

Merton Council

Cabinet Agenda

Membership

Councillors:

Stephen Alambritis (Chair)
Mark Allison
Laxmi Attawar
Kelly Braund
Tobin Byers
Caroline Cooper-Marbiah
Edith Macauley MBE
Eleanor Stringer
Martin Whelton

Date: Monday 3 June 2019

Time: 7.15 pm

**Venue: Committee rooms C, D & E - Merton Civic Centre, London Road,
Morden SM4 5DX**

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All Press contacts: communications@merton.gov.uk, 020 8545 3181

Cabinet Agenda

3 June 2019

1	Apologies for absence	
2	Declarations of pecuniary interest	
3	Minutes of the previous meeting	1 - 2
4	Reducing Single Use Plastics in council buildings Task Group Report	3 - 32
5	Reference from the Sustainable Communities Overview and Scrutiny Panel – Public health, air quality and sustainable transport - a strategic approach to parking charges	To Follow
6	Emissions, public health and air quality a review of parking charges 4	To Follow
7	Diabetes Action Plan and Annual Public Health Report	33 - 48
8	Private sector housing enforcement	49 - 102
9	Children's Safeguarding Partnership Agreement	103 - 150
10	2019 Residents Survey Results	To Follow

Note on declarations of interest

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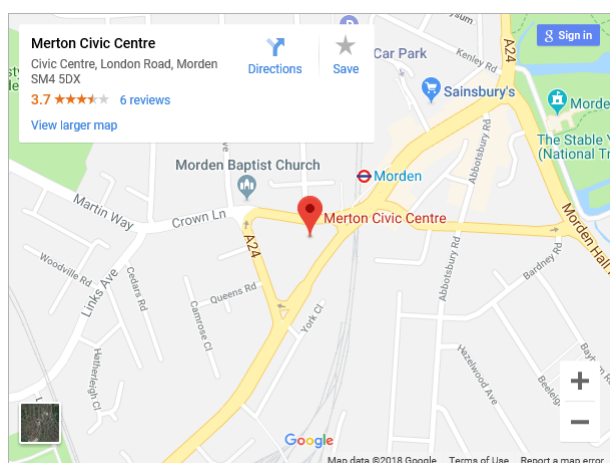
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Agenda Item 3

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CABINET

15 MAY 2019

(8.24 pm - 8.27 pm)

PRESENT: Councillors Stephen Alambritis (in the Chair), Mark Allison, Laxmi Attawar, Kelly Braund, Tobin Byers, Caroline Cooper-Marbiah, Edith Macauley MBE, Eleanor Stringer and Martin Whelton

ALSO PRESENT: Ged Curran (Chief Executive), Hannah Doody (Director of Community and Housing), Caroline Holland (Director of Corporate Services), Chris Lee (Director of Environment and Regeneration), Rachael Wardell (Director, Children, Schools & Families Department), Paul Evans (Assistant Director of Corporate Governance) and Louise Fleming (Senior Democratic Services Officer)

1 APOLOGIES FOR ABSENCE (Agenda Item 1)

No apologies were received.

2 DECLARATIONS OF PECUNIARY INTEREST (Agenda Item 2)

There were no declarations of interest.

3 MINUTES OF THE PREVIOUS MEETING (Agenda Item 3)

RESOLVED: That the minutes of the meeting held on 25 March 2019 are agreed as an accurate record.

4 CONSTITUTION OF COMMITTEES (Agenda Item 4)

The Chair introduced the report which set out the nominations for committees and other bodies appointed by the Cabinet.

RESOLVED:

That the Cabinet:

- A. agrees to appoint two Cabinet members and two substitute members to the South West London Joint Waste Management Committee as detailed in Appendix A to the Cabinet report.
- B. agrees to appoint two Cabinet members, to the Wandle Valley Regional Park Trust as detailed in Appendix A to the Cabinet report.
- C. agrees to appoint the Leader of the Council to the South London Partnership

Joint Committee, as detailed in Appendix A to the Cabinet report.

- D. Agrees to appoint three Cabinet members to the Merantun Development Limited Sub-Committee as detailed in Appendix A to the Cabinet report.
- E. agrees the term of reference for the South West London Joint Waste Management Committee as detailed in Appendix B. These terms of reference have also been included for information in the Constitution of Committees and Outside Bodies report to Annual Council.
- F. agrees the terms of reference for the Merantun Development Limited Sub-Committee, set out in Appendix C to the Cabinet report.
- G. agrees to delegate to the Chief Executive the authority to fill vacancies on the bodies detailed at recommendations A and F on the nomination of the Party Whip of the group with a vacant position.

Committee: Cabinet

Date: 3rd June 2019

Agenda item:

Wards: All Wards

Subject: Reducing Single Use Plastics in Merton Council Buildings

Lead member: Councillor Aidan Mundy, Task Group Chair.

Contact Officer: Stella Akintan; stella.akintan@merton.gov.uk; 020 8545 3390

Recommendations:

- A. That Cabinet considers the report and recommendations (attached in Appendix A) arising from the scrutiny review of Reducing Single Use Plastics in Merton Council Buildings.
- B. That Cabinet agrees to the implementation of the recommendations through an action plan being drawn up by officers working with relevant local partner organisations and Cabinet Member(s) to be designated by Cabinet.
- C. That Cabinet decides whether it wishes to formally approve this action plan prior to it being submitted to the Sustainable Communities Overview and Scrutiny Panel.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- D. To present the scrutiny review report on Reducing Single Use Plastics in Merton Council Buildings for endorsement and seek approval to implement the review recommendations through an action plan being drawn up.

2. DETAILS

- 2.1 In June 2018 the Sustainable Communities Overview and Scrutiny Panel agreed to undertake a scrutiny review of Reducing Single Use Plastics in Merton Council Buildings to ensure that council is taking steps to address this important environmental issue.
- 2.2 The findings and recommendations of the review are set out in Appendix A.

3. ALTERNATIVE OPTIONS

- 3.1 The Sustainable Communities Overview and Scrutiny Panel can select topics for scrutiny review and for other scrutiny work as it sees fit, taking into account views and suggestions from officers, partner organisations and the public.
- 3.2 Cabinet is constitutionally required to receive, consider and respond to scrutiny recommendations within two months of receiving them at a meeting.
- 3.3 Cabinet is not, however, required to agree and implement recommendations from Overview and Scrutiny. Cabinet could agree to implement some, or none, of the recommendations made in the scrutiny review final report.

4. CONSULTATION UNDERTAKEN OR PROPOSED

4.1 In carrying out its review, the task group questioned senior council officers as well as visiting other local authorities

4.2 TIMETABLE

4.3 The final report was approved by the Panel on 30 April 2019 where it was agreed to present the report to Cabinet.

5. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

5.1 None for the purposes of this covering report. It is envisaged that the recommendations in the attached report will not have any major resource implications. However, any specific resource implications will be identified and presented to Cabinet prior to agreeing an action plan for implementing the report's recommendations.

7. LEGAL AND STATUTORY IMPLICATIONS

7.1 None for the purposes of this report. Scrutiny work involves consideration of the legal and statutory implications of the topic being scrutinised.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engaging with local partners in scrutiny reviews. Furthermore, the outcomes of reviews are intended to benefit all sections of the local community.

9. CRIME AND DISORDER IMPLICATIONS

9.1 None for the purposes of this report. Scrutiny work involves consideration of the crime and disorder implications of the topic being scrutinised.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 None for the purposes of this report.

11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

11.1 Appendix 1 – Task group report on “Reducing Single Use Plastics in Merton Council Buildings”

12. BACKGROUND PAPERS

Reducing Single Use Plastics in Merton Council buildings

Final report and recommendations.

Contents

Foreword	3
<i>Councillor Aidan Mundy, Task Group Chair.</i>	3
Task group membership & acknowledgements	4
List of oral evidence.....	4
Executive summary	4
Terms of reference	4
List of recommendations.....	5
Background.....	6
Report.....	6
Discussion with Partner Organisations	7
Reducing Single Use Plastic in the Civic Centre.....	9
Influencing staff behaviour.....	10
Considering the role of partner organisations.....	11
Changes as a result of this inquiry	11
Conclusions	12
Appendix 1: Staff survey results	12
Appendix 2: Discussion with officers and the executive	26



Foreword

Councillor Aidan Mundy, Task Group Chair.

We are armed with both the evidence and know-how to alter the impact our consumption choices are having on our world. Our action or inaction on single use plastics and other areas of policy will determine the ecological future of our planet.

Viewers of BBC's Blue Planet series will remember the stark imagery of some of the millions of tonnes of plastic in our oceans, and the marine life who fell victim to debris from plastic bottles to food packaging. Coupled with Sir David Attenborough's haunting narration the series sparked action amongst policy makers; including our own national government's pledge to commit resources to reducing our nations single use plastic footprint.

The work of the single use plastics task group and this report is a local answer to that call for action. Some of the 10 recommendations will be easier than others to implement however, Merton Council has time and again proven its community leadership credentials. By increasing its current efforts to further reduce our plastics use and increase recycling it will cement its reputation as one of the best councils across our four nations.

It's more common for plastic products to find their way to the oceans and landfill than to recycling facilities. In their latest outlook the energy company BP state that there could be a worldwide ban on single-use plastics by 2040. Until that day it's up to national and local governments to take action.

It was pleasure to chair this task group whose membership was drawn from across the political spectrum of the council. I wish to thank everyone who gave evidence to the committee – council officers, civic leaders, residents; our Democratic Support Officer Stella Akintan for her work organising the committee. Finally, special thanks to the 171 staff who completed our staff survey and contributed to our final recommendations.

Task group membership & acknowledgements

Cllr Aidan Mundy (Chair)	Labour	Pollards Hill Ward
Cllr Laxmi Attawar	Labour	Colliers Wood Ward
Cllr Ben Butler	Labour	Abbey Ward
Cllr Daniel Holden	Conservative	Hillside Ward
Cllr Dickie Wilkinson	Merton Park Ward	Merton Park Ward
	Independent Residents Group	

Scrutiny Team support Stella Akintan

List of oral evidence

Claire Potter, Chief Executive, Plastic Free Pledge
Diana Sterck, Chief Executive Sustainable Merton
Mike Robinson, Public Health Consultant, Merton Council
Mark Humphries, Assistant Director of Infrastructure and Transactions
Dawn Jolly, Head of Commercial Services
Lyla Adwan-Kamara, Chief Executive, Merton Centre for Independent Living

Members would like to thank all those who supported the task group's work, including: those who gave oral evidence; members of the public who submitted written evidence; and, 171 Merton Council staff who feed into the work through a staff survey.

Executive summary

This report was commissioned by a cross party group of Merton Councillors with a remit to investigate and recommend options to reduce the use of single use plastics in Merton Council buildings by influencing individual choices and behaviour.

It finds that Merton Council is making good progress in the reduction of single use plastics. Through strong staff engagement and questioning of expert witnesses ten further opportunities to further reduce plastics use have been identified. By implementing the recommendations in this report Merton council will be sending a strong signal to Boroughs across London that despite the financial pressures on local government every authority in their own way can contribute to the global effort to reduce single use plastics.

Terms of reference

Following an initial meeting on 15th September 2018 the task group members agreed terms of reference for its work. These terms had a specific focus on the reduction of single use plastics in Merton council building and supply chain. The full terms of

reference approved by a meeting of the Sustainable Communities Overview and Scrutiny Panel on 1st November 2018 are:¹

- 1) Review the council's procurement of single use plastics;
- 2) Explore how behaviour change amongst council staff and visitors in council buildings can be promoted;
- 3) Consider as a pilot how local businesses in Morden town centre can be encouraged to reduce single use plastics.

List of recommendations

Recommendation 1 Encourage partners to reduce the use of non-recyclable plastics through the procurement process by including a measure on single use plastics within the Social Value Toolkit.

Recommendation 2: Co-design a cross site campaign with council staff to improve its information about what plastics can be recycled. As part of this campaign a measure of success and method of monitoring should be made available to the Sustainable Communities Overview and Scrutiny Panel.

Recommendation 3: Communications team to address and implement remedial action following staff feedback on signage on the importance and methods of recycling in communal areas.

Recommendation 4: Encourage local businesses to join the London Mayors Refill Programme.

Recommendation 5: Following staff feedback implement measures to ensure a parity of recycling across all Merton owned and operated sites.

Recommendation 6: Verify recycling and non-recyclable waste is kept separate, the contribution staff currently make to reducing plastic waste and circulate information to staff.

Recommendation 7: Following staff request and moves by the council to increase domestic food recycling, produce an implementation plan and an impact assessment for Sustainable Communities Overview and Scrutiny Panel on food recycling in council buildings.

Recommendation 8: The Sustainable Communities Overview and Scrutiny Panel are asked to monitor the progress with implementing the changes to reduce single use plastics.

Recommendations 9: Circulate to Sustainable Communities Overview and Scrutiny Panel a plan to recognise local businesses who measurably reduce single use plastics consumption.

¹ Minutes Sustainable Communities Overview and Scrutiny Panel 1 November 2018 p.2

Recommendation 10: Council to publish information on an annual basis on the use of single use plastics in leisure and theatre facilities across the borough.

Background

Single use plastic is part of our everyday lives and will be with us for many years to come. From food preparation and storage to sterile packaging for medical equipment this miracle material has revolutionised our way of life.

Demand for all types of plastic is growing. In 2014, 311 million tons of plastic were produced globally, 20 times more than in 1964. And production is forecast to double by 2036. ²

The way we manufacture, use and discard plastic is one of the biggest global environmental challenges of our time. Much of the plastic produced including, plastic bottles, grocery bags, straws, stirrers and foam take-away containers are used only once or a few times before being discarded. In the UK alone packaging accounts for 67 per cent of our total plastic waste. Much of this waste is thrown away and will end up in landfill, and some will litter our streets which costs local authorities £778 million a year to keep clean and enforce the law. ³

The durability of plastic means much of it cannot be recycled and it is difficult to dispose of in a sustainable way. Most plastics do not biodegrade. Instead, they slowly break down into smaller fragments known as microplastics. Studies suggest that plastic bags and containers made of Styrofoam can take thousands of years to decompose, contaminating soil and water.

There is also increasing evidence of micro plastics making its way into the food chain. Small plastic pieces have been documented in all marine habitats. High concentrations of plastic materials, particularly plastic bags, have been found blocking the breathing passages and stomachs of hundreds of different species. Micro plastics have also been detected in our air, water and food. The long-term impact on our health are still unknown. ⁴

On 4th June 2018 at a cross party group of Merton councillors identified the need to address the issue of single use plastic.

Plastic pollution can be tackled either through improving the waste stream or influencing individual choices and behaviour. This task group chose to focus on the latter and considers what more can be done to support staff and those who visit the buildings to use sustainable alternatives and recycle.

Report

² [Plastics in a circular Economy](#) P.2

³ Plastic bottles: Turning Back the Plastic Tide, House of Commons: Environmental Audit Committee, 22 December 2017

⁴ Checking out on plastics, Environmental Investigation Agency and Greenpeace, 2018.

Reducing Single Use Plastic through the procurement process.

The task group met with the Assistant Director of Infrastructure and Transactions and the Head of Commercial Services to consider how to influence purchasing practice across the council. Merton has a devolved procurement model, overseen by a procurement board which sets the standards for how procurement work should be conducted. All teams then carry out their own procurement within these guidelines. The task group wanted to ensure mechanisms were in place to disincentivise the purchase of unnecessary plastics.

The task group considered if a social value measure could be incorporated into the procurement process when asking businesses to tender for a service. This encourages a bidder to think about simple ways to reduce plastic and spark a change in culture. Business who have a sustainable approach to plastic use would be given a competitive advantage.

The Assistant Director of Infrastructure and Transactions and the Head of Commercial Services reported that a social value toolkit had recently been developed by the council and would be sent to Cabinet for agreement early in 2019. This document is also enshrined in legislation in the Public Services (Social Value) Act 2012 and requires the Council “to have regard to economic, social and environmental well-being in connection with public services contracts; and for connected purposes”.

The toolkit defines Social Value as *a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.*

The aim of the Act is not to alter the commissioning and procurement processes, but to ensure that as part of these processes, councils give consideration to the wider impact of the services delivered.

The Merton Social Value Toolkit provides guidance for staff on how to embed social value measures in procurement and commissioning practices.

Recommendation 1 Encourage partners to reduce the use of non-recyclable plastics through the procurement process by including a measure on single use plastics within the Social Value Toolkit.

Discussion with Partner Organisations

The task group met with Claire Potter, Chief Executive of Plastic Free Pledge who highlighted some of the work councils and businesses are doing across the country to reduce plastic use. Examples included Brighton and Hove City Council who are working to reduce plastic using their procurement policies, and the City of London is working with businesses to encourage behaviour change.

Plastic Free Pledge advise organisations to begin by eliminating plastic straws as it is considered a ‘quick win’. Plastic straws are one of the biggest culprits in waste and littering, they are not needed by the majority of people and there are cheaper alternatives. The Chief Executive of Merton Centre for Independent Living (Merton

Cil) advised against this approach. This organisation provides a range of services to deaf and disabled people across the borough including advice and advocacy. They have responded to a government consultation on a proposed straw ban and conducted a Twitter campaign opposing any change on plastic straws given they are an essential requirement for some disabled people for drinking and medication.

Merton CIL highlight reservations regarding the alternatives to plastic straws for those who rely on them daily. They stated that if a ban was put in place it will mean disabled people will have to make special provision to have a straw. They claim this would put further undue social and possible financial burden on disabled people because of their disability. Additionally, evidence received by the task group relating to the reduction in plastic straws in council facilities states no complaints have been received on the issue.

The task group also considered the existing work in the borough to reduce plastic pollution. The task group met with Sustainable Merton who run an online campaign entitled 'Plastic Free Merton'. The campaign encourages residents to consider the three R's when using plastic; Refuse, Re-use, or Re-cycle. Sustainable Merton consider the campaign to be a great success and they are receiving feedback on positive change stories on their website. They also use community champions to speak to residents about the issue.

In October 2018, the Merton Chamber of Commerce brought together the borough's businesses to address the issue of single use plastics. A member of the task group attended the session, in addition of our London Assembly Member Leonie Cooper. Businesses were encouraged to seek out alternatives to plastic.⁵

Staff engagement

The Task group commissioned a staff survey to give staff a voice in how to reduce plastic use in council buildings. The survey ran from the 11 January until the 13 February 2019 and 171 responses were received. The survey found:

The majority of respondents (90%) concurred with Councillors that addressing single use plastics is an important issue and the vast majority of staff (83%) already regularly recycle at work however, many (68%) want to learn what more they can do to further improve recycling across the council.

Staff requested clearer information on what can and cannot be recycled and clarification on current arrangements for the use of recycling bins in the kitchen areas. This also included clarification on whether recyclable and non-recyclable waste are mixed when bins are emptied.

Recommendation 2: Co-design a cross site campaign with council staff to improve its information about what plastics can be recycled. As part of this campaign a

⁵ <https://www.london.gov.uk/press-releases/assembly/leonie-cooper/merton-businesses-to-crack-down-on-plastic-waste>

measure of success and method of monitoring should be made available to the Sustainable Communities Overview and Scrutiny Panel.

Recommendation 3: Communications team to address and implement remedial action following staff feedback on signage on the importance and methods of recycling in communal areas.

Recommendation 4: Encourage local businesses to join the London Mayors Refill Programme.

Recommendation 5: Following staff feedback implement measures to ensure a parity of recycling across all Merton owned and operated sites.

Recommendation 6: Verify recycling and non-recyclable waste is kept separate, the contribution staff currently make to reducing plastic waste and circulate information to staff.

Recommendation 7: Following staff request and moves by the council to increase domestic food recycling, produce an implementation plan and an impact assessment for Sustainable Communities Overview and Scrutiny Panel on food recycling in council buildings.

Reducing Single Use Plastic in the Civic Centre

Task group members found that the facilities team are actively working to keep the corporate use of single use plastics to a minimum. All kitchens are equipped with reusable mugs. There are water dispensers on every floor which should discourage the purchase of water in plastic bottles. Although through feedback some staff found it difficult to use the dispensers with larger bottles. The council do not provide plastic cups in any buildings. IT equipment and stationary are recycled. Plastic recycling bins are provided on every floor with the exception of the committee corridor.

The task group were told that plastic cups are given out at meetings with external visitors. It was thought that these are purchased by individual teams. The Assistant Director of Infrastructure and Transactions agreed to purchase glasses for every floor to combat this activity.

The biggest area of plastic use in the civic centre is in the purchase of food and beverages. The Civic centre catering is provided by a commercial catering company (Gosto Fino) and is operated on the basis of a formal concessionary contract. The Council receiving income based on a percentage of the sales achieved.

The Council is unable to change the current contract however, indirect influence can be applied to some operational elements. This includes encourage the supplier to adopt ideas and general good practice where this is commercially viable.

- The Assistant Director of Infrastructure and Transactions highlighted a number of actions which are being taken to reduce single use plastics, these include:

- Bamboo Reusable cups for sale with Gosto Fino company name printed on; customers would then receive a discount on future beverages purchased when reusing the cup.
- Discount for customers using their own cups for hot drinks, smoothies, milkshakes and freshly made juices.
- They no longer provide plastic cups unless a customer specifically asks for one.
- They are currently trialling biodegradable paper straws.
- They have always provided wooden stirrers only and will trial wooden knives and forks.
- They are looking to replace salad containers and hot food containers in foil or recyclable plastic.

Recommendation 8: The Sustainable Communities Overview and Scrutiny Panel are asked to monitor the progress with implementing the changes to reduce single use plastics.

Influencing staff behaviour

The task group sought advice from Merton's Public Health Consultant on encouraging staff to be more mindful in their material consumption choices. The task group agreed that encouraging and supporting staff to adopt a more sustainable approach is the goal of further working in this area. The public health consultant reported that the behaviour change model is a continuum from a blanket ban to a gentle nudge. Education and raising awareness is important to influence decision making as well as offering practical solutions.

The task group considered ways to make it easier for staff to use alternatives to disposal plastics. One idea which was explored through market testing with staff was a Merton produced re-useable cup, sold at cost price. However, following results from staff survey and oral evidence that Gosto Fino and local cafes around council buildings have introduced similar offerings the task group agreed not to explore this option further.

The Assistant Director of Infrastructure and Transactions agreed to improve the signage in the public café area at the civic centre to promote the Gosto Fino discounted re-fills when a re-usable cup is used. Task Group Members perceived few people knew about this offer, and this was later supported with staff survey results.

Council staff have a strong presence in the local economy around council buildings regularly purchasing food and beverages. The task group considered how the council can influence local businesses to reduce plastics. The Greater London Authority have run several schemes including 'refill London' to reduce the disposable

nature of consumption. Local organisations who qualify to join GLA scheme could be listed on the staff intranet. The task group would like officers to consider if a scheme from the GLA or other local recognition scheme could be implemented in the borough.

Recommendations 9: Circulate to Sustainable Communities Overview and Scrutiny Panel a plan to recognise local businesses who measurably reduce single use plastics consumption.

Considering the role of partner organisations.

The task group considered written submissions from the New Wimbledon Theatre the Canons, Morden and Wimbledon Leisure Centres on the extent of plastic use in their buildings as the council manages the service contract for these organisations. All organisations were taking steps to reduce plastics, by providing re-cycling facilities and encouraging customers to refill their water bottles. As commercial organisations implementing alternative materials is limited by the additional costs which may be incurred.

The greatest use of plastics in leisure centres are use of overshoes in wet areas. The Theatre uses almost 6,000 plastic cups a month for customers purchasing beverages as they are restricted by licensing requirements with glass prohibited in the auditorium.

In her evidence to the group the Chief Executive of Plastic Free Pledge stated there is good practice constantly emerging from around the country of organisations finding alternative materials and innovative solutions to plastic reduction, especially as many organisations are not able to implement changes which incur additional costs. For example deposit return schemes for eco-friendly cups are an alternative solution to handing out plastic cups at events.

Recommendation 10: Council to publish information on an annual basis on the use of single use plastics in leisure and theatre facilities across the borough.

Changes as a result of this inquiry

During the course of this task group inquiry, the issues raised by members were of concern to all those who participated. Actions were taken and implemented as a result of this review before the report and recommendations were finalised. These include:

- Public health team held a lunch and learn session to look at Single use Plastics
- The Facilities Management team implemented new signage at Gosto Fino to clearly show discounts for free coffee re-fills in re-useable cups.
- The Facilities team provided glasses in the kitchen on each floor to deter purchasing plastic cups for visitors.
- Over 170 staff members were engaged on the issue of single use plastics through a staff survey. This approach also encouraged other task groups

to consider the use of surveys in their work. The most prominent is the Road Safety Task Group.

Conclusions

While addressing the opportunity to increase food recycling across Merton Council was outside the terms of reference for the task group, task group members felt sufficiently strong on the issue following staff feedback to recommend opinions be presented to the Sustainable Communities Overview and Scrutiny Panel for their consideration and a future task group to address.

Through the implementation of 10 recommendations in this report Merton Council will be sending a strong signal to Boroughs across London. Despite the extreme financial pressures on local government every authority in their own way can contribute to the global effort to reduce single use plastics.

Appendix 1: Staff survey results

1. Is the issue of single use plastics important to you?				
			Response Percent	Response Total
1	Yes		90.59%	154
2	No		2.94%	5
3	Undecided		6.47%	11
			answered	170
			skipped	1

2. Do you recycle at work?				
			Response Percent	Response Total
1	Yes		82.25%	139
2	No		4.73%	8
3	Sometimes		13.02%	22
			answered	169

2. Do you recycle at work?

	Response Percent	Response Total
skipped		2

3. Do you have enough information on what plastics are and are not recyclable?

	Response Percent	Response Total
1 Yes	30.18%	51
2 No	69.82%	118
answered		169
skipped		2

4. Do you use reusable items such as a coffee cup?

	Response Percent	Response Total
1 Yes	71.18%	121
2 No	17.06%	29
3 Other (please specify):	11.76%	20
answered		170
skipped		1

Other (please specify): (20)

1	do not buy takaway coffee
2	Sometimes (I forget)
3	sometime
4	I don't buy takeaway drinks. make my own at work
5	use a proper mug

4. Do you use reusable items such as a coffee cup?

		Response Percent	Response Total
6	I have a mug		
7	Lunch box, china mug		
8	When I can- but don't usually buy hot drinks at work.		
9	water bottle		
10	not all the time but i do have one		
11	jute carrier bags		
12	i have my own mug		
13	reusable sandwich wrap		
14	Water flask and re-usable plastic glass		
15	When I remember but sometimes decide ad hoc to grab a coffee on the go and don't have a reusable cup with me		
16	Carrier bags, storage containers.		
17	Proper cup/mug		
18	Water Bottle		
19	fabric shopping bags		
20	I peel of the paper as most cups are not recyclable		

5. If you don't have a reusable cup, what is stopping you from buying one?

		Response Percent	Response Total
1	Availability (not many places sell them)	0.75%	1
2	Cost is too high	4.48%	6
3	Paper cups are more convenient	3.73%	5
4	N/A	78.36%	105

5. If you don't have a reusable cup, what is stopping you from buying one?

		Response Percent	Response Total
5	Other (please specify):	15.67%	21
		answered	134
		skipped	37
Other (please specify): (21)			
1	in 23 years, i have never bought a drink from the restaurant. I always make my own from the hot water machine.		
2	Don't buy take away coffee very often (less thanb once a month)		
3	I don't buy takeaway coffees very often - Tariro also take back their paper cups for composting		
4	Paper cups are provided by internal caterers which makes it easier instead. Not sure of what the caterers view would be if I brought my own cup. it is not advertised much that they welcome people bringing thier own cups. This would give me confidence to do this.		
5	Have own mug at work		
6	Don't often get hot drinks from cafes when out, so don't carry a reusable cup with me		
7	dont' need one		
8	always use a china mug at work and don't buy coffee outside		
9	i dont buy enough takeaway coffee to carry one around		
10	I mean to buy one but keep forgetting!		
11	Carry it around when I already carry access passes and the like for the 5 authorities I work for		
12	Keep buying them for other people - I don't drink much coffeee		
13	too cumbersome to carry		
14	inconvenience of carrying it around		
15	i bring in my own coffee and drink it at my desk.		
16	inertia and inconvenience of carrying around		
17	i forget to take it		
18	Don't want to carry one about with me		

5. If you don't have a reusable cup, what is stopping you from buying one?

		Response Percent	Response Total
19	too heavy to carry around as I am not always office based		
20	Don't drink tea or coffee		
21	9th floor kitchen is always dirty - staff do not wash up the sponge is used on the floor etc. Some day I take home my cup, plates etc to wash or go to another floor! If the kitchen was in a cafe it would be closed down		

6. Would you consider buying a Merton Borough branded reusable coffee cup with a design by local school children?

		Response Percent	Response Total
1	Yes	27.06%	46
2	No	45.88%	78
3	Maybe	27.06%	46
		answered	170
		skipped	1

7. If you said you wouldn't buy a Merton Borough reusable cup, what is the reason for this?

		Response Percent	Response Total
1	I already own a reusable cup	62.50%	65
2	I don't want a reusable cup	3.85%	4
3	I don't want to pay for a Merton branded reusable cup	21.15%	22
4	Other (please specify):	24.04%	25
		answered	104
		skipped	67

Other (please specify): (25)

7. If you said you wouldn't buy a Merton Borough reusable cup, what is the reason for this?

		Response Percent	Response Total
1	Goodness. Most homes are brimming over with spare mugs...why are we talking about using valuable resources and asking children to produce even more unnecessarily? Aren't we going round and round in circles here? Why not have a mug collection point in the Civic for all the people that can't manage to pop one in their bag and bring one in, or afford to buy one???		
2	Why cant Merton give staff a free cup?		
3	Don't do it - you'd just be creating more plastic waste! Already loads of reusable cups on the market. They're not hard to find.		
4	I don't mind using a generic reusable cup, I just forget to bring it with me to work sometimes		
5	I'd rather have a batman branded reusable cup		
6	Remove the merton brand - money should go to charity		
7	I wouldn't mind a water bottle!		
8	I dont want anything Merton branded or with a unknown childs design on		
9	n/a		
10	There are so many re usable cups would be a waste of money to make a merton one.		
11	There are so many re usable cups would be a waste of money to make a merton one.		
12	Don't often get hot drinks from cafes when out		
13			
14	N/A		
15	Dont want merton branded unless it's free		
16	Not sure I want a merton branded cup in my life unless it was free		
17	I use mugs - dont buy coffee out		
18	I'd rather choose my own design		
19	Why produce more - There is already enough being produced. Does Merton really need to do this too		
20	If lots of people buy and use them in the civic centre the chances of getting them, mixed up is higher.		
21	I dont think children design things very well		
22	I have a reusable glass		

7. If you said you wouldn't buy a Merton Borough reusable cup, what is the reason for this?

		Response Percent	Response Total
23	Seems like a rather over-engineered solution. Why not just use a cup from home?		
24	I do not drink tea or coffee		
25	Why should i promote Merton! When the council actual steps up and do the right thing for the environment/planet! might		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
1	Open-Ended Question	100.00%	85
1	Please can you lobby to have a crisp bag recycling point installed at Merton libraries - particularly those with a café or at least the Civic Centre - https://www.walkers.co.uk/recycle , https://www.terracycle.co.uk/en-GB/brigades/crisppacket currently our nearest recycling location is New Malden Fire station. We would like to introduce centralised recycling stations within the Civic Centre to improve the recycling in the building. More comms surrounding the issue needs to be prioritised but with the outsourcing of waste services it is confusing and a long winded process trying to find out who is responsible for what. I understand that Gosto Fino have plans to introduce their own branded bamboo reusable cups in the near future perhaps some kind of collaboration here would be of mutual benefit?		
2	There is scheme whereby non-recyclable plastic can be turned into bricks for house-building etc. Here's the site I found that have more information. https://wasteaid.org/toolkit/how-to-turn-mixed-plastic-waste-and-bottles-into-ecobricks/ We could do this.....		
3	Have plastic recycle bins near desks rather than only in the kitchens.		
4	Discount from the coffee shops in the civic centre when you use your own mug and advertising this to staff. Discount on bringing your own pot if you have the salad bar. Takeaway knives and forks from the Civic Centre coffee shop to be non plastic		
5	I feel recycling is not promoted within civic at all and it is unclear what can be put where. Think of all the tea bags that we get through as a building, how about trailing food waste collecting? Also the cleaners need reminding that the blue recycle bins do not just get put with all the rubbish from the other bins in the same black sack!!!! (This means any effort to recycle is pointless exercise if its all put together). I know on my floor I am always extracting cans and things from normal bins and putting in recycle bins so would welcome a more active approach throughout Merton Departments. Again.... all depends if the waste and recycling is then collected properly.		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
6	<p>My main concern is with the recycling of plastic containers with unnecessary additions to the packaging that are both superfluous and not able to be recycled, i.e. the plastic sleeve on a Ribena bottle.</p> <p>I also do not think that the current approach to rubbish and recycling for residents is particularly effective. The current system has become far more complex (5 different containers? Is there really no better way?) and requires far more regard. My worry is that this will put more people off of actively recycling as they simply will not bother to sort items.</p>		
7	<p>Why not go back to the use of good old glass which can at least be recycled. We all know it can be dangerous, but then, we're all adults.</p> <p>Straws were always paper anyway when I was a child, and so were cups. More recyclable than plastic.</p>		
8	<p>Why are we concentrating on single use plastic? What about food recycling in the Civic Centre too?</p>		
9	<p>I would like to see the Civic Centre recycle more waste and it annoys me considerably when colleagues do not dispose of items appropriately even when they have the opportunity to use the kitchen waste bins and the card/cardboard recycling bins.</p>		
10	<p>The problem is supermarket packaging. Work with them to reduce their use of plastic.</p>		
11	<p>Good afternoon,</p> <p>I trust you all are well. I would request you also take into consideration sites off-site that are Merton owned, such as the children's centres, Brightwell, pre-schools, as I am aware that re-use and ecological practices aren't always followed. Even with a recycling bin available, staff and customers throw recyclable plastic in the waste-bin, especially water cups, straws, coffee cups, cutlery, water bottles.</p> <p>It might also be worthwhile making staff aware of bamboo and hemp products that are biodegradable and are used for making products such as straws, toothbrushes, combs, refillable cups, etc, and where to buy them. Metal straws are also available online. TK Maxx stocks the bamboo hot drink cups. The toothbrushes, combs, may not be entirely building related, but it still doesn't hurt to educate staff and partners as holistic beings.</p> <p>It might be worthwhile speaking to the catering services at all sites, and asking them to consider purchasing fruit and produce from sellers who do not wrap vegetables etc in plastic. And who use less plastic, and more ecological materials that biodegrade easily.</p> <p>Many thanks for this initiative, as this is an issue we all are responsible for, and it's not going to disappear!</p>		
12	<p>Greater awareness promoted by communications would be best. The means and information already exists, it just needs to be promoted well.</p>		
13	<p>Ensure stationery is purchased that is in recyclable packaging and not over packaged. Merton branded 'bags for life' on sale at libraries</p>		
14	<p>Cut down / restrict the use of plastic and other non-recyclable materials in the café.</p>		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
15	<p>Could Merton join the Go-Brik campaign? We are doing this at home - you can get an awful lot of plastic in one 2litre bottle.</p> <p>Do the muffins etc on the trolley need to be individually wrapped?</p> <p>Have our stationery suppliers considered the cellophane wrap on packs of wallets, post-its etc?</p>		
16	<p>I am really shocked by the amount of single use plastic that staff throw away rather than use the recycling facilities provided. The facilities provided aren't insufficient so why don't people take a couple of seconds to wash out plastic pots.</p> <p>there is confusion as to what goes in the paper and card bin, some staff put co-mingled waste in them but I have no idea if this is correct or not?</p> <p>I'd like to offer my support with this task group, its something I feel very strongly about.</p>		
17	Pilot a refundable deposit scheme on single use plastic bottles purchased in the building		
18	<p>The recycling bins in the kitchens are still not being used correctly by staff. I often see plastic bottles in the general waste bin or people are putting food waste into the recycling bin.</p> <p>People sitting at their desks simply put their plastic into their desk side bins (ie general rubbish) rather than walk to the kitchen to recycle. I feel that a campaign needs to be launched to target these staff. To rinse out a yoghurt pot and put in the kitchen bin should be easy... maybe they just need reminding.</p>		
19	I work at Gifford House where we try to recycle as much as possible - can any schemes that are introduced at the Civic Centre be introduced at other sites as well?		
20	<p>Gosto fino claimed to cut down on single use plastic but still use it.</p> <p>More eco friendly 100% recyclable envelopes/ literature sent out to residents?</p>		
21	Work with the internal caterers for them to promote people bringing in their own reusable cups. this would give people confidence to take their own cups rather than having to use the plastic cups.		
22	<p>Discounts in the staff cafe for people with a reusable cup.</p> <p>Staff bulletin with ideas on how to do more outside of work</p> <p>Stall in the foyer promoting this issue</p>		
23	the plastic recycling containers in the kitchens should be labelled more clearly and made more prominent. Reminder on the general waste bin would prompt good habits - seen so many milk containers put in general waste.		
24	<p>Replace the water machines with bigger machines to make it easier to fill up big reusable bottles.</p> <p>More signage around recycling bins.</p>		
25	<p>Redesign the kitchens - have a plentiful supply of standard plain mugs and a dishwasher on each floor just for mugs.</p> <p>Install a hot drinks machine on each floor too.</p>		
26	It might be an idea to have a sticker on waste bins reminding people not to throw away recyclable items (plastic bottles, paper etc.).		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
	I have seen cleaners actually trying to sort rubbish that has been thrown away - picking out recyclable items but I'm sure they won't always have the time to do this.		
27	Work with local cafe's to reduce plastic at the point of sale. Incentivise change. Merton Junction could give the 15% discount to those who use re-usable cups and others get 10%?		
28	Remove all Waste bins from people's desks and have main bins for recycling etc near the printer and or in the kitchen. No other offices in London have bins at desks as this encourages people not to recycle.		
29	Remove all Waste bins from people's desks and have main bins for recycling etc near the printer and or in the kitchen. No other offices in London have bins at desks as this encourages people not to recycle.		
30	people often finish using a plastic bottle etc when they are in meetings, but the rooms do not have recycling facility. Maybe notices reminding people to recycle or possibly put dual purpose bins in the committee rooms, café and merton junction as well		
31	The amount of waste I see ie photo copying etc when we don't need to. Lots of waste of plastic etc in the building and in Merton Junction - crisp packets - paper bags etc		
32	Why just plastic, as well as plastic, please can you do something to help change the paper culture in Merton - as that's just as important (just not as trendy at the moment). Too many people printing needless reams of paper, it drives me mad. Please incorporate that into your campaign.		
33	Many staff do not recycle despite facilities being available. Stronger messages to staff should be put up to emphasise the need to recycle. Rates might increase if there were consistent facilities across floors, i.e. the recycling bins look the same and accept the same items. Often the facilities change on the same floor. On the 7th floor in the kitchen the bin goes from paper only, to all recycling and back to paper as it is changed. If you want people to do something - make it easy. Food Waste recycling should also be introduced on all floors. If we expect residents to do it, we should lead by example.		
34	Each kitchen area could be furnished with sets of cutlery for use by staff to reduce the need for the café to provide plastic cutlery for takeaway meals. Likewise plates and hot covers to reduce the need for polystyrene boxes.		
35	Remove small office 'waste paper bins' and replace with clearly labelled recycling bins to segregate landfill and recyclable waste streams. Run an awareness campaign for staff. In the area that I work in waste is not separated well in either the office or kitchen despite there being some recycling bins available. If this is replicated across the council our recycling rates for all streams not just plastics would be very low.		
36	Everyone has lost faith with recycling since we found out it was mostly shipped to China and then probably dumped as landfill or burned.		
37	Recycling does not happened within the Merton Building. I see cleaners putting all recycling paper bin into the black bag every day and not used as it suppose to be done.		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
	Very appalling		
38	Please make it as easy as possible for Merton Council staff to recycle in the Council building		
39	stop selling food and drink packaged in plastic in the building		
40	There needs to be a much stronger message about recycling by Council employees and especially in Civic Centre		
41	Well done for looking at this issue. I think recycling needs to be a lot clearer. Good idea to work with the caterers Gosto Fino in the civic centre as well to reduce single use plastic. Maybe a few posters with ideas/ advice on how to reduce- or just reminders to reduce, re-use and recycle		
42	Perhaps introduce plastic recycling bins around the office - like the blue bins we have for paper. In my experience a lot of colleagues find it an effort to go to the kitchen to recycle plastics in the big recycle bin. I am very active in encouraging my team to recycle and also discuss office recycling as part of the induction process for new colleagues.		
43	Have shops in the borough that sell groceries without packaging. Have a scheme in the borough (similar to the one in Hastings) where cafes etc will refill people's water bottles. Have water fountains in the community where people can refill water bottles		
44	What if there were a system where you were served your hot drink in the junction in an easily identifiable mug (so they wont get muddled with all the other mugs). You could then take it up to your desk to drink (the mugs might need lids) and when finished leave it in an allocated spot, then when the trolley was going round you could hand it in, or if staff were willing they could collect them, and they could be taken downstairs and then put back into circulation. They'd probably have to go through the washer downstairs, but maybe adding a small amount onto every hot drink sold would all add up and cover costs for this? or you could charge extra for a disposable cup? Merton could pay for the mugs so the cost wasn't put onto the café? Also charging extra for single use plastics like cutlery, straws etc. might not be a bad idea. it seems to work for plastic bags.		
45	where possible I try not to use plastic		
46	If you want to promote Merton branded reusables I think it would be helpful to make it so cutting edge design people really want to sign up to the product. Why don't you go to somewhere like Kingston University and offer it as Graphic design competition - they have students who lead on design. if not them find somewhere in Merton like that and make it relevant.		
47	Enrol on the GoBrik project and encourage schools to do this. Great idea and lots of creations could be made!		
48	To ban plastic straws being used.		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
	Provide designated bins, also, for plastic water bottles and cups only.		
49	Sticker on the bins with picture for what goes in and what doesn't? We're still not clear what goes in what. Ask Sharon Foster - the cleaner on 1st floor. She gets very fed up with it.		
50	I think a coffee cup is scratching the surface. you need to consider what people use everyday like plastic carrier bags for example, this would be far more useful than a coffee cup		
51	reminder posters on what can be / can't be recycled as a lot of people are still unclear - for instance people try to recycle coffee cups. also clarify on how clean containers need to be eg rinsed out or not.		
52	I am surprised at how much plastic ie bottles etc is thrown into the normal waste bin. Maybe the council should take away the normal rubbish bins or make the recycling bins more prominent. I try were possible to shift the recycling into the correct bin		
53	we need more awareness raising on this issue		
54	My biggest concern at Civic is the introduction of the plastic salad boxes in the Junction. I used to select a plate and add the salad - however, I now have to choose a plastic box, add my salad, walk to the counter and he then tips my salad out onto the plate and throws the box away! I questioned this but was told that people add too much to plates. This is purely a profit issue. Huge waste of plastic and I won't buy my salad there now.		
55	provide further information about what is single use plastic and what isn't (some are obvious but others aren't). tell us about alternative eg bamboo etc, wax wraps rather than Clingfilm provide statics on the number of single use cups used and how this would impact on the environment		
56	Gusto Fino rarely ask what cup is required and default to disposable cup. If we are to use disposable cups in the civic, and wider LBM buildings, can these be green compostable cups to ensure that where possible zero waste goes to landfill and that cups used are not plastic or made from virgin paper		
57	The available recycling bins in the building are often contaminated with general waste.		
58	more info on what plastics are and are not recyclable would be helpful		
59	Give gentle reminders about the importance of recycling and be specific: it's not just about paper. Most people will know about the issue of single use plastics, and appreciate the need to do better on this front - but from what I've seen it's not front of brain for them so things that could be recycled just get lobbed in the bin. You could always have a let's recycle day with some basic A3 posters to jolt this back into people's consciousness.		
60	They could gift everyone a cup that they take to get filled and pay for the cup to be filled rather than to buy the cup		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
61	This is more generic more information about what plastics are recyclable could be helpful for Veollia collections..		
62	I mostly drink coffee 'in' rather than take-away so use china/glass cups.		
63	When they're meetings I've been forced to use plastic cups for visitors absent any other solution. Would you consider having glasses/crockery for such occasions and ensuring they're easily available? - ie not locked up like the crown jewels. As well as the waste of plastic, it sends out quite a poor message to the outside world.		
64	I use the small blue recycling bins in the office to put paper and card in, but have noticed that the cleaners combine the blue bin contents and the other bin contents into a single black plastic bag.		
65	<p>I have a metal water bottle. these are fantastic as they look good and keep cold drinks cold and apparently hot drinks hot -0 I haven't tried as yet. They are double walled so don't get hot on the outside. Please also consider options around promoting these to stop people buying water in the plastic.</p> <p>Also consider more water fountains.</p> <p>The Royal Marsden have reusable branded cups and a sum of the cost goes to a charity, perhaps if we as a council do that it could go to Sustainable Merton?</p> <p>In the review please also consider the London Mayors Refill Programme which asks businesses to advertise that they provide water stations. We could encourage staff to become water champions to promote the scheme as much as possible.</p>		
66			
67	the more we can do to lead the way on issues of sustainability and the environment as a local authority the better. We should be setting an example for residents and local businesses to follow.		
68	Run a treasure hunt around the building - the first person to find 20 (or whatever number you think right) items that are single use plastic in a given time limit wins a reusable coffee cup and a free coffee. I think this would be a bit of fun and would illuminate what people think of as single use plastic.		
69	We desperately need more information available in the public domain on what can or cannot be recycled. There is nothing on the Merton website apart from basic information - people are more liable to ask about new items etc.		
70	Are you thinking beyond reusable cups?? We need more certainty that when we make the effort to recycle, it is taken away by the council and properly recycled.We also need clearer guidance as to what can be recycled.		
71	I am confused - this is about single use plastics which I take to mean water bottles etc. not coffee cups which are usually cardboard?? Why no questions about use of re-usable water bottles. Or plastic cutlery and plastic lunch boxes - they are way more relevant.		
72	I think the issue of plastic bottles and plastic packaging is also important. One local coffee shop sells fully compostable coffee cups (tariro) which is another good solution. Also plastic bag use needs to be tackled.		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
	Maybe we could have a plastic bag store that people could borrow from if they go out to buy shopping when they are at work and have not brought in their own bags?		
73	I and many of my library colleagues would gladly recycle more goods via our staffroom and the recycling bins in the public areas of Morden Library. Unfortunately we were told that we could only recycle card and paper from our site. We are also not sure if some members of the cleaning team are distinguishing the recycling bins from those used for landfill refuse. It seems a shame if the council is committed to increasing recycling across the borough, that we cannot recycle more from the library e.g. plastics, tins and glass.		
74	Make recycling easier/ clearer especially in the civic centre building with clear notices in the staff kitchen areas.		
75	All effort should be made to reduce plastics demand at source by talking to the supermarkets about packaging		
76	All effort should be made to reduce plastics demand at source by talking to the supermarkets about packaging		
77	café Gosto Fino provides plastic cutlery with every take away meal. that may not be necessary; most people who buy take away food there work in the building and may have regular cutlery in their lockers.		
78	In the Civic office and other Merton buildings other than paper recycling is not available.		
79	This should not just be about 'cups' and straws - there needs to be a more concerted effort to stop using plastic folders, clear plastic sleeves etc. Files need to be card and paper not neoprene. In fact perhaps staff should be encouraged to have their 'own pen' that the council provide refills for so that we become more possessive of the item and stop using disposable biro's. This is not about being stingy or adopting hair shirt policies but simply more mindful about if a document or file really need to be shiny new plastic, especially when so much stuff is digitised.		
80	Just hurry up and do it! Why are we as council so, so, so, slow at doing things -the right thing?!		
81	Its great we have recycling opportunities at work - so would completely want to support		
82	In my previous role we used plastic spoons. I asked my manager to change these to the small wooden sticks which is what is ordered now. Only a small step but a change at least. When you see the devastation that these plastics are now causing especially to the wildlife its heart breaking. Everyone should be trying to do a little more.		
83	It's not entirely clear what kind of waste goes in which bin, and they are anyway always entirely contaminated by those who do not have a perspective of personal responsibility.		
84	It's not entirely clear what kind of waste goes in which bin, and they are anyway always entirely contaminated by those who do not have a perspective of personal responsibility.		

8. Is there anything you would like to add? We would love to hear your comments and ideas on how we can make it easier for staff to reduce the use of single use plastics in the building. How could Merton Council be more proactive? Use the box below to tell us what you think.

		Response Percent	Response Total
85	It's not entirely clear what kind of waste goes in which bin, and they are anyway always entirely contaminated by those who do not have a perspective of personal responsibility.		
		answered	85
		skipped	86

Appendix 2: Discussion with officers and the executive

On Friday 12th April the task group meet with officers and a representative of the executive to discuss this report's recommendation.

The task group acknowledges the proactivity of Mark Humphries and his team for the work they have done to date. A selection of the actions they have taken following the conclusion of the task groups work can be read below.

Water

In response to requests to replace current water dispensers with alternatives that allow bigger bottles to be filled, the corporate facilities team is obtaining details from its supplier to establish if a cost effective alternative can be provided that has been manufactured with sports bottles in mind and will fit most standard bottles.

Facilities Management have purchased reusable cups within all the kitchens with appropriate signs encouraging staff to use and return and will be monitoring usage and replacing where required.

Recycling

The cleaning contract manger from Birkin has produced an easy to follow step by step information sheet, which is being used as part of regular 'tool-box talks' with the cleaning staff to reinforce the importance of keeping the two strands separate.

The Facilities Management team is also exploring ways to improve recycling at the civic centre (including Morden Library) and other corporate sites, for example by introducing battery recycling. An initial trial on two floors of a centralised binning approach is being implemented in part to improve the signage and layout and make it much clearer, easy and obvious to staff how and what

they can recycle. They are also exploring how to introduce a commercial food waste collection from the civic centre.

Catering

The Civic centre catering is provided by a commercial catering company (Gosto Fino) and is operated on the basis of a formal concessionary contract, for which the Council receives income that is based on a percentage of the sales achieved.

Items that have been introduced or where improvements are planned are listed below.

- **Re usable cups** – Gosto Fino are committed to introducing these during 2019 as an alternative to plastic lined paper cups. They would be purchased by customers as a one off cost and then would provide a discount on any future beverages purchased.
- **Customers own cups** – Customers are encouraged to bring their own cups to obtain a discount for coffee, and smoothies/milkshakes. This is displayed on the menu boards and social media pages and Gosto Fino are looking to see if this can be made more prominent.
- **Plastic cups** – These are no longer being provided unless a customer specifically asks for one.
- **Plastic straws** – These are no longer being supplied and suitable biodegradable paper alternatives are now given to customers.
- **Plastic cutlery** – Generally customers will use metal cutlery when consuming food within any of the restaurant areas. However, the supplier has been trialling the use of disposable wooden knives, forks and spoons for take-away meals.
- **Plastic salad containers and Expanded foam hot food containers** – The supplier is reviewing suitable biodegradable or recyclable alternatives at reasonable cost.

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Committee: Cabinet

Date: 3rd June 2019

Agenda item:

Wards: ALL

Subject: Annual Public Health Report 2019 and Tackling Diabetes Action Plan

Lead officer: Dr Dagmar Zeuner, Director of Public Health.

Lead member: Councillor Tobin Byers, Cabinet Member for Adult Social Care and Health

Contact officer: Mike Robinson, Public Health Consultant, Barry Causer, Head of Strategic Commissioning, Public Health.

Recommendations:

Cabinet is asked to:

- A. Receive and endorse the Annual Public Health Report 2019, Tackling Diabetes in Merton: learning from a whole system approach.
 - B. Note the Merton Health and Wellbeing Board's work on diabetes and the attached Tackling Diabetes Action Plan 2019 - 2024.
-

1 Purpose of report and executive summary

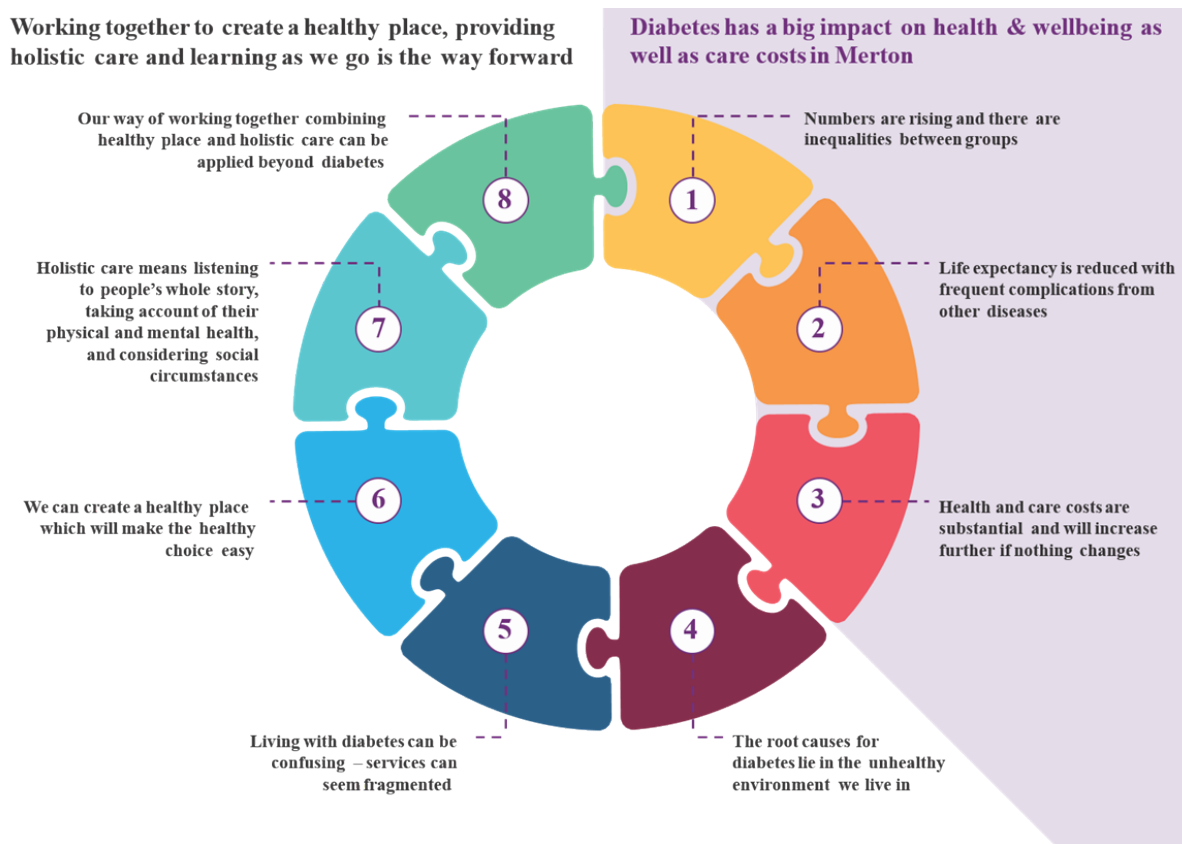
- 1.1. It is a statutory duty for the Director of Public Health to produce an independent Annual Public Health Report (APHR). The purpose of this report is to share with Cabinet the APHR 2019 on Tackling Diabetes in Merton.
- 1.2. This report also sets out the recent work of the Health and Wellbeing Board on diabetes, as a priority action and presents the new Tackling Diabetes Action Plan.

2. DETAILS

Annual Public Health Report 2019

- 2.1 Under the Health and Social Care Act 2012, the Director of Public Health is required to produce an Annual Public Health Report on a topic of their choice. For 2019, this report focuses on diabetes, complementing the Tackling Diabetes Action Plan overseen by Merton Health and Wellbeing Board. Fig. 1 below sets out key messages from the APHR.

Fig 1. Learning from a whole system approach
Key messages from the Annual Public Health Report 2019



A summary of [Annual Public Health Report 2019 Highlights](#) is included in Appendix 1 with the link to the full [Annual Public Health Report 2019](#).

Diabetes as a priority action for Merton Health and Wellbeing Board

- 2.2 In 2017, the Health and Wellbeing Board agreed to build upon its previous work on promoting child healthy weight and focus as a partnership on tackling diabetes. This followed a presentation to the Board by local GPs highlighting the unabated epidemic and insufficiency of trying to tackle diabetes as a medical problem only.
- 2.3 In response the Board agreed to adopt a ‘whole system approach’ across the life course, using the focus on diabetes as an exemplar for developing holistic care (covering physical, mental and non-clinical personal support) hand in hand with creating a healthy place. Both with a strong focus on understanding what most matters to local people and actively engaging all Board partners across Merton; whilst accepting and encouraging lessons learnt along the way.

- 2.4 The first phase of this approach was the Diabetes Truth Programme (see Appendix 1 for details). Running from January to March 2018, this Programme saw each, individual Health and Wellbeing Board member ‘buddy up’ with a Merton resident who had a lived experience of diabetes. Through a series of one to one conversations, members of the Health and Wellbeing Board were able to gain an insight into the life and challenges that people living with diabetes face on a daily basis. This helped Board members identify the most important areas to focus on. It made clear what matters to residents and also reinforced a commitment of the Health and Wellbeing Board to work with residents and communities as an integral part of the solution.
- 2.5 The engagement continued in October 2018 through two mini-conversations, attended by 37 residents, which delved deeper into the issues and challenges. This insight alongside data analysis and a review of the evidence, aligned with partnership work led by Public Health and Merton Clinical Commissioning Group, has informed the development of the Tackling Diabetes Action Plan.
- 2.6 There are clear synergies between tackling diabetes and promoting child healthy weight. As childhood obesity is still high and remaining a local priority, the Child Healthy Weight Action Plan, originally approved by the Health and Wellbeing Board in March 2017, has also been refreshed (see Background Documents for a link).

The 2018/19 Annual Public Health report supports both Plans, by providing context and describing opportunities for further learning.

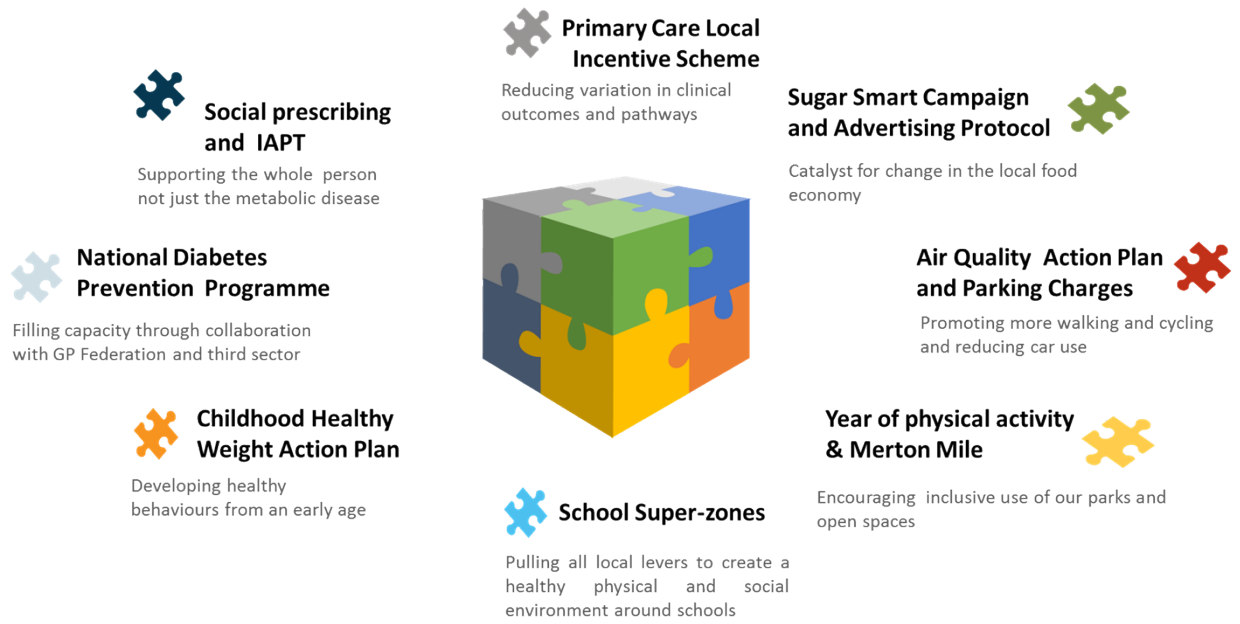
Tackling Diabetes Action Plan

- 2.7 Approximately 6% (11,160) of the registered adult population within Merton Clinical Commissioning Group are currently diagnosed with diabetes; a further 2% (2,585) are estimated to be undiagnosed, and 11% (18,450) have non-diabetic hyperglycaemia (pre-diabetes).

If nothing changes, it is estimated that the total diabetes prevalence will rise by 5,000 to over 18,000 or 9% over the next 10 years. Diabetes currently consumes approximately 10% of the overall NHS budget, and this too is projected to rise. The Annual Public Health Report has additional facts and figures (see Appendix 1).

- 2.8 The Tackling Diabetes Action Plan sets out high level actions, under three overarching themes: clinical oversight and service improvement; holistic individual care; and, healthy place. It is not an exhaustive list of all activities and actions that contribute to tackling diabetes; it contains a small number of high value actions that, when delivered together, are expected to have the most impact in Merton.

Fig 2. Key actions from the Diabetes Action Plan



- 2.9 In terms of resources needed to tackle diabetes, a business case has recently been approved by Merton Clinical Commissioning Group to invest an additional £1.2 million over 3 years in holistic primary and community care including access to mental health services and non-medical support, e.g. social prescribing.
- 2.10 The Council, leading on creating a 'Healthy Place', will focus on the effective use of existing mechanisms such as the Local Plan and new opportunities to work on cross-cutting issues to improve the food environment and encourage physical activity. E.g. creating healthy neighbourhoods around schools, Sugar Smart campaign, reviewing advertising protocols, the use of parking charges to improve air quality, promoting walking and cycling, and reducing sedentary behaviour.

Launch event and South West London clinical conference

- 2.11 The Tackling Diabetes Action Plan was launched on 4th April 2019 as part of a wider package of work to tackle diabetes. This included a new Merton Mile: a one mile signposted route around Figges Marsh to support families and individuals to be active.
- 2.12 The launch brought together community members, senior leaders and partners to celebrate progress, listen to people's lived experience and look forward to make a positive impact. The event saw Health and Wellbeing Board members joining children from a local school to walk or run the Merton Mile (link below).



launch video.MP4

- 2.13 Following on from his leadership in raising awareness of diabetes at a national level, and his personal success in tackling his own type two diabetes, Tom Watson MP wrote a letter to the Leader endorsing Merton's approach which was read at the event.
- 2.14 More recently, at the South West London Clinical Senate Conference, Councillor Tobin Byers as Chair of the Health and Wellbeing Board and Cabinet Member for Adult Social Care and Health, together with the Director of Public Health, shared the work of Merton Health and Wellbeing Board on diabetes with over 300 clinicians, which was very well received.
- 2.15 The innovative approach taken in Merton has been presented at a number of forums, including the South West London Diabetes Steering Group, where it was very positively received. Discussions are now underway on how this approach can be replicated more widely.

3. NEXT STEPS

The Annual Public Health Report is being shared with partners and the summary document disseminated widely.

Progress with implementing the Tackling Diabetes Action plan will be monitored by the Merton Health and Care Together Board and ultimately overseen by the Health and Wellbeing Board.

4. Alternative options

N/A

5. Consultation undertaken or proposed

Significant consultation has taken place and informed the Tackling Diabetes Action Plan, including the Diabetes Truth programme and subsequent mini-conversations, a presentation at the Merton Clinical Commissioning Group led Patient Engagement Group and discussions with key stakeholders including voluntary sector and community representatives.

6. Timetable

As set out in the report.

7. Financial, resource and property implications

None to the Council. Additional investment by Merton Clinical Commissioning Group will support the delivery of this work.

9. Legal and statutory implications

It is a statutory duty for the Director of Public Health to produce an Annual Public Health Report.

10. Human rights, equalities and community cohesion implications

The Tackling Diabetes Action Plan is specifically aimed at tackling health inequalities.

11. Crime and Disorder implications

None

12. Risk management and health and safety implications

None

Appendices – the following documents are to be published with this report and form part of the report

APPENDIX 1: Diabetes Truth Programme summary illustration and link to full report.

APPENDIX 2: Annual Public Health Report 2019 Tackling Diabetes in Merton: learning from a whole system approach

APPENDIX 3: Tackling Diabetes Action Plan 2019 - 2014

Background Documents

Merton Child Healthy Weight Action Plan 2019 - 2022 (*Item 5 Appendix 3*):

[Health and Wellbeing Board 26 March 2019](#)

Appendix 1. Diabetes Truth Conversations Summary

Summary – Diabetes truth programme

What did we do?

Each Health and Wellbeing Board member paired up with an expert witness, a 'buddy' who was living with, at risk of, or caring for someone with Type 1 or Type 2 diabetes. We had conversations together and then shared what we had found out at a workshop.

Why did we do this?

We chose the complex problem of diabetes as an exemplar; to find out the true day-to-day issues and choices that people living with diabetes face and to see how we as a Health and Wellbeing Board can work with our community to help identify solutions, rather than impose preconceived ideas.

What did we find out?

- Type 1 diabetes is really different to Type 2 and when focussing on 'diabetes' we need to be clear on this.
- Type 1 and Type 2 diabetes are not just physical illnesses; they also require a focus on emotional and mental health resilience and support.
- We need to communicate and educate better about food and recognise that our food choices are often influenced by factors in our environment such as advertising and availability of fast food.
- There is plenty of information out there about diabetes but people do not always engage with it. We need to work on this – making better connections between those who produce the information and those who need to use it.
- Physical activity is important to help prevent and manage Type 2 diabetes. It can bring people together, which can help with adherence but it can be difficult to make the time. We need to promote the assets we have such as parks and open spaces and include activity in our everyday lives.
- Peer and community support has a huge role to play; we need to learn from those who have experience, face to face and on line.
- Pressures relating to lifestyle, working hours and lack of sleep mean that just knowing the causes and risks of diabetes, is not enough to change behaviour. Instead healthier choices need to become easier choices through the right cues and support in our environment and everyday life.

What will we do next?

Whilst some of the findings of this report are specific to diabetes, by exploring our approaches to this complex challenge we have created a new way of working as a Health and Wellbeing Board which we can use when addressing other conditions and wider work. This includes:

- Merton Health and Wellbeing Strategy, which sets the overall ambition for health and wellbeing in Merton, is being refreshed this year. The learning from the Diabetes Truth conversations will help to inform this Strategy and to shape the way we and our partners engage with our community.

Appendix 2

Diabetes in Merton – Learning from a whole systems approach Annual Report of the Director of Public Health 2019

Summary PDF document attached.

For full report Tackling Diabetes in Merton – Learning from a Whole Systems Approach (*Item 5 Appendix 1*) see:

[**Health and Wellbeing Board 26 March 2019**](#)

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Highlights of the Annual Public Health Report 2019 – Tackling Diabetes in Merton

The report provides context for the Health and Wellbeing Board’s Diabetes Action Plan which is published alongside the Annual Public Health Report. It is a learning resource, to encourage the development of a whole system approach for all long-term health conditions.

Diabetes occurs when the amount of glucose (sugar) in the blood is too high because the body cannot use it properly. Type 1 diabetes tends to start at a younger age and diet and exercise are not contributory factors. Type 2 diabetes is strongly linked to obesity, poor diet and inactivity. People from South Asian, African and African-Caribbean origin are more at risk than average.

Key Messages – summary

Working together to create a healthy place, providing holistic care and learning as we go is the way forward

Our way of working together combining healthy place and holistic care can be applied beyond diabetes

Holistic care means listening to people’s whole story, taking account of their physical and mental health, and considering social circumstances

We can create a healthy place which will make the healthy choice easy

Living with diabetes can be confusing – services can seem fragmented

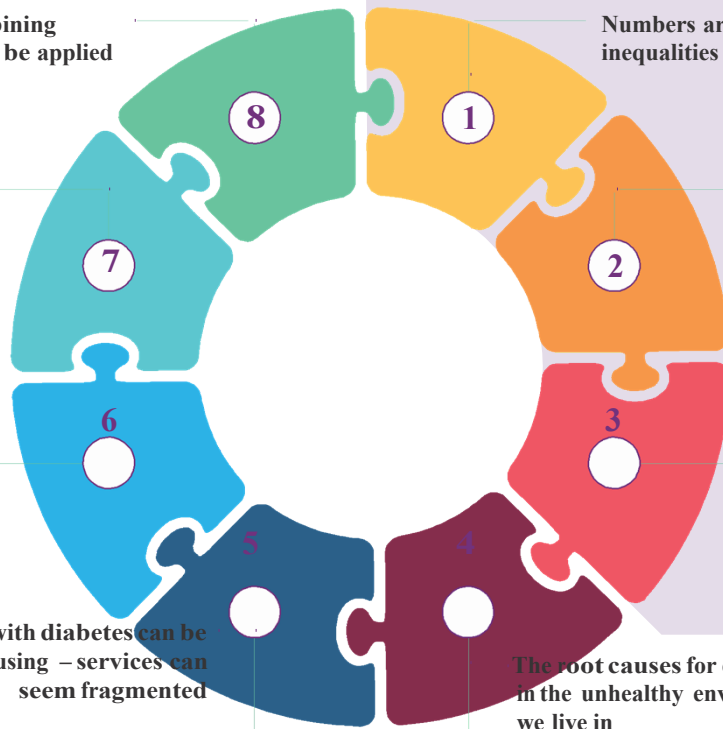
Diabetes has a big impact on health & wellbeing as well as care costs in Merton

Numbers are rising and there are inequalities between groups

Life expectancy is reduced with frequent complications from other diseases

Health and care costs are substantial and will increase further if nothing change

The root causes for diabetes lie in the unhealthy environment we live in



Key Messages – more detail

1 Numbers are rising and there are inequalities between groups

- Diabetes in Merton has been increasing year on year and if nothing changes will continue to do so. Over 8 in 100 people in Merton over the age of 16 are currently predicted to have diabetes (diagnosed or undiagnosed) and this is expected to rise to over 9 in 100 by 2035.
- Rates of diabetes in Merton vary by locality. Several practices in East Merton record rates three times greater than most practices in the West.

2 Life expectancy is reduced with frequent complications from other diseases

- Life expectancy for both types of diabetes is reduced compared to people without diabetes. People diagnosed with Type 2 diabetes in their 50s on average lose 6 years of life compared to their peers.
- Diabetes increases the risk of serious diseases such as blindness, kidney failure, heart attack, stroke, and amputations.



Health and care costs are substantial and will increase further if nothing changes

- Diabetes consumes approximately 10% of the overall NHS budget or about £10 billion per year. In Merton in 2016, the cost of Type 2 diabetes alone was £ 20.9 million. If nothing changes, costs in Merton will increase by about 2% per year meaning an extra £2.4 million per year in 5 years' time.
- Besides the NHS cost, diabetes also means extra social care costs for the Council. The current total for Merton has been estimated to be approximately £1.3m per year.



The root causes for diabetes lie in the unhealthy environment we live in

The environment in Merton has features which make it easy for children and adults to become overweight. It is not that people are becoming greedier or lazier. It is easier to travel by car than to walk or cycle and to eat fast food rather than healthier choices.



Living with diabetes can be confusing – services can seem fragmented

Early in 2018 each member of the Health and Wellbeing Board 'buddied up' with an 'Expert Witness' – an individual living with diabetes, at risk of diabetes or caring for someone with diabetes. The conversations which followed formed the basis of the "Diabetes Truth Programme". Some of its key findings were:

- There is plenty of information out there about diabetes but advice is often confusing. We need to make better connection between those who produce the information and those who need to use it.
- Type 1 diabetes is different to Type 2 – when focusing on diabetes we need to be aware of, and do justice to, both types.
- Type 1 and Type 2 diabetes are not just physical illnesses – they require services which focus on emotional and mental health too.



We can create a healthy place which will make the healthy choice easy

Creating a 'healthy place' means shaping the physical, social, cultural and economic factors in the places we live, learn, work and play.

Some of the features of healthy places will be:

- Promoting good mental health and emotional wellbeing
- Making the healthy life style choice easy
- Protection from harm, providing safety

Healthy choices are easy choices when:

- Healthy food is available easily and is affordable
- Streets are pleasant and safe to walk and cycle with clean air
- Advertising of unhealthy food and drink is restricted



Holistic care means listening to people's whole story, taking account of their physical and mental health and considering their social circumstances

Holistic care means consideration of the complete person, physically, psychologically, socially and spiritually in the management and prevention of disease. It is underpinned by

the concept that there is a link between our physical health and our more general 'well-being'.

Social prescribing is a key part of delivering holistic care. This allows GPs and other health care professionals to refer to non-medical support, for example to help relieve loneliness.

Other components of holistic care for diabetes in particular are:

- Improving Access to Psychological Therapies, meaning access to a therapist to help develop positive thinking and skills in problem solving.
- Structured Education, meaning a series of classes with other people with diabetes to learn about living as well as possible and reducing complications.
- National Diabetes Prevention Programme, designed for people whose blood test shows they are at high risk of developing Type 2 diabetes and which provides intensive support to achieve a healthy weight.



Our way of working together combining healthy place and holistic care can be applied beyond diabetes

When the Merton Health and Wellbeing Board made tackling diabetes a priority, members started by listening to the voices of Expert Witnesses from across the borough. This made the Board members more informed and aware of their potential for leading change.

The learning which followed was wide ranging; including the challenges people face as part of daily life, eating well and staying active; how carers and families can support people with diabetes; and how people can best use services.

This whole system approach to diabetes puts the patient and their family or carer in the centre. This alignment of a healthy place with holistic care can be applied to other long-term conditions.

Resources:

For the full report please go to:

www.merton.gov.uk/health-social-care/publichealth

Diabetes Truth Programme

<https://democracy.merton.gov.uk/documents/s22963/Item%205%20Appendix%201.pdf>

Diabetes UK

A useful resource for patient and families education.

www.diabetes.org.uk

NHS diabetes app – online Low Carb Program can help anyone with type 2 diabetes take better control of their condition. www.nhs.uk/apps-library/low-carb-program

For a longer list of resources please see the full report.

We welcome your feedback:

PHreport2019@merton.gov.uk

Merton Health & Wellbeing Board's Tackling Diabetes Action Plan 2019 – 2024

Summary Plan on a Page

For full report Tackling Diabetes Action Plan (*Item 5 Appendix 2*) see:

[Health and Wellbeing Board 26 March 2019](#)

Theme 1 - Clinical oversight and service improvement. Lead org: CCG

Vision: Merton delivers evidence based services, providers and commissioners actively seek out opportunities for service improvement and share learning and uses data to identify areas of best practice and variation.

In order to deliver this vision, we will

Action 1) develop a 'diabetes dashboard' to monitor outcomes and use data to identify variation and empower practices to improve services, **Action 2)** keep services and pathways under review & use patient views to identify and secure improvements in existing and future projects, **Action 3** provide access to training for staff to ensure that they are up to date with clinical guidelines, evidence based management and emerging approaches e.g. very low calories diets, **Action 4)** approach commissioning of diabetes services in a manner that empowers and supports quality improvement across two levels; at a federation level and in individual practices, **Action 5)** increase access to and uptake of evidence based and highly effective structured education programmes e.g. Desmond and DAFNE and deliver culturally specific programmes e.g. DoSA.

Theme 2 - Holistic Individual Care. Lead org: LBM & CCG

Vision: Merton takes a holistic care approach to diabetes and delivers what matters to residents, uses local assets and takes a partnership approach to increasing the uptake of NDPP and the wider digital prevention offer.

In order to deliver this vision, we will

Action 6) roll out social prescribing at scale and consider wider opportunities to connect residents to services, **Action 7)** increase resilience of communities and residents by ensuring that diabetes services are linked to mental health services, **Action 8)** produce a Directory of Services e.g. Adult Education and cooking classes that support residents at risk of or living with diabetes, **Action 9)** develop a network of 'connectors' to enable the community as a whole to take action to prevent diabetes, **Action 10)** increase uptake of the NDPP and deliver wider prevention programmes, **Action 11)** promote the wider Merton digital prevention offer, **Action 12)** actively engage communities and residents living with diabetes (T1 and T2) in service design and improvement.

Theme 3 – Healthy Place. Lead org: LBM

Vision: Merton as a place to live and work encourages people to be more active and make healthier choices.

In order to deliver this vision, we will

Action 13) work in key settings to ensure they support healthy lifestyles e.g. delivering Healthy Workplaces across Merton in (a) organisational members of the HWB and (b) external businesses, **Action 14)** create a healthier food environment in Merton by working with partners and businesses, **Action 15)** increase and promote opportunities to be physically active.

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Committee: Cabinet

Date: 3 June 2019

Subject: Private Rented Property Licensing – Review of Mandatory Licensing Fees, Options for introducing Selective Licensing and Introduction of Civil Penalties

Lead officer: Steve Langley – Head of Housing

Lead member: Councillor Martin Whelton – Cabinet Member for Regeneration, Environment and Housing

Contact officer: Steve Langley – Head of Housing x 3712

Recommendations:

1. To approve the Civil Penalties and Rent Repayment Order policy and charging system as set out in Appendix 1.
 2. To approve the introduction of a revised fee structure for HMO mandatory licencing charges.
 3. To approve the case for using the income from Civil Penalties, Rent Repayment Orders and the revised mandatory HMO licensing scheme so as to build capacity within the Housing Enforcement Team in order to meet statutory requirements
 4. To agree the renaming of the current Environmental Health Housing service to the Housing Enforcement Team which better reflects the current operating environment
 5. To approve the Housing Enforcement Policy
 6. That delegated authority be given to the Director of Community & Housing to approve minor adaptations and updates to the Housing Enforcement Policy, as and when required.
 7. To agree that further data analysis be carried to identify which area(s) will be adopted for Selective Licensing.
-

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

Private sector housing plays a significant part in the housing provision within Merton, accounting for 24.8% of supply, and it is recognised that the majority of this housing is in good condition and well managed, however nationally the conditions in the private rented sector (PRS) tend to be less satisfactory than any other occupancy type. The Council has a responsibility to deal with unsatisfactory housing that presents health and safety hazards to the occupier. This report outlines our approach to securing that standards are met, seeks to ensure good

practice is maintained; and all properties let as residential dwellings, those in the private ownership, throughout Merton are of good quality and are well managed.

It is not disputed that the private rented sector should provide high standards, secure swift and effective access to justice and that the large volume of powers to protect tenants from poor housing are being used.

There are 140 Acts of Parliament containing more than 400 individual regulations affecting the private rented sector.

The current law in England has become more and more complex. It is not unsurprising therefore, that that local housing authorities, including Merton, have not carried out more enforcement over the years, and the responses to complaints of disrepair in the sector can vary.

The table below sets out the number of offences that received a prosecution or criminal conviction over a 10 year period. The data source was the GLA Rogue Landlord Database.

Borough	No of Offences		Borough	No of Offences
Kingston	0		Sutton	5
Merton	30 offences (from 1 prosecution)		Croydon	6
Bromley	1		Havering	8
Bexley	2		Richmond	8
Lewisham	2		Wandsworth	17
Lambeth	3		Hounslow	34

In the last few decades the size of the private rented sector has grown. This form of tenure has become home to more than 4.7 million people in England and is likely to grow.

Poor housing costs the NHS at least £1.4 billion each year and given more and more of the tenants are vulnerable and will have young families, it is important that we take steps to improve housing conditions in this sector.

This report summarises the types of enforcement and legislation which can commonly be used, and how we will try to boost standards across the private rented sector, realising of course it will not solve all the problems with “rogue landlords” but it will contribute towards improved quality and safety in housing condition and in doing so support the physical and mental health of residents.

In the context of housing enforcement and regulation regard must be had to the following:

- The Regulators' Code which promotes proportionate, consistent and targeted regulatory activity through transparent and effective dialogue and understanding between regulators and those they regulate. Regulators must have regard to this code when developing policies and procedures that guide their regulatory activity.
- The Government has pledged to crackdown on rogue landlords and has introduced a number of measures under the Housing and Planning Act 2016 to help local authorities deal more robustly with offenders.

2. DETAILS

2.1 Methods of Enforcement

The Housing Enforcement Team expects full voluntary compliance with the Law. Officers work with owners of housing to meet their legal obligations by providing clear and concise information about what they need to do to comply. Formal Action will be taken, including prosecution, against those who flout the law.

The principle piece of legislation used by the Housing Enforcement Team is the Housing Act 2004. Actions that will be considered include, but not limited to

- Informal action
- Serve a statutory notice
- Take emergency remedial action
- Suspend, revoke or refuse to renew a HMO licence
- Formal (simple caution)
- Civil penalty
- Works in default

The Government has pledged to a crackdown on rogue Landlords and has introduced a number of measures under the Housing and Planning Act 2016 to help the Council deal more robustly with offenders.

2.2 New Legislation Housing and Planning Act 2016

2.2.1 Civil Penalties

Section 23 and 126 and Schedule 9 to the Housing and Planning Act 2016 amended the Housing Act 2004 so as to provide for the imposition of civil penalties as an alternative to prosecution for certain specified housing offences.

This power is set out at section 249A of the Housing Act 2004, which states that a "local housing authority" may impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person's conduct amounts to a relevant housing offence in respect of premises in England. A relevant housing offence for these purposes means one of the following offences under the Housing Act 2004.

- Failure to comply with an Improvement Notice.

- Offences in relation to the licensing of Houses in Multiple Occupation.
- Offences in relation to licensing of houses under Part 3 of the Act if the Council adopted selective or additional licensing in the future.
- Contravention of an overcrowding notice.
- Failure to comply with management regulations in respect of Houses in Multiple Occupation.
- Breach of a banning order.

Only one penalty, of up to £30,000 may be imposed on a person in respect of the same conduct. The Council cannot impose a civil penalty and prosecute for the same offence. Similarly, if a civil penalty has been imposed a person cannot then be convicted of an offence for the same conduct. The decision on when to prosecute and when to issue a civil penalty will be decided on a case by case basis (once adopted in accordance with the policy at Appendix 1).

Where it is determined to impose a civil penalty, the amount of that penalty will be calculated by reference to the Civil Penalty Policy.

A civil penalty will only be imposed where there is sufficient evidence to show the evidence of a relevant offence, such as to provide a realistic prospect of conviction if that breach was prosecuted in the Magistrates Court. The evidence must reach the standard of the criminal burden of proof i.e. beyond reasonable doubt. It is not to be considered an easier or softer option to prosecution. Where both a landlord and a managing agent have committed the same offence, a civil penalty can be imposed on both as an alternative to prosecution, and the level of penalty may be set at different levels.

A person who has been issued with a civil penalty has a right of appeal to the First-tier Tribunal and this will involve a re-hearing of the Council's decision to impose a civil penalty. The Tribunal has the power to confirm, vary (increase or reduce) the size of the financial penalty or cancel the civil penalty that the Council has issued.

The local housing authority must have regard to the exercise of functions pertaining to issue of civil penalties.

The guidance sets out factors which the local housing authority should take into account when deciding the appropriate level of penalty. These are:

- The severity of the offence.
- The culpability and track record of the offender.
- The harm caused to the tenant or likely to be caused as a consequence of committing the offence.
- Punishing and deterring the offender.
- Deterring others from committing similar offences.
- Removing any financial benefit from the offender

2.2.2 Rent Repayment

A Rent Repayment Order (RRO) is an order made by the First Tier Tribunal requiring a landlord to repay a specified amount of rent. The Housing Act 2004 introduced RROs to cover situations where the landlord of a property had failed to obtain a HMO License for a property that was required to be licensed. The Housing and Planning Act 2016 extends this power to cover a much wider range of offences as set out below.

- Violence when securing entry to a property – section 6 Criminal Law Act 1977.
- Eviction or harassment of occupiers of premises – section 1 Protection from Eviction Act 1977.
- Failure to comply with an Improvement Notice – section 30 Housing Act 2004.
- Failure to comply with a Prohibition Order – section 32 Housing Act 2004.
- Control or management of an unlicensed HMO – section 72 Housing Act 2004.
- Breach of a banning order – section 21 Housing And Planning Act 2016.

RRO's can be granted to either the tenant or the Council, although a tenant may apply for an RRO only if the offence relates to housing that, at the time of the offence was let to the tenant, and the offence was committed within 12 months of the application. If the tenant's rent was paid through Housing Benefit or through the housing element of Universal Credit then the rent is paid to the Council. If the tenant paid their own rent themselves it is repaid to the tenant. If the rent was paid partially by the tenant with the remainder through Housing Benefit the rent will be repaid on an equivalent basis.

The Council has a duty to consider applying for a rent repayment order if they become aware that a person has been convicted of one or more of the offences set out above. Tenants also have a right to apply to the First Tier Tribunal to make a rent repayment order and section 49 of the Housing and Planning Act 2016, specifies that the council may help a tenant to apply for a RRO by, for example the giving of advice or conducting proceedings on a tenant's behalf

The amount the First-tier Tribunal may require the Landlord to repay, will be dependent upon the offence committed, but must not exceed the amount of rent paid (by the tenant) or the amount of Housing Benefit or housing component of Universal Credit that the Landlord received (from the local authority) in respect of rent. Under the HPA 2016 a Rent Repayment Order (RRO) can be sought even when the Landlord has not been convicted of one of the offences listed above. Where this is the case, the First Tier Tribunal will need to be satisfied beyond reasonable doubt that the Landlord has committed the offences.

2.2.3 Banning Orders and the National Database of Rogue Landlords.

Section 15(1) of the Housing and Planning Act 2016 provides local authorities with a power to apply for a banning order against a person who has been convicted of a banning order offence. The order is made by the First-tier Tribunal (for a period of no less than 12 months) and operates to ban a landlord (and managing agent) from letting houses in England, or engaging in an English letting agency, or engaging in English property management work, or doing two or more of these things. A banning order offence is an offence of a description specified in the Housing and Planning Act 2016 (Banning Order Offences), Regulations 2017. These regulations specify a range of housing, immigration and other serious crimes. Statutory guidance has been issued on the exercise of this power.

The Housing and Planning Act 2016 has enabled the Secretary of State to create a central database of rogue landlords and agents. The purpose of this is to provide local authorities with a tool for keeping track of known rogues so that enforcement action and resources are focused on those individuals and organisations who knowingly flout their legal obligations and to assist in the identification of such individuals, especially those who operate across council boundaries. Merton is a signatory to the Rogue Landlord Database.

2.2.4 Houses in Multiple Occupation

Since 2006 the definition of a mandatory licensable House in Multiple Occupation (HMO) was a dwelling comprising of three or more storeys, that is occupied by five or more people living as two or more separate households, and where the occupiers share same basic amenities, such as washing and/or cooking facilities.

On the 1st October 2018, the definition changed and the scope of mandatory licensing for HMO's has been extended to bring smaller HMOs within the scheme.

Mandatory licensing for HMO's will include:

- All HMO's with five or more people, living as two or more separate households regardless of the number of storeys, and where the occupiers share some basic amenities. Effectively this means the storey requirement will be removed from the current definition.
- Purpose built flats where there are up to two flats in the block, and one or both of the flats are occupied by five or more people, living as two or more separate households, and where the occupiers share some basic amenities. This will apply to dwellings above or below commercial premises, bringing some flats above shops and high streets within mandatory HMO licensing as well as small blocks of flats which are not connected to commercial premises.

There are currently 174 mandatory licensed HMOs in Merton. The extended scope of the HMO definition will bring a significant increase in the number of HMOs that will require a licence to operate. Overall this will bring about improvements to the management and safety standards to residential properties in the private rented sector in Merton.

2.3 Housing Enforcement Policy

We are committed in tightening up enforcement processes and response to legislation. We have therefore refreshed our Private Sector Enforcement Policy which outlines the enforcement approach and the available enforcement powers we have at our disposal to manage non-compliance within a private sector housing setting. The draft policy is attached as appendix 3.

The policy seeks to:

- Clearly set out our approach to enforcement and the range of enforcement options available to officers under multiple pieces of legislation.
- Ensure our enforcement is consistent and transparent
- Ensure all new legislation is incorporated and acted on

2.4 Selective Licencing

In recent months concerns have been raised by a number of stakeholders, including residents and ward councillors, which have a high proportion of privately rented properties in their area and where there is concerns of increased anti-social behaviour and crime. These areas exist despite the Council and its partners seeking to use enforcement powers and providing guidance and assistance to provide assistance to private rented sector landlords to improve standards.

In order to address this challenge, this section of the report is recommending that the Council takes further steps to develop an adoption of a selective licensing scheme in addition to the Houses of Multiple Occupation (HMOs) licensing scheme already in operation.

The selective licensing scheme is a discretionary one, which would require all private landlords (with certain exemptions operating within a designated zone to operate under the terms of a license awarded by the Council.)

License conditions typically include a range of requirements aimed at ensuring that properties are safe and are managed in a satisfactory way.

Such a scheme would provide the Council with an additional tool to help better regulate privately rented accommodation and to uplift standards of management within the area. Selective license schemes last for five years and there is a fee payable to apply for the license which covers the cost of the administration and implementation of the scheme, including any required enforcement activity for non-compliance.

2.4.1 Identifying an area for Selective Licensing

For an area to be considered for a Selective Licensing scheme it must have a high level of privately rented housing. A “high level” is defined as being above average and currently the national average is 19.6%.

The table below sets out the size of the housing stock by ward with details of the percentage of the private rented sector.

	Housing Stock	% Private Rented Sector		Housing Stock	% Private Rented Sector
Hillside	4,251	38.4	Village	3,471	23.0
Colliers Wood	4,429	36.8	Merton Park	3,651	22.7
Abbey	4,568	35.7	Cricket Green	4,320	18.5
Dundonald	4,017	33.6	Longthornton	3,646	18.2
Trinity	4,275	33.5	Ravensbury	3,794	18.2
Graveney	3,459	32.8	West Barnes	3,615	16.8
Lavender Fields	4,029	30.1	St Helier	3,976	13.7
Wimbledon Park	4,285	27.8	Cannon Hill	3,450	13.4
Raynes Park	4,177	26.2	Pollards Hill	3,679	13.1
Figge's Marsh	4,225	23.0	Lower Morden	3,440	10.3
			Total	78,757	

In addition to having a high level of private rented housing, there are a number of other criteria that must be met in order to introduce a selective licensing scheme. These criteria are set out in the Housing Act 2004 and the Ministry of Housing, Communities and Local Government Guide.

The law states that a local authority may make a selective licensing designation if an area meets one or more of the following conditions:

- That the area is, or likely to become, an area of low housing demand (low demand being indicated by the value of residential premises compared to the value of other similar premises, the turnover of occupiers of residential premises, the number of premises available to buy or rent and the general appearance of the locality)
- A significant and persistent problem caused by anti-social behaviour
- Poor property conditions
- High levels of migration
- High levels of deprivation
- High levels of crime

2.4.2 Data Analysis

Following the example of other local authorities who have implemented Selective Licensing schemes, data would need to be analysed to Lower Layer Super Output Areas (LSOA – each area broadly equates to a distinct postcode.)

There are broadly 4 stages to determine the geographical extent of potential selective licensing areas, prior to any adoption. These are:

Stage 1

The first stage would be to identify those LSOAs in the borough with a proportion of private rented households in excess of the national average that are also experiencing low housing demand, anti-social behaviour and poor housing conditions.

Analysis will need to be undertaken to identify those LSOAs with a high proportion of privately rented properties that are also in the borough upper quartile for each of the following datasets held by the Council.

- The number of empty properties as a proportion of all housing stock.
- Occupier turnover rate per 1,000 households.
- ASB (reported to the Council) rate per 1,000 population.
- Fly tipping report rate per 1,000 of population.
- Rate of housing disrepair reports per 1,000 population.

Stage 2

To determine the geographical extent of potential selective licensing areas, the LSOAs most closely meeting the criteria of high private rents, Council ASB, poor housing conditions and low housing demand would then need to be considered along with their Middle Layer Super Output (MSOA) neighbours against all stage 1 datasets and the following datasets.

- Lower quartile house prices
- Rate of recorded crime per 1,000 population.
- Rate of Police recorded ASB per 1,000 population.

Stage 3

From this analysis an assessment can be made as to which LSOAs or group of LSOAs most closely meet the criteria for a selective licensing scheme.

Stage 4 - Consultation

Upon an area being proposed for selective licensing the Council has to undertake a full consultation. The consultation would include local residents, landlords and managing agents, members of the community who live or operate business or provide services with the proposed designated areas. The consultation would last for a minimum of 10 weeks.

Once the consultation has been completed the results would need to be published along with a summary of the responses received and how these responses have been acted upon.

Once designated the scheme cannot come into force in line with national guidance until three months after it is made.

2.4.3 Selective Licensing Next Steps

As illustrated in the body of the report, it will take time before the adoption of a selective licensing scheme can be legally implemented, given the requirement to fulfil the conditions of the Housing Act 2004 and associated government guidelines. The council will need to provide robust evidence before a recommendation can be made as to which area(s) should be designated. A further report will need to be prepared. A draft timetable is attached as Appendix 5.

Furthermore, given its complexities including analysing data sets and allowing for formal consultation and review of those representations, additional resources will be required to deliver both the initial proposal report and any subsequent project delivery activities.

The adoption of a selective licensing scheme requires some initial investment to set up the scheme and put in place back room infrastructure. The other key requirement is a comprehensive consultation. The licensing income can be used to assist in the set-up of licensing processing systems and the administration of the scheme. The council needs to build on the overall housing enforcement capacity and capability. The consultation costs may not be recoverable if a selective licensing scheme for designated areas is not agreed. The appointment of a project officer will be crucial in making the case for selective licensing and ensuring that such a proposal would stand up to legal scrutiny and challenge.

Additional operational staff resources would be required to be employed in the Housing Enforcement team in order to administer and enforce a selective licensing scheme. Whilst it is not possible to predict the actual additional costs for administering a selective licensing scheme at this stage, the costs of any additional resources will need to be met by the income generated from the scheme. Appendix 6 provides an outline of potential fees and charges.

2.4.4 Interventions that run concurrent with the development of Selective Licensing

It is important to set out that in addition to Housing Enforcement and working with landlords regarding HMOs, officers continue to discharge the council's statutory functions in accordance with the Housing Act 2004.

Officers are working with private sector landlords and tenants to ensure that minimum standards are met by the landlord for the safety of properties in accordance with targeted works under the Housing, Health and Safety Rating system. Since 1 January 2019 to 10 May the service has received 415 associated service requests.

In addition, officers have been carrying out targeted enforcement activities in the Graveney ward following concerns being raised by ward councillors. Of the 66 addresses brought to officer's attention, 60 properties have been visited and investigated. 30 properties are not considered licensable due to either being single family occupancy or not being licensable HMOs. There are now 29 addresses

considered licensable and the service has either received a completed HMO application forms or appropriate actions are being taken by officers.

Investigations into one case has resulted in steps to prosecute the landlord for an offence under the Housing Act 2004 and a court date has been set.

2.5 Fees and Charges

The Housing Act 2004 and the Housing and Planning Act 2016 specifies that all the income that a local housing authority receives from the imposition of civil penalties, recovery of Housing Benefit through rent payment orders, HMO Licensing and selective licensing can be retained by the local authority and spent on private sector housing enforcement and providing support for the private rented sector.

All charges must be reasonable and proportionate.

It is also the case that any income that a local authority receives from housing enforcement, but fails to spend on one of the activities listed above must be paid into a central government universal fund.

The current fee of £1,100 for a 5-unit mandatory HMO licence does not meet the cost of processing the licence or enforcement. The new proposed fee of £1,774.88 (of a typical 5 unit HMO) for processing and enforcement will meet the costs incurred by the Housing enforcement service for this statutory function.

Case Law, *R (on the application of Hemming (t/a Simply Pleasure Limited and others)) v Westminster City Council* [2017] has confirmed that fees such as those proposed in this report are paid in two parts, so that applicants pay an initial fee that covers the administrative costs involved in procedures and formalities of processing the application and then, if successful an additional fee, to cover the costs of managing and enforcing the licensing regime enforcement action. In addition, another recent case *R (on the application of Gaskin) v Richmond upon Thames* [2018] has confirmed that the fee charged on this two-part basis. A bipartite fee structure is therefore proposed, which is attached at Appendix 2.

2.6 Housing Enforcement Resources

As highlighted elsewhere in this report, the additional income generated from HMO licensing and enforcement work should be used to cover the infrastructure costs and officer capacity costs.

The Council has historically had a small team dealing with Housing Act 2004 investigations, interventions and HMOs, and the delivery of mandatory Disabled Facilities Grants. Since October 2018 additional officer capacity has been obtained, this includes two officers, and there are ongoing actions to recruit two further officers.

These costs can be met from the additional HMO licensing fees and/or other enforcement activities. A recent desktop assessment estimates that there are potentially 2000 properties that may require a licence following the introduction of new mandatory licensing regime on the 1st October 2018. It is anticipated that this will provide income in the region of £200k each year from HMO licensing fees, however we do not yet have an estimated income from Civil Penalties.

The size of the team will be kept under constant review so as to ensure that the additional costs do not exceed the additional income raised.

It is worth noting that private sector housing enforcement is not limited to private sector housing disrepair. Housing officers working within the Housing Options Team are also responsible for responding to allegations of harassment and illegal evictions under the Protection from Eviction Act 1977.

Whilst the government measures to tackle rogue landlords are welcomed, the new powers to the Council are largely untested as is the number of dwellings which may be subject to the new mandatory licensing scheme.

3. ALTERNATIVE OPTIONS

- 3.1 The Government have made it very clear that they expect local housing authorities to use the new powers provided in the Housing and Planning Act 2016 robustly as a way of clamping down on rogue landlords, so therefore to do nothing is not recommended.

4. CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1 None for the purposes of this report.

5. TIMETABLE

- 5.1 If Leaders Strategy Group and the Council's Cabinet agree the adoption of Civil Penalties and the revised HMO Licence fee structure, these will be implemented immediately.
- 5.2 Draft timetable for Selective Licensing is attached as appendix 5.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

The Housing and Planning Act 2016 specifies that all of the income that the authority receives from the imposition of civil penalties, HMO licensing and the recovery of Housing Benefit can be retained by the local authority and spent on

private sector housing enforcement and providing support for the private rented sector.

However, any income that a local authority receives from civil penalties, HMO licensing and rent repayment orders but fails to spend in support of one of the activities listed above must be paid into a central government universal fund.

It is at this point in time difficult to predict precisely the income that will be generated, although officers will be monitoring the situation closely and where it looks probable that the expected outcomes are not being realised, the size of the Housing Enforcement Team will be reviewed

As civil penalties are an alternative to prosecution with the same burden of proof, they should not create additional workload. It is likely that landlords receiving a civil penalty may appeal to the First-Tier Tribunal so there may be some additional administration. Whilst it is not expected that the Council will need to apply for many RROs there will be additional administration with this process. In all cases support from Legal Services will be required.

7. LEGAL AND STATUTORY IMPLICATIONS

Section 126 of the Housing and Planning Act 2016 allows financial penalties to be imposed as an alternative to prosecution for certain offences as set out in Schedule 9 of the Act. Schedule 9 in turn amends the Housing Act 2004 including providing a new Section 249A which has financial penalties as an alternative to prosecution.

The Council has a statutory duty to mandatory licence certain types of HMOs as set out in the body of this report.

There is a risk that if there are substantial numbers of investigations regarding housing enforcement, this may lead to a corresponding increase in the number of cases requiring legal advice and assistance and this may, in turn, put extra pressure on the existing staffing resources within the Council's legal services.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 An Equality Impact Assessment is attached as Appendix 4.

9. CRIME AND DISORDER IMPLICATIONS

9.1 Section 17 of the Crime and Disorder Act 1998 imposes a duty on the Council in the exercise of functions on, and the need to do all it can

reasonably can to prevent crime and disorder in its area (including anti-social behaviour).

- 9.2 It is anticipated that extended mandatory licensing and housing enforcement will have positive impacts on community safety and crime & disorder.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 If a decision is taken to proceed with formal consultation of selective licensing, it must be carried out in compliance with statutory and case law requirements.
- 10.2 Licence fees must be set out and charged by recent case law and underlying legislation.

11. APPENDICES – the following documents are to be published with this report and form part of the report

- Appendix 1: Housing and Planning Act 2016 – Civil Penalties and Rent Repayment Orders
- Appendix 2: HMO licence fee structure
- Appendix 3: Housing Enforcement Policy.
- Appendix 4: Equalities Impact Assessment.
- Appendix 5: Draft timetable for selective licensing
- Appendix 6: Outline fees and charges for selective licensing

12. BACKGROUND PAPERS

None

APPENDIX 1

LONDON BOROUGH OF MERTON

HOUSING AND PLANNING ACT 2016

CIVIL PENALTIES AND RENT REPAYMENT ORDERS

DRAFT (Ver May 2019)

Civil Penalties Policy 2018 and Rent Repayment Orders (RROs)

1. Introduction

Merton Council is committed to improving standards in the private rented sector, ensuring that Landlords are aware of the standard of property they should be offering, and that all properties are well managed, properly maintained, habitable and safe.

Merton Council recognises that the Government is committed to tackling rogue Landlords, having introduced measures under the Housing and Planning Act 2016. Merton Council is committed to utilising all available powers including Civil Penalties to improve standards across the private rented sector.

Merton Council acknowledges the importance of good landlord performance, i.e. those who do provide decent, habitable and safe homes for our residents.

Local Housing Authorities have the option to use these new powers alongside existing powers contained in the Housing Act 2004.

Since 6th April 2017 Local Housing Authorities have had the power to impose civil penalties of up to £30,000 on individuals and organisations acting for or on behalf of private sector landlords as an alternative to prosecution for certain offences under the Housing Act 2004.

This policy contains information about civil penalties and how Merton Council intends to use them. It takes into account the statutory guidance that has been issued by Government under Schedule 9 to the Housing and Planning Act 2016.

2. Purpose of the Policy

Local Housing Authorities are expected to develop and enforce their own policy on when to prosecute and when to issue a civil penalty, and how they will decide on the size of each penalty.

The policy will outline the circumstances in which Merton Council will consider the use of a civil penalty as opposed to prosecution, and how it will determine the size of each civil penalty.

This policy is designed to ensure that Merton Council adopts a transparent, consistent and fair approach to how the new powers will be used. It is the view of officers that having such a policy will play a significant role in assisting the Council in tackling poor standards within the private rented sector, by robustly dealing with rogue landlords.

Offenders who are issued with a civil penalty have a right of written representations to the Council, and then if still dissatisfied, the right of appeal to the First-tier Tribunal (Property Chamber) where the soundness of the decision to impose a fixed penalty can be rigorously scrutinised.

Each case will be decided upon its own merits taking into account all the evidence available. Where the Local Housing Authority considers that a Housing Act offence has been committed, it can consider whether to prosecute or issue a civil penalty as opposed to prosecution.

London Borough of Merton

3. Housing and Planning Act 2016

The purpose of this policy is to set out the framework within which decisions will normally be made with regard to applying for a rent repayment order (RRO) and to issuing civil penalties in relevant cases. The policy may be departed from where the circumstances so justify. Each case will be dealt with on its own merits.

4. RRO's

ARRO is defined in section 40(2) of the Housing and Planning Act 2016 as an order requiring the landlord under a tenancy of housing to:

- a) Repay an amount of rent paid by a tenant, or
- b) Pay a local housing authority an amount in respect of a relevant award of Universal Credit (UC) (to any person) in respect of rent under the tenancy.

Please note: The reference to Universal Credit (UC) includes Housing Benefit (HB) under Part 7 of the Social Security Contributions and Benefits Act 1992 pending its abolition. The Council as the local housing authority has a duty under section 48 of the Housing and Planning Act 2016 to consider applying to the First-tier Tribunal for a Rent Repayment Order in cases where an offence from the list below has been committed.

Offences for which a RRO can be obtained.

- Failure to comply with an improvement notice, contrary to section 30(1) of the Housing Act 2004.
- Failure to comply with a prohibition order contrary to section 32(1) of the Housing Act 2004.
- Being a person having control of or managing a House in Multiple Occupation (HMO) which is required to be licensed under Part 2 of the Housing Act 2004 but which is not so licensed, contrary to section 72(1) of the Housing Act 2004.
- Being a person having control of or managing a house which is required to be licensed under Part 3 of the Housing Act 2004 but is not so licensed, contrary to section 95(1) of the Housing Act 2004.
- Using violence to secure entry to a property, contrary to section 6 (1) of the Criminal Law Act 1977.
- Illegal eviction or harassment of the occupiers of a property, contrary to Section 1(2), (3) or (3A) of the Protection from Eviction Act 1977.
- Breach of a banning order made under Section 21 of the Housing and Planning Act 2016.

The offences under the Housing Act 2004 must relate to hazards within occupied premises and not common parts only. The offence must have been committed on or

after 6th April 2017. A RRO can applied for whether or not the landlord has been convicted.

5. Evidence of conviction.

Where there has been a conviction, a certificate of conviction will suffice to establish commission of the specified offense. In the absence of a conviction, the First-tier Tribunal will need to be satisfied, beyond reasonable doubt, that the landlord committed the specified offence (see section 4 above. Officers shall have regard to the Crown Prosecution Service Code for Crown Prosecutors in order to establish whether there is likely to be sufficient evidence to secure a conviction and therefore to establish the necessary burden of proof to the First-tier Tribunal.

6. Statutory Guidance

In deciding whether to apply for a RRO, the council must under section 41(4) of the Act have regard to any guidance issued by the Secretary of State.

7. Assistance

Council officers may offer advice to tenants who are eligible to claim an RRO in respect of rent paid themselves.

8. Considerations for decisions as to whether to apply for a RRO.

Council officers are granted powers and duties to deliver proportionate and targeted enforcement. It is vital that regulatory resource is used consistently and to best effect by ensuring that resources are targeted on addressing the highest risks.

The objective of an application for a RRO is not only to issue a punishment as a consequence of non-compliance with the law, but also to deter the offender and others in a similar position for repeat offences.

If a conviction for the offence has been obtained then it is normally expected that a RRO will be pursued where the Council have paid Housing Benefit, or the housing element of Universal Credit. The Tribunal must, in these cases, order that the maximum amount (12 months) of rent be repaid in these circumstances.

The following matrix should be followed to help determine whether to pursue a RRO and the amount of rent to reclaim.

No.	Question	Yes or No
1.	Has the offender been prosecuted and convicted of a relevant offence in Court?	If yes, make an RRO application. If no go to step 2.
2.	Has evidence been obtained from Housing or Benefits systems and/or Universal Credit to confirm that Housing Costs has been paid by LBM/DWP over the 12 months?	If no – no case for RRO. If yes, proceed to step 3.
3.	Does the LA have sufficient evidence to prove ‘beyond reasonable doubt’ that a relevant offence has been committed? Is the evidence reliable? Is there no credible defence?	If no – case closed, do not pursue. If yes, proceed to step 4.

4.	Is it in the public interest to proceed to apply for an RRO? (consider the level of harm that has been caused).	If no case closed, do not pursue. If yes, proceed to step 5.
5.	Is pursuing an RRO proportionate to the offence?	If no – case closed, do not pursue. If yes, proceed to step 6.
6.	Does the offender have any previous convictions?	If yes – proceed to RRO. If no, proceed to step 7.
7.	Where no previous offence – is the issuing of a RRO likely to deter from future offences?	If yes – proceed to RRO. If no, consider closing and not pursuing.
8.	<u>RRO</u> Would the issuing of a RRO cause substantial hardship to the offender, and are there mitigating circumstances to suggest the LA should not proceed?	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO application.
9.	Are there any other factors that would indicate the Council should not proceed with the issuing of the RRO.	If Yes, complete notes to justify reason not to pursue. If no, proceed to RRO application.

9. Housing Offences Covered by Civil Penalties

Sections 23 and 126 and Schedule 9 to the Housing and Planning Act 2016 gives powers to local housing authorities to impose a civil penalty as an alternative to prosecution for certain housing offences.

The specified housing offences where a civil penalty can be issued are detailed below:

- Section 30 of the Housing Act 2004 – Failure to comply with an improvement notice.
- Section 72 of the Housing Act 2004 – Offences in relation to licensing of Houses in Multiple Occupation
- Section 95 of the Housing Act 2004 – Offences in relation to licensing of houses under Part 3 of the Act.
- Section 139 of the Housing Act 2004 – Offences of contravention of an overcrowding notice.
- Section 234 of the Housing Act 2004 – Failure to comply with management regulations in respect of Houses in Multiple Occupation.
- Section 21 of the Housing and Planning Act 2016 – Breach of a banning order.

10. Principles of Civil Penalties

Although the maximum civil penalty can be issued is £30,000, it is for the Council to determine the level, having regard to individual circumstances.

Civil penalties can only be issued as an alternative to prosecution. Where a landlord or letting agents has been prosecuted for any offence, a civil penalty cannot be issued for that offence, and conversely if a civil penalty has already been issued a prosecution for the same conduct cannot follow.

Although only one civil penalty can be issued for each of the four offences listed under Section 9 above, this is not the case for section 234 of the Housing Act 2004 as here a civil penalty can be issued for each separate breach of the HMO management regulations.

Where a letting agent and landlord have committed the same offence the Council is able to impose a civil penalty on both parties as an alternative to prosecution, although the level of penalty imposed may differ dependant on individual circumstances.

11. Determination of Civil Penalty Fines and Burden of Proof.

The same standard of proof is required for a civil penalty as that of a prosecution. The Council must be able to demonstrate beyond reasonable doubt that an offence has been committed by the alleged person before a civil penalty can be issued as an alternative to prosecution. The Council must satisfy itself that there would be a realistic prospect of conviction given the evidence available.

Due regard must be given to any potential offences available, and in certain circumstances, the Council may decide to conduct an interview under caution in accordance with the Police and Criminal Evidence 1984 Codes of Practice to assist in determining whether the issue of a civil penalty is appropriate or not.

A civil penalty should not be seen as a lesser option in comparison to prosecution. The level of fine should be set sufficiently high as to have a real impact economically upon the offender, whilst also clearly demonstrating the consequences of not complying with their responsibilities.

The Council will consider civil penalties for all landlords/lettings agents that are in breach of one or more of the sections of the Housing Act 2004, listed in section 9 above. Enforcement action will be considered on a case by case basis.

This section sets out how the Council will determine the appropriate level of fine in each case. The agreed fine should take into consideration the severity of the offence, the offenders income, and any previous history.

Factors taken into account when deciding the level of penalty are detailed below. The factors detailed below are taken from Statutory Guidance.

- The severity of the offence.
- The culpability and track record of the offender.
- The harm caused to the tenant.

- The punishment of the offender.
- Whether it will deter the offender from repeating its offence.
- Whether it will deter others from committing the offence.
- Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence.

12. Process for determining the level of penalty issued.

The Local Housing Authority must consider the Code for Crown Prosecution when determining what action will be most appropriate to take. The Code has two stages: the evidential stage and the public interest stage.

12.1 Determining value of civil penalties to be imposed

Failure to comply with an Improvement Notice (Section 30) (note 1)	£
1 st offence	5,000
2 nd offence by same person/company	15,000
Subsequent offences by same person/company (note 2)	25,000
Premiums (use all that apply)	
Large housing portfolio (10+ properties) (note 3)	+2,500
Multiple Category 1 or high Category 2 Hazards (note 4)	+2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 5)	+2,500
Perpetrator demonstrates Income to be less than £440/week (note 6)	-50%

Offences in relation to licensing of HMOs under Part 2 of the Act (Section 72) (note 1)	£
Failure to obtain property Licence (section 72)	10,000
Subsequent offence by same person/company (note 2)	20,000
Premiums (use all that apply)	
Breach of licence conditions – Section 72(2) and (3) – Per licence breach	5,000
Large housing portfolio (10+ properties) (note 3)	+2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 5)	+2,500

Perpetrator demonstrates Income to be less than £440/week (note 6)	-50%
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Offences in relation to overcrowding notices (section 139) (note 1)	£
1 st relevant offences	2,500
Subsequent offence by same person/company (note 2)	10,000
Premiums (use all that apply)	
Large housing portfolio (10+ properties) (note 3)	+2,500
Vulnerable occupant and/or significant harm occurred as result of overcrowding (note 5)	+2,500
Perpetrator demonstrates income to be less than £440/week (note 6)	-50%
Knowingly breach of notice (note 7)	+2,500

Failure to comply with management regulations in respect of HMOs (Section 234) (note 1)	£
Relevant offences (per regulation)	1,000
Subsequent offences by same person/company (note 2)	+2,500
Premiums (use all that apply)	
Large housing portfolio (10+ properties) (note 3)	+2,500
Vulnerable occupant and/or significant harm occurred as result of housing conditions (note 5)	+2,500
Perpetrator demonstrates income to be less than £440/week (note 6)	-50%

Note 1 – Offences that may be dealt with by way of imposing a financial penalty

The starting point for a financial penalty is based on the number of previous convictions or imposition of a financial penalties for the same type of offence in the previous four years.

After the starting point has been determined, relevant Premiums are added to the starting amount to determine the full financial penalty to be imposed.

No single financial penalty may be over £30,000. Where the addition of all relevant premiums would put the penalty above the maximum, it shall be capped at £30,000.

Note 2- 2nd and subsequent offence by same person/company

The council will take into account any such convictions or financial penalties irrespective of the locality to which the offence relates.

Note 3 – Large housing portfolio (10+ properties)

The premium is applied where the perpetrator has control or manages 10 or more residential properties. It is considered appropriate to set a higher penalty for landlords who operate a large number of properties as they are effectively operating a business and in failing to comply with statutory provisions are gaining a competitive advantage over law-abiding landlords.

For the purpose of this premium, the definition of a person having control and person managing are as defined by Housing Act 2004 Section 263.

Note 4 – Multiple Category 1 or high Category 2 Hazards

This premium will apply where the failure to comply with the Improvement Notice relates to three or more Category 1 or D or E Category 2 Hazards associated with different building deficiencies. Where two hazards are present but relate to the same property defect, they are counted as one hazard for purposes of this calculation.

The purpose of this premium is to reflect the severity of the offence, in that several defects have not been addressed, and to ensure there is no financial benefit in not complying with a notice with multiple works.

Note 5 – Vulnerable occupant and/or significant harm occurred as result of housing

This premium will be applied if the property is occupied by a vulnerable person or if significant harm has occurred as a result of the housing conditions. A statement may be obtained from the tenant relating to harm caused.

A vulnerable person is someone who forms part of the identified vulnerable group for each hazard under the Housing Health and Safety Rating System. Or an occupant or group of occupants considered by the Council to be at particular risk of harm that the perpetrator ought to have had regard to. The table below identifies the vulnerable group for each hazard.

Significant harm is defined as physical or mental illness or injury that corresponds to one of the four classes of harm under the Housing Health and Safety Rating System Operating Guidance.

Hazard	Vulnerable age group (age of occupant)
Damp and mould growth	14 and under
Excess Cold	65 or over
Excess Heat	65 or over
Carbon Monoxide	65 or over
Lead	Under 3 years
Personal hygiene, Sanitation and Drainage	Under 5 years
Falls associated with baths etc.	60 or over
Falling on level surfaces etc.	60 or over

Falling on stairs etc.	60 or over
Falling between levels	Under 5 years
Electrical hazards	Under 5 years
Fire	60 or over
Flames, hot surfaces etc.	Under 5 years
Collision and entrapment	Under 5 years
Collision and entrapment – low headroom	16 or over
Position and operability of amenities etc.	60 or over

Note 6 – Perpetrator demonstrates income to be less than £440/week

This premium will be applied after all other relevant premiums have been included and if applicable will reduce the overall financial penalty by 50%.

To be applicable, the person served by the Notice of Intent must provide sufficient documented evidence of income.

The figure of £440/week is to be calculated after omission of income tax and national insurance. The threshold for such a reduction was determined by reference to the Magistrates Court sentencing guidelines and could be amended as necessary to take into account inflation etc.

The Council reserves the right to request further information to support any financial claim, and where this is incomplete or not sufficiently evidenced may determine that the premium should not be applied.

Note 7 – Knowingly breach of notice

This premium will be applied where, the person to which the financial penalty applies, acted in a reckless manner in not complying with the overcrowding notice.

12.2 Factors to be considered when deciding whether to pursue a civil penalty

Questions	Yes/No
1. Does the seriousness of the offence warrant prosecution? Is a banning order required? Does the Landlord have a history of previous convictions?	If yes to any or all of these, prosecutions should be considered.
2. Does the Council have sufficient evidence to prove “beyond reasonable doubt” that a relevant offence has been committed. Is the evidence reliable? Is there credible defence?	If no, case closed. If yes, proceed to step 3.
3. Is it in the public interest to proceed to apply for a civil penalty? Consider the level of harm that has been caused.	If not, case closed. If yes, proceed to step 4.

4. Is pursuing the civil penalty proportionate to the offence?	If no, case closed. If yes, proceed.
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HMO LICENCE FEES (Draft – May 2019)

Current Licence Fee

The full fee must accompany application for an HMO Licence. The fee to cover the administration costs of the licence procedure as well as the cost for managing and authorising the licence.

Where a property is licensable and the relevant person submits an application, for up to 5 units of accommodation the fee is £220.00 per unit and then £200.00 for each additional unit.

Units of Accommodation	Fee	Renewal Fee
5 or more	£220.00 per Unit for the first 5 units Followed by £200.00 for each additional unit over 5	Half the standard rate

Proposed Licence Fee

In light of the recent case law, the fee structure has to be split into two parts to take account of the actual staff time required to process HMO licences. It is proposed that the fee is split into:

Part A - the amount payable on application (the costs of procedures and formalities under the authorisation scheme) - £862.01

Part B - the amount that becomes payable on the grant of a licence (management and enforcement of the authorisation scheme) - £701.19

Both parts give a total of £1,563.20 for licensing a unit.

The cost of processing a one unit HMO is calculated to be £1,563.20. It is recommended that an officer's one hour rate is added as the number of units increase:

Number of units	Licence Fee	Payable with Application	Payable prior to licence to be issued
1	£1,563.20	£862.01	£701.19
2	£1,616.12	£914.93	£701.19
3	£1,669.04	£967.85	£701.19
4	£1,721.96	£1,020.77	£701.19
5	£1,774.88	£1,073.69	£701.19
6	£1,827.80	£1,126.61	£701.19
7	£1,880.72	£1,179.53	£701.19
8	£1,933.64	£1,232.45	£701.19
9	£1,986.56	£1,285.37	£701.19
10	£2,039.48	£1,338.29	£701.19

Application (procedures and formalities) Part A			
Item	Time allocation (Hrs)	Admin: A £44.89 per hour Officer: O £52.92 per hour Manager: M £97.49 per hour	Cost of Item £
1. Receive and check initial application • Check application valid e.g. all compulsory questions completed and correct fee included • HMO application details entered on the computer System; includes entering data about the HMO. Create Files • Return application form for completion of missing details • Issue acknowledgment letter	2.0	A	£89.78
2. Inspection of Property (Including travel Time) • Contact the applicant and negotiate a date and time for the inspection • Officer to visit, carry out a Fire Risk Assessment and inspect in accordance with HHSRS (fill in forms and keep on file) Ensure that there is adequate Management • To check overall compliance of property and management arrangements in line with HMO management regulations • Decision whether to grant a licence or to vary the licence which was applied for, eg number of occupants • Determination of licence conditions required to make the HMO reasonably suitable	4	O	£211.68
3. Fit and Proper Person on application filled in and where necessary • Check with other council services e.g. Council tax, housing benefit, • (where deemed necessary) Check landlord details with other local authorities external agencies • Check Rogue Landlord Database • Input data on the computer system for property and Fit and proper person criteria	2	O	£105.84
4. Prepare Documents on computer system & Word	4.25	O	£224.91

<ul style="list-style-type: none"> • Prepare Notice of Intention and second payment letter, prim notices, draft licences and copies for all interested parties • Checked and signed by Head of Housing Needs • Documents prepared for recorded delivery and sent. 	0.5	M	£48.75
5. Issuing the licence, competing records etc. <ul style="list-style-type: none"> • Prepare licence documents and for Licence Holder and all interested parties • Manager to check and sign licence documents • Send licence documents to interested parties • Update computer records and scan and save licence documents 	2.5	O	£132.30
	0.5	M	£48.75
Sub Total	15.75		£862.01

Application (management and enforcement) Part B			
Item	Time allocation (Hrs)	Admin: A £44.89 per hour Officer: O £52.92 per hour Manager: M £97.49 per hour	Cost of Item £
6. Other HMO Licensing related Matters <ul style="list-style-type: none"> • Responding to FOI requests for information about licensed HMOs • Responding to enquiries from members of the public and tenants about HMO regulations and licensing • Consideration of and issuing of Temporary Exemption Notices • Consideration of and issuing amendments or revocations of licences 	1.25	O	£66.15
7. General costs of licensing HMOs (pro rata for each licensed HMO) <ul style="list-style-type: none"> • Surveying the area to identify HMOs which require a licence • Preparation of guidance materials for applicants 	12	O	£635.04

<ul style="list-style-type: none"> • Maintenance of information for applicants on Council website • Advice given to applicants about regulations and procedure • Maintenance of the public register of HMO licences • Routine inspections, based on risk assessments, of Licenced HMOs to ensure compliance with licence requirements and other related legislation • Enforcement of non-compliant landlords 			
Sub Total	13.25		£701.19
Total for Licensing for first unit = £1,563.20			



Community and Housing

HOUSING ENFORCEMENT POLICY
2019 – 2024

DRAFT (Ver May 2019)

1. Introduction

This enforcement policy relates to the duties and powers delegated to the Council to deal with substandard private sector housing, substandard management of private housing, statutory nuisance, public health matters and the enforcement of other relevant legislation. The policy has been developed with regard to the Regulators' Code 2014.

The Environmental Health - Housing Team forms part of the Housing Needs Section under the Community and Housing Directorate. The team deals with environmental health functions in relation to residential properties. Within the team there are a variety of separate but interrelated functional areas. These include:

- Improvements of housing standards in the private rented sector
- Operating the Mandatory Licensing of Houses in Multiple Occupation
- Managing the Disabled Facilities Grant Funding
- Investigation and resolution of Public Health /Drainage related matters
- Statutory nuisance (excluding Pollution related complaints)
- Pest Control as determined by statutory duties

This document is the overall enforcement policy covering these disciplines. It outlines the approach to enforcement and lays down the principles that will be followed in deciding upon, and taking, action.

2. Aim of Policy

The enforcement policy helps to promote efficient and effective approaches to inspection and enforcement. The aim of the policy is to ensure that all enforcement undertaken is:

Targeted on risk- at properties and people that pose the greatest risk, including owners and landlords who evade licensing and regulation, and those whose properties cause a nuisance or put people's health and safety at risk.

Proportionate - reflecting the nature, scale and seriousness of any breach or non-compliance.

Fair and objective - based on the individual circumstances of the case, taking all factors into account.

Transparent – Officer's actions will be explained in plain language, with clear reasons given for any enforcement action taken and compliance. A clear distinction will be made between legal requirements and advice or guidance.

Consistent - taking a similar approach in similar circumstances to achieve similar ends. All factors such as the level of risk, the history of compliance and the attitude and actions of those involved will be considered

Accountable - undertaken in a responsible manner that has a clear purpose. Where enforcement action is taken, the Officer will ensure that information about their rights of appeal are provided. Furthermore service complaint details can be provided on request.

3. Level of Service

Following the receipt of a non urgent service request or complaint about poor housing conditions an initial risk assessment will normally be carried out and the tenant will be sent within 7 working days a Tenant Declaration Form to complete and return to the section within 28 days.

Any follow up advice or action will depend on the outcome of the initial assessment, and the information provided by the Tenant. The council will take further action to deal with health and safety concerns or issues which cause a statutory nuisance. For less serious issues, such as delays to other repairs we will provide support to advise tenants of their rights and practical steps they may wish to follow.

For urgent service requests we will assess the request and urgency and where appropriate we aim to contact you within 24 hours for urgent matters such as a blocked drain; lack of hot water/heating; water penetration etc.

Service standards

With all e-mails and letters we:

- Aim to respond within 15 working days
- will update you on progress and advise you when we can respond if we are unable to respond in full
- will provide well-structured responses, using plain language responding to all the points raised.

If you call our telephone numbers we will aim to:

- Answer your call within five rings
- Divert our phone to a colleague or voicemail if we are unavailable
- Return your phone calls by the end of the next working day, unless otherwise agreed

Personal callers should make an appointment as case officers are out of the office for most of the day, and are unable to see callers without a prior appointment.

4. Authorisation of Officers

Officers who are competent by training, qualification and/or experience will be authorised to carry out enforcement action. Authorised officers will have sufficient training and understanding of Merton's standard procedures to ensure a consistent approach to service delivery.

Officers who undertake enforcement action, including criminal investigations, will be up to date with the provisions of the Police and Criminal Evidence Act 1984 (PACE), the Criminal Procedure and Investigations Act 1996 (CPIA), the Data Protection Act 2018 and General Data Protection Regulation (GDPR), the Human Rights Act 1998,

the Equality Act 2010, the Regulation of Investigatory Powers Act 2000, the Freedom of Information Act 2000 and Anti-social Behaviour, Crime and Policing Act 2014.

As well as council officers, qualified contractors may also be authorised to take enforcement action on behalf of the Council.

5. Powers of Entry

Tenants of the private rented sector should inform their landlord, except in emergency situations, of the problem (preferably in writing) and allow them an opportunity to resolve it. We will normally direct tenants to contact their landlord first, but will investigate a complaint where private tenants are dissatisfied with the response or action undertaken by their landlord.

In certain situations tenants will not be expected to contact their landlord first, including but not limited to:

- where the tenant has received notice to leave the accommodation
- where the matter appears to present an imminent risk to the health and safety of the occupants;
- where there is a history of harassment/threatened eviction/poor management practice;
- where the tenant appears to be vulnerable or where there are vulnerable members of the household;
- where the tenant could not for some other reason be expected to contact their landlord/managing agent;
- where the property is a House in Multiple Occupation which appears to fall within the council's HMO Licensing Scheme.

Landlords should note that their tenant(s) have a right to invite Council officers into the property for the purpose of inspection or investigation without the need to inform the landlord or require their permission.

Powers of entry will be exercised by persons authorised by the Council and conducted, with or without notice, in accordance with the relevant statutory provisions, e.g section 239 of the Housing Act 2004. Anyone who obstructs an authorised officer from entering a premises in accordance with their powers is committing an offence and may be prosecuted in accordance with the provisions of this policy.

Tenants are responsible for keeping us informed of any contact they have had with their landlord (or the landlord's agent or builder, etc.), which may affect the action the council is taking or considering taking.

In appropriate circumstances, a Notice of Intended Entry will be served or an application made to the Magistrates' Court for a warrant to enter in accordance with the relevant statutory provisions, e.g. section 240 of the Housing Act 2004.

6. Enforcement Options

Housing Association and Other Registered Provider Tenants

The Council will not normally take on cases of disrepair reported by these tenants. This is because social landlords have programmes of planned maintenance and repair in place and, unlike private landlords, have complaints policies which their tenants can follow if they are dissatisfied. Tenants have a final right to complain to the Housing Ombudsman.

The exception would be if there are clear Category 1 Hazards, as defined by Part 1 of the Housing Act 2004 in the property which the social landlord has failed or refused to address.

The decision to take enforcement action will be made on a case-by-case basis in accordance with the provisions of this Enforcement Policy. For the avoidance of doubt, any form of enforcement action can be taken as appropriate in the circumstances of the case and there is no requirement to have first taken a lesser or different form of enforcement action, for example, the decision to prosecute can be taken without having first given a warning.

Private Sector Tenants

i. Informal Action (Preliminary Notices)

Formal action under the Housing Act 2004 may be preceded by the service of preliminary notices by which the Council sets out a proposed schedule of works and time scales for completion of the work. These notices invite landlords to make representation if they disagree with the requirements of the notice or if they wish to suggest an alternative course of action.

The time-limits given on Preliminary Notices for starting and completing works will be assessed on a case-by-case basis and will generally be related to the estimated cost and nature of the required works, e.g.as follows:

Cost of works	Start	Complete	Total
Less Than £5,000	28 days	28 days	56 days
£5,000-£15,000	60 days	30 days	90 days
> £15,000	60 days	60 days	120days

The preliminary notice invites landlords to complete an undertaking stating that they agree to the required works and the proposed timescales. If an undertaking is received, no further action will be taken unless the agreement is not adhered

to. The preliminary notice advises the landlord that a statutory notice will be served in 21 days if an undertaking is not received or if they do not make a representation. The statutory notice will list the same works as outlined in the preliminary notice.

With statutory nuisance and public health issues there is no provision for preliminary notices. Where possible we will send a letter to advise residents that we are investigating a complaint and depending on the outcome we may serve a statutory notice.

In cases where action is required immediately we will serve a notice in the first instance (e.g. blocked drains and statutory nuisance). An explanation for such action will be given at the time and confirmed in writing in most cases within 7 working days.

Representations Made in Response to Informal Notices

Persons receiving an 'informal' notice will be given a reasonable period of time (as specified on the notice) in which to make representations (Housing Act) or carry out the works (other legislation). Having considered any representations, a decision will then be made as to whether to proceed with statutory enforcement action, taking the following factors into account:

- landlord's previous history;
- proposed timetable for works;
- whether the landlord has made clear their intention to carry out the works and whether this is within the time-limit specified in the 'informal' notice.

Where the content of the representations received is satisfactory, the person on whom the notice was served will be informed in writing. This letter will also confirm the terms under which the representations have been accepted, for example, the agreed time-period for completion of works and any amendments to the schedule of works. Statutory enforcement action will be taken in the following situations:

- where no representations are made and no undertaking to do the work has been given;
- where the representations made are unacceptable;
- where unsatisfactory progress has been made following acceptance of representations.

Formal action may not be considered where the matter is of a very minor nature. In such situations the tenant will either be given advice or a one-off letter may be sent to the landlord and the case will then be closed. In cases where an owner-occupied property is having a harmful effect upon adjoining properties, or the amenity of the neighbourhood as a whole, an informal approach will be made to the owner in the first instance.

ii. Statutory Action

The Housing Act 2004, the Housing Act 1985 (as amended) and the Environmental Protection Act 1990 are the principal Acts covering statutory action taken. Authorised officers will be allowed to draft and sign their own statutory notices once they have undergone a period of training and monitoring and manager(s) are satisfied of their competency,

Situations Where an Informal Notice is not required

Where it is necessary to take immediate enforcement action the 'informal' notice will not be issued. This will be considered where there is an imminent risk to health or a significant statutory nuisance, where the landlord is absent or has a poor management record, or where the landlord or managing agent has a history of failing to respond to informal action.

7. Service of Statutory Notices

Owner-occupied Property

Enforcement action will only be considered where the condition of an owner-occupied property is such that it is a danger to the occupier, it is having a detrimental effect on adjoining properties, or it is having a detrimental effect on the amenity of the neighbourhood as a whole and the problem cannot be solved by informal means.

Privately Rented Property

Properties are inspected using the housing health and safety rating system which links defects in properties with hazards to the health or safety of the occupants or visitors. Where properties have been assessed as having a high hazard rating, or there has been a failure to comply with legislation covering houses in multiple occupations, an assessment of risk will be undertaken to determine the appropriate course of action and to inform the decision on whether immediate enforcement action is necessary.

The main statutory notices/orders used are as follows:

- Housing Act 2004, sections 11 and 12, Improvement Notices relating to properties with category 1 or category 2 hazards.
- Housing Act 2004, sections 20 and 21, Prohibition Orders relating to properties with category 1 or category 2 hazards.
- Housing Act 2004, sections 28 and 29, Hazard Awareness Notices relating to properties with category 1 or category 2 hazards.
- Housing Act 2004, section 40, Notice of Emergency Remedial Action.
- Housing Act 2004, section 43, Emergency Prohibition Order.
- Housing Act 2004, section 102, Interim Management Order.
- Housing Act 2004, section 103, Special Interim Management Order.
- Housing Act 2004, section 113, Final Management Order.

- Housing Act 2004, section 133, Interim Empty Dwelling Management Order.
- Housing Act 2004, section 136, Final Empty Dwelling Management Order.
- Housing Act 2004, section 139, Overcrowding Notice in respect of a HMO.
- Housing Act 1985 (as amended), section 17, Compulsory Purchase Order.
- Housing Act 1985 (as amended), section 265, Demolition Order.
- The Management of HMOs (England) Regulations 2006, notice requiring works to remedy deficient management issues within HMOs.
- Environmental Protection Act 1990, section 80, Abatement Notice in respect of statutory nuisance.
- Building Act 1984, section 59, Notice requiring execution of works of drainage, etc., in existing buildings.
- Public Health Act 1936, section 45, Notice requiring works to defective water closets capable of repair.
- Public Health Act 1961, section 17(1), Notice to remedy insufficiently maintained drains, etc.
- Public Health Act 1961, section 17(3), Notice to remedy stopped-up drains, etc.
- Public Health Act 1961, section 83
- Prevention of Damage by Pest Act 1949, section 4.

8. Statutory Notice Time Periods

The time-limits given on statutory Housing Act 2004 notices for starting and completing works will be assessed on a case-by-case basis and will generally be related to the estimated cost and nature of the required works, e.g. as follows:-

Cost of works	Start	Complete	Total
Less Than £5,000	28 days	28 days	56 days
£5,000-£15,000	28 days	40 days	68 days
> £15,000	28 days	50 days	78 days

If the required works are only of a limited extent then the time limits will be reduced accordingly, with a minimum time limit of 29 days in total being allowed. Extensions of time for starting or completing work will only be granted where there are legitimate reasons for doing so. Examples include an agreed work programme for an owner with several properties requiring works, or works are in progress but not completed. The extension of time will be granted by the officer dealing with the case in consultation with the owner and occupier of the property.

Statutory notices under other legislation will usually contain shorter time periods, from 7 to 21 days, but in urgent drainage, public health or statutory nuisance cases the time limit may be 24 or 48 hours.

9. Charge for Enforcement Action

A charge is made for the cost of administrative and other expenses involved in taking the following statutory enforcement action:

- Serving of an improvement notice under section 11 and 12 of the Housing Act 2004.
- Making of a prohibition order under section 20 and 21 of the Housing Act 2004.
- Serving of a hazard awareness notice under section 28 and 29 of the Housing Act 2004.
- Taking emergency remedial action under section 40 of the Housing Act 2004.
- Making an emergency prohibition notice under section 43 of the Housing Act 2004.
- Making of a demolition order under section 265 of the Housing Act 1985 (as amended)
- Service of a notice under section 80 of the Environmental Protection Act 1990
- Service of a notice under section 59 of the Building Act 1984
- Service of a notice under section 45 of the Public Health Act 1936
- Service of a notice under section 17 of the Public Health Act 1961

The charge is £450 for each Housing Act 2004 notice/order served/made. Where more than one person is served with a notice/order the charge may be recovered from the main recipient (usually the person who is primarily responsible for the management of the property) or split equally between the recipients.

Charges for Housing Act 1985 and Housing Act 2004 notices and orders are made in accordance with section 49 of the Housing Act 2004. Charges for other notices are made in accordance with section 36 of the Local Government Act 1974. In each case an invoice will be issued and if the charge is not paid within 28 days recovery action is taken by the Council's Debt Recovery Team, including interest where appropriate.

Where there is an appeal against a notice or order, the charge is suspended, until the appeal is determined. However, there is no separate right of appeal against the charge. In cases of extreme hardship, the Head of Service/ Director of Department has discretion to reduce or waive charges for enforcement action.

The charge may also be waived if a notice has been served without the prior service of a 'informal' notice where this has been done to ensure that the works are carried out quickly in a specific case, eg if fire precaution works are recommended by the London Fire Brigade. However, if the statutory notice has been served without an informal notice having been served because of either the landlord's history of failing to respond, or the landlord is absent, the cost of enforcement action will be charged.

10. Pro-Active Enforcement

The Council has a duty to review local housing conditions to identify any action

that may be required.

We will seek to identify HMOs that require a mandatory licence and properties where Category 1 hazards exist.

We will target those landlords who deliberately or persistently break the law. Where poor conditions are identified in a privately rented property, we will seek to identify and inspect other properties owned or managed by the same individual or company.

11. Appeals

Individuals and businesses have a right to question or appeal against enforcement action. There are statutory appeal mechanisms, details of which will be given when action is taken. In addition, a corporate complaints procedure is in place for dis-satisfied customers.

Every effort will be made to have appeals heard as soon as possible, but this is often outside our control. Costs will generally be sought if an appeal is found in favour of the Council or subsequently withdrawn by the appellant.

12. Re-connection of Services

Statutory powers can be used to ensure the re-connection (or to prevent the disconnection) of the gas, electricity or water supply, to lettings within tenanted properties. These powers will only be used where the tenant is not responsible for payment of the bill. In these cases the details will be passed to the Tenancy Relations section as non-payment of a utility bill, which is likely to lead to tenants being without services through no fault of their own, is a form of harassment.

If section 19 of the Greater London Council (General Powers) Act 1972 is used to arrange the re-connection of the gas or electricity supply, the owner will be charged an additional 30% to cover the Council's costs, in addition to the costs of re-connection and payment of the bill plus interest.

If section 33 of the Local Government (Miscellaneous Provisions) Act 1976 is used the owner will be charged the cost of re-connection and/or payment of the bill plus interest.

13. Works in Default

In some circumstances, failure to comply with a notice may result in the council arranging for the necessary works to comply with the notice to be carried out (work in default). Should the council need to carry out work on a dwelling in default of the responsible person, we will charge the full cost of the works plus an administration fee of 30%. This is to cover the officer time involved.

Where works in default have been carried out, the council may register this as a local land charge. The council will then seek to use the enforced sale procedure under the Law and Property Act 1925 to recover payment. This allows the council to force the sale of their property in order to recover its costs. A court order is not necessary.

This is a discretionary power and in all cases the council's ability to use it is dependent on sufficient financial resources being available. We will approach

each case on its merits, where the budget is limited it will be prioritised for cases which present a significant and imminent health and safety risk.

Debts owed for works carried out in default will be registered as a charge on Local Land Charges Register and the HM Land Registry until such time as the debt is recovered.

14. When a Service to Tenants is not Provided

Where any of the following situations arise consideration will be given to either not providing a service or ceasing to provide a service:

- where the only defect in the property results in a low scoring hazard of band G, H, I or J assessed in accordance with the Housing Health and Safety and Rating System;
- where the tenant(s) are, of their own free will, shortly to move out of the property;
- where the tenant(s) unreasonably refuse access to the landlord, managing agent or contractors to arrange or carry out works;
- where the tenant(s) have, in the opinion of the Council, clearly caused the damage to the property that they are complaining about, and there are no other items of disrepair;
- the housing enforcement team cannot assist with re-housing. If a tenant does not want their present accommodation to be brought up to standard in the hope of being re-housed, we will signpost to the correct services;
- where the tenant(s) have requested a service and then failed to keep an appointment and do not respond to a follow up letter or telephone call;
- where the tenants have been aggressive, threatening, or verbally or physically abusive towards officers.

15. Leaseholders and Owner Occupiers

We will not normally become involved in disputes between leaseholders and freeholders or between neighbouring owner occupiers. Such disputes, and their outcome, rely on legal clauses within leases or deeds and we are not equipped to interpret these sufficiently to take legal enforcement action. We may give general advice and/or signpost the complainant to other organisations which may offer advice, including advice on the taking of civil action.

The exception to the above is where a statutory nuisance, drainage or pest control issue is emanating from a clearly identified property and is affecting or has the potential to affect neighbouring properties and people.

16. Simple Cautions

The Ministry of Justice issued guidance (effective from 13 April 2015) on the use of simple cautions and this guidance will be used for all decisions relating to simple cautions. The simple caution scheme is designed to provide a means of dealing with low-level, mainly first time, offending without a prosecution. A simple caution must not be offered to a person who has not made a clear and reliable admission to committing the offence. Decisions to issue simple cautions must be made in accordance with the Full Code Test as set out in the Code for

Crown Prosecutors and charging guidance.

Before a Simple Caution can be given, it is important to establish:

- The views of the victim about the offence (normally the occupiers),
- The nature of any harm or loss caused by the offence and its significance to the victim,
- Whether the offender has made any form of reparation or paid compensation

The views of the victim are important but are not conclusive. The decision to offer a simple caution will take these into account alongside wider public interest factors

A Simple Caution must be accepted in writing by the offender (or officer of a limited company which is the alleged offender), who is then served a copy of the caution. A second copy is held as the official record.

If the offender refuses to accept a Simple Caution, the option to pursue the offender by other means, i.e. to prosecute remains.

The fact that the offender has received a caution can be cited in court in future legal proceedings This information may also be used to inform future enforcement decisions if incidents arise involving that same person or organisation.

17. Prosecution

Where there is a breach of a legal requirement and the Council considers that formal action is required we may seek to prosecute the offender. Although we will judge each case (and our response) on the merits of each individual case, prosecution will generally be reserved for the most serious cases. These include failures to provide documentation on information requested to determine interested parties and the occupancy of premises. Any decision to prosecute will be taken in accordance with the Regulators 'Code, this policy and the Code for Crown Prosecutors.

The following factors will be taken into account in any such decision:

- The seriousness of the offence, including the risk and harm (actual or potential) this breach entailed);
- The previous compliance history of the subject concerned;
- The willingness of that party to prevent a recurrence of the problem;
- Whether the issuing of a simple caution would be more appropriate or effective;
- Whether the offence was committed deliberately;
- Any evidence of the obstruction of the officers or threats made to them or others involved in the investigation; and
- The financial benefit obtained from the alleged offending.

In deciding whether or not to prosecute for an alleged infringement regard must be had to "The Code for Crown Prosecutors". In particular, a prosecution should not be commenced unless the criteria specified in the Full Code Test, namely the evidential stage and the public interest stage have been met.

18. Civil penalties and other fines

The Council may as an alternative to prosecution, serve notices imposing civil penalties of up to a maximum of £30,000. The Council's Civil Penalties and Rent Repayment Order policy can be viewed at [\[add a link to your new policy\]](#)

19. Rent Repayment Orders

A rent repayment order is an order made by the First-tier Tribunal requiring a landlord to repay a specified amount of rent. The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a HMO licence for a property that was required to be licensed as such. The Housing and Planning Act 2016 extended this power to now cover a much wider range of offences. The Council's Civil Penalties and Rent Repayment Order policy can be viewed at [\[add a link to your new policy\]](#)

20. Statutory Nuisances which are Prejudicial to Health

Where a statutory nuisance is found to be prejudicial to health, less than 21 days (the standard appeal period) may be given for completion of the works to abate the nuisance. Examples of situations which are regarded as being prejudicial to health, and for which a notice under section 80 of the Environmental Protection Act 1990 will be served, include:

- extensive water penetration;
- defective boilers leaving the property without any means of providing either hot water and/or heating (dependent on the time of year and whether or not there are vulnerable occupants).
- dampness or condensation resulting in mould growth where there are occupants with respiratory problems.

21. Licensing of Houses in Multiple Occupation (HMOs)

All decisions in respect of HMO licensing will be taken in accordance with the provisions of the Housing Act 2004 and regulations made under the Act.

If the Council intends to make to make an interim management order (IMO) under the provisions of the Housing Act 2004 the Head of Section and Director of the department must agree that this course of action is appropriate.

If the Council intends to make a Final Management Order to take control of an HMO which has an Interim Management Order in place, the Head of Section and the Director of the department must agree that this course of action is appropriate.

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Equality Analysis



Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet
Text in blue is intended to provide guidance – you can delete this from your final version.

What are the proposals being assessed?	Introduction of Civil Penalties
Which Department/ Division has the responsibility for this?	Community and Housing

Stage 1: Overview

Name and job title of lead officer	Steve Langley – Head of Housing
1. What are the aims, objectives and desired outcomes of your proposal? (Also explain proposals e.g. reduction/removal of service, deletion of posts, changing criteria etc)	The Housing and Planning Act 2016 introduces new enforcement powers to tackle the private rented sector, specifically those landlords and managing agents that are letting out unsuitable and/or dangerous properties as well as unlicensed properties that can impact upon the quality and safety of tenant's lives and the wider community. This proposal is to enable introducing the Civil Penalty Notices for Housing. The adoption of the Civil Penalties will explant upon the current use of enforcement powers by enabling the council to take costs effective and proportionate enforcement action against landlords and property agents for specific housing offences. In addition any monies raised through Civil Penalties will be specifically used to further the council's enforcement activities covering the private rented sector.
2. How does this contribute to the council's corporate priorities?	The introduction of civil penalties will support the council's performance of its statutory duties under the Housing Act 2004 by seeking to raise standards in the private rented sector. The proposals also contribute to providing value for money and improving processes.
3. Who will be affected by this proposal? For example who are the external/internal customers, communities, partners, stakeholders, the workforce etc.	Customers are private sector tenants, and landlord and their agents. Overall these proposals will have a positive impact on tenants of the private rented sector. It will also aim to assist good landlords and their agents by providing more efficient enforcement against those that seek to exploit the law to the detriment of others. The council benefits from having a clear enforcement policy in line with statutory requirements.
4. Is the responsibility shared with another department, authority or organisation? If so, who are the partners and who has overall responsibility?	n/a

Stage 2: Collecting evidence/ data

5. What evidence have you considered as part of this assessment?

Provide details of the information you have reviewed to determine the impact your proposal would have on the protected characteristics (equality groups).

The introduction of Civil Penalties has the potential to improve the situation for all areas of the community as it directly targets those that seek to exploit or ignore the law.

The results of enforcement may lead to certain premises being stopped from being rented out, due to not meeting minimum standards and assistance being given to the occupants that these could be of any age, race, disability etc, but does ensure that they are subject to acceptable living conditions as is their human right.

Stage 3: Assessing impact and analysis

Page 94

6. From the evidence you have considered, what areas of concern have you identified regarding the potential negative and positive impact on one or more protected characteristics (equality groups)?

Protected characteristic (equality group)	Tick which applies		Tick which applies		Reason Briefly explain what positive or negative impact has been identified
	Positive impact		Potential negative impact		
	Yes	No	Yes	No	
Age	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Disability	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Gender Reassignment	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Marriage and Civil Partnership	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.

Pregnancy and Maternity	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Race	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Religion/ belief	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Sex (Gender)	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Sexual orientation	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.
Socio-economic status	Y			Y	There is no evidence to show these powers will have a potential impact on this characteristic. These powers are statutorily introduced but complement existing powers and the statutory requirements around them.

7. If you have identified a negative impact, how do you plan to mitigate it?

The introduction of civil penalties will have a positive effect on the protected characteristics, so there is no need to take mitigating actions.

Stage 4: Conclusion of the Equality Analysis

8. Which of the following statements best describe the outcome of the EA (Tick one box only)

Please refer to the guidance for carrying out Equality Impact Assessments is available on the intranet for further information about these outcomes and what they mean for your proposal

Outcome 1 – The EA has not identified any potential for discrimination or negative impact and all opportunities to promote equality are being addressed. **No changes are required.**

Outcome 2 – The EA has identified adjustments to remove negative impact or to better promote equality. **Actions you propose to take to do this should be included in the Action Plan.**

Outcome 3 – The EA has identified some potential for negative impact or some missed opportunities to promote equality and it may not be possible to mitigate this fully. **If you propose to continue with proposals you must include the justification for this in Section 10 below, and include actions you propose to take to remove negative impact or to better promote equality in the Action Plan. You must ensure that your proposed action is in line with the PSED to have ‘due regard’ and you are advised to seek Legal Advice.**

Outcome 4 – The EA shows actual or potential unlawful discrimination. **Stop and rethink your proposals.**

Stage 5: Improvement Action Pan

9. Equality Analysis Improvement Action Plan template – Making adjustments for negative impact

This action plan should be completed after the analysis and should outline action(s) to be taken to mitigate the potential negative impact identified (expanding on information provided in Section 7 above).

Negative impact/ gap in information identified in the Equality Analysis	Action required to mitigate	How will you know this is achieved? e.g. performance measure/ target)	By when	Existing or additional resources?	Lead Officer	Action added to divisional/ team plan?

Note that the full impact of the decision may only be known after the proposals have been implemented; therefore it is important the effective monitoring is in place to assess the impact.

Stage 6: Reporting outcomes

10. Summary of the equality analysis

This section can also be used in your decision making reports (CMT/Cabinet/etc) but you must also attach the assessment to the report, or provide a hyperlink

This Equality Analysis has resulted in an Outcome [1](#) Assessment

[The introduction of civil penalties will have a positive effect on the protected characteristics, so there is no need to take mitigating actions.](#)

Stage 7: Sign off by Director/ Head of Service

Assessment completed by	Add name/ job title	Signature:	Date:
Improvement action plan signed off by Director/ Head of Service	Add name/ job title	Signature:	Date:

**The Proposed Selective Licensing Implementation - Draft Timetable
(appendix 5)**

03/06/19	Approval by the Council's Cabinet to undertake further data analysis and research into developing selective licensing scheme
17/09/19	Present research to Cabinet with potential selective licensing outcomes. In principle approval to area(s) for designation In principle agreement to undertake public consultation with all those likely to be affected by the proposed designation.
Sept 2019 to Jan 2020	Plan then implement the period of statutory 10 week consultation.
6 weeks	Analysis of the consultation responses received
25/03/20	Report back to the Council's Cabinet for final consideration (report will include details of consultation replies.)
March to June 2020	On the assumption that the Council's Cabinet endorsed selective licensing proposal, notice of proposed designation is published. Notice of proposed designation will run for three months.
July 2020	Commencement of the selective licensing scheme – 3 months after the designation as required by the Housing Act 2004.

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Selective Licensing – Outline of potential fees and charges (appendix 6)

In the event that the Council decides to introduce selective licensing, this would have some key financial implications for the Council.

The costs of administering selective licensing (primarily additional staff costs) would need to be recouped through the licence fee levied to landlords.

Fee income charged would need to be at a sufficient level to pay for additional staffing costs of administering such a scheme and would of course vary depending on the scale of any proposal.

The licence fee for the scheme is currently unknown for Merton, and an assessment of fees and costs will arise from the proposed research study. However, looking at other London boroughs where selective licensing has been introduced, a typical fee is likely to be in the region of £500 to £750 per property/unit, for a 5-year licence.

Licensed properties covering more than one unit may be subject to extra charges for the additional units.

It is estimated that the cost of running such as scheme shall be in the region of £100k to £200k per designation / area, which would be recoverable from the fees charged. Additional set-up, infrastructure and project management costs will need be assessed and included. Indicative costs will be included in the proposed research paper to Cabinet on 17 September 2019.

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Committee: Cabinet

Date: 3 June 2019

Wards: All

Subject: Merton Safeguarding Children Partnership Arrangements

Lead officer: Rachael Wardell, Director of Children Schools and Families

Lead member: Councillor Kelly Braund, Lead Member for Children

Contact officer: Paul Bailey, Merton Safeguarding Children Partnership, Safeguarding Development & Policy Manager

Recommendations:

- A. That Cabinet approve the proposed arrangements for the Merton Safeguarding Children Partnership 2019- 2021
-

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of the report is to seek cabinet approval of revised partnership arrangements for multi-agency working to safeguard Merton children and young people and promote their wellbeing.
- 1.2 Following statutory changes introduced by the Children's and Social Work Act 2017, the Local Authority has been working with statutory partners to make the required changes to arrangements in Merton. In order to operationalise arrangements, Cabinet approval is now required to ensure changes can be implemented within statutory timescales.

2. Details

2.1 Under the Children's Act (2004) the Local Authority – together with statutory partners – has a duty to safeguard and promote the wellbeing of children in its area. Until now, the Local Authority has discharged these duties by being part of the Merton Safeguarding Children Board (MSCB) which was responsible for co-ordinating and monitoring the effectiveness of these arrangements.

2.2. The passing of the Children's and Social Work Act 2017 has made changes to existing requirements. Statutory guidance specifically states that:

'To achieve the best possible outcomes, children and families should receive targeted services that meet their needs in a co-ordinated way. There is a shared responsibility between organisations and agencies to safeguard and promote the welfare of all children in a local area. Many local organisations and agencies have a duty under section 11 of the Children Act 2004 to ensure that they consider the need to safeguard and promote the welfare of children when carrying out their functions. The responsibility for this join-up locally rests with the three safeguarding partners who have a shared and equal duty to make arrangements to work together to safeguard and promote the welfare of all children in a local area'.

2.3 Working Together 2018 defines safeguarding partners as follows:

‘A safeguarding partner in relation to a local authority area in England is defined under the Children Act 2004 (as amended by the Children and Social Work Act, 2017) as:

(a) the local authority

(b) a clinical commissioning group for an area any part of which falls within the local authority area

(c) the chief officer of police for an area any part of which falls within the local authority area’

2.4 The Local Authority has been working with its statutory partners to develop revised governance and accountability frameworks in accordance with statutory guidance. These are outlined in the ‘Merton Children Safeguarding Partnership Agreement’ which can be found at Annex 1. This document replaces the existing LSCB Constitution.

2.5 In making the transition from a Local Safeguarding Children’s Board to a Local Safeguarding Partnership, Merton is moving forward from a position of outstanding, as identified by Ofsted in the Inspection in 2017. The new framework therefore builds on the strength of our existing partnerships and our relentless focus on safeguarding children and promoting their welfare. The aim of this partnership agreement is to reflect the kind of partnership that was recognised in the 2017 Ofsted Inspection of the Board, which is also aligned to the new expectations as identified in statutory guidance Working Together 2018

2.6. In accordance with Working Together 2018, the Merton Safeguarding Children Partnership recognises that “Schools, colleges and other educational providers have a pivotal role to play in safeguarding children and promoting their welfare. Their co-operation and buy-in to the new arrangements will be vital for success.”¹ The Partnership therefore recognises the vital role of schools, colleges and other educational providers by including sector representatives as a primary Relevant Agency.

2.7. In accordance with section 14 of the Children Act 2004, the core purposes of the Partnership are:

(a) to **coordinate** what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and

(b) to **ensure the effectiveness** of what is done by each such person or body for those purposes.

2.8 This includes ensuring:

- Effective policies and procedures for safeguarding and promoting the welfare of children are in place and operating well across the Partnership
- The effective coordination of services and instructing partners to address any concerns or disparities

¹ *Working Together 2018*, chapter 3, paragraph 25, p 77

- Cooperation with neighbouring authorities
- Communicating the need to safeguard and promote the welfare of children across Merton Partners and residents
- Appropriate, consistent and impactful safeguarding training is delivered in Merton
- Effective procedures to enable a coordinated response and analysis to unexpected child deaths are in place (this will be led by the Clinical Commissioning Group (CCG))
- Monitoring the quality and impact of the safeguarding system in Merton
- Undertaking local Child Safeguarding Practice Reviews

3. ALTERNATIVE OPTIONS

3.1 The development of a Local Safeguarding Partnership is a statutory requirement under the Children Act 2004 (as amended by the Children and Social Work Act 2017) as such there are no alternative options.

3.2 CONSULTATION UNDERTAKEN OR PROPOSED

3.2.1 The Transition Task and Finish Group has undertaken extensive consultation with statutory partners and relevant agencies prior to the Partnership Agreement being approved by the Merton Safeguarding Children Board in March 2019. This was a series of meetings involving representatives from a wide range of bodies including:

- The statutory safeguarding partners (the Local Authority, Health and the Police),
- Education representatives,
- Adults,
- Community and Housing,
- Registered Social Landlords
- National Probation
- Safer Merton
- Public Health

3.3 TIMETABLE

3.3.1 There is an obligation on all local authority areas to publish their arrangements for safeguarding children and promoting their welfare by 29th June 2019 and must implement these arrangements by 29th September 2019.

3.4 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 3.4.1 The Merton Safeguarding Children Partnership will have a shared budget to further its objectives. Historically, the Local Authority has contributed the most in terms of finances and resources.
- 3.4.2 The Local Authority (together with statutory partners) will agree contributions each autumn for the following business year. The Statutory Partners will agree the level of funding secured from each partner, which should be equitable and proportionate, and propose any contributions from Relevant Agency, to support the local arrangements.
- 3.4.3 The cost of any local child safeguarding practice review will be borne by additional subscription from the Statutory Partners who have been involved in the case (the Local Authority the Police BCU and the CCG as the lead service commissioners). Statutory Partners may propose contributions from Relevant Agencies and Co-opted members who have been involved in the case. The outline costs of the commissioning of the review, independent author/s, legal advice, media work will be estimated as part of the planning of the Child Safeguarding Practice Review and apportioned according to agency/sector involvement in the case. The cost of dissemination of lessons will be borne as part of the Merton Safeguarding Children Partnership Training Budget.
- 3.4.4 Partner agencies will bear the costs of the attendance and contribution of their representatives to the partnership and will ensure that sufficient time is given to Members to attend meetings and undertake the work of the Partnership

3.5 LEGAL AND STATUTORY IMPLICATIONS

- 3.5.1 The development of a Local Safeguarding Partnership is a statutory requirement under the Children Act 2004 (as amended by the Children and Social Work Act 2017)

3.6 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 3.6.1 None

3.7 CRIME AND DISORDER IMPLICATIONS

- 3.7.1 None

3.8 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 3.8.1 None

3.9 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1: Merton Safeguarding Children Partnership Agreement

3.10 BACKGROUND PAPERS

- 3.10.1 None



Merton
Safeguarding
Children Partnership

Merton Safeguarding Children Partnership

Agreement



**METROPOLITAN
POLICE**

Issue Date	Author	Date of the Next Review	Lead officers
Final Draft May 2019	MSCB Partnership Transition Task and Finish Group		Director of Children, Schools and Families, LB Merton, Accountable Officer, Merton CCG Commander, Metropolitan Police BCU

Contents

	Page
1 Merton Safeguarding Children Vision	5
2 National Context	6
3 The Geographical Area of the Partnership	6
4 The Local Context	6-7
5 The Purpose, Principles and Priorities of the Partnership	7-9
6 Membership	9-11
7 Merton Safeguarding Partnership Structure and Governance	11-13
8 Accountabilities	13-14
9 Reporting	15
10 Business Planning and Meetings Cycle	16
11 Resources	17
12 Multi-Agency Safeguarding Training	17-18
13 Delegation of Key Responsibilities	18
14 Dispute Resolution	18
<i>Appendix 1: Merton Safeguarding Partnership Membership</i>	19-21
<i>Appendix 2: Merton Safeguarding Partnership Structure</i>	22
<i>Appendix 3: Governance and Strategic Partnerships/Boards</i>	23
<i>Appendix 4: The Role of the Independent Person</i>	24-25
<i>Appendix 5: The Role of the Independent Scrutineer</i>	26
<i>Appendix 6: Delegation of Key Responsibilities</i>	27-29
<i>Appendix 7: Merton Safeguarding Children Partnership Serious incidents, National Child Safeguarding Practice Reviews and Local Child Safeguarding Practice Reviews</i>	33-35
<i>Appendix 8: DfE Recognised Child Safeguarding Practice Review Methodologies</i>	36-41
<i>Appendix 9: The Merton Child, Young Person and Family Well-Being Model</i>	42

1. The Vision of the Merton Safeguarding Children Partnership

“Nothing is more important than children’s welfare.” (Working Together 2018, p. 6),

1.1 It is the vision of the Merton Safeguarding Children Partnership that all Statutory Partners and relevant agencies work together to ensure that *everyone does everything they can to ensure that all of Merton’s children are safe, supported and successful.*

1.2 Statutory Partners, Relevant Agencies and Co-opted Members are all clear that safeguarding children and promoting their welfare is everybody’s business. This is demonstrated by a robust and sustained commitment to children’s safeguarding at the highest levels in each agency.

1.3 Building on an established track record of an outstanding Local Safeguarding Children Board, our vision is that the Merton Safeguarding Children Partnership will be characterised as follows:

- Decisive strategic leadership provided by an independent person who will serve as the chair for the partnership
- The Partnership ensures that the needs of children and their families are at the very centre of its work. This means that the Partnership will be intentional about listening to the voices of children, young people and their families; and, where appropriate, allowing their needs and concerns to inform service design and delivery.
- A strong culture of accountability and challenge that results in increased understanding across the partnership and measurable improvements in the quality of practice. This will be assured by the commissioning of an independent scrutineer who will review the performance of the partnership and its impact.
- Statutory Partners Relevant Agencies and Co-opted members are all committed to the priority of safeguarding children and promoting their welfare, and this is evident in their contribution to the work of the partnership
- Effective and consistent engagement by senior strategic leaders, who are able to influence safeguarding in their individual agencies
- Collaborative and effective working relationships
- Strong evidence of effective collaboration of partners and relevant agencies at both strategic and operational levels
- Valued contributions and participation by voluntary sector and lay/co-opted members
- The work and priorities of the partnership is relevant and is informed by a detailed analysis of local need, to target and support the most vulnerable children.
- The delivery of tangible, positive outcomes for children and their families
- The learning and improvement framework is committed to continuous improvement in the quality of safeguarding practice

1.4 The Merton Safeguarding Children Partnership is a robust multi-agency partnership that enables all children and young people to be safe in their homes and communities, and to fulfil their potential. The Partnership coordinates the work of all agencies and ensures that this work is effective in achieving the best outcomes for Merton’s children and young people.

2. National Context

2.1 The Children and Social Work Act 2017 received royal assent on 27th April 2017. Section 16E of the Act requires each Local Authority Area to establish local arrangements for safeguarding and promoting the welfare of children

(1) The safeguarding partners for a local authority area in England must make arrangements for—

- (a) the safeguarding partners, and
- (b) any relevant agencies that they consider appropriate, to work together in exercising their functions, so far as the functions are exercised for the purpose of safeguarding and promoting the welfare of children in the area.

(2) The arrangements must include arrangements for the safeguarding partners to work together to identify and respond to the needs of children in the area.

(3) In this section—

“relevant agency”, in relation to a local authority area in England, means a person who—

- (a) is specified in regulations made by the Secretary of State, and
- (b) exercises functions in that area in relation to children; “safeguarding partner”, in relation to a local authority area in England, means—
 - (i) the local authority;
 - (ii) a clinical commissioning group for an area any part of which falls within the local authority area;
 - (iii) the chief officer of police for a police area any part of which falls within the local authority area.”

3. The Geographical Area of the partnership.

3.1 In accordance with Working Together 2018, chapter 3, paragraph 15, the geographical footprint for the partnership arrangements is based on local authority area, that is, the London Borough of Merton.¹

4. Local Context

4.1 Safeguarding children is a key strength in Merton. The 2017 Ofsted Inspection found the Board to be Outstanding with no recommendations for improvement. Specifically, inspectors found that

- There are strong governance arrangements underpinned by established partnerships with other strategic boards,
- The independent chair provides decisive strategic leadership and challenge to partners
- The board has been supported by a highly experienced and competent business unit which actively monitors the risk and challenge log and drives the business plan forward. The work of the board also benefits from excellent business administrators.
- There is a strong engagement across the partnership, including with schools, the voluntary sector, faith and wider community groups on safeguarding issues. Members are drawn from a wide range of partners who hold strategic safeguarding

¹ *Working Together 2018*, “The geographical footprint for the new arrangements is based on local authority areas.”, chapter 3, paragraph 15, p. 75:

Merton Safeguarding Children Partnership

roles in their agency, and are experienced and influential in their organisations. All partners make a proportionate financial contribution to MSCB.

- The understanding and application of thresholds by partners are reviewed regularly to ensure that they remain fit for purpose.
- The comprehensive range of high-quality, up-to-date policies and procedures are exemplary. These are regularly reviewed by the board and the business improvement group to ensure compliance and to ensure that policies are relevant.
- The board has strategic oversight of and policy development in critical areas of safeguarding practice including Prevent, FGM, CSC, harmful sexual behaviour, gangs and county lines, serious youth violence and contextual safeguarding².

4.2 In making the transition from a Local Safeguarding Children's Board to a Local Safeguarding Partnership, Merton is moving forward from a position of outstanding performance. The constitution of the new partnership, therefore, builds on the strength of our existing partnerships and our continued relentless focus on safeguarding children and promoting their welfare. The aim of this partnership agreement is to reflect the kind of partnership which was recognised in the 2017 Ofsted Inspection of the Board.³

4.3 In accordance with Working Together 2018, the Merton Safeguarding Children Partnership recognises that "Schools, colleges and other educational providers have a pivotal role to play in safeguarding children and promoting their welfare. Their co-operation and buy-in to the new arrangements will be vital for success."⁴ The Partnership therefore recognises the vital role of schools, colleges and other educational providers by including sector representatives as a primary Relevant Agency.

5. The Purpose, Principles and Priorities of the Partnership

A. Purposes

In accordance with section 14 of the Children Act 2004, the core purposes of the Partnership are:

- (a) to **coordinate** what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area; and
- (b) to **ensure the effectiveness** of what is done by each such person or body for those purposes.

This includes

- Developing policies and procedures for safeguarding and promoting the welfare of children, including
 - Taking action where there are concerns including thresholds
 - Recruitment and supervision
 - Investigation of allegations
 - Cooperation with neighbouring authorities
- Participating in the planning of services for children in the local authority area
- Communicating the need to safeguard and promote the welfare of children

² The London Borough of Merton Inspection of services for children in need of help and protection, children looked after and care leavers and Review of the effectiveness of the Local Safeguarding Children Board, report published: 25 August 2017

³ *ibid*

⁴ *Working Together 2018*, chapter 3, paragraph 25, p 77

Merton Safeguarding Children Partnership

- Procedures to ensure a coordinated response to unexpected child deaths (this will be led by the Clinical Commissioning Group (CCG))
- Collecting and analysing information about child deaths
- Monitoring the effectiveness of what is done to safeguard and promote the welfare of children
- Undertaking local Child Safeguarding Practice Reviews (for further details see appendix 8)

In addition, the core purposes of Merton Safeguarding Children Partnership is to enable agencies to work together so that

- excellent practice in multi-agency safeguarding is the norm
- partners effectively hold each other to account
- to proactively identify and respond to new and emerging safeguarding issues
- whole system learning is promoted and embedded in frontline practice
- information is shared effectively
- Merton's children, families and communities are safe, supported and successful

B. Principles

The overarching principles which underpin the work of the partnership are as follows:

1. ***The voice of children and young people:*** To communicate with and listen to children and young people and ensure that individual agencies and the Partnership all work to ensure that the voices of children and young people are considered. Where possible and appropriate, to involve young people in the work of the Partnership.
2. ***Think Family:*** To ensure that all agencies 'think family' so that children and adults receive coordinated services that assess and address the needs of the whole family
3. ***Understanding our community:*** To seek to understand and respect the local community and its diversity, and to share information and seek views, where possible.
4. ***Listening to and learning from practice:*** The Partnership commits to consulting front-line practitioners and their line-managers in the work of the Partnership through providing information regularly and seeking feedback.
5. ***Enabling the highest standards of practice:*** To promote up-to-date knowledge of safeguarding and high standards of practice in responding to the needs of children and young people in Merton; focusing on good and safe **outcomes**.
6. ***Leading continuous improvement:*** To lead improvements in the quality of multi-agency safeguarding practice.

Merton Safeguarding Children Partnership

7. **Effective coordination:** To co-ordinate and monitor the **effectiveness** of agency, multi-agency and the Partnership's own work to safeguard and promote the welfare of children.
8. **Early Intervention and prevention:** The Partnership is committed to effective early intervention; this means working together so that families review the help they need so that their problems and concerns are effectively addressed early in the life of the child and early in the development of issues so that these do not escalate. The Merton Child, Young Person and Family Well-being Model⁵ is the MSCP's Threshold document and outlines how we expect all agencies to respond to the needs of children, young people and their families across the continuum of need.
9. **Integrity in public life:** To work with the ethics, behaviour and values of public services (The Nolan Principles) <https://www.gov.uk/government/organisations/the-committee-on-standards-in-public-life>

C. Priorities

Merton Safeguarding Children Partnership works to ensure that local services work knowledgeably, effectively and together to safeguard children and young people and to support their parents⁶ or carers. The Partnership's priorities will be informed by detailed analysis of local need and will target the most vulnerable children and their families for support. The Partnership's priorities will be informed by the Joint Strategic Needs Analysis, learning coming out of local and national Child Safeguarding Practice Reviews, system-wide developments in safeguarding practice such as the Merton Social Work Practice Model.

The Partnership's priorities will be agreed at an annual Partnership Away Day. The agreed priorities will be outlined in a 24-month Business Plan and will be reviewed at each meeting of the Partnership.

6. Membership (see Appendix 1)

6.1 The Merton Safeguarding Children Partnership will comprise the following Statutory Partners

- (a) the Local Authority (represented by the Director of Children Schools and Families, or their delegated representative)
- (b) a clinical commissioning group for an area any part of which falls within the local authority area (the CCG, the Accountable Officer or their delegated representative);
- (c) the chief officer of police for a police area any part of which falls within the local authority area. (The Chief Officer of the Basic Command Unit, BCU, or their delegated representative)

6.2 The Merton Safeguarding Children Partnership's other relevant agencies will include

⁵ See Appendix 10

⁶ A parent is a person with parental responsibility. "Parental responsibility means the legal rights, duties, powers, responsibilities and authority a parent has for a child and the child's property. A person who has parental responsibility for a child has the right to make decisions about their care and upbringing." Section 3(1) Children Act 1989

Merton Safeguarding Children Partnership

(d) In accordance with *Working Together 2018*, the Merton Safeguarding Children Partnership recognises the vital role of schools, colleges and other educational providers.⁷

(e) Housing – a representative Registered Social Landlords and Housing Associations and Merton Housing Needs

(f) Probation (including National Probation and CRC Probation)

(g) Department for Work and Pensions

(h) Voluntary Organisations represented by the MVSC or another relevant body

(i) Acute Trusts, Health Providers and Mental Health Trust

6.3 Members from Statutory Partners and relevant agencies must be sufficiently senior and delegated to speak with authority, to make decisions and commit resources on behalf of their agency. Each statutory partner should nominate a standing deputy to represent the Member in her/his absence.

6.4 Members from Relevant Agencies, who represent their sector rather than a single agency, e.g. Head Teachers and Voluntary Sector representatives, cannot speak on behalf of any other single agency apart from their own. They are expected to give a generic view for their sector. They are not expected to canvass the views of their sector. It is expected that they will link with their counterparts through relevant forums, etc. Also they are not expected to make commitments on the behalf of agencies/organisation within their sector, in terms of resources.

6.5 The Partnership will also include Co-opted members who have an interest in and a contribution to make in the safeguarding of children and promotion of their welfare.

6.6 For the Merton Safeguarding Children Partnership to work effectively there must be commitment, consistency and continuity in membership. The role of each Member must be to contribute actively to the work of the Merton Safeguarding Children Partnership, provide constructive support and challenge, and act as a 'critical friend' to partner agencies in the monitoring of their safeguarding responsibilities.

6.7 Members will be expected to attend the meetings, they are required to respond to communications between meetings and to contribute to the on-going work of the Partnership.

6.8 Each Relevant Agency⁸ should nominate a standing deputy to represent the Member in her/his absence. The deputy will hold the same authority on their Agency's behalf. A deputy should be briefed in advance on the Agency's perspective concerning issues on the Agenda and should not overturn an agency view expressed by the substantive Member in a previous meeting, without confirmation from the substantive Member in writing that there has been such a change of agency perspective.

6.9 Members who represent a sector will be covered in their absence by other members from that sector and so do not require a deputy – e.g. head teachers, voluntary sector.

⁷ *Working Together 2018*, Chapter 3, paragraphs 25-27, p. 77

⁸ *Working Together 2018*, Chapter 3, paragraph 17 notes, "Relevant agencies are those organisations and agencies whose involvement the safeguarding partners consider is required to safeguard and promote the welfare of local children." Also, "When selected by the safeguarding partners to be part of the local safeguarding arrangements; relevant agencies must act in accordance with the arrangements. Safeguarding partners should make sure the relevant agencies are aware of the expectations placed on them by the new arrangements."

Merton Safeguarding Children Partnership

6.10 Where a Member does not attend two consecutive meetings this absence will be reviewed with them on behalf of the Merton Safeguarding Children Partnership with their organisation, by the Merton Safeguarding Children Partnership Manager, on behalf of the partnership, and after this may be added to the Merton Safeguarding Children Partnership Risk Register.

6.11 Partners and Relevant Agencies are expected to ensure appropriate membership and commitment to the Sub Groups and ad hoc Task and Finish Groups, according to the membership agreed in their terms of reference. Co-opted Members may be asked to volunteer to contribute to the work of task and finish groups.

7. Merton Safeguarding Children Partnership Structure and Governance

7.1 To meet these statutory requirements the Merton Safeguarding Children Partnership has agreed the following structure and governance arrangements.

7.2 As part of the independent scrutiny of the Partnership, the Partnership will appoint an **Independent Person**. The Independent Person will be an individual with significant experience at a senior level in the strategic co-ordination of multi-agency services to safeguard and promote the welfare of children.

7.3 The Independent Person, who will serve as the Chair of the Partnership will be accountable to the Merton Safeguarding Children Partnership and will work closely with Statutory Partners and with the Director of Children, Schools and Families, who continues to hold statutory responsibilities for the co-ordination of multi-agency working to support and safeguard children.

7.4 The role of the Independent Person will be to work closely with Statutory Partners and particularly with the Director of Children, Schools and Families who has statutory responsibilities under section 18 of the Children Act 2004. The Independent Person will serve as Chair at meetings of the Partnership and will provide independent challenge to Statutory Partners and Relevant Agencies.

7.5 The Independent Person will be appointed by the Statutory Partners. (The role of the Independent Person is outlined in appendix 3).

7.6 The Merton Safeguarding Children Partnership will also appoint **Independent Scrutineer**. The Independent Scrutineer will be an individual with significant experience at a senior level in the strategic co-ordination of multi-agency services to safeguard and promote the welfare of children.

7.7 The role of the Independent Scrutineer is to provide assurance in judging the effectiveness of multi-agency arrangements to safeguard and promote the welfare of all children in Merton. The Independent Scrutineer will hold the Partnership to account by considering how effectively the arrangements are working for children and to act as a critical friend to the partnership.

7.8 The Independent Scrutineer will be appointed by the Statutory Partners. (Please see appendix 4 for a detailed description of the role of the Independent Scrutineer)

7.9 This scrutiny will be in the form of an annual process which will include a review of the performance and impact of the Partnership. Performance will be measured against the Partnership's agreed performance standards and will be reported to a Panel of Statutory Safeguarding Partners, which will include the Chief Executive Officer of the Local Authority

Merton Safeguarding Children Partnership

(or their delegated representative), the BCU Chief Officer for the area including Merton (or their delegated representative), and the Accountable Officer of Merton CCG (or their delegated representative). The scrutiny will include a review of the Partnership's Annual Report; performance against the Partnership's Business Plan and will include a review of how the Partnership ensures that:

- children are safeguarded and their welfare promoted
- partner organisations and agencies collaborate, share and co-own the vision for how to achieve improved outcomes for vulnerable children
- organisations and agencies challenge appropriately and hold one another to account effectively
- there is early identification and analysis of new safeguarding issues and emerging threats
- learning is promoted and embedded in a way that local services for children and families can become more reflective and implement changes to practice
- information is shared effectively to facilitate more accurate and timely decision making for children and families

7.10 The **Independent Person** and the **Independent Scrutineer** cannot be the same person.

7.11 Business will be conducted through the Merton Safeguarding Children Partnership ('The Partnership') which holds the statutory responsibilities and duties; the Merton Safeguarding Children Partnership will have ultimate accountability for ensuring that the objectives are achieved. Business will be conducted through Merton Safeguarding Children Partnership meetings, Sub Groups, correspondence and exchange of information between meetings.

7.12 The Merton Safeguarding Children Partnership will prioritise and organise its work through the Annual Business Plan; and regular monitoring of the Plan and Risk and Challenge Registers.

7.13 The Merton Safeguarding Children Partnership will deliver its functions through Sub-Groups. The key Sub-Groups will be the Quality Assurance Sub-Group, the Promote and Protect Young People Strategic Sub-Group, the Policy Sub-Group and the Learning and Development Sub-Group. The Partnership will, where appropriate, delegate some of its functions across a sub-regional geographical footprint (to be determined); in order to rationalise activities and to achieve economies of scale. It is likely that these will include its learning and development functions, and the development of common policies and procedures.

7.14 The Merton Safeguarding Children Partnership will hold the overall responsibility for the overview of the quality of multi-agency safeguarding work and agency performance.

7.15 On behalf of the Partnership, an Executive Group, consisting of the Statutory Partners will co-ordinate the work of the Partnership, prioritise actions and ensure the coverage of statutory functions and the business plan by ensuring governance and connectivity across the Sub Groups and ad hoc task and finish groups.

7.16 The Executive Group will enable commissioning agencies to secure and plan delivery of the total work programme. It will contribute to Partnership and agency self-evaluation and

Merton Safeguarding Children Partnership

to challenge and improvement priorities.

7.17 The Executive Group will drive the Merton Safeguarding Children Partnership agenda, seek assurance that the Partnership's priorities are being delivered, provide guidance and leadership to Sub-Group Chairs.

7.18 **Sub Groups** and Short Term **Task and Finish Groups** will be tasked by the Merton Safeguarding Children Partnership with agreed Terms of Reference and Work Plans and will be given delegated responsibility to act on the Merton Safeguarding Children Partnership's behalf to progress the agreed Business objectives. There should be multi-agency leadership and chairing of such working groups. (See Appendix 2 – Merton Safeguarding Children Partnership Structure). It is essential that members of the Merton Safeguarding Children Partnership demonstrate their commitment to the partnership by ensuring agency attendance to Sub-Groups and undertake specific tasks as agreed at meetings.

7.19 The Merton Safeguarding Children Partnership will liaise with and receive relevant reports from other local **Strategic Partnerships**, such as the **Health and Well-Being Board**. At times it will be appropriate to agree joint work with such partnerships.

8 Accountabilities

8.1 The Merton Safeguarding Children Partnership will work within and will comply with statutory guidance

8.2 The Statutory Partners are also responsible for appointing (or dismissing) an Independent Person to serve as the Chair of the Partnership. A Panel of the Statutory Partners, including the Chief Executive Officer of the Council, will meet with the Merton Safeguarding Children Partnership Chair at least twice per year to review the Merton Safeguarding Children Partnership's work.

8.3 The Statutory Partners are responsible for appointing (or dismissing) the Merton Safeguarding Children Partnership Independent Scrutineer (see Appendix 4: on the role of the Independent Scrutineer), with advice of a panel of Merton Safeguarding Children Partnership members (including lay members).

8.4 The Independent Person will have executive authority to make decisions on behalf of the Merton Safeguarding Children Partnership between meetings, consulting Statutory Partners as appropriate. The Independent Person will report on any such decisions to the Partnership no later than the next meeting of the Partnership or in writing.

8.5 Statutory Partners must make arrangements to:

(a) identify serious child safeguarding cases which raise issues of importance in relation to the area and

(b) commission and oversee the review of those cases, where they consider it appropriate for a review to be undertaken

8.6 When a serious incident becomes known to safeguarding partners, they must consider whether the case meets the criteria for a local review in accordance with chapter 4 of Working Together 2018, (see also appendices 7 and 8: Merton Safeguarding Children

Merton Safeguarding Children Partnership

Partnership Serious incidents, Local and National Child Safeguarding Practice Reviews and approved methodologies)

8.7 The Merton Safeguarding Children Partnership is accountable to its members and to the local community for its work. This accountability will be demonstrated through the Merton Safeguarding Children Partnership Annual **Report**, through which the Merton Safeguarding Children Partnership will evaluate the effectiveness of its own work, as well as that of the local multi-agency partnership. The Annual Report will be shared the Health and Well-Being Board, in accordance with the governance arrangements of the Statutory Partners, Ofsted and the Department of Education. It will also be published on the Merton Safeguarding Children Partnership website (see also section 9 under reporting).

8.8 The Merton Safeguarding Children Partnership is also accountable to the Children and Young People of Merton. We will work with the Children's Schools and Families Participation Manager and the Looked After Children and Permanency Manager to ensure meaningful participation, consultation and accountability with young people.

8.9 Statutory Partners and Relevant Agencies will be accountable to the Merton Safeguarding Children Partnership by ensuring appropriate representation and attendance on the Merton Safeguarding Children Partnership, the Executive Group or Sub Groups, as agreed.

8.10 All Relevant Agencies and Co-opted Members will respond to information requests from the Merton Safeguarding Children Partnership in relation to data, commentary, evaluation, planning, performance and resources in order to assist the Merton Safeguarding Children Partnership in the completion of its objectives. Such data will be governed by any requirements of the Data Protection Act. The Safeguarding Partnership can require a person or body to comply with a request for information under section 14A of the Children Act 2004 (Amended 2010) and Working Together 2018, Chapter 3, paragraphs 28-29.

8.11 Where Partners and Relevant Agencies are asked for information or consulted on Merton Safeguarding Children Partnership business or draft documents between meetings it is expected that agencies will make a definite response and not assume that no response means agreement. Where an agency does not respond to such a request, this will be raised at the following Merton Safeguarding Children Partnership meeting. The Merton Safeguarding Children Partnership needs confirmation of agreement and sign up to the Merton Safeguarding Children Partnership Business Plan.

8.12 The Merton Safeguarding Children Partnership will be quorate if two Statutory Partners are present. It is essential that Statutory Partners are represented at meetings of the Partnership. In the event that a Statutory Partner fails to ensure appropriate representation at a scheduled Partnership meeting, the Independent Person will write to the accountable officer of the relevant statutory partner to raise a concern regarding the lack of attendance.

8.12 The Executive Group will be quorate if all Statutory Partners (Local Authority, CCG and Police) are present.

8.13 The Independent Scrutineer, as part of their independent function, will have the responsibility to disclose wrong doing, maladministration or organisational dysfunction to the Office for Standards in Education, Children's Services and Skills (**Ofsted**) and the DfE, if it becomes clear that the Merton Safeguarding Children Partnership is failing to fulfil its

Merton Safeguarding Children Partnership

statutory responsibilities and normal processes of challenge and dispute resolution have become untenable.

9. Reporting

9.1 The Merton Safeguarding Children Partnership will publish an annual report. The report will set out the work that partners have done as a result of the arrangements and how effective the arrangements have been in practice. It will also include actions relating to local child safeguarding practice reviews and what the safeguarding partners have done as a result. The annual report will also include a summary of the Partnership's self-evaluation and the key findings of the Independent Scrutineer's evaluation of the effectiveness of the Partnership.

9.2 In addition, the report will also include:

- evidence of the impact of the work of the safeguarding partners and relevant agencies on outcomes for children and families
- a record of actions taken by the partners in the report's period (or planned to be taken) to implement the recommendations of any reviews
- ways in which the partners have sought and utilised feedback from children, young people and families to inform their work and influence service provision

9.3 The annual report will be signed off through the governance arrangements of the Statutory Partners. The approved annual report, including local challenges to safeguarding and any national implications arising from these; the report will then be sent to the Secretary of State for Education, the DfE and to Ofsted, the Child Safeguarding Practice Review Panel and the What Works Centre for Children's Social Care within seven days of publication.

10. Business Planning and Meetings – Annual Cycle⁹

March	MSCP – Away Day to review year & agree revised Business Plan
April	Start of the Business Year <i>Sub-Group Meeting Cycle Begins</i>
May	Executive Group Meeting Section 11 process begins
June	Partnership Meeting (Main Board) Annual Independent Scrutiny Process (from June 2020) <i>Sub-Group Meeting Cycle Continues</i>
July	Executive Group Meeting
Sept	Partnership Meeting (Main Board), Merton Safeguarding Children Partnership Annual Report approved <i>Sub-Group Meeting Cycle Continues</i>
Oct	Annual Agency Peer Reviews - QA & Challenge Meetings
Nov	Executive Meeting Merton Safeguarding Children Partnership Budget review / forward planning of priorities for referral to other partnerships & agencies for next year's planning cycle
Jan (mid)	Partnership Meeting (Main Board)
Feb	Executive Group Meeting – to plan March Away Day

Meetings will be scheduled to avoid school holidays where possible and to prevent clashes with other Strategic Partnerships

⁹ The Annual Business Cycle is subject to change and amendment by the Statutory Safeguarding Partners.

11. Resources¹⁰

11.1 The Merton Safeguarding Children Partnership will have a shared budget to further its objectives. Statutory Partners will agree contributions each autumn for the following business year. The Statutory Partners will agree the level of funding secured from each partner, which should be equitable and proportionate, and propose any contributions from Relevant Agency, to support the local arrangements.

11.2 The cost of any local child safeguarding practice review will be borne by additional subscription from the Statutory Partners who have been involved in the case (the Local Authority the Police BCU and the CCG as the lead service commissioners). Statutory Partners may propose contributions from Relevant Agencies and Co-opted members who have been involved in the case. The outline costs of the commissioning of the review, independent author/s, legal advice, media work will be estimated as part of the planning of the Child Safeguarding Practice Review and apportioned according to agency/sector involvement in the case. The cost of dissemination of lessons will be borne as part of the Merton Safeguarding Children Partnership Training Budget.

11.3 Partner agencies will bear the costs of the attendance and contribution of their representatives and will ensure that sufficient time is given to Members to attend meetings and undertake the work of the Board.

11.4 Partner agencies will take responsibility for chairing the range of Sub Groups to ensure that there is leadership across several disciplines.

11.5 The Merton Safeguarding Children Partnership will be supported by a Business and Administrative team designed in accordance with the needs of the partnership.

11.6 Merton Council will host the Merton Safeguarding Children Partnership Business Support Team and Merton Safeguarding Children Partnership meetings. Partners will be encouraged to host appropriate meetings or training, where possible and appropriate at no expense to the Merton Safeguarding Children Partnership Budget.

11.7 The Merton Safeguarding Children Partnership will not routinely seek legal advice on all its work but only when it is needed.

12. Multi-Agency Safeguarding Training

12.1 Multi-agency training is important in supporting the collective understanding of local need. Practitioners working in both universal services and specialist services have a responsibility to identify the symptoms and triggers of abuse and neglect, to share that information and provide children with the help they need.

12.2 The Partnership recognises that to be effective, practitioners need to continue to develop their knowledge and skills and need be aware of the new and emerging threats, including online abuse, grooming, sexual exploitation, criminal exploitation, county lines and radicalisation. To enable this, Safeguarding Partners have a multi-agency Training Strategy and a Training Programme to ensure that the training needs of the children's workforce are

¹⁰ The published arrangements should set out clearly any contributions agreed with relevant agencies, including funding, accommodation, services and any resources connected with the arrangements. See Working Together 2018, chapter 3, paragraphs 36-37

Merton Safeguarding Children Partnership

met and that the Partnership is able to monitor and evaluate the effectiveness of any training it commissions.

12.3 The Merton Safeguarding Children Partnership will commission multi-agency training that will be delivered through the Merton Safeguarding Children Partnership training officer and commissioned trainers. This training will be monitored for impact. The Quality Assurance Sub-Group will undertake multi-agency and inter-agency audits and will receive information regarding single agency audit activity to ensure that the partnership has a clear view regarding the quality of practice across the children's safeguarding system. The Independent Scrutineer will have a role in scrutinising the effectiveness of training, including multi-agency training to safeguard children and promote their welfare (see appendix 4)

12.4 The Merton Safeguarding Children Partnership expects that all organisations or groups will:

- undertake a periodic analysis of the training and development needs of their staff or members
- provide new employees or members with induction training on their role and responsibilities in relation to the safeguarding of children and young people
- provide refresher training to keep people up-to-date.
- evaluate the impact of individual learning on their professional development and practice

13. Delegation of key responsibilities

13.1 To further its objectives, the Merton Safeguarding Children Partnership and to ensure that its statutory responsibilities are discharged will delegate its functions and activities by theme, through its Business Plan and the Sub Group Annual Work Plans. However, the Merton Safeguarding Children Partnership (Main Board) will remain accountable for the work undertaken even where it has been delegated.

13.2 The table in Appendix 6 shows the main areas of delegation/responsibility. This will be reviewed annually at the Business Planning Away Day in March.

14. Dispute Resolution

Merton Safeguarding Children Partnership

14.1 Every effort will be made by Safeguarding Partners to resolve disputes locally. Disputes within the Partnership will normally be raised and resolved meetings of the Executive Group of the Partnership. The agreed dispute resolution process is as follows

Stage 1

Where there is a disagreement, the Statutory Partners will meet to fully explore the basis of the dispute and secure an agreement. If the matter is not resolved at this stage.

Stage 2

The Independent Person will serve as an arbitrator, to facilitate resolution. If the matter remains unresolved. It will progress to next stage

Stage 3

The Independent Person will make a determination on the issue.

Stage 4

In the event of a Statutory Partner not meeting its statutory obligations, the Children and Social Work Act 2017 allows the Secretary of State to take enforcement action against any agency which is not meeting its statutory obligations.

Merton Safeguarding Children Partnership

Appendix 1: Merton Safeguarding Children Partnership Membership (including Statutory Partners, Relevant Agencies, Co-opted Members and Advisors)¹¹

- SP Statutory Partner**
- RA Relevant Agency**
- C Co-opted/Community Members**
- A Advisors**
- B Board Support**
- SGC Sub-Group Chair**

Statutory Partners will nominate a standing deputy to represent their agency and take decisions on their Agency’s behalf

Relevant Agencies will nominate a standing deputy to represent their agency and take decisions on their Agency’s behalf.

Where a Sub Group Chair is appointed who is not a Board Member they will be co-opted to the Board.

Decisions of the partnership will be normally made through robust debate and consensus. On the rare occasions where a vote is taken, the votes will be taken from the three statutory.

Sub Group Chairs may be asked to attend the Executive if the business of their sub group is on the agenda.

Merton Safeguarding Children Partnership	
The Independent Person (Chair)	
Statutory Partners	
Agency	Representative
London Borough of Merton	The Chief Executive of the Local Authority, (or their nominated deputy)
NHS Merton CCG	Chief Officer, Merton Clinical Commissioning Group (or their nominated deputy)
Metropolitan Police Service Basic Command Unit	BCU Commander, (or their nominated deputy)

¹¹ See statutory guidance *Working Together 2018* Chapter 3 page 73 and pages 76-77

Merton Safeguarding Children Partnership

Relevant Agencies	
Agency	Representative
Acute Trust/Health Provider	Director of Nursing, SW London & St George's Mental Health Trust
Acute Trust/Provider	Chief Nurse, St George's Healthcare NHS Trust
Acute Trust/Provider	Chief Nurse, Epsom & St. Helier NHS Trust
Acute Trust/Provider	Clinical Director SW London & St Georges CAMHS service
Community Health Service	Director of Nursing, Community Health Services
Housing	Registered Social Landlord Representative
London Borough of Merton (Housing)	Housing Needs Manager, Community & Housing
London Probation – Community Rehabilitation Company	Assistant Chief Officer The London Community Rehabilitation Company Limited (or their delegated representative)
Merton Education	Primary School Representative
Merton Education	Special School Representative
Merton Education	Secondary School Representative
Merton Education	Independent Sector School Representative
Merton Education	Further Education College Representative
National Probation Service	Regional Safeguarding Lead
NHS Merton CCG	Designated General Practitioner for Child Protection, Merton CCG
NHS Merton CCG	Designated Doctor for Child Protection, Merton CCG
NHS Merton CCG	Designated Nurse Safeguarding, Merton CCG

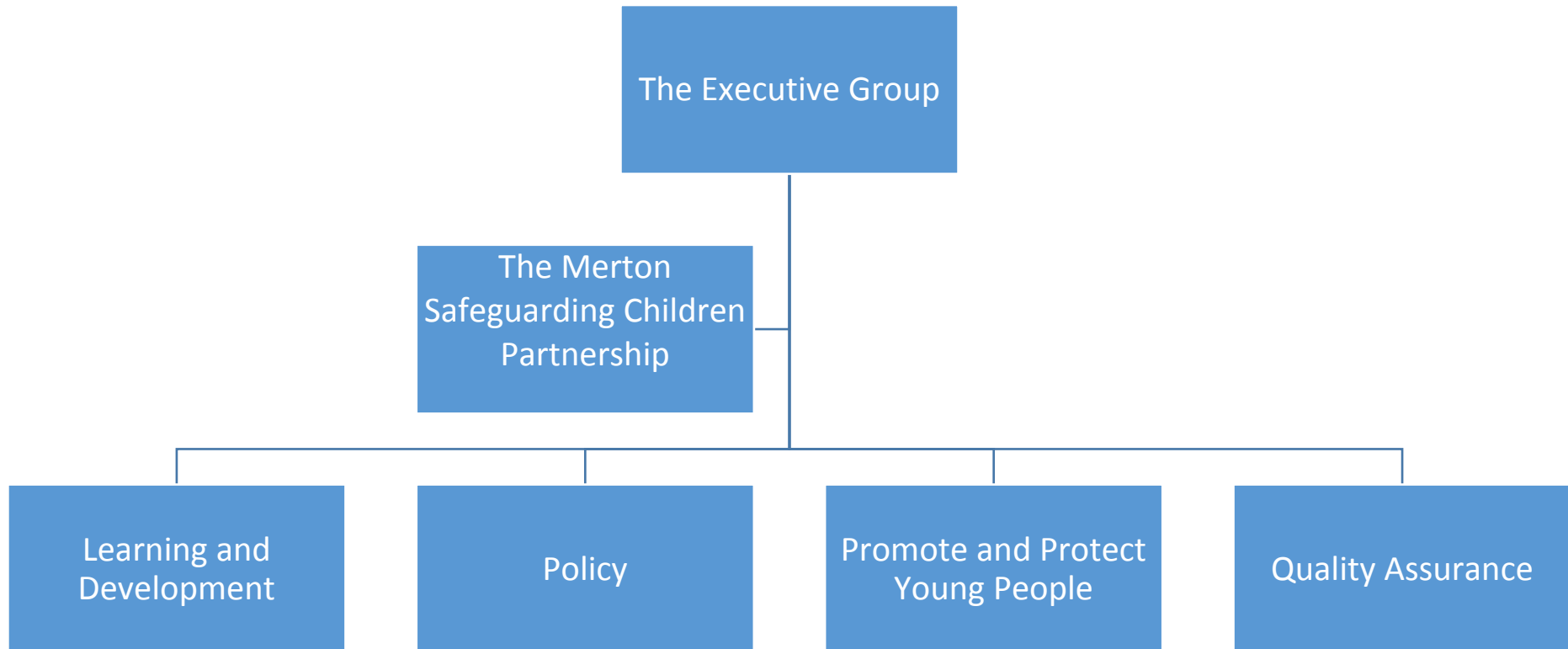
Merton Safeguarding Children Partnership

Co-opted Members	
Agency	Representative
London Borough of Merton	Lead Member Children's Services
London Borough of Merton	The Head of Community Safety
Community Representative	Lay Members (Two)
Department for Work and Pensions	Representative
London Borough of Merton	Director of Public Health
London Borough of Merton	Service Manager, Policy, Planning and Performance
London Borough of Merton (Adults)	Safeguarding Adults Manager, Community & Housing
London Borough of Merton	Assistant Director of CSC & YI, CSF
London Borough of Merton	Assistant Director of Education
NHS England (to be sent papers for information and consultation)	Head of Quality (South London) and Safeguarding (London)
BS, A	MSCP Policy and Development Manager
BS	MSCP Administrator/s

Statutory Partners will ensure that the voice and concerns of schools, colleges and other educational providers are taken into account, as appropriate, at Executive meetings of the Partnership.

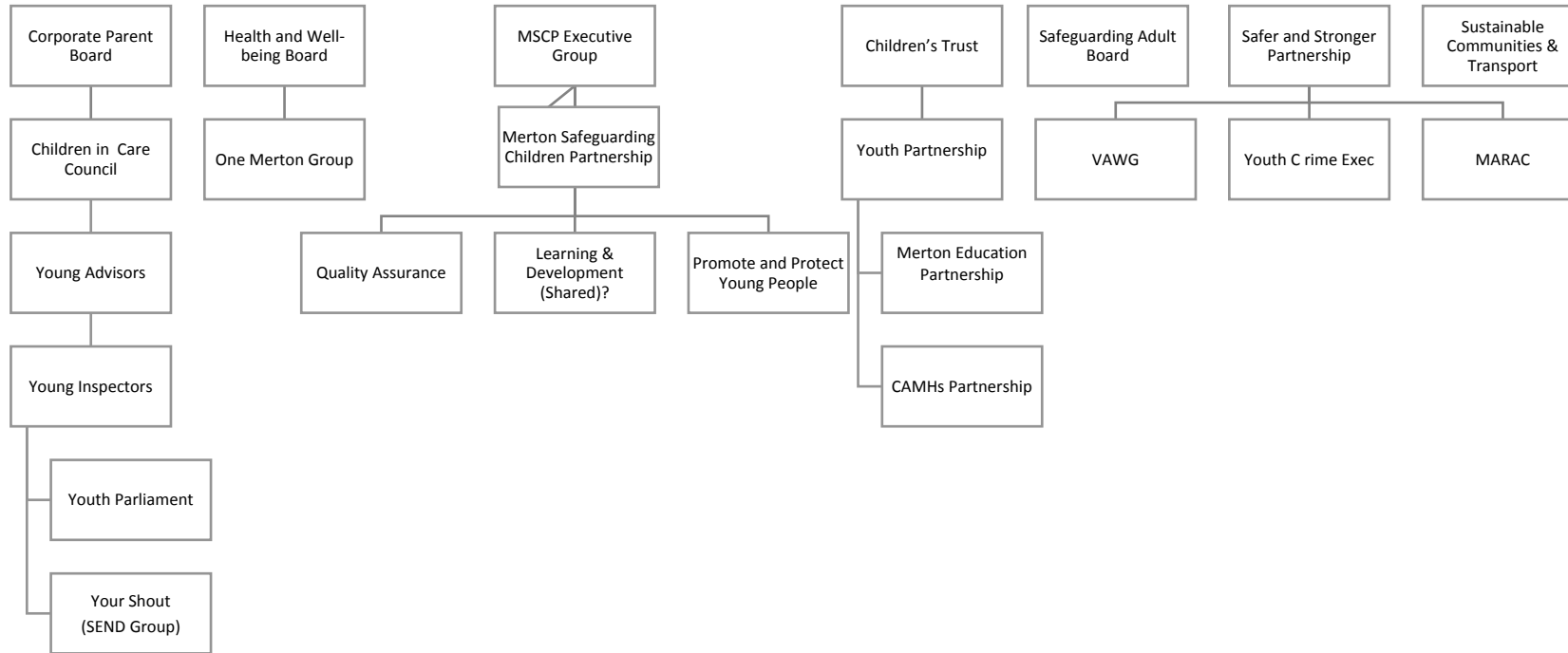
Executive Group Membership	
	The Independent Person (Attends as if required by Statutory Partners)
SP	The Accountable Officer of Merton Clinical Commissioning Group – (or their delegated representative)
SP	BCU, Commander Metropolitan Police (or their delegated representative)
SP	Chief Executive, London Borough of Merton (or their delegated representative)
SGC	Sub Group Chairs may be asked to attend the Executive Group if the business of their sub group is on the agenda.

Appendix 2: Merton Safeguarding Children Partnership Structure



Merton Safeguarding Children Partnership

Appendix 3: Governance and Strategic Partnerships



Appendix 4: The Role of the Independent Person

Purpose of the Role

To have overall responsibility, as Independent Person for the Merton Safeguarding Children Partnership (MSCP) for promoting the Partnership's ability to independently fulfil its statutory objectives of:

- Co-ordinating what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area;
and
- Ensuring the effectiveness of what is done by each such person or body for those purposes.

To provide independent leadership and strategic vision to the partnership

To chair meetings of the partnership and any extraordinary meetings as required

To ensure that the partnership has an independent, objective and authoritative voice and identity

To ensure that the partnership operates independently and any conflicts of interest are managed appropriately

To provide assurance that the partnership operates effectively with good collaboration between Statutory Partners and Relevant Agencies.

To facilitate the Dispute Resolution process.

Key Tasks & Responsibilities of the Independent Person:

The Independent Person's tasks and responsibilities in relation to the MSCP are to:

- To provide strategic leadership to all agencies to secure best practice with particular regard to child protection, safeguarding and best outcomes for vulnerable children and young people in Merton. This will ensure effective inter agency challenge and highest performance in the safeguarding of children and young people and promoting their welfare.
- Manage all aspects of MSCP meetings, including agenda setting, chairing of meetings, agreeing minutes and monitoring actions to be taken;
- In conjunction with relevant officers, ensure that key national, regional and local issues are brought to the attention of the MSCP;
- In conjunction with relevant statutory officers, to formulate needs-led objectives for the MSCP and ensure the MSCP achieves them;
- In conjunction with relevant statutory officers, ensure that the MSCP is meeting its core responsibilities;
- In conjunction with relevant statutory officers, ensure processes are in place to lead, monitor, review and evaluate all safeguarding practices within the geographical area of Merton;

Merton Safeguarding Children Partnership

- Ensure procedures are in place to raise issues of poor performance with MSCP agencies and to ensure corrective, timely action is taken;
- Oversee and provide support in the production of the MSCP Business Plan and Annual Report;
- Oversee the delegation of MSCP business to the MSCP sub groups, ensure those groups operate effectively, reviewing them as necessary, and ensure systems are in place to report back to the MSCP;
- Ensure the MSCP Training programme is monitored, reviewed with Statutory Partners and relevant agencies as necessary and is responsive to training needs analysis;
- Determine the need for National or Local Child Safeguarding Practice Reviews with appropriate advice;
- To be accountable to the Independent Scrutineer for the performance of the Partnership in relation to safeguarding children and young people in Merton and promoting their welfare.
- Maintain regular liaison with the Local Authority (LA) Chief Executive, Director of Children's Services (DCS, or their delegated representative), Merton CCG Accountable Officer (or their delegated representative), the Commander of the Metropolitan Police Basic Command Unit for Merton (or their delegated representative) and the Council's Lead Member for Children's Services

Appendix 5: The Role of the Independent Scrutineer (Bexley Model¹²)

- Assess how well organisations come together to cooperate with one another to safeguard and promote the welfare of children and to hold each other to account for effective safeguarding.
- Contribute to the content of the partnership's annual report on the effectiveness of safeguarding arrangements, their performance and the effectiveness of local services.
- Assess the effectiveness of the help being provided to children and families including early help.
- Assess whether the 3 safeguarding partners are fulfilling their statutory obligations.
- Scrutinise any quality assurance activity (including multi-agency case file auditing and processes for identifying lessons to be learned).
- Scrutinise the effectiveness of training, including multiagency training, to safeguard and promote the welfare of children.
- Provide the 3 safeguarding partners with the necessary assurances regarding the robustness and effectiveness of safeguarding arrangements for the borough.
- Work with the safeguarding partnership Operational team to plan their programme of activity.
- Provide a rigorous and transparent assessment of the extent to which appropriate and effective systems and processes are in place in all partner agencies so as to fulfil their statutory duties and ensure that children are protected and that appropriate safeguarding strategies are developed and embedded.
- Evaluate arrangements for the operation of the safeguarding partnership, including the purpose and functions of board meetings, and recommend and implement appropriate changes.
- Support the implementation of the findings and outcomes of any safeguarding reviews, providing professional input to the development of any changes to existing models of delivery.
- Confirm, or not, that effective performance management, audit and quality assurance mechanisms are in place within partner organisations which will support the 3 safeguarding partners to fulfil their statutory objectives, and which will enable the partnership to identify and measure its success and impact.
- Ensure that the 3 safeguarding partners provide independent, robust and effective challenge to partners.
- Ensure that the voices of children, young people and their families are appropriately represented and heard in the work of the partnership.
- Through personal example, open commitment and clear action, ensure diversity is positively valued, resulting in equal access and treatment in employment, service delivery and communications.
- Support the development of innovation in the system in respect of relationship based practice.

¹² From *Bexley Safeguarding for Children and Young People Partnership Our New Arrangements* October 2018, pp. 35-36

Appendix 6: Delegation of key responsibilities

Responsibility / Action	Leadership	Comment
<p>To ensure the effectiveness of what is done by each body ...</p> <p>Assess whether LSCB partners are fulfilling their statutory duties as set out in Chapter 3 of Working Together 2018 (section 11 Children Act 2004)</p>	<p>Merton Safeguarding Children Partnership Chair, Executive Group</p> <p>Quality Assurance Sub Group for the monitoring of agency and multi-agency service delivery</p> <p>Independent Scrutineer</p>	<p>Annual Agency QA & Peer Reviews (section 11)</p> <p>Multi-Agency Data Set</p> <p>Single Agency Audit and Multi-Agency Audit Programme</p>
<p>Developing policies and procedures for safeguarding and promoting the welfare of children in the area of the authority, including policies and procedures...</p>	<p>Task and Finish Groups which may be shared with neighbouring local authorities.</p>	<p>Merton Safeguarding Children Partnership subscribes to the London Child Protection Procedures (LCPD); it should be exceptional for the Merton Safeguarding Children Partnership to have its own Policy or Protocols, except where it is necessary to localise the LCPD or that there is particular need</p> <p>Domestic abuse Parental Mental ill-health Drug and substance abuse</p>
<p>Strategy, Protocol and Action Plan for Child Sexual Exploitation</p>	<p>Promote and Protect Young People Strategy Sub Group</p>	<p>Young people identified as at risk of CSE will be monitored through the MARVE</p>
<p>Monitoring of children who are particularly vulnerable</p>	<p>Promote and Protect Young People Strategy Sub Group</p>	<p>Online Safety FGM County Lines Missing Children Gangs and Serious Youth Violence Trafficking Cultural abuse Radicalization/Terrorism</p>

Merton Safeguarding Children Partnership

<p>Training</p> <p>Monitor and evaluate the effectiveness of training, including multi-agency training</p> <p>Undertake training needs analyses and commission multi-agency training</p>	<p>Learning and Development Sub Group which may be shared with the Safeguarding Partnerships of one or more local authorities.</p>	<p>Training Strategy</p> <p>Annual Training Needs Analyses</p> <p>Commissioning the annual Merton Safeguarding Children Partnership multi-agency training programme</p>
<p>Allegations concerning persons who work with children</p>	<p>Children, Schools & Families – will provide the LADO</p>	<p>Quarterly data to QA Sub Group</p> <p>Annual LADO Report to Merton Safeguarding Children Partnership</p>
<p>Responsibility / Action</p>	<p>Leadership</p>	<p>Comment</p>
<p>Private fostering</p>	<p>Children, Schools & Families – will assess referrals from Partners</p>	<p>Annual Private Fostering Report to Merton Safeguarding Children Partnership</p>
<p>Communicating to persons and bodies in the area of the authority the need to safeguard and promote the welfare of children</p>	<p>Merton Safeguarding Children Partnership Chair</p> <p>Merton Safeguarding Children Partnership Business Manager/Support Group</p> <p>Training and Development Sub Group</p>	<p>Governed by the agreed Communications Strategy which will be reviewed each year as part of the Annual Business Review</p>
<p>Local and national Child Safeguarding Practice Reviews and other Learning Improvement Reviews</p>	<p>Statutory Partners with the Independent Scrutineer advised by Executive Group</p> <p>Quality Assurance Sub Group will be responsible for Actions arising from reviews</p>	<p>Designated Doctor, Designated Nurse and Principal Social Worker will have role in advising</p>
<p>Child Death Reviews</p>	<p>Child Death Overview Panel</p>	<p>With Public Health and CCG</p>

Merton Safeguarding Children Partnership

Learning and Improving System	Merton Safeguarding Children Partnership All Sub Groups and All Partners	Learning and Improvement System to be reviewed
Learning and Improving - monitoring and evaluating the effectiveness of what is done by the authority and their Board partners individually and collectively to safeguard and promote the welfare of children and advising them on ways to improve	Quality Assurance Sub Group Learning and Development Sub Group will promote the lessons from CSPRs, audits and other learning processes.	The Quality Assurance Sub Group will commission multi-agency audits and monitor single agency audits Termly Practitioners Safeguarding Briefings on local and national learning Lessons posted to the Merton Safeguarding Children Partnership website
Monitoring the effectiveness of Initial Child Protection Conferences ICPCs (WT 2018 Chapter 1 page 48)	Quality Assurance Sub Group	Each multi-agency audit will include at least one ICPC and once per year there will be an audit of ICPCs. Data on ICPCs will also be included in the Merton Safeguarding Children Partnership Data Set
Participating in the planning of services for children	Merton Safeguarding Children Partnership Executive Group	The Merton Safeguarding Children Partnership will receive feedback from the Health and Well Being Board and expects to be consulted on any planning which includes the safeguarding of children or promotion of their welfare; e.g. Domestic Abuse Strategy
Responsibility / Action	Leadership	Comment
Annual Report	Merton Safeguarding Children Partnership Chair and all agencies with support of the Sub Group Chairs and the Business Manager	Rigorous and transparent assessment of the effectiveness of local services To include any identified weaknesses and any lessons from reviews (WT 2018 Chapter 4)
Participation and Consultation with young	Business Manager with the LBM	Merton Safeguarding Children Partnership

Merton Safeguarding Children Partnership

people	Participation Manager/s	
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Appendix 7: Merton Safeguarding Children Partnership Serious incidents, National Child Safeguarding Practice Reviews and Local Child Safeguarding Practice Reviews

Statutory Guidance for National and Local Child Safeguarding Practice Reviews is contained in Chapter 4 of **Working Together 2018**. Child safeguarding practice reviews are regulated by **The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018**¹³

Section 16C (1) of the Children Act 2004 (as amended by the Children and Social Work Act 2017) places a duty on local authorities to notify incidents to the Child Safeguarding Practice Review Panel. The act states

Where a local authority in England knows or suspects that a child has been abused or neglected, the local authority must notify the Child Safeguarding Practice Review Panel if –

- (a) the child dies or is seriously harmed in the local authority's area, or
- (b) while normally resident in the local authority's area, the child dies or is seriously harmed outside England.

Working Together 2018 further states

The local authority must notify any event that meets the above criteria to the Panel. They should do so within five working days of becoming aware that the incident has occurred. The local authority should also report the event to the safeguarding partners in their area (and in other areas if appropriate) **within five working days**.

The local authority must **also** notify the Secretary of State and Ofsted where a looked after child has died, whether or not abuse or neglect is known or suspected.

The duty to notify events to the Panel rests with the local authority. Others who have functions relating to children the notification to Ofsted page on Gov.uk should inform the safeguarding partners of any incident which they think should be considered for a child safeguarding practice review. Contact details and notification forms for local authorities to notify incidents to the Panel are available from <https://www.gov.uk/guidance/report-a-serious-child-safeguarding-incident>

Decisions on local and national reviews

Safeguarding partners must make arrangements to:

- identify serious child safeguarding cases which raise issues of importance in relation to the area **and**
- commission and oversee the review of those cases, where they consider it appropriate for a review to be undertaken

¹³The Child Safeguarding Practice Review and Relevant Agency (England) Regulations 2018
<http://www.legislation.gov.uk/ukxi/2018/789/contents/made>

Merton Safeguarding Children Partnership

When a serious incident becomes known to the safeguarding partners, they must consider whether the case meets the criteria for a local review.

Meeting the criteria does not mean that safeguarding partners must automatically carry out a local child safeguarding practice review. It is for them to determine whether a review is appropriate, taking into account that the overall purpose of a review is to identify improvements to practice. Issues might appear to be the same in some child safeguarding cases but reasons for actions and behaviours may be different and so there may be different learning to be gained from similar cases. Decisions on whether to undertake reviews should be made transparently and the rationale communicated appropriately, including to families.

Safeguarding partners must consider the criteria and guidance below when determining whether to carry out a local child safeguarding practice review.

The criteria which the local safeguarding partners must take into account include whether the case:

- highlights or may highlight improvements needed to safeguard and promote the welfare of children, including where those improvements have been previously identified
- highlights or may highlight recurrent themes in the safeguarding and promotion of the welfare of children
- highlights or may highlight concerns regarding two or more organisations or agencies working together effectively to safeguard and promote the welfare of children
- is one which the Child Safeguarding Practice Review Panel have considered and concluded a local review may be more appropriate

Safeguarding partners should also have regard to the following circumstances:

- where the safeguarding partners have cause for concern about the actions of a single agency
- where there has been no agency involvement and this gives the safeguarding partners cause for concern
- where more than one local authority, police area or clinical commissioning group is involved, including in cases where families have moved around
- where the case may raise issues relating to safeguarding or promoting the welfare of children in institutional settings

Some cases may not meet the definition of a 'serious child safeguarding case', but nevertheless raise issues of importance to the local area. That might, for example, include where there has been good practice, poor practice or where there have been 'near miss' events. Safeguarding partners may choose to undertake a local child safeguarding practice review in these or other circumstances.

The Rapid Review (to be distinguished from CDOP or Health review processes)¹⁴

The safeguarding partners should promptly undertake a rapid review of the case, in line with any guidance published by the Panel. The aim of this rapid review is to enable safeguarding partners to:

- gather the facts about the case, as far as they can be readily established at the time
- discuss whether there is any immediate action needed to ensure children's safety and share any learning appropriately
- consider the potential for identifying improvements to safeguard and promote the welfare of children
- decide what steps they should take next, including whether or not to undertake a child safeguarding practice review

As soon as the rapid review is complete, the safeguarding partners should send a copy to the Panel. They should also share with the Panel their decision about whether a local child safeguarding practice review is appropriate, or whether they think the case may raise issues which are complex or of national importance such that a national review may be appropriate. They may also do this if, during the course of a local child safeguarding practice review, new information comes to light which suggests that a national review may be appropriate.

As soon as they have determined that a local review will be carried out, they should inform the Panel, Ofsted and DfE, including the name of any reviewer they have commissioned

Commissioning a reviewer or reviewers for a local child safeguarding practice review

The safeguarding partners are responsible for commissioning and supervising reviewers for local reviews.

In all cases they should consider whether the reviewer has the following:

- professional knowledge, understanding and practice relevant to local child safeguarding practice reviews, including the ability to engage both with practitioners and children and families
- knowledge and understanding of research relevant to children's safeguarding issues
- ability to recognise the complex circumstances in which practitioners work together to safeguard children
- ability to understand practice from the viewpoint of the individuals, organisations or agencies involved at the time rather than using hindsight
- ability to communicate findings effectively
- whether the reviewer has any real or perceived conflict of interest

Methodology

The safeguarding partners should agree with the reviewer(s) the method by which the review should be conducted, taking into account this guidance and the principles of the systems methodology recommended by the Munro review, a way of looking at and analysing frontline

¹⁴ Working Together 2018, chapter 4, paragraphs 20-21, pp.86-87

Merton Safeguarding Children Partnership

practice as well as organisational structures and learning. The methodology should be able to reach recommendations that will improve outcomes for children. All reviews should reflect the child's perspective and the family context. . The methodology should provide a way of looking at and analysing frontline practice as well as organisational structures and learning. All reviews should reflect the child's perspective and family context.

The review should be proportionate to the circumstances of the case, focus on potential learning, and establish and explain the reasons why the events occurred as they did.

As part of their duty to ensure that the review is of satisfactory quality, the safeguarding partners should seek to ensure that:

- practitioners are fully involved in reviews and invited to contribute their perspectives without fear of being blamed for actions they took in good faith
- families, including surviving children, are invited to contribute to reviews. This is important for ensuring that the child is at the centre of the process. They should understand how they are going to be involved and their expectations should be managed appropriately and sensitively

The safeguarding partners must supervise the review to ensure that the reviewer is making satisfactory progress and that the review is of satisfactory quality. The safeguarding partners may request information from the reviewer during the review to enable them to assess progress and quality; any such requests must be made in writing. The President of the Family Division's guidance covering the role of the judiciary in SCRs should also be noted in the context of child safeguarding practice reviews.¹⁵

The main methodologies promoted by the DfE are described in Appendix 4.

Information Sharing for Child Safeguarding Practice Reviews

The local safeguarding partnership has the statutory authority to require an agency or person to provide information.¹⁶ Agencies supplying reports to the CSPR or Learning and Improvement Review Process should ensure that information (chronologies, commentary and analysis) are signed off at an appropriately senior level.

The Final Report and Publication

Safeguarding partners must ensure that the final report includes:

- a summary of any recommended improvements to be made by persons in the area to safeguard and promote the welfare of children
- an analysis of any systemic or underlying reasons why actions were taken or not in respect of matters covered by the report

¹⁵ President's guidance: Judicial Cooperation with Serious Case Reviews
<https://www.judiciary.uk/publications/presidents-guidance-judicial-cooperation-with-serious-case-reviews/>

¹⁶ See Working Together 2018, chapter 3, paragraphs 28 and 29

Merton Safeguarding Children Partnership

Any recommendations should be clear on what is required of relevant agencies and others collectively and individually, and by when, and focussed on improving outcomes for children.

Reviews are about promoting and sharing information about improvements, both within the area and potentially beyond, so safeguarding partners must publish the report, unless they consider it inappropriate to do so. In such a circumstance, they must publish any information about the improvements that should be made following the review that they consider it appropriate to publish. The name of the reviewer(s) should be included. Published reports or information must be publicly available for at least one year.

Terms of reference / scope – including the period of the case history that the review will cover up to the critical incident – bearing in mind proportionality and the need to influence current practice; and any specific questions that the review should be asked to address.

Involvement of other local safeguarding partnerships, joint-commissioning, which safeguarding partnership will take the lead – involvement of agencies outside the safeguarding partnerships area and how lessons will be shared with relevant commissioners and safeguarding partnerships for such agencies.

Budget

In commissioning a CSPR or a Multi-Agency Learning and Improvement Review the partnership will consider the implications for the Merton Safeguarding Children Partnership joint budget and whether it will be necessary to seek additional subscriptions from Commissioning Agencies on a pro-rata basis to meet the cost of engaging independent reviewer/s, legal advice (if needed), facilitating the review and meetings and communications advice.

Partner Agencies required to provide reports or information to the Review Process or invited to provide a representative for an CSPR Panel will meet their own costs for this.

Formulating, Agreeing and Monitoring Actions

The safeguarding partners should take account of the findings from their own local reviews and from all national reviews, with a view to considering how identified improvements should be implemented locally, including the way in which organisations and agencies work together to safeguard and promote the welfare of children. The safeguarding partners should highlight findings from reviews with relevant parties locally and should regularly audit progress on the implementation of recommended improvements. Improvement should be sustained through regular monitoring and follow up of actions so that the findings from these reviews make a real impact on improving outcomes for children.

Actions should be planned and carried out confidentially where it is not possible to 'publish' a review pending a trial, inquest or any other enquiry.

The Quality Assurance Sub-Group will monitor the implementation of recommendations emerging from local and national CSPRs and other reviews.

Media Response

Merton Safeguarding Children Partnership

Where a critical incident or trial is likely to attract media attention the Merton Safeguarding Children Partnership multi-agency Media response will be planned by the Merton Safeguarding Children Partnership and the Merton Safeguarding Children Partnership Statutory Partners and Relevant Agencies and with the advice of the Merton Council Communications Department or other similar communications experts. No agency should respond to media requests without the agreement of the Merton Safeguarding Children Partnership Chair, the Director of Children, Schools and Families and the Merton Council Communications Team.

It would be exceptional to respond to the Media before the outcome of a trial or inquest.

The need to co-ordinate a response will be agreed in accordance with requests and in planning the publication of any local or national Child Safeguarding Practice Review.

Appendix 8: DfE Recognised Child Safeguarding Practice Review Methodologies

1. Learning Together ('The SCIE Model') – a flexible systems model for all learning and improvement activities

History of Learning Together

- Designed in collaboration with Professor Eileen Munro in 2008-2010
- Tested and refined in collaboration with the sector including the North West, West Midlands and South West regional improvement and efficiency partnerships and London Safeguarding Children Board
- Used since in over 50 case reviews
- DfE grant supported establishment of pool of accredited reviewers 2011-2013
- Ministerial dispensation to Devon, Lancashire and Coventry LSCBs to use Learning Together in SCRs
- A sliding scale of applications being developed and tested
- New pilots underway, in Scotland, Germany and the Netherlands and in adult safeguarding

A systems approach for a high risk sector

SCIE's Learning Together model is a tried and tested systems approach for improving child safety and welfare. In both these respects it is unique.

A systems approach is the established methodology for improving safety in fields marked by 'low probability, high impact' incidents and accidents e.g. aviation, nuclear power as well as health. SCIE has adapted the systems approach specifically for the field of multi-agency safeguarding and child protection.

With extensive testing and refinement it is the model of choice for a growing network of Safeguarding Boards, across both adult services and the children's sector, as well as in Europe.

More than a just a method SCIE Learning Together offers:

- a core set of principles and analytic tools to unify all learning and improvement activities including audits, case reviews and child safeguarding practice reviews (CSPRs)
- a range of possible applications including 'reflective audits'; 'focused' and 'speed' versions
- opportunities to build internal capacity by having staff trained and accredited in the approach
- access to a pool of independent reviewers who are trained and accredited in the model
- availability of methodological supervision to assure rigour and reliability of analyses and foster expertise over time
- access to an archive of systemic findings produced through Learning Together audits, case reviews and SCRs

Merton Safeguarding Children Partnership

- membership to a methodological network providing forums for critical reflection and on-going development of the model and its application

Working Together; Learning Together

Local safeguarding partnerships have been required to maintain a local learning and improvement framework that supports the regular conduct of reviews and audits beyond those meeting the statutory CSPR criteria. "Learning Together" is based on methodological principles that are not negotiable but is otherwise flexible in how it can be applied. So it lends itself to underpinning a wide range of learning activities..

Principles for learning and improvement

There are five principles according to which CSPRs and other case reviews should be conducted:

1. Recognising the complex circumstances in which professionals work
2. Seeking to understand the underlying reasons why people acted as they did
3. Seeking to avoid hindsight bias
4. Being transparent about research methods
5. Making use of research as well as case evidence to inform findings

These echo the essential ingredients that Professor Munro explained must be present in an investigation, for it to justify the name a 'systems approach.' They are central to the core of Learning Together, which we refer to as the 'methodological heart'.

Use in Child safeguarding Practice Reviews

The new requirement to involve staff in CSPRs can raise challenges when there are criminal proceedings and staff are witnesses. This is particularly so for models, like Learning Together, which involve bringing the multi-agency staff group together as standard. Devon LSCB's experience demonstrates this is possible nonetheless. However, decisions about necessary adaptations will need to be made on a case by case basis.

<http://www.scie.org.uk/children/learningtogether/index.asp>

2. Child Practice Reviews ('The Welsh Assembly Model')

Child Practice reviews replace the Serious Case Review system in Wales and came into effect on 1st January 2013. They are underpinned by a clear set of principles and bring together agencies, staff and families in a collective endeavour to reflect and learn from what has happened in order to improve practice for the future. The focus is on accountability and not culpability. It is about learning and not about blame.

If a situation meets the criteria for a review then a Review Panel is established to both guide and steer the process but also to be integral to the learning. The tasks of the Review Panel are to:

- Agree the time frame of the review.
- Request agency timelines of significant events/contacts.
- Commission a Reviewer or Reviewers.
- Merge the timelines.
- Identify and prepare participants for the learning event.
- Ensure the family are engaged in the process

At the heart of the review is the learning event, facilitated by the reviewer(s), which brings together the practitioners who were involved in the situation to reflect on what happened and to identify learning for future practice

After the event, a short, anonymised report is prepared, together with an outline action plan and these are presented to the LSCB for discussion and approval. There is also feedback to the family of the findings.

<http://wales.gov.uk/docs/dhss/publications/121221guidanceen.pdf>

3. Root Cause Analysis (this methodology is used by Health agencies for serious incident investigations as set out in the NHS England Serious Incident Framework)

RCA was developed following a series of catastrophic problems in the 1960s NASA space programme. It has been applied in a variety of industrial contexts since, ranging from nuclear, rail and shipping, to healthcare, pharmaceutical manufacturing and social care.

RCA offers the opportunity to 'open a window on the system' and promotes:

- Systematic methodology
- Full systems review
- Systemic solutions development

It uses questioning approaches to uncover ever-deeper explanations for causes or contributors of adverse events, errors or problems.

RCA techniques are wide ranging, the most well-known of which is probably the 'Fishbone diagram'. The NHS has honed these techniques and promotes those that have proved most useable and effective.

There is no implication that a single 'root cause' will be enough, often many causes are identified all requiring remedial action. The big challenge for reviewers applying RCA is to stay focused on the systematic process and know how to identify systemic issues which are controllable, manageable or adjustable. So, for example 'not enough staff', 'staff sickness' or 'made a mistake' may all be true, but they are problems or conditions rather than 'root causes'. As such they require further analysis to determine why they were able to impact the system without intervention and, therefore, shed light on most effective measures to address these causes or underlying factors to improve the system.

RCA focuses the reviewer's attention on organisational or systems explanations of the actions of professionals delivering direct services to children. RCA is viewed as a tool of continuous improvement. It can be used as a 'whole review' approach or as a 'set of techniques' within other CSPR methodologies. It provides simple, well-structured tools to identify exactly 'what?' happened before leading the reviewer to research 'why?'

It breaks down the incident (serious injury or death) into the 'what?' (a chronology of events), and subjects each unwanted action or omission to examination. So, reviewers can get from 'SW unfamiliar with procedure' to 'SW trained but not supervised' to 'supervisor distracted by other priorities' and finally to 'organisational priorities not clearly stated at strategic level'. In this way the actions of frontline professionals are explained in the context of overarching systemic problems.

<http://www.nrls.npsa.nhs.uk/resources/?EntryId45=59901>

4. Significant incident learning process (SILP)

Leicestershire & Rutland LSCB pioneered a method of reviewing significant cases by formulating SILP with an independent company. The drivers were (and still are) :

- A reaction against the bureaucracy, expense and cosmetics of Serious Case Reviews (SCRs) which distract energies from the family, the staff and the learning
- A reaction in favour of the engagement of those frontline staff and first line managers involved in the case in owning their action learning

Practitioners are invariably left isolated both during and after the SCR process. The key and unique principles of SILP are that alongside members of LSCB SCR Panels and agency Safeguarding Leads, frontline practitioners and first line managers will:

- have access to all the agency reports prepared for the review, setting the SILP process apart from the conventional serious case review
- fully participate in analysis and debates of all the material, including early drafts of the Overview Report. Learning is no longer confined to the panel.

Analysis, reflection and learning on a multi-agency basis are greatly enhanced by the practitioners involved in the case at the time being able and willing to share:

- their view of what was going on in and around the case
- their understanding of their role and the part they were playing
- their thinking and their context at the time
- their perspective on what aspects of the whole system influenced them
- the theories and practices they were using

As encouraged by Munro* the answers to these questions produce both the "Why" analysis and also explain the impact of organisations and systems on the events under review. Moreover, the dangers of hindsight bias are greatly reduced by this approach.

A streamlined process with slimmed down written material means the learning emerges far quicker i.e. as soon as participants read all the reports.

How the SILP Methodology Fits With Working Together

Working Together to Safeguard Children 2018 suggests reviews could be conducted of cases which do not meet the criteria for a serious case review. SILP is a model for these reviews which some Boards (partnerships) are choosing to incorporate into their framework for learning and improvement under the guidance.

How SILP Methodology Might Be Used When Conducting a Child Safeguarding Practice Review

- a. In addition to operating SILP as a standalone process, SILP principles can be embedded in cases designated as CSPR. Thus we now also deliver the hybrid model, i.e. incorporating SILP into a CSPR.
- b. The Learning Event and Recall Session are complementary to and enhance the role of the panel, with learning front loaded in this process.

5. Appreciative Inquiry ('AI')

AI methodology: AI involves the *'art and practice of asking unconditional questions that strengthen a system's or person's capacity to heighten its positive potential'*. Rooted in action research and organisational development, Appreciative Inquiry [AI] is a strengths-based, collaborative approach for creating learning change. AI seeks to discover and connect to those things that give life to people, organisations and human systems at a time when they are most engaged, effective and healthy. 30 years of research and practice show that conversation about strengths and successes creates change and innovation as *'human systems move in the direction of what we most persistently, actively and authentically ask questions about'*. AI provides us with the ultimate tools for genuine real time learning, change and improvement.

How does the AI methodology fit with statutory guidance on learning and improvement?

CSPR's conducted with an appreciative eye create a safe, respectful and comfortable environment in which people look together at the interventions that have successfully safeguarded a child; and share honestly about the things they got wrong and how that felt and feels. They get to look at where, how and why events took place and use their collective hindsight wisdom to design practice improvements. 'Reactive learning', that takes place in response to circumstances we had no hand in creating or control over, is a limited type of learning. Conversely, deeper levels of learning, where *'thinking and doing'* become integrated, take place when people work together as a whole system to agree what needs to be achieved, understand one another's perspectives, make well informed and shared decisions at each step of their shared journey. In an AI CSPR, we ask questions like: *'If we created the circumstances in which this child became unsafe, what shall we do to create something different?'*

“Few people get up in the morning thinking: *I really want to make a lot of mistakes today*. Rather people wonder, *what do I need to do around here to succeed?*”

How the AI methodology might be used when conducting a Serious Case Review:

AI provides a rigorous, inclusive and collaborative inquiry process, involving the whole system in deep learning and simultaneous change design; within a framework that is customised to suit each unique and individual child, family and local circumstance. Key aspects include:

- Everyone, including children, young people and their families, inquires together with a motivated eye.
- All contributions are heard and valued; people are respected.
- Mistakes, both individual and systemic, are accepted, understood and used as opportunities for learning and change.
- Change begins from the outset of the inquiry, healing is enabled and shared learning renews and improves practice immediately.

Appendix 9: The Merton Child, Young Person and Family Well-Being Model

