</p>																																
2.4	<p>However, this is further complicated as the legislation also provides that the Political Members of the PCSP shall include the persons who hold the Office of Chair of each of the DPCSPs. This means that 4 of the Political appointments to the PCSP each year will be reserved for the Chairs of the 4 DPCSPs.</p>																																
2.5	<p>In addition, for any particular DPCSP there is a requirement that, <i>so far as is practicable</i>, the Chair will be held in turn by the 4 largest Parties on the Council during the 4-year term (although there is a slight difficulty with this as discussed below in 2.8). Accordingly, when considering the political nominations to the PCSP, it needs to be remembered that some Parties will already have obtained places through the Chairs of the DPCSPs. The breakdown is represented in Part B of Appendix 1.</p>																																
2.6	<p>The political make up of PCSP, depending on whether it has 19, 17 or 15 members is summarised in the table below (see Appendix 1 Part A for more detail):</p>																																
	<table border="1"> <thead> <tr> <th></th> <th>19 Members</th> <th>17 Members</th> <th>15 Members</th> </tr> </thead> <tbody> <tr> <td>SF</td> <td>3</td> <td>3</td> <td><u>3</u></td> </tr> <tr> <td>DUP</td> <td>2</td> <td>2</td> <td><u>2</u></td> </tr> <tr> <td>ALL</td> <td>2</td> <td>1</td> <td><u>1</u></td> </tr> <tr> <td>SDLP</td> <td>1</td> <td>1</td> <td><u>1</u></td> </tr> <tr> <td>UUP</td> <td>1</td> <td>1</td> <td><u>1</u></td> </tr> <tr> <td>PUP</td> <td>1</td> <td>1</td> <td><u>0</u></td> </tr> <tr> <td>TOTAL</td> <td>10</td> <td>9</td> <td>8</td> </tr> </tbody> </table>		19 Members	17 Members	15 Members	SF	3	3	<u>3</u>	DUP	2	2	<u>2</u>	ALL	2	1	<u>1</u>	SDLP	1	1	<u>1</u>	UUP	1	1	<u>1</u>	PUP	1	1	<u>0</u>	TOTAL	10	9	8
	19 Members	17 Members	15 Members																														
SF	3	3	<u>3</u>																														
DUP	2	2	<u>2</u>																														
ALL	2	1	<u>1</u>																														
SDLP	1	1	<u>1</u>																														
UUP	1	1	<u>1</u>																														
PUP	1	1	<u>0</u>																														
TOTAL	10	9	8																														
2.7	<p><u>The Committee is then firstly required to determine whether it wishes to appoint a PCSP comprising of 19 Members, 17 Members or 15 Members.</u> In making this decision Members should be mindful of the fact that additional multi-sectoral members could add at least a further 10 people to the partnership.</p>																																
	<p><u>Allocation of places and the appointment of the Chairs on the DPCSP's</u></p>																																
2.8	<p>The 4 DPCSPs will have 6 Political Members each (as determined by the legislation), giving a total of 24 Political Members. The legislation requires that, so far as is practicable, the political membership of all 4 DPCSPs taken together reflects the balance of the Parties immediately after the last local election.</p>																																
2.9	<p>Part C of Appendix 1 shows the results when applying the standard formula used by the Council in respect of appointments to the DPCSPs. This is summarised below:</p>																																
	<table border="1"> <thead> <tr> <th>Party</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>SF</td> <td>8</td> </tr> <tr> <td>DUP</td> <td>5</td> </tr> <tr> <td>ALL</td> <td>3</td> </tr> <tr> <td>SDLP</td> <td>3</td> </tr> </tbody> </table>	Party	Total	SF	8	DUP	5	ALL	3	SDLP	3																						
Party	Total																																
SF	8																																
DUP	5																																
ALL	3																																
SDLP	3																																

		UUP	3
		PUP	1
		TUV	1
		Total	24
2.10		<u>Chairs of the PCSP</u>	
	2.10	Under the legislation, the position of Chair of the PCSP is to be rotated, <i>so far as is practicable</i> , amongst the 4 largest Parties represented on the Council.	
	2.11	Accordingly, in the 4-year term, the position of Chair would, in accordance with the spirit of the legislation, be held in turn by the Sinn Féin, Democratic Unionist, Alliance and Social, Democratic and Labour Parties.	
	2.12	However, when applying the normal formula used by the Council this would not be possible with the current party strengths on Belfast City Council as the 3 rd and 4 th largest political parties on the Council, the Alliance and the Social Democratic Labour Parties, would only be entitled to 3 places each across the four DPCSPs. Accordingly, if this model is applied, there would always be a DPCSP that would not have an Alliance or Social Democratic Labour Party representative.	
	2.13	The Council previously sought legal advice on the approach that it would be advised to take in these circumstances. This advice, which was provided by Junior Counsel, is attached in Appendix 2. Although the advice does not rule out the possibility of the Council deciding not to apply its normal formula rigidly (i.e. it would be within the powers of the Council to do so), it concludes that on balance the Council would be best to continue to apply the process which the Council has habitually used, i.e. appointments to the DPCSPs should be shared out on the basis of the model used by the Council without adjustment.	
	2.14	This recommendation is also made based on the sequencing of the Council's obligations contained within the legislation. It is when exercising the power to appoint Political Members to the DPCSPs that the Council is required to ensure that membership of the DPCSPs is proportionate to party strengths. The obligation to rotate the DPCSP Chairs arises not when appointing Political Members but when actually appointing the Chairs each year.	
	2.15	The outcome of this approach would also have an impact on the composition of the PCSP as the Chair of each DPCSP is entitled to membership of the PCSP. Furthermore, the vacant Chairs would have to be allocated to the largest Party groupings which would result in both Sinn Féin and the Democratic Unionist Party holding two Chairs of the DPCSPs during the affected years.	
	2.16	<u>The Committee is required to determine whether it wishes to appoint Political Members to the 4 DPCSPs based on the legal opinion as outline in Appendix 2.</u>	
	2.17	Once the decisions are made by Committee, a meeting of the relevant Party Leaders will be necessary to allocate places using a d'Hondt based table of choices.	

3	Resource Implications
3.1	<u>Financial Resources</u>
	£122,500 of service delivery costs per annum until March, 2016. This has already

	been agreed via the revenue estimates.
3.2	<u>Human Resources</u>
	None.
3.3	<u>Asset and Other Implications</u>
	None.

4	Equality and Good Relations Considerations
4.1	None at present.

5	Call In
4.1	This decision is subject to Call In.

5	Recommendations
5.1	<p>The Committee is asked to:</p> <ol style="list-style-type: none"> 1. Determine whether it wishes to appoint a PCSP comprising of 19 Members, 17 Members or 15 Members. 2. Determine whether it wishes to appoint the Political Members to the four DPCSPs based on the legal advice.

6	Decision Tracking
	Alison Allen, Safer City Manager.

7	Key to Abbreviations
	<p>DPCSP – District Policing and Community Safety Partnerships PCSP – Policing and Community Safety Partnerships</p>

8	Documents Attached
Appendix 1	Allocation of Places – Application of formula
Appendix 2	Legal Opinion
Appendix 3	Diagrammatic representation of Partnerships

Appendix 1

A. Allocation of places to the PCSP – 3 scenarios (not considering chairs of DCSPS)

Formula Used:

$$\frac{\text{Number of political places}}{60} \times \text{Party representation on the Council}$$

19 Member PCSP – 10 Political Members

Party	No of Seats	Allocation	Whole Number	*Balancing Figure	Total
SF	19/60	3.17	3	+0	3
DUP	13/60	2.17	2	+0	2
ALL	8/60	1.33	1	+1	2
SDLP	7/60	1.17	1	+0	1
UUP	7/60	1.17	1	+0	1
PUP	3/60	0.50	0	+1	1
TUV	1/60	0.17	0	+0	0
GREEN	1/60	0.17	0	+0	0
PBPA	1/60	0.17	0	+0	0
TOTAL	60/60	10.02	8	2	10

17 Member PCSP – 9 Political Members

Party	No of Seats	Allocation	Whole Number	*Balancing Figure	Total
SF	19/60	2.85	2	+1	3
DUP	13/60	1.95	1	+1	2
ALL	8/60	1.20	1	+0	1
SDLP	7/60	1.05	1	+0	1
UUP	7/60	1.05	1	+0	1
PUP	3/60	0.45	0	+1	1
TUV	1/60	0.15	0	+0	0
GREEN	1/60	0.15	0	+0	0
PBPA	1/60	0.15	0	+0	0
TOTAL	60/60	9	6	3	9

15 Member PCSP – 8 Political Members

Party	No of Seats	Allocation	Whole Number	*Balancing Figure	Total
SF	19/60	2.53	2	+1	3
DUP	13/60	1.73	1	+1	2
ALL	8/60	1.07	1	+0	1
SDLP	7/60	0.93	0	+1	1
UUP	7/60	0.93	0	+1	1
PUP	3/60	0.40	0	+0	0
TUV	1/60	0.13	0	+0	0
GREEN	1/60	0.13	0	+0	0
PBPA	1/60	0.13	0	+0	0
TOTAL	60/60	7.98	4	4	8

B. Effect of Chairs of each DPCSP holding seats on the PCSP**19 Member PCSP – 10 Political Members**

Party	No of seats on PCSP	Less Seats held for Chairmen of DPCSP's	Remaining Seats to be Allocated
SF	3	-1	2
DUP	2	-1	1
ALL	2	-1*	1
SDLP	1	-1*	0
UUP	1	0	1
PUP	1	0	1
Total	10	-4	6

17 Member PCSP – 9 Political Members

Party	No of seats on PCSP	Less Seats held for Chairmen of DPCSP's	Remaining Seats to be Allocated
SF	3	-1	2
DUP	2	-1	1
ALL	1	-1*	0
SDLP	1	-1*	0
UUP	1	0	1
PUP	1	0	1
Total	9	-4	5

15 member PCSP – 8 Political Members

Party	No of seats on PCSP	Less Seats held for Chairmen of DPCSP's	Remaining Seats to be Allocated
SF	3	-1	2
DUP	2	-1	1
SDLP	1	-1*	0
ALL	1	-1*	0
UUP	1	0	1
PUP	0	0	0
Total	8	-4	4

C – Appointment to DCSPs

Party	No of Seats	Allocation	Whole number	*Balancing figure	Total
SF	19/60	7.60	7	+1	8
DUP	13/60	5.20	5	+0	5
ALL	8/60	3.20	3	+0	3
SDLP	7/60	2.80	2	+1	3
UUP	7/60	2.80	2	+1	3
PUP	3/60	1.20	1	+0	1
TUV	1/60	0.40	0	+1	1
GREEN	1/60	0.40	0	+0	0
PBPA	1/60	0.40	0	+0	0
TOTAL	60/60	24	20	4	24

* Please note that as the Alliance and SDLP parties only have 3 DPCSP places across the 4 DPCSPs, each of those Parties will only be represented on 3 DPCSPs. Therefore, there will be one year in the 4 year term when the Chair of two of the DPCSPs will not be able to be held by the Alliance and SDLP parties as the 3rd and 4th largest parties on the Council. The Chairs of those 2 DPCSPs for that year will be held by the Sinn Fein and DUP parties.

This page is intentionally left blank

BRIEF TO ADVISE

BELFAST CITY COUNCIL

Querist

**in relation to the nomination of members to
Policing and Community Safety Partnerships**

COUNSEL'S ADVICES

INTRODUCTION

1. I am asked to advise Belfast City Council ('the Council') in relation to an issue which has arisen as to the nomination of members to Policing and Community Safety Partnerships under the Justice Act (Northern Ireland) 2011.

FACTS, INSTRUCTIONS AND RELEVANT STATUTORY PROVISIONS

2. The Chief Executive of the Council received a letter from the Department of Justice on 9 September 2011 informing it of the key milestones in the steps being taken to implement and establish the new Policing Community Safety Partnerships (PCSPs) by April 2012. In addition, the letter asked that the Council make arrangements to agree the number of political members in the partnership and then to identify these members as soon as possible.
3. The new PCSPs are established by Part 3 of the 2011 Act. They integrate the roles of Community Safety Partnerships (CSPs) and District Policing Partnerships (DPPs) to create a single partnership for each council district. Each single partnership comprises of councillors, independent members and representatives of delivery partners (both statutory and voluntary). Within each partnership there will be a 'policing committee' comprising councillors and independents performing the police monitoring functions inherited from the DPPs and reporting on these to the Policing Board. All of the other functions of DPPs and

CSPs are passed to the whole partnership reporting to the relevant council, the Department of Justice and the Policing Board. For present purposes it is unnecessary to describe in further detail the purpose or functions of the PCSPs.

4. Although Belfast is to have a PCSP in common with other council districts¹, it is also to have four smaller bodies called District Policing and Community Safety Partnerships (DPCSPs) corresponding to the police districts established under section 20(2) of the Police (Northern Ireland) Act 2000². Detailed provisions for the establishment and membership of PCSPs and DPSCPs are set out in Schedules 1 and 2 to the Act respectively³.
5. Looking firstly at PCSPs, political members are appointed by the Council⁴. The Council must decide whether to appoint 8, 9 or 10 such members (and there shall then be one fewer independent members). Paragraph 3(3) of Schedule 1 provides that:

“A council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members reflect the balance of parties prevailing among the members of the council immediately after the last local general election.”

6. In respect of the Belfast PCSP, there is an additional requirement in paragraph 3(3A) as follows:

“The members of the PCSP who are appointed by the council in accordance with this paragraph shall include the persons who hold the office of chair of each of the DPCSPs.”

7. Accordingly, although the Council can appoint political members to the PCSP, four of these will be the respective chairs of the smaller DPCSPs.
8. As for DPCSPs, there is a fixed number of six political members⁵. Again, these members are appointed by the Council. As with the PCSP there is an obligation⁶ to reflect the balance of the parties in the following terms:

¹ See section 20(1).

² See section 20(2).

³ See section 20(3) and (4)

⁴ Schedule 1, paragraph 3.

“The council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members of all the DPCSPs, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.”

9. Schedule 2 also makes detailed provision for the holding of the posts of chair and vice-chair of the DPCSPs. The chair should be appointed by the Council from among the political members and this post. Paragraph 10(2) of Schedule 2 then provides as follows:

“In appointing to the office of chair, the council shall ensure that, so far as is practicable —

- (a) a person is appointed to that office for a term of 12 months at a time or, where that period is shorter than 18 months, for a period ending with the reconstitution date next following that person's appointment;
- (b) that office is held in turn by each of the four largest parties represented on the council immediately after the last local general election.”

10. Accordingly, there is an obligation “so far as is practicable” to ‘rotate’ the chairmanship of each DPCSP between the four largest parties each year.
11. The Council has a formula for the sharing out of committee posts and other posts where it is entitled to nominate representatives to outside bodies. This formula works on party strengths and is aimed at providing proportionate representation reflecting party strengths in the Council.
12. A draft report which is being prepared for the Council shows how the formula works in relation to appointments to the PCSP (whether the 19, 17 or 15 member model is adopted) and also the DPCSPs⁷. It is the latter which raises an issue of possible contention.

⁵ Schedule 2, paragraph 2(1)(a).

⁶ Schedule 2, paragraph 3(1).

⁷ The formula is: (number of political places) ÷ 51 x (party representation on Council).

13. The table showing the result of the formula in respect of appointments to the DPCSPs is as follows:

Party	No of seats	Allocation	Whole number	Balancing figure	Total
SF	16/51	7.53	7	+1	8
DUP	15/51	7.06	7	+0	7
SDLP	8/51	3.76	3	+1	4
ALL	6/51	2.82	2	+1	3
UUP	3/51	1.41	1	+0	1
PUP	2/51	0.94	0	+1	1
IND	1/51	0.47	0	+0	0
Total	51/51	23.99	20	4⁸	24

14. The issue which has arisen is that, applying this model, the Alliance party has only 3 members of DPCSPs. This means it could not have one member on each DPCSP. Accordingly, it would be unable to hold the chairmanship of at least one DPCSP in rotation as envisaged by the legislation.
15. The issue is whether appointments should be made on the foregoing basis or whether the Alliance should be permitted a further member of the DPCSPs (so as to ensure it could hold the chairmanship of each DPCSP in rotation with the other three largest parties). In the event that this latter approach was to be taken, it is likely that Sinn Féin's allocation would be reduced to 7 rather than 8 members, on the basis that its balancing figure (representing a round-up from 7 to 8 members) is based on the lowest part-allocation⁹.
16. I am asked to advise on the competing approaches.

DISCUSSION

17. This is plainly a difficult issue and one on which there is, I am afraid, unlikely to be one absolutely 'correct' legal answer. That is because there is a tension in the legislation.
18. On the one hand, the Council is required to appoint political members so as to ensure that the political members of all the DPCSPs, taken together, reflect the balance of parties on the council. Read strictly, this would lead to the result that Alliance had only three members on

⁸ This figure wrongly reads '3' in the version of the table provided to me.

⁹ 0.53 as opposed to 0.76 (DUP), 0.82 (Alliance) and 0.94 (PUP).

the DPCSPs, disabling it from enjoying the rotating chairmanship of one such partnership. However, the obligation is not a strict obligation. It need only be complied with “so far as practicable”.

19. It is interesting that the obligation described above is to seek to ensure proportionate representation in all of the DPCSPs taken together (that is to say, in the 24 members to be appointed to such bodies in total). Had the obligation been to ensure proportionate representation on each DPCSP, where only 6 members were to be appointed, the table would look like this:

Party	No of seats	Allocation	Whole number	Balancing figure	Total
SF	16/51	1.88	1	+1	2
DUP	15/51	1.76	1	+1	2
SDLP	8/51	0.94	0	+1	1
ALL	6/51	0.71	0	+1	1
UUP	3/51	0.35	0	+0	0
PUP	2/51	0.24	0	+0	0
IND	1/51	0.12	0	+0	0
Total	51/51	6	2	4	6

20. This approach would plainly solve the ‘problem’ since Alliance would be entitled to one member on each DPCSP. It obviously has disadvantages, however, since some of the smaller parties (the UUP and PUP) are deprived of any representation. More importantly, however, it is not the approach mandated by the legislation which addresses its mind to the representative nature of the total membership of all four DPCSPs. Nevertheless, it may be useful to bear this alternative model in mind for the purposes of comparison.
21. At paragraph 17 above, I mentioned the tension in the legislation. This is because the obligation described at paragraph 18 above is in conflict (given the particular arithmetic involved) with the obligation to ensure that the chair of each DPCSP is held in turn by each of the four largest parties represented on the Council. Read strictly, this would lead to the result that Alliance should have four members on the DPCSPs to enable this statutory purpose to be delivered. Again, however, the obligation is not absolute and need only be complied with “so far as practicable”.
22. However, on balance, my view is that the more defensible course – purely in legal terms since I am not concerned with the politics of the situation – is to follow the approach

whereby the Alliance Party benefits from only 3 members of the DPCSPs taken together. This is partly due to the fact that it would involve a simple application of the model which has been habitually used by the Council. (I do not say the Council would be acting unlawfully merely on the basis of choosing to depart from that approach. It would be free to do so provided there was a reason for doing so and the departure from the normal approach was not so unfair as to be an abuse of power. In this case, the provisions of the legislation directed towards rotating the chair of the DPCSPs would seem to me to be a perfectly legitimate reason for departing from the normal approach. However, there must be some value in consistency of approach.)

23. Much more importantly, however, it seems to me that it is important to focus on the power which is presently to be exercised by the Council. This is the power to appoint political members to the DPCSPs. It is when exercising that power that the Council is required to ensure that membership of the DPCSPs is proportionate to party strengths¹⁰. The obligation to rotate the DPCSP chairs arises not when appointing political members but when actually appointing the chair each year¹¹.
24. The principled approach looks at each of these stages in turn. The Council should now seek to appoint members to the DPCSPs which reflect party strengths in the Council. There is no reason why it is not practicable to do so (*i.e.* why this is not capable of being done). At some later stage, the Council will exercise a power to appoint chairs of the DPCSPs. Logically, this cannot be done in advance of the members having been appointed. At that stage, it may not be practicable to ensure that all four of the largest parties have the chair of one committee each year. This may not be practicable (*i.e.* capable of being done) if there is one DPCSP which has no Alliance member. However, that is a problem for a later day and, as the legislation envisages, if the desired rotation is not practicable, so be it.
25. Two potential difficulties I have identified with the draft report are (i) that it presents the obligation to rotate the chair of the DPCSPs between the four largest parties as an absolute

¹⁰ See Schedule 2, paragraph 3(1): “The council shall exercise its power to appoint political members to ensure...”.

¹¹ See Schedule 2, paragraph 10(2): “In appointing to the office of chair, the council shall ensure...”.

obligation when it is not¹²; and (ii) that it fails to recognise the correct sequencing of the obligations, described at paragraph 24 above.

26. In addition, although the mechanism suggested to ensure that the Alliance Party was capable of having a member on each DPCSP seems to me to be entirely reasonable and logical on the present figures (requiring only a small increase in the Alliance's entitlement and a modest decrease in Sinn Féin's entitlement), the wisdom of this approach should be considered against other possible outcomes. For instance, if after a future election the party strengths on the Council were such as to entitle the third and fourth largest parties to only one member each of the total DPCSPs membership¹³, would it be suggested that there should be six members taken from the entitlement of the two larger parties in order to ensure that the rotation of chairs could occur? I suspect not; but once the approach is taken that there must be a representative of each of the four largest parties on each DPCSP, there is considerable potential for having to alter the outcome of the Council's formula to ensure this. On this occasion the adjustment is only a small one but on future occasions it may be much more significant.
27. This is, of course, not to say that it would necessarily be unlawful if the Council, voting freely on the matter, decided to make appointments to the DPCSPs to ensure that Alliance had a member on each. Politically, one can see how this may have an attraction. There is an argument that the Council is entitled to look forward to the obligation to rotate the DPCSP chairs and, since it is "practicable" to do something about that now, do what it can to ensure that. For the reasons I have given above, this does not appear to me to be the better course but (particularly given the fine balance in the figures on this occasion) a rational defence of its legality could be presented.
28. I am also conscious that the course I have suggested above as the better course would have an impact on the composition of the central Belfast PCSP (since the chair of each DPCSP is entitled to membership of the PCSP). This may be something which has to be considered in

¹² In particular, the comment that "the legislation also provides that each of the 4 largest parties must have a Member on each of the 4 Sub-Groups in order to allow for the provision that the Chairmanship of a DPCSP shall rotate annually between the 4 largest parties on the Council" [underlined emphasis added] seems to me to be a distortion the actual legislative wording.

¹³ Because, whilst still being the third and fourth largest parties, they were so far behind the first and second parties as to only gain this entitlement only the proportionality model used by the Council.

the context of appointments to the PCSP, although the 'imbalance' is likely to arise only one year in four.

CONCLUSION

29. In light of the foregoing, my advice would be that the draft report to Council should be amended and that appointments to the DPCSPs should be shared out on the basis of the model used by the Council without adjustment.

30. I trust the above is of some assistance. If I can be of any further assistance, my instructing solicitor should not hesitate to contact me.

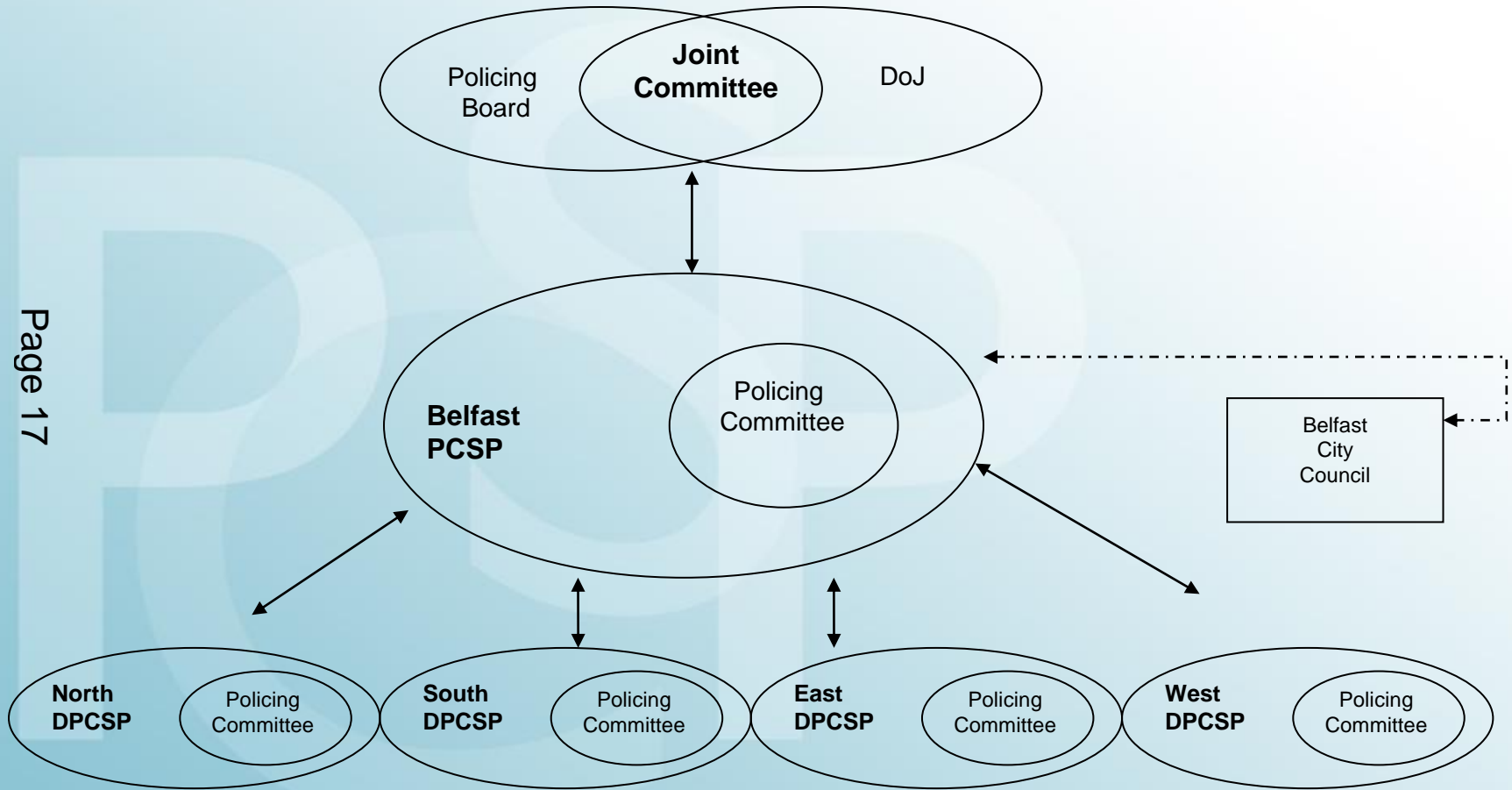
David A Scoffield

Bar Library

Belfast

26 September 2011

Belfast PCSP/DPCSP Structure



This page is intentionally left blank

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Revenue Estimates and District Rate 2015/16
Date:	30 January 2015
Reporting Officer:	Ronan Cregan, Director of Finance and Resources
Contact Officer:	Mark McBride, Head of Finance and Performance

1	Relevant Background Information
1.1	<p>The purpose of this report is to provide the financial information to support Members to make decisions on the following:</p> <ul style="list-style-type: none"> • The level of district rate to be set for 2015/16. • The departmental revenue budget allocations and cash limits for 2015/16. • The revenue budget allocations and cash limits for the transferring functions 2015/16. • The capital financing budget. • The adequacy of general reserves. <p>The report will also provide details of the impact of the decision on the district rate on the ratepayer in the context of the rates convergence scheme agreed by central government and the non-domestic revaluation.</p>
2	Key Issues
2.1	<p>Rate Income</p> <p>This will be the first rate set for the new Council. This means that the rate base now includes all domestic and non-domestic properties transferring from Lisburn and Castlereagh. The final Estimated Penny Product (EPP) provided by Land and Property Services (LPS) and validated by Council officers and the Institute of Revenue, Rating and Valuation (IRRV) is £5,616,420. This means if the Council sets a zero rate an additional £13,400,133 of rates income would be raised, bringing the total rates income to £143,116,491 for the new boundary area in 2015/16.</p>
2.2	<p>De-Rating Grant</p> <p>In addition to district rate income the Council also receives an industrial de-rating grant from DOE. The de-rating grant compensates the Council for the loss of rate income due to the statutory de-rating (lowering of rates) of certain properties. LPS has notified the Council that the de-rating grant will increase by £461,046 to £5,091,162.</p> <p>The DOE, however, at the time of writing, has not confirmed the level of de-rating grant to be paid. Members will be provided with a verbal update on the de-rating grant position at the committee meeting.</p>
2.3	<p>In summary, this means that the total additional rates income based on a zero rate amounts to £13,861,179. Therefore, any additional expenditure agreed by the committee for 2015/16 must be within this cash limit if a zero rate is to be agreed.</p>
2.4	<p>Summary Position</p> <p>Table 1 below provides a summary of the proposed allocation of the available £13.86m. The report will make specific recommendations in relation to:</p> <ul style="list-style-type: none"> • Discretionary elements of net departmental expenditure • Additional funding for the running of the transferring planning service • The creation of a regeneration budget • Additional capital financing to support the debt being transferred from Lisburn and Castlereagh.

**Table 1
Cost of Running the New Council in 2015/16**

	Cost (£)	Increase (£)
Net Departmental Expenditure	<u>127,752,877</u>	9,544,079
Transfer of Functions	735,554	
Regeneration	<u>634,912</u>	<u>1,370,466</u>
Belfast Investment Fund	2,770,000	
Total Revenue Costs	131,893,343	10,914,545
Capital Finance	16,810,946	3,443,270
Less Reserves Contribution	<u>-496,636</u>	<u>-496,636</u>
Total Net Expenditure	148,207,653	13,861,179

2.5 **Net Departmental Expenditure**
Table 2 below shows how the £9.54m increase in net departmental expenditure is distributed. It shows that £11.05m is a result of cost increases beyond the control of the Council. It also includes £1.33m of costs which are at the discretion of Members to agree on and £2.85m of cash savings have been removed from the departmental budgets. The details of the main headings are provided below.

**Table 2
Net Departmental Expenditure – Uncontrollable Costs and Budget Proposals
2015/16**

	£(m)	£(m)
Staff Transferring from Lisburn & Castlereagh	3.38	
Employee Pay Rise and Pension Costs	2.43	
Transferring Assets Repairs and Maintenance	0.33	
New Council Members Allowances	0.52	
Waste Convergence and Disposal Costs	4.29	
Commissioner of Complaints	<u>0.10</u>	
Total Uncontrollable Costs		11.05
New Posts for LGR	0.72	
Cuts to Government Grants	0.28	
Ulster Orchestra	0.15	
Political Assistance	<u>0.18</u>	
Total Discretionary Elements		1.33
		12.38
<u>Less</u>		
Leisure Transformation Year 1 Efficiencies	-0.77	
Corporate Efficiencies	<u>-2.08</u>	<u>-2.85</u>
Net Departmental Budget Increase		9.54

2.6 **Uncontrollable Costs**
Staff Transferring from Lisburn and Castlereagh (£3.38m): The details of all 141 staff from the Lisburn and Castlereagh Councils who will transfer to Belfast on the 1 April 2015, under the LGR transfer scheme, have been received and validated by the Human Resources Section. The costs associated with these transfers have been incorporated into the revenue estimates and the detail of the posts to be added to the establishment is included as Appendix 1.

2.7	Employee Pay Rise and Pension Costs (£2.43m): This covers the increase in employee costs arising from the national pay settlement and the increased NILGOSC pension contribution costs arising from compliance with the auto enrolment pension regulations.																
2.8	Transferring Assets Repairs and Maintenance (£330k): This is the increase in existing planned maintenance budgets required for the annual maintenance and upkeep of assets transferring to Belfast.																
2.9	New Council Members Allowances (£520k): The central government funding provided for Members allowances during the Shadow Council will end at the 31 March 2015, resulting in an increase in the net expenditure requirements for 2015/16.																
2.10	Waste Convergence and Disposal Costs (£4.29m): This includes the provision of waste management services to the new boundary area, including the additional recycling, haulage and landfill gate fee costs. It also includes the increased costs associated with the implementation of the waste plan to ensure the Council's compliance with statutory waste management targets.																
2.11	Discretionary Elements New Posts for LGR (£720k): In addition to the transferring posts, the departmental estimates include the funding for 17 posts required to ensure the delivery of services on a converged basis. Details of these posts are included as Appendix 2.																
2.12	Cuts to Government Grants (£284k): This is the loss of income from existing grant funding streams provided to the Council by the DOE, which the DOE have advised will cease in its revised budget proposals for 2015/16. Further detail is provided in Appendix 3.																
2.13	Ulster Orchestra (£150k): This represents the additional cost of the free use of the Ulster Hall proposed as part of the overall funding package to secure the future of the orchestra. A revised business plan has been provided by the orchestra and DCAL has confirmed that work is continuing on finalising the details of the 5 year government funding package.																
2.14	Political Assistance (£175k): This budget heading was presented in the 16 January rates report. If Members are not minded to support the creation of this budget then it is recommended that the £175k is transferred to support the capital financing budget.																
2.15	<p>Efficiencies</p> <p>The departmental estimates include the year 1 leisure transformation programme savings of £766k which have been removed from departmental budgets (Table 3) and transferred to the capital financing budget. The estimates also include the £2.08m of savings generated through the corporate efficiency programme and removed from departmental budget (Table 4) including savings in the procurement of services and running costs of energy, security, fleet as well as maximising income through additional income generation for ICT services and budgetary challenge across expenditure and income budgets.</p> <p style="text-align: center;">Table 3 Leisure Transformation Programme Year 1 Efficiencies</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>Chief Executive's</td> <td style="text-align: right;">54,396</td> </tr> <tr> <td>Property and Projects</td> <td style="text-align: right;">346,982</td> </tr> <tr> <td>Parks and Leisure</td> <td style="text-align: right;">8,281,614</td> </tr> <tr> <td>Health and Environmental Services</td> <td style="text-align: right;">31,357</td> </tr> <tr> <td>Pay Rise</td> <td style="text-align: right;"><u>243,928</u></td> </tr> <tr> <td>Total Reductions</td> <td style="text-align: right;">8,958,277</td> </tr> <tr> <td>GLL Year 1 Payment</td> <td style="text-align: right;"><u>-8,192,326</u></td> </tr> <tr> <td>Year 1 Savings</td> <td style="text-align: right;">765,951</td> </tr> </table>	Chief Executive's	54,396	Property and Projects	346,982	Parks and Leisure	8,281,614	Health and Environmental Services	31,357	Pay Rise	<u>243,928</u>	Total Reductions	8,958,277	GLL Year 1 Payment	<u>-8,192,326</u>	Year 1 Savings	765,951
Chief Executive's	54,396																
Property and Projects	346,982																
Parks and Leisure	8,281,614																
Health and Environmental Services	31,357																
Pay Rise	<u>243,928</u>																
Total Reductions	8,958,277																
GLL Year 1 Payment	<u>-8,192,326</u>																
Year 1 Savings	765,951																

**Table 4
Corporate Efficiency Programme**

Chief Executive's	51,503
Development	131,801
Finance and Resources	233,150
Health and Environmental Services	1,271,554
Parks and Leisure	55,395
Property and Projects	341,587
Total 2015/16 Savings	2,084,990

2.16 Regeneration

Members will be aware that as part of the preparatory work for the transfer of regeneration powers a significant shortfall had been identified in the proposed transfer of resources to support City Regeneration. While the transfer of regeneration will not now take place until 1 April 2016 it would be prudent for the Council to ring fence resources for regeneration during 2015/16 which could be used to support the preparation for the transfer of regeneration powers and the City Centre regeneration plans. **A separate budget of £635k has been included in the estimates for regeneration.**

2.17 Transfer of Functions

The arrangements for the transfer of functions to local government include the transfer of associated budgets. The DOE have advised that any funding for transferring services will be made on the basis of the net funding of all services transferring.

2.18

A core principle of the transfer arrangements was that the transfer should be rates neutral. However, as the Deloitte report (considered by the Committee at its meeting in November 2014) highlights, central government has changed this position to being budget neutral. The implication of this is that if costs are incurred by the Council which have not been budgeted for by central government then no funding associated with this expenditure will transfer. The cuts to central government funding have also increased the pressure on central government budgets available for transfer.

2.19

In the Rate Setting report to Shadow Strategic Policy and Resources Committee on the 16 January 2015, it was reported that a funding gap of £1m existed between the net expenditure estimated by the Council to operate the transferring functions of Planning, Off Street Car Parking and Local Economic Development. Since that date, as the result of further challenge and meetings with central government, the budget gap has reduced to £736k, with this all relating to the Planning Service.

2.20

A summary of the cash limits for the transferring functions is set out in Table 5 below, with further explanation provided in the following paragraphs.

**Table 5
Cash Limits for Transferring Functions**

	Net Exp (£)
Off Street Car Parking	-1,365,000
Planning	1,310,447
Local Economic Development	411,984
Reduction to Regeneration Transfer	378,123
Transfer of Functions Cash Limit	735,554

2.21	Off Street Car Parking: Off street car parking will provide an operating surplus for the Council as the difference between the estimated income (£2.07m) and the estimated expenditure (£0.70m) will provide net operational income of £1.37m in 2015/16.																
2.22	Planning: The net cost of the planning service for 2015/16 is £1.3m. Made up of gross expenditure of £2.9m less £1.6m of fee income. This gross expenditure of £2.9m includes the £1.6m for staff transferring from the central government and a further £460k of employee costs to cover the additional posts of the Director of Planning, Head of Service, Business Manager, Clerk and 2 Solicitors. The remaining costs cover accommodation, ICT, advertising and external specialist legal support.																
2.23	Local Economic Development: This is expenditure for local economic development grants which were previously provided by DETI. The amount of expenditure for 2015/16 has been agreed with DETI.																
2.24	Capital Financing A separate Capital Programme report is being considered by Members at this Committee meeting.																
2.25	The capital financing budget for 2015/16 proposed in the revenue estimates is summarised in Table 6 below. Table 6 Capital Financing Budget 2015/16 <table border="1"> <tr> <td>Existing (Capital Programme) Budget 2014/15</td> <td>£10.137m</td> </tr> <tr> <td>Existing (Leisure Estate) Budget 2014/15</td> <td><u>£3.230m</u></td> </tr> <tr> <td></td> <td>£13.367m</td> </tr> <tr> <td>Increase:</td> <td></td> </tr> <tr> <td>Growth to cover Lisburn/Castlereagh Loans</td> <td>£0.677m</td> </tr> <tr> <td>Growth Leisure Transformation Savings Year 1</td> <td>£0.766m</td> </tr> <tr> <td>Growth Leisure Estate (From New Rate Base)</td> <td><u>£2.000m</u></td> </tr> <tr> <td>Total Capital Financing Budget 2015/16</td> <td>£16.811m</td> </tr> </table>	Existing (Capital Programme) Budget 2014/15	£10.137m	Existing (Leisure Estate) Budget 2014/15	<u>£3.230m</u>		£13.367m	Increase:		Growth to cover Lisburn/Castlereagh Loans	£0.677m	Growth Leisure Transformation Savings Year 1	£0.766m	Growth Leisure Estate (From New Rate Base)	<u>£2.000m</u>	Total Capital Financing Budget 2015/16	£16.811m
Existing (Capital Programme) Budget 2014/15	£10.137m																
Existing (Leisure Estate) Budget 2014/15	<u>£3.230m</u>																
	£13.367m																
Increase:																	
Growth to cover Lisburn/Castlereagh Loans	£0.677m																
Growth Leisure Transformation Savings Year 1	£0.766m																
Growth Leisure Estate (From New Rate Base)	<u>£2.000m</u>																
Total Capital Financing Budget 2015/16	£16.811m																
2.26	Belfast Investment Fund The current annual contribution to the Belfast Investment Fund is £2.77m. There is no requirement to increase the current level of contribution to the Belfast Investment Fund during 2015/16.																
2.27	Application of Credit Balance from Reserves The Strategic Policy and Resources Committee agreed the funding of running costs for 2 projects - Public Bike Hire and Innovation Centre, on an incremental reducing balance basis. The application of a credit balance transfer from reserves of £497k has been included in the draft estimates to ensure that these costs are not added to the district rate in 2015/16.																
2.28	Departmental Cash Limits A summary of the movement in departmental net expenditure and the cash limits for 2015/16 is included in table 7 below. Explanation of the main movements and the impact of local government reform on departments are included in the following paragraphs.																

**Table 7
Departmental Movements and Cash Limits for 2015/16**

Department	2014/15	2015/16	Var (£)	%
Chief Executive's	7,793,199	8,918,825	1,125,627	14.44%
Finance and Resources	11,207,998	11,283,403	75,405	0.67%
Property and Projects	12,371,713	13,174,093	802,380	6.49%
Corporate Priorities	1,123,192	1,013,633	-109,559	-9.75%
Development	19,076,867	20,279,177	1,202,310	6.30%
Parks and Leisure	23,824,202	16,768,339	-7,055,863	-29.62%
GLL		8,192,326	8,192,326	
Health & Env. Services	41,941,628	46,267,008	4,325,380	10.31%
Employee Pay Rise	870,000	1,856,072	986,072	113.34%
Total Net Expenditure	118,208,798	127,752,887	9,544,079	8.07%

2.29	<p>Chief Executive's Department – Appendix 4 provides a breakdown by service Net expenditure for the Chief Executive's Department has increased by £1.1m. This includes £520k of Members Allowances as the central government funding provided for Members allowances during the Shadow Council period will end at the 31 March 2015. Staffing cost increases for Local Government Reform (LGR) 6 transferring staff (£171k Appendix 1) and 6 additional posts (£212k Appendix 2) relating to the new Community Planning role of the Council and FOI / Data Protection requirements are also included. The estimates also include the provision of £175k for political assistance which will be considered as part of the recommendations of this report.</p>
2.30	<p>Finance and Resources Department - Appendix 4 provides a breakdown by service Net expenditure has increased by £75k arising from the transfer of 3 staff as part of LGR (Appendix 1).</p>
2.31	<p>Property and Projects Department - Appendix 4 provides a breakdown by service Property and Projects net costs have increased by £802k arising mainly from the transfer of an additional 51 sites to Belfast representing a 20% increase to the BCC Estate. (BCC currently has 264 sites). These costs include £84k (Appendix 1) for the 4 staff transferring to the Council and £336k in increased annual repairs and maintenance costs. The estimates also include increased pension costs of £140k and £390k for 8 new posts (Appendix 2) 6 of which are Project Sponsor posts (which will replace current temporary positions) with the other 2 Estates related posts.</p>
2.32	<p>Corporate Priorities A corporate priorities budget of £1m is required for 2015/16 which includes the recurring invest to save budget, carbon reduction charges, external audit and commissioner for complaints costs.</p>
2.33	<p>Health and Environmental Services- Appendix 5 provides a breakdown by service The most significant increase in departmental expenditure budgets in 2015/16 is associated with waste management. An additional £4.29m is required to cover the provision of waste management services to the new boundary area, including the additional recycling, haulage and landfill gate fee costs. It also includes the increased costs associated with the implementation of the waste plan to ensure the Council's compliance with statutory waste management targets.</p>

	<p>The extended boundary will result in the provision of Council services to an additional 21,000 households, 53,000 citizens residing in approximately 690 streets and the transfer of approximately 800 businesses and 160 commercial waste customers. It is estimated that:</p> <ul style="list-style-type: none"> • the number of noise complaints and public health and housing complaints will increase in line with the population increase i.e. by 20%. • an additional 1.5 million bin collections per year with an additional 21,000 tonnes of waste collected, treated/recycled and disposed of as appropriate. • the number of bulky household waste collections per annum will rise by 20% to 50,000 • approximately 312 additional miles to be cleansed weekly along with an additional 270 litter bins to be emptied and maintained. • Pest Control service requests will increase by approximately 18% to 5402 per annum and that there will be a 28% increase in the number of manholes to be baited from 66,715 per annum. • an additional 800 premises (food and other business) will require inspection by the Environmental Health service. • Building Regulations workload is anticipated to increase by an additional 33% • 32 dangerous or dilapidated buildings have been identified.. These will be triaged against the impact matrix and then built into future submissions for additional funding should it arise or, where the Council can take action. <p>The estimates of the Health and Environmental Services Department include £1.5m for the transfer of 58 LGR staff (Appendix 1) to services in the department and 1 new Environmental Protection Officer post. (Appendix 2). The loss of £284k of income from government grants has also been included from existing grant funding streams provided to the Council by the DOE, which the DOE have advised will cease in its revised budget proposals for 2015/16. Further detail is provided in Appendix 3.</p>
2.34	<p>Parks and Leisure Department- Appendix 6 provides a breakdown by service</p> <p>The total net expenditure budget required for the Parks and Leisure department for 2015/16 is £24.9m. This includes the separate payment to GLL of £8.1m in 2015/16. Year 1 leisure transformation programme savings of £766k have been transferred to the leisure capital financing budget for 2015/16. The remaining estimates for Parks and Leisure include £1.3m of costs for the 56 LGR staff transferring to the Council (Appendix 1), additional pension costs of £424k and £72k relating to 2 new posts (Appendix 2).</p> <p>In 2015/16 an additional 7 pitches, 4 MUGAs, 10 parks, and 15 playgrounds, 1 allotment site, 1 cemetery, 2 bowling green's and 1 BMX track, visitor centre, cottage and barge and 7 pavilions will transfer to Belfast. 19,400m of pathways plus additional structures (e.g. bridges, fences) and significant tree stock will also transfer. In addition to the physical portfolio, it is estimated that the transferring new boundary area will include approximately 60 sporting organisations, a wide range of community development organisations and 9 bonfire sites.</p>
2.35	<p>Development Department- Appendix 7 provides a breakdown by service</p> <p>The estimates of the Development Department have increased by £1.2m, although this will be partly offset by a reserves contribution of £496k to avoid the loss of income during the closure of the Waterfront Hall and the lead in costs of the Public Bike Hire being included as a recurring cost to the ratepayer. The remaining costs, including £279k for 14 staff transferring to the Council (Appendix 1), arise from the transfer of 8 community assets from Castlereagh. This includes 5 directly managed assets and 3 managed under lease and funding arrangements. In addition 25 community organisations will come into</p>

	<p>the new boundary area and currently 17 are supported by a council grants programme. The Development Department estimates also include an increase of £150k to allow for the free use of the Ulster Hall by the Ulster Orchestra. This will be considered as part of the recommendations of this report.</p>
2.36	<p>Local Government Finance Act (NI) 2011</p> <p>The Local Government Finance Act (NI) 2011 requires the Director of Finance and Resources to provide assurance to Members on the robustness of the revenue estimates and the adequacy of the Council's reserves position as part of the rate setting process.</p> <p>Given that the revenue estimates for 2015/16 must meet the cost of delivery of converged services for the new boundary and incorporate adequate resources for the delivery of transferring functions, the development of the estimates commenced in June 2014. In addition to the normal scrutiny and challenge of estimates undertaken by the Finance and Performance Section, the 2015/16 estimates process included additional external challenge by iESE on the proposed new boundary service delivery models.</p> <p>Validation of the new base was also undertaken by finance staff, working with LPS and with the support of the Institute of Revenues, Rates and Valuation (IRRV). The later stages of the estimates process included challenge interviews undertaken by the Chief Executive and the Director of Finance and Resources.</p> <p>As a result of this process the Director of Finance and Resources is satisfied that the estimates presented should provide adequate financial resources to support the running costs of the new Council for 2015/16 and that reasonable consideration of the financial risks to the Council have been made in the preparation of the estimates including the delivery of services to the new Council areas and the functions transferring from central government.</p> <p>The Council's general reserves position is forecast to be £16.5m by the end of 2014/15. As part of the validation of the new rate base, Members have been advised of the risk associated with appeals arising from the non domestic revaluation as such appeals can only be lodged from 1 April 2015 and currently those appeals that progress to the final lands tribunal stage can take up to 4 years to complete.</p> <p>The Director of Finance and Resources believes that maintaining the general reserves at the forecast level would significantly reduce the Council's exposure to the backdated element of revaluation appeals.</p> <p>The Director of Finance and Resources is therefore satisfied that the reserves position is adequate for the Council and will not require enhancement through the district rate in 2015/16.</p>
2.37	<p>Impact on Ratepayer</p> <p>A rates bill is made up of 56% regional rate and 44% district rate. The regional rate will increase by 1.4%. The proposed zero district rate will mean that an existing Belfast ratepayer's bill will increase by 0.78%.</p> <p>Members are aware that central government has agreed a £30m rates convergence package for ratepayers who face increased rates bills as a result of boundary convergence. The scheme will provide relief for four years – starting with 80% in 2015/16.</p>

	Members will be provided with details of the impact on ratepayers at the meeting as the calculations cannot be completed until the regional rate poundage is announced.
2.38	<p>Non Domestic Revaluation</p> <p>Rate bills for non domestic properties are calculated using the Net Annual Value (NAV) of the property, whereas bills for domestic properties are calculated based on the capital value of the property. Given this difference the Council is required to strike a separate district rate for non domestic and domestic properties using a conversion factor provided by Land and Property Services (LPS).</p> <p>The conversion factor for 2015/16 has been increased by the LPS following the non domestic revaluation to ensure that domestic rate bills are not affected by the revaluation. The increase in the conversion factor means that if the domestic rate is frozen at the 2014/15 level of 0.3094, the non domestic rate for Belfast will reduce by 5.7%.</p> <p>The actual district element of a non domestic rate bill (which represents 44% of the rates bill) will depend on the NAV set by the non domestic revaluation. If the NAV for a non domestic property does not increase as a result of the non domestic revaluation, then the ratepayer will see a 5.7% reduction the district rate element of their bill.</p> <p>As agreed by the Shadow Strategic Policy and Resources Committee, two briefing sessions on the non-domestic revaluation (8.30am to 9.00am and 12.30pm to 1.00pm) have been arranged for businesses in Belfast on Thursday 5 February 2015 in the Banqueting Hall in the City Hall.</p> <p>Each session will include an introduction by the Shadow Council Presiding Councillor and the Chair of the Shadow Strategic Policy and Resources Committee. This will be followed with a presentation by Alan Bronte, Commissioner for Valuation on the non domestic revaluation in Belfast and the appeals process. After these presentations there will be the opportunity for general questions from the floor to a panel of the Presiding Councillor, Chair of Shadow SP&R and the Party Group Leaders and the Commissioner for Valuation.</p> <p>A number of LPS staff will be in attendance at the event and there will be the opportunity for businesses to engage with these LPS staff on a 1-1 basis after each session.</p> <p>The event will be promoted through the Council's social media and copies of the information sheet for businesses will be provided to all Elected Members.</p>
2.39	<p>Key Messages</p> <p>A summary of the key messages and lines to take will be distributed to Members at Committee.</p>
3.	Recommendations
3.1	<p>Members are requested to agree the following:</p> <ul style="list-style-type: none"> • The inclusion of £723,109 for the new posts detailed on Appendix 2. • A cash limit of £634,912 for Regeneration to be held as a central budget. • The establishment of a new budget of £175,000 for political assistance. • The provision of free use of the Ulster Hall for the Ulster Orchestra to a limit of £150,000 within the usage terms agreed by the Director of Development with the Ulster Orchestra. • A contribution of £496,636 from reserves to offset non recurring departmental

	<p>costs in 2015/16.</p> <ul style="list-style-type: none"> • A cash limit for the Chief Executive's Department of £8,918,825 for 2015/16, subject to the decision regarding the designation of a political assistance budget as detailed in the separate recommendation below. • A cash limit for the Finance and Resources Department of £11,283,403 for 2015/16. • A cash limit for the Property and Projects Department of £13,174,093 for 2015/16, subject to the decision regarding the designation of new posts within the department detailed in the separate recommendation below. • A cash limit for the Corporate Priorities of £1,013,633 for 2015/16. • A cash limit for the Development Department of £20,279,177 for 2015/16. • A cash limit for the Parks and Leisure Department of 24,960,665 for 2015/16, subject to the decision regarding the designation of new posts within the department detailed in the separate recommendation below. • A cash limit for the Health and Environmental Services Department of £46,267,008 for 2015/16, subject to the decision regarding the designation of new posts within the department detailed in the separate recommendation below. • A cash limit of £1,856,072 for the employee pay rise for 2015/16 to be held as a central budget. • A rates contribution of £735,554 to the Planning Service. • A cash limit for the transferring functions as follows: <ul style="list-style-type: none"> ○ Car Parking - £1,365,000 ○ Planning £1,310,447 • Local Economic Development £411,984. • Maintain the £2,770,000 rates contribution to the Belfast Investment Fund. • The capital financing budget of £16,810,946 for 2015/16. • That the increase in the domestic district rate for 2015/16 should be zero, based on the estimated penny product of £5,616,216 which means that the domestic rate for 2015/16 is recommended to be 0.3094 and the non domestic rate to be 25.4818. • Note that the amount to be raised through the district rate in 2015/16 will be £143,116,491. • The Minimum Revenue Provision (MRP) Statement (Appendix 8) as required by the Local Government (Capital Financing and Accounting) Regulations (NI) 2011.
--	---

4	Appendices
	<p>Appendix 1: Staff transferring from Lisburn and Castlereagh</p> <p>Appendix 2: Proposed New Posts</p> <p>Appendix 3: Impact of Draft Budget Proposals 2015/16</p> <p>Appendix 4: SP&R Main Items of Estimated Expenditure</p> <p>Appendix 5: H&ES Main Items of Estimated Expenditure</p> <p>Appendix 6: P&L Main Items of Estimated Expenditure</p> <p>Appendix 7: Development Main Items of Estimated Expenditure</p> <p>Appendix 8: Minimum Revenue Provision (MRP) Statement</p>

Appendix One: Staff transferring from Lisburn and Castlereagh

JOB TITLE /DEPT

CHIEF EXECUTIVES DEPT

Business Support Officer X 1
Business Support Assistant X 2
Admin and Members Asst X 1
Admin Asst X 1
Corp Marketing X 1

FIN & RESOURCES DEPT

Finance Control Clerk X 1
Finance Clerk / Debt X 1
Project Accountant X 1

PROPERTY & PROJECTS DEPT

Driver / Trade Person X2
Business Support Clerk X 2

HEALTH & ENVIRONMENTAL SERVICES

Environmental Health Officers X 6
Building Control Surveyors X 3
Recycling Operative X 2
Resource Educ Prom Officer X 1
Cleansing Operative X 10
HGV Combined Driver X 1
HGV Driver / Loaders X 6
Precinct Sweepers X 4
Solo Sweepers X 10
Asst Manager X 1
Large Mechanical Sweeper/Driver X 1
Enforcement Officer X 2
Senior Charge Hands X 2
Driver X 1
TEAM LEADER X 1
Dog Warden X 1
Business Assistant X 2
Clerical Officer X 4

PARKS & LEISURE

Asst Manager X 3
Swimming Programme Co-Ordinator X 1
Gymnastics Development Officer X 1
Duty Officer X 2
Senior Recreation Asst X 2

Swimming Teacher X 2
Receptionist X 5
Area Manager X 1
Recreation Asst X 8
Cleaner X 4
Plant Engineer X 2
Leisure Asst X 2
Recreation Asst X 4
Groundsman X 2
Gravedigger X 2
Groundsman / Greenkeeper X 4
Gardener X 2
Coach X 6
Admin Support Officer X 1
Chargehand X 1
Driver X 1

DEVELOPMENT DEPT

Community Services Officer x 1
Facilities Co-ordinator X 1
Community Centre Assistant X 5
Cleaner X 5
Community Development Worker x 1
Business Support Assistant X 1

Appendix Two : Proposed New Posts

CHIEF EXECUTIVE'S

Community Planning Co-ordinator X 2	Community planning is a new function with no resources transferring from central government.
FOI Officer Data Protection Officer Data Protection Asst (Clerk) Business Support Clerk	These posts are required to ensure the Council meets its legislative requirements in relation to Data Protection and Freedom of Information.

PROPERTY & PROJECTS DEPT

Project Sponsor X 6	Posts were previously recruited on a temporary basis to support the delivery of Investment Programme projects. Given the scale of capital investment these posts are now required on a permanent basis.
Estates Surveyor Estates Officer	Posts required to support the management of assets and land transferring as a result of LGR.

HEALTH & ENVIRONMENTAL SERVICES

Environmental Protection Officer	Required to support Noise Control in transferring areas.
----------------------------------	--

PARKS & LEISURE

Parks Outreach Officer	Required to support service delivery in transferring areas.
Sports Development Officer	Required to support service delivery in transferring areas.

Appendix Three: Impact of Draft Budget Proposals 2015/16

Description	Value of Income per funding stream (£)
Regulation of construction product regulations. Activity not posts.	33,668
Air Quality Grant - enables BCC to undertake local air quality management functions (LAQM) under the Environment Order (NI) 2002. BCC is required to work towards relevant air quality improvements across the city in 4 declared air quality management areas.	92,139
Disability Action - Contribution to the salary costs of an existing member of staff.	15,400
Emergency Planning Grant - Belfast Resilience Programme Manager	47,000
Emergency Planning Grant - (as agreed with the Local Government Emergency management Group - LGEMG) claimed on a match funded basis - used to off-set salaries across a number of posts. Also used for equipment the ECC, training and systems.	96,341
Total Funding	284,548

**STRATEGIC POLICY & RESOURCES COMMITTEE
MAIN ITEMS OF ESTIMATED EXPENDITURE**

APPENDIX 4

DEPT/SERVICE	NET EXPENDITURE 2015/16
CX DEPARTMENT	8,918,825
Human Resources	2,487,267
Democratic Services	2,892,017
Corporate Communications	1,197,162
Central Support Unit	1,303,790
Legal Services	582,367
Strategic Policy	365,090
Community Planning	91,132
FINANCE & RESOURCES DEPT	11,283,403
Corporate Management	1,663,474
Finance & Performance	2,694,604
Digital Services	4,835,445
Audit, Governance and Risk	978,848
Corporate Directorate	1,111,032
PROPERTY & PROJECTS DEPT	13,174,090
PPD Management	1,696,198
PPD Operations	(4,270,274)
Facilities Management	15,131,117
Contracts	617,049
CORPORATE PRIORITIES	1,013,733

HEALTH & ENVIRONMENTAL SERVICES DEPT
MAIN ITEMS OF ESTIMATED EXPENDITURE

APPENDIX 5

DEPT/SERVICE	NET EXPENDITURE 2015/16
<u>Good Relations</u>	526,304
<u>Environmental Health</u>	
Emergency Planning	56,526
Regulation of Commercial Sector	1,994,076
Environmental Protection and Public Health	2,107,878
Community Safety and Schemes	1,036,275
PCSP	205,724
Health Development	162,259
Environmental Health Support and Other Services	1,100,381
<u>Waste Management</u>	
Waste Disposal	10,440,856
Waste Contracts	4,325,395
Recycling Centres	3,232,027
Public Conveniences	233,120
Waste Awareness and Outreach	663,345
Waste Management Business Support	540,365
Waste Policy	222,215
<u>Building Control</u>	827,559
<u>Cleansing</u>	
Cleansing and Waste Collection Ops	15,907,353
Quality Assessment and Business Support	1,500,722
<u>Directorate Support</u>	900,628
TOTAL	45,983,008

PARKS & LEISURE DEPT
MAIN ITEMS OF ESTIMATED EXPENDITURE

APPENDIX 6

DEPT/SERVICE	NET EXPENDITURE 2015/16
<u>Leisure</u>	
TO GLL	8,192,326
Templemore Swim Centre	190,725
Olympia Community Benefit	100,000
<u>Neighbourhood & Development</u>	
Leisure Development	768,515
Landscape Planning and Development	1,415,954
Open Spaces & Active Living	779,931
P&C Development	125,268
Policy & Bus Development	977,913
<u>Parks and Cemeteries</u>	
Zoo	825,489
Estates Mgt inc Belfast Castle/Malone House	346,093
P&C Services	1,086,498
LGR Sites	554,778
Area East (Including Roselawn/Crem)	2,195,681
Area South West (including City Cem)	3,058,657
Area North	2,375,872
<u>Directorate</u>	
Anti Social Behaviour	
Policy & Bus Development	
Business Support including bereavement admin	1,966,965
TOTAL	24,960,665

DEVELOPMENT DEPT
MAIN ITEMS OF ESTIMATED EXPENDITURE

APPENDIX 7

DEPT/SERVICE	NET EXPENDITURE 2015/16
<u>Community Services</u>	
Community Resource Unit	292,327
Community Services Management	226,414
Travellers	44,088
Area Support Unit	1,207,517
Community Grants	1,050,483
Community Facilities	2,298,875
Children & Young People	795,852
<u>City Events and Venues</u>	
Belfast Waterfront/Ulster Hall	2,818,582
City Events	1,429,412
<u>Economic Initiatives and International Development</u>	
Tourism, Culture and Arts	4,773,045
Economic Development	1,412,265
European Unit	393,862
Markets	(61,249)
<u>Directorate</u>	
Development Directorate	1,853,335
City Development	250,000
Business Research and Development	536,586
Urban Development	957,783
TOTAL	20,279,177

**Belfast City Council
Minimum Revenue Provision Annual Statement
January 2015**

1. Introduction

- 1.1 The Local Government (Capital Financing and Accounting) Regulations (NI) 2011 requires Councils to determine an amount of minimum revenue provision (MRP) which it considers to be prudent. This provision will be charged to the general fund each year and will be in respect of the financing of capital expenditure incurred in current or prior years.

2. Minimum Revenue Provision (MRP)

- 2.1 The general MRP provision for capital expenditure financed by sanctions issued by the Department of the Environment up to and including 2011/12 and for borrowing incurred in 2012/13 and later years, will be charged to the general fund on a straight line basis in-line with the asset life determined for depreciation purposes either:-
- In the financial year in which the expenditure was incurred, if the expenditure was incurred during the first six months of the financial year.
 - or
 - In the financial year following the one in which the expenditure was incurred, if the expenditure was incurred during the last six months of the financial year.
- 2.2 The MRP will not be made on the value of Long term Debtors outstanding, as these will be repaid by third parties and it is not therefore deemed necessary to make an additional revenue charge in relation to these amounts. However, if a third party is not making annual repayments of principal, the MRP payments will be made over the asset life.
- 2.3 If the Council enters into finance leases, the MRP will be calculated in accordance with the requirements of International Financial Reporting Standards (IFRS) and be equal to the principal elements of the lease payments.

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank



Belfast City Council

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Non – Recurrent Expenditure Requirements 2014/15 and 2015/16
Date:	30 January 2015
Reporting Officer:	Ronan Cregan, Director of Finance and Resources and Deputy Chief Executive
Contact Officer:	Mark McBride, Head of Finance and Performance

1.0	Relevant Background Information
1.1	This report presents the non-recurrent expenditure requirements for 2014/15 and 2015/16 and makes recommendations as to how these can be financed.

2.0	Key Issues																				
2.1	<p>Non – Recurrent Expenditure 2014/15</p> <p>The Strategic Policy and Resources Committee has already approved £2,962,241 of non-recurrent expenditure for 2014/15. This is summarised in Table One below. Members agreed, as part of the half year finance report, that this expenditure would be financed from the forecast year end under spend of £4,307,000.</p> <table border="1"> <thead> <tr> <th colspan="2">Table One: 2014/15 Non-Recurrent Expenditure</th> </tr> </thead> <tbody> <tr> <td>Leisure Mobilisation 2014/15</td> <td>1,171,233</td> </tr> <tr> <td>WFH Mobilisation</td> <td>700,000</td> </tr> <tr> <td>Innovation Centre</td> <td>130,000</td> </tr> <tr> <td>Temp Accommodation</td> <td>80,000</td> </tr> <tr> <td>Vehicles parks</td> <td>164,461</td> </tr> <tr> <td>Total Assets</td> <td>2,245,694</td> </tr> <tr> <td>Data Transfer (Building Control)</td> <td>38,753</td> </tr> <tr> <td>Cleansing</td> <td>80,393</td> </tr> <tr> <td>Ulster Orchestra*</td> <td>100,000</td> </tr> </tbody> </table>	Table One: 2014/15 Non-Recurrent Expenditure		Leisure Mobilisation 2014/15	1,171,233	WFH Mobilisation	700,000	Innovation Centre	130,000	Temp Accommodation	80,000	Vehicles parks	164,461	Total Assets	2,245,694	Data Transfer (Building Control)	38,753	Cleansing	80,393	Ulster Orchestra*	100,000
Table One: 2014/15 Non-Recurrent Expenditure																					
Leisure Mobilisation 2014/15	1,171,233																				
WFH Mobilisation	700,000																				
Innovation Centre	130,000																				
Temp Accommodation	80,000																				
Vehicles parks	164,461																				
Total Assets	2,245,694																				
Data Transfer (Building Control)	38,753																				
Cleansing	80,393																				
Ulster Orchestra*	100,000																				

	SP&R Approved Funding Requests	153,500										
	Pensions	238,181										
	Total Other	610,827										
	Condition surveys and remedial works	9,000										
	Removal costs from Bedford House	38,720										
	Fit out costs of new building	50,000										
	Connection costs to new building	8,000										
	Total Transfer of Functions	105,720										
	Total 2014/15	2,962,241										
	*DCAL has confirmed that the requested one-off funding will be made available to the Ulster Orchestra as a result of January monitoring. DCAL has asked the Arts Council to administer and allocate this funding under the terms of its current Letter of Offer to the Ulster Orchestra.											
2.2	<p>Non – Recurrent Expenditure 2015/16</p> <p>Table Two below outlines the non-recurrent expenditure requirements for 2015/16. The key drivers of these costs are the delivery of Investment Programme projects and transitional arrangements associated with local government reform.</p> <p>Table Two: Non-Recurrent Expenditure 2015/16</p> <table border="1"> <tr> <td>Employees</td> <td>1,694,736</td> </tr> <tr> <td>Assets</td> <td>573,052</td> </tr> <tr> <td>Other</td> <td>920,023</td> </tr> <tr> <td>Transfer of Functions</td> <td>323,000</td> </tr> <tr> <td>Total</td> <td>3,510,811</td> </tr> </table>		Employees	1,694,736	Assets	573,052	Other	920,023	Transfer of Functions	323,000	Total	3,510,811
Employees	1,694,736											
Assets	573,052											
Other	920,023											
Transfer of Functions	323,000											
Total	3,510,811											
2.3	<p>Employees</p> <p>For the past three years temporary staff employed to support the delivery of Investment Programme projects and local government reform have been financed through the Waste Plan and the Local Government Reform Fund. These funds will come to an end on 31 March 2015. Table Three provides a summary of the temporary employee funding requirements by department. A detailed breakdown by post is provided at Appendix One.</p> <p>Table Three: Temporary Employees 2015/16</p> <table border="1"> <tr> <td>Chief Executive's</td> <td>408,458</td> </tr> <tr> <td>Finance & Resources</td> <td>126,718</td> </tr> <tr> <td>Property & Projects</td> <td>635,953</td> </tr> <tr> <td>Health & Env. Services</td> <td>133,385</td> </tr> <tr> <td>Development</td> <td>305,854</td> </tr> </table>		Chief Executive's	408,458	Finance & Resources	126,718	Property & Projects	635,953	Health & Env. Services	133,385	Development	305,854
Chief Executive's	408,458											
Finance & Resources	126,718											
Property & Projects	635,953											
Health & Env. Services	133,385											
Development	305,854											

	<table border="1"> <tr> <td>Car Parks</td> <td>33,776</td> </tr> <tr> <td>Planning</td> <td>50,592</td> </tr> <tr> <td>Total Temp Employees</td> <td>1,694,736</td> </tr> </table>	Car Parks	33,776	Planning	50,592	Total Temp Employees	1,694,736						
Car Parks	33,776												
Planning	50,592												
Total Temp Employees	1,694,736												
2.4	<p>Assets</p> <p>Table Four details the one-off costs associated with the assets transferring from Lisburn and Castlereagh. Detailed surveys of the assets have been carried out and maintenance costings have been prepared. Appendix Two provides a summary of the proposed work by asset transferring.</p> <p>Table Four: One – Off Asset Costs 2015/16</p> <table border="1"> <tr> <td>Property Maintenance - Assets transferring</td> <td>393,235</td> </tr> <tr> <td>Parks & Open Spaces/Tree & Path Works</td> <td>127,307</td> </tr> <tr> <td>Pitches Improvement</td> <td>10,510</td> </tr> <tr> <td>Street Signs</td> <td>12,000</td> </tr> <tr> <td>Building Signage</td> <td>30,000</td> </tr> <tr> <td>Total Assets</td> <td>573,052</td> </tr> </table>	Property Maintenance - Assets transferring	393,235	Parks & Open Spaces/Tree & Path Works	127,307	Pitches Improvement	10,510	Street Signs	12,000	Building Signage	30,000	Total Assets	573,052
Property Maintenance - Assets transferring	393,235												
Parks & Open Spaces/Tree & Path Works	127,307												
Pitches Improvement	10,510												
Street Signs	12,000												
Building Signage	30,000												
Total Assets	573,052												
2.5	<p>Other</p> <p>These costs include £429k to support the alignment of the Council’s grant aid programmes for areas transferring from Lisburn and Castlereagh. A separate report on the alignment, on a one-off basis, of the events and festivals funding for the transferring areas and the development of a city events and festivals strategy is to be considered at today’s meeting.</p> <p>Table Five: Other Costs 2015/16</p> <table border="1"> <tr> <td>Licences</td> <td>105,000</td> </tr> <tr> <td>Community Planning & City Competitiveness</td> <td>100,000</td> </tr> <tr> <td>Grant & Community Support</td> <td>429,023</td> </tr> <tr> <td>Events & Festivals</td> <td>200,000</td> </tr> <tr> <td>Decade of Centenaries</td> <td>86,000</td> </tr> <tr> <td>Total Other</td> <td>920,023</td> </tr> </table>	Licences	105,000	Community Planning & City Competitiveness	100,000	Grant & Community Support	429,023	Events & Festivals	200,000	Decade of Centenaries	86,000	Total Other	920,023
Licences	105,000												
Community Planning & City Competitiveness	100,000												
Grant & Community Support	429,023												
Events & Festivals	200,000												
Decade of Centenaries	86,000												
Total Other	920,023												
2.6	<p>Transfer of Functions</p> <p>Corporate signage on car parks must comply with legislative requirements and an additional £30k will be required to ensure compliance. Additional printers and computers will be required for the planning staff (45 staff) at a cost of £43k. The major additional expenditure requirement is £250k for advertising costs associated with planning applications. These are advertised in four local newspapers to ensure planning equality and legislative requirements are met.</p>												

	Table Six: Transfer of Functions 2015/16	
	Corporate Signage to car parks	30,000
	IT Hardware	43,000
	Planning Advertising	250,000
	Total Transfer of Functions	323,000
	Sources of Funding	
2.7	Table Seven shows that through a combination of sources £4.3m of finance is available. It is recommended that a transition fund of £3.31m is established to cover the one-off costs for 2015/16.	
	Table Seven: Sources of Funding 2015/16	
	2014/15 Year end balance	1,344,759
	LGR Fund	331,511
	LTP Fund	420,000
	Capital under spend	<u>2,219,843</u>
	Total funding available	4,316,113
	Funding required	3,510,811
	Balance remaining	805,302
2.8	In terms of the remaining balance of £800k Members have a choice of transferring this to reserves or using it to support other priorities. At the Budget Panel it was agreed that further detailed discussion is required about the future of the Local Investment Fund, Belfast Investment Fund and the potential establishment of a Support Fund. A detailed report on this matter will be brought to Committee in February and it is therefore recommended that the allocation of the £800k balance should be considered as part of this future report.	

3.0	Recommendations
	Members are requested to agree to: <ul style="list-style-type: none"> • The non-recurrent expenditure outlined in tables 3 to 6 for 2015/16. • The establishment of a transition fund of £3.51m to finance this expenditure.

4.0	Equality and Good Relations Implications
	There are no equality and good relations implications associated with the report.

5.0	Attachments
	Appendix One: Temporary Employees Appendix Two: Maintenance required for transferring assets

Appendix One: Temporary Posts 2015/16

DEPT/SERVICE
<u>CHIEF EXECUTIVES</u>
Corp Comms Officer X 3
Comms Assistant X 1
Corp Comms Placement Student
Ops Manager X 1
Lord Mayors Assistant X 1
Bus Support Clerk X 1
Civic Attendant X 1
Dem Services Officer x 1
Property Solicitor X 1
Solicitor x 2
<u>FINANCE & RESOURCES</u>
Business Support Officer X 1
Fin Control Officer X 1
Digital Belfast Officer X 1
Digital Belfast Tech Support Officer X 1
Digital Services Asst X 1
<u>PROPERTY AND PROJECTS</u>
Procurement officer X 3
Project Sponsor X 3
Facilities - Apprenticeship X 7
Estates Surveyor
Mgt Accountant X 1
Capital Claims Accountant X 1
Sen Bus Support Asst.X 2
<u>HEALTH & ENVIRONMENTAL SERVICES</u>
Cleansing Operatives X 6
Data Transfer X 1
<u>DEVELOPMENT DEPARTMENT</u>
Grants Assistant x 3
Project Officers X 3
Community Development Officer X 1
Asst Communtiy Development Officer X 1
<u>OFF STREET CAR PARKING</u>
Contract Manager Car Parking

Appendix Two: Maintenance required for transferring assets

Asset	Cost
Braniel Community Centre	3,050
Clonduff Drive Community Centre	135,800
Cregagh Civic Amenity Facility	25,300
Cregagh Youth and Community Centre	755
Downshire Community Hall	84,250
Henry Jones Pavilion	116,100
Knockbreda Cemetery Store	5,350
Lock Keepers Cottage	1,000
Tullycarnet Community Centre	730
Tullycarnet Pavilion & Bowling Green	15,000
Fullerton Park Community Centre & Pavilion	2,450
Napier Park Changing Pavilion	3,450
	393,235

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank



Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Council support for employability – proposed approach
Date:	30 th January 2015
Reporting Officer:	John McGrillen, Director of Development, ext 3470
Contact Officers:	Lisa Toland, Head of Economic Initiatives and International Development, ext 3427

1	Relevant Background Information
1.1	Members will be aware that, over the past few months, officers have been working on a number of employability issues. These include the development of an Employability and Skills Strategy for the city and looking at how the impact of any investment in European Social Fund (ESF) projects can be maximised.
1.2	The European Social Fund aims to reduce economic inactivity and increase workforce skills by promoting access to employment, social inclusion and skills for growth. The fund is managed by the Department for Employment and Learning (DEL) in Northern Ireland. While some funding is ring-fenced for mainstream DEL programmes, much of it is allocated through an open call for projects. Successful projects attract funding of up to 65% of the total project cost and project promoters are expected to find the remaining 35% funding from other sources. The most recent call for projects closed on 9 January 2015.
1.3	While the council was originally planning to submit its own bid for funding, using its resources and resources to be transferred from the Department for Social Development, the delay in the transfer of regeneration powers meant that this approach was no longer feasible. An alternative approach – working to draw funding in through other DEL-funded programmes – was also not possible after further investigation. The council therefore decided not to bid directly for funding under the ESF call. However, the council did provide letters to a number of projects that were making applications for support. DEL had confirmed that engagement with potential match-funders was a pre-requisite for any applications. However the letters from the council confirmed only that the organisation had made contact with the council, and there was no commitment to provide funding.
1.4	Given this change in approach, this report considers the proposed way forward for the council in terms of employability and skills development support, including support for European Social Fund activity.

2	Key Issues
2.1	<p>Members will be aware that the council is currently in the process of developing an Employability and Skills Strategy. This work is likely to be completed by March 2015. There are currently four draft objectives against which a range of activities are being identified. These include:</p> <ol style="list-style-type: none"> 1. To develop a coherent and city wide employability and skills partnership 2. To provide a rounded and whole-life package of entry and lower level skills development and provision 3. To generate higher level skills which meet the demands of employers and investors 4. To enable progression routes and employability skills for all.
2.2	<p>It is anticipated that the strategy will provide a framework against which the council and its partners can invest their resources in a series of targeted activities that will address the key skills and employability challenges that the city is currently facing. Members will be aware that, for many years, economic inactivity has been one of the most significant drags on the city's competitiveness. Over the decade of significant growth from 1997-2007, economic inactivity rates in the city remained more or less constant as the jobs were filled by those commuting into the city for work. Likewise, the skills requirements in the city have changed significantly and there are many people who either have no formal skills training or whose skills are not appropriate to the needs of the current labour market.</p>
2.3	<p>While the issue has been on members' radar in recent times and emerged as a priority issue during the planning work on the Belfast Agenda, the council currently has very limited resources to allocate to this activity. It is therefore critical that decisions about how the funding is used take account of how the greatest impact can be achieved and also how activity can lever funding from other partners.</p>
2.4	<p>At the Development Committee in September 2014, members agreed to ten guiding principles proposed to steer future council decisions concerning investment in employability and skills development activities. The principles were:</p> <ol style="list-style-type: none"> 1. Need for a citywide approach 2. Need to consider targeted interventions and differentiated approaches 3. Partnership between Belfast City Council, DEL and others 4. Support is needed for older males, lone parents, persons with disabilities and minority ethnic communities 5. The role of the private sector is critical 6. Need to avoid duplication/local competition 7. Need to improve data sources and information sharing 8. Need to focus on outcomes and tracking progress 9. Employability and skills cannot be considered as stand-alone interventions 10. Need for transparency in decision-making around funding
2.5	<p>It is suggested that these principles still remain valid and that, when decisions</p>

	around council support for employability and skills activities are considered, they are assessed against their alignment with these principles.
2.6	At present, DEL is assessing the funding bids submitted on 9 January 2015. It is expected that the assessment process will conclude by 6 February 2015. Project promoters will then be advised as to whether or not they have been successful in their application. At this stage, they will be offered a letter of offer “in principle”. This letter of offer is subject to the project receiving a positive appraisal from DEL economists and also to the project promoter being able to provide confirmation that they have secured the requisite amount of match funding. Project promoters will have up to three months to find their match funding. If they are not able to do so at this point, the letter of offer can be withdrawn.
2.7	In the run-up to the call for projects, DEL made a number of changes to project criteria and eligibility. One of the most significant changes was that ESF can now only provide training to level 1. In reality, employment prospects really only improve significantly once individuals are trained to level 2 and above. This change will limit the impact that many projects can make and could considerably impact on employment outputs that they can expect to achieve from the intervention.
2.8	As with previous ESF calls, there are likely to be many projects that, while they are providing high quality local employability and skills training in their areas, are unlikely to meet all or many of the council’s guiding principles identified in 2.4. Given that there will be more projects seeking funding than there are resources available, it is proposed that an assessment will be required to look at which of those projects most closely align with the council priorities and therefore can help deliver on the Employability and Skills Strategy objectives.
2.9	In addition, given that ESF only has a limited focus and – in particular – given that the funding is now limited to level 1 qualifications only, it is proposed that council decisions around how to allocate its resources look not only at match funding ESF projects but also at kick-starting some projects identified through the emerging Employability and Skills Strategy or adding value to ESF projects as opposed to just providing match funding support. DEL have agreed that, once they are in a position to award letters of offer, they will engage with the council to look at potential match funding requests and to see how these could be met from existing resources within the organisations, if possible.
2.10	Therefore, once all of this information is available, it is proposed that officers bring back a report to the relevant committee incorporating recommendations as to how available resources might be used to address employability and skills challenges in the city.

3	Resource Implications
3.1	An estimated budget within the Economic Development Unit budgets for 15/16 is £240,000.

4	Equality and Good Relations Considerations
4.1	Equality and Good Relations considerations will also be factored into the

	prioritisation and assessment process.
--	--

5	Recommendations
5.1	It is recommended that members: <ul style="list-style-type: none">– Note the update on the Employability and Skills Strategy and the ESF call for projects– Agree to consider a future report incorporating proposals as to how the council can maximise the impact of its investment in employability and skills, including potential match-funding support for some European Social Fund projects.

6	Decision Tracking
Timeline: March 2015	Reporting Officer: Lisa Toland

7	Key to Abbreviations
DEL – Department for Employment and Learning DSD – Department of Social Development ESF – European Social Fund	



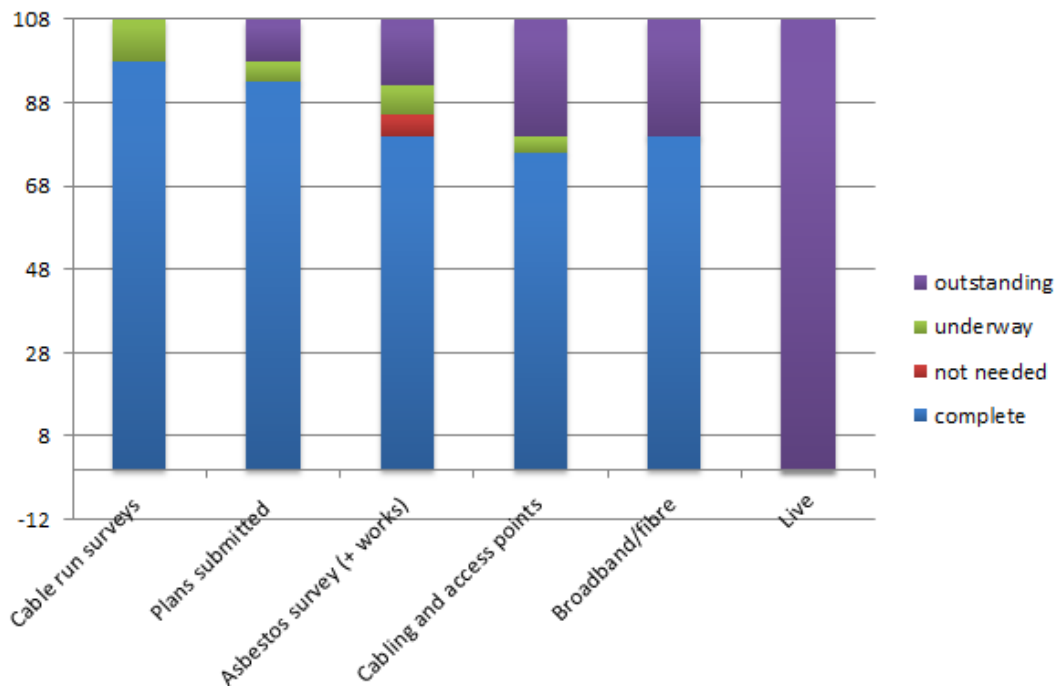
Belfast City Council (Shadow)

Report to:	Shadow Strategic Policy & Resources Committee
Subject:	Super-connected Belfast Update
Date:	30 January 2015
Reporting Officer:	Ronan Cregan, Director of Finance & Resources
Contact Officer:	Paul Gribben, Head of Digital Services

1.	Relevant Background Information
1.1	The Super-connected Belfast programme of work comprises three strands: <ol style="list-style-type: none"> 1. Public Sector Wi-Fi Hotspots 2. Metro-Wireless project 3. Belfast Connection Voucher scheme
1.2	This report provides an update on the recent significant developments relating to the Super-connected Belfast Programme.

2.	Key Issues												
2.1	<p><u>Public Sector Wi-Fi Hotspots</u></p> <p>The Public Sector Hotspots strand of the Super-connected Belfast programme aims to fund the installation of wireless/Wi-Fi equipment into buildings regularly visited by members of the public. The funding covers broadband connections, Wi-Fi equipment, wiring and the cost of installation.</p>												
2.2	<p>The contract to install and supply these public Wi-Fi hotspots has been awarded to BT. The final revised list has identified 108 buildings for inclusion:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">Belfast City Council</td> <td style="text-align: right;">89</td> </tr> <tr> <td style="padding-left: 20px;">BCC incoming buildings from new boundary</td> <td style="text-align: right;">11</td> </tr> <tr> <td style="padding-left: 20px;">NIHE</td> <td style="text-align: right;">5</td> </tr> <tr> <td style="padding-left: 20px;">Department of Justice</td> <td style="text-align: right;">2</td> </tr> <tr> <td style="padding-left: 20px;">DSD</td> <td style="text-align: right;">1</td> </tr> <tr> <td style="text-align: right;">Total</td> <td style="text-align: right;">108</td> </tr> </table>	Belfast City Council	89	BCC incoming buildings from new boundary	11	NIHE	5	Department of Justice	2	DSD	1	Total	108
Belfast City Council	89												
BCC incoming buildings from new boundary	11												
NIHE	5												
Department of Justice	2												
DSD	1												
Total	108												

2.3 The chart below shows progress to-date and indicates that the project is on target to be delivered by April.



2.4 **City Centre Metro Wireless**

Following the original difficulties with the Metro Wireless procurement the council has decided to take ownership of the delivery of this project and are working to procure and implement a city centre Wi-Fi solution.

2.5 The European commission considers that public funding to a single recipient of up to €200,000 over a 3 year period has a negligible impact on trade and competition, and does not require State Aid notification. Therefore, the council is free to establish its own city centre Wi-Fi zone within these financial constraints.

2.5 Initial market research with telecoms suppliers indicates strong interest in a council funded Wi-Fi network and by focussing the installation of Wi-Fi cells on buildings and making use of the ducting that has already been installed as part of the 'Streets Ahead' initiative we believe we can deliver a significant Wi-Fi zone concentrated on the city centre.

2.6 The specification for this procurement is currently being finalised with a view to going out to the marketplace in April when resource will be released following the completion of the Public Sector Hotspots project.

2.7 **Belfast Connection Voucher Scheme**

The voucher scheme allows small to medium sized enterprises and social enterprises within the new Belfast City Council boundary area to apply for grants of up to £3,000, to obtain high-speed broadband connections.

2.8 In August 2014, the Department of Culture Media & Sport (DCMS) set each city a revised target for voucher uptake. The figure for Belfast was set at 690 vouchers, and the programme is currently well on course to achieve this target.

2.9	On 3 rd December, as part of the Autumn Statement by the Chancellor of the Exchequer George Osborne MP, a decision was taken to extend the voucher scheme until March 2016. The government has allocated up to £40 million to extend the scheme to March 2016 and has made the scheme available to more cities. Vouchers will be available in the new cities by April 2015, and will be available on a first come, first served basis.								
2.10	The new £40 million fund will be administered by DCMS centrally, with no cities receiving a set allocation of funds or performance targets.								
2.11	28 new cities will be invited to participate in the scheme and existing cities are invited to submit plans to extend their postcode boundaries. This means that we have been invited to extend our scheme beyond the extended LGR boundary to neighbouring council areas.								
2.12	All 3 strands of the Super-connected Belfast programme are supported as key projects within Digital Services programme of work and are delivered by staff in Digital Services with support provided by Economic Development, Corporate Communications, Audit Governance and Risk and Financial Services. The Connection Voucher team is also supported by 5 project team assistants employed on temporary contracts up to the end of March 2015.								
2.13	The Connection Voucher team is well established in Digital Services and supports the administration of the Voucher scheme for both Belfast and Derry City councils. The role of the team is to drive demand, conduct seminars/briefings and assist businesses in their applications. They are also responsible for liaising with suppliers to ensure the process is as clear and transparent as possible.								
2.14	An update of the current project status is outlined in the table below:								
<table border="1"> <thead> <tr> <th colspan="2" data-bbox="327 1290 1385 1323">Belfast Voucher Scheme (08th December 2014)</th> </tr> </thead> <tbody> <tr> <td data-bbox="327 1323 853 1357">Applications received</td> <td data-bbox="853 1323 1385 1357">860</td> </tr> <tr> <td data-bbox="327 1357 853 1391">Vouchers Issued</td> <td data-bbox="853 1357 1385 1391">454</td> </tr> <tr> <td data-bbox="327 1391 853 1435">Vouchers value</td> <td data-bbox="853 1391 1385 1435">£1,161,735</td> </tr> </tbody> </table>		Belfast Voucher Scheme (08th December 2014)		Applications received	860	Vouchers Issued	454	Vouchers value	£1,161,735
Belfast Voucher Scheme (08th December 2014)									
Applications received	860								
Vouchers Issued	454								
Vouchers value	£1,161,735								
2.15	From the information provided by applicants, it has been estimated that each voucher will contribute 3 jobs and £133,000 in turnover for each business over 3 years.								
2.16	The current scheme funding and performance targets will terminate on 31 st March 2015.								
2.17	With an approximate SME population of 10,000 within the new Belfast City Council area, it is felt that whilst the current number of applications is above average compared with other participating cities, there is still more that can be done to drive take up.								
2.18	All cities have been strongly encouraged to estimate future demand. This will require consultation internally as well as with external stakeholders such as industry representative bodies and suppliers.								

2.20	<p>The two key decisions that now need to be taken are:</p> <ol style="list-style-type: none"> 1. Should Belfast City Council continue to allocate resources to deliver an extended Belfast Voucher scheme? 2. And, should we seek to extend the boundary of the scheme to take in other council areas? <p>This will require consultation with other councils in terms of how an extended scheme would be administered, resourced and audited and will require Digital Services to amend the online and back office systems to cater for additional areas. It will also require BCC to co-ordinate a business case for submission to DCMS for the new extended boundary, indicating predicted voucher uptake and business benefits across the extended scheme.</p>

3.	Resource Implications
3.1	<p><u>Public Sector Hotspots</u> Capital costs of £400,000 for installation of Public Wi-Fi Hotspots in BCC buildings will be met from DCMS funding.</p> <p>On-going revenue costs £180,000 are already allocated in BCC revenue estimates.</p>
3.2	<p><u>City Centre Metro Wireless</u> Capital costs of £160,000 have already been included in the capital programme.</p> <p>Revenue costs of approximately £20,000 are already included in revenue estimates.</p>
3.3	<p><u>Belfast Connection Voucher Scheme</u> It has been estimated that £250,000 (already within current budget estimates for 15/16) will be required to support a scaled down voucher team, advertising and system support to extend the voucher scheme to April 2016 within the Belfast boundary.</p> <p>It should also be noted that 10% of any claims to DCMS may be used to recoup project administration costs.</p>

4.	Equality and Good Relations Implications
	N/A

5	Call In
----------	----------------

4.1	This decision is subject to Call In.
-----	---

6.	Recommendations
6.1	It is recommended that Belfast City Council supports an extended Belfast voucher scheme up to April 2016.
6.2	It is recommended that the Super-connected Belfast project team investigates if there is capacity to extend the voucher scheme to other council areas and to determine the logistics, cost and commitment of other councils to participate in an extended scheme.

7.	Decision Tracking
	Officer responsible: Paul Gribben

8.	Key to abbreviations

9.	Documents Attached
	N/A

This page is intentionally left blank



Belfast City Council (Shadow)

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Support and Maintenance for existing Server and Storage infrastructure
Date:	30 January 2015
Reporting Officer:	Ronan Cregan, Director of Finance & Resources
Contact Officer:	Paul Gribben, Head of Digital Services

1.	Relevant Background Information
1.1	Every area of the council relies on technology, applications and access to information to deliver their services. These services are delivered within a very complex technical environment made up of virtualised servers and centralised disk based storage with critical services being replicated to a disaster recovery site in Duncrue on a daily basis.
1.2	The majority of our current server and centralised storage assets were implemented in 2010, with additional capacity provided progressively to meet business demands. These core infrastructure assets were procured together with 5 years maintenance and support services which are vital to ensure business continuity.
1.3	Gartner, the leading information technology research and advisory firm, reports that clients continue to report 80% increases in annual data needs, so continuing to make sure we have a well-planned and managed ICT Infrastructure will be essential in delivering reliable service performance. This will also enable the council to have the essential flexibility to meet unexpected requirements like those that have emerged throughout the preparations for local government reform and leisure transformation.
1.4	By the end of 2015 the majority of our hardware will require their maintenance and support services to be renewed.
1.5	This report requests the authority to purchase maintenance and support from the original supplier (DELL) ensuring coverage up to April 2017.

2.	Key Issues
2.1	Our server and storage infrastructure is central to reliable service performance. A major strategic decision was taken to consolidate our ICT Infrastructure in a virtualised server and storage environment in 2010.
2.2	The majority of the hardware in this centralised server and storage infrastructure is approaching its five year anniversary and is reaching the end of contracted maintenance and support services.
2.3	In 2 years time the current hardware will be approaching end-of-life but until then it will remain central to the council's information infrastructure. However, as hardware ages it becomes more susceptible to failure and it becomes more expensive to support. These hardware failures can have a significant effect on service availability and may impact on key services like our email and finance systems.
2.4	<p>It is our intention to procure another 2 years DELL enterprise maintenance and support services which includes:</p> <ul style="list-style-type: none"> • Direct telephone access 24 hours/day, 7 days/week, including holidays, to Dell's global Enterprise Expert Centre, • On-site dispatch of service technicians and/or warranty parts for repairs and resolution, • Critical situation process and emergency dispatch in parallel with troubleshooting for critical situations, • Technical Account Manager, incident management and escalation, • Case Management to help track resolution and escalation of issues.
2.5	To move information access to the next level we need to address both current and future business requirements while protecting the information that we hold on behalf of the public. We need to explore a broader picture of information access and consumption, and we must make our assessment of needs based both on the information held in corporate legacy repositories but also on how cloud storage services will be required in a modern workplace.
2.6	We have already started to explore various options around our server and storage infrastructure, comparing cloud and on premise solutions and their costs, and it is our intention to align this work with our hardware refresh lifecycle and with the accommodation strategy which will require our data centre to be relocated from Gloucester Street to a new site.

3.	Resource Implications
3.1	The council invested over £600,000 in the current server and storage infrastructure in 2010.
3.2	To protect that investment and to safeguard service continuity extending maintenance and support services will cost £130,215 for a two year contract. This will be met from the current Digital Services revenue budget.

4.	Equality and Good Relations Implications
	N/A

5	Call In
4.1	This decision is subject to Call In.

6.	Recommendations
6.1	It is recommended that Belfast City Council renews support for the current server and storage environment for two years at a cost of £130,000.
6.2	That the renewal is completed with the current supplier (DELL) due to the complex nature of the environment.
6.3	And that Digital Services begins the process of preparing a business case for replacing the current environment to take account of improvements in hardware, the flexibility of cloud computing and to fit in with the council's accommodation strategy.

7.	Decision Tracking
	Officer responsible: Paul Gribben

8.	Key to abbreviations

9.	Documents Attached
	N/A

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

Document is Restricted

This page is intentionally left blank



Belfast City Council

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Land at Old Golf Course Road, Dunmurry
Date:	30 January 2015
Reporting Officer:	Gerry Millar, Director of Property and Projects, Ext 6217
Contact Officer:	Cathy Reynolds, Estates Manager, Ext. 3493

1	Relevant Background Information
1.1	The Northern Ireland Environment Agency (NIEA) currently own land at Old Golf Course Road, Dunmurry which they have recently declared surplus to their requirements. Land and Property Services (LPS) in accordance with the D1 Disposal of Surplus Public Sector Land procedures have notified the Council and other public sector bodies of the potential disposal and have sought expressions of interest in the land.
1.2	The land in question totals approximately 14 acres. It is made up of two plots which have been zoned as an area of existing Open Space and designated as an Urban Landscape Wedge and Community Greenway in the Belfast Metropolitan Area Plan 2015. A map is attached at Appendix 1 showing the approximate extent of the portions of land outlined red.
1.3	The land is presently located within an area of Lisburn City Council that will transfer to Belfast City Council on 1 st April 2015 under Local Government Reform.

2	Key Issues
2.1	It is understood that locally elected Councillors had previously made representations to NIEA about a potential transfer of this land to the Council.
2.2	In accordance with LPS procedures any interested parties have 15 working days from the date of the letter from LPS (13 th January 2015) to register an interest in the subject land. It is unknown at this stage what the terms of any potential disposal will be, although Council Officers have asked LPS to advise further. It is also understood that NIEA are exploring the basis and terms of any potential transfer of the land to the Council.
2.3	Given the short time frame involved Council officers have advised LPS that the Council may have a potential interest in the land, subject to Committee approval and to the terms of any disposal. This preliminary expression of interest is not binding on the Council.

3	Resource Implications
3.1	<p><u>Finance</u> Currently unknown. LPS have however been asked to advise on the terms of the disposal & a report will be brought back to Committee when further information is available.</p>
3.2	<p><u>Human Resources</u> Staff resources will be required to progress any subsequent acquisition.</p>
3.3	<p><u>Asset and Other Implications</u> These will become clearer upon receipt of further information from LPS and NIEA.</p>

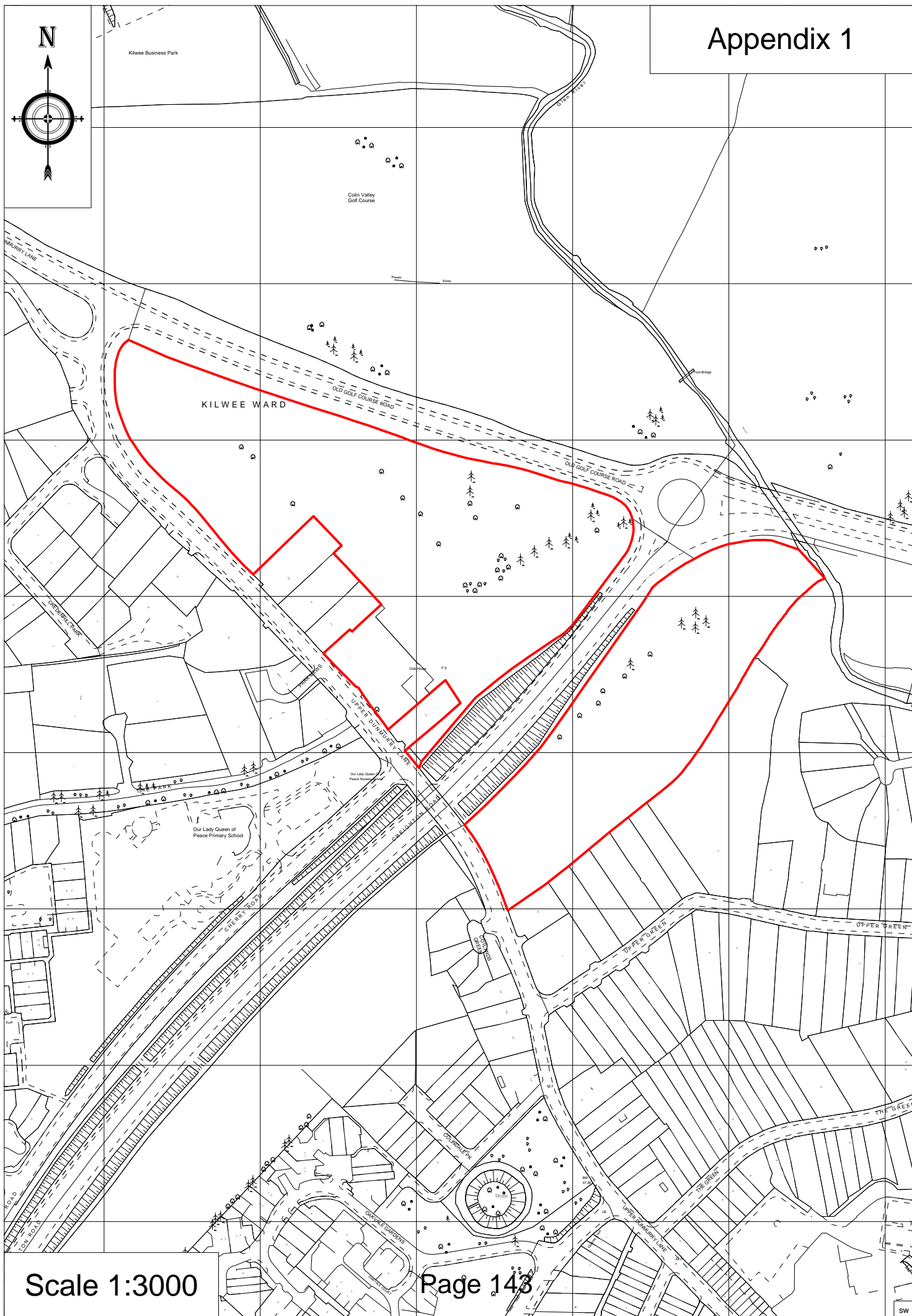
4	Equality and Good Relations Considerations
4.1	There are no known equality or good relations issues associated with this report.

5	Recommendations
5.1	Committee are asked to note that land at Old Golf Course Road, Dunmurry has recently been declared surplus by NIEA & that LPS, in accordance with the Disposal of Surplus Public Sector Land procedures, have notified the Council seeking expressions of interest in the potential acquisition of the land. LPS have been requested to advise further on the terms of any disposal and this information will be brought back to Committee when available. However in the interim and given the tight timeframe associated with the LPS process, officers have advised LPS to note a potential interest by the Council on the basis that further information will be required on the terms of the disposal and that a report is to be subsequently brought back to Committee seeking their direction on whether or not to proceed.

6	Decision Tracking
If Committee approval is forthcoming, Director of Property and Projects to ensure the matter is reported back to Committee when more detailed terms of disposal are made available.	

7	Key to Abbreviations
<p>NIEA – Northern Ireland Environment Agency LPS – Land and Property Services</p>	

8	Documents Attached
Appendix 1 – Map indicating outlined red the approximate area of land for disposal at Old Golf Course Road, Dunmurry.	



This page is intentionally left blank



Belfast District Council (Shadow)

Report to	Shadow Strategic Policy and Resources Committee
Subject:	DSD consultations – Shaftesbury Square Development Framework & South West Gateway Masterplan
Date:	30 th January 2015
Reporting Officer:	John McGrillen, Director of Development
Contact Officer:	John McGrillen, Director of Development

1	Relevant Background Information
1.1	Members will be fully aware that the operational Transfer of Regeneration and Community Development from DSD to the Council has been delayed by 12 months until 1 st April 2016. As part of their existing responsibilities and in parallel to the preparation for transfer of regeneration powers to Council DSD have continued to develop various projects, plans and policies under their remit for delivering Urban regeneration and Community Development functions.
1.2	As part of their ongoing work DSD commissioned consultants to prepare two masterplan documents: <ul style="list-style-type: none"> • Shaftesbury Square Development Framework http://www.dsdni.gov.uk/index/consultations/shaftesburysq-dev-framework-consultation.htm • South West Gateway Masterplan http://www.dsdni.gov.uk/index/consultations/consultations-south-west-gateway-masterplan.htm
1.3	Draft responses to these documents have been prepared for Members' consideration and are attached in Appendices 1 and 2.

2	Key Issues
	Strategic Issues
2.1	As part of its preparation for the transfer of regeneration powers the Council had compiled a baseline of DSD documents which comprise the broad operational / policy context for regeneration activity in the City Centre and wider neighbourhoods across the city.
2.2	These documents provide the regeneration policy context within which DSD (through

	<p>BRO and BCCRD) currently deliver the transferring Urban Regeneration and Community Development function. Any existing informal and formal policy instruments produced by DSD could be used to inform future Council regeneration policy and contribute to the Local Development Plan (land use planning context); the Belfast Plan (community planning context) and the emerging City Centre Regeneration and Investment Plan (an updated urban regeneration context for the city centre).</p>
2.3	<p>The Council consideration of the draft Shaftesbury Square Development Framework and South West Gateway Masterplan was carried out in the context of the emerging Council strategies and plans referred to above.</p>
2.4	<p>Financial Issues</p> <p>The physical interventions proposed within this plan could have significant financial implications in the event of any commitment to these actions being delivered. It is essential that any proposed actions that can be delivered in advance of transfer of functions in 2016 are clearly identified and undertaken by the Department utilising existing budgets. Any interventions that lie beyond this timeframe should be set within the wider context of local government reform and recognise that financial implications associated with any proposals would not be binding on the Council.</p> <p>In any final documents it should be clear that recommendations for the period post April 2016 that may not be the responsibility of DSD and can only be considered in the context of existing Council plans and projects as well as our future planning, community planning and regeneration functions.</p>
2.5	<p>Shaftesbury Square Development Framework</p> <p>DSD appointed GM Design Associates to undertake the Shaftesbury Square Development Framework. The aim is to create a basis for the restoration of Shaftesbury Square as a successful urban space with vibrant local communities linked by attractive and active urban streets. See Appendix 1 for an outline of the study area and a draft Council response.</p>
2.6	<p>The Development Framework identifies a number of opportunity sites such as Posnett Street and Hope Street and has included indicative development schemes with various land uses on these sites. In addition to developing these sites the Development Framework aims to regenerate Shaftesbury Square as a major civic space.</p>
2.7	<p>Officers have sought to contribute to the development of the plan through comments and advice (via the project board). The contributions, in many instances, have not been taken into account in the draft document. Issues previously identified by Council which remain of concern and will be addressed in the draft response include:</p> <ul style="list-style-type: none"> • The need for greater clarity on the purpose of the development framework and what it aims to achieve • A more robust analysis is needed to assess the issues in the area such as dereliction and vacancy and identify the contributing factors for these issues and offer a rationale for the proposed interventions • The requirement for a defined boundary and the rationale for it explained. The transport interventions could impact on key junctions that currently sit outside the identified area • There is little to no understanding of projects / activity already planned in the area and how these have been incorporated into the development framework. Greater certainty on future schemes should be sought from DRD for projects such as future Bus Rapid Transit and potential southern routes in the city. • A large part of the development framework focuses on the realignment of the

	<p>transport infrastructure, however, a transport assessment to analyse the practicalities of this should be prioritised.</p> <ul style="list-style-type: none"> • The framework should identify responsible partners or delivery mechanisms to assist the process of taking forward the interventions with an emphasis on developing strong community involvement and responsibility. • There are opportunities for greater alignment with Council programmes and initiatives such as the Council’s Masterplan and the City Centre Regeneration Strategy & Investment Plan and their respective themes. • Greater clarity must be given to what is meant by the proposed delivery of quick wins, short, medium and long term plans and who will be undertaking these actions. • There is no mention of the potential for uses such as student housing and the opportunity for their inclusion in a positive manner as managed accommodation which could be the catalyst for wider regeneration. <p>South West Gateway Masterplan</p> <p>2.8 The stated aim of this Masterplan is to identify a range of strategic actions that will underpin the regeneration of what is described as one of Belfast’s most important economic areas. As with the Shaftesbury Development Framework Belfast City Council officers provided comments as part of the Project Board.</p> <p>2.9 The area covered by this Masterplan includes the entire stretch of the Boucher road; Stockmans Lane from Balmoral Road to Kennedy Way; The Kennedy Centre; Westwood shopping Centre in the West and as far East as Windsor Park. See Appendix 2 for the study area and a draft Council response.</p> <p>2.10 The Council is a substantial land owner in this area with land interests in the retail, industrial and commercial uses in the Boucher area but also parks and leisure interests given the proximity of the Olympia Leisure centre, Musgrave park, and the Boucher Playing Fields which are subject to some of the proposed interventions. Due to our land holdings and our existing plans for this area we would expect further engagement with the Council if this is further developed.</p> <p>2.11 The Masterplan is very high level and aspirational proposing 10 actions for the area, some of which such as the Blackstaff Park, remain at a concept stage:</p> <ol style="list-style-type: none"> 1. Positive Branding – the area needs a shared identity to pull together its leisure, business and retail uses 2. Integrated Travel Plan – to tackle the issues of congestion, parking and poor pedestrian connectivity 3. Civic transport Interchanges – improving connection to public transport links 4. Quality Pedestrian and Cycle Corridors – installing good quality pedestrian and cycle paths, tree planting and signage. 5. Quality Wild Life Corridors – enhancing the role of Blackstaff River to increase biodiversity in the area and reduce pollution 6. Black Staff park (incorporating Boucher Playing fields, the vacant waste water treatment plant. Initial concepts designs show a connection of these areas of green space over the M1. 7. Landmark M1 bridge – a proposed pedestrian and cycle bridge connecting Boucher Road and the Falls Road. 8. Community Greenway – linking Musgrave Park, Milltown Cemetery and the Blackstaff River 9. Community Development – increase direct relationships with businesses and local communities in this area. 10. Proactive planning, design and management – to allow a long term,
--	--

	sustainable, transformation to take place.
2.12	Key issues that any final document will need to address are existing plans for the area including Olympia; our open space assets; the large commercial Council landholding and the opportunities that exist in this area. Some of the concepts proposed such as the M1 bridge and Blackstaff park could have major implications for our assets and existing commercial properties on both sides of the M1. Whilst these proposals are at a concept stage it is essential that there is more robust assessment and engagement with the Council before the completion of any draft plan.
2.13	Relevant to both plans, as outlined above, is the need for DSD to recognise that the Council will not be bound by any emerging proposals. The Council will consider the implications of these plans not only from the resourcing perspective but also from the viewpoint of deliverability within any future regeneration policy context. The plans should therefore avoid raising community expectations for delivery beyond 2016 as proposals will be considered alongside Council's existing commitments, plans and policies at that time.

3	Resource Implications
3.1	None

4	Equality and Good Relations Implications
4.1	None for Belfast City Council at this time.

5	Call In
5.1	This decision is subject to call in

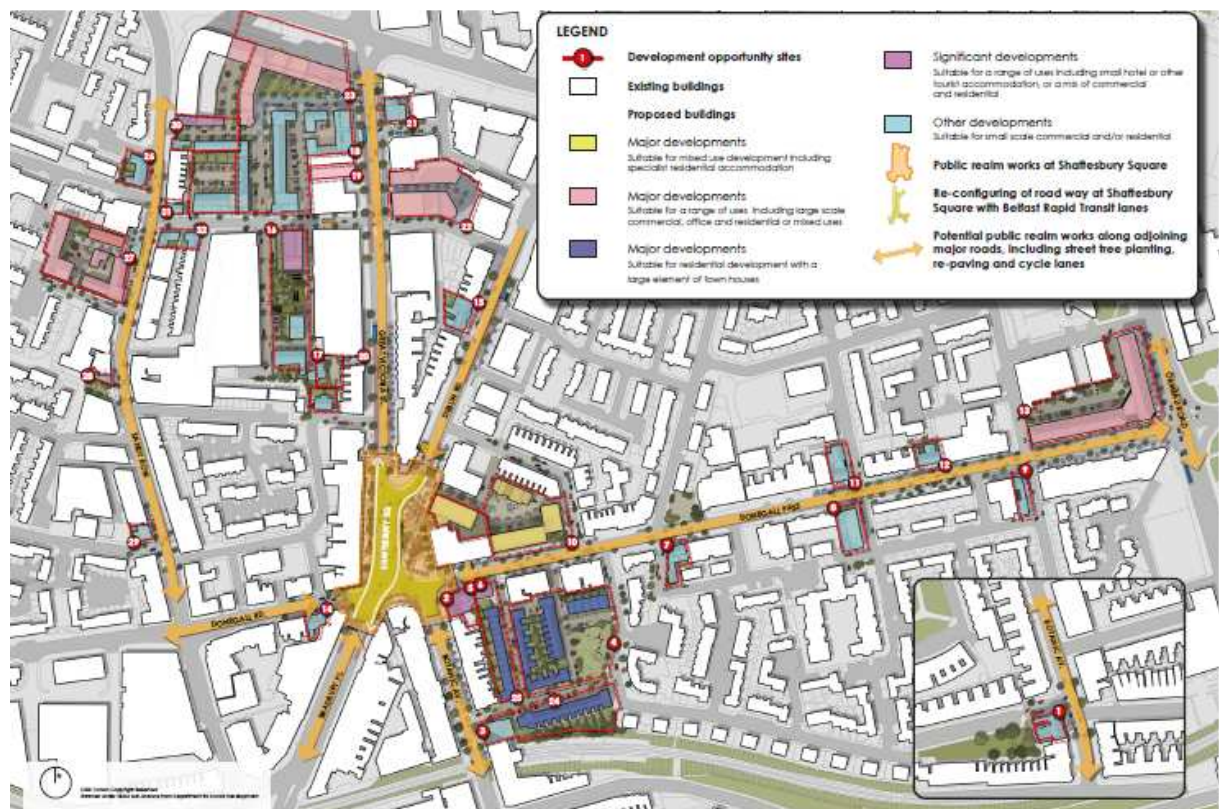
6	Recommendations
6.1	Members are asked to: <ul style="list-style-type: none"> Consider the attached draft responses in Appendices 1 and 2 and agree for submission to DSD

6	Decision Tracking
Timeline: Send ratified Council responses to DSD after Full Council in February . Reporting Officer: John McGrillen	

7	Abbreviations
DSD- Department for Social Development	

6	Documents Attached
Appendix 1 – Draft response Shaftesbury Square Development Framework Appendix 2 - Draft Response South West Masterplan Gateway	

Appendix 1: Shaftesbury Square Development Framework Boundary



Draft Belfast City Council response to Shaftesbury Square Development Framework

Belfast City Council welcomes the opportunity to comment on the draft Shaftesbury Square Development Framework. In the response below we have set out some overarching comments in the context of Local Government Reform and the potential resourcing implications aligned to this before outlining specific comments on the draft Framework.

Strategic Context

As part of its preparation for the transfer of regeneration powers the Council has compiled a baseline of DSD documents which comprise the broad operational / policy context for regeneration activity in the City Centre and wider neighbourhoods across the city.

These documents provide the regeneration policy context within which DSD (through BRO and BCCRD) currently deliver the transferring Urban Regeneration and Community Development function. These existing informal and formal policy instruments whilst not binding on the Council, could be used to inform future regeneration policy; contribute to the Local Development Plan (land use planning context); the Belfast Plan (community planning context) and the emerging City Centre Regeneration and Investment Plan (an updated urban regeneration context for the city centre).

The Council consideration of the draft Shaftesbury Square Development Framework was carried out in the context of the emerging Council strategies and plans referred to above.

The physical interventions proposed within this plan could have significant financial implications in the event of any commitment to these actions being delivered. It is essential that any proposed actions that can be delivered in advance of transfer of functions in 2016 are clearly identified and undertaken by the Department utilising existing budgets. Any interventions that lie beyond this timeframe should be set within the wider context of local government reform and recognise that financial implications associated with any proposals would not be binding on the Council.

It should be clear in the final Development Framework that any recommendations beyond April 2016, which are not the responsibility of DSD, will only be considered in the context of existing Council plans and projects as well as our future planning, community planning and regeneration responsibilities. Whilst the Council is broadly supportive of the proposals in the Development Framework they do not necessarily relate to current Council priorities and should not be considered to commit the Council to implementation.

Draft City Centre Regeneration Strategy & Investment Plan

The emerging plan identifies the South Centre as a distinct area of the city centre and as one that should be the primary focus of Belfast's office sector. The South centre joins the Shaftesbury area and the city centre in a highly competitive inter-city environment, it must attract high quality employment by providing the kind of spaces that the knowledge economy is looking for. Whilst the city centre has other concentrations of office development, the South Centre must retain its primacy by revitalising its office function through a series of strategic moves.

Comments on the Development Framework

As part of the engagement process for this Framework Council provided the consultant team with a range of comments to help inform the draft document via the Project Board, meetings with the consultants and written responses. Many of these comments remain relevant and are re-stated in this response.

The Council is supportive of the general vision to create a basis for the restoration of Shaftesbury Square as a successful urban space with vibrant local communities linked by attractive and active urban streets, however, the boundary for the study area needs to be clarified and the rationale for it explained. The boundary needs to be clear especially if the transport proposals for Shaftesbury Square are to be realised. The impact of the proposed changes to the layout of the traffic infrastructure could only be considered in the context of the connections to roads sitting outside the study area including Hope Street, Bankmore Street and the incomplete inner-city ring road southern section.

The Framework identifies the suggested quantum of development that could occur in the area up to the year 2026, including retail, office and residential development. The Council's Masterplan and emerging City Centre Regeneration Strategy and Investment Plan both support growing the city's residential population, improving the quality of the city's office stock in suitable areas and managing the city's retail offer. In terms of the scope for new development described in the Framework it would fit with Council's Tourism Strategy to increase the hotel provision in the City, however, 680 bed rooms (6 Hotels) may be an overly optimistic aspiration for what is geographically quite a small area. That being said there are a number of opportunities in the wider area for a variety of uses to be encouraged and developed. The figures in sq. ft for retail development and 'cafes, restaurants etc' need to be accurately converted from the sq metres figures printed (page 3 of the Development Framework).

The Framework identifies 34 sites with development potential in the study area. The Council is supportive of regeneration occurring in a holistic and planned manner, however, it is essential that this planning takes full consideration of the many different facets of development including the current ownership of sites and development that is already planned. Notwithstanding our earlier comments on implications of Local Government Reform, the final Development Framework could demonstrate an understanding of the site ownership in the area, the complexities of viability and funding of delivery and the intentions of respective land owners.

The suitability of the uses should be contextualised in relation to their acceptability from the planning policy or community/political perspectives. The general issue of underutilisation of property could be highlighted in relation to both overall vacancy and partial vacancy. The "exceptionally high" terminology for ground floor vacancy and other measures need to be contextualised or expressed in quantitative terms for example by using absolute numbers or percentages. This should also be considered in the context of the wider area and economy to explore the viability of these, taking account of the regeneration potential in the area over the longer term and the interdependencies of city-wide regeneration and economic development.

The final version of the Framework could include greater detail on the contributory factors underpinning the vacancy issues in this locality. The reasons why property remains un-let or vacant should be captured and understood in terms of local factors and broader economic changes that have contributed to the current "challenge" that is apparent across the area. This understanding would inform the potential measures or actions that could support positive change for the area.

It would further enhance the Framework if specific measures on targeting such issues as upper floor vacancy and dereliction or suggest locally specific changes that may address any adverse perceptions influencing the investment potential of the area. This could take the form of practical measures such as potential schemes, initiatives/support, policy changes, management of space etc. Links to existing interventions (e.g. LOTS, BIDS) and relief provided by other organisations, or appropriate examples of success measures that have addressed the challenge

identified will enhance the final framework document. This work could also consider the potential for interim or meanwhile solutions which if placed within a framework context would not undermine or prejudice future development potential.

A key component of the Council's previous engagement for this Development Framework was the consideration of the role of purpose built managed student accommodation in this area located on the fringes of the Queen's University Campus. Recent research undertaken by Viewforth consultants identified the financial contribution of higher education students and their institutions to the local economy. Key findings from the research include:

Key findings for Belfast economy:

- Belfast's share of Higher Education Institution staffing is 6019 FTE (out of 7205 FTE in NI).
- Belfast's share of the direct output of the HEIs was £485 million, directly generating £321 million GVA.
- Knock-on/additional output created in the city economy (in other industries) is £368 million, creating an additional 4525 fte jobs and contributing £187 million to GVA.
- Total impact of the HEIs on the city economy is output of £853 million, 10,544 fte jobs and £508million contributed to GVA.
- Impact of off campus expenditure of students coming to Belfast from outside the city (33,397 students in total) is estimated to be £384.5million output generated, 4212 FTE jobs created and £192.32million contribution to GVA.
- The total output generated by Higher Education and HE students in Belfast is £1.2 billion, creating 14,756 fte jobs, and contributing £700.3million to GVA.

The study area has many factors in its favour such as proximity to the traditional office core, excellent public transport connections, and proximity to Queen's university Belfast - one of the City's major anchor institutions. What is lacking is a catalyst to lift the vitality and vibrancy of the area. Perhaps further consideration could be given to purpose built managed student accommodation as a catalyst for wider regeneration in the right location as part of a balanced approach to other uses in the area, especially in the context of the new University of Ulster Campus under construction in the north of the city centre.

The Vision

The Council is generally supportive of the stated vision in terms of developing the area as an attractive link between the city centre and the south of the city. As outlined earlier this aligns closely with our Masterplan and the emerging City Centre Regeneration Strategy and Investment Plan.

The Council is also supportive of rebalancing the ratio of roadspace to pedestrian / civic space where this is appropriate. Shaftesbury Square performs an important function for vehicle transport in the city and proposals to amend this roadspace will have to be considered in terms of potential impact on the surrounding road network. 'Sensitively managing' traffic as described in the Framework would be welcomed where this fits with the demands of the road network and is deemed achievable by the roads authority. The realignment of Shaftesbury square and the knock-on effects of this will need further detailed analysis. The Framework could expand its boundary to enable consideration of the potential completion of the inner-city ring road southern section and the opportunities that road scheme could afford Shaftesbury Square if it was to be delivered in future.

The proposed response to the traffic-related issues in Shaftesbury Square will benefit from further engagement with DRD to ascertain more realistic timescales for major road interventions and the potential introduction of a north-south axis for Bus Rapid Transit.

The Draft Bicycle Strategy for Northern Ireland suggests that a comprehensive network comprising urban routes, quiet routes and greenways. In the development framework area the establishment of urban routes targeting residents for commuting purposes may be the main focus, however for these cycling lanes to be useful 'complete' routes need to be provided. Therefore the cycle lanes developed as part of the regeneration of this area must connect to existing routes and should incorporate the locations of the Belfast Public Bike Share docking stations.

When creating the dedicated cycle routes through the redesign of Shaftesbury Square the Council would highlight the docking stations included in the Belfast Public Bike Share Scheme in the development framework area. The Belfast Public Bike Share Scheme will be operational from Spring 2015. The docking stations are highlighted in the enclosed map.

The impact of increased pedestrian crossings on traffic and the surrounding area must be considered. If traffic is slowed and stopped for longer periods of time increasing pollutants the impact on the existing Air Quality Management Area in Cromac Street must be considered and any issues arising mitigated for.

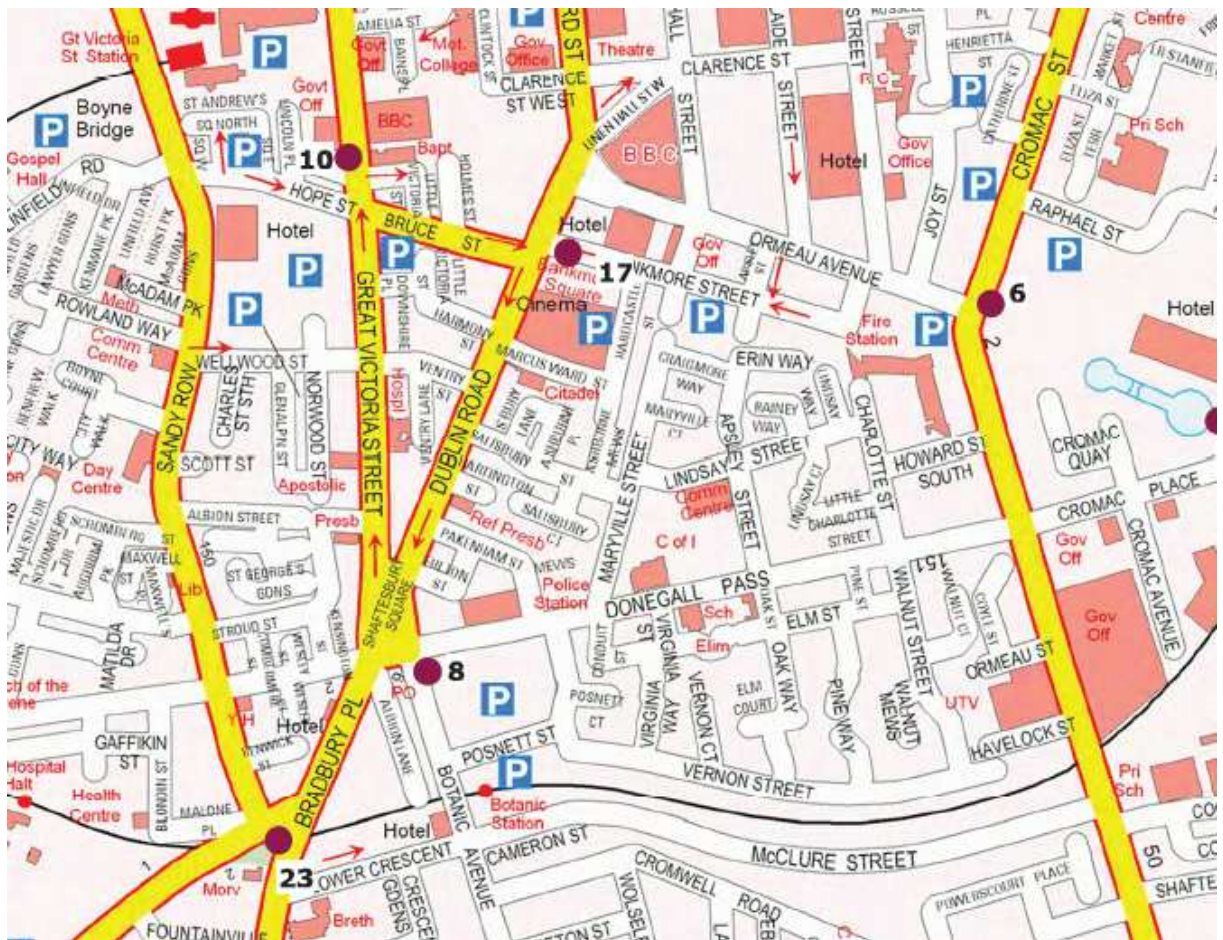
The Framework provides indicative development schemes for key sites in the study area. Whilst these are useful for showing the potential for sites in terms of massing it is important to consider the impact this can have on community expectations, particularly where no planning or viability assessments have been undertaken. In terms of the uses identified in for these sites greater clarity is needed on what is meant by 'specialist residential accommodation' and what type of cumulative impact certain uses can have. An oversupply of a particular use can result in detrimental impacts such as proliferation of hot food bars, to give one example, and the associated effects on environmental quality through fumes and litter. The Framework would benefit from an assessment of planned development for the sites identified as development opportunities.

The plan will need to consider identifying the responsible partners or delivery mechanisms and this will be important going forward in terms of ownership of proposals and managing expectations related to the short, medium and long term goals. Whilst the Council would support partnership the focus at local level must be to ensure that the right skills, organisations and structures are in place to deliver effective regeneration.

Whilst the Council is supportive of greening the city and introducing trees to help soften the urban landscape we understand the financial implications of such measures in terms of maintenance which is currently carried out by Transport NI.

In conclusion, the Council is generally supportive of what is a well intentioned plan however all such plans and proposed interventions must be considered as part of a wider context in which they sit. Given the planned transfer of regeneration powers to local councils in 2016 it is essential that the final version of this Framework is cognisant of the future planning and regeneration context that is on the horizon and as such any proposed interventions cannot come with any commitment of Council delivery.

Bike Share Locations



- 6- Gasworks (Cromac Street)
- 8- Botanic Avenue/ Shaftesbury Square
- 10- Great Victoria Street/ Hope Street
- 17- Bankmore Square/ Dublin Road
- 23- Bradbury Place

Appendix 2: South West Masterplan Gateway Area



Draft Belfast City Council response to the Southwest Gateway Masterplan

Belfast City Council welcomes the opportunity to comment on the draft Southwest Gateway Masterplan. In the response below we have set out some overarching comments in the context of Local Government Reform and the potential resourcing implications aligned to this before outlining specific comments on the draft plan.

The Council has been involved in the development of this plan through participation on the Board and as a substantial land owner in this area with land interests in the retail and commercial uses in the Boucher area but also parks and leisure interests given the proximity of the Olympia Leisure centre, Musgrave park, and the Boucher Playing Fields which are subject to some of the proposed interventions. Due to our land holdings and our existing plans for this area we would expect further engagement with the Council if this is further developed.

Whilst the Council is broadly supportive of the stated aim to strengthen the social and economic role of the study area by improving its environmental quality and connectivity, it is essential to consider not only the existing governance context but also the implications of Local Government Reform which will result in Belfast City Council becoming the planning authority for the city in April 2015 and becoming the regeneration authority for the City in April 2016 (and receiving DSD masterplans and development frameworks as part of this transfer).

Strategic Context

As part of its preparation for the transfer, the Council has compiled a baseline of DSD documents which comprise the broad operational / policy context for regeneration activity in the City Centre and wider neighbourhoods across the city.

These documents provide the regeneration policy context within which DSD (through BRO and BCCRD) currently deliver the transferring Urban Regeneration and Community Development function. These existing informal and formal policy instruments whilst not binding on the Council, could be used to inform future regeneration policy; contribute to the Local Development Plan (land use planning context); the Belfast Plan (community planning context) and the emerging City Centre Regeneration and Investment Plan (an updated urban regeneration context for the city centre).

The draft South West Gateway Masterplan is one of this suite of documents. The Council will consider the potential implications for the emerging Council strategies and plans referred to above, as part of the work informing the transfer of Planning and Regeneration and Community Development, and the responsibility for the Council to prepare a Community Plan for Belfast.

The physical interventions proposed within this plan could have significant financial implications in the event of any commitment to these actions being delivered. It is essential that any proposed actions that can be delivered in advance of transfer of functions in 2016 are clearly identified and undertaken by the Department utilising existing budgets. Any interventions that lie beyond this timeframe should be set within the wider context of local government reform and recognise that financial implications associated with any proposals would not be binding on the Council.

Olympia leisure centre

The Council is investing £19m in the Olympia Regeneration project as part of a £105m capital investment in the leisure estate. The Olympia project is linked to the stadium redevelopment programme led by DCAL with the relevant sporting bodies. The Olympia Regeneration project

will create a sporting village incorporating a new building for leisure and community use located at the redeveloped Windsor Park stadium, accessed via a new attractive boulevard. Under these plans, the site where the centre is currently located would be redeveloped into a more attractive open space, forming part of the stadium entrance.

Public consultation carried out by the Council in 2013/14 sought input from the public on the potential facilities, layout and design of the Olympia Regeneration project but comments were also received on the wider area. Several of these comments from the public are pertinent to the DSD's Draft South West Gateway Masterplan's proposed strategic actions, and the key points are summarised as follows:

- Requests for closer **integration, connectivity and access** between the retail, residential and sporting environments in the Olympia/Boucher Road area
- Concerns from businesses and residents alike over **traffic congestion and parking** in the Olympia/Boucher Road area particularly around large scale events.
- Requests for **improvements to public transport** i.e. a new bus stop

The investments totalling over £50m at both Olympia and Windsor Park will result in high quality public realm and environmental improvements. Complementary activity in the surrounding area such as improved paving, planting and lighting could realise the potential 'sparkle effect' of the investments and inspire further development in the area.

It should be noted that while the Council is broadly supportive of the proposals in the plan they do not necessarily relate to Council priorities and should not commit the Council to implementing their plan or study findings.

The Actions

1. Positive Branding

The Council is generally supportive of this proposed action. The Boucher area could benefit from coordination of the assets which range from open space, industrial, business and retail uses and the new Windsor Park stadium and leisure development currently under construction. The area identified as the South West Gateway is more like a conglomeration of distinct areas insofar as the westerly elements including Kennedy Centre and Westwood shopping centre currently function as destinations in their own right and distinct from the Boucher road area. In this sense it will be challenging to unify these areas with a brand especially given that many uses are replicated in the areas e.g retail stores in Boucher retail park, Kennedy Centre and Westwood Centre.

2. Integrated Travel Plan

This action is closely linked with Action 3. It is not clear how the ambition to reduce congestion and car parking aligns with the ambition to increase car parking capacity. Greater pedestrian activity and reduced emissions would be welcomed for this area which is identified as an Air Quality Management Area due to the high levels of emissions including nitrogen dioxide. Efforts to reduce these emissions are generally supported and the plan could develop on the opportunities for greater sustainable travel and access from the surrounding areas.

3. Civic transport Interchanges

One of the main challenges for this area is congestion. Boucher Road, Stockmans Lane, Kennedy Way and this section of the Falls / Andersonstown Road. The areas adjacent to

the Southwest gateway contain excellent public transport links - the Lisburn Road is well served by Metro Bus and the Boucher area is constrained by the Belfast – Portadown rail line. The Western fringe of the study area is well served by Metro and Black Taxi services and will benefit from Bus Rapid transit in coming years. None of the existing provisions service the Boucher area in any meaningful way, nor does it connect the respective Boucher and western areas of the study area. The result of this being that it is difficult to use public transport to actually arrive at the main uses in the area – retail / commerce / open spaces. The challenge will be to connect the study area with the public transport opportunities on the edges. This could be better physical connections from existing rail halts such as Balmoral but particularly Adelaide or analysing opportunities / demand for bus services into and through the area.

4. Quality Pedestrian and Cycle Corridors

This again is linked with actions 2 and 3 in terms of an improved environment for pedestrians and cyclists will encourage a modal shift away from the private car and which in turn would reduce congestion levels and improve air quality. The open space and leisure opportunities lend themselves to active uses but currently the areas of Boucher Playing Fields, Musgrave Park, Olympia Leisure Centre all suffer from a lack of inter-connectivity. There are opportunities for improved movement generally and also for better signposting.

5. Quality Wild Life Corridors

Linking the environmental assets in the area could be beneficial not only in terms of biodiversity but also for achieving the aims of creating pedestrian and cycle corridors and the aspiration for Blackstaff Park.

6. Black Staff Park

The masterplan area has a number of open space and leisure assets in the ownership of Belfast City Council namely Olympia Leisure Centre, Boucher road Playing Fields, Musgrave Park and Falls Park on the western periphery. As mentioned previously there is merit in an approach that improves connectivity between the aforementioned open space / leisure assets, however, there are a number of considerable challenges with the concept of Blackstaff Park. The major concern is the deliverability of such a project in both financial and physical terms. The M1 is a major barrier to this suggested action and the physical challenge of spanning the motorway coupled with the current status of the waste water treatment facility results in major feasibility issues with this aspiration. If this is something that the final plan considers achievable in future then Council would be happy to engage further on how such a scheme may be progressed, however, detailed analysis of the funding options and other aspects of deliverability will be essential. There will be a need for engagement on potential use of park and on the types of active recreation space that may be created and the local demand for it.

Notwithstanding the earlier comments on the implications of LGR and future Council plans it should be noted that investments in Council's open space and leisure facilities are taken in the context of the wider Council budgets and specifically the ongoing city-wide Leisure Transformation Programme.

7. Landmark M1 Bridge

The Council is generally supportive of proposals that will encourage greater use of sustainable modes of transport. As with the comments above, the proposed bridge presents numerous challenges in terms of deliverability, feasibility and funding. The bridge would have a significant impact on our Boucher Playing fields which, as the plan acknowledges, has been used increasingly for a range of sporting/ leisure events. The

proposed bridge would also have implications for a range of commercial land uses on the western side of the M1 motorway, including our existing recycling centre. The lands located between our recycling centre and the Falls Road / Andersonstown Road have various planning permissions attached. The existing layout of these sites and the potential future layout are key considerations which will influence the deliverability of such a bridge. As with the previous action the masterplan could provide further analysis of how this might be achieved, identify the necessary stakeholders and offer analysis of the deliverability including funding opportunities.

8. Community Greenway

As with the previous actions on wildlife and pedestrian corridors the Council is broadly supportive of attempts to improve usage of the city's open spaces and environmental assets. Linking the open space assets in this part of the city to the broader area including Falls park, Bog meadows and other existing pedestrian and cycle routes will have a positive impact on the city and its residents.

9. Community Development

The Council is supportive of interventions that will help raise the skills level in our communities. The final plan should give further detail on the specific training programmes envisaged and how these link with existing training programmes carried out by Council and our partners. The final plan could consider how proposals for development could be linked to community development and support existing activities.

10. Proactive planning, design and management

The Council supports the action to take a proactive approach to planning and design for identified areas that will enable coordinated change to take place. Planning for areas such as the South West Gateway must be cognisant of the new place shaping powers coming to Council as part of LGR – Area Planning, community planning, and regeneration powers (transferring from DSD in 2016).

In conclusion, the Council is generally supportive of what is a well intentioned plan however all such plans and proposed interventions must be considered as part of the wider context in which they sit. Given the planned transfer of regeneration powers to local councils in 2016 it is essential that the final version of this masterplan is cognisant of the future planning and regeneration context that is on the horizon and as such any proposed interventions cannot come with any commitment of Council delivery.

This page is intentionally left blank



Belfast City Council

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	Safeguarding (all ages) consultation responses
Date:	30 January 2015
Reporting Officer:	John McGrillen Director of Development, Ext 3470
Contact Officer:	Elaine Black Children & Young People Manager, Ext 3783

1	Relevant Background Information
1.1	Members may recall Council is a partner on the Belfast Trust area safeguarding panels which are set up separately for children and adults as part of the regional safeguarding structures known as SBNI and NIASP. There is a mandatory duty on Council to safeguard children and an accepted expectation to safeguard adults. It is generally promoted that safeguarding (all ages) is 'everyone's business.'
1.2	An internal review of Council safeguarding practice and ongoing needs has taken place over the past year and this has been aligned to current policy for continuous organisational improvement. Officers are currently finalising the review and will present recommendations to CMT early this year. Initial findings however would support a new Safeguarding all age policy to best fit the future organisational needs (following guidance by Volunteer Now). If agreeable this will be developed in the coming months for future Member review.
1.3	Any new approach will build on Council's positive track record (since 2002) in managing child protection and ensure the policy, principles, procedures and practice best meet the diverse needs of the organisation and its service provision safeguarding the rights and needs of children and adults specifically those at risk of harm or abuse.

2	Key Issues
2.1	<p>At this time there are two external consultations. Members are requested to consider the draft responses which are enclosed in appendices 2 & 4.</p> <ul style="list-style-type: none"> • Consultation 1 is for SBNI's Child Protection and Safeguarding Learning and Development Strategy and Framework

<p>2.2</p>	<ul style="list-style-type: none"> • Consultation 2 is DHSSPSNI adult safeguarding policy draft consultation response. <p>Consultation 1: SBNI’s Child Protection and Safeguarding Learning and Development Strategy and Framework (children)</p> <p>This consultation directs respondents to provide general feedback primarily focused on informing the equality screening process.</p> <p>The enclosed response generally welcomes the co-ordination of safeguarding children training & development within the proposed framework. It particularly welcomes the co-ordinated direction presented in the framework which includes a minimum standard based on key learning outcomes to support our safeguarding role protecting children.</p> <p>Council’s response provides key comments including recommending a training needs analysis of each partner organisation, as well as the community and voluntary sector, to ensure the framework is suitably flexible and can address the learning/development needs of all sections of the community. This should also support council officers as they deliver a diverse range of services to children and young people.</p> <p>The framework should capture all of the work of SBNI and its partners and learn from service delivery. It is key that it represents all the activities of each organisation. For council this includes the work of each Member and related safeguarding learning or support which may be required.</p> <p>Further information is also sought on structures, roles, responsibilities and anticipated resources and how this will relate to Council’s existing commitment to the ‘keeping children safe’ training programme</p>
<p>2.3</p>	<p>Consultation 2: DHSSPSNI released a consultation on safeguarding adult policy.</p> <p>This consultation document is the proposed regional adult safeguarding policy which reinforces the structures and guidance put in place in 2010. It confirms a collaborative approach providing a concise list of definitions related to adult safeguarding and presents proposals for prevention and protection of adults at risk of harm or abuse.</p> <p>Council’s response follows the prescribed approach and generally welcomes and concurs with the principles and proposed way forward in the document which suggests that local government should be an active and collaborative partner. The response however suggests that to support this effective collaboration, there needs to be a greater reflection of council business needs mainly in two areas: in the definition of adult safeguarding and in terms of the heavily outlined protection section in the document.</p> <p>The response suggests that further consideration should be given to the exclusion of self harm and neglect from the definition of adult safeguarding or that further assurance given. In recent years Council has experienced growing interaction with adults requiring protection from their own behaviour, for example, via a third party complaint about the fitness of a home or where an individual comes to our attention through substance abuse etc. Often the individual readily permits an intervention on</p>

	<p>their behalf however both cases might be considered as an example of self harm or neglect. Assurance is sought that the proposed policy provides suitable protection to support this area of work and to ensure that council receives the collaborative support from its partners. This would be reinforced as the future power of wellbeing is enacted.</p> <p>Accompanying the consultation is the Commissioner for Older People NI commentary which proposes specific adult safeguarding legislation including corporate neglect. The response welcomes the general need for zero tolerance of harm or abuse and accepts Council will comply with any legislative basis to continue to do so.</p>
--	---

3	Resource Implications
3.1	There are no resource implications attached to this report.

4	Equality and Good Relations Considerations
4.1	There are no Equality and Good Relations implications attached to this report

5	Recommendations
5.1	Members are asked to approve the draft Belfast City Council (BCC) response to the consultations and raise any additional issues, relating to the consultation document, which they would like included.

6	Decision Tracking
	Reporting Officer: Elaine Black, Children & Young People Manager

7	Key to Abbreviations
	<p>SBNI Safeguarding Board for Northern Ireland.</p> <p>NIASP Northern Ireland Adult Safeguarding Partnership</p> <p>DHSSPS(NI) Department of Health, Social Services and Public Safety</p> <p>CMT Corporate Management Team</p>

8	Documents Attached
	<ul style="list-style-type: none"> • Appendix 1: SBNI's Child Protection and Safeguarding Learning and Development Strategy and Framework (children) • Appendix 2: Consultation 1: SBNI's Child Protection and Safeguarding Learning and Development Strategy and Framework (children) response • Appendix 3: DHSSPSNI consultation on the safeguarding adult policy. • Appendix 4: Council's response to Consultation 2: DHSSPSNI consultation on safeguarding adult policy.



Child Protection and Safeguarding Learning & Development Strategy

2014-2017

Title:	SBNI Learning and Development Strategy		
Author:	Sub-Group of SBNI Training & Education Committee		
Ownership:	SBNI		
Committee Responsible:	SBNI Training & Education Committee	Approval Date:	20 th October 2014
Links:	All SBNI Committees and Panels Equality Scheme		
Publication Date:		Next Review:	Every 3 years after approval date
Version No:	1.0	Date:	

CONTENTS

		Page
1.	Executive Summary	Page 4
2.	Introduction	Page 5
3.	Aim	Page 5
4.	Objectives	Page 5
5.	Values and Principles	Page 6
6.	Target Audience	Page 6
7.	Using the Learning and Development Framework	Page 7
8.	Programme Content 2014-2017	Page 8
9.	Organisational responsibility	Page 8
10.	Monitoring and review	Page 9
11	Conclusion	Page 9
12	Framework	Pages 10 - 15

Executive Summary

As Chair of the SBNI Education and Training Committee, I welcome the opportunity to present the 'SBNI Child Protection and Safeguarding Learning and Development Strategy 2014-2017' for a targeted consultation and Equality Screening. This was approved for consultation by the SBNI Board on the 20th October 2014. Following the consultation process the aforementioned 'Safeguarding Learning and Development Strategy 2014-2017' will then be placed before the SBNI Board for final endorsement. It is hoped that this will take place in January 2015.

The Learning and Development Strategy 2014-2017 is fully informed by the SBNI's Strategic Plan 2013-2017 and its associated vision statement, function and values. This Strategy and Framework is also one of the SBNI's Business Plan priorities - 3: 'Providing leadership and setting direction', 3.2 (b) 'To develop a multi-agency education and training strategy to ensure that training is delivered effectively and consistently across member agencies'.

The Education and Training Committee established a short term working group (comprising five member agencies) to produce the Learning and Development Strategy 2014-17 and the 'Strategy' was endorsed and agreed by the full Committee on the 7th July 2014. The Learning and Development Strategy builds upon existing good safeguarding training, sets a benchmark for minimum training standards and provides a graduated framework, on four levels, for agencies to use when planning and delivering safeguarding training in Northern Ireland. It also provides an opportunity for member agencies to improve opportunities for inter-agency and multi-disciplinary training and education over the next three years.

As Chair I would like to thank all Committee Members and in particular the working group, for their endeavour in producing this training strategy and framework. Allowing for any suggested amendments following the consultation period, the challenge for SBNI member agencies will be to ensure that the Learning and Development Strategy 2014-2017 is implemented in practice and its effectiveness measured against the standards set out in the framework.

The SBNI Strategy and Framework will replace the existing guidance in Co-operating to Safeguard Children (DHSSPS, 2003), sections 11.7 – 11.10 and should be adhered to by all SBNI member agencies and any agencies providing services to a member agency under a service level agreement. The implementation and use of the strategy and framework over the next three years will be monitored by member organisations as part of the SBNI's Section 12 auditing process.

Finally, the Learning and Development Strategy 2014-2017 will be reviewed by the SBNI Education and Training Committee every three years, as part of its work plan.

Mr James Marshall
Chair SBNI Education and Training Committee

Introduction

The statutory objective of the Safeguarding Board of Northern Ireland (SBNI) is to safeguard and promote the welfare of children and young people in Northern Ireland by coordinating the work and ensuring the effectiveness of each person or body represented on the Board. Under section 3(1) of the Safeguarding Board (NI) Act 2012 the SBNI must put in place arrangements for the on-going development and review of policies and procedures relating to the training of those working with children and young people, or their families.

The objective of the Education and Training Committee is to develop a strategy for child protection and safeguarding education and training which takes account of single and multi-agency training including its planning, delivery, monitoring and evaluation. It also takes account of DHSSPS Guidance to the Safeguarding Board for Northern Ireland (December 2012, revised May 2014) which recommends a training framework with different levels of training commensurate with the level and nature of contact with children and young people.

Aim

To contribute to the improvement of child protection and safeguarding in NI by establishing a benchmark for organisations that sets out the key minimum learning outcomes to equip staff and volunteers with the skills, knowledge and competence to promote the safety and well-being of children and young people, within the remit of their roles and responsibilities.

Objectives

- 1 “Identify opportunities for developing and enhancing multi-disciplinary/multi-agency safeguarding education and training strategies across all sectors in relation to Children’s Services”.
- 2 Improve the confidence and competence of staff and volunteers involved in child protection and safeguarding.
- 3 Provide minimum learning outcomes which should be achieved by staff/volunteers in any learning and development activity.
- 4 Identify different levels of training commensurate with the level and nature of contact with children and young people, which take account of uni and multi-agency planning, delivery, monitoring and evaluation.
- 5 Inform commissioners, those developing and providing continuing education and training programmes, plus organisations and individuals to ensure that relevant, consistent and quality assured programmes are in place, accessible and delivered at the right level for all staff and volunteers.

- 6 To promote a consistent, flexible and developmental approach to safeguarding learning and development to meet individual and organisational learning needs.

Values and principles

It is intended that learning and development delivered under this strategy will reflect the following principles:

- Safeguarding and protecting children and young people is everyone's business.
- A multi-disciplinary and multi-agency approach to meeting individual and/or organisational learning and development needs is recommended where appropriate and relevant.
- Learning and development opportunities must be fit for purpose and have agreed learning outcomes as identified in this framework.
- Organisations have the responsibility to ensure that all learning and development is related to and demonstrated in practice.
- Learning and development will support improved performance in safeguarding children and young people.
- Learning and developing is not a one off event; each organisation must take responsibility to develop safeguarding children and young people learning and development strategies for their staff and volunteers, and seek to identify the most appropriate and relevant opportunities to develop staff confidence and competence in their role.
- Learning and development in safeguarding children and young people is a developmental process and requires the investment of time and resources within organisations to create a competent workforce.

Target audience

The strategy and framework is aimed at all SBNI member agencies, any agencies providing services to a member agency under a service level agreement and is applicable and relevant to all organisations and individuals who come into contact with children and young people, and their families. It also includes those who work with adults who are parents or have contact with children and young people through the course of their work and/or service users who have contact with children.

Safeguarding and protecting children and young people is the responsibility of every individual in Northern Ireland across all disciplines and sectors.

Using the Learning and Development Framework

The framework has been designed in 4 levels which are not incremental but offer a continuum of learning and development where an individual may move between levels. For example if an individual can evidence a higher level of skills and knowledge, they may not need to undertake learning and development at a lower level of the framework. Each organisation should determine an appropriate

191890

timescale for staff/volunteers to undertake the training. The Framework does specify some broad timescales but each organisation is responsible for determining if staff/volunteers require a certain level within a specific timeframe from date of appointment, for example. Where possible, organisations/individuals should take a multi-disciplinary/multi-agency approach to accessing learning and development.

The 4 levels include:

- Level 1) All staff/volunteers within the organisation
- Level 2) All staff/volunteers who have direct contact with:
 - Children and young people
 - Adult carers/parents and those who have regular contact with children
 - Adults known or suspected of posing a risk to children and young people
- Level 3) All staff/volunteers who:
 - Could potentially contribute to assessing, planning, intervening and evaluating the needs of children and parental capacity where there are safeguarding issues
 - Have a managerial or supervisory role
- Level 4) All staff / volunteers with specialist safeguarding roles and responsibilities.

At each level, the framework identifies:

- Safeguarding knowledge and skills
- Key learning outcomes
- Target audience
- Potential development opportunities
- Organisational responsibility for implementation

All learning and development activity should be influenced by:

- SBNI strategic priorities
- Recommendations from case management reviews, inquiries and other reviews
- New and emerging trends, research and issues in safeguarding
- The legal and policy context, and any regulatory requirements
- Training needs analysis (which will reflect national, regional and local needs).

Programme Content 2014-2017

The training strategy for the next three years should include interagency training and learning outcomes as identified in the Framework, on the following topics:

- Child Sexual Exploitation and child trafficking
- Safeguarding children with a Disability
- Mental Health and its links to safeguarding
- Domestic Abuse and its links to safeguarding
- Substance Misuse and its links to safeguarding
- Children who pose a risk to others
- E Safety for children
- Outcomes of Case Management Reviews (CMRs)
- Chronic neglect as a form of child abuse
- Bullying
- Working Together/Understanding roles and responsibilities
- Thresholds/ Risk Assessment and Analysis.

Organisational responsibility

The SBNI strategy and framework will replace the existing guidance in Co-operating to Safeguard Children (DHSS, 2003), sections 11.7 – 11.10 and should be adhered to. Organisations should therefore review their own internal training strategies/plans in accordance with this strategy and framework.

Organisations have a responsibility to ensure that staff and volunteers have the appropriate knowledge, skills and competence to effectively safeguard and protect children and young people and to meet the requirements of this framework.

Organisations must consider the current skill levels of individual staff/volunteers, the learning outcomes already met and using a personal development plan, identify future development needs, commensurate with their roles and responsibilities. This could be linked to the mandated professional development requirements for some staff groups.

Organisations have a responsibility to provide safeguarding induction to all new members of their organisation. The level of induction will depend on the individual's experience, skills and knowledge base and commensurate with their roles and responsibilities.

Monitoring and review

Organisations are encouraged to review their own internal training strategies/plans at least every three years, and update them if required. It will form part of the Section 12 auditing process required under the Safeguarding Board (NI) Act 2011.

The SBNI Education and Training Committee will review this learning and development framework every 3 years to ensure it remains fit for purpose, and reflects any relevant developments in safeguarding practice, policy and legislation.

Conclusion

An appropriately trained and supported work force is central to safeguarding children and young people in Northern Ireland. Organisations must invest in training their staff/volunteers to ensure all those who come into contact with children/young people understand their contribution to safeguarding and promoting the welfare of children and young people and are competent and confident to carry out their role.

Safeguarding Board for Northern Ireland (SBNI)

Training and Education Committee: Child Protection and Safeguarding Learning and Development Framework

Level One

Knowledge and skills	Learning outcomes	Target Audience	Development requirements	Organisational responsibility
Basic Knowledge of: <ul style="list-style-type: none"> • Signs and indicators of child abuse and contributory factors • Agency/staff policy and procedures • Reporting Procedures/processes • Record Keeping 	Ability to: <ul style="list-style-type: none"> • Recognise and respond appropriately to child safeguarding issues • Understand own role and the role of others within their organisation using their safeguarding policies and procedures 	All staff or volunteers in the organisation	Over a maximum period of 3 years all those relevant staff/volunteers should have access to training and information that enables them to develop their skills in <u>Level One</u> , to ensure they meet the relevant minimum standards set out in this document.	This will be determined by the individual agencies and can take the form of: <ul style="list-style-type: none"> • A leaflet on induction or in other refresher training requirements • An 'E'-Learning programme • Corporate or departmental induction programmes • Face to face awareness sessions

Training and Education Committee: Child Protection and Safeguarding Learning and Development Framework

Level Two

Knowledge and skills	Learning outcomes	Target Audience (Agencies can specify the particular staff or volunteers)	Development Requirements	Organisational responsibility
<p>More in depth knowledge of:</p> <ul style="list-style-type: none"> • Values and principles of safeguarding children and young people • Signs and indicators of child abuse and contributory factors • Agency/staff policy and procedures • Reporting procedures • Code of behaviour • Recording skills • Relevant legislation • Services provided by other support agencies • Confidentiality/ Information sharing • Referral process including UNOCINI • Immediate or early intervention 	<p>Ability to:</p> <ul style="list-style-type: none"> • Recognise and respond to children's and young people's safeguarding issues • Understand own role and the role of others • Contribute to the assessment and management of risk • Assist in safeguarding and promoting the welfare of children and young people • Understand the importance of own behaviour and boundaries 	<p>All staff and volunteers who have direct contact with:</p> <ul style="list-style-type: none"> • Children or young people • Adult carers/parents and those who have regular contact with children • Adults known or suspected of posing a risk to children or young people 	<p>Minimum 6 hours in total to be confirmed over a maximum period of 3 years. Relevant staff/volunteers should have access to training and information that enables them to develop their skills in Level Two and to ensure they meet the relevant minimum standards set out in this document.</p>	<p>This will be determined by the individual agencies and it is recommended that this is a minimum of a six hour programme which takes the form of a combination of:</p> <ul style="list-style-type: none"> • Face to face/direct input training • 'E'-Learning • Relevant safeguarding Conferences • Other relevant child protection events

Training and Education Committee: Child Protection and Safeguarding Learning and Development Framework

Level Three

Knowledge and skills:	Learning outcomes	Target Audience (Agencies can specify the particular staff or volunteers)	Development Requirements	Organisational responsibility
<p>Knowledge of:</p> <ul style="list-style-type: none"> • Key tasks to safeguard Children • Threshold of Significant Harm • Local and Regional legislation, policies, standards & guidance • Joint Protocol Procedures (PSNI and Social work) • Models of Assessment • Impact of Parental Issues such as: Mental Health, Substance Misuse and Domestic Abuse • Relevant Research, Inquiries and Case Management Review Findings • Information Sharing & Confidentiality • Child Centred Working 	<p>Ability to:</p> <ul style="list-style-type: none"> • Develop working relationships with other professionals • Understand their own role and the role of others • Work together to meet the needs of children where there are Safeguarding concerns • Identify learning from Case Management Reviews • Contribute to interagency safeguarding assessments and risk analysis • Contribute to interagency safeguarding plans • Understand the importance of escalation regarding concerns about a child • Ability to challenge decision making • Ability to engage and challenge families in safeguarding • Understand the impact of child 	<p>Those staff who:</p> <ul style="list-style-type: none"> • Could potentially contribute to assessing, planning, intervening and evaluating the needs of children (and parental capacity) where there are safeguarding issues • Managerial or special Safeguarding role Supervisory role 	<p>For all those relevant staff who should have access to training and information that enables them to develop their skills in Level Three to ensure they meet the relevant minimum standards in knowledge and skills, plus the learning outcomes set out in this document.</p>	<p>This will be determined by the individual agencies and it is recommended that it takes the form of:</p> <ul style="list-style-type: none"> • Face to face/direct input training (this can be supplemented by E-Learning) • Relevant Conferences • Relevant Events <p>These should be Multidisciplinary/interagency Learning and development opportunities where possible</p>

<ul style="list-style-type: none"> • Understanding of Safeguarding for children in specific circumstances e.g. Chronic Neglect Children with a disability Bullying Child Sexual Exploitation and Child Trafficking and Children who pose a risk to others <p>E-safety</p> <ul style="list-style-type: none"> • Models of effective safeguarding supervision • Enhanced court process skills 	<p>abuse and neglect on child development</p> <ul style="list-style-type: none"> • Understand the importance and relevance to safeguarding children from research findings • Ability to coordinate and possibly develop relevant safeguarding training • Understand the importance of governance and accountability arrangements • Ability to work within the court and child protection case conference processes to safeguard children 			
--	--	--	--	--

Training and Education Committee: Child Protection and Safeguarding Learning and Development Framework

Level Four

Knowledge and skills	Learning outcomes	Target Audience (Agencies can specify the particular staff or volunteers)	Development Requirements	Organisational responsibility
<p>More in depth knowledge of:</p> <ul style="list-style-type: none"> • Key tasks to safeguard Children • Threshold for Significant Harm • Local, and Regional legislation, policies, standards & guidance. • Joint Protocol Procedures (PSNI and Social Work) • Models of Assessment • Impact of Parental Issues such as: Mental Health, Substance Misuse and Domestic Abuse • Relevant Research, Inquiries and Case Management Review Findings • Information Sharing and Confidentiality 	<p>Ability to:</p> <ul style="list-style-type: none"> • Develop effective professional judgement and decision making skills • Investigate safeguarding issues • Provide verbal and written reports and evidence • Ensure effective interagency working • Contribute and develop safe and effective risk management and safeguarding plans • Contribute to effective governance arrangements • Meet on-going professional development standards and any other requirements 	<p>Those staff who:</p> <ul style="list-style-type: none"> • Could potentially contribute to assessing, planning, intervening and evaluating the needs of children and parental capacity where there are safeguarding issues • Managerial or Safeguarding role • Supervisory role • With specialist safeguarding roles and responsibilities 	<p>For all those relevant staff who should have access to training and information that enables them to develop their skills in Level Four and to ensure they meet the relevant minimum standards of knowledge and skills, plus the learning outcomes, set out in this document.</p>	<p>This will be determined by the individual agencies and it is recommended that it takes the form of:</p> <ul style="list-style-type: none"> • Face to face/direct input training (this can be supplemented by E-Learning) • Relevant child protection Conferences • Relevant Safeguarding Events <p>These should be Multidisciplinary/interagency learning and development opportunities where possible</p>

<ul style="list-style-type: none">• Child Centred Working• Understanding of Safeguarding for children in specific circumstances e.g. Chronic Neglect Children with a disability Bullying Child Sexual Exploitation and Child Trafficking Children who pose a risk to others E-safety <ul style="list-style-type: none">• Models of effective safeguarding supervision• Enhanced court process skills				
--	--	--	--	--

This page is intentionally left blank

Belfast City Council Corporate Consultation Response on (January 2015)

SBNI's Child Protection and Safeguarding Learning and Development Strategy and Framework

1) Introduction

- a) Belfast City Council (BCC) welcomes the opportunity to contribute to SBNI's consultation on the draft Child Protection and Safeguarding Learning and Development Strategy and Framework. Particularly the co-ordinated direction presented in the framework of a minimum standard based on key learning outcomes to support our safeguarding role protecting children.
- b) This response reflects Council's desire to work in effectively in partnership and integrate best practice standards throughout the organisation with the collaborative support of partners in SBNI. It also reflects a desire to support the community to safeguard its children.

2) Key comments on the draft framework

- a) In advance of the final framework, BCC would recommend the completion of a training needs analysis for each organisation including the community and voluntary sector. This needs to reflect the diversity in provision e.g. sports, arts and other engagement opportunities for children and young people. It also needs to be flexible enough to incorporate the diversity of the community and build an awareness of how best to promote and enable safeguarding across all communities and sections of the community. It may be most suitable for an independent community/voluntary organisation to undertake the community training needs analysis.
- b) There is opportunity for continuous improvement if the learning and development activity (p7) is also influenced by practice and service delivery. Council has many growth areas of work where engagement with children or young people may influence future learning.
- c) It is useful if the overall work of SBNI is captured in the framework. The standards in the mandatory audit need reflected in the training and development framework in particular the training and development programme, for example, procurement or different lines of accountability, and for it to be reflected in the training programme.
- d) There is a need for the framework to reflect all partners' business, for example, to incorporate the role of public representatives (Councillors) in future learning and development.
- e) Council seeks an understanding of the training structures that will be in place to roll out the framework and whether it directly links to the 'keeping children safe' training programme which the Council fully endorses and has 5 keeping children safe trainers. This is to ensure the programme content is of a quality and suitably meets organisational and community needs.
- f) Within the framework, a flexible tailored approach is recommended for each organisation. For example there may be elements of training that are peripheral to Council and there is also a need for the focus to meet the type of business of each organisation.
- g) It would be useful for Council to have a greater understanding of the roles and responsibilities attached to the roll out of the framework and the level of resources available or required to achieve this across the organisation.

3) Conclusion

In conclusion, Council welcomes the proposed approach to co-ordinating training and development needs and setting a minimum safeguarding standard. In supporting this approach, we recommend it is linked to an organisational training needs analysis, the current keeping children safe structure and training programme. The training should be flexible and needs based in order to suit the needs of the city and all sections of its communities. The policy should understand and reflect the varied roles and responsibilities of all stakeholders and the related level of resources in order to safeguard all the children in the city.

This page is intentionally left blank

Contents

- 1. INTRODUCTION 3
- 2. WHAT DO WE MEAN BY SAFEGUARDING 4
- 3. THE AIMS OF THIS POLICY 6
- 3.2. WHO IS THIS POLICY FOR? 6
- 4. UNDERPINNING PRINCIPLES 8
- 5. KEY DEFINITIONS 10
- 5.2. Mechanisms that interface with Adult Protection arrangements 13
- 6. THE ADULT SAFEGUARDING INFRASTRUCTURE 14
- 6.2. The Northern Ireland Adult Safeguarding Partnership (NIASP) 14
- 6.3. Local Adult Safeguarding Partnerships (LASPs) 15
- 7. THE CONTINUUM OF SAFEGUARDING – PREVENTION TO PROTECTION. 16
- 8. PREVENTION – PROMOTING SAFER COMMUNITIES AND SAFER ORGANISATIONS 19
- 8.2. Safer Communities 19
- 8.3. Safer Organisations 21
- 8.4. Minimum Safeguarding Expectations 22
- 8.5. Internal Governance – Policy and Procedures 22
- 9. EXTERNAL GOVERNANCE 25
- 9.1. Commissioning Arrangements 25
- 9.2. Professional Regulation 26
- 9.3. Legal Requirements 26
- 9.4. Health and Social Care Regulation 27
- 10. REFERRAL PATHWAY FOR SAFEGUARDING CONCERNS 30
- 10.2. Risk Assessment 30
- 10.3. The Thresholds for Referral to the Protection Service – A Determination of Serious Harm 31
- 10.4. The Threshold of Serious Harm is Not Met – Alternative Safeguarding Responses 33
- 11. PROTECTION 35
- 11.2. Adult Protection Referrals 36
- 11.3. Adult Protection Intervention 36
- 11.4. Management of the Adult Protection Process 37
- 11.5. Large Scale or Complex Investigations 39
- 12. CONSENT AND CAPACITY 41
- 12.1. Consent 41
- 12.2. Capacity 41

12.3.	Lack of Consent	42
12.4.	Advocacy	42
13.	ACCESS TO JUSTICE: SUPPORT FOR VICTIMS.....	43
14.	INFORMATION SHARING AND CONFIDENTIALITY	45
14.1.	Information and Record Management.....	45
14.2.	Information Sharing for Safeguarding Purposes.....	45
14.3.	Inter-agency Working and Information Sharing	46
15.	TRAINING.....	48
16.	A CONTINUOUS LEARNING APPROACH.....	49
17.	Glossary	50
18.	Bibliography.....	53

DRAFT

1. INTRODUCTION

- 1.1.1. Everyone has a fundamental right to be safe. Whatever the cause, and wherever it occurs, harm caused to adults by abuse, exploitation or neglect is not acceptable. This policy emphasises that safeguarding is everyone's business and that as good citizens we should all strive to prevent harm to adults from abuse, exploitation or neglect.
- 1.1.2. The aim of this policy is to improve safeguarding arrangements for adults who are at risk of harm from abuse, exploitation or neglect. It has been jointly developed and published by the Department of Health Social Services and Public Safety and the Department of Justice on behalf of the Northern Ireland Executive. It sets out how the NI Executive intends adult safeguarding to be taken forward across all Government Departments, their agencies and in partnership with independent, community, voluntary and faith organisations. A key objective is to reduce the prevalence of harm from abuse, exploitation or neglect of adults who are at risk in Northern Ireland; to provide them with effective support and, where necessary, protective responses and access to justice for victims and their families. The policy contributes to fulfilment of a Northern Ireland Executive Programme for Government commitment to deliver a package of measures to safeguard children and adults who are at risk of harm and to promote a culture where safeguarding is everyone's business.
- 1.1.3. The policy requires a cross-departmental approach within government because the delivery of improved safeguarding outcomes is the business of us all, as individuals, living in communities, as providers of services, and as Government Departments responsible for the delivery of strategies and policies which directly or indirectly impact on the lives of all adults including those at risk. The policy requires us to put all individuals who may be at risk at the centre of what we do, to listen to them and to work in partnership with them and on an inter-agency basis to create a society which has a zero-tolerance of harm to the most vulnerable adults living in Northern Ireland. Within this policy the term 'safeguarding' is used in its widest sense, that is, to encompass both activity which **prevents** harm from occurring in the first place and activity which **protects** adults at risk where harm has occurred or is likely to occur without intervention.
- 1.1.4. By introducing this policy we aim to raise awareness of harm to adults at risk, what harm is, how it manifests itself and importantly how we respond to it. The act of protecting against harm is principally the responsibility of HSC Trusts, and the PSNI where a crime is alleged or suspected. However the responsibility of preventing harm is shared more widely. It extends beyond statutory providers of services to the voluntary and community sector, financial institutions, the legal profession, churches, independent health and social care providers, carers and all citizens.

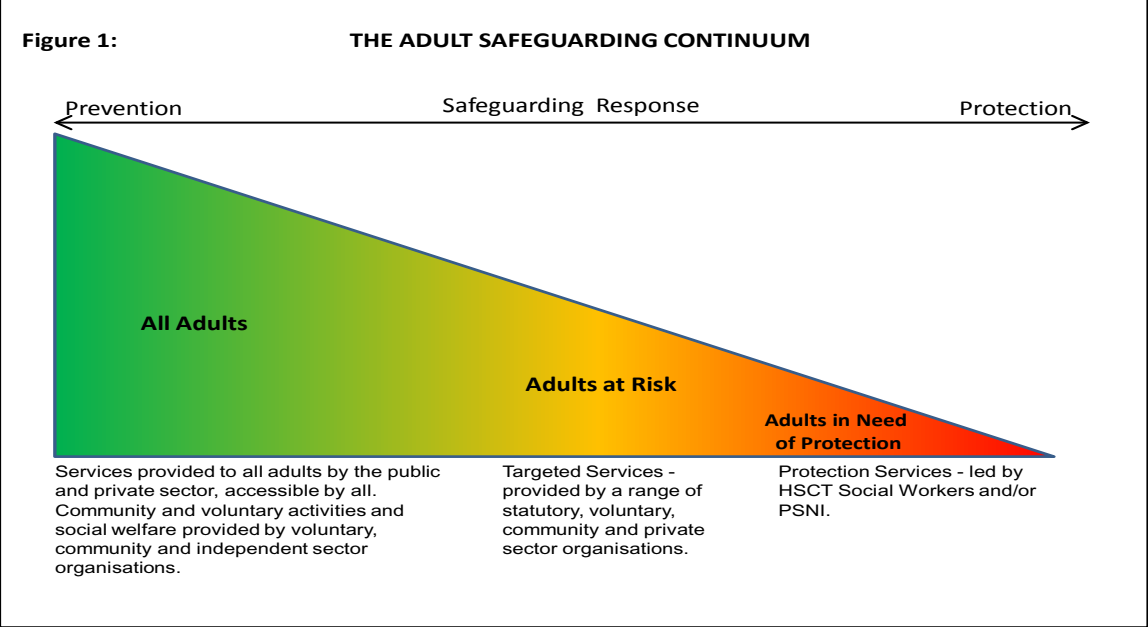
2. WHAT DO WE MEAN BY SAFEGUARDING

- 2.1.1. The majority of adults live full, independent lives free from harm caused by abuse, exploitation or neglect. However, there is a growing recognition that some adults, for a wide variety of reasons, may have been harmed or may be at risk of harm. The full extent of the incidents of harm caused to adults in Northern Ireland is not known but it is suspected to be significantly under-reported.
- 2.1.2. The language of adult safeguarding previously focused on protection and used the term 'vulnerable adult.' This was widely misinterpreted, often used out of context and, for some, the term implied weakness on the part of the adult, which many found unacceptable. This policy moves away from the concept of 'vulnerability' and towards establishing the concept of 'risk of harm' in adulthood. It places the responsibility for harm caused with those who perpetrate it. Harm resulting from abuse, exploitation or neglect violates the basic human rights of a person to be treated with respect and dignity, to have control over their life and property, and to live a life free from fear. Harm can have a devastating and long lasting impact on victims, their families and carers. It is the impact of an act, or omission of actions, on the individual that determines whether harm has occurred. Any action which causes harm may constitute a criminal offence and/or professional misconduct on the part of an employee.
- 2.1.3. Adult safeguarding is based on fundamental human rights and on respecting the rights of adults as individuals, treating all adults with dignity, respecting their right to choose. It involves empowering and enabling all adults, including those at risk of harm, to manage their own health and wellbeing and to keep themselves safe. It extends to intervening to protect, where harm has occurred or is likely to occur, and promoting access to justice. All adults at risk should be central to any actions and decisions affecting their lives.
- 2.1.4. Safeguarding adults is complex and challenging. The focus of any intervention must be on promoting a proportionate, measured approach to balancing the risk of harm with respecting the adult's choices and preferred outcome for their own life circumstances. The right of a person with capacity to make decisions and remain in control of their life must be respected. Consideration of 'capacity' and 'consent' are central to adult safeguarding, for example, in determining the ability of an adult to make lifestyle choices, such as choosing to remain in a situation where they risk being harmed or where they choose to take risks. There should always be a presumption of capacity unless there is evidence to suggest otherwise and current guidance for professionals in respect of determining capacity should be followed (see section 15). However, there are also some circumstances when it may be necessary to consider the protection and rights of others, and overriding lack of consent may be necessary to ensure the protection of others.
- 2.1.5. **Preventative Safeguarding** includes a range of actions and measures including practical help, care, support and interventions designed to promote the safety, wellbeing and rights of adults which reduce the likelihood of, or opportunities for, harm to occur. Effective preventative safeguarding requires partnership working, that is, individuals, professionals and agencies working together to recognise the potential for and to prevent harm. Prevention is therefore the responsibility of a wide range of agencies, organisations and groups; indeed it is the responsibility and concern of us

all as good citizens and neighbours. All professionals and service providers across the public, statutory, independent, voluntary, community and faith sectors, who come into contact with adults, including those who may be at risk of harm, must be alert to the individual’s needs and any risks of harm to which they may be exposed. Prevention will strive towards early intervention to provide additional supports at all levels for adults whose personal characteristics or life circumstances may potentially increase their exposure to harm.

2.1.6. **Protective Safeguarding** will be targeted at adults who are in need of protection, that is, when harm from abuse, exploitation or neglect is suspected, has occurred, or is likely to occur. The protection service is led by Health and Social Care Trusts and the PSNI. The input of other individuals, disciplines or agencies may be required, either in the course of an investigation of an allegation of harm or in the formulation and delivery of a care and protection plan.

2.1.7. Figure 1 shows the continuum of adult safeguarding from prevention to protection.



3. THE AIMS OF THIS POLICY

3.1.1. This policy aims to:

- promote zero-tolerance of harm to all adults from abuse, exploitation or neglect;
- influence the way society thinks about harm to adults resulting from abuse, exploitation or neglect by embedding a culture which recognises every adult's right to respect and dignity, honesty, humanity and compassion in every aspect of their life;
- prevent and reduce the risk of harm to adults, while supporting people's right to maintain control over their lives and make informed choices free from coercion;
- seek organisations to work collaboratively across sectors and on an inter-agency and multi-disciplinary basis, to introduce a range of preventative measures to promote individual's capacity to keep themselves safe and to prevent harm occurring;
- establish clear procedures for **reporting** and **responding** to concerns that an adult is, or may be, at risk of being harmed or in need of protection;
- promote access to justice for adults at risk who have been harmed as a result of abuse, exploitation or neglect;
- promote a continuous learning approach to adult safeguarding.

3.2. WHO IS THIS POLICY FOR?

3.2.1. The policy is intended to assist organisations, their staff and volunteers who are in contact with or providing services to adults across the statutory, voluntary, community and independent sectors. While it is intended to be applied by managers, employees and volunteers in the course of the delivery of services and organisational activity, it can also be applied by individuals acting as responsible citizens at home and in local communities.

3.2.2. This policy is of specific relevance to:

- All NI Government Departments, their agencies and Arm's Length Bodies;
- Local councils;
- The Health and Social Care Board (HSCB) and Health and Social Care Trusts (HSCTs);
- The Public Health Agency (PHA)
- The Northern Ireland Adult Safeguarding Partnership (NIASP) and the five Local Adult Safeguarding Partnerships (LASPs);
- The Police Service of Northern Ireland (PSNI);
- The Public Prosecution Service (PPS);
- The Probation Board for Northern Ireland (PBNI);
- Policing and Community Safety Partnerships;
- The Northern Ireland Prison Service (NIPS);

- The Northern Ireland Housing Executive (NIHE);
- Department for Social Development (DSD)
- The Social Security Agency (SSA);
- Regulatory and Inspection bodies across all sectors, including: Criminal Justice Inspection Northern Ireland (CJI), the Regulation and Quality Improvement Authority (RQIA), The Education and Training Inspectorate (ETI), the Northern Ireland Social Care Council (NISCC), the General Medical Council (GMC), the Nursing and Midwifery Council (NMC) and the Charities Commission;
- Domestic and Sexual Violence Partnerships;
- Voluntary and community organisations (VCOs) who work with, provide services to, or engage in activities with adults;
- Carers;
- Financial institutions, including: Banks, Post Offices and Building Societies;
- Professions, including solicitors and barristers;
- The Office of Care and Protection;
- Northern Ireland Courts and Tribunal Service;
- Independent Providers of health and social care service, including: General Medical Practitioners, Pharmacists, Dentists, Private Hospitals, Private Sector providers of domiciliary care, residential and nursing care homes, Independent Counsellors and Independent Therapist Services;
- Faith organisations and communities;
- Further and higher education institutions;
- Advice groups and helplines;
- Self help, user and advocacy groups;
- Leisure facilities; and
- Members of the public.

3.2.3. There is an expectation that all of these organizations and their staff will work in partnership as they apply this policy to their work with adults which may be at risk of harm or in need of protection.

4. UNDERPINNING PRINCIPLES

4.1.1. All Adult Safeguarding activity must be guided by five underpinning principles:

A Rights-Based Approach: To promote and respect an adult's right to be safe and secure; to freedom from harm and coercion; to equality of treatment; to the protection of the law; to privacy; to confidentiality; and freedom from discrimination.

4.1.2. Agencies and professionals who intervene in the lives of adults at risk should be guided by current best practice, the law and respect for rights set out in the European Convention on Human Rights (the 'Convention')¹ and enshrined in domestic law by the Human Rights Act 1998², acting in accordance with relevant UN and EU Conventions³ on the Rights of Persons with Disabilities. Any intervention to safeguard an adult at risk should be human rights compliant. It should be reasonable, justified, proportionate to the perceived level of risk and perceived impact of harm, carried out appropriately, and be the least restrictive of the individual's rights and freedoms. It cannot be arbitrary or unfair, and all adults should be offered the same services on an equal basis.

An Empowering Approach: To empower adults to make informed choices about their lives, to maximise their opportunities to participate in wider society, to keep themselves safe and free from harm in ways that manage their own decisions in respect of exposure to risk.

4.1.3. For adults at risk of harm, empowerment is a process through which individuals are: enabled to recognise, avoid and stop harm; facilitated to make decisions based on informed choices; assisted to balance taking risks with quality of life decisions; supported and enabled to seek redress; and for adults who have been harmed, a process whereby they are enabled to recover their self-confidence and self-determination and make informed choices about how to live their lives.

A Person-Centred Approach: To promote and facilitate full participation of adults in all decisions affecting their lives taking full cognisance of their views, wishes and feelings and, where appropriate, the views of others who have an interest in his or her safety and well-being.

4.1.4. A person-centred approach should be at the heart of safeguarding activity. It is a way of working with an individual to identify how he or she wishes to live their life and what support they require. A person-centred approach to adult safeguarding demonstrates respect for the rights of the individual at its core, in particular, respect for the right of the individual to make choices and the right to self-determination. A person-centred approach should result in the individual making informed choices

¹ *The European Convention on Human Rights* can be accessed at:
http://www.echr.coe.int/Documents/Convention_ENG.pdf

² *The Human Rights Act 1998* can be accessed at:
<http://www.legislation.gov.uk/ukpga/1998/42/contents>

³ Relevant Conventions include *The UN Convention on the Rights of Persons with Disabilities*, the *UN Convention on the Elimination of Discrimination Against Women (CEDAW)*, and the *EU Istanbul Convention* on domestic and sexual violence against women

about how he or she wants to live and about what services and supports will best assist them; or, where the person lacks capacity, best interest decisions being made by practitioners which take all available information into account, including information about previously expressed preferences or choices made by the person being safeguarded.

A Consent-Driven Approach: To make a presumption that the adult has the ability to give or withhold consent; to make informed choices; to help inform choice through the provision of information, and advocacy where needed, and the identification of options and alternatives; to have particular regard to the needs of individuals who lack the capacity to consent; and intervening in the life of an adult against his or her wishes only in particular circumstances, for very specific purposes and always in accordance with the law.

4.1.5. Consideration of consent is central to adult safeguarding in determining the ability of an adult at risk to make lifestyle choices, including choosing to remain in a situation where they risk being harmed; determining whether a particular act or transaction is harmful or consensual; and determining to what extent the adult can and should be asked to take decisions about how best to deal with a given safeguarding situation. For consent to be valid, the decision needs to be informed, made by an individual with capacity and made free from coercion or undue influence. Each decision must be considered on its own merits as an adult may possess capacity to make some decisions but not others and/or the adult's lack of capacity may be temporary rather than permanent. A consent-driven approach to adult safeguarding will always involve making a presumption that the adult at the centre of a safeguarding decision or action has the capacity to give or withhold consent unless it is established otherwise (see section 12).

A Collaborative Approach: To acknowledge that safeguarding will be most effective when it has the full support of the wider public and of safeguarding partners across the statutory, voluntary, community and independent sectors working together and is delivered in a way where roles, responsibilities and lines of accountability are clearly defined and understood. Partnership and person-centredness will work hand-in-hand.

4.1.6. Harm resulting from abuse, exploitation or neglect can happen to adults in a range of circumstances, regardless of gender, age, class or ethnicity. Adults who are at risk, suitably supported, must be central to the partnership, either as participants in preventative activities or protection intervention, or as contributors to decision-making in connection with the development of safeguarding policy, strategy and procedures. Successful adult safeguarding requires effective arrangements for all involved to work together. The strength of a collaborative approach will, within and across organisations, depend on the commitment and support from the highest level to safeguarding adults.

5. KEY DEFINITIONS

- 5.1.1. The risk of harm occurs in all socio-economic, racial and ethnic groups, regardless of gender, age or sexual orientation. All adults at risk should be supported and empowered to minimise their own exposure to risk and to find their own balance between taking risks and making the most of the strengths in their own life circumstances.
- 5.1.2. The basis for the definition of 'Adult at risk of harm' is the identification of a complex range of interconnected personal characteristics and/or life circumstances, which may increase exposure to harm either because a person may be unable to protect him/herself **or** their situation may provide opportunities for others to neglect, exploit or abuse them. It is not possible to definitively state when an adult is at risk of harm, as this will vary on a case by case basis. The following definition is intended to provide guidance as to when an adult may be at risk of harm, in order that further professional assessment can be sought.
- 5.1.3. An '**Adult at risk of harm**' is a person aged 18 or over, whose exposure to harm through abuse, exploitation or neglect may be increased by their:
- i) **personal characteristics** (*may include, but are not limited to age, disability, illness, physical or mental infirmity and impairment of, or disturbance in, the functioning of the mind or brain*); **and/or**
 - ii) **life circumstances** (*may include, but are not limited to, isolation, socio-economic factors and environmental living conditions*);
- 5.1.4. An '**Adult in need of protection**' is an **adult at risk of harm** (above)
- i) who is **unable to protect** their own well-being, property, assets, rights or other interests; **and**
 - ii) where the **action or inaction of another person or persons** is causing, or is likely to cause, him/her to be harmed.
- 5.1.5. The decision as to whether the definition of an 'Adult in Need of Protection' is met will demand the careful exercise of professional judgement. This should take into account all the available evidence, concerns, degree of risk and other matters relating to the individual and his or her circumstances. The seriousness of harm and the degree of risk of harm are key to determining the most appropriate response and establishing whether the threshold for protective intervention has been met.
- 5.1.6. **Harm** is the impact on the victim of abuse, exploitation or neglect. It is the result of any action whether by commission or omission, deliberate or as the result of a lack of knowledge or awareness which may result in the impairment of physical, intellectual, emotional, or mental health or well-being. Some harmful conduct may constitute a criminal offence or professional misconduct.
- 5.1.7. The full impact of harm is not always clear from the outset, for example at the time it is first reported. Consideration must be given not only to the immediate impact and the immediate risk to the victim, but also the potential longer term impact and the risk

of future harm.

- 5.1.8. A single traumatic incident may cause harm or it may be a series of incidents over time which has the impact of causing harm against an individual, or result in persistent harm perpetrated against many individuals.
- 5.1.9. There are no absolute criteria for judging what constitutes serious harm (see section 10.3); however consideration should be given to the degree, severity, duration and frequency of harm. The seriousness of harm depends on the impact experienced by the individual. This demands the application of professional judgement to determine the seriousness of harm. It also requires consideration of the available evidence, concerns and of the wishes of the individual.
- 5.1.10. **Abuse** is 'a single or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust, which causes harm or distress to another individual or violates their human or civil rights'⁴.
- 5.1.11. Abuse is the misuse of power and control that one person has over another. Abuse may be perpetrated by a wide range of people who are usually physically and/ or emotionally close to the individual and on whom the individual may depend and trust. This may include, but is not limited to, a partner, relative or other family member, a person entrusted to act on behalf of the adult in some aspect of their affairs, a service or care provider, a neighbour, a health or social care worker or professional, an employer, a volunteer, another service user.
- 5.1.12. All forms of abuse may constitute a crime.
- 5.1.13. The main forms of abuse are:

Physical abuse

Physical abuse is the use of physical force or mistreatment of one person by another which may or may not result in actual physical injury. This may include hitting, pushing, rough handling, exposure to heat or cold, force feeding, improper administration of medication, denial of treatment, misuse or illegal use of restraint and deprivation of liberty.

Sexual violence and abuse

Sexual abuse is any behaviour perceived to be of a sexual nature which is unwanted or takes place without consent or understanding⁵. Sexual violence and abuse can take many forms and may include non-contact sexual activities, such as indecent exposure, stalking, being made to look at or be involved in the production of sexually abusive material, or being made to watch sexual activities. It may involve physical contact, including non-consensual penetrative sexual activities or non-penetrative sexual activities, such as intentional touching (also known as groping). Sexual

⁴ Adapted from the World Health Organisation definition of Elder Abuse which can be accessed at: http://www.who.int/ageing/projects/elder_abuse/en/

⁵ Definition within 'Tackling Sexual Violence and Abuse: A Regional Strategy 2008 – 2013', June 2008 and can be accessed at: http://www.dhsspsni.gov.uk/tackling_sexual_violence_and_abuse_strategy_.pdf

violence can be found across all sections of society, irrelevant of gender, age, ability, religion, race, ethnicity, personal circumstances, financial background or sexual orientation.

Psychological / emotional abuse

Psychological / emotional abuse is behaviour that is psychologically harmful or inflicts mental distress by threat, humiliation or other verbal/non-verbal conduct. This may include threats, humiliation or ridicule, withholding security, love or support, provoking fear of violence, shouting, yelling and swearing, blaming, controlling, intimidation and coercion.

Financial abuse

Financial abuse is actual or attempted theft, fraud or burglary. It is the misappropriation or misuse of money, property, benefits, material goods or other asset transactions which the person did not or could not consent to, or which were invalidated by intimidation, coercion or deception. This may include exploitation, embezzlement, withholding pension or benefits or pressure exerted around wills, property or inheritance.

Institutional abuse

Institutional abuse is the mistreatment or neglect of an adult, by a regime or individuals, in settings within which adults who may be at risk reside or use. Institutional abuse may occur when the routines, systems and regimes result in poor standards of care, poor practice and behaviours, inflexible regimes and rigid routines which violate their dignity and human rights and place adults at risk of harm. Institutional abuse may occur within a culture that denies, restricts or curtails the privacy, dignity, choice and independence. It involves the collective failure of a service provider or an organisation to provide safe and appropriate services, and includes a failure to ensure that the necessary preventative and/or protective measures are in place.

- 5.1.14. **Neglect** is the deliberate withholding, or failure through a lack of knowledge, understanding or awareness, to provide appropriate and adequate care and support which is necessary for the adult to carry out daily living activities. It may include physical neglect to the extent that health or well-being is impaired, administering too much or too little medication, failure to provide access to appropriate health or social care, withholding the necessities of life, such as adequate nutrition, heating or clothing, failure to intervene in situations that are dangerous to the person concerned or to others particularly when the person lacks the capacity to assess risk. Note that self-neglect and self-harm do not fall within the scope of this definition.
- 5.1.15. **Exploitation** is the intentional maltreatment, manipulation or abuse of power and control over another person; to take selfish or unfair advantage of another person or situation usually but not always for personal gain from using them as a commodity. It may manifest itself in many forms including slavery, servitude, forced or compulsory labour, domestic violence and abuse, sexual violence and abuse, or human trafficking.
- 5.1.16. The types of abuse are not exhaustive, nor listed in any order of priority. There are other indicators which should not be ignored. It is also possible that if a person is being harmed in one way, he/ she may very well be experiencing harm in other ways.

5.2. Mechanisms that interface with Adult Protection arrangements

- 5.2.1. Victims of domestic violence and abuse, sexual violence and abuse, human trafficking and hate crime are regarded as adults in need of protection. There are specific strategies and mechanisms in place designed to meet the particular care and protection needs of these adults and to promote access to justice through the criminal justice system. It is essential that there is an interface between these existing justice led mechanisms and the Health and Social Care (HSC) Trust adult protection arrangements described in this policy.

Domestic violence and abuse

- 5.2.2. Domestic violence and abuse is “threatening behaviour, violence or abuse (psychological, physical, verbal, sexual, financial or emotional) inflicted on one person by another where they are or have been intimate partners or family members, irrespective of gender or sexual orientation.”⁶ Domestic violence and abuse is essentially a pattern of behaviour which is characterised by the exercise of control and the misuse of power by one person over another. It is usually frequent and persistent. It can include violence by a son, daughter, mother, father, husband, wife, life partner or any other person who has a close relationship with the victim. It occurs right across society, regardless of age, gender, race, ethnic or religious group, sexual orientation, wealth, disability or geography.

Human trafficking

- 5.2.3. Human trafficking involves the acquisition and movement of people by improper means, such as force, threat or deception, for the purposes of exploiting them. It can take many forms, such as domestic servitude, forced criminality, forced labour, sexual exploitation and organ harvesting. Victims of human trafficking can come from all walks of life; they can be male or female; children or adults; and they may come from migrant or indigenous communities.

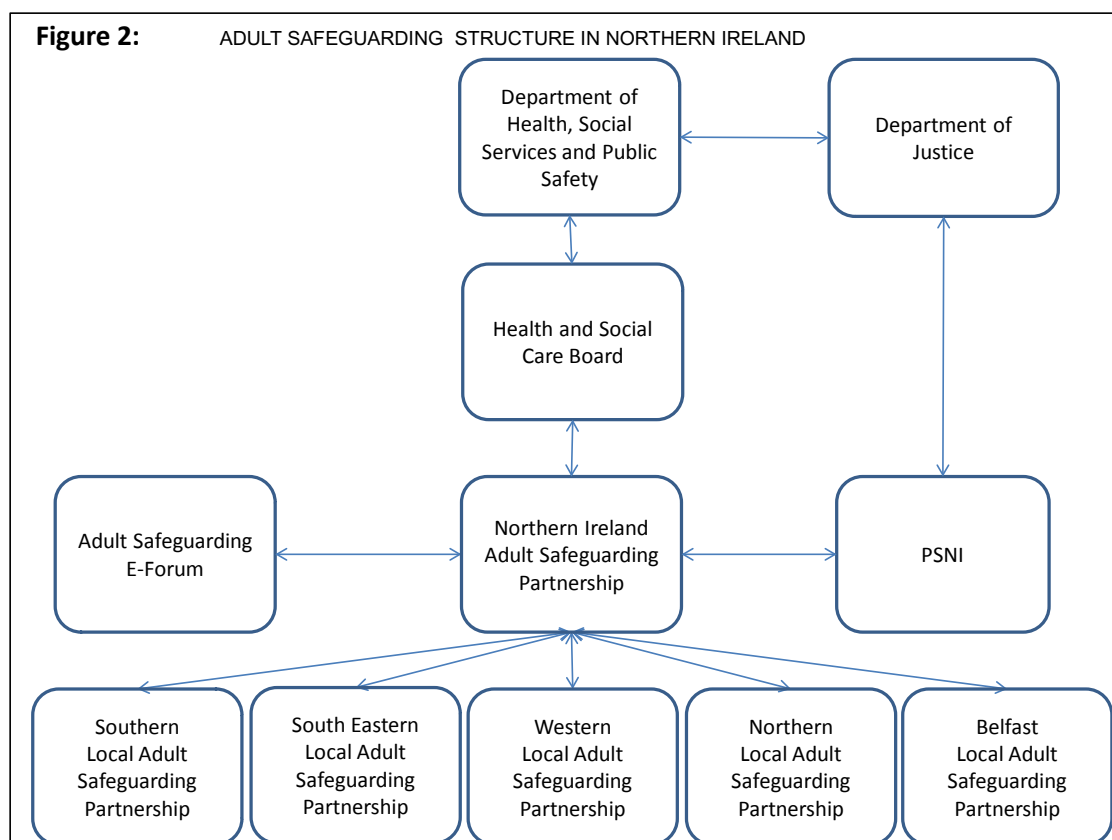
Hate crime

- 5.2.4. Hate crime is any incident which constitutes a criminal offence perceived by the victim or any other person as being motivated by prejudice, discrimination or hate towards a person’s actual or perceived race, religious belief, sexual orientation, disability, political opinion or gender identity.

⁶ Definition taken from *Tackling Violence at Home; a strategy for addressing domestic violence and abuse in Northern Ireland*, October 2005 and can be accessed at:
http://www.dhsspsni.gov.uk/tackling_violence_strategy.pdf

6. THE ADULT SAFEGUARDING INFRASTRUCTURE

- 6.1.1. The **Northern Ireland Adult Safeguarding Partnership (NIASP)** and five **Local Adult Safeguarding Partnerships (LASPs)** were established under the Adult Safeguarding in Northern Ireland, Regional and Local Partnership Arrangements (2010)⁷. They are collaborative partnerships with a responsibility for, adult safeguarding in Northern Ireland. The partnerships have been tasked by the Department of Health, Social Services and Public Safety, with the support of the Department of Justice, with the delivery of improved adult safeguarding outcomes by way of a strategic plan⁸, operational policies and procedures and effective practice, which will be developed and implemented in accordance with this policy. An outline of the structure is provided in Figure 2 below.



6.2. The Northern Ireland Adult Safeguarding Partnership (NIASP)

- 6.2.1. The NIASP is a regional collaborative body led by the HSCB. It is supported in its work by all its constituent members, who have made a commitment to adult safeguarding. The membership is drawn from the main statutory, voluntary, independent and community organisations involved in adult safeguarding across the region and includes representation from service providers and users. The NIASP is

⁷ *Adult Safeguarding in Northern Ireland – New Regional and Local Partnership Arrangements – March 2010* can be accessed at: <http://www.dhsspsni.gov.uk/asva-march-2010.pdf>

⁸ The *NIASP Strategic Plan* can be accessed at: <http://www.hscboard.hscni.net/NIASP/Publications/NIASP%20-%20Strategic%20Plan%202013-2018.pdf>

responsible for promoting and supporting a co-ordinated and multi agency approach and for creating a culture of continuous improvement in adult safeguarding practice and service responses. The NIASP strategy will promote ownership of adult safeguarding issues within all partner organisations and across all professional groups and service areas.

- 6.2.2. The HSCB has lead responsibility for the effective working of the NIASP, which is chaired by the Director of Social Care and Children's Services, or a nominated deputy. The Chair will ensure that safeguarding matters are brought to the attention of the appropriate Directors in the HSCB and the Public Health Agency (PHA). The Chair is accountable to the HSCB and is responsible for ensuring that there are robust governance arrangements in place and compliance with the HSCB's responsibility for Delegated Statutory Functions.
- 6.2.3. Each member representative is accountable to their employing organisation and should be of sufficient seniority to bring adult safeguarding issues to the attention of NIASP and to make decisions on behalf of their organisation. Each representative should ensure that any actions and decisions taken by NIASP are shared and implemented as appropriate within their organisation.

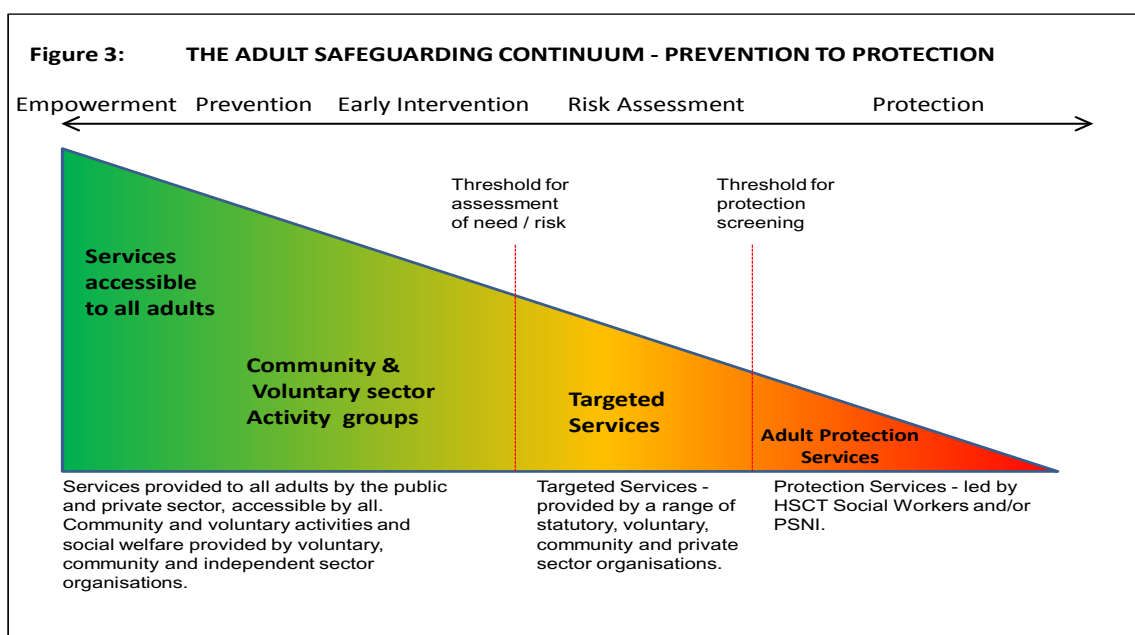
6.3. Local Adult Safeguarding Partnerships (LASPs)

- 6.3.1. The five LASPs are located within and accountable to their respective HSC Trusts. Their role is to implement locally the NIASP Strategic Plan, policy and operational procedures. Each LASP has responsibility to promote all aspects of safeguarding activity in its area and to promote multi-disciplinary, multi-agency and interagency cooperation, including the sharing of learning and best practice. They will be visible within, and engage locally with, communities to raise the profile of adult safeguarding.
- 6.3.2. The LASP is chaired by the HSC Trust's Executive Director of Social Work or a senior designated nominee and is responsible for ensuring that there are robust governance arrangements in place and ensuring compliance with the agreed Statutory functions delegated by the HSCB.
- 6.3.3. Each partner organisation should be represented at a sufficiently senior level so that the LASP is effective in the implementation of guidance, policy and procedures at a local level, including engagement with service users, families, carers and the wider public. Each representative should be sufficiently senior to represent his/her organisation's views, to make decisions on its behalf and to ensure that safeguarding issues are dealt with in line with the organisation's established governance arrangements. Each representative should ensure that any actions and decisions taken by the LASP are shared and implemented as appropriate within their organisation.

7. THE CONTINUUM OF SAFEGUARDING – PREVENTION TO PROTECTION

7.1.1. Safeguarding is a broad continuum of activity. It ranges from the empowerment and strengthening of communities, through prevention and early intervention, to risk assessment and management to protection, including investigation and care and protection planning. At all stages along this continuum, safeguarding interventions will aim to provide appropriate information, supportive responses and services which become increasingly more targeted and specialist as the risk of harm increases. Presenting safeguarding activity in this way is intended to reflect the importance of prevention and early intervention, both as a means of improving the safety and quality of life and outcomes for all adults and reducing the risks of incidents of harm and need for more intrusive protection interventions. This is not intended to suggest that any stage or intervention along the continuum is mutually exclusive of the others. Throughout the continuum it is essential to recognise the importance of promoting empowerment and self-determination and the rights of all adults to make informed lifestyle choices.

7.1.2. Figure 3 below shows adult safeguarding interventions as a continuum of activity.



7.1.3. **Local communities and services provided to the adult population** are the starting point of the adult safeguarding continuum. Individuals will in the first instance be supported by their families and friends and by local community involvement and support. Using community development approaches, and working in partnership with local communities and organisations, we must build stronger, self-reliant communities and effective working relationships that promote people's rights, challenge inequalities and improve local support. Building safer communities involves helping adults to minimise their own exposure to the risk of harm from abuse, exploitation or neglect by empowering, equipping and enabling them to keep themselves safe, while at the same time enabling them to live their lives and pursue their interests to the fullest extent possible. Within communities there are a range of public and private services which will be available to and accessed by all adults.

- 7.1.4. This policy advocates that where there are potential interfaces with adults who may be at risk of harm, the organisations delivering such services should consider how adult safeguarding may be relevant to them and the actions they can take to prevent harm arising from abuse, exploitation or neglect to those using their services.
- 7.1.5. Within communities there are **recreational social, sporting or educational activities** available to all adults provided by a range of organisations across the community, voluntary, faith and independent sectors. Organisations providing these activities contribute to safeguarding adults by ensuring that these activities are delivered in a way which keeps adults safe. These organisations will need to assure themselves and everyone who comes in contact with them, that the organisation is committed to best safeguarding practice and to uphold the rights of all adults to live a life free from harm from abuse, exploitation and neglect. These organisations should have in place a culture of zero-tolerance of harm to adults which necessitates: the recognition of adults who may be at risk and the circumstances which may increase risk; knowing how adult abuse, exploitation or neglect manifests itself; and being willing to report safeguarding concerns. This extends to recognising and reporting harm experienced anywhere, including in the person's own home, in any care setting, in the community, and within the context of the community or voluntary activity (see section 8.4).
- 7.1.6. Community, voluntary and independent service and/or activity providers are at the forefront of **preventative** safeguarding responses within the community. To be effective, preventative safeguarding requires everyone in society to work as partners, that is, individuals, families, carers, professionals and agencies working together to keep individuals safe and to prevent harm from abuse, exploitation or neglect.
- 7.1.7. One of the key ways of preventing escalation of the risk of harm is to intervene early. **Early intervention** is part of the safeguarding continuum and provides help and support to prevent problems reaching a point where a protection response becomes necessary.
- 7.1.8. In circumstances where community and voluntary activities can no longer meet the needs of an adult, or where there are emerging safeguarding concerns, contact should be made with the local HSC Trust for a professional **assessment of needs and/or risks**. All actions or interventions must be person centred and put the adult in need or at risk at the centre of decision making.
- 7.1.9. If however the concern is of a more serious nature a referral may be made directly to the Adult Protection Gateway service.
- 7.1.10. Very often it is the General Practitioner (GP) who will be the first point of contact for adults and their families. Where an individual's needs are changing and they require further support. GPs and other allied health professionals, such as opticians, pharmacists, dentists or therapists, have a key role in the identification of risks of harm and ensuring appropriate referral to the HSC Trust for a further assessment of needs and/or risks.
- 7.1.11. **Targeted services** are services delivered specifically to 'adults who may be at risk' in order to meet assessed needs and/or risks. The scale and intensity of service provision and intervention is likely to increase commensurate with the level of

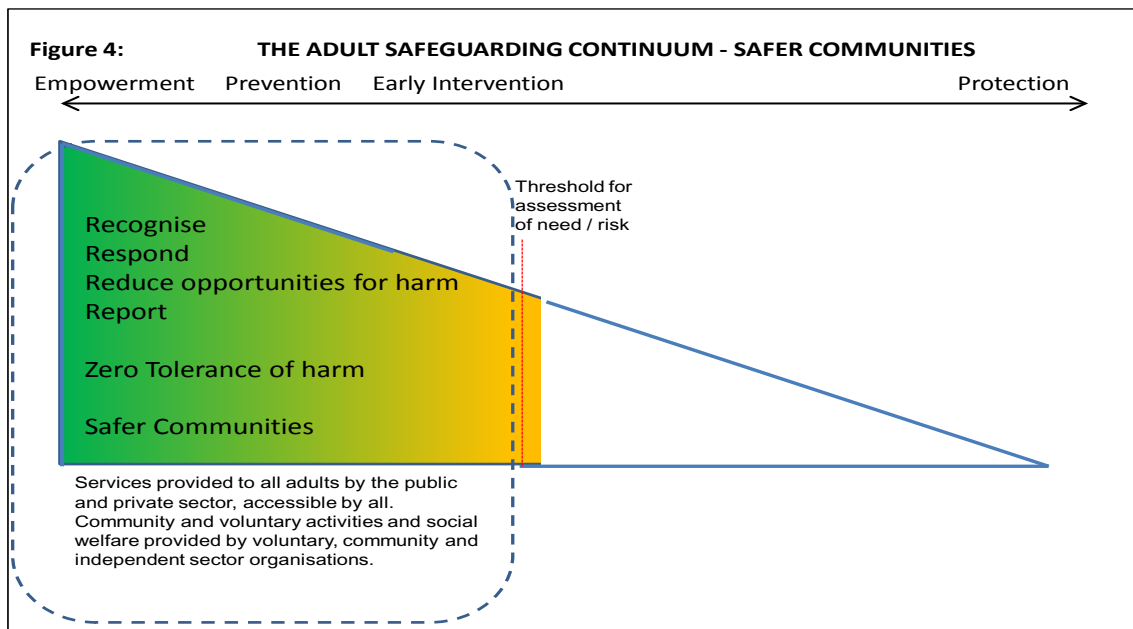
assessed need or risk. As the level of need or risk increases HSC Trusts may need to take action to prevent or manage any identified need or risk of harm, through provision of a service such as domiciliary community based care, supporting living, residential or nursing care. Targeted services will normally be delivered by, or commissioned by, HSC Trusts. However voluntary, community and independent sector organisations may provide services targeted specifically at groups for recreational, social, sporting or educational activities.

- 7.1.12. Targeted services include all services which fall under the definition of Regulated Activity contained within Schedule 2 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007⁹. This includes all health and social care services, whether delivered by statutory or independent providers, such as hospitals and GPs.
- 7.1.13. Many adults at risk will spend most of their time where they live, particularly those adults with restricted mobility and/or limited capacity. These adults at risk are more heavily dependent upon targeted services and the support of others, and their level of risk may increase as they spend much of their time indoors, often alone, usually with the same people surrounding them, and with greater dependency on individuals or carers.
- 7.1.14. All targeted service providers, must be zero-tolerant of harm. There is an expectation that providers of targeted services will have robust governance and safeguarding regimes in place within their organisations to ensure that care is delivered in a way which instils confidence amongst those who use the service, staff, management, regulators and the public.
- 7.1.15. There is an expectation that commissioners of services will require, by way of service level agreements or contracts, the providers of targeted services to have robust governance and safeguarding regimes in place. There is an expectation that as employers, both service providers and commissioners must also ensure their organisations promote zero-tolerance of harm to adults within the workplace.
- 7.1.16. As the risk of harm increases, the safeguarding response required to mitigate it also increases. At the higher end of the safeguarding continuum is the **Protection Service**. This service is provided for 'adults in need of protection', that is, those adults for who harm from abuse, exploitation or neglect, is a reality either because it has already occurred or, without intervention, is at serious risk of occurring. Protection interventions are led by social workers within the HSC Trusts and/or PSNI officers; the latter primarily where a crime or criminal act is alleged or suspected. These lead agencies will engage with the adult in need of protection in the first instance. They will also require information, action and support from other disciplines, agencies and organisations to assist with an adult protection or criminal investigation, or to contribute to the development and delivery of a care and protection plan for an adult in need of protection.

⁹ The SVG Order can be accessed at: <http://www.legislation.gov.uk/nisi/2007/1351/contents>

8. PREVENTION – PROMOTING SAFER COMMUNITIES AND SAFER ORGANISATIONS

- 8.1.1. The prevention of harm requires the promotion and creation of:
- **safer communities**, that is, safe places for all adults, including those who may be at risk to live; and
 - **safer organisations**, that is, safe places where all adults, including those who may be at risk access and receive services or participate in organised activities.
- 8.1.2. Whether living in communities or working or volunteering in organisations, each of us needs to be zero-tolerant of potentially harmful behaviours, against others and when we suspect something is wrong, report it (see section 10).
- 8.1.3. Figure 4 shows where safer communities sit on the Adult Safeguarding continuum.



8.2. Safer Communities

- 8.2.1. A key objective of this policy is to promote safer communities for adults to live in and safer organisations for them to be actively part of. The more socially isolated people are the greater the risk of harm arising from abuse, exploitation or neglect. The creation of safer communities for all adults is the responsibility of central and local government; of statutory sector service providers; and of voluntary, community and faith sector providers. Critically, it is also the responsibility of local communities, neighbours and citizens.
- 8.2.2. Empowerment is key to the promotion of safer communities and the prevention of harm. We should seek to connect people with the resources, activities and services that promote involvement and minimise opportunities for people to cause harm to others. Communities should aim to create opportunities to encourage and empower people to participate as fully as possible in their communities and broader society. Safer communities can play a vital signposting role in connecting people with local

resources and supports that enable them to resolve their own problems and challenges.

- 8.2.3. There are a number of strands to the creation of safer communities that will greatly contribute to the prevention of harm.

Effective Health and Social Care Policies and Strategies

Being fit and well means people are better placed to ensure their personal safety.

Initiatives which:

- aim to prevent slips, trips and falls;
- promote healthy eating, exercise and the sensible use of alcohol;
- ensure good dental and eye care;
- promote personal resilience, self awareness and independence;
- encourages and assists people where necessary to feel safe in their own home

all contribute to assisting people to be better able to address their personal wellbeing and safety. This requires effective health and social care planning, robust public health strategies and responses, commissioning and delivery underpinned by standards frameworks¹⁰ which set out the care that patients, clients, their carers and wider family can expect to receive.

Effective Community Safety Policies and Strategies

People who feel safe in their homes and community are more likely to feel in control of their lives and to take positive steps to ensure their personal safety. A number of crime types – such as doorstep crime; distraction burglaries; bogus callers; rogue traders; cold callers and cyber crime – are of particular concern with regard to adults at risk in our communities. The work of voluntary and community groups is critical to help adults who may be at risk live safer lives and minimise their exposure to risk of harm through the promotion of local initiatives to provide information and support.

The 'Building Safer, Shared and Confident Communities – A Community Safety Strategy for Northern Ireland 2012-2017'¹¹ contains commitments to reduce fear of crime and help people to feel safer through regional and local programmes to increase trust and confidence. Through engagement with the voluntary and community sector, the strategy aims to:

- improve understanding of fear of crime and deliver tailored projects to reduce fear;
- promote intergenerational projects to bring old and young together to increase confidence;
- promote positive perceptions of young people; and
- engage with the media on reporting of crime and anti-social behaviour and its impact on fear and confidence.

¹⁰ Frameworks for Mental Health and Wellbeing, Learning Disability and Older People's Health and Wellbeing can be accessed at: http://www.dhsspsni.gov.uk/mhsf_final_pdf.pdf
http://www.dhsspsni.gov.uk/learning_disability_service_framework_june_2013.pdf
http://www.dhsspsni.gov.uk/service_framework_for_older_people-2.pdf

¹¹ <http://www.dojni.gov.uk/community-safety-strategy-2012-2017.htm>

The Policing and Community Safety Partnerships (PCSPs)¹² which operate in each council area are central to the delivery of safer communities. Each PCSP works with its local community to identify and address issues of concern in the local area and PCSP Policing Committees work with local PSNI to develop local policing plans and monitor their performance in enhancing community safety in their area. They also work to secure the co-operation of the public to prevent crime and enhance community safety.

Effective Awareness of Adult Harm and Abuse and Responsibility to Report

Adult abuse is underreported. People may not report their concerns for a number of reasons; including not recognising it for what it is or fear of 'getting it wrong'. It is a reality that the adult who is at risk is often dependent on the person whose behaviour is, either intentionally or unintentionally, causing the harm.

Public awareness campaigns and education programmes can help the public to recognise that adult harm and abuse is unacceptable in a civilised society and encourages the reporting of concerns to the HSC Trust and the Adult Protection Gateway Service. Education programmes in schools and colleges encompassing 'good citizenship' principles and social responsibilities can help begin the shift towards a society which is zero-tolerant of adult harm.

Many public and private service providers within the community are well placed to identify early indications that an adult may be at risk, for example banking or legal services. Providers of services who are in a position of trust or authority, for example banks or solicitors will have access to information regarding adults which may suggest they are at risk of harm. Service providers should be aware of the signs of harm to adults within their respective sectors, and should ensure organisational procedures are in place to guide staff when concerns are identified. All those working to provide services to the community generally, have a responsibility to refer concerns to their relevant HSC Trust, and to cooperate and share information where necessary with any adult safeguarding investigations.

8.3. Safer Organisations

8.3.1. The continuum of adult safeguarding outlines the wide range of organisations involved in people's lives, from the small community activity groups through to larger statutory services. All organisations should ensure that any service they deliver is underpinned by the principles of respect and treating others with dignity (see section 4). This is the first step to ensuring that services are high quality and that the focus is on the individual receiving the service which may help to provide support and that harm is prevented. Increasing levels of need and risk will lead to greater targeting of service provision, which, in turn, requires a heightened awareness of risk of harm and more robust measures to be in place to prevent harm.

8.3.2. Robust governance arrangements are key to an organisation's ability to keep adults safe from harm. A range of governance arrangements exist, which should not and cannot operate in isolation. No single governance measure will ensure the safety of adults at risk. Both internal governance and external measures are vital to ensure

¹² Further information on PCSPs can be obtained from www.pcsp.org

that safeguarding concerns are identified early and escalated to enable appropriate action to be taken. Governance arrangements must be brought together to provide a level of assurance to organisational leaders that the organisation is doing all it can to keep adults in receipt of its services safe from harm.

- 8.3.3. Each organisation will have its own internal governance arrangements depending on the size of the organisation and the nature of its activities. The governance arrangements should be proportionately robust to enable managers at all levels, including the Chief Executive and Board members if applicable, to assure themselves that it is delivering a safe, high quality service to all, and that it is effectively adhering to the adult safeguarding expectations appropriate to the organisation.
- 8.3.4. Management should create a culture where staff and volunteers feel that their role and contribution is valued and that they are empowered, and supported in decision making by line managers. Senior management must ensure good governance is cascaded throughout the organisation. Line managers should ensure decisions taken by their staff which relate to adult safeguarding are consistent with organisational safeguarding policies.
- 8.3.5. Where an organisation permits, by way of contracts or otherwise, the use of its facilities or services by third parties to provide services or activities to adults, assurances should be sought from the third party that it is adhering to the appropriate level of governance as described below.

8.4. Minimum Safeguarding Expectations

- 8.4.1. At a minimum, any public service, community, voluntary or independent organisation providing recreational social, sporting or educational activities or services should safeguard adults who may be at risk by:
- **recognising** that adult harm is wrong and that it should not be tolerated;
 - **being aware** of the signs of harm from abuse, exploitation and neglect;
 - **reducing opportunities for harm** from abuse, exploitation and neglect to occur; and
 - **knowing how and when to report** safeguarding concerns to HSC Trusts or the PSNI.

8.5. Internal Governance – Policy and Procedures

- 8.5.1. The following policies and procedures are the building blocks of good governance that contribute to safe high quality care and they should be robustly implemented by any organisation.
- 8.5.2. These are essential for any organisation delivering or commissioned to deliver targeted services.
- Robust selection and recruitment procedures;
 - Effective management, support, supervision and training of staff;
 - Procedures for responding to, recording and reporting safeguarding concerns;

- Procedures for assessing and managing risks;
- Management of reporting and escalating untoward/adverse incidents;
- Procedures for managing comments, complaints and suggestions;
- Policy on the management of records, confidentiality, and the sharing of information;
- A written code of behaviour/conduct; and
- A whistle-blowing policy.

Care and Service Standards

- 8.5.3. All providers of targeted services are required to have in place the above governance arrangements and depending on the nature and level of the service delivered, providers may also be required to ensure compliance with care and /or service standards against which they will be inspected. Where there are breaches in compliance with standards and the quality of care or the safety of service users is compromised, the role of inspection and that of the relevant regulator is critical in addressing the safeguarding concern and the prevention of harm.
- 8.5.4. As the level of safeguarding concern and service intervention increases, more robust governance measures and requirements will apply.
- 8.5.5. All organisations providing targeted services to adults who may be at risk must have the above governance arrangements in place, supported by the implementation of an adult safeguarding policy.

Adult Safeguarding Policy

- 8.5.6. The **Adult Safeguarding Policy** will clearly demonstrate the organisation's commitment to a zero tolerance of adult harm. The policy must be owned and supported by senior management and be accessible to all within the organisation.
- 8.5.7. A key element of the adult safeguarding policy will be the nomination of an **Adult Safeguarding Champion (ASC)**¹³. The ASC should be accessible across the organisation as a source of advice and guidance. This may necessitate the nomination of more than one person in larger organisations. The nominated ASC should be a senior person within the organisation, suitably trained, experienced and skilled to carry out the role (see section 14 – training).
- 8.5.8. The role of the **Adult Safeguarding Champion** is:
- to provide information and support for staff on adult safeguarding within the organisation;
 - to ensure that the organisation's adult safeguarding policy is disseminated and support implementation throughout the organisation;
 - to advise within the organisation regarding adult safeguarding training needs;
 - to provide advice to staff or volunteers who have concerns about the signs of

¹³ The term Adult Safeguarding Champion is intended to encompass the roles of the 'Nominated Manager' referred to in the Volunteer Now Standards and Guidance document 'Safeguarding Vulnerable Adults – a Shared Responsibility' and the role of the 'Alerting Manager' in the NIASP Adult Safeguarding Strategic Plan 2013-2018.

harm, and ensure reporting to HSC Trusts where there is a safeguarding concern (see section 10);

- to support staff to ensure that any actions take account of what the adult wishes to achieve – this should not prevent information about any risk of serious harm being passed to the relevant HSC Trust Adult Protection Gateway Service for assessment and decision-making;
- to establish contact with the HSC Trust Adult Protection Social Work Manager (DAPO) (see section 11), PSNI and other agencies as appropriate;
- to ensure accurate and up to date records are maintained detailing all decisions made, the reasons for those decisions and any actions taken;
- to compile and analyse records of reported concerns to determine whether a number of low-level concerns are accumulating to become significant; and make records available for inspection.

8.5.9. Where the ASC is not available, this should not prevent action being taken or contact being made with the HSC Trust in respect of any safeguarding concern.

8.5.10. Within HSC Trusts the role of the ASC will be undertaken by DAPO. HSC Trusts must ensure that all service areas within their remit are covered by a DAPO. Further information on the role of the DAPO within adult protection is provided in section 11.4. Within the PSNI the role of the ASC will be undertaken by the Detective Chief Inspector who has been allocated as Service Lead for adult safeguarding.

8.5.11. Figure 5 below shows the relationship between safer communities, safer organisations and the increasing governance arrangements



9. EXTERNAL GOVERNANCE

9.1. Commissioning Arrangements

- 9.1.1. The HSCB, HSC Trusts and the PHA may commission or purchase health and social care services from third party providers, whether from the voluntary, community or independent sectors. This will include GP and other primary or health care services, such as private hospitals, nursing or residential care, day care or domiciliary care services. It is critical that the HSCB, PHA and HSC Trusts ensure that it is a condition of all contracts or service level agreements with service providers that there are robust governance arrangements in place within those provider organisations to ensure that adults at risk are safe from harm and receive a high quality service.
- 9.1.2. HSC Trusts must provide advice and guidance to adults who may be at risk who are commissioning their own care, for example using direct payments, outlining what they should expect from their service provider in terms of governance arrangements and good safeguarding practice.
- 9.1.3. Within the commissioning service setting, the roles of Contract Managers, Care Managers and Key Workers are critical for good governance.
- 9.1.4. **Contracts Managers** have a responsibility:
- to specify and issue contracts for the purchase of services commissioned to address identified needs;
 - to require that all services meet their safeguarding requirements described in this policy and other standards of quality set by the DHSSPS;
 - to work closely with service providers to assist them to address ongoing concerns that may relate to contractual/service agreement requirements;
 - to monitor the quality of the performance of service providers and identify any deterioration in standards of care and risks this may present;
 - to escalate any concerns about the provision of care to the care manager or senior management; and
 - to regularly audit the third party service provider to ensure the service is being delivered in accordance with the contract.
- 9.1.5. All professionals with responsibility for carrying out the **care management** function must:
- ensure that needs and risks to the adult at risk are identified and assessed, taking account of their views and preferences;
 - ensure that there is a personalised care plan detailing the needs of the adult and specifying how the service provided will safely meet the needs and mitigate any risks identified;
 - ensure the care plan is being implemented as agreed by the service provider;
 - ensure that the care plan is reviewed regularly, as specified in the Care Management Guidance¹⁴, or more frequently as required in order to

¹⁴ 2010 – complete reference

respond to changing needs and or risks;

- ensure a safe and high quality service is provided, noting any patterns emerging which suggest that there may be a cause for concern and acting upon any such concerns;
- ensure that they are informed of any incidents, accidents or “near misses” in respect of the individuals for whom they have commissioned care;
- ensure that they are informed of any changes in financial circumstances that come to the attention of the HSC Trust;
- ensure that they are informed of any complaints made and action taken to address them;
- analyse trends to identify patterns which may indicate low-level concerns or poor quality care issues which may accumulate to indicate that there is a risk of harm; and
- escalate concerns which may indicate serious harm or risk of serious harm to an adult at risk where appropriate (see section 12.1).

9.1.6. Where any other professionals, for example a GP, District Nurse or other allied health professional, have contact with an adult at risk within a commissioned service setting, they may have opportunities to identify risk of harm. They must be alert to signs of harm and escalate their concerns to the Care Manager or Key Worker within the commissioned service setting, or if an immediate risk is identified, to the Adult Protection Gateway Service with the relevant HSC Trust.

9.2. Professional Regulation

9.2.1. Regulatory bodies are responsible for establishing and operating statutory schemes of regulation underpinned by professional standards and Codes of Conduct relating to the conduct and practice of their respective professions. They maintain registers of workers who meet those standards and this information is publicly available. Within the health and social care sector for example, doctors, nurses, social workers and allied health professionals must register with their respective regulatory body before being able to practice.

9.2.2. A registered person who is the subject of an investigation by a regulatory body on the grounds that he/she failed to act in accordance with professional standards may be the subject of an adult protection investigation. Where both investigations are required, the adult protection investigation by the HSC Trust must take precedence to ensure that the rights and safeguarding needs of adults at risk are being protected.

9.2.3. Where risks of harm to a service user are identified, all professionals must also act in accordance with any professional Code of Conduct agreed with their regulatory body.

9.3. Legal Requirements

9.3.1. Where there are statutory requirements linked to safeguarding or quality of service provision, all organisations will need to be assured that they are fully compliant with the requirements of the law.

9.3.2. Of particular relevance to adult safeguarding is the Safeguarding Vulnerable Groups

(Northern Ireland) Order 2007, which seeks to protect children and vulnerable adults from harm by those who work closely with them. Schedule 2 of this Order contains a definition of Regulated Activity, and anyone engaging in Regulated Activity should have their suitability checked through AccessNI prior to employment.

- 9.3.3. The **Disclosure and Barring Service**¹⁵ (DBS) is responsible for maintaining the list of individuals barred from engaging in Regulated Activity with children and vulnerable adults across England, Wales and Northern Ireland. A regulated activity provider must refer anyone to the DBS who has harmed or poses a risk of harm to a child or a 'vulnerable adult' and who has been removed from working (paid or unpaid) in regulated activity, or would have been removed had they not left. The DBS will decide whether the person should be barred from working in regulated activity with children, or adults, or both.
- 9.3.4. It is an offence to knowingly engage a barred person in regulated activity and it is an offence to engage or offer to engage in regulated activity if you are barred.
- 9.3.5. Within the health and social care sector, HSC Trusts, private, independent and voluntary sector providers must be assured that they are fully compliant with the duty of quality imposed on them by the Health and Personal Social Services (Quality, Improvement and Regulation) (NI) Order 2003¹⁶ and the Regulations made under that Order.

9.4. Health and Social Care Regulation

- 9.4.1. Regulation should make clear the expectation that service providers must meet the relevant quality standards, detect failings in provision of care or services early, and take appropriate action when sub-standard care is found. The most effective regulation comes from a combination of principles-based standards supported by an inspection regime with experts who apply thoughtful judgement and the right actions in response.
- 9.4.2. Regulation needs to be responsive and proportionate. This can only be achieved by a highly coordinated, integrated and expert regulatory system employing intelligent and thoughtful inspection. It will require the ability to apply both qualitative and quantitative judgement and to take effective enforcement action when necessary.

The Role of RQIA

- 9.4.3. In Northern Ireland, there are a number of regulators or inspectorates which have a key role in measuring the extent to which relevant organisations comply with their own particular service or quality standards and the regulatory framework within which they operate. The RQIA is the independent regulator of the health and social care sector and has an important role in promoting continuous improvement in the quality and safety of care delivered across the range of health and personal social services. RQIA registers and inspects a range of services described in the Health and Person

¹⁵ Information on the Disclosure and Barring Service can be accessed at:

<http://www.nidirect.gov.uk/disclosure-and-barring-protecting-children-and-vulnerable-adults>

¹⁶ The 2003 Order can be accessed at: <http://www.legislation.gov.uk/nisi/2003/431/contents>

Social Services (Quality, Improvement and Regulation) Order (Northern Ireland) 2003. These services are subject to regulation and are provided by both the statutory and independent sectors. RQIA's regulatory function operates within a framework of regulations and standards produced by DHSSPS.

- 9.4.4. RQIA inspections are conducted across a range of HSC settings in the statutory, independent and voluntary sectors, with the aim of ensuring public confidence in the services provided. Within the regulated care sector, inspections may be announced or unannounced, and examine compliance with regulations and minimum standards in the areas of care, medicines management, estates and finance. Other inspections or reviews can be commissioned and conducted across a range of health and personal social services. Where the service inspected is not meeting the required quality standards or compliance issues or concerns are identified there are a range of robust sanctions and powers available to RQIA.
- 9.4.5. The RQIA has a key preventative role in adult safeguarding practice. As the independent regulator, it has both a responsibility and the authority to ensure that safety and quality of care concerns which put service users at risk are addressed. The RQIA also has a key role in service improvement with the aim of encouraging improvement in the quality of the services they inspect and securing public confidence in the provision of those services by keeping the Department of Health, Social Services and Public Safety informed of their availability and their quality.
- 9.4.6. There are core governance elements which must be included in all inspections conducted on regulated services:
- number, nature and outcome of complaints made;
 - number, nature and outcome of safeguarding concerns raised with the Adult Safeguarding Champion;
 - number, nature and outcome of notifiable incidents or accidents which occurred; and
 - any disciplinary procedures conducted and the outcome.
- 9.4.7. Information collected during inspections and other information which may come to the attention of the RQIA, from a range of sources, including statutory notifications, must be collated and analysed to ensure trends are identified. In particular, information on complaints, incidents and accidents should be triangulated as these are key indicators of risk to service users. Inspectors should be aware that a number of low-level concerns could suggest patterns or trends which accumulate to a risk of serious harm to one or more adults.
- 9.4.8. Where the RQIA identifies that a regulated service provider is in breach of regulations or quality standards they will inform the manager responsible. RQIA is responsible for ensuring the application of a range of sanctions and enforcement measures to regulated services, to protect the safety of service users and to drive improvements in regulated care services. Enforcement action is implemented when all other reasonable steps to secure compliance with regulations have failed. Where significant or immediate risks to the safety and wellbeing of vulnerable people are identified, RQIA may impose conditions of registration or exercise its authority to seek the urgent closure of the service. RQIA publishes its enforcement policy and

procedure online, along with copies of its inspection reports¹⁷.

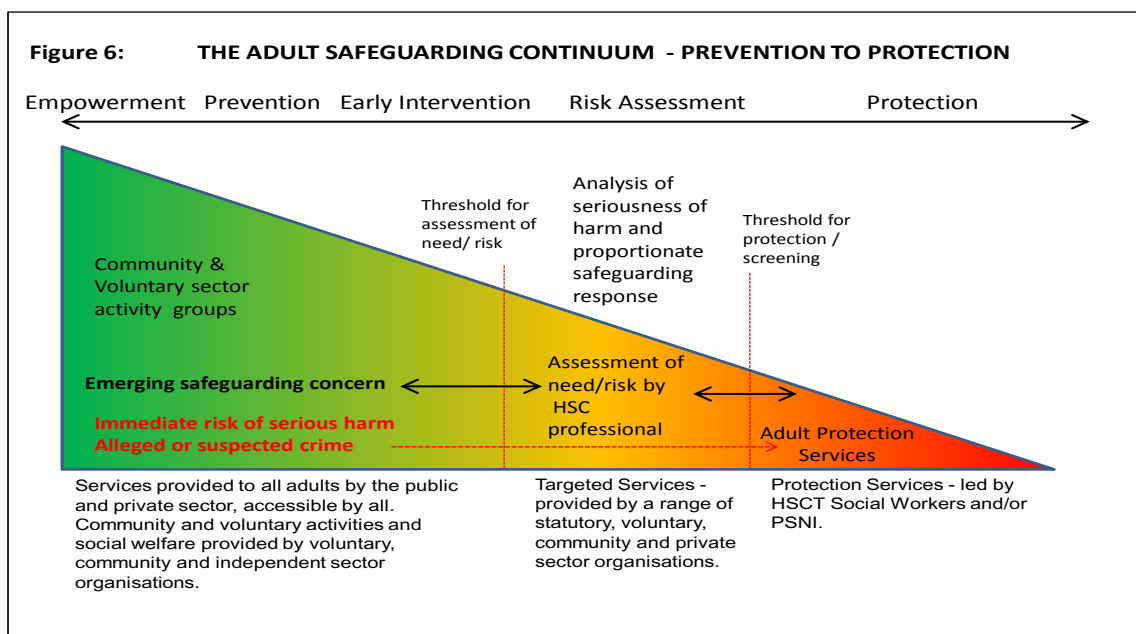
- 9.4.9. The RQIA will notify any serious concerns in relation to the quality of service provision or risk of harm to an individual/s to the relevant HSC Trust or the PSNI, and will be a key partner contributing to investigations with the other agencies to protect adults at risk who are in receipt of a regulated service.

DRAFT

¹⁷ RQIA publications are available on www.rqia.org.uk

10. REFERRAL PATHWAY FOR SAFEGUARDING CONCERNS

- 10.1.1. If there is a clear and immediate risk of harm or a crime is alleged or suspected, the matter should be referred directly to the PSNI or HSC Trust Adult Protection Service.
- 10.1.2. However in most circumstances there will be an emerging safeguarding concern which should normally be referred to the HSC Trust, for a professional assessment. It will be a matter for HSC professionals to judge whether the threshold for an adult protection intervention has been met, or whether alternative responses are more appropriate. Referrals can be made from any source.
- 10.1.3. Figure 6 shows the pathway for reporting emerging safeguarding concerns through targeted HSC services and if necessary to the HSC Trust adult protection service.



- 10.1.4. All HSC Trusts must have a single point of access for referrals to be received regarding concerns about adults who may be at risk, and will promote and publicise contact arrangements within its area. HSC Trust arrangements must accommodate referrals which do not obviously fit existing Programme of Care structures.

10.2. Risk Assessment

- 10.2.1. When any risk of harm is identified, a risk assessment must be undertaken to establish the degree of risk to that individual and to others. It is the responsibility of statutory HSC professionals to undertake such risk assessments once a concern has been raised.
- 10.2.2. HSC professionals are required to put the individual's needs and wishes at the heart of the risk assessment process, and to use their expert skills and professional judgement so that the most appropriate and preferred course of action or outcome is found for each individual.
- 10.2.3. Assessment is a process which focuses on the individual and their circumstances at

the time, recognising that needs and risks can change over time. Assessment will analyse and be sensitive to the changing levels of need and risk faced by an individual. It may require specialist assessments or expert opinion to inform the evidence gathering. All information should be analysed to determine the nature and level of risk. The assessment will inform a proportionate response based on the views and wishes and the preferred outcomes for the individual.

- 10.2.4. In gathering information to inform the assessment, professionals should be aware that this may be required as part of a criminal investigation. Therefore there it is critical to ensure that any potential evidence that may be later required by the PSNI is not compromised.
- 10.2.5. In making professional judgments, due regard should be given to the capacity of the adult to make informed choices, free from duress, pressure or undue influence and their capacity to protect themselves from harm. All adults, including those at risk will always be assumed to have capacity unless it has been determined otherwise (see section 15) and, ideally, a referral to the HSC Trust should be made with the adult's agreement and full participation. However, there may be circumstances in which the person concerned about an adult at risk may not be best placed to seek their consent to a referral being made, or the adult at risk is clearly stating that they do not want a referral to be made. Whilst the wishes of the adult should always be considered, it is important to remember that there will be circumstances when other factors may be overriding, for example, where undue influence or coercion is suspected to have influenced the adult's decision. The inability to obtain an adult's consent in these circumstances should not prevent or delay concerns about that adult being reported to adult protection services. A balance must also be struck between an individual's human rights and the need to intervene to protect them from harming themselves or others.
- 10.2.6. Consideration should be given to the vulnerability of the alleged perpetrator. It is possible that a risk assessment may also be required for the perpetrator.
- 10.2.7. The analysis of risk will be central to decisions about future intervention. Any safeguarding intervention is not about being risk averse, nor simply about eliminating risk; safeguarding is about empowering and supporting people to make decisions that balance acceptable levels of risk in their lives. This may mean that individuals may choose to live with risks or to take risks. The exercise of professional judgement in determining the level of risk of harm and whether a referral for an adult protection intervention is required is critical.

10.3. The Thresholds for Referral to the Protection Service – A Determination of Serious Harm

- 10.3.1. A number of factors will influence the determination of the level of seriousness of harm. A number of 'small' incidents may accumulate into serious harm against one individual, or reveal persistent or recurring harm perpetrated against many individuals.
- 10.3.2. The judgement of what constitutes serious harm is a complex one and demands careful application of professional judgement against a number of criteria. Assessments conducted by statutory HSC professionals should include consideration

of the following:

- a) the impact on the adult at risk;
- b) the reactions, perceptions, wishes and feelings of the adult at risk;
- c) the frailty or vulnerability of the adult at risk;
- d) the ability of the adult at risk to consent and participate in the decision making process;
- e) the illegality of the act(s);
- f) the nature, degree and extent of harm;
- g) the pattern of the harm causing behaviour;
- h) the level of threat to the individual's right to independence;
- i) the intent of the alleged perpetrator and extent of premeditation;
- j) the relationship between the alleged perpetrator and the adult at risk;
- k) the context in which the alleged harm takes place;
- l) the risk of repetition or escalation of harm involving increasingly serious acts relating to this individual or other adults at risk; and
- m) the factors which mitigate the risk through service provision or wider arrangements.

10.3.3. The list of factors above is not exhaustive, and does not imply a hierarchy of importance. Their analysis will assist with the decision as to whether or not a protective response is required, or whether the level of risk can be managed by one of the alternative safeguarding responses below.

10.3.4. A referral to the HSC Trust Adult Protection Gateway Service is likely to be required if one or a number of the following characteristics are met:

- the perceptions of the adult(s) concerned and whether they perceive the impact of harm as serious;
- it has a clear and significant impact on the physical, sexual, psychological and/or financial health and well-being of the person affected;
- it has a clear and significant impact, or potential impact on the health and wellbeing of others;
- it involves serious or repeated acts of omission or neglect that compromise an adult's safety or wellbeing;
- it constitutes a potential criminal offence against the adult at risk;
- the action is committed with the deliberate and harmful intent of the perpetrator(s);
- it involves an abuse of trust by individuals in a position of power or authority; and
- it has previously been referred to a regulated service provider for action, and has not been sufficiently addressed (see alternative responses below).

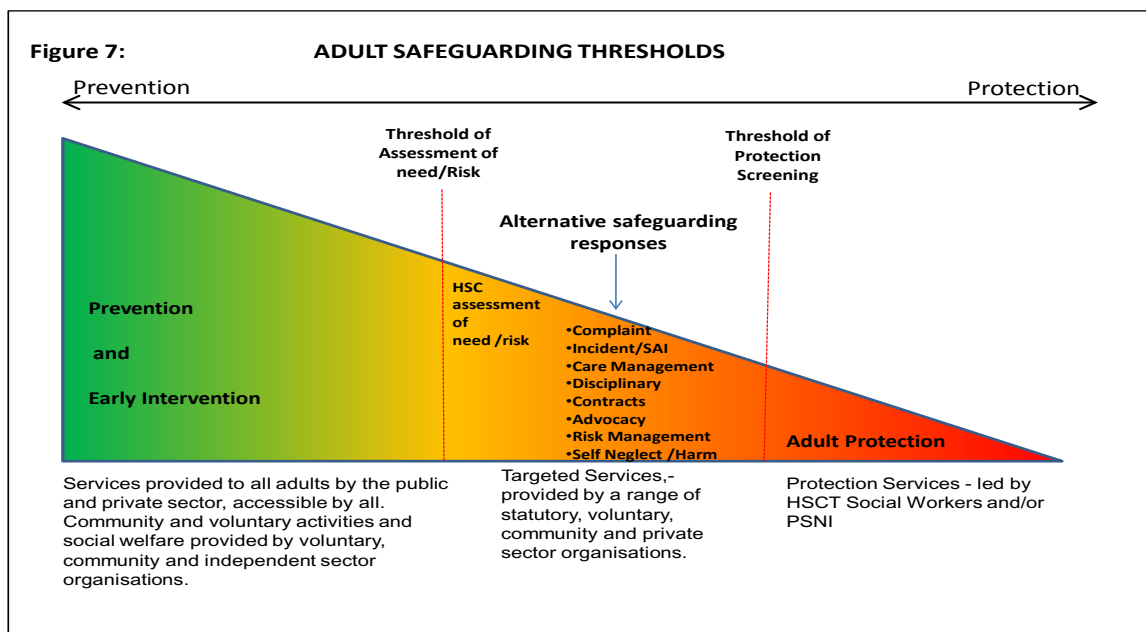
10.3.5. Where it is determined that the serious harm threshold has been reached, the safeguarding concern should be reported immediately to the HSC Trust Adult Protection Gateway Service. Where a criminal act is either alleged or suspected, a report must be made urgently to the PSNI.

10.3.6. If there is doubt about whether the threshold of serious harm has been reached, the concern should be raised with the HSC Trust protection service and a DAPO will advise whether the matter should be referred to the adult protection service.

10.3.7. Thresholds are not intended to be used as exclusion criteria, but should be used positively to assist professional judgements about referral to the HSC Trust protection service, and to enable informed decisions about the most appropriate or proportionate safeguarding response.

10.4. The Threshold of Serious Harm is Not Met – Alternative Safeguarding Responses

10.4.1. Serious harm which requires a protective intervention by the HSC Trust adult protection service and/or the PSNI will, by its nature, have a higher threshold of entry. Where a threshold of serious harm is assessed not to have been reached, alternative safeguarding responses should be considered and pursued, where appropriate.



10.4.2. At all times the least intrusive and most effective response should be made, this is a matter for professional judgement, taking account of the individual circumstances and the wishes and views of the adult.

10.4.3. Where it is determined that the threshold of serious harm is not met it may be possible to take one of a number of alternative courses of action -

- escalation to the service manager if there are issues about the standard of service provision that need to be addressed;
- referral to the RQIA for action as the regulator in respect of quality of care concerns or where concerns have been raised and there has been a lack of action by the service provider;
- referral to a care manager/key worker for further assessment or review of service user needs and views;
- action taken under complaints procedures;
- action taken under serious incident reporting procedures;
- action taken under human resources/disciplinary procedures and referral to

professional bodies and/or the disclosure and barring service where appropriate;

- g) referral to an advocacy service;
- h) referral to another service;
- i) a risk management intervention in relation to self neglect;
- j) a strategy to manage risks within a complex group living environment and the management of challenging behaviour

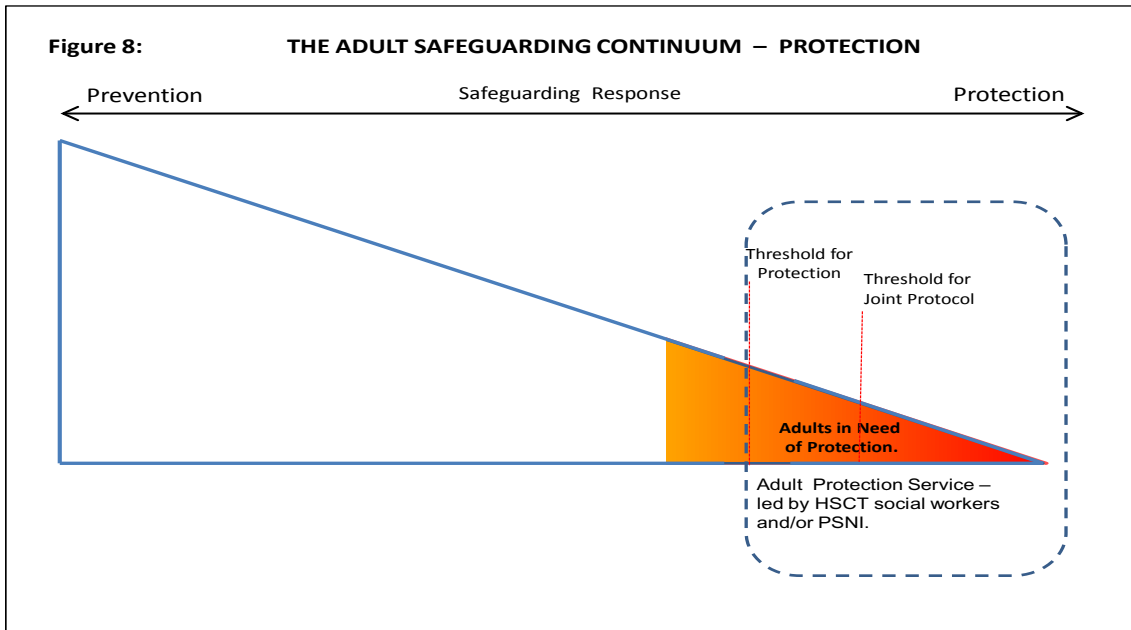
or a combination of two or more of the above.

- 10.4.4. Any safeguarding concerns relating to breaches of regulations or non-compliance with care or service standards are matters for RQIA as the regulator, regardless of whether the threshold of serious harm has been reached. The HSC Trust should raise such concerns with the RQIA and will then co-ordinate an interagency response. The role of RQIA in inspection and regulation is outlined at section 9.4.5 and will be critical in the identification, prevention and management of safeguarding concerns or incidents in a proportionate manner to prevent unnecessary engagement of the protection service.

DRAFT

11. PROTECTION

Figure 8 shows the Protection service on the safeguarding continuum



11.1.1. HSC Trusts and the PSNI are the lead agencies with responsibility for adult protection.

- **HSC Trusts** will be the lead agency in terms of the co-ordination of joint Adult Protection responses. Within each HSC Trust, responsibility for the Adult Protection rests with the Executive Director of Social Work, and the lead profession within HSC Trusts is social work.
- Where a crime is alleged or suspected, a report should be made to the **PSNI**, which will be the lead criminal investigation agency. Within PSNI, responsibility for Adult Protection rests with the Chief Superintendent who has responsibility for the Public Protection Team.

11.1.2. A Joint Protocol will guide interagency referral, consultation and information exchange and working arrangements and will provide clarity in respect of the roles of the PSNI and HSC Trusts in the delivery of the adult protection response. The Joint Protocol will outline when and how other agencies will be engaged for the purpose of an adult protection investigation and protection planning.

11.1.3. Regional adult protection procedures for HSC Trusts will be developed by the HSCB, endorsed by NIASP and LASPs and implemented across the region to ensure that adult protection responses and practice is consistent across all HSC Trust areas. HSC Trusts will be responsible for implementing these procedures on behalf of the HSCB.

11.1.4. PSNI are guided by current ACPO guidance 'Safeguarding and Investigating the Abuse of Vulnerable Adults 2012' as well as established protocols such as Safeguarding Vulnerable Adults (Regional Adult Protection Policy and Procedural

Guidance) 2006 and 'Joint Investigation of Alleged and Suspected Cases of Abuse of Vulnerable Adults' NIASP 2009. Public Protection Units will be responsible for triaging reports under Joint Protocol arrangements. When a PPU passes the adult protection response to another branch of PSNI, the PPU will retain oversight and ensure ongoing engagement and communication with other partners under Joint protocol.

- 11.1.5. All operational adult safeguarding policies, procedures and protocols in support of this policy must be consistent with the underpinning principles contained in section 5 of this policy.

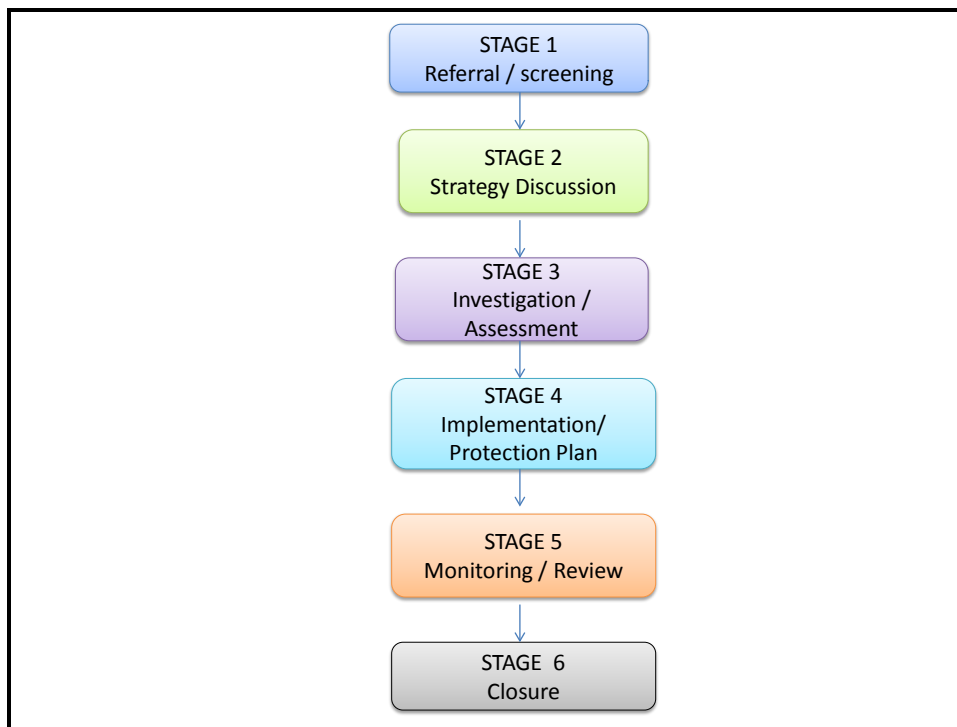
11.2. Adult Protection Referrals

- 11.2.1. Each HSC Trust will have an Adult Protection Gateway Service which will receive adult protection referrals. The service must be available on a 24 hour basis, 7 days per week, and will accept referrals from any source, irrespective of programme of care boundaries.
- 11.2.2. In circumstances where a crime is alleged or suspected, a referral to the PSNI should be made by telephoning 101, or in an emergency, 999. Both numbers are accessible on a 24 hour, 7 days per week basis.

11.3. Adult Protection Intervention

- 11.3.1. Each adult protection intervention is likely to be unique and the response made must allow for flexibility and individualised decision-making. It is important that each adult protection intervention remains outcome focused, rather than process driven. The threshold of serious harm should be applied at all stages throughout the adult protection intervention.
- 11.3.2. Each intervention will be made in accordance with an agreed process. A typical protection process is contained in figure 9 below encompassing 6 distinct stages. This policy does not advocate specific timescales for progressing through the stages of the protection process, because it is important that flexibility is maintained to allow for professional decision making. There can be complex issues to be managed such as fluctuating capacity and complex investigations that may require interagency collaboration and consultation including cooperation with any PSNI investigations. Nonetheless, it is important that all adult protection interventions are progressed in a timely manner, and must not be allowed to drift unnecessarily.

11.3.3. Figure 9 shows the 6 stages of the Adult Protection Process.



11.3.4. At every stage the individuals' human rights must be considered, and evidence of this recorded. The adult's rights and needs and the individual's views and wishes should be central to the protection intervention to ensure that they receive the support needed to achieve an agreed outcome.

11.3.5. Processes and procedures in themselves will not protect, people and good practice will.

11.4. Management of the Adult Protection Process

11.4.1. A **Designated Adult Protection Manager** (DAPO) will be responsible for the management of each referral received by a HSC Trust.

11.4.2. Every DAPO must be social work qualified working in a minimum of first line management role, suitably experienced and have undertaken the necessary training (see section 14).

11.4.3. The role of the DAPO is to:

- make sure the needs, safety and wishes of the adult at risk are kept central to any actions and decisions taken;
- screen the referral;
- make contact with PSNI if a crime is alleged or suspected, or there is an immediate risk of harm to an adult at risk;
- make key decisions including whether the threshold for protection intervention has been met;
- manage and coordinate the adult protection intervention;
- ensure that any risks to the adult(s) and others potentially at risk are assessed and agreed actions taken;

- analyse needs and risk assessments to determine the most appropriate course of action;
- inform and involve other agencies as necessary, and work with them to plan and carry out actions taken;
- will be responsible for coordinating the sharing of information between agencies
- ensure the support needs of the adult at risk and others affected are considered throughout;
- ensure appropriate documentation and records are fully completed, including records of all decisions taken;
- make sure the adult at risk and the referrer are given regular feedback, insofar as this is possible;
- analyse the adult safeguarding data within their service area and contribute to the governance arrangements as appropriate; and
- ensure that the connections are made with related interagency mechanisms such as:
 - Multi Agency Risk Assessment Conference (MARAC)
 - Domestic and sexual violence services
 - Public Protection Arrangements in Northern Ireland framework (PPANI)
 - Human trafficking procedures
 - Hate Crime Practical Action Scheme
 - Referral to the Office of Care and Protection (or equivalent)
 - Child Protection Gateway Service

- 11.4.4. The DAPO may decide to close the adult protection process at any stage if:
- it is agreed that further investigation or assessment is not required to protect the adult at risk;
 - the DAPO decides that an alternative safeguarding response is more proportionate and effective to address the concern identified;
 - a Protection Plan has been agreed and is in place and effectively addressing the needs and risks to the adult; or
 - the adult chooses to withdraw from the protection process.
- 11.4.5. The DAPOs in the HSC Trust will fulfil the role of the Adult Safeguarding Champion (ASC) in their service area (see section 8.5.6). Each service area must have a nominated DAPO to respond to any concerns arising in that service area.
- 11.4.6. Where the safeguarding concern relates to the quality of care provided to an adult in receipt of a regulated HSC service, the DAPO will engage the RQIA to ascertain whether the provider is in breach of regulation or minimum standards. The RQIA will act on all safeguarding concerns where there are breaches of standards or regulation and, where necessary, use their enforcement powers to ensure that the provider addresses any breach of the minimum standards to the satisfaction of RQIA.
- 11.4.7. The PSNI will be the lead agency when a criminal investigation is required, and any other related investigations or assessments must be coordinated with the PSNI. Responsibility for coordinating and communicating the outcome of, the criminal investigation lies with the Detective Inspector PPU. A criminal investigation will take precedence over any other adult safeguarding process. For example, a disciplinary process should not commence until after the conclusion of an adult protection criminal investigation (see section 12.3.3).

11.5. Large Scale or Complex Investigations

- 11.5.1. A large-scale adult protection investigation may be initiated when a number of adults at risk have allegedly been abused or patterns or trends are emerging which suggest serious concerns about the quality of care which put the safety of service users at risk.
- 11.5.2. This could include any of the following:
- multiple concerns within one service provider;
 - one person is suspected of causing harm to multiple adults and/or in a number of settings;
 - a group of individuals are alleged to be causing harm to one or more adults;
 - where care arrangements are complicated by cross-boundary considerations.
- 11.5.3. A large-scale adult protection investigation is likely to involve a wide range of organisations, and potentially a number of individual adult protection interventions.
- 11.5.4. Where there is a need for a large scale or complex investigation a senior manager in the HSC Trust, within whose locality the facility or service is located, should be nominated to take responsibility for coordinating the overall investigation with all other relevant organisations. Where another HSC Trust is responsible for commissioning the care, that Trust will retain the duty of care for the adult and should be involved in all decisions taken affecting the adult. If a crime is alleged or suspected the requirement to report to the PSNI will apply.
- 11.5.5. If there are concerns within a HSC Trust that the integrity of an investigation may be compromised if it were to lead the investigation, it should consider asking another HSC Trust or the HSCB to coordinate the investigation. In exceptional circumstances an independent co-ordinator may need to be appointed.
- 11.5.6. The HSCB's regional operational adult protection procedures will underpin this policy and provide guidance to support good practice and sound professional decision making. Procedures will be subject to regular review.
- 11.5.7. Operational policies and procedures should:
- a) clarify roles, responsibilities and expectations at all levels;
 - b) outline the importance of and interface with the Joint Protocol;
 - c) provide procedures for inter-agency working across the full range of organisations;
 - d) provide a consistent framework to guide adult protection interventions;
 - e) promote flexibility and a focus on outcome;
 - f) describe how the threshold of serious harm is applied at each stage of the process to enable the most proportionate response to be identified;
 - g) provide guidance on the management of adult protection referrals where more than one Trust is involved;
 - h) encourage reflective professional practice;
 - i) support robust decision making;
 - j) strengthen professional line management and governance arrangements;
 - k) outline procedures for integration with the other investigations (see paragraph 11.4.3);

- l) define information exchange procedures; and
- m) outline record keeping requirements.

DRAFT

12. CONSENT AND CAPACITY

12.1. Consent

12.1.1. Consideration of consent is central to adult safeguarding. Consent is a clear indication of a willingness to participate in an activity or to accept a service, including a protection service. It may be signalled verbally, by gesture, by willing participation or in writing. No one can give, or withhold, consent on behalf of another adult unless special legal provision for particular purposes has been made for this.

12.1.2. For a decision of consent to be valid, the decision needs to be informed, made by an individual with mental capacity and made free from coercion. In cases where the individual lacks mental capacity decisions will usually be made on behalf of the individual in accordance with current legal provisions.

12.1.3. A consent-driven approach to adult safeguarding will always involve:

- a presumption that the adult at the centre of a safeguarding decision or action has the capacity to give or withhold consent unless it is established otherwise;
- acknowledging that everyone has the right to pursue a course of action that others may judge to be unwise, and that a balance must be struck between an individual's human rights and the need to intervene to protect them from harming themselves or others;
- ensuring consent/non-consent is informed through the provision of full and accurate information, making sure that the information is conveyed in a way which the adult fully understands and taking all practicable steps to help the person make and communicate the decision;
- acknowledging that an adult who lacks capacity cannot give consent but that he or she should still be involved in decision-making as far as possible; and
- understanding that the choices and decisions made by the individual at any one time are not seen as irrevocable or non-negotiable.

12.2. Capacity

12.2.1. An adult at risk will always be assumed to have capacity unless it is suspected otherwise. Where there is reasonable doubt regarding the mental capacity of an adult at risk, a capacity assessment must be conducted by a HSC professional using the existing legal mental capacity framework and practice guidance.

12.2.2. Capacity can fluctuate, and is both issue and time specific, therefore should be kept under regular review in connection with any safeguarding intervention, in particular a protection intervention.

Lack of capacity

12.2.3. Tensions between an adult's autonomy and the need to intervene to keep an adult safe makes deciding whether to intervene when an adult is refusing consent or lacks capacity particularly difficult, and one that must always be judged on the individual circumstances of the adult.

12.2.4. Where an adult lacks capacity they should be supported to be involved to the fullest extent in any decisions affecting their life and any interventions and actions taken by the HSC Trust must be in the best interests of the person being safeguarded, and in accordance with existing legislation and policy relating to capacity.

12.3. Lack of Consent

12.3.1. In some circumstances it may be necessary for consent to be overridden. Where consent to intervene is not provided by the adult at risk, action to progress a case may still be taken in circumstances where there is a strong overriding public interest, or where a crime is alleged or suspected. This may happen when:

- the abuse or neglect has occurred on property owned or managed by an organisation with a responsibility to provide care; or
- the person causing the harm is a member of staff, a volunteer or someone who only has contact with the adult at risk because they both use the service; or
- other people are at risk from the person causing harm and they are also adults at risk

12.3.2. In these circumstances, the adult at risk should be informed of that decision, the reason for the decision, and reassured that no actions will be taken which affect them personally without their involvement.

12.4. Advocacy

12.4.1. Advocacy involves enabling people to say what they want, to have their views heard, and empowering them to speak up for themselves. It informs the person about their options and helps them to take action when necessary to have their voice heard and secure their rights.

12.4.2. Whilst advocacy is a social work role, the use of independent advocacy services to support the adult at risk in making their choices may be appropriate, particularly for those who have difficulty being heard or expressing their views, or where there are conflicting interests. This is particularly the case where HSC staff or professionals are of the opinion that what the person wants is not in their best interests.

12.4.3. Advocacy can assist adults at risk be involved in, and influence, decisions taken about their care. It helps to ensure that the adult at risk remains central to the decision making process. Advocacy should not make decisions on behalf of the adult at risk, but always work in partnership with the adult they are supporting. People who are lack capacity rely more heavily on others for many aspects of their care, treatment and support, and have the potential to benefit more from advocacy services to assist them exercise their rights.

13. ACCESS TO JUSTICE: SUPPORT FOR VICTIMS

- 13.1.1. Where a criminal offence is alleged to have occurred a range of mechanisms are in place to support a victim when giving a statement to the PSNI, evidence at court and in terms of emotional and practical support services more generally. The provision of these services requires effective cooperation across a range of organisations including the PSNI, the Public Prosecution Service and voluntary sector service providers.
- 13.1.2. Victims of crime can have access to additional support to help them give evidence, as part of criminal proceedings where a person is under the age of 18, or where the quality of the evidence is likely to be affected because the person has mental health issues, learning or communication difficulties, a neurological disorder or a physical disability. Additional support is also available to those victims who are intimidated and the quality of whose evidence is likely to be affected because of fear or distress about testifying, for example, where the person is a victim of domestic violence, hate crime, trafficking, exploitation, bullying or abuse by professionals or carers or family members. Frail older persons are likely to be considered as intimidated witnesses.
- 13.1.3. For these types of victims the PSNI will carry out interviews in accordance with 'Achieving Best Evidence in Criminal Proceedings' guidance. This sets out good practice in interviewing victims and witnesses and in preparing them to give their best possible evidence in court, so that they have an opportunity to access justice and provide their best evidence. Such interviews are normally video recorded.
- 13.1.4. Victims will have their needs assessed by the PSNI or Victim and Witness Care Unit (which provides a single point of contact from the point when the case file is transferred from the PSNI to the Public Prosecution Service).
- 13.1.5. Additional support at court may be applied for – special measures¹⁸ – by the Public Prosecution Service, with final decisions taken by the judge on their availability. More than one special measure may be granted in a particular case, with this again a decision for the judge. The special measures, as set out below, include:
- screens/curtains in the courtroom so the victim does not have to see the defendant;
 - a live video link allowing evidence to be given away from the courtroom, which also allows for a support to be present with the witness in the live link room;
 - giving evidence in private, where the case involves a sexual offence or the person is deemed to be intimidated;¹⁹
 - video recorded statements – these allow the main evidence to be given using a pre-recorded video statement;
 - using communication aids, such as alphabet boards (where the person's evidence is likely to be affected due to a learning or communication difficulty, mental health issue, physical disability etc.); and

¹⁸ A leaflet on special measures is available at http://www.psnipolice.uk/special_measures_leaflet.pdf. The legislation governing special measures can be found at: <http://www.legislation.gov.uk/nisi/1999/2789/contents>

¹⁹ Changes will be brought forward to include human trafficking within this.

- removal of wigs or gowns.

- 13.1.6. Another special measure is assistance from a communication specialist (a Registered Intermediary) when a person is telling the police what happened to them or is giving evidence in court. Registered Intermediaries are professional with specialist skills in communication. They assist a vulnerable person, who has a significant communication difficulty, during the criminal justice process if their communication difficulties would diminish the quality of their evidence. The Registered Intermediaries Schemes pilot is helping vulnerable people have access to justice where it may not have been possible before.
- 13.1.7. As well as help when giving evidence victims also have access to a range of general support services. Victim Support NI²⁰ helps people who have been a victim of, or a witness to, a crime. They provide emotional support, information and practical help to victims, witnesses and others affected by crime through compensation, community and witness services. Victim Support NI can also refer victims to specialist support services, where appropriate and available.
- 13.1.8. A Victim Charter will provide victims of crime with relevant information, set out what their entitlements are and the standards of service that they can expect to receive as they move through the criminal justice process. It will also make clear to service providers exactly what their duties are in ensuring victims receive the right level of service.

²⁰ www.victimsupportni.co.uk/

14. INFORMATION SHARING AND CONFIDENTIALITY

14.1. Information and Record Management

- 14.1.1. Information associated with adult safeguarding is likely to be of a personal and sensitive nature and its use is governed by the common law duty of confidentiality. At all times personal information must be managed in accordance with the law, primarily the Data Protection Act 1998 (DPA) and the Human Rights Act 1998.
- 14.1.2. Good records management standards and practices are required for the organisation to ensure confidentiality and that the security of service user information is respected. Guidance for Voluntary, Community and Independent sector organisations on the management of records, confidentiality and sharing of information is available in the Volunteer Now guidance document 'A Shared Responsibility'²¹. 'Good Management Good Records'²² provides guidance for those who work within or under contract to Health and Social Care statutory organisations on the required standards of practice in the management of records.

14.2. Information Sharing for Safeguarding Purposes

- 14.2.1. Effective safeguarding will depend on information being made available to those who need it at the right time.
- 14.2.2. In relation to adult safeguarding, the duty to share information about an individual can be as important as the duty to protect it. Proportionate information sharing may be required to prevent harm to the adult at risk or others, and can facilitate preventative or early intervention approaches.
- 14.2.3. It is important that confidentiality is not confused with secrecy. Proportionality is the key in respect of the risks associated with disclosure or non-disclosure. Decisions about what information should be shared and with whom should be taken on a case by case basis, and in accordance with organisational information management policies and the legal framework.
- 14.2.4. Organisations and professionals should not give assurances of absolute confidentiality in adult safeguarding where there are concerns about risk of harm to one or more adults, nor should it be assumed that someone else will pass on information which may be critical to the prevention of harm to an adult.
- 14.2.5. If anyone has concerns about risk of harm to an adult, then they should share the information with the relevant HSC Trust or the PSNI.
- 14.2.6. When deciding whether or not to share information, the following principles apply:
- make no presumption of disclosure / non-disclosure (unless there is a good reason for doing so);

²¹ 'Safeguarding Vulnerable Adults: A Shared Responsibility' can be accessed at: <http://www.volunteernow.co.uk/fs/doc/publications/vn-sva-web-full-colour.pdf>

²² 'Good Management Good Records' can be accessed at: <http://www.dhsspsni.gov.uk/index/gmgr.htm>

- do not operate a blanket approach to sharing information and consider each case individually;
- have a clear, evidence based rationale for sharing or not sharing information and be able to demonstrate that decisions are reasonable, justified and strike the appropriate balance between the need to protect the adult and respect for their privacy;
- ensure any information sharing is proportionate and reflective of what must be shared to protect the adult at risk; and
- ensure the views and interests of the adult concerned, and the impact of decisions on him/her and others who may be adversely affected by a decision to disclose, are clearly taken into account to enable him/her to avail of any remedies available.

14.2.7. Personally identifiable information can be shared when:

- the adult has given his or her valid consent; or
- there is a statutory requirement to use or disclose the information; or
- a substantial public interest favouring disclosure outweighs both the private interests of the individual and the public interest in maintaining confidentiality.

14.2.8. Where the decision is made to share information without consent, the organisation must ensure that the adult is clearly informed of what information will be shared, why it will be shared, and who it will be shared with.

14.2.9. If there is a reason to believe that sharing information due to a statutory duty to disclose may increase the risk of harm, legal advice may be sought. Similarly if there is doubt about whether the organisation can or should share information, legal advice can be sought.

14.2.10. Good record keeping of decision making is essential in cases where information sharing is being considered. Staff should maintain records of the information gathered which explains and justifies their decisions.

14.3. Inter-agency Working and Information Sharing

14.3.1. Effective safeguarding cannot be achieved without organisations working collaboratively to ensure the safety of the adult at risk is prioritised. Working together is dependent on there being a clear framework for doing so, and adult safeguarding should be based on good communication across sector and agency boundaries.

14.3.2. The effective and timely sharing of information is essential to deliver high quality adult safeguarding services focused on the needs of the adult. Agencies and organisations that work to safeguard adults should have an Information Sharing Protocol (ISP) in place. The protocol should be agreed at Board / Director level and subject to regular review.

14.3.3. An ISP should outline how organisations have agreed to share information and ensure compliance with legal requirements. The purpose of an ISP is:

- to facilitate the secure exchange of information, where necessary, to ensure the health, well-being and safeguarding of adults at risk;

- to provide a framework for the secure and confidential sharing of personal information between the partner organisations;
- to promote consistency of information sharing across partner organisations; and
- to support professional decision making in individual cases.

DRAFT

15. TRAINING

- 15.1.1. Effective adult safeguarding requires a specific level of knowledge, expertise and skill and understanding. Adult safeguarding is complex and must be delivered by a confident, competent and trained workforce, which includes those working in a voluntary or unpaid capacity.
- 15.1.2. All staff with safeguarding responsibilities should have training relevant to their particular roles.
- 15.1.3. NIASP has a responsibility to develop an inter-agency and inter-disciplinary approach to adult safeguarding training and practice development. NIASP will develop and agree a Regional Adult Safeguarding Training Framework which will specify learning outcomes and core content to meet a range of identified training needs within partner organisations.
- 15.1.4. The framework will provide a number of levels of training which reflect the differing needs of organisations across the safeguarding continuum. The appropriate level of training will be determined according to the roles and responsibilities of the individual.
- 15.1.5. Service providers should use the NIASP framework to identify and set out training and development pathways for their staff and volunteers, to ensure they have the appropriate skills and knowledge to respond to safeguarding concerns commensurate with their role. This may involve a combination of formal training events, and time for staff to reflect on their own practice and the practice of others. Records should be maintained of all training and development undertaken by staff and volunteers.

16. A CONTINUOUS LEARNING APPROACH

- 16.1.1. All practitioners, agencies and organisations involved in work with adults at risk must ensure that the highest possible standards of care, support and protection are provided and maintained at all times and improvements identified and put in place on a continuous basis. NIASP will foster a culture of collaborative learning and continuous practice and service improvement in connection with adult safeguarding. This will require knowledge and understanding of the 'system' at the front-line, the identification of and exploration of learning from cases with different outcomes for adults at risk of harm, or adults who have been harmed and the implementation of learning from both. The emphasis should be on learning for the purpose of positive proactive change and improvement. It will require the support of staff who will be responsible for the implementation of change.
- 16.1.2. NIASP will lead a culture of continuous improvement and collaborative learning to improve outcomes for adults who may be at risk and their experience of the adult protection responses.
- 16.1.3. This does not mean that those responsible for harming an adult at risk by an act of commission or omission should not be held to account. A range of accountability mechanisms already exist, including disciplinary mechanisms. These should be used where it is appropriate to do so.
- 16.1.4. The ultimate aim is to establish a system which promotes continuous learning and improvement to:
- establish whether there are lessons to be learned about the way in which local professionals, agencies and organisations work together to safeguard adults at risk;
 - identify clearly what those lessons are, how they will be acted upon, by whom and by when, and what is expected to change as a results;
 - improve, multi-disciplinary and interagency working, and promote better approaches to prevention, protection and support of adults at risk
- 16.1.5. NIASP will seek the full support, cooperation and participation of its member organisations to identify opportunities for learning and to bring these to the attention of NIASP.

17. Glossary

Adult Protection Gateway Service	The Adult Protection Gateway Service is the central referral point within the Health and Social Care Trust for all concerns about an adult who is, or may be, at risk.
Child Protection Gateway Service	The Child Protection Gateway Service is the central referral point within the Health and Social Care Trust for all concerns regarding the safety and welfare of children.
CJINI	Criminal Justice Inspection Northern Ireland is the independent statutory inspectorate with responsibility for inspecting all aspects of the criminal justice system in Northern Ireland apart from the judiciary. It also inspects a number of other agencies and organisations that link into the criminal justice system. CJI is funded by the Department of Justice and the Chief Inspector reports to the Minister for Justice.
Designated Adult Protection Officer	A person within the HSC Trust, suitably experienced, trained and skilled, with responsibility for managing and co-ordinating the adult protection process
DHSSPSNI	The Department of Health Social Services and Public Safety
DOJ	The Department of Justice
Direct Payments	Direct payments are paid by a HSCT to people who have been assessed by a Trust to meet the eligibility criteria for assistance from social services. A payment is made in lieu of the service so that the person can arrange and pay for their own care and support services instead of receiving them directly from the Trust.
ETI	The Employment and Training Inspectorate. The organisation which provides inspection services and information about the quality of education being offered including that within further education and work-based learning, where adults at risk may be enrolled.
HSCB	The Health and Social Care Board. ("The Board") The body responsible for arranging or 'commissioning' a comprehensive range of modern, effective and safe health and social services for the people of Northern Ireland.
HSC Trust	Health and Social Care Trust ("The Trust"). There are five Health and Social Care Trusts in Northern Ireland, providing local and regional health and social care services to the Northern Ireland public. The use of "HSCT" in the Policy document refers to the following five Health and Social Care Trusts: <ul style="list-style-type: none"> • The Belfast Trust • The South Eastern Trust • The Southern Trust • The Northern Trust

	<ul style="list-style-type: none"> • The Western Trust
LASP	Local Adult Safeguarding Partnerships. The five local multi-agency, multi-disciplinary partnerships located within their respective HSC Trusts.
MARAC	A MARAC is a Multi-Agency Risk Assessment Conference. It is a forum for local agencies to meet with the aim of sharing information about the highest risk cases of domestic violence and abuse and to agree a safety plan around victims.
National Referral Mechanism	A framework which exists to assist in the formal identification of victims of human trafficking and help to coordinate support to potential victims to appropriate service. The Department of Justice (DOJ) funds organisations to provide this support to adult potential victims of human trafficking. The PSNI are the lead agency in managing this response. However, consideration should be given to use of the Joint Protocol arrangements.
NIASP	The Northern Ireland Adult Safeguarding Partnership. The regional multi-agency, multi-disciplinary partnership that brings together representatives from organisations and communities of interest who have a significant contribution to make to adult safeguarding.
Office of Care and Protection	Office of Care and Protection is the department of the Court with responsibility for the administrative work associated with Part VIII of the Mental Health Order. This includes matters relating to enduring or lasting powers of attorney, and court-appointed deputies.
PBNI	Probation Board for Northern Ireland. PBNI works alongside statutory and other partners to minimise the risk of harm posed by offenders. PBNI is a Non Departmental Public Body of the Department of Justice (DOJ).
PCSP	Police and Community Safety Partnerships. Local bodies made up of Councillors and independent people in each Council area. PCSPs work with their community to identify issues of concern in the local area and potential solutions, and prepare plans to address these concerns.
PPANI	Public Protection Arrangements Northern Ireland. The purpose of the PPANI framework is to reduce the risks posed by sexual and violent offenders when they are released into the community in order to protect the public, including previous victims, from serious harm.
PPU	Public Protection Unit. These are located in police stations throughout Northern Ireland. Adult Protection Policy.
Programme of Care	The structure in Health and Social Care Trusts within which social care is commissioned and delivered in Northern Ireland.

Protection Plan	A plan agreed with the adult at risk (or the person representing them or their best interests) detailing the actions to be taken, with timescales and responsibilities, to support and protect the person from harm.
PSNI	The Police Service of Northern Ireland.
RQIA	The Regulatory and Quality Improvement Authority. Northern Ireland's independent health and social care regulator, responsible for monitoring and inspecting the availability and quality of health and social care services in Northern Ireland, and encouraging improvements in the quality of those services.

DRAFT

18. Bibliography

Document Title	Author
Adult Support and Protection: Ensuring Rights and Preventing Harm	Edinburgh, Lothian and Borders Executive Group
Evidence Review – Adult Safeguarding	Institute of Public Care
Haringey Safeguarding Adults Multi Agency Information Sharing Protocol	Haringey Council
Protecting adults at risk: London multi-agency policy and procedures to safeguard adults from abuse.	Social Care Institute for Excellence with the Pan London Adult Safeguarding Editorial Board
Protecting our Older People in Northern Ireland: A Call for Adult Safeguarding Legislation	Commissioner for Older People for Northern Ireland
Safeguarding Adults: a National Framework of Standards for good practice and outcomes in adults protection work	The Association of Directors of Social Services
Safeguarding Vulnerable Adults Regional Adult Protection Policy and Procedural Guidance	Health and Social Care Board
Safeguarding Vulnerable Adults A Shared Responsibility	Volunteer Now

This page is intentionally left blank

Appendix 4: Belfast City Council response to:

DRAFT ADULT SAFEGUARDING POLICY FOR NORTHERN IRELAND – PREVENTION AND PROTECTION IN PARTNERSHIP

Section 1 – About You

Name:	Elaine Black
Job Title: (if applicable)	CYP manager
Organisation: (if applicable)	Belfast City Council
Address:	Belfast City Council Cecil Ward Building 8-10 Linenhall Street Belfast BT2 8BP
City/Town:	Belfast
Postcode:	BT2 8BP
Email Address:	blacke@belfastcity.gov.uk

Whilst not essential, it would assist the Departments in analysing responses if you could indicate whether you are responding as one or more of the following:

- On behalf of a Health and Social Care Trust;
- On behalf of an organisation or group involved in the voluntary, community or faith sector that is delivering a service to adults at risk;
(Please specify) _____
- On behalf of another organisation / on behalf of a group of individuals;
(Please specify) _____ Belfast City Council _____
- A person who is an adult at risk, or an adult who has firsthand experience of the adult protection process;
- A carer of an adult at risk;
- A family member of an adult at risk.

Section 2 – Questions relating to the Draft Adult Safeguarding Policy and potential underpinning legislation

The draft Adult Safeguarding Policy is attached at Annex A to this consultation. These questions relate to particular areas of the draft policy, and should be read in conjunction with it. For ease of reference, the relevant section of the draft policy is referenced at each question, and space is provided for any additional comments you wish to make.

There is space at the end of this response form to add additional comments on any area of the draft policy or legislative proposals. If you provide additional comments it would be helpful if you reference which part of the document you are commenting on. If you refer to any other documents, please provide the title, author and if possible approximate date of publication or where they may be located.

Q1: Do you agree with the aims of the draft policy outlined in section 3?	Yes	X
	No	
<i>If no, please indicate which aim(s) you disagree with:</i>		

Q2: Are there any other organisations which this draft policy should apply to which are not listed in section 3.2?	Yes	X
	No	
<i>If yes, please list these below:</i>		
Policing and Community Safety partnerships and any other statutory but separately constituted organisations delivering on behalf of councils e.g. Trusts etc		

Q3: Do you agree with the underpinning principles of this draft policy, as outlined in section 4?	Yes	X
	No	
<i>If no, please indicate which principle(s) you disagree with:</i>		

Q4: Do you agree with the definition of an “Adult at Risk” given in paragraph 5.1.3?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q5: Do you agree with the definition of an “Adult in Need of Protection” given in paragraph 5.1.4?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q6: Do you agree with the definition of “harm” given in paragraph 5.1.6?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q7: Do you agree with the definition of “abuse” and the main forms that it may take given in paragraphs 5.1.10 to 5.1.13?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>In the main yes however the use of the word ‘relationship’ may be considered to mean a family member and distract from the overall meaning that anyone in contact with an adult at risk can create an abusive situation (item5.1.11)</p>		

Q8: Do you agree with the definition of “neglect” given in paragraph 5.1.14?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
Possibly could refer to the withholding of services as well as support in the definition		

Q9: Do you agree with the definition of “exploitation” given in paragraph 5.1.15?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q10: Do you agree with the Department’s view that self-harm and self-neglect are outside of the scope of the draft adult safeguarding policy?	Yes	
	No	X
<p>Local government may interact with adults requiring protection from their own behaviour for example ranging from reports received about the fitness of their homes or they come to our attention through substance abuse etc. Often the individual readily permits an intervention on their behalf however both examples originate from some form of self harm or neglect being reported in the community. The policy should be able to accommodate this growing service area which council provides and may inherit further under the power of wellbeing in any definition of harm or abuse. Council seeks assurance whether the original duty to care legislation or if a separate policy provides the cover to address these needs collaboratively.</p>		

Q11: Do you agree that the importance and extent of the preventative safeguarding roles of communities and organisations are sufficiently outlined within section 8?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q12: Have the key elements for internal governance arrangements for adult safeguarding been captured in section 8.5?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q13: Do you agree that all organisations providing targeted services should have an Adult Safeguarding policy and an Adult Safeguarding Champion?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q14: Do you agree with the role of the Adult Safeguarding Champion outlined in section 8.5.8?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q15: Have the key elements for external governance been captured in section 9, including the responsibilities of Contract Managers, Care Managers and Key Workers?	Yes	X
	No	
<i>Please provide further governance arrangements and/or responsibilities:</i>		
<p>Section 9 is very health specific for a collaborative policy and may benefit from a broad capture of all other collaborative partner arrangements to provide a balance or establish language that everyone recognises in terms of third parties delivering services.</p>		

Q16: Do you agree with the role of the Regulation and Quality Improvement Authority (RQIA) as outlined in section 9.4?	Yes	-
	No	-
<i>If no, please outline your reasons below:</i> We are not in a position to comment as we are not presently governed by RQIA.		

Q17: Do you agree that risk assessments should only be conducted by those within the statutory health and social care services as stated at paragraph 10.2.1?	Yes	-
	No	-
<i>If no, please outline your reasons below:</i> Seems reasonable for the health and social services sector however further work would be required for local government and communities.		

Q18: Are the factors influencing the determination of “serious harm” and the threshold for intervention by Protection Services captured in 10.3.2?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q19: Do you agree with the list of alternative responses in paragraph 10.4.3?	Yes	X
	No	
<i>Please indicate if there any other alternative responses which you consider should be listed.</i> An addition is suggested for the proposed policy to take on board our current reporting arrangements which are we escalate reports to either police or Gateway according to the nature of it.		

Q20: Are the respective roles of the HSC Trust and the PSNI and the protocol for joint working sufficiently clear in section 11?	Yes	X
	No	
<i>If no, please outline how you think this could be clarified:</i>		

--

Q21: Do you agree with the 6 stages of the adult protection process and the flexibility proposed in section 11.3?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>In the main however it would be helpful as the council is generally only involved up to stage 1 that prevention via awareness raising and training are captured as a pre stage.</p>		

Q22: Do you agree with the role of the Adult Protection Social Work Manager (APSWM) as outlined in section 11.4?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p></p>		

Q23: Do you agree with the process outlined for large scale or complex investigations in section 11.5?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p></p>		

Q24: Is there anything that operational adult protection procedures should cover that is not listed in paragraph 11.5.7?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>Management of communications where it is in the public interest.</p>		

--

Q25: Do you agree with the policy approach on consent and capacity, outlined in section 12?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q26: Do you agree with the policy approach on information sharing and inter-agency working outlined in section 14?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		

Q27: Do you agree that there should be a regional adult safeguarding training framework as described in section 15?	Yes	X
	No	
<i>If no, please outline your reasons below:</i>		
<p>A general regional safeguarding training framework for all ages would be supportive for the council's business.</p>		

Q28: Do you consider that the draft Adult Safeguarding Policy needs legislation to underpin it that is not already in place?	Yes	-
	No	-
<i>If no, please outline your reasons below:</i>		
<p>Council supports zero tolerance in safeguarding adults and through its work in particular as part of the Healthy Ageing Strategic Partnership welcomes any specific future legislative basis the sector may deem necessary to safeguard adults at risk of harm and abuse.</p>		

This section of the **questionnaire is only applicable for those who have responded 'yes' to Q28**. If you have answered 'no', and do not think the Adult Safeguarding Policy requires legislation to underpin it, please proceed to section 3.

Question 29: If you consider an Adult Safeguarding Bill is required, please indicate which of the following you think should be included, outlining your reasons. You

should refer to Annex C when completing these questions, which summaries the legislative proposals made by the Commissioner for Older People for Northern Ireland in her recent report, and the key considerations for each.

Proposal	Yes	No	Reason for answer
a) the participation on regional and local adult safeguarding partnerships on a statutory basis			
b) a statutory duty to report on appropriate organisations			
c) a statutory duty to make enquiries or conduct investigations			
d) a duty to provide “appropriate services” to an adult at risk. If yes, please indicate what services and in what circumstances			
e) a duty to cooperate			
f) a statutory power of access			
g) protection from civil liability for whistle blowing			

h) a power to remove a person at risk. If yes, in what circumstances should the power apply and to whom should it apply			
i) a power to ban a suspected abuser from contacting a specific adult at risk			
j) a power to access information, including financial information			
k) a offence of abuse of an adult at risk			
l) a criminal offence of corporate neglect			

Section 3 – Equality Impact Assessment Questions

In this section of the questionnaire we are asking you to tell us if you think the draft Adult Safeguarding Policy has promoted equality of opportunity in the Section 75 groups between persons of:

- (1) Different religious belief,
- (2) Different political opinion,
- (3) Different racial group,
- (4) Different age,
- (5) Different marital status,
- (6) Different sexual orientation;
- (7) Different gender
- (8) With a disability and persons without; and
- (9) With dependants and persons without.

You may wish to refer to the Equality Screening, Disability Duties and Human Rights Assessment Template at Annex C.

Q30: Are the actions / proposals set out in the draft Adult Safeguarding Policy likely to have an adverse impact on any of the nine equality groups identified under Section 75 of the NI Act 1998?	Yes	
	No	X
<i>If yes, please state the group or groups and provide comment on how these adverse impacts could be reduced or alleviated in the proposals.</i>		

Q31: Are you aware of any indication or evidence – qualitative or quantitative - that the actions / proposals set out in the draft Adult Safeguarding Policy may have an adverse impact on equality of opportunity or on good relations?	Yes	
	No	x
<i>If yes, please give details and comment on what you think should be added or removed to alleviate the adverse impact.</i>		

Q32: Is there an opportunity to better promote equality of opportunity or good relations?	Yes	
	No	X
<i>If yes, please give details as to how.</i>		

Q33: Are there any aspects of the actions/ proposals in the draft Adult Safeguarding Policy where potential human rights violations may occur?	Yes	
	No	X
<i>If yes, please give details as to how.</i>		

Please find additional comments related to Council’s response:

The policy may benefit from a further reflection of the business of partners and the community and voluntary sector and that this could be more fully illustrated in the language used and in how the policy will be operated.

It is vital the needs of all partners are included in the safeguarding adults policy and further assurance is sought particularly in relation to the new areas of council business such as community safety, emergency planning and areas covered by the Clean Neighbourhoods Act.

Belfast City Council

Report to:	Shadow Strategic Policy and Resources Committee
Subject:	arc21 Collaborative Arrangements
Date:	30 January 2015
Reporting Officer:	Tim Walker, Head of Waste Management, Ext 3311
Contact Officer:	Tim Walker, Head of Waste Management, Ext 3311

1	Purpose of Report
1.1	To seek approval from Committee for the Council to continue to be a member of a newly reconstituted arc21, post local government reform, when the number of councils shrinks from 26 to eleven and to consider a proposal received from Newry, Mourne and Down District Council to also join the reconstituted arc21.

2	Background
2.1	This report is being submitted primarily to ensure that the administrative purposes of the Council continue without interruption over the local government reform period. Members are reminded that the Department of the Environment (DOE) is responsible for the development and publishing of a waste management strategy setting out policies in relation to the recovery and disposal of waste and councils are responsible for the publication and implementation of Waste Management Plans setting out their arrangements to collect and treat these wastes.
2.2	In 2000, eleven councils stretching from Ballymena Borough to Down District Council came together to form arc21, which is one of three Waste Management Groups in Northern Ireland, to fulfil these responsibilities. It was set up as a waste management joint committee under the Local Government Act (NI) 1972 with body corporate status giving it the legislative authority, in its own right, to employ staff, acquire assets and enter into contracts.
2.3	The DOE has advised arc21 that, in terms of local government reform, an early decision on the future arrangements for waste management is required to allow time for the necessary legislation to be put in place
2.4	The body corporate legislation for arc21 lists the existing 11 constituent councils of the arc21 Joint Committee but these will cease to exist as of April 2015. At this time, arc21 will be providing the following on behalf of Belfast and some of its constituent councils: <ul style="list-style-type: none"> ▪ a landfill contract ▪ a garden & food waste treatment contract ▪ the emptying and recycling of bring banks ▪ the supply of bins ▪ the supply of kitchen caddy liners and ▪ a materials recovery facility (MRF) contract.

2.5	In addition, arc21 is entering into the final stages of the procurement for the development of major waste infrastructure for the long term treatment of residual waste which will facilitate the Council in achieving its statutory waste targets.
2.6	As the current constituent councils cease to exist, it would appear timely for the new councils to consider the adequacy of the existing waste management structure for delivery of their future waste management functions and, in particular, whether the governance and decision-making arrangements are fit for purpose.
2.7	<p>There are several potential delivery models for the future which might include:</p> <ol style="list-style-type: none"> 1. The establishment of a single waste authority, either voluntary or mandatory 2. The establishment of multiple joint committees, either voluntary or mandatory or 3. No cross-council co-operation
2.8	Since its early days, arc21 has been advocating that the first model could provide the best delivery model for Northern Ireland which has been endorsed by the constituent councils a number of times but, currently, the development of a single waste authority, either voluntary or mandatory and the development of mandatory joint committees would require changes to existing policy and primary legislation and are not achievable in the short term.
2.9	Therefore, to reflect the existing contractual arrangements and allow time for all options to be identified and fully considered, it is proposed to continue with a reconstituted arc21 which will permit the existing arrangements to continue. The Council's Legal Services section is currently working with arc21 on revising the Terms of Agreement and, in light of progress made to date, a draft copy of these has been appended to this report (see Appendix 1). Given the close involvement of Legal Services in revising this document, Members are requested to grant authority to the Chief Executive once the document has been finalised to expedite the necessary arrangements with the DOE for reconstituting arc21 and to ensure that delivery of the contracts above does not falter.
2.10	The original joint committee was established in perpetuity and the reconstitution process is to ensure continuity of the Joint Committee arrangements with the new councils. This is especially pertinent given that the new councils are taking on the liabilities of the old councils. Post April 2015, the new councils will then need to decide the longer term arrangements for the provision of waste management group services as per 2.6 above. Following such a strategic review, the new councils, which will have become participant councils in the reconstituted Joint Committee, will then be required to formalise any such arrangements with the DOE including, if required, winding up the Joint Committee.
2.11	Arising from the changes to council boundaries associated with local government reform, Newry & Mourne District Council will merge with Down District Council to form Newry, Mourne and Down (NMD) District Council. In late 2014, the issue of the membership of NMD District Council was raised with the arc21 Joint Committee and Members present expressed support for this council becoming a constituent council of arc21, subject to ratification of this decision by the shadow councils. A formal proposal seeking membership has been received by arc21 from NMD District Council, to ensure the continuity of the services needed, and associated contribution, to fulfil the obligations of Down District Council, in the short term.
2.12	Currently, Newry and Mourne District Council is a member of another Waste Management Group (SWaMP2008) but the contractual arrangements in place within SWaMP2008 mean that this council directly manages its own waste contracts. The new NMD District Council proposes to formally end its relationship and join arc21. As a consequence, the proposal from NMD is for one year to allow this formal process to be undertaken, including meeting any liabilities of ending its relationship.

2.13	Belfast City Council has now received a letter from the arc21 Chief Executive, on behalf of the Joint Committee, enquiring if the Council is in a position to consider proceeding to become members of a reconstituted arc21 Joint Committee and also to ask if it would be in a position to consider the proposal received from Newry, Mourne and Down District Council to join arc21.
------	---

3	Key Issues
3.1	Local government reform now means that the constituent councils of arc21 will cease to exist after April 2015.
3.2	Notwithstanding that, the adequacy of the existing waste management structure in terms of providing continuity of service for a number of existing contracts, needs to be maintained. Members are now being asked to become members of a reconstituted arc21 Joint Committee.
3.3	Furthermore, Members will also be asked, if they support joining a reconstituted arc21, to consider the proposal received from Newry, Mourne and Down District Council to also join the reconstituted arc21.

4	Resource Implications
	<p data-bbox="225 1014 1436 1086"><u>Financial Implications</u></p> <p data-bbox="129 1086 225 1176">4.1</p> <p data-bbox="225 1086 1436 1176">There are no direct financial implications for the Council with regards to this proposal.</p> <p data-bbox="225 1176 1436 1243"><u>Human Resources</u></p> <p data-bbox="129 1243 225 1279">4.2</p> <p data-bbox="225 1243 1436 1279">There are no direct HR implications for the Council with regards to this proposal.</p>

5	Equality and Good Relations Considerations
5.1	There are no relevant equality and good relations implications associated with this report.

6	Call-In
6.1	This report is subject to call-in.

7	Recommendations
7.1	Members are recommended that, to ensure service continuity from 1 April 2015, the Council agrees to continue with a reconstituted arc21 arrangement. Members are also requested to grant authority to the Chief Executive once the Terms of Agreement have been finalised to expedite the necessary arrangements with the DOE.
7.2	Finally, Members are recommended to support the proposal received from Newry, Mourne and Down District Council to join the reconstituted arc21.

8	Decision Tracking
	The Head of Waste Management will work with arc21 to ensure that the appropriate decisions are taken regarding maintaining contract service delivery and reconstituting arc21, and report any further constitutional matters to the Council for consideration in due course.
9	Abbreviations
	MRF – materials recovery facility NMD – Newry, Mourne & Down District Council
10	Appendices
	Appendix 1 – draft Terms of Agreement for a reconstituted arc21

DRAFT

APPENDIX 1

Dated this 1st day of April 2015

arc21 JOINT COMMITTEE

TERMS OF AGREEMENT

re: Proposal to reconstitute the Joint Committee with effect from 1 April 2015

Mr John Walsh
Town Solicitor
Belfast City Council
City Hall
Belfast BT1 5GS

THIS AGREEMENT made this day of 2015

BETWEEN : -

1. **ANTRIM and NEWTOWNABBEY DISTRICT COUNCIL**
2. **BELFAST CITY COUNCIL**
3. **EAST COAST BOROUGH COUNCIL**
4. **LISBURN & CASTLEREAGH CITY COUNCIL**
5. **MID AND EAST ANTRIM BOROUGH COUNCIL**
6. **NEWRY, MOURNE AND DOWN DISTRICT COUNCIL**

1. DEFINITIONS

In this Agreement, the expressions:-

- 1.1 'the 1972 Act' means the Local Government Act (Northern Ireland) 1972.
- 1.2 'the 2014 Act' means the Local Government Act (Northern Ireland) 2014.
- 1.3 'the 2014 Transitional' regulations means the Local Government (Transitional, Supplementary, Incidental Provisions and Modifications) Regulations (Northern Ireland) 2014
- 1.4 'the 1997 Order' means the Waste & Contaminated Land (NI) Order 1997.
- 1.5 'the 2003 Terms of Agreement' means the Agreement entered into by the Predecessor Councils and a copy of which is set out in Annex 3 to this Agreement.
- 1.6 'the Ancillary Functions' and 'the Core Functions' shall be construed in accordance with the provisions of the Principle of Functional Responsibilities, as set out in the Statement of Principles.
- 1.7 'the arc21 Waste Management Group Joint Committee' means the Joint Committee agreed to be established by the Participant Councils pursuant to Clause 3 of these Terms of Agreement, and to operate under the style "arc 21".
- 1.8 'the Department' means the Department of the Environment (Northern Ireland).
- 1.9 'the former arc 21' means the Joint Committee established by the Predecessor Councils pursuant to the 2003 Terms of Agreement.
- 1.10 'the Participant Councils' means those district councils expressed to be parties to these Terms of Agreement, the 2015 Terms of Agreement.

- 1.11 'the Predecessor Councils' means those former District Councils which were party to the 2003 Terms of Agreement.
- 1.12 'the Statement of Principles' means those principles as set out in Annex 1 to these Terms of Agreement.
- 1.13 'the Waste Management Plan' means the Sub-regional Waste Management Plan, (as subsequently amended) which was originally jointly adopted in the year 2003 by the Predecessor Councils.

2. BACKGROUND

- 2.1 Article 23 of the 1997 Order establishes a requirement for each district council in Northern Ireland to prepare a waste management plan, taking into account (inter alia) the Waste Strategy prepared by the Department pursuant to Article 19 of the 1997 Order, and including information as to (inter alia) what arrangements that council expects to make with other district councils.
- 2.2 The Department originally published its Northern Ireland Waste Management Strategy in May 2000, and further updated the strategy in 2006 with the publication of the Northern Ireland Waste Management Strategy 2006/2020 - 'Towards Resource Management', one of the objectives of the strategy being to put in place a framework for the preparation of joint waste management plans to develop an integrated network of regional waste management facilities which will be cost effective to the public.
- 2.3 In furtherance of the sub-regional approach promoted by the Department in its strategy, the Predecessor Councils established a Joint Committee, known as arc21, under the provisions of section 19 of the 1972 Act, and adopted the Statement of Principles as appended to the 2003 Terms of Agreement.
- 2.4 Having consulted with the Department in accordance with the provisions of Article 23 of the 1997 Order, arc21 adopted the Waste Management Plan, which sets out the proposals of the Predecessor Councils as to how they would collectively deal with their waste arising over the period up to 2020. The Plan was thereafter the subject of a review process in 2006 concluding in the formal determination by all Constituent Councils in March 2007,
- 2.5 The Waste Management Plan was again subject to a review process in 2014 and the reviewed plan was approved by the Department in June 2014 and subsequently formally adopted by all Constituent Councils.
- 2.6 Following the reorganisation of Local Government, and the making of the 2014 Act, arrangements are required to be put in place to ensure the continuity of waste management services provided by the former arc21 and, in particular, to enable the decisions, in relation to the major waste infrastructure facilities required to treat residual waste in compliance with the Northern Ireland Landfill Allowances Scheme and statutory waste management targets, to be taken.
- 2.7 The Participant Councils have agreed to reconstitute the Joint Committee by way of successor to the former arc21, and which will have, as a priority task, the implementation of those major procurement arrangements which will arise from the Waste Management Plan.

3. RECONSTITUTION OF THE JOINT COMMITTEE

- 3.1 The Participant Councils, acting pursuant to the powers conferred on them by Part 4 of the 2014 Act – Discharge of Functions - hereby collectively agree as follows: -

- 3.1.1 that they shall reconstitute the Joint Committee for the purpose of implementing the policies set out in the Waste Management Plan;
- 3.1.2 that they formally advise the Department that they wish the Joint Committee to be reconstituted a body corporate with perpetual succession by the name of 'arc 21', with power to continue accepting the assets, liabilities and staff of the former arc21 as at 31 March 2015, and to further have the power to employ staff, enter into financing arrangements, including the borrowing of money and holding of investments, acquire and hold property whether by agreement or otherwise, hold funds and enter into contracts;
- 3.1.3 that the functions of the Joint Committee shall be fixed by reference to these Terms of Agreement (including the Statement of Principles);
- 3.1.4 that the Department puts in place the necessary administrative arrangements, including, if appropriate, any amendments to the regulations or subordinate legislation to implement the requirements of these Terms of Agreement, including provision that section 19 of the Interpretation Act (NI) 1954 shall apply to the Joint Committee.
- 3.1.5 that the Participant Councils may agree to vary the terms and conditions of membership of any individual Participant Council following the formal request from such individual Participant Councils seeking to vary the terms and conditions of membership.

3.2 Additional Membership

- 3.2.1 The Participant Councils may allow other Councils to become members of the Joint Committee subject to the agreement with the Joint Committee and the Participant Councils of appropriate terms and conditions (including terms as to representation, voting rights, the participation in the procurement and award of waste service and supplies contracts, the contribution towards the funding of the activities of the Joint Committee and any other matters deemed appropriate).

Such changes to the membership of the Joint Committee will also require the agreement of the Department.

4. DELEGATED POWERS

- 4.1 The Participant Councils hereby agree that the Joint Committee shall have delegated powers and responsibilities as more particularly described and delimited in the Statement of Principles.
- 4.2 In relation to the acquisition of assets or the incurring of liabilities, a threshold of £250,000 shall apply and over which the unanimous agreement of the Joint Committee and approval of all of the Participant Councils shall be required (as referred to in the 'Principle of Limit of Delegation')

5. ESTABLISHMENT AND OPERATING COSTS

- 5.1.1 In accordance with the Principle of Equitable Shared Funding, the costs of establishing and operating the Joint Committee (including employee costs, premises costs, supplies and services costs, travel and transport costs, the costs associated with

management of operational waste services and supplies contracts) shall be borne by the Participant Councils by reference to their respective populations or in such other manner which the Joint Committee may agree, the percentage calculations of which are in accordance with the Mid Year Population Statistics as published by NISRA annually, but which shall be reviewed annually by the Joint Committee, and adjusted as appropriate.

- 5.1.2 In relation to the costs associated with the procuring of waste management services and supplies contracts including dealing with any legal action required to promote or defend the organisation, procuring the services of specialist advisors, securing regulatory consents (including Planning and Licensing), the updating of the statutory Waste Management Plan, and the provision of educational and promotional services, the costs incurred shall be re-charged to the Participant Councils by reference to their respective populations or in such other manner which the Joint Committee may agree.
- 5.1.3 In relation to the costs associated with other activities or functions which the Joint Committee may undertake on behalf of the Participant Councils, the costs incurred shall be re-charged to the Participant Councils by reference to their respective populations or in such other manner which the Joint Committee may agree.
- 5.2 The Joint Committee may (subject to the Principle of Consensus) award contracts for the provision of waste disposal and/or treatment facilities by external contractors on the basis that the costs of constructing the facilities will be amortised over the relevant contract periods or on the basis of such other commercial arrangements as might be appropriate. In determining the specifications of such contracts, the Joint Committee shall endeavour to ensure that:-
- contracts are appropriately bundled to achieve best value for money for the arc21 administrative area as a whole;
 - contracts shall provide for a suitable number of treatment facilities and waste transfer stations which shall, when taken with other contracts, reflect an equitable geographical distribution of such facilities and stations, having regard at all times to the overall objective of achieving due economies of scale;
 - the pricing specification of each contract shall, where circumstances permit, provide for a standard waste tonnage acceptance charge (or Unitary Charge Per Tonne/Unit) by the respective waste contractors or suppliers, subject to an economic appraisal being commissioned by the Joint Committee to ensure that, when taken with the pricing structure of other contracts awarded by the Joint Committee, there is no material element of cross-subsidisation of costs within the Participant Councils.
- 5.3 In relation to those waste disposal and/or treatment infrastructure facilities which are procured by the Joint Committee at a capital cost ('the procured facilities'), including the acquisition of Land and Property, the costs incurred shall be re-charged to the Participant Councils by reference to their respective populations or in such other manner which the Joint Committee may agree.
- 5.4 The Joint Committee shall hold the procured facilities (including Land and Property) in trust for the Participant Councils on a basis commensurate in percentage terms with the costs so re-charged.
- 5.5 In establishing the charges for acceptance of waste at such facilities, as set out in 5.3, the Joint Committee shall consider, where appropriate, the aggregate cost of operating groups

of procured facilities of similar treatment types for the purpose of establishing a fair rate to charge to the Participant Councils.

6. COMPOSITION AND PROCEDURE OF THE JOINT COMMITTEE

6.1 In accordance with the Principle of Equal Committee Representation, each of the Participant Councils shall have equal representation, agreed at 3 Members each, with no substitute Members allowed.

6.2 In addition to the Statutory Provisions already applied to arc21 by virtue of The Local Government (Constituting Joint Committees as Bodies Corporate) Order (Northern Ireland) 2012, which shall continue to apply subject to any repeals or alterations in the 2014 Act or otherwise, the provisions (and Schedules) of the Local Government Act (Northern Ireland) 2014, as set out below, shall apply to the Joint Committee :

- Part 4 - Discharge of Functions
 - Clauses 9 to 18
- Part 8 – Access to Meetings and Documents
 - Clause 46(3)– Any reference in this Part to a committee or sub-committee of a council includes (a) a joint committee or (b) a sub-committee of a joint committee
- Part 9 – Conduct of Councillors
- Part 15 – Amendments to the 2005 Order – the local government auditor
- Part 16 – Miscellaneous
 - Clause 111
 - Clauses 115 to 119
 - Clause 121 to 124
 - Clause 126 – Interpretation
- Schedule 2 – Appointment of Councillors to Committees, etc.
 - Clause 6
- Schedule 5 – Meetings and Proceedings
 - Clause 12 which incorporates clauses 8 to 11
- Schedule 6 – Access to Information : Exempt Information
- Schedule 7 – Minor and consequential amendments relating to Local Government Audit
- Schedule 8 – Transfer Schemes
- Schedule 9 – Minor and consequential amendments : General
 - Clause 5
- Schedule 10 – Repeals
 - The Local Government Act (Northern Ireland) 1972 Schedule 7 the entries relating to sections 23,24,25,26,27,39,47A,48,127 and 128

6.3 The quorum of the Joint Committee shall be six, provided that at least four of the Participant Councils are represented.

6.4 The proceedings of the Joint Committee shall be regulated by Standing Orders to be agreed and adopted by the Participant Councils.

7. DISPUTE RESOLUTION

In the event of any disagreement between the Participant Councils in relation to any matter arising pursuant to these Terms of Agreement, but entirely without prejudice to the provisions set out in the Statement of Principles (and in particular the Principle of Consensus), the Joint Committee may request the Department, or such other body as it might agree, to act as a conciliator in accordance with such procedure as shall be agreed by the parties, and to the intent that the parties shall endeavour to resolve their differences in the spirit of achieving the objectives of the Waste Management Plan.

8. EFFECTIVE DATE

These Terms of Agreement shall be deemed to come into effect on the 1st of April 2015, being the date that the new Councils' structure, as set out in the Local Government Act (Northern Ireland) 2014, becomes operational,

IN WITNESS whereof this Agreement is signed by the respective Chief Executives of each of the Participant Councils and each subscribing his or her signature hereto in a manner hereinafter appearing.

ANNEX 1

STATEMENT OF PRINCIPLES

arc21 JOINT COMMITTEE

THE FIVE PRINCIPLES

- Principle of Consensus
- Principle of Limit of Delegation
- Principle of Functional Responsibilities
- Principle of Equitable Shared Funding
- Principle of Equal Committee Representation

PRINCIPLE OF CONSENSUS

It shall be an overarching principle that all policy decisions and decisions with significant financial implications for the Joint Committee shall be taken on the basis of the consensus of all the Participant Councils, within the framework of the Waste Management Plan and these Terms of Agreement including this Statement of Principles. Accordingly, any material change in the Waste Plan or any decisions in relation to the acquisition or use of significant assets, or the incurring of significant liabilities will require the prior approval of the Participant Councils.

For the avoidance of doubt, significant financial implications shall relate to the amount shown in Clause 4.2 of these Terms of Agreement, £250,000.

Again for the avoidance of doubt, in terms of the awarding of a contract by Participant Councils, as recommended by the Joint Committee, only the consensus of those Participant Councils, actually participating in such contracts, is required.

PRINCIPLE OF LIMIT OF DELEGATION

The Participant Councils shall delegate powers and functions to the Joint Committee to the extent necessary to enable it to carry out its Core Functions and Ancillary Functions. This delegation shall be with a view to achieving economies of scale and minimising of costs. No further functions are to be transferred to the Joint Committee except with the prior approval of the Participant Councils.

PRINCIPLE OF FUNCTIONAL RESPONSIBILITIES

The Joint Committee shall have Core Functions and Ancillary Functions. The Core Functions shall be the procurement of waste services and supplies contracts for the acceptance, treatment and disposal of waste in accordance with the Waste Plan, and the management of those waste services and supplies contracts.

In relation to the Core Functions (as affecting both short and long-term contracts) the Joint Committee shall:-

- Approve the specifications and award criteria for the contracts
- Invite tenders for and award the contracts
- Operate the contracts
- Have the power to acquire (by agreement or otherwise), hold and use assets and investments
- Recover the contract operating costs from the Participant Councils on an equitable basis or in such other manner as the Participant Councils agree.

The Ancillary Functions shall be matters such as waste minimisation schemes, education programmes and other initiatives as may be agreed from time to time with the individual Participant Councils and to be operated on the basis of annual programmes and/or service level agreements.

PRINCIPLE OF EQUITABLE SHARED FUNDING

- The costs of establishing and operating the Joint Committee shall be pre-estimated, as far as possible, by reference to a business plan, and/or operating plan, and shall be recovered on an equitable basis (by reference to respective populations) from the Participant Councils in accordance with the provisions of Clause 5 of the Terms of Agreement, subject to Clause 3.1.5. and any further membership agreements entered into pursuant to clause 3.2.
- The Joint Committee's net costs of operating the Core Functions shall be recovered on an equitable basis from the Participant Councils, subject to Clause 3.1.5, in accordance with the provisions of the Terms of Agreement, having regard to all relevant cost factors arising in relation to the acceptance, treatment and disposal of waste of each of the Participant Councils, and take account of any further membership agreements entered into pursuant to clause 3.2.
- The costs of operating the Ancillary Functions shall be in accordance with the relevant annual service level agreements or revenue estimates process.

PRINCIPLE OF EQUAL COMMITTEE REPRESENTATION

The Joint Committee shall be constituted on the basis of equal representation, with each Participant Council entitled to three voting places.

Each Participant Council shall accordingly be entitled to appoint three members to the Joint Committee with no right to nominate substitutes to attend, and vote, in their absence.

The proceedings of the Joint Committee shall be regulated by Standing Orders to be agreed by the Participant Councils.

THE 2003 TERMS OF AGREEMENT

Dated this 1st day of July 2003

EASTERN REGION WASTE MANAGEMENT GROUP

TERMS OF AGREEMENT

re: Proposal to establish a Joint Committee

arc 21

C Quigley
Director of Legal Services
City Hall
BELFAST
BT1 5GS

THIS AGREEMENT made this day of 2003
BETWEEN : -

1. **ANTRIM BOROUGH COUNCIL** of The Steeple, Antrim, Co. Antrim, BT41 1BJ
2. **ARDS BOROUGH COUNCIL** of 2 Church Street, Newtownards, Co. Down, BT23 4AP
3. **BALLYMENA BOROUGH COUNCIL** of Ardeevin, 80 Galgorm Road, Ballymena, Co. Antrim, BT42 1AB
4. **BELFAST CITY COUNCIL** of City Hall, Belfast, BT1 5GS
5. **CARRICKFERGUS BOROUGH COUNCIL** of Town Hall, Carrickfergus, Co. Antrim, BT38 7BL
6. **CASTLEREAGH BOROUGH COUNCIL** of Bradford Court, Upper Galwally, Castlereagh, BT8 6RB
7. **DOWN DISTRICT COUNCIL** of 24 Strangford Road, Downpatrick, Co Down, BT30 6SR
8. **LARNE BOROUGH COUNCIL** of Smiley Building, Victoria Road, Larne, Co. Antrim, BT40 1RU
9. **LISBURN CITY COUNCIL** of The Island, Lisburn, Co. Antrim, BT27 4RL
10. **NEWTOWNABBEY BOROUGH COUNCIL** of Mossley Mill, Newtownabbey, Co. Antrim, BT36 5QA
11. **NORTH DOWN BOROUGH COUNCIL** of Town Hall, The Castle, Bangor, Co. Down, BT20 4BT

1. DEFINITIONS

In this Agreement, the expressions:-

- 1.1 'the 1972 Act' means the Local Government Act (NI) 1972.
- 1.2 'the 1997 Order' means the Waste & Contaminated Land (NI) Order 1997.
- 1.3 'the Ancillary Functions' and 'the Core Functions' shall be construed in accordance with the provisions of the Principle of Functional Responsibilities, as set out in the Statement of Principles.
- 1.4 'the Department' means the Department of the Environment for Northern Ireland.
- 1.5 'ERWMG' means the Eastern Region Waste Management Group (described in Clause 2.3).
- 1.6 'the Joint Committee' means the Joint Committee agreed to be established by the Participant Councils pursuant to Clause 3 of these Terms of Agreement.

- 1.7 'the Participant Councils' mean those above-named district councils expressed to be parties to these Terms of Agreement.
- 1.8 'the Statement of Principles' means those principles as set out in the Annex to these Terms of Agreement.
- 1.9 'the Waste Management Plan' means the Sub-regional Waste Management Plan which has been jointly adopted in this year 2003 by the Participant Councils as further described in Clause 2.4.

2. BACKGROUND

- 2.1 Article 23 of the 1997 Order establishes a requirement for each district council in Northern Ireland to prepare a waste management plan, taking into account (inter alia) the Waste Strategy prepared by the Department pursuant to Article 19 of the 1997 Order, and including information as to (inter alia) what arrangements that council expects to make with other district councils.
- 2.2 The Department published its Northern Ireland Waste Management Strategy in May 2000, one of the objectives of which was stated therein as being to put in place a framework for preparation of joint waste management plans to develop an integrated network of regional waste management facilities which would be cost effective to the public.
- 2.3 In furtherance of the sub-regional approach promoted by the Department in its strategy, the Participant Councils agreed to form the Eastern Region Waste Management Group for the purpose of developing a joint waste management plan.
- 2.4 ERWMG have now jointly adopted, having consulted with the Department in accordance with the provisions of Article 23 of the 1997 Order, the Waste Management Plan which sets out the proposals of the Participant Councils as to how they would collectively deal with their waste arising over the period of the next 20 years.
- 2.5 The Participant Councils have agreed that, for the purpose of establishing an appropriate legal vehicle tasked with implementing those major procurement arrangements which will arise from the Waste Management Plan, they shall form a Joint Committee pursuant to the provisions of section 19 of the Local Government Act (NI) 1972.
- 2.6 As a preliminary step towards the formation of the Joint Committee, the Participant Councils have separately and effectively adopted the Statement of Principles as those fundamental principles which underpin the role and purpose of the Joint Committee and which establish the parameters within which the Joint Committee shall function and operate.

3. ESTABLISHMENT OF JOINT COMMITTEE

- 3.1 The Participant Councils, acting pursuant to the powers conferred on them by section 19 of the 1972 Act, hereby collectively agree as follows: -
- 3.1.1 that they shall establish a Joint Committee for the purpose of implementing the policies set out in the Waste Management Plan;

- 3.1.2** that an application shall as soon as practicable be made to the Department to have the Joint Committee constituted a body corporate with perpetual succession by the name of 'Arc 21' with power to employ staff, enter into financing arrangements, including the borrowing of money, hold property and funds, and enter into contracts;
- 3.1.3** that the functions of the Joint Committee shall be fixed by reference to these Terms of Agreement (including the Statement of Principles);
- 3.1.4** that the Order to be made by the Department under section 19 of the 1972 Act shall make such further incidental and consequential provision as shall be reasonably necessary to implement the requirements of these Terms of Agreement, including provision that section 19 of the Interpretation Act (NI) 1954 shall apply to the Joint Committee.

4. DELEGATED POWERS

- 4.1** The Participant Councils hereby agree that the Joint Committee shall have delegated powers and responsibilities as more particularly described and delimited in the Statement of Principles.
- 4.2** In relation to the acquisition of assets or the incurring of liabilities, a threshold of £250,000 shall apply and over which the unanimous agreement of the Joint Committee and approval of all of the Participant Councils shall be required (as referred to in the 'Principle of Limit of Delegation')

5. ESTABLISHMENT AND OPERATING COSTS

- 5.1** In accordance with the Principle of Equitable Shared Funding, the costs of establishing and operating the Joint Committee (including contract administration and management costs) shall be borne by the Participant Councils by reference to their respective populations, the percentage calculations of which are set out in the Schedule to these Terms of Agreement, but which shall be reviewed by the Joint Committee every three years, and adjusted as appropriate.
- 5.2** The Joint Committee may (subject to the Principle of Consensus) award contracts for the provision of waste disposal and/or treatment facilities by external contractors on the basis that the costs of constructing the facilities will be amortised over the relevant contract periods or on the basis of such other commercial arrangements as might be appropriate. In determining the specifications of such contracts, the Joint Committee shall endeavour to ensure that:-
- contracts are appropriately bundled to achieve best value for money for the ERWVG as a whole;
 - contracts shall provide for a suitable number of treatment facilities and waste transfer stations which shall, when taken with other contracts, reflect an equitable geographical distribution of such facilities and stations, having regard at all times to the overall objective of achieving due economies of scale;

- the pricing specification of each contract shall, where circumstances permit, provide for a standard waste tonnage acceptance charge at transfer stations, subject to an economic appraisal being commissioned by the Joint Committee to ensure that, when taken with the pricing structure of other contracts awarded by the Joint Committee, there is no material element of cross-subsidisation of costs within the Participant Councils.

5.3 In relation to those waste disposal and/or treatment facilities (including, where appropriate, waste transfer stations) which are procured by the Joint Committee at a capital cost ('the procured facilities'), the costs incurred shall be re-charged to the Participant Councils on the same basis as set out in Clause 5.1. The Joint Committee shall hold the procured facilities in trust for the Participant Councils on a basis commensurate in percentage terms with the costs so re-charged. Tonnage charges shall, unless otherwise agreed, be assessed by reference to the Joint Committee's costs of operating the procured facilities. In establishing the charges for acceptance of waste at such facilities, the Joint Committee shall consider, where appropriate, the aggregate cost of operating groups of procured facilities of similar treatment types for the purpose of establishing a common rate, but ensuring that no material element of cross subsidisation of tonnage charges arises within the Participant Councils.

6. COMPOSITION AND PROCEDURE OF JOINT COMMITTEE

- 6.1** In accordance with the Principle of Equal Committee Representation, each of the Participant Councils shall have equal representation, agreed at 2 Members each.
- 6.2** The provisions of sections 19 – 22 and 142 and Schedules 2 and 7 of the 1972 Act shall apply to the Joint Committee.
- 6.3** The quorum of the Joint Committee shall be ten, provided that at least six of the Participant Councils are represented.
- 6.4** The proceedings of the Joint Committee shall be regulated by Standing Orders to be agreed and adopted by the Participant Councils.

7. DISPUTE RESOLUTION

In the event of any disagreement between the Participant Councils in relation to any matter arising pursuant to these Terms of Agreement, but entirely without prejudice to the provisions set out in the Statement of Principles (and in particular the Principle of Consensus), the Joint Committee may request the Department or such other body as it might agree to act as a conciliator in accordance with such procedure as shall be agreed by the parties, and to the intent that the parties shall endeavour to resolve their differences in the spirit of achieving the objectives of the Waste Management Plan.

8. EFFECTIVE DATE

These Terms of Agreement shall be deemed to come into effect on the day and year first herein written, being a date following the affixing hereto of all of the signatures of the respective Chief Executives of all of the Participant Councils as hereinafter provided for.

IN WITNESS whereof this Agreement is signed by the respective Chief Executives of each of the Participant Councils and each subscribing his signature hereto in manner hereinafter appearing.

DRAFT

SCHEDULE

POPULATION JUNE 2001 (MID-YEAR ESTIMATES)

Council	Actual Population	% of Total
Antrim	48,761	5.28%
Ards	73,435	7.96%
Ballymena	58,801	6.37%
Belfast	277,170	30.02%
Carrickfergus	37,730	4.09%
Castlereagh	66,533	7.21%
Down	64,147	6.95%
Larne	30,811	3.34%
Lisburn	108,997	11.81%
Newtownabbey	80,144	8.68%
North Down	76,578	8.29%
Total	923,107	100%

Annex

STATEMENT OF PRINCIPLES ARC 21

PROPOSAL FOR ESTABLISHMENT OF A JOINT COMMITTEE

EASTERN REGION WASTE MANAGEMENT GROUP

The Participant Councils are the eleven district councils of the ERWMG (ARC 21). Subject to their joint adoption of this Proposal Statement and Statement of Principles, the Participant Councils shall then enter into a formal Collaborative Agreement which will contain such further detail as shall be necessary to give legal efficacy thereto. The terms of the Collaborative Agreement shall also be subject to the prior approval of the Participant Councils.

PROPOSAL STATEMENT - CONTEXT OF ESTABLISHMENT

The Joint Committee shall be established by the Participant Councils as a body corporate under section 19 of the Local Government Act (NI) 1972 (pursuant to statutory order). It shall be set up solely in the context of the policies of the Eastern Region Waste Management Group as described in the ARC21 Waste Plan (including the Procurement Plan and the Implementation Plan). As a corporate body, the Joint Committee will have a distinct legal status with power to employ staff, enter into financing agreements, including the borrowing of money, hold property and funds, and enter into contracts.

THE FIVE PRINCIPLES

- Principle of Consensus
- Principle of Limit of Delegation
- Principle of Functional Responsibilities
- Principle of Equitable Shared Funding
- Principle of Equal Committee Representation

PRINCIPLE OF CONSENSUS

It shall be an overarching principle that all policy decisions and decisions with significant financial implications for the Joint Committee shall be taken on the basis of the consensus of all the Participant Councils, within the framework of the Waste Plan and this Proposal and Statement of Principles. Accordingly, any material change in the Waste Plan or any decisions in relation to the acquisition or use of significant assets, or the incurring of significant liabilities will require the prior approval of the Participant Councils.

PRINCIPLE OF LIMIT OF DELEGATION

The Participant Councils shall delegate powers and functions to the Joint Committee to the extent necessary to enable it to carry out its Core Functions and Ancillary Functions. This delegation shall be with a view to achieving economies of scale and minimising of costs. No further functions are to be transferred to the Joint Committee except with the prior approval of the Participant Councils. The Collaboration Agreement shall specify thresholds in relation to the acquisition of assets or the incurring of liabilities over which the unanimous agreement of the Joint Committee or the referral back to the Participant Councils shall be required.

PRINCIPLE OF FUNCTIONAL RESPONSIBILITIES

The Joint Committee shall have Core Functions and Ancillary Functions. The Core Functions shall be the acceptance, treatment and disposal of waste in accordance with the Waste Plan. In relation to the Core Functions (as affecting both short and long-term contracts) the Joint Committee shall:-

- Develop specifications and award criteria for the contracts
- Obtain the approval of the Participant Councils to the specifications and award criteria
- Invite tenders for and award the contracts
- Operate the contracts
- Have the power to acquire, hold and use assets
- Recover the contract operating costs from the Participant Councils on an equitable basis.

The Ancillary Functions shall be matters such as waste minimisation schemes, education programmes and other initiatives as may be agreed from time to time with the individual Participant Councils and to be operated on the basis of annual programmes and/or service level agreements.

PRINCIPLE OF EQUITABLE SHARED FUNDING

- The costs of establishing and operating the Joint Committee shall be pre-estimated as far as possible by reference to a business plan, and/or operating plan, and shall be recovered on an equitable basis (by reference to respective populations) from the Participant Councils in accordance with the provisions of the Collaborative Agreement.
- The Joint Committee's net costs of operating the Core Functions shall be recovered on an equitable basis from the Participant Councils in accordance with the provisions of the Collaborative Agreement, having regard to all relevant cost factors arising in relation to the acceptance, treatment and disposal of waste of each of the Participant Councils.
- The costs of operating the Ancillary Functions shall be in accordance with the relevant annual service level agreements.

PRINCIPLE OF EQUAL COMMITTEE REPRESENTATION

The Joint Committee shall be constituted on the basis of equal representation, with two member(s) to be nominated by each of the Participant Councils. The proceedings of the Joint Committee shall be regulated by Standing Orders to be set out in the Collaboration Agreement."

DRAFT

This page is intentionally left blank