

EXECUTIVE MEMBER FOR FINANCE AND GOVERNANCE

Date: Wednesday 14th December, 2022
Time: 10.00 am
Venue: Spencer room

AGENDA

- | | | |
|----|---|---------|
| 1. | Annual Equality and inclusion report 2021 | 3 - 26 |
| 2. | Surveillance Policy 2022/23 | 27 - 62 |
| 3. | Corporate Food Poverty Policy | 63 - 88 |

Charlotte Benjamin
Director of Legal and Governance Services

Town Hall
Middlesbrough
Thursday 8 December 2022

MEMBERSHIP

Councillors , S Walker

Assistance in accessing information

Should you have any queries on accessing the Agenda and associated information please contact Susie Blood, 01642 729645, Susie_blood@middlesbrough.gov.uk.

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
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Submitted to:	Executive Member for Finance and Governance
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Date:	14 December 2022
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Subject:	Equality and Inclusion Report 2021
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Report for:	Decision
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Status:	Public
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Strategic priority:	All
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Key decision:	No
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Why:	Decision does not reach the threshold to be a key decision
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Urgent:	No
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Why:	Not applicable
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Executive Summary

<p>The report sets out:</p> <ul style="list-style-type: none"> • the diversity characteristics of both the town and the Council’s employees and customers. • how the Council complies with its duties under the Equality Act 2010; and • progress to date in actions taken to improve equality and inclusion outcomes for local communities and the Council’s workforce, and • planned action to be taken in the next year.

Purpose

1. This report presents the Council's Equality and Inclusion Report 2020-21 and asks the Executive Member to agree a number of actions to improve outcomes for local communities and the Council's workforce.

Background and Relevant information

2. The Equality Act 2010 placed a Public Sector Equality Duty (PSED) on local authorities and other bodies. The broad purpose of the PSED is to integrate consideration of equality and good relations into day-to-day business. It requires equality considerations to be reflected into the design of policies (including internal policies) and the delivery of services, and for these issues to be kept under review. One way in which the Council meets this duty is that it has an impact assessment policy in place. This ensures that it considers the requirements of the PSED within its decision making processes.
3. This PSED is supported by specific regulations that place additional duties upon the Council. In particular the Council is required to publish a range of data to demonstrate its compliance with the PSED and on the composition and equality of its workforce.
4. The Council's Annual Equality and Inclusion Report ensures that these duties are met and that all relevant data is published, in line with statutory requirements.
5. The previous report covered both 2019 and 2020 due to operational factors following the delay of the 2019 report due to the impact of COVID-19 on the Council, this report presented to today's meeting (Appendix 1) covers 2021 and:
 - describes and compares the diversity of Middlesbrough's population and the Council's workforce, alongside appropriate comparators;
 - sets out how the Council complies with its duties under the Equality Act 2010; and
 - summarises progress to date in actions taken to improve equality and inclusion outcomes for local communities and the Council's workforce, and sets out further action to be taken in the next year.
6. The report and associated datasets will be published on the Council's Open Data site following today's meeting.
7. The report finds that:
 - The town continues to be younger than national averages, with the percentage of the population under the age of 15 increasing, while it is decreasing nationally
 - Middlesbrough continues to be one of the most deprived areas in England, with the highest proportion of children in the country living in income deprived households.
 - The diversity of the Council's workforce continues to be broadly equivalent to local diversity, with the exception of ethnicity. Those from non-white backgrounds continue to be underrepresented and has dipped from 4.05% to 3.4% in 2021 although the diversity of applicants for vacant posts has increased.
 - The Council continues to have an appropriate suite of policies in place to protect employees from discrimination, and there is no evidence of negative discrimination within the Council's operations.
 - The Council supports staff at work to fulfil their potential. We recognise that staff are the happiest when they are supported. The Council has 5 networks including

Disability and Wellbeing, Carers, Race, Religion and Belief including three newly introduced networks LGBT+, Gender and Menopause. The networks are a safe place for staff to voice any issues, help improve inclusivity and tackle discrimination. The Council's initiatives in support of its equality objectives and the wider inequalities agenda are embedded within its Strategic Plan. This ensures that it can continue to demonstrate compliance with its legal duties in the Equality Act.

8. The action plan for 2022/23 at the conclusion of report responds to these findings.
9. As previously reported to the Executive, the disproportionate impacts of the COVID-19 pandemic exposed the inequalities that exist within societies across the world, including within Middlesbrough.

What decision(s) are being recommended?

10. That the Executive Member notes the findings and progress outlined in the Equality and Inclusion Report 2021 (Appendix 1) and approves the proposed actions set out within the report to promote continuous improvement.

Rationale for the recommended decision(s)

11. To demonstrate the Council's compliance with the PSED and related requirements to publish related data, and to demonstrate to all stakeholders the Council's commitment to improving equality and inclusion within Middlesbrough and within its workforce.

Other potential decisions and why these have not been recommended

12. The Council could choose to present the data within this report within two more separate reports (e.g. one regarding equality objectives and another on workforce data). However, this is not recommended, as bringing all data together in one report provides for coherent analysis and response and is in line with the Council's commitment to openness and transparency.

Impact(s) of recommended decision(s)

Legal

13. The report and its associated action plan, demonstrates how the Council does and will continue to meet its various statutory duties in relation to equality and inclusion, including those set out in the Equality Act 2010.

Strategic priorities and risks

14. Current and planned activity outlined is consistent with the aims and priorities of the Strategic Plan, so this report does not seek to vary the Council's Policy Framework. The Council's approach to equality and inclusion will have a positive impact on a number of risks within its strategic risk register in the short and longer-term. In particular its commitment to ensuring the workforce is representative of local communities should impact positively on risk. This report impacts positively on the following strategic risks:

- failure to comply with the law

- failure to ensure good governance.

Human Rights, Equality and Data Protection

15. The Equality and Inclusion action plan for 2022/23 (set out at the end of Appendix 1) has been subject to Level 1 (screening) equality impact assessment (at Appendix 2). This assessment identified that no negative differential impacts on diverse groups and communities within Middlesbrough is anticipated from the delivery of the action plan.

Financial

16. It is anticipated that all actions proposed in this report are achievable within existing and planned budgets.

Actions to be taken to implement the decision

Action	Responsible Officer	Deadline
Delivery of the action plan	Lead officers	March 2023

Appendices

1	Equality and Diversity Report 2021
2	Equality and Inclusion Action Plan 2022/23 – Impact Assessment Level 1: Initial screening assessment

Background papers

Body	Report title	Date
Executive Member for Finance and Governance	Annual Equality and Inclusion Report 2017	22/11/17
Executive Member for Finance and Governance	Annual Equality and Inclusion Report 2018	19/02/19
Deputy Mayor and Executive Member for Culture and Communities	Annual Equality and Inclusion report 2019 and 2020	27/7/21

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Appendix 1: Equality and Inclusion Report 2021

Introduction

1. The Equality Act 2010 places a Public Sector Equality Duty (PSED) on the Council. The PSED requires that when taking decisions the Council must have due regard to the need to:
 - eliminate discrimination, harassment and victimisation;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
2. The protected characteristics are:
 - age;
 - disability;
 - gender reassignment;
 - marriage and civil partnership;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex; and
 - sexual orientation.
3. All individuals have some of the protected characteristics and so would be covered by the provisions of the Act when experiencing discrimination due to these characteristics. Some conditions (e.g. menopause) also are covered under several characteristics.
4. Discrimination by association is also covered by the Act, protecting, for example, carers from being treated less favourably because their caring responsibilities for an elderly or disabled person.
5. The Act states that compliance with this duty may involve:
 - removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and
 - encouraging persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
6. The PSED states consideration should also be given to the steps involved in meeting the needs of disabled persons where they are different from the needs of people who are not disabled including, in particular, steps to take account of disabled persons' disabilities.

7. The Act is supported by specific regulations, which place additional duties upon the Council, including the requirement to publish information to demonstrate its compliance with the PSED and to prepare and publish one or more specific and measurable objective it thinks it should achieve to enable it to meet the general PSED.

Purpose of the Equality and Inclusion Report

8. The purpose of this report is to:
 - describe and compare the diversity of Middlesbrough's population and the Council's workforce, alongside appropriate comparators;
 - set out how the Council complies with its duties under the Equality Act 2010; and
 - summarise progress to date in actions taken to improve equality and inclusion outcomes for local communities and the Council's workforce, and set out further action to be taken in the next year.

Diversity within Middlesbrough

Population

9. Middlesbrough's current population is estimated to be 141,285 (2020 mid-year population estimate, ONS), up from 140,980 in 2019. It is one of the smallest local authorities in the country by population and by area, and so has a high population density, at 5.00 people per hectare compared with 4.42 in England overall.

Age

10. The town's population overall is younger than both regional and national averages, with 21.20% of the population aged 15 and under (20.08% in 2019-20), compared with 17.85% in the UK overall (19.22% in 2019-20).

Disability

11. Life expectancy and the overall health of the local population in Middlesbrough is generally significantly worse than the England average, and those in the most deprived areas of Middlesbrough can expect to live around 12 years less than those in the least deprived.
12. 23.9% of those aged 16-64 were Equality Act Core or work-limiting disabled in Middlesbrough in the 12 months to March 2021, compared with 21.4% nationally and 28.2% regionally according to the ONS, Annual Population Survey (23% locally 21.3% nationally and 25.9% regionally in 2019-20).

Gender reassignment

13. There is no reliable data on gender reassignment at local authority level – the recent Census included a voluntary question on this for the first time.

Marriage and civil partnership

14. At the 2011 Census, 41.5% of Middlesbrough's adults were married or in a civil partnership, compared with 45.7% in the North East and 46.7% in the UK overall.
15. The most recent local authority-level data relating to marriage and civil partnership is from 2018, in which 24.8% of ceremonies were religious and 75.2% non-religious, compared with 19.96% / 80.0% and 20.9% / 79.1% in the North East and England respectively. This shows a 2% reduction in all areas from the 2017 figures.
16. 98.1% of marriages in Middlesbrough were opposite-sex, with 0.9% male and 1.1% female same-sex marriages. The north east and all England rates are higher at 97.1%, 1.27% and 1.7% respectively.

Pregnancy and maternity

17. Middlesbrough has a significantly higher fertility rate than the North East and England overall, with a rate of 64.1 per 1,000 females aged 15-44 in 2020, compared with 50.4 in the North East and 55.3 in England. The fertility rate per 1,000 females aged 15-17 in Middlesbrough is over twice the England average. The fertility rate in Middlesbrough is rising since 2019-20 whereas the regional and national figures are dropping.

Race

18. 11.7% of residents are estimated to be from Black, Asian and Minority Ethnic (BAME) communities, compared with 14.6% nationally, making Middlesbrough the second most ethnically diverse local authority area in the North East and the most diverse in the Tees Valley. 26% of current school-age children are from BAME communities.
19. 8.63% of Middlesbrough's residents were born outside the UK (significantly higher than the North East average of 5.42%, and up 4.36% points since 2001), international migrants are at the present time the key driver of continued population growth within Middlesbrough. This has dropped from 12.86% in 2019-20 for Middlesbrough and 5.95% regionally, this may be a result of the UK leaving the European Union and transition period ending on 31-12-2020.

Religion or belief

20. The 2011 Census reported that 63.2% of the Middlesbrough population who answered this question were Christian (compared with 67.5% in the North East and 59.4% in England), 7% Muslim (1.8% North East, 5% England), 1.32% other religions including Buddhism, Hinduism, Judaism (1.2% North East, 3.68% in England), and 22.3% no religion (23.4 North East, 24.7% England).

Sex

21. 50.5% of Middlesbrough's residents are female, with 49.5% male, a marginally higher proportion of males than the North East and Great Britain averages. This is unchanged from 2019-20.

Sexual orientation

22. There is no reliable data on sexual orientation at local authority level – the recent Census included a voluntary question on this for the first time and will be included in future reports once it is published.
23. The 2014 integrated household survey indicated that 1.3% of the North East population identified as being gay, lesbian or bi-sexual, compared with 1.6% nationally. In general terms, statistics relating to sexual orientation are considered to under-report diversity. This was 1.1% and 1.7% respectively in the previous (2013) survey. As this survey is completed by one person on behalf of the household it is likely to be a significant undercount.

Caring responsibilities

24. In the quarter to May 2021, DWP reported a total of 4,940 individuals as being eligible for a Carers Allowance, and a total of 3,857 receiving payment in Middlesbrough. The proportion of claimants within Middlesbrough is significantly higher than the North East and overall England average. Although there are 12 more people eligible than the previous report, there are 51 fewer claimants.

Deprivation

25. The Indices of Deprivation 2019 ranks Middlesbrough the fifth most deprived local authority (LA) area in England and the most deprived area in the Tees Valley.
26. Middlesbrough is ranked the most deprived LA area in England for income deprivation. It has the highest proportion of children (32.7%) living in income deprived households (being second highest in 2015), and the 22nd highest proportion of older people (23.3%) living in income deprived households (unchanged from 2015).
27. Middlesbrough is also the LA with the highest proportion of LSOAs in the most deprived decile of the IMD 2019. Middlesbrough also ranked first on this measure in 2015, and second in 2010.
28. Many of the disadvantages faced by protected groups are underpinned or made worse by deprivation and discrimination can be a direct or indirect cause of deprivation, in employment, income, health, education and other areas.
29. In particular, children in Middlesbrough are more likely than children in the wider region and nationally to be subject to child protection or have to be cared for by Council.

COVID-19

30. At times during the COVID-19 pandemic, Middlesbrough has experienced some of the highest rates of infection in the UK. The reasons for the apparent disproportionate impact on Middlesbrough require detailed investigation in due course, however, the following factors are likely to be significant:
 - the extent of overall poor health within Middlesbrough's communities;
 - the extent of income and health inequalities within Middlesbrough's communities;
 - the population density and housing tenure types within Middlesbrough; and
 - the proportion of workers in jobs where social distancing is difficult.

31. COVID-19 has had and will continue to have significant adverse implications for those with protected characteristics over and above the impact on the general population, however the Council is now focussed on ensuring addressing inequalities in outcomes is embedded within its planned recovery actions.

Diversity of the Council’s workforce

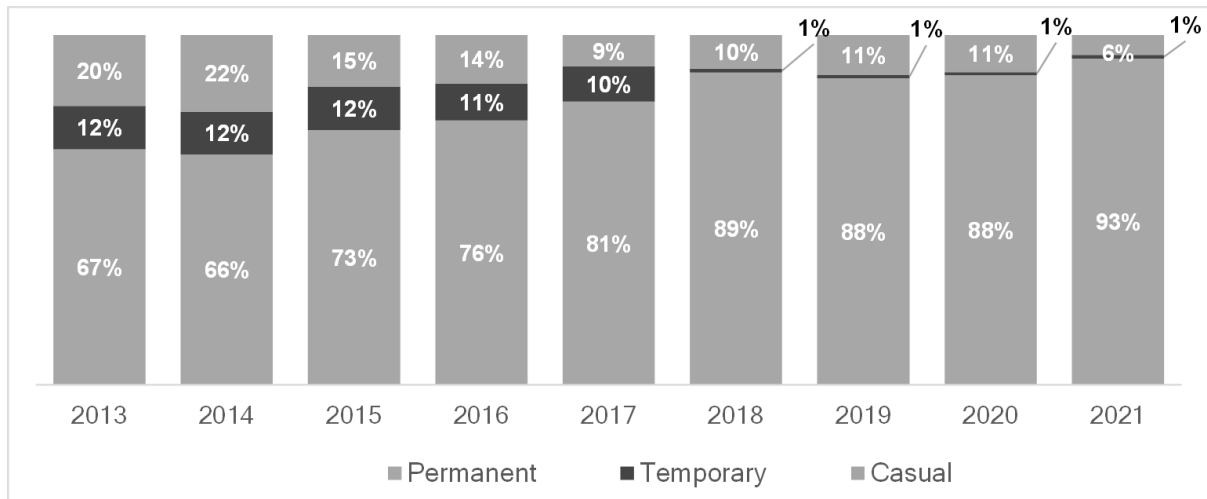
32. The Council provides a wide range of services to people and groups who live in, work in or visit Middlesbrough, and its actions and decisions affect the lives of all people within the town to some degree.
33. Analysis of those who use the MyMiddlesbrough online citizen account (where they have completed equality monitoring forms) suggests (as would be expected) that the Council’s customer base broadly reflects the diversity of the Middlesbrough’s population as described above. 53.05% of those who completed the form were female, compared to 45.7% male (1.25% preferred not to say). 9.61% of those who used the service declared that they had a disability. 11.1% of those who used the service declared that their ethnicity was Asian or Black.
34. There is a clear relationship between the Council’s workforce and the communities it serves, indeed there is a significant overlap between the two. An estimated 70% of employees live in the local area and so are funders, recipients and providers of local services.
35. As community leader, it is desirable for the Council’s workforce to be broadly representative of the communities it serves to ensure that diversity is part of the Council’s ‘DNA’ and so that those communities feel better connected to the work of the Council.
36. The following paragraphs set out statistics on diversity within the Council’s workforce, compared with the town’s population, where data is available.
37. Employee’s diversity data is self-declared and discretionary, with employees asked to update the Council’s HR system annually. As such the completeness of the data is variable, as illustrated in the table below.

Characteristic	Response provided	Disclosed	Not known	Undisclosed
Disability	93.76%	84.10%	9.66%	15.90%
Race	87.36%	86.64%	0.07%	13.36%
Religion or belief	66.05%	63.04%	5.17%	36.96%
Sexual orientation	66.79%	64.16%	0.88%	35.84%

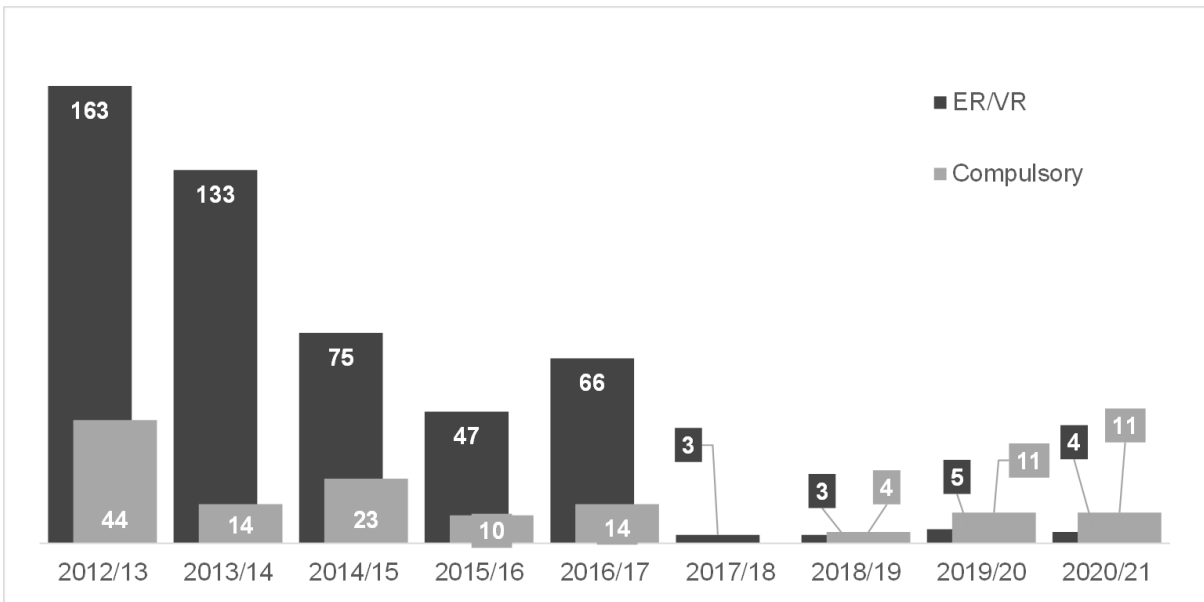
38. From this it can be concluded that employees are much less likely to disclose their sexual orientation or religion or belief. This is not uncommon in any organisation, and can be for a number of reasons, both positive and negative. However, it is the responsibility of all employers to provide a positive and inclusive environment that allows employees to be comfortable in declaring such information, should they wish to do so, and during 2021 the percentage of Council employees willing to share this information improved across all protected characteristics.

Workforce population

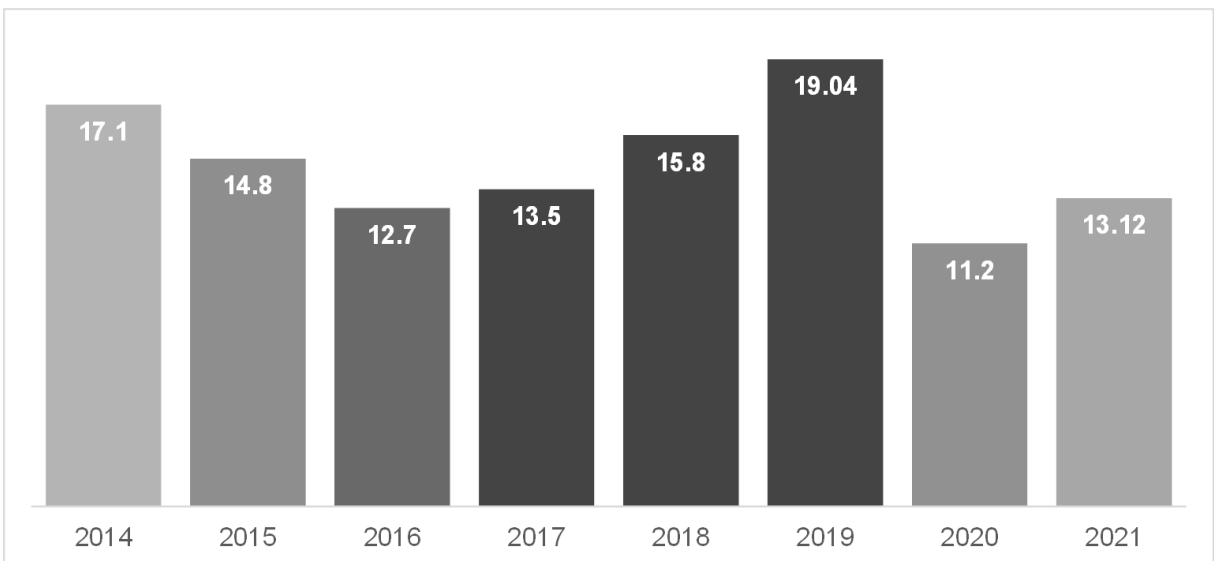
39. At the 31 March 2021, the Council employed 2,919 people, down 420 from 31 March 2020, equating to 2,371 Full Time Equivalent (FTE) and 3,144 posts, excluding casual posts. The Council remains one of the largest employers in Middlesbrough, providing around 6% of jobs in the local authority area.
40. The proportion of staff on permanent contracts was 93% at 31 March 2021 up from 88% in 2020, those on temporary terms reduced from 11% to 6% with 1% on casual contracts. This is higher than the national average rate of 89.6% at Quarter Three 2020.



41. 421 posts were recruited by the Council via the North East Jobs website in 2019/20 and 390 in 2020/21. There were 2500 applications on 2019/20 with 5.94 applications per post, In 2020/21, applications rose slightly to 2,552, with 6.68 applicants per post.
42. Leavers fell to 374 in 2019/20, reflecting the impact of the pandemic, and remained low at 382 in 2020/21. In 2018/19, 661 people left the Council, up from 551 and 457 in the preceding two years, reflected in the increased staff turnover rate described above.
43. Redundancies were again minimised during the years covered by this report, with 3.4% of leavers (13 in total) made redundant over the period.

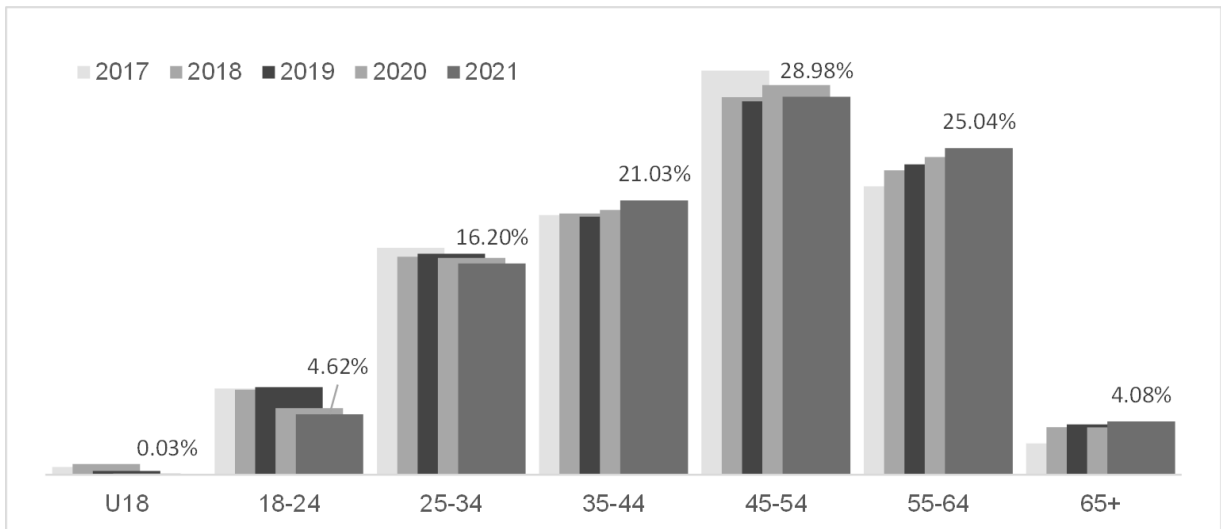


44. In line with the above, staff turnover in 2020 was 16.4%, down from 19.0% in 2019 the highest level since 2013. This dropped significantly to 13.1% in 2021, reflecting the continuing impact of the COVID-19 pandemic. The most recent national comparator is from 2017/18, when the all England local government turnover rate was estimated to be 13.4%.



Age

45. 79.2% of the Council's workforce is aged over 35, with 58.1% aged over 45. Both percentages have increased slightly since 2019/20. This broadly reflects ageing profile of the local government workforce as a whole, though the Council has a slightly greater proportion of employees aged under 35 than regional and national averages, reflecting the local workforce profile.



Workforce	16-24	25-34	35-44	45-54	55-64	65+
England LAs	5.2%	15.7%	22.0%	30.0%	23.6%	3.5%
NE LAs	4.9%	13.9%	21.0%	31.3%	25.7%	3.2%
MBC LA	4.65%	16.2%	21.0%	29.0%	25.0%	4.1%

Local Government Workforce Survey, LGA 2019/20

46. The average age of leavers was 45 in 2020/21 down slightly from 46 in 2019/20 and 45 in 2018/19.

Disability

47. The Council has been accredited with the national ‘Disability Confident’ employer award and is committed to being a positive employer for people with a disability. As part of this the Council offers guaranteed interviews to those individuals with a disability who meet the essential criteria for all posts advertised. In 2019/20, 5.5% of applicants declared a disability, this was slightly higher in 2020/21 at 6.23%.
48. Since 2014, the proportion of employees with a declared disability has risen slightly from 2.22% to 3.67%, however given the reduction in the overall workforce during this period the change in absolute numbers is likely to be negligible.
49. The national average for local government was 3.3% in 2019/20. However, as paragraph 33 makes clear, 9.7% of the Council’s employees appear to be unsure as to whether they fall within the legal definition of disability, which is a reduction from 12% in 2020, a reflection of ongoing communications to all staff about equality monitoring.

Gender reassignment

50. No information is available on the prevalence of gender reassignment in the Council’s workforce. This will be added into employee equality monitoring in future years.

Marriage and civil partnership

51. Over one third of the Council’s workforce have advised that they are married (1,033 at March 2021 – broadly consistent with the previous three years). 0.1% are in a civil partnership in the Council’s workforce. These figures are relatively under-reported with only 68.2% of staff responding.

Pregnancy and maternity

52. While Council does not hold information on pregnancies among employees, there were 43 maternity leave during 2020/21, up from 41, 17 and 29 in the prior three years.

Race

53. At 31 March 2021, 3.40% of employees self-identified as being from BAME communities, down from 4.05% in 2019/20, but up from 3.1% in 2018/19. This is a higher proportion than the average for North East councils, but lags some way behind the average for all England councils.

Workforce	White	BAME
England LAs	89.2%	10.8%
NE LAs	97.7%	2.3%
MBC LA	95.7%	3.4%

Local Government Workforce Survey, LGA 2019/20

54. BAME communities are currently estimated to comprise 14% of the UK population, and 4.7% of the North East population, suggesting that such communities continue to be the most underrepresented in the local government workforce as a whole.
55. Periodically the LGA runs campaigns to encourage BAME communities to apply to jobs within the sector, and the run for office. There are some signs of improvement locally – in 2019/20 13.2% of applicants to the Council were from BAME communities and this rose to 14.1% in 2020/21. 14.1% of applicants, 10.0% of people shortlisted and 7.9% of people employed declared themselves to be from BAME communities where they completed equality monitoring questions.

Religion or belief

56. In 2020/21, 47.04% of employees that responded stated that they were Christian, compared with 43.73% in 2019/20. 35.32% of employees professed no religious belief in 2020/21, compared to 36.93% in 2019/20. Employees stating that they were Muslim were the third highest grouping, rising from 1.24% in 2017/18 to 1.66% in 2018/19, 1.85% in 2019/20 to 2.13% in 2020/21. There is no comparison data for the wider local government workforce.

Sex

57. The Council's workforce is majority female – 70.09% of the Council's employees were women in 2020/21 up slightly from 70.05% in 2019/20, 70.62% 2018/19, and 71.35% in 2017/18.
58. While this is not reflective of the wider UK workforce, which shows a roughly equal gender split – it is broadly comparable with other local authorities and reflects traditional gender roles within public services, with 74.89% of the directly-employed local government workforce female at Quarter Three 2020.
59. 65.9% of job applications received in 2019/20 were from females and in 2020/21 this fell slightly to 64.3%. Analysis of job applications during 2020/21 shows that

applicants continue to follow traditional paths. For traditionally female roles (e.g. cleaning, catering, care, education and administration), 75.8% of applicants were female. For traditionally male-dominated roles (e.g. driving, mechanical and manual outdoor work) 87.2% of applicants were male.

60. In 2019/20 71.66% of leavers were female, and in 2020/21 this reduced to 69.11%. 36.67% of those who left the Council as a result of redundancy in 2019/20 were female, raising to 46.15% in 2020/21.
61. Females accounted for 37.5% of the Council's Management Team at the end of 2020/21. The 2018 LGA Chief Executives / Chief Officers Survey 2018 identified 46.8% of females in these roles.
62. Overall, females held 55.56% of Head of Service posts at the end of 2020/21, down slightly from 56.76% in 2019/20, 51.11% in 2018/19 and 53.85% in 2017/18. The majority of Heads of Service within Children's Services (83.33%) were women, with the remaining Directorates demonstrating with an equal gender split or a majority of men in these roles.
63. At 31 March 2021 58.55%, (54.29 at 31 March 2020, 55.00% at 31 March 2019) of the top 5% highest paid employees within the Council were female. There is however a significantly larger proportion of females in the lower and middle salary quartiles, and this is reflected in the gender pay gap.
64. The average gender pay gap within the Council in 2020 was 8.07%, down from 9.9% in 2019. This means that, on average, men were paid 8.07% more. The gender pay gap report for 2021 will be published later in 2022.
65. Nationally the average gender pay gap for this period was 15.5%, and the LGA estimates that the average gap across the 319 local authorities above the 250 employee threshold was 6.8% in 2018/19 and 5.9% in 2019/20.
66. It should however be noted that there are some difficulties in comparing local authorities, as some have outsourced services that contain large volumes of lower-paid workers (e.g. cleaning and catering), while others, including this Council, have retained such services, increasing the gap.

Sexual orientation

67. In 2020-21, 92.75% of employees that responded stated that they were heterosexual, 3.32% stated that they were either bisexual, a gay man or a gay woman / lesbian, increasing from 3.29% in 2019/20. This figure is greater than existing estimates for the North East population. There is no comparison data for the wider local government workforce.

Caring responsibilities

68. In 2020/21 19.66% of employees that completed equality monitoring declared that they had caring responsibilities, dropping significantly from 33.52% in 2019/20, 28.2% in 2018/19 and 16.5% in 2017/18. 76.48% of carers had a caring responsibility for children, the remainder for a partner or other adults. There is no comparison data for the wider local government workforce.

Employee sickness absence

69. The average number of sick days per employee during 2020/21 was 11.45, compared with 11.11 in 2019/20, 10.51 in 2018/19 and 10.73 days in 2017/18. In 2020/21 2020/21, 4.74% of all staff working time was lost to sickness across the Council, down from 5.29% in 2019/20 and up from 4.35% in 2018/19.
70. Around 62.6% of all sickness occurrences were short-term, for an average of 3.6 working days each. The average duration of a long-term sickness absence was approximately 36 working days.
71. The most recent comparator was the 2017/18 LGA Workforce Survey which gave an average for all local authorities of 8.8 days per FTE or 3.6% lost working time.
72. The apparent difference in absence will be linked to local differences in recording, general health deprivation with Middlesbrough and the Council's direct employment of certain job types, among other factors. The Council appointed a HR Business Partner for a fixed term to increase capacity temporarily as part of its post covid response to support employee health and wellbeing.
73. Despite the pandemic ongoing, sickness rates have not spiked significantly. This could be a reflection of the increasingly agile nature of the workplace that has been put in place, enabling staff to work from home where they are contagious but not unwell, removal of core hours for many staff etc.

Diversity of apprentices

74. The Council is committed to providing a range of apprenticeships for local young people. In 2020/21 84 apprentices (including both new hires and existing employees taking up an apprenticeship) started with the Council, down from 116 in 2019/20 and 101 in 2018/19.
 - 73% of the apprentices starting in 2020/21 were female, dropping from 80% in 2019/20 and 77% in 2018/19
 - 11% of those starting in 2020/21 declared a disability, down from 15% in 2019/20 and 8% in 2018/19
 - 3% of those starting in 2020/21 were from BAME communities, down from 8% in 2019/20 and 5% in 2018/19
75. 66% of those completing apprenticeships during 2020/21 gained employment, down from 72% in 2019/20, 70% in 2018/19 and 55% in 2017/18, with the majority of employment gained within the Council. 24% progressed to higher level apprenticeships or further / higher education (compared with 20% in 2019/20), the remaining 10% were seeking employment (up from 8% in 2019/20).
76. There are various factors affecting the reduction in apprentices numbers:
 - the scheme now takes 15 months rather than 12;
 - working from home is not the best environment for mentoring or learning skills
 - young people are preferring to stay in school, this is the same across all the Tees Valley

- other government schemes (i.e. Kickstart) pay higher rates and run for a shorter period
- further uncertainty on how blended working will impact the scheme.

Diversity of volunteers

77. The Council recognises the significant and valuable role that volunteering can play in delivering discretionary public services and in providing opportunities to local residents to raise their aspirations and improve job prospects.
78. The Council's volunteer workforce has remained largely static since 2018, standing at 474 in 2020. 35.7% of volunteers provided equality monitoring data, and of these 61% were female and 86.55% identified as White, with 11.7% BAME (1.75% undeclared), figures in line with the previous three years.

How the Council complies with the Equality Act 2010

79. In April 2022, Executive approved a refresh of the workplan that underpins the Strategic Plan to cover actions for the period 2022-25. The council continues to be committed to ensuring:
- We will work to address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable.
 - We will tackle crime and anti-social behaviour head on, working with our partners to ensure local people feel safer.
 - We will ensure the recovery of local communities, businesses and the Council's operations from COVID-19, taking opportunities to build back better.
80. Progress in delivering the Strategic Plan is reported to the Executive and Overview and Scrutiny Board on a quarterly basis.
81. Equality and inclusion are central to the Council's corporate values, and the Council has in place a range of equality and human resources policies to ensure legal compliance and fair treatment for all:
- **Equality Policy:** This policy sets out how the Council will ensure customers, employees and job applicants are treated fairly and in line with the protections set out for relevant characteristics within the Equality Act 2010.
 - **Recruitment and Selection Policy:** This policy is in place to ensure that the Council's recruitment and selection practices are fair and consistent.
 - **Dignity and Respect at Work Policy:** This policy sets out the Council's requirement that all employees will be treated with respect and dignity in the workplace and outlines expected behaviours.
 - **Equality Monitoring Policy:** This policy establishes a consistent approach to the collection of user equality and diversity data within the development and delivery of Council services. Provision of this data is discretionary but ensures that the Council is able to understand the impacts of its decisions and services on different groups (including its employees) and communities.
 - **Impact Assessment Policy:** This policy sets out the process to be followed to ensure officers developing recommendations fully understand and weigh the consequences of possible and actual interventions and articulate these

effectively to decision-makers. It ensures that appropriate consideration is given to the PSED.

- **Monitoring of Hate Incidents Policy:** This policy sets out how the Council will collate details of hate incidents either witnessed by its staff or reported to them. Hate crimes will also be reported to the Police.

82. These policies are regularly reviewed to ensure the Council continues to comply with the law and best practice.
83. All employees undertake mandatory training on equality and inclusion matters, and the requirement to uphold and where appropriate lead on these policies are articulated within employee job descriptions.
84. The availability of accurate and timely information is key to performance improvement in all areas of the Council's business, including equality and inclusion.
85. As stated above, employees are asked to update their equality monitoring data on an annual basis, and equality monitoring is also used in staff surveys and subsequent analysis, where appropriate.
86. Outcomes from grievance, disciplinarys and related processes relating to alleged or actual discrimination are monitored by Human Resources who would identify any areas of concern. During 2018/19 one of 51 disciplinary investigations and one of 20 grievances alleged discrimination against an employee. During 2019/20 zero (of 60) disciplinary investigations and one of 10 grievances alleged discrimination. During 2020/2021 none of the 39 disciplinary investigations and none of the 32 grievances file related to alleged discrimination.
87. An internal audit of Discrimination & Staff Inequality undertaken by Tees Valley Audit and Assurance Services during 2019/20 found the Council to have a strong control environment in place to address such matters.
88. Outcomes from impact assessments are reviewed at the draft stage by the Strategy, Information and Governance service prior to consideration by decision makers. The Council publishes impact assessments where these relate to decisions taken by elected members or delegated to officers.
89. Outcomes from hate incident monitoring are monitored by the Strategy, Information and Governance service with recommendations for improved procedures made to services where appropriate.
90. The Council is strongly-focused on employee engagement. A corporate Employee Engagement group is chaired by the Chief Executive, and an Equality and Inclusion Group is chaired by the Director of Legal and Governance Services as Leadership Management Team Lead on this agenda. In addition there are bi-monthly group meetings Disability and Wellbeing Network, Race, Religion and Belief Network (formerly known as BAME Network), Carers Network, LGBT+ Network, Gender Equality Network and Menopause Support Group.

Action taken during 2021 to improve equality and inclusion

91. The following additional actions were taken during 2021 to improve equality and inclusion:

Within Middlesbrough:

In line with its equality objectives, the Council has:

- Developed the 'Middlesbrough's Ambition for Children: A Whole Town Strategy' priorities
- Refreshed its Community Safety Plan to set out how it and its partners would combat crime and anti-social behaviour
- Considered a scrutiny investigation into community cohesion and integration
- Developed an Engagement policy
- continued to made progress in improving Children's Services following the 'Inadequate' outcome of the 2019 Ofsted ILACS inspection, including put in place robust solutions to manage the impact of the pandemic on the town's children.

Within the Council:

- continued employee engagement and communications using digital tools to keep staff engaged regardless of where they work, including access via facebook and staff portal for those who do not have access to council ICT devices;
- increased involvement of equality and inclusion groups and employee engagement groups in corporate and directorate action planning; and
- expansion of the equality and inclusion and employee engagement group's work to include support for action planning to address areas for improvement identified in staff surveys.

92. A planned action to launch a staff volunteering scheme has been delayed as a result of Covid-19, however it will be delivered during 2022.

Summary of findings

93. In summary, the findings of this report are therefore:

- The town continues to be younger than national averages, with the percentage of the population under the age of 15 increasing, while it is decreasing nationally
- Middlesbrough continues to be one of the most deprived areas in England, with the highest proportion of children in the country living in income deprived households.
- The diversity of the Council's workforce continues to be broadly equivalent to local diversity, with the exception of ethnicity. Those from non-white backgrounds communities continue to be underrepresented and has dipped from 4.05% to 3.4% in 2021 although the diversity of applicants for vacant posts has increased.
- The Council continues to have an appropriate suite of policies in place to protect employees from discrimination, and there is no evidence of negative discrimination within the Council's operations.
- The Council supports staff at work to fulfil their potential. We recognise that staff are the happiest when they are supported. The Council has 5 networks including Disability and Wellbeing, Carers, Race, Religion and Belief including three newly

- introduced networks LGBT+, Gender and Menopause. The networks are a safe place for staff to voice any issues, help improve inclusivity and tackle discrimination.
- The Council's initiatives in support of its equality objectives and the wider inequalities agenda are embedded within its Strategic Plan. This ensures that it can continue to demonstrate compliance with its legal duties in the Equality Act.

Actions delivered in 2021

Action	Lead	Status
Continue proactive promotion of vacancies within communities that are under-represented in the Council's workforce.	Human Resources; Marketing and Communications.	Ongoing
Explore means of comparing the diversity of applicants with the diversity of subsequently successful candidates.	Human Resources	Ongoing
Ensure staff equality monitoring includes all protected characteristics and encourage all staff to update their information to ensure improvement actions are based on data that is complete and accurate as possible.	Strategic Director of Adult Social Care and Health Integration; Equality and Inclusion Group	Completed
Deliver a programme of training to all elected members, senior managers and recruiting managers on the history of diverse communities in the UK, issues of bias how they manifest themselves in society.	Strategy, Information and Governance and Members Services	Completed
Provide confirmation to full Council that literature and media relating to Middlesbrough's diverse communities are represented in Middlesbrough libraries and cultural spaces and that these materials are promoted within Council settings.	Stronger Communities	Completed
Develop a mentoring scheme for those employees with protected characteristics who wish to advance in their careers, for implementation during 2021/22.	Human Resources	Completed
Ensure that the Children's Services Improvement Plan fully considers equality and inclusion issues.	Executive Director of Children's Services	Ongoing
Ensure that the Council's COVID-19 Recovery planning fully considers the differential adverse impacts on COVID-19 on vulnerable groups and those with protected characteristics and plans accordingly to appropriately mitigate these impacts.	Chief Executive	Ongoing
Arrange for Equality and Inclusion Group to meet with LMT once per quarter to consider progress against this action plan and to raise any issues.	Strategic Director of Adult Social Care and Health Integration – now transferred to the Director of Legal and Governance Services	Ongoing
Consider the Government's response to the report of the Commission on Race and Ethnic Disparities and implications for the Council's approach to equality and inclusion.	Equality and Inclusion Group	Ongoing
Consult upon and review terminology used within the Annual Equality report and associated documents to ensure that it remains appropriate.	Strategy, Information and Governance; Equality and Inclusion Group	Ongoing
Identify whether there are any existing or forthcoming national campaigns on encouraging men and women into roles that they would not traditionally apply for and promote to local schools and communities.	Marketing and Communications	Ongoing

Explore whether the Council can allocate priority for entry level roles to its apprentices, care leavers and other appropriate groups.	Community Learning	Completed
Examine underlying causes of staff absence and put in place targeted initiatives to address any issues arising.	Human Resources	Completed and ongoing

Actions to be delivered during 2022/23

94. Taking into account the key findings, the proposed actions for 2021/22 and beyond are set out below:

Actions delayed from 2021

Action	Lead	Deadline
Launch staff volunteering scheme allowing employees to support local voluntary groups during working hours.	Stronger Communities	November 2022
Build on the Council's pay gap statement by publishing the White / BAME pay gap, and differentials for other protected characteristics, where data allows.	Human Resource	March 2023
Refresh the corporate approach to community engagement building upon learning from locality working and COVID-19 response to move the Council 'closer to the people', contributing to improved equality and inclusion, and identifying and addressing barriers to employment and participation in public life.	Strategy, Information and Governance; Stronger Communities; Democratic Services	December 2022

2022/23 actions

Action	Lead	Deadline
Refresh training to officers on the Equality Act and the Impact Assessment process	Interim Head of Strategy, Information and Governance	March 2023
Strengthen and diversify recruitment process and selection methods to focus on attracting the best talent	Equality and Inclusion Working Group	March 2023
Continue proactive promotion of vacancies within communities that are under-represented in the Council's workforce by building relationships with agencies, utilising opportunities community roles offer to engage with the public to promote MBC vacancies	Equality and Inclusion Working Group	March 2023
Consider the Government's response to the report of the Commission on Race and Ethnic Disparities and implications for the Council's approach to equality and inclusion.	Equality and Inclusion Working Group	March 2023
Positive action within targeted communities and schools to increase % of apprenticeships applicants and appointments with a disability and applicants from the BAME community	Equality and Inclusion Working Group	March 2023

Action	Lead	Deadline
Improve the accessibility and inclusiveness of our communications by creating an inclusive language guide and identifying supporting training.	Equality and Inclusion Working Group	January 2023
Review voluntary framework for Disability and Ethnicity pay gap reporting.	Human Resources	March 2023
Conduct a data collection exercise to obtain a better picture of our workforce to enable us to build on the Council's pay gap statement by publishing the White / BAME pay gap, and differentials for other protected characteristics,	Equality and Inclusion Working Group	March 2023

Appendix 2: Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Equality and Inclusion Action Plan 2022/23			
Coverage:	Overarching / crosscutting			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input checked="" type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Description:	<p>Key aims, objectives and activities The document sets actions to improve equality and inclusion within Middlesbrough and within the Council's workforce during 2022/23.</p> <p>Statutory drivers Equality Act 2010.</p> <p>Differences from any previous approach This document supersedes the action plan set out in the Annual Equality and Inclusion Report 2021.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate) Elected members, employees of the Council, local communities and businesses, partners.</p> <p>Intended outcomes To ensure that the Council's commitment to promoting equality and inclusion clearly articulated and communicated to all stakeholders, and that the Council continues to comply with the duties of the Equality Act 2010.</p>			

Live date:	As soon as the report is approved.			
Lifespan:	2022/23 financial year.			
Date of next review:	Reviewed on an annual basis, with information on progress to be published on the Council's website and social media.			
Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?	☒	☐	☐	No. Delivery of the actions within the Equality and Inclusion Action Plan 2022/23 will not contravene human rights as identified in national legislation.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?	☒	☐	☐	No. The actions are aimed at reducing inequalities within Middlesbrough and within the Council's workforce and apply to all protected characteristics. As a result there are no concerns that the actions could have a disproportionate adverse impact on groups or individuals with characteristics protected in national legislation.
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	☒	☐	☐	No. The plan commits to improving community engagement within the town, which will result in direct benefits for cohesion. As a result there are no concerns that the proposed plan could have an adverse impact on community cohesion.
Assessment completed by:	Ann-Marie Johnstone, Interim Head of Strategy, Information and Governance			
Date:	5/10/2022			

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MIDDLESBROUGH COUNCIL	
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Report of:	Director of Legal and Governance Services
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Submitted to:	Executive Member for Finance and Governance
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Date:	14 December 2022
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Title:	Surveillance Policy 2022/23
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Report for:	Decision
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Status:	Public
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Strategic priority:	All
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Key decision:	No
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Why:	Decision does not reach the threshold to be a key decision
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Urgent:	No
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Why:	Not applicable
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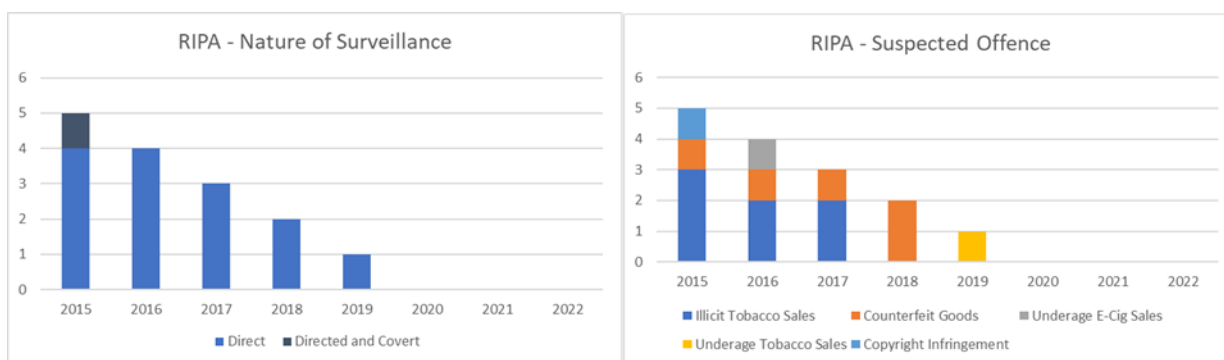
Executive summary	
<p>The proposed policy will ensure that surveillance activity undertaken by the Council is pursuit of its strategic priorities is lawful and that due regard is given to human rights and to data protection rights. This report represents the outcome of the annual review of the Council's RIPA related policy contents, in line with statutory guidance.</p>	

Purpose

1. This report presents seeks approval of the proposed corporate Surveillance Policy for 2022/23.
2. Guidance underpinning the Regulation of Investigatory Powers Act (RIPA) 2000 states that elected members should review the Council's use of RIPA powers and set the RIPA policy at least once per annum.
3. Use of RIPA powers are considered annually by Corporate Affairs and Audit Committee as part of the annual report of the Senior Information Risk Owner. Statistical information on use of the powers will be reported to a future meeting of the Culture and Communities Scrutiny Panel.

Background and relevant information

4. RIPA is the law governing the use of surveillance techniques by public authorities, including local authorities. RIPA requires that when public authorities need to use covert techniques to obtain private information about someone, they only do so if surveillance is necessary, proportionate, and compatible with human rights. Typically this relates to suspected criminal activity that is likely to result in a custodial sentence of six months or more.
5. In such instances, covert surveillance can be undertaken, subject to magistrate approval, if it is not possible to gather sufficient evidence to secure a prosecution without this.
6. The majority of RIPA applications made by the Council relate for enforcement in relation to tobacco, alcohol and counterfeit goods. The Council's use of RIPA has reduced annually since 2015, with no applications made since 2020 primarily due to the impact of the pandemic on regulatory activity. The charts below set out the number of applications made the Council in the past six years, the nature of the surveillance and the reasons why it was undertaken.



7. This policy is updated annually and was last approved by the then Executive Member for Environment, Finance and Governance in August 2021.
8. As reported in the last annual review of this policy, in late 2020 the Council was subject to a (periodic) inspection by the IPCO regarding its use of RIPA powers. In summary, the conclusions of this inspection (reported in full to Corporate Audit and Affairs Committee on 29 April 2020) were that the Council has a strong compliance regime for

the use of RIPA powers, with the use of the Electronic Document and Records Management System highlighted as a particular strength.

9. No formal recommendations for improvement were made by the IPCO following this inspection, however the Council agreed with the IPCO that from now on it will maintain an overarching Surveillance Policy (Appendix 1), which will cover CCTV, RIPA, non-RIPA covert surveillance and the surveillance of employees. This continues to be reflected in the policy and content was reviewed as part of the 2022 annual review. The 2022 review has also had due regard to draft guidance published by the Information Commissioners Office in October 2022 'Employment practices: monitoring at work draft guidance'¹.
10. This is necessary to ensure that any covert surveillance undertaken by the Council that does not meet the RIPA threshold is lawful and that due regard is given to human rights and to data protection rights, and to clarify for the benefit of employees when and under what circumstances they will be subject to surveillance.

What decision(s) are being recommended?

11. That the Executive Member approves the proposed corporate Surveillance Policy for 2022/23.

Rationale for the recommended decision(s)

12. To demonstrate the Council's compliance with all legal duties relating to surveillance and to provide clarity to all stakeholders in a single policy document the circumstances under which the Council will use surveillance and how this will be done.

Other potential decision(s) and why these have not been recommended

13. The Council could choose to restrict this policy to RIPA activity only and develop and implement separate policies relating to non-RIPA surveillance, employee surveillance and other issues not currently covered by policy. However, this is not recommended, as a single policy provides for a coherent and systematic approach and is in line with the Council's commitment to openness and transparency.

Impact(s) of the recommended decision(s)

Legal

14. The report and its associated action plan, demonstrates how the Council does and will continue to meet its various legal duties when undertaking surveillance.

Strategic priorities and risks

15. Implementation of the proposed surveillance policy mitigates a number of risks within the Council's strategic and information risk registers, having a positive overall impact on the strategic risk that the Council could fail to comply with the law.

¹ <https://ico.org.uk/media/about-the-ico/consultations/4021868/draft-monitoring-at-work-20221011.pdf>

Human Rights, Equality and Data Protection

16. The proposed policy has been subject to Level 1 (screening) equality impact assessment (at Appendix 2). This assessment identified that no negative differential impacts on diverse groups and communities within Middlesbrough is anticipated from the implementation of the policy.

Financial

17. It is anticipated that all activities require by the policy are achievable within existing and planned budgets.

Actions to be taken to implement the recommended decision(s)

18. Following approval, the surveillance policy will be published on the Council's website and staff intranet page. Supporting procedures will be developed and revised as appropriate, with training provided for all managers and case workers, and the Council's privacy notices updated where required.

19. The provides for live monitoring of surveillance activity with issues raised to Risk Management Group and / or Corporate Governance Board on a quarterly basis if Required.

20. The Senior Responsible Owner for surveillance annually report is due to be submitted to Corporate Affairs and Audit Committee next in April 2023.

Appendices

1	Surveillance Policy 2022/23
2	Surveillance Policy 2022/23 – Impact Assessment Level 1: Initial screening assessment

Background papers

Body	Report title	Date
Executive Member for Finance and Governance	RIPA Policy	28/02/2020
Corporate Affairs and Audit Committee	Annual Report of the Senior Information Risk Owner (SIRO)	29/04/2021
Executive Member for Environment, Finance and Governance	Surveillance Policy	10/08/2022
Corporate Affairs and Audit Committee	Annual Report of the Senior Information Risk Owner (SIRO)	31/03/2022

Contact: Ann-Marie Johnstone, Interim Head of Strategy, Information and Governance
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Surveillance Policy

Creator	Author(s)	Ann-Marie Johnstone		
	Approved by	Executive Member		
	Department	Legal and Governance Services		
	Service area	Strategy, Information and Governance		
	Head of Service	Ann-Marie Johnstone		
	Director	Charlotte Benjamin		
Date	Created	2022/09/15		
	Submitted	2022/10/05		
	Approved	2022/12/14		
	Updating Frequency	Annually, unless review triggers met in interim		
Status	Version: 6.0			
Contributor(s)	Governance and Information Manager; Data Protection Officer, HR Manager, Operational Community Safety Manager			
Subject	Overt and covert surveillance			
Type	Policy			
	Vital Record		EIR	
Coverage	Middlesbrough Council			
Language	English			

Document Control

Version	Date	Revision History	Reviser
4.0	2019/02	Review	AM Johnstone
5.0	2020/02	Review	AM Johnstone
6.0	2021/07	Review – move to Surveillance Policy	P Stephens
7.0	2022/12	Review	AM Johnstone

Distribution List

Version	Date	Name/Service area	Action
5.0	2020/02	All stakeholders	Note
6.0	2021/07	All stakeholders	Note
7.0	2022/12	All stakeholders	Note

Contact: data@middlesbrough.gov.uk

Summary

1. This policy provides a framework for the undertaking of surveillance by the Council of the public and of its employees, where appropriate, ensuring that any surveillance undertaken is lawful and that due regard is given to human rights and to data protection rights.
2. The following sections outline:
 - the purpose of this policy;
 - definitions;
 - scope;
 - the legislative and regulatory framework;
 - roles and responsibilities;
 - policy detail;
 - supporting policies, procedures and standards; and
 - monitoring and review arrangements.

Purpose

3. This policy provides a framework for undertaking surveillance activities in compliance with all applicable laws by:
 - creating and maintaining organisational awareness of the Right to Privacy (Article 8, Human Rights Act 1998) as an integral part of operations;
 - ensuring that all employees are aware of and fully comply with the relevant legislation as described in this policy and fully understand their own responsibilities when planning and undertaking surveillance activities;
 - where necessary, ensuring that all employees obtain the appropriate authorisations when undertaking surveillance activities; and
 - ensuring that sensitive and confidential surveillance information is stored, archived and disposed of in an appropriate manner.

Definitions

4. Appendix 1 defines the key terms used in this policy. Where appropriate, the definitions used by the Council are aligned with those in legislation or supporting codes of practice.

Scope

5. The policy applies to all overt and covert surveillance undertaken by or on behalf of the Council. This includes, but is not limited to the following:
 - the taking of photographs of someone in a public place;
 - the recording by video cameras of someone in a public place;
 - the use of listening devices or photographic equipment to obtain information in respect of activities in a residential premises or private vehicle;
 - the acquisition of communications data from third party service providers;
 - the viewing of someone's social media activity;
 - the taking of photographs of employees in the workplace;

- the recording by video cameras of employees in the workplace;
 - the viewing of an employee's social media activity; and
 - the acquisition of employees' communication data or other tracking data during the course of work.
6. At this time the Council does not use drones for surveillance or enforcement purposes.
 7. The policy applies to all Council employees and any other party undertaking surveillance on behalf of the Council by contract. Non-compliance with this policy may result in disciplinary action or other sanction, with the individual(s) responsible for non-compliance held personally accountable for any breaches of Article 8 of the Human Rights Act 1998.
 8. This policy is approved and its application scrutinised by elected members but members will have no direct involvement in surveillance operations or in making decisions on specific authorisations.
 9. The policy does not apply to householders or businesses who have obtained grants from the Council for the purpose of installing domestic or commercial CCTV. Equipment paid for and installed under these grants is not the property of the Council and the Council has no legal responsibilities for such equipment or the information obtained by its use.

Legislative and regulatory framework

10. The Council must comply with all relevant applicable legislation pertaining to surveillance, as outlined below.

Human Rights Act 1998

11. The Human Rights Act 1998 (HRA) gave effect in UK law to the rights set out in the European Convention on Human Rights (EHCR).
12. The HRA requires that all action which may potentially impact on an individual's human rights is proportionate, necessary, non-discriminatory and lawful. The HRA lists sixteen basic human rights, which are either absolute, limited or qualified. All activity undertaken by the Council must comply with the HRA, including surveillance.
13. Article 8 of the EHCR – the qualified right to respect for private and family life, home and correspondence – is most likely to be engaged when local authorities seek to obtain private information about a person by means of surveillance. Covert surveillance, in particular via RIPA, are likely to engage the limited right to a fair and public hearing (Article 6).

Regulation of Investigatory Powers Act 2000

14. Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) does not grant powers to undertake surveillance but does provide a statutory framework under which appropriate covert surveillance activity undertaken by local authorities (specifically directed surveillance and the use of CHIS) can be authorised, conducted

and supervised compatibly with Article 8 of the EHCR and the Data Protection Act 2018.

15. RIPA aims to balance the rights and freedoms of individuals with the need for law enforcement and security agencies to have powers to perform their roles effectively.
16. The grounds on which local authorities can rely on to authorise directed surveillance are narrower than those available to security services or the police. A local authority can only authorise directed surveillance of a member of the public if the designated person believes that such surveillance is necessary and proportionate for the purpose of preventing or detecting a crime which the local authority has legal powers to prosecute. In most cases the threshold is an offence for which there is a minimum prison sentence of six months, and the surveillance must also be authorised by a magistrate.
17. The acquisition of a RIPA authorisation will equip the Council with the legal protection (the RIPA 'Shield') against accusations of a breach of Article 8. Failure to comply with RIPA does not necessarily mean that surveillance would be unlawful, however it does mean that evidence obtained from surveillance could be inadmissible in court proceedings and so jeopardise a successful outcome. Unauthorised action could also be open to challenge as a breach of the HRA and a successful claim for damages could be made against the Council.
18. Appendices 3 to 6 set out the forms that must be completed when applying for authority to conduct directed surveillance using RIPA, renewing authorisation and cancelling directed surveillance. Appendices 7 to 10 set out the same process for use of Covert Human Intelligence Sources using the RIPA legal framework.
19. A number of Codes of Practice have been issued under Part II of RIPA, as listed below. This policy and its supporting procedures fully comply with these codes.

[Interception of communications: code of practice 2016](#)

[Equipment interference: code of practice](#)

[Codes of practice for the acquisition, disclosure and retention of communications data](#)

[Covert surveillance and covert human intelligence sources codes of practice](#)

[Code of practice for investigation of protected electronic information](#)

Data Protection Act 2018

20. Middlesbrough Council is a 'competent authority' for the purposes of Part 3 of the Data Protection Act 2018 (DPA) where it has public authority or powers to investigate and prosecute criminal offences.
21. In this role the Council will comply with the law enforcement principles, which are reflected within this policy as appropriate. Processing of personal data for any of the law enforcement purposes must be:
 - lawful and fair;
 - collected and only processed for a specified, explicit and legitimate purpose;
 - adequate, relevant and not excessive;

- accurate and, where necessary, kept up to date, and that personal data that is inaccurate is erased or rectified without delay;
 - kept for no longer than is necessary and storage periodically reviewed; and
 - processed in a manner that ensures appropriate security.
22. All other personal data that is not processed for law enforcement purposes falls under the General Data Protection Regulation 2016 (GDPR) and other applicable Parts of the DPA including appropriate exemptions (referred to as ‘the data protection legislation’). In this general processing role, as a data controller, the Council will comply with the GDPR principles, which are reflected in this policy as appropriate.
23. Personal data will be:
- processed lawfully, fairly and in a transparent manner;
 - collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
 - adequate, relevant and limited to what is necessary;
 - accurate and, where necessary, kept up to date;
 - kept in a form which permits identification of data subjects for no longer than is necessary; and
 - processed in a manner that ensures appropriate security of the personal data.
24. As a data controller, the Council will be responsible for, and be able to demonstrate compliance with these principles.

Protection of Freedoms Act 2012

25. The Protection of Freedoms Act 2012 (POFA) provides for a wide range of measures to protect and promote the freedoms of individuals. Part 2 of the POFA required a new Code of Practice on surveillance technologies and the appointment of a Surveillance Camera Commissioner to oversee and review the operation of the Code.
26. A Surveillance Camera Code of Practice was published in 2013 and provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities and sets out 12 guiding principles that should be adopted by systems operators:
- Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
 - The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
 - There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
 - There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

- Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
- No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
- Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
- Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
- Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.
- There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
- When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
- Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

27. POFA also amends s28 of RIPA and brought in the requirement for a magistrate to approve a RIPA authorisation when the crime threshold is met. The threshold is a criminal offence which attract a minimum custodial sentence of six months or more. There are some limited exceptions to the six month rule, specifically:

- the sale of alcohol to children (S.146 of the Licensing Act 2003);
- allowing the sale of alcohol to children (S.147 of the Licensing Act 2003);
- persistently selling alcohol to children (S.147A of the Licensing Act 2003); and
- the sale of tobacco to persons under 18 years of age (S.7 Children and Young Persons Act 1933).

Investigatory Powers Act 2016

28. The Investigatory Powers Act 2016 (IPA) commenced on 11 June 2019 and is now the main legislation governing local authorities' access to communications data in order to carry out their statutory functions as a 'competent authority' under the DPA, replacing the framework set out in RIPA.

29. The Communications Data Code of Practice sets out the process for acquiring communications data in line with the Act.

The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000

30. These regulations implemented Article 5 of the EU Telecoms Privacy Directive and gave businesses the right to intercept communications on their own networks, which occur as part of lawful business practice, and for the certain purposes.
31. Interception is lawful for the purposes of monitoring or recording, if doing so:
- allows the business to comply with other regulations;
 - establishes the existence of facts;
 - acts as a means of verification that the person being monitored is performing his or her work to standards;
 - is in the interests of UK security;
 - may prevent or detect criminal activity;
 - ensures the communication system operates effectively; and
 - allows the business to detect unauthorised use of the system.

Employment Practices Code

32. The Information Commissioner's Office's Employment Practices Code provides a framework under which surveillance of the activity of employees can be authorised and conducted compatibly with Article 8 of the ECHR and the DPA. It covers amongst other matters, how employees can be monitored in the workplace and their right to work in a comfortable environment. Monitoring of employees should only take place where there is a real risk to the business and in line with the DPA, employees should be told about monitoring practices and under what circumstances their communications might be intercepted. A form that must be completed for the authorisations is in place and available on the Council's intranet page. Authorisations must be approved by the HR Manager.

Key roles and Responsibilities

33. Effective and lawful surveillance is the collective responsibility of all those individuals named within the scope of this policy. Appropriate training will be provided to all those officers within the scope of this policy.
34. As with all Council policies, Directors and Heads of Service have a general responsibility to ensure compliance with this policy within their operations. This includes taking reasonable steps to protect the health and safety and where appropriate third parties involved in surveillance, including the carrying out of risk assessments.
35. The specific roles within surveillance activities are described below. Where appropriate, the current role holders and their deputies are listed at Appendix 2.

Senior Responsible Officer (SRO)

36. The SRO has overall responsibility for overt and covert surveillance, including:
- creation, communication and review of this policy;
 - appointing the CCTV Single Point of Contact;
 - appointing the Coordinating Officer (Auditor) for covert surveillance;
 - ensuring the availability of appropriate authorisers for covert surveillance;
 - raising corporate awareness of the policy and proper surveillance practices;

- assessing corporate compliance with this policy;
- providing professional guidance on all matters relating to surveillance;
- engagement with the Surveillance Camera Commissioner and the IPCO; and
- overseeing the implementation of any post-inspection action plans recommended or approved by the IPCO.

Overt surveillance

37. The following key roles are in place in relation to **overt** surveillance via cameras and other equipment:

CCTV Single Point of Contact (SPOC)

38. Appointed by the SRO, and supporting the Data Protection Officer, the SPOC will ensure the Council operates all surveillance camera equipment in compliance with the Surveillance Camera Code and key legislation, thereby building transparency, trust and confidence.
39. Specifically, the SPOC will:
- establish and maintain a CCTV code of practice setting out the regulatory framework that each Council scheme must comply with, the internal assessment programme that each scheme must undertake and the processes required to establish a new surveillance camera scheme or upgrade an existing scheme;
 - maintain a central register of all public space surveillance camera equipment operated by the Council, including the location of each piece of equipment, its asset reference and the manager responsible;
 - act as the main point of contact for surveillance camera systems, and introduce consistent procedures that can be applied across all systems in operation, including standardised signage, alongside appropriate training for those operating surveillance cameras; and
 - provide regular guidance and updates to scheme managers to ensure that all surveillance cameras schemes continue to operate in full compliance with the regulatory framework governing its use and undertake an annual audit of all schemes, documented in an annual report to the SRO.

Scheme Managers

40. A scheme manager will be in place for each individual scheme operated by or on behalf of the Council. Scheme managers will maintain the following documentation in a Code Assessment Pack, which will demonstrate compliance with the local code and allow the SPOC to undertake their role.
- list of all documents maintained by the scheme manager;
 - scheme asset list – a complete record of all cameras, signage, monitors and recording equipment, with location, functionality and purpose and associated contractual arrangements for management and / or maintenance;
 - record of data protection impact assessments (DPIAs) for each camera (or if agreed, groups of cameras) on the asset list and cyber security checks undertaken;
 - scheme access list – including who is authorised to access the scheme and the level of access granted;

- training records of all those accessing the scheme and associated confidentiality arrangements;
- records of the self-assessment and annual review, including who undertook this and the changes made as a result; and
- declaration of compliance – completed annually or when the scheme manager changes.

Responsible Officers

41. All CCTV sites also should have an appointed Responsible Officer (RO) – this may or may not be the scheme manager. ROs are responsible for the day-to-day management of the CCTV system and providing relevant information to the scheme manager.

Surveillance Camera Operators

42. All surveillance camera operators or those otherwise viewing images will undertake training relevant to operating public space surveillance, information security and personal data. They will be required to sign appropriate confidentiality agreements.

Covert surveillance

43. The following key roles are in place in relation to **covert** surveillance:

Coordinating Officer (Auditor)

44. The Coordinating Officer (Auditor) will:
- provide up-to-date guidance and training on covert surveillance within the Council;
 - maintain a central record of authorisations including a Unique Reference Number (URN);
 - audit each covert surveillance application, authorisation, review, renewal and cancellation for compliance with this policy and the law, ensuring there is a uniformity of practice; and
 - advise the SRO as appropriate in the light of the above.

Authorising Officers

45. Authorising Officers will assess, authorise, renew and cancel all public-facing covert surveillance (RIPA or non-RIPA) on behalf of all Directorates. Authorising Officers will be at Head of Service level or above, trained to an appropriate standard, and cannot authorise surveillance requested by any service or team under their management.
46. The SRO will ensure there is always a minimum of three trained authorising officers within the Council. The SRO will authorise surveillance in exceptional circumstances.
47. If confidential information or matters subject to legal privilege are likely to be acquired through directed surveillance or by a Covert Human Intelligence Source (CHIS), or the CHIS is a juvenile aged between 16-18 years or a vulnerable adult, the surveillance may only be authorised by the Head of Paid Service.

48. Covert surveillance of employees will only be permitted during an investigation of an allegation of a serious disciplinary offence and will be authorised by the HR Manager and an authorising officer. A form is in place to ensure compliance with this policy for non-RIPA directed surveillance.

IPA Single Point of Contact (SPoC) (Communications data)

49. The National Anti-Fraud Network (NAFN) acts as the SPoC for the Council for the acquisition of external communications data, liaising with the Office for Communications Data Authorisations on the Council's behalf.

IPA Designated Person (Communications data)

50. The Designated Person (Communications data) approves telecommunications applications that have been checked by the IPA SPoC.

Applicants (Case Officers)

51. Only officers that can reasonably be expected to undertake covert surveillance as part of their job description will plan and apply for the authorisation of such surveillance for RIPA based surveillance. Line Managers may apply to conduct non-RIPA based surveillance of an employee by accessing communications, tracking or other data but must have the approval of the HR Manager, unless there is a reason why they should not be made aware of the surveillance. In that case the reason must be set out in the application and the approval of the SRO sought. In some restricted circumstances, there may be a need to consider covert surveillance of the public in circumstances where the RIPA threshold would not be met but the Council may have a legitimate need to gather information in order to assess fraud, defend a legal case or investigate in line with its statutory duties. Where this is the case, an authorisation process must be followed where the need to gather evidence would exceed the threshold for surveillance.

Policy detail

52. The Council will use overt and covert surveillance within its operations where it is appropriate to do so.

Overt surveillance

53. Most of the surveillance carried out by the Council will be done overtly e.g. general observations made by officers in line with their job roles and legal powers.
54. Overt surveillance using relevant equipment will be undertaken in line with the national Surveillance Camera Code of Practice. The Council will maintain a local code of practice that fully complies with the national code and keep this up to date.
55. The SRO will appoint a SPoC for CCTV and notify the Surveillance Camera Commissioner accordingly.
56. The SPoC will oversee all CCTV schemes operated by or on behalf of the Council and ensure their compliance with the national and local codes.

57. Scheme managers and responsible officers will be identified for all schemes and they will maintain Code Assessment Packs, demonstrating compliance with the Council's local code of practice.
58. Scheme managers will ensure that DPIAs are undertaken before any surveillance system is installed, whenever new technology or functionality is being added onto or removed from an existing system, or whenever there are plans to process more sensitive data or capture images from a different location.
59. Scheme managers will ensure that responsible officers and surveillance camera operators working within their schemes are trained to the standard required by the Council's Code of Practice and have signed appropriate confidentiality agreements.
60. The SPoC will produce an annual report based on a review of annual self-assessments from scheme managers. The annual report will cover all schemes and equipment operated by the Council, covering:
 - operating arrangements, including contracts;
 - performance of schemes;
 - compliments and complaints received;
 - outcome of any inspections or audits in the year;
 - assurance the scheme continues to operate in compliance with legislation and relevant codes of practice; and
 - whether the scheme and / or individual cameras are still required.
61. From time to time, the Council may offer grants to residents for the installation of domestic CCTV systems. Equipment paid for and installed under these grants is not the property of the Council and the Council has no legal responsibilities for such equipment.
62. Outside of contractual arrangements, the Council will not direct any third party to undertake surveillance on its behalf. Any footage provided to the Council as potential evidence of criminality will only be processed where the Council has a lawful basis to do so and where the footage has been captured in line with data protection legislation.

Overt use of recording – virtual meetings

63. From time to time, officers within the Council may identify a legitimate need to record an online interaction using the Council's meeting software tools, excluding the streaming and recording of formal member committee meetings which are open to the public. Any officer wishing to do this must first assure themselves that recording the interaction is necessary and proportionate to the purpose identified. There is a process in place to govern when formal committee meetings of the Council will be recorded.

Covert surveillance

64. The Council will use covert surveillance to acquire information to support investigations where it is lawful and appropriate to do so.

65. Covert surveillance will only be used where it is not considered possible to obtain the necessary information to progress investigations by overt means e.g. interview. In addition, the method of surveillance must be proportionate and the least harmful means of gathering the information.
66. Covert surveillance does not require authorisation when it is in immediate response to events and it is not reasonably practicable for authorisation to be sought e.g. CCTV tracking of a crime in progress to assist police detection of offenders. When covert surveillance has been used in such circumstances it will be noted in the incident report(s) of the employee(s) that have undertaken the surveillance.
67. In the majority of circumstances, however, covert surveillance will be directed, planned, and authorised, through either (i) the framework provided by the Regulation of Investigatory Powers Act 2000, or (ii) internal authorisation processes that follows the spirit and principles of RIPA to ensure that such covert surveillance is necessary, proportionate, non-discriminatory, uses suitable equipment, and is lawful. This is set out in the supporting forms at appendices 3 to 6.
68. The Council will carry out covert surveillance to progress investigations outside of the RIPA framework, where (i) while significant, the matters under investigation may not typically result in criminal proceedings, or (ii) the potential criminal offence(s) under investigation are likely to attract a penalty below the RIPA threshold. Examples of such instances include but are not limited to:
- suspected benefit fraud;
 - children at risk as court orders are not being respected;
 - serious cases of anti-social behaviour; or
 - contractors failing to carry out contracted works.
69. Both RIPA and non-RIPA surveillance will use a systematic process of:
- application;
 - authorisation;
 - conduct of authorisation;
 - review;
 - renewal (where necessary); and
 - cancellation.
70. The following standard forms for RIPA applications will be used and provided via the Coordinating Officer (Auditor). Forms for internal authorisation of non-RIPA covert surveillance are also in place.
- Application for use of directed surveillance
 - Review of use of directed surveillance
 - Renewal form for directed surveillance
 - Cancellation of use of directed surveillance form
 - Application for the use of covert human intelligence sources (CHIS)
 - Reviewing the use of covert human intelligence sources (CHIS)
 - Renewal of authorisation to use covert human intelligence sources (CHIS)
 - Cancellation of covert human intelligence sources (CHIS)

Application

71. Only officers that can reasonably be expected to undertake covert surveillance as part of their job description will plan and apply for the authorisation of such surveillance.
72. At the start of an investigation, the applicant will consider whether the alleged activity proposed for surveillance is a potential criminal offence that meets the RIPA threshold, as defined within this policy.
73. If this threshold is met, the applicant will complete the mandatory RIPA application form (directed surveillance and / or CHIS). If the threshold is not met, then the applicant will complete and submit the Council's non-RIPA application form.
74. Both forms provide for consideration of necessity and proportionality and the likelihood of collateral intrusion and gathering confidential information, and how this can be mitigated. In completing the form(s), the applicant will have regard to the relevant code(s) of practice, the Council's covert surveillance procedure and associated guidance, and be advised by the SRO, Coordinating Officer (Auditor) and / or Legal Services where required.
75. The applicant considers the surveillance to be justified following completion of the forms, then a URN should be obtained from the Coordinating Officer (Auditor) and the form submitted to an appropriate authorising officer as defined by this policy for authorisation.

Authorisation

76. Authorisation is an appropriate safeguard against the abuse of power by public authorities. The appropriate authorising officer will assess the request for authorisation applying the same tests and the applicant, ensuring that a defensible case can be made for the conduct to be authorised.
77. In completing the form(s), the authorising officer will have regard to the relevant code(s) of practice, the Council's covert surveillance procedure and associated guidance, and be advised by the SRO, Coordinating Officer (Auditor) and / or Legal Services where required.
78. Having taken these issues into account, the authorising officer will either approve, part-approve or reject the application, updating the form(s) in writing. The authorising officer cannot add activity that they may wish to see on to the application.
79. The authorising officer will notify the applicant and the Coordinating Officer (Auditor) of the decision reached.
80. Before an authorisation can take effect it must be approved by a Justice of the Peace (a District Judge or Magistrate) in the case of RIPA applications, or the SRO, in the case of non-RIPA applications. The Coordinating Officer will liaise with the applicant, Legal Services and the SRO as required to secure the appropriate approvals.

81. In urgent cases (i.e. a likelihood of endangering life or jeopardising an investigation if authorisation is not immediate), verbal authorisation may be sought and authorisation recorded in writing. An urgent verbal authorisation may last for 72 hours. However, if the surveillance continues and there is opportunity before the expiration of 72 hours, authorisation in writing should be applied for and authorised if appropriate.
82. Written authorisations for directed surveillance last for a fixed duration of three months and CHIS for 12 months (or one month in the case of a juvenile CHIS) from the date of the magistrate's approval. The Council will apply the same duration to non-RIPA authorisations.
83. Written authorisations for non-RIPA applications will be considered by the SIRO as authorising officer.

Conduct of authorisation

84. It will be the responsibility of the applicant and those conducting the authorised surveillance to ensure that it is done appropriately, ensuring:
 - surveillance is carried out in accordance with the authorisation;
 - collateral intrusion is monitored and minimised as far as possible;
 - intrusive surveillance is not carried out under any circumstances; and
 - information obtained is recorded and managed appropriately.
85. Any CHIS (RIPA only) used must be aware that:
 - only the tasks authorised must be carried out;
 - collateral intrusion is minimised as far as possible;
 - intrusive surveillance is not carried out under any circumstances
 - entrapment is not permitted; and
 - they must report only to the applicant.
86. If the authorised activity unexpectedly interferes with the privacy of individuals not covered by the authorisation, if the conduct or health safety of a CHIS becomes a concern, or any other unforeseen event occurs, the applicant must report this to the authorising officer, who will consider whether the authorisation should be amended or cancelled.

Review

87. All authorisations for covert surveillance or use of a CHIS (RIPA only) will be reviewed by the applicant using the appropriate form every 28 days, or sooner if the risk of collateral intrusion or of obtaining private information is high or the circumstances of the investigation require it.
88. The applicant will send the completed form to the relevant authorising officer and the coordinating officer.

Renewal

89. If towards the end of the authorisation period there is a case for continuing the covert surveillance, the applicant will complete the appropriate form and send to the relevant authorising officer for consideration.
90. If the authorising officer agrees that the grounds for authorisation remain in place then the form will be sent to the coordinating officer to arrange consideration by a JP for RIPA applications.
91. If the authorisation lapses during this period then no further surveillance can be undertaken until the JP has approved the renewal for RIPA applications.
92. Subject to approval, directed surveillance can be extended for a further three months and an adult CHIS for a further 12 months, starting on the date of the day the previous authorisation ended.
93. For non-RIPA applications, renewal applications for surveillance will be considered by the SIRO as authorising officer.

Cancellation

94. There is a presumption that covert surveillance or CHIS authorisations (RIPA only) will be cancelled at the earliest opportunity using the appropriate form.
95. Authorisations **must** be cancelled if the authorisation period has not ended and:
 - conditions for authorising the surveillance are no longer satisfied;
 - sufficient information has been gathered to progress litigation; or
 - it is clear that no evidence of the suspected activity will be detected.
96. Authorisations must also be cancelled when the authorisation period has expired and a renewal has not been requested and authorised.
97. The applicant will send the completed form to the relevant authorising officer and the coordinating officer.

Errors

98. All errors in documentation must be reported immediately by the authorising officer to the SRO for consideration and appropriate action.

Covert Human Intelligence Sources (CHIS)

99. The Council will use CHIS to acquire information covertly where it is lawful and appropriate to do so. The crime threshold does not apply to the authorisation of a CHIS.
100. Individuals contacting the Council to provide unsolicited information on a one-off basis will not be considered CHIS.
101. Similarly, those individuals undertaking test purchases on behalf of the Council will be trained to ensure that they do not form a relationship other than that of customer / retailer, and these individuals will also not be considered CHIS.

102. If however that individual proceeds to pass on more information and this includes forming a relationship with other parties to facilitate this, then a CHIS application will be made. Officers must be conscious of the prospect of individuals drifting into the status of CHIS in their desire to assist the Council and take appropriate actions to advise and safeguard such individuals where necessary.
103. The Council will not authorise the use of a juvenile as a CHIS against their parents or carers. The Council will not authorise the use of a juvenile or a vulnerable adult as a CHIS without undertaking a specific risk assessment. Authorisation of such an individual as a CHIS can only be approved by the Head of Paid Service. Forms set out at appendices 7 to 10 of this policy set out the detail required for the approval, review and cancellation of CHIS surveillance requests.

Other third parties

104. Where the Council has instructed another agency to act on its behalf under RIPA, this policy and its associated procedures and forms will apply. Applicants will ensure that third parties are aware of exactly what they are authorised to do.
105. Two or more public authorities can undertake a joint directed surveillance investigation or use of a CHIS. In such circumstances it must be clear which authority will lead the investigation and so authorise the surveillance.
106. Requests from third parties to use the Council's equipment, facilities and / or buildings under RIPA authorisations must be made in writing (including a copy of the authorisation, redacted where appropriate) to the SRO, or in the case of CCTV, the SPoC.

Telecommunications data

107. The Council can apply for individual's telecommunications data in support of investigations where appropriate. Applications can be made for entity and event data. The crime threshold applies only to event data.
108. Applicants for telecommunications data must complete the appropriate forms, which will be provided by the Designated Person. Applications will be routed through the IPA SPOC, NAFN, which will check for legal compliance and submit applications to the OCDA once approved by the Council's Designated Person.
109. Any application returned by the OCDA for re-work must be completed within 14 days or a new request must be submitted. Any application rejected by the OCDA can be appealed within seven days, via the Designated Person.

Online surveillance

110. Websites and social media are another source of intelligence for investigations.
111. In general terms, overt monitoring of online material, where the subject has been informed that this is taking place, or the preliminary reconnaissance by Council officers of websites or the social media sites of individuals to ascertain whether they may be of interest, and that do not involve any personal interaction, will be unlikely to

require authorisation as they are unlikely to interfere with an individual's reasonably held expectation of privacy.

112. In all other circumstances (e.g. repeated visits to sites to gather information, or establishing a relationship with a viewing to purchasing items either directly or through a CHIS) will likely require authorisation as set out in this policy.
113. Officers will not use covert profiles online. If an investigation requires covert profiles then this should be undertaken by the police or specialists in regional or national trading standards teams.
114. The Council will set out in its privacy notices where it may gather information from online sources as part of its investigations, including the lawful condition relied upon.
115. In undertaking online surveillance, officers will have regard to the relevant code(s) of practice, the Council's covert surveillance procedure and associated guidance, and be advised by the SRO, Coordinating Officer (Auditor) and / or Legal Services where required.

Surveillance of employees

116. All employees are entitled to a comfortable working environment that provides an appropriate degree of privacy, consistent with data protection legislation. However, the monitoring of employees is necessary under certain circumstances in order to safeguard employees, customers and the Council as an employer.
117. The Council will be clear with employees and Trade Unions when, under what circumstances and to what extent, monitoring and surveillance – both overt and covert – will be used in the workplace.
118. All monitoring and surveillance of employees will be proportionate and in line with the guidance issued by the Information Commissioner to ensure employees' personal data is respected and properly protected under the data protection legislation. In order to lawfully monitor employees, the Council must identify its lawful basis for doing so and identify a special category processing condition if sensitive data is likely to be captured. The Information Commissioner's Office provides an interactive tool to support applicants to understand the lawful basis for planned monitoring.¹
119. Employees will be routinely captured on CCTV during the course of their work. Some employees have been given access to devices which offer the option of using biometric data to secure the device. Where an employee has opted into that device, any data gathered will be held on the device and only used for that purpose.
120. The Council will also collate and retain records of employee communications data, including but not limited to, door entry, vehicle, safety tracking devices, ICT device, network, system and internet access and usage, instant messaging, telephone calls and printing logs, in line with its retention schedule.

¹ <https://ico.org.uk/for-organisations/gdpr-resources/lawful-basis-interactive-guidance-tool/>

121. Employees will be clearly advised as to what represents appropriate and fair private usage of the systems set out above. In some cases the Council will not permit the private use of such systems at all.
122. The content of phone calls and online meetings involving employees will only be recorded where there is prior notification to the caller e.g. into the Council's contact centre.
123. The Council will use GPS trackers on all of its fleet vehicles and also provide them to certain individuals in line with their job roles or working arrangements e.g. neighbourhood wardens, lone workers. Alertcom users.
124. The Council will not track any individual through their work-provided mobile phone or other devices unless there is considered to be a threat to the individual's or other relevant person's health and safety.
125. The Council will undertake drug and alcohol testing for employees where there is reasonable cause and post-incident (e.g. after a road traffic accident).
126. CCTV footage of employees may be used to investigate a crime or incident of anti-social behaviour, or to investigate a security or health and safety incident.
127. Employee communications will be legitimately accessed and utilised in the investigation of management investigations, complaints and in response to statutory information requests from members of the public.
128. Routine monitoring of systems access will be undertaken to ensure that employee access to customer personal data is lawful and appropriate.
129. Outside of the above, access to internal CCTV footage and employee communications data and the covert surveillance of employees through these means will only be permitted where it complies with Human Rights and associated legislation, specifically during an investigation of an allegation of a serious disciplinary offence and will be authorised by the HR Manager as part of the Council's disciplinary procedure.
130. Employee information will only be accessed by those with a business need to know. Any personal information collected in the course of monitoring or surveillance that is not in line with the purposes described above will not be accessed, unless it is required or permitted by law. A form is in place that sets out the detail required for the authorisation, review and cancellation of employee covert surveillance which should only be used in exceptional circumstances and in line with guidance from the ICO.

Non-RIPA surveillance of the public and third parties

131. Paragraph 68 of this policy sets out that in exceptional circumstances the Council will carry out covert surveillance to progress investigations outside of the RIPA framework, where (i) while significant, the matters under investigation may not typically result in criminal proceedings, or (ii) the potential criminal offence(s) under investigation are likely to attract a penalty below the RIPA threshold. The form for this

process must be completed and submitted to the SRO for approval before non-RIPA covert surveillance of third parties or the public is conducted.

132. Surveillance under this policy section must be conducted with a view to minimising data collected and minimising the length of time surveillance is conducted for. A maximum of 30 days can be approved at any one time.

Equipment

133. All equipment used by the Council will be fit-for-purpose, inspected and maintained to schedule and produce video and audio footage and images to the appropriate evidential standard.
134. Where CCTV cameras are used covertly as part of an operation to observe a targeted individual or group, the appropriate authorisation must be applied for.
135. Equipment for the purposes of covert surveillance will only be installed when the required authorisations and approvals have been obtained by the case worker, as set out in this policy.
136. Covert surveillance equipment will only be installed in residential premises if prior written permission has been obtained from the householder.
137. Equipment and surveillance logs will be allocated from a central record of equipment, and an appropriate audit trail maintained. Upon cancellation all equipment in use must be removed immediately or else as soon as practicable, since further recordings will amount to unauthorised surveillance.

Evidence handling and records management

138. Evidence gathered during the course of overt and covert surveillance will include electronic and paper files and records, video and audio recordings, photographs and negatives.
139. Material gathered as part of surveillance activities will not be used for any purpose other than that authorised. Where surveillance gathers information that may be relevant to other criminality, the Council may disclose this to appropriate law enforcement agencies, in line with data protection legislation.
140. The Council's privacy notices will set out what personal information services may gather from surveillance activities.
141. Evidence gathered during surveillance will be handled, stored and disseminated safely and securely in line supporting procedures and the Council's retention schedule:
- CCTV images will be retained for 28 days;
 - covert surveillance records will be retained for seven years;
 - additional records will be retained for CHIS; and
 - any material that may be relevant to pending or future litigation will be retained until such litigation is concluded, and thereafter subject to periodic review.

142. Where material is obtained unrelated to the investigation and there is no reason to suspect that it will be relevant to any future litigation, it will be destroyed at the earliest opportunity.
143. The Coordinating Officer (Auditor) will maintain a detailed central record of applications, authorisations, orders, reviews, renewals and cancellations, together with supporting documentation. This will be held in the Council's EDRMS in order to facilitate effective records management across the lifecycle.

Supporting policies, procedures and standards

144. The following supporting procedures and guidance will be made available in support of this policy:
- CCTV Code of Practice
 - CCTV Code Assessment Pack
 - Covert surveillance procedure
 - Fleet vehicle tracking procedure
 - Drug and alcohol testing procedure.
145. Each procedure will be subject to impact assessment, including data protection impact assessment, and privacy notices will be updated accordingly.

Monitoring and review arrangements

146. This policy will be reviewed on an annual basis, considered by the appropriate Scrutiny Panel(s) and approved by the Executive. The policy and, where appropriate supporting procedures, will be made available on the Council's Open Data site.
147. Ongoing monitoring will be undertaken by the SPoC (overt surveillance) and the Coordinating Officer (Auditor) (covert surveillance) to ensure organisational compliance with this policy on a live basis. Any issue arising will be reported to the SRO and the Council's Risk Management Group and Corporate Governance Board will be updated as appropriate.
148. The Corporate Affairs and Audit Committee is responsible for oversight of the Council's corporate governance processes. To ensure appropriate oversight of surveillance is maintained, an overview of applications, compliance and trends will be provided to the Committee within an annual report from the SRO.
149. Data relating to the Council's overt and covert surveillance activity (redacted as appropriate) will be published annually on the Council's Open Data site.
150. Statistical returns for CCTV will be submitted to the Surveillance Camera Commissioner by the SRO upon request. The SRO will comply with requests from the Surveillance Camera Commissioner in relation to the organisation of inspections of the Council.
151. Statistical returns for directed surveillance and communications acquired using RIPA will be submitted to the IPCO by the SRO upon request. The SRO will comply with requests from the IPCO in relation to the organisation of inspections of the Council.

Complaints

152. Complaints relating to any surveillance matters must be made in writing and addressed to:

Senior Responsible Officer (Surveillance)
Middlesbrough Council
PO Box 500
Middlesbrough
TS1 9FT

153. Complaints will be investigated in line with the Council's complaints policy and where appropriate the Council's data protection policies. All alleged breaches of privacy will be investigated and appropriate action taken.

154. If the complainant remains dissatisfied following the SRO's response they will if appropriate be advised to write to the Local Government and Adult Social Care Ombudsman and / or the Information Commissioner's Office as appropriate.

155. If the complaint relates to covert surveillance, complainants will also have recourse to:

The Investigatory Powers Tribunal
PO Box 33220
London SW1H 9ZQ
Tel. 0207 035 3711

156. Costs incurred by the Council as a result of cases progressed to The Investigatory Powers Tribunal or the courts, will be met by the relevant Directorate.

Appendix 1: Definitions

Surveillance

Monitoring, observing or listening to persons, their movements, conversations or other activities and communications. Surveillance may be conducted with or without the assistance of a surveillance device and includes the recording of any information monitored, observed or listened to during the course of surveillance.

Overt surveillance

Surveillance that is intentionally and visibly undertaken. General observations made by officers in the course of their duties constitutes overt surveillance. Surveillance by visible cameras e.g. CCTV, body worn cameras and automatic number plate recognition cameras is also overt surveillance and must be appropriately signed.

Covert surveillance

Surveillance is covert if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place. There are three types of covert surveillance: directed surveillance, covert human intelligence sources, and intrusive surveillance.

Directed surveillance

Surveillance is directed if it is covert, but not intrusive, and is undertaken for the purposes of a specific investigation or operation and in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation).

Surveillance will not be directed, and therefore will not require authorisation, if it is done by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for carrying out the surveillance.

Covert Human Intelligence Source (CHIS)

A person who establishes or maintains a personal or other relationship with a person and:

- covertly uses such a relationship to obtain information or provide access to any information to another person, or
- covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

Intrusive surveillance

Surveillance is intrusive if it is covert surveillance that (a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; and (b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

Local authorities are not permitted to carry out intrusive surveillance in any circumstances.

Private information

Information capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationship. Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public.

Collateral intrusion

The risk of intrusion into the privacy of persons other than the target of covert surveillance.

Confidential information

Consists of matters subject to legal privilege, confidential journalistic material, constituent information and confidential personal information which is held in confidence about the physical or mental health or spiritual counselling of a person (whether living or dead) who can be identified from it.

Residential premises

Any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation. This includes hotel rooms or rented flats but not communal areas, front gardens, hotel reception areas or dining rooms or driveways readily visible to the public.

Private vehicles

Any vehicle which is used primarily for the private purposes of the person who owns it or a person otherwise having the right to use it. This includes leased and company cars.

Communications data

Information about communications: the 'who', 'where' 'when', 'how', and 'with whom' of a communication but not what was written or said (i.e. not content). Generally, it is data that may be acquired from a Telecommunication Operator (TO) as per below.

Entity data (as per the Communications Data Code of Practice 2018)

Data regarding the use of service(s) by customers, including:

- subscriber checks' such as "who is the subscriber of phone number 01234 567 890?", "who is the account holder of e-mail account example@example.co.uk?" or "who is entitled to post to web space www.example.co.uk?";
- subscribers' or account holders' account information, including names and addresses for installation, and billing including payment method(s), details of payments;
- information about the connection, disconnection and reconnection of services to which the subscriber or account holder is allocated or has subscribed (or may have subscribed) including conference calling, call messaging, call waiting and call barring telecommunications services;

- information about apparatus or devices used by, or made available to, the subscriber or account holder, including the manufacturer, model, serial numbers and apparatus codes; and
- information about selection of preferential numbers or discount calls.

Event data

Identifies or describes events in relation to a telecommunication system which consist of one or more entities engaging in an activity at a specific point, or points, in time, including:

- information tracing the origin or destination of a communication that is, or has been, in transmission (including incoming call records);
- information identifying the location of apparatus when a communication is, has been or may be made or received (such as the location of a mobile phone);
- information identifying the sender or recipient (including copy recipients) of a communication from data comprised in or attached to the communication;
- routing information identifying apparatus through which a communication is or has been transmitted (for example, file transfer logs and e-mail headers – to the extent that content of a communication, such as the subject line of an e-mail, is not disclosed);
- itemised telephone call records (numbers called);
- itemised internet connection records;
- itemised timing and duration of service usage (calls and/or connections);
- information about amounts of data downloaded and/or uploaded;
- information about the use made of services which the user is allocated or has subscribed to (or may have subscribed to) including conference calling, call messaging, call waiting and call barring telecommunications services.

Local authorities are prohibited from acquiring internet connection records for any purpose.

National Anti-Fraud Network (NAFN)

A not-for-profit public sector organisation providing a range of data and intelligence services that are subscribed to by over 90% of local authorities. NAFN acts as the Council's Single Point of Contact for the acquisition of external communications data, liaising with the Office for Communications Data Authorisations on the Council's behalf.

Office for Communications Data Authorisations (OCDA)

Created under the IPA, the Office for Communications Data Authorisations considers requests for communications data from law enforcement and public authorities.

Surveillance Camera Commissioner

The role of Surveillance Camera Commissioner (Professor Fraser Sampson) was created under POFA to encourage compliance with the surveillance camera code of practice, review how the code is working, and provide advice to ministers on whether or not the code needs amending.

Investigatory Powers Commissioner's Office (IPCO)

Overseen by the Investigatory Powers Commissioner (Sir Brian Leveson), the IPCO was created under the IPA to provide independent oversight and authorisation of the use of investigatory powers by intelligence agencies, police forces and other public authorities.

Appendix 2: Key officers

Senior Responsible Officer (SRO)

Ann-Marie Johnstone, Interim Head of Strategy, Information and Governance
Deputy: Leanne Hamer, Interim Governance and Information Manager

CCTV Single Point of Contact (SPoC)

Dale Metcalfe, Operational Community Safety Manager

Coordinating Officer (Auditor)

Leanne Hamer, Interim Governance and Information Manager
Deputy: Michael Brearley, Data Protection Officer (for compliance audit purposes only)

Authorising Officers

Richard Horniman, Director of Regeneration and Culture
Judith Hedgley, Head of Public Protection
Paul Clarke, Head of Planning

Authorising officers deputise for one another.

Authorising Officer for Juvenile / Vulnerable Adult CHIS, or where confidential information or matters subject to legal privilege are likely to be acquired through either directed surveillance or by a CHIS

Tony Parkinson, Chief Executive

Designated person

Judith Hedgley, Head of Public Protection
Deputy: Ann-Marie Johnstone, Interim Head of Strategy, Information and Governance

Appendix 2: Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Surveillance Policy 2022/23			
Coverage:	Overarching / crosscutting			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Page 59 Description:	<p>Key aims, objectives and activities The proposed policy provides a framework for the undertaking surveillance activities across the Council in compliance with all applicable laws by.</p> <p>Statutory drivers Human Rights Act 1998, Regulation of Investigatory Powers Act 2000, UK General Data Protection Regulation, Data Protection Act 2018, Protection of Freedoms Act 2012, Investigatory Powers Act 2016</p> <p>Differences from any previous approach This policy supersedes and subsumes the Council's existing RIPA Policy, setting out the Council's policy in relation to CCTV, non-RIPA surveillance and employee surveillance, amongst other matters.</p> <p>Key stakeholders and intended beneficiaries (internal and external as appropriate) Elected members, employees of the Council, local communities and businesses, partners, regulators.</p> <p>Intended outcomes To ensure that the Council's approach to surveillance clearly articulated and communicated to all stakeholders, and that the Council continues to comply with its legal duties.</p>			
Live date:	December 2022.			
Lifespan:	December 2022- December 2023			
Date of next review:	Reviewed on an annual basis.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
Human Rights Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?	☒	☐	☐	No. The policy is specifically designed to ensure that human rights as identified in national legislation is not contravened when undertaking surveillance activities. Evidence used to inform this assessment includes analysis of legislation, statutory and draft statutory guidance and feedback from the IPCO inspection regime.
Equality Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?	☒	☐	☐	No. The policy will ensure a systematic and evidence-based approach to surveillance undertaken in communities and in the workplace. As a result there are no concerns that the actions could have a disproportionate adverse impact on groups or individuals with characteristics protected in national legislation. Evidence used to inform this assessment includes analysis of legislation, statutory and draft statutory guidance and feedback from the IPCO inspection regime.
Community cohesion Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?	☒	☐	☐	No. The policy will ensure a systematic and evidence-based approach to surveillance undertaken in communities and in the workplace. Specific account will be taken in appropriate assessments of community sensitivities. As a result there are no concerns that the proposed plan could have an adverse impact on community cohesion. Evidence used to inform this assessment includes analysis of legislation, statutory and draft statutory guidance and feedback from the IPCO inspection regime.
Assessment completed by:	Shagufta Hussain, Policy Business Partner			
Date:	24/10/2022			
Head of Service:	Ann-Marie Johnstone, Interim Head of Strategy, Information and Governance			
Date:	25/10/2020			

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MIDDLESBROUGH COUNCIL	
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Report of:	<i>Director of Finance</i>
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Submitted to:	Executive Member for Finance and Governance
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Date:	14 December 2022
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Title:	Corporate Food Poverty Policy
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Report for:	Decision
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Status:	Public
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Strategic priority:	Vulnerability
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Key decision:	Yes
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Why:	Decision(s) will have a significant impact in two or more wards
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Urgent:	No
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Why:	N/A
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Executive summary
<p>The Executive Member for Finance & Governance is asked to approve the following:</p> <ul style="list-style-type: none"> • Adoption of the Corporate Food Poverty Policy.

Purpose

1. This report seeks approval for adoption of the Corporate Food Poverty Policy. The purpose of this new policy is to provide clear guidance for all Council Officers on addressing the causes and effects of poverty whilst enhancing signposting of vulnerable residents and customers to the most appropriate existing free and discounted food provision throughout the borough. It forms a road map to help someone who is in food poverty to address their immediate situation and support them to become self-sufficient, food-secure and not reliant on temporary aid.

Background and relevant information

2. Middlesbrough's existing high levels of multiple deprivation factors have been exacerbated first by the impact of Covid-19 and more recently by the energy and cost of living crises, resulting in growing numbers of residents presenting to the council and its partners in food poverty as a result of complex, diverse and manifold financial support needs.
3. In recognition of this impact on the town, the council's refreshed Strategic Plan 2021-2024 outlined a Priority to "address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable."
4. To support this Priority and address these local financial support needs, on 12 July 2022 Executive approved the council's Welfare Strategy. The overarching Strategy combines within a holistic single-touch approach a wide collective of support policies to help Middlesbrough's most vulnerable residents, incorporating debt management solutions, crisis support, Council Tax Reduction, benefits maximisation and hardship relief, facilitated by the Resident and Business Support Service.
5. This Corporate Food Poverty Policy forms the final segment of that Strategy, and links very closely to the Crisis and Vulnerability Policies in tackling food poverty in the borough.

Corporate Food Poverty Policy

6. The Council's food poverty policy has the following objectives:
 - To help the council achieve its Strategic Plan 2021-2024 Priority to "address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable."
 - To provide a structured approach to ensuring a professional, consistent and timely response to the identification and resolution of food poverty across all of the Council's functions.
 - To fortify local food, financial and welfare support partnership links.
 - To improve long-term food security for the residents of Middlesbrough in order to reduce dependency on temporary food aid.

7. The outcomes expected from this policy are:

- Promotion of understanding of the drivers of food poverty;
- Ensuring employees and partners are confident in identifying a food need;
- Creation and maintenance of clear signposting routes for residents experiencing food insecurity towards available immediate food aid within the borough;
- Addressing the underlying poverty cause by providing clear navigation for residents who access any of the Council's services presenting with an underlying food poverty situation, to be able to access existing council support mechanisms including the Welfare Strategy and associated financial assistance, advice and support;
- Development of a multi-agency Food Poverty Action Plan (FPAP) to build long-term food security for Middlesbrough.

What decision(s) are being recommended?

8. That the Executive Member for Finance and Governance approves the adoption of the Corporate Food Poverty Policy

Rationale for the recommended decision(s)

9. The Corporate Food Poverty Policy outlines the council's long-term role and approach in addressing the underlying poverty element of food need and insecurity (through the provision of financial assistance, advice and signposting support), in order to support individuals in freeing up disposable income to enable families to feed themselves and to therefore break the cycle of dependency on temporary and emergency food and crisis aid.

10. The Policy clearly sets out how the Council will identify and holistically support residents who are in temporary and long-term food poverty, utilising the established Welfare solution. It provides structured guidance to employees about the council support services available to residents who access any food provision portals that can help with the root cause of the underlying poverty. It also covers how the council will improve signposting about the specific types of direct food support available locally.

11. Adoption of the Policy will ensure a clear, consistent and individual-centred approach when responding to residents who present themselves in food poverty, and will help the council to achieve its Strategic Plan 2021-2024 Priority to "address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable."

Other potential decision(s) and why these have not been recommended

12. N/A.

Impact(s) of the recommended decision(s)

Legal

13. There are no legal implications regarding this report. There is no legal requirement to have a Corporate Food Poverty Policy, however the rationale for this is outlined above.

Strategic priorities and risks

14. The proposed scheme will contribute as follows to the Council's strategic plan:

People	Place	Business
Address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable	N/A	N/A

15. This Policy will have a positive mitigating impact on the following risks:

- **08-059 Incorrect assumptions in the MTFP** – by helping those who are vulnerable, the strategy will aim to support residents to be able to access additional financial support (where appropriate), which is intended to free up disposable income so that residents can meet their Council Tax obligations;
- **08-075 Reduction in Council Tax Collection** – as above.

Human Rights, Equality and Data Protection

16. An impact assessment has been completed and is attached within the supporting documents. It found that there were no concerns that the policy could have a disproportionate impact on individuals or groups because they hold one or more protected characteristics.

17. The Corporate Food Poverty Policy should be applied in conjunction with any equality and diversity policies.

Financial

18. There are no financial implications regarding this report. The proposed Policy has been designed to utilise the council's adopted Welfare Strategy to support the town's most vulnerable residents experiencing food poverty.



Actions to be taken to implement the recommended decision(s)

Action	Responsible Officer	Deadline
Adoption of Corporate Food Poverty Policy	Janette Savage	Immediately following approval.
Initiate development of the multi-agency Food Poverty Action Plan (FPAP)	Janette Savage	31 March 2023.

Appendices

19. Appendix 1 – Corporate Food Poverty Policy

Background papers

Body	Report title	Date
Middlesbrough Council	Impact Assessment – Level 1.	 Impact Assessment - Corporate Food Pc
Middlesbrough Council	Welfare Strategy	12 July 2022  Welfare Strategy Executive Report 12.

Contact: Janette Savage - Head of Resident & Business Support.

Email: Janette_savage@middlesbrough.gov.uk

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Corporate Food Poverty Policy

Live from: 15 December 2022

Live until: 15 December 2025



Title	Corporate Food Poverty Policy		
Creator	Author(s)	Nicola Mearns, Strategic Business Manager, Resident and Business Support	
	Approved by	Janette Savage, Head of Resident and Business Support	
	Department	Resident and Business Support	
	Service area	Finance Governance and Support	
	Head of Service	Janette Savage, Head of Resident and Business Support	
	Director	Helen Seechurn, Director of Finance	
Date	Created	5 December 2022	
	Submitted	14 December 2022	
	Approved		
	Updating Frequency	3 years	
Status	Version: 0.6		
Contributor(s)	Head of Resident & Business Support, Head of Stronger Communities, Interim Head of Strategy, Information and Governance, Head of Marketing and Communication, Strategic Business Manager – Benefits, Financial Inclusion Group Partnership		
Subject	Food Poverty		
Type	Policy		
	Vital Record		EIR
Coverage	Middlesbrough Council		
Language	English		
Document Control			
Version	Date	Revision History	Reviser
0.1	25.11.21	First draft	M Symmonds
0.2	20.01.22	Update	M. Symmonds
0.3	11.04.22	Update	J. Savage / M. Symmonds
0.4	25.11.22	Update in line with Cost of Living Report	J Savage / N Mearns
0.5	29.11.22	Fifth draft	J Savage / N Mearns / S Blakey / M Barker
0.6	05.12.22	Sixth draft	M Barker / A.Glover / A-M Johnstone
Contact:	Nicola_Mearns@middlesbrough.gov.uk		



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Summary

This policy forms the final segment of the Council's Welfare Strategy approved by Executive on 12 July 2022 which covers the Council's overall approach to the Welfare of Middlesbrough residents, and links very closely to the Crisis and Vulnerability Policies in tackling food poverty in the borough.

It sets out how the Council will identify and holistically support residents who are in temporary and long-term food poverty. It provides guidance to employees about the council support services available to residents who access any food provision portals that can help with the root cause of the underlying poverty. It also covers how the council will improve signposting about the specific types of direct food support available locally.

Context

There are many drivers of food poverty, but at its heart is low income and economic insecurity which limit people's ability to have an adequate and nutritious diet. Rising food prices and increases in the broader cost of living have compounded this situation. Inflation has risen steeply in 2022 due to the impact of the COVID-19 crisis, global supply issues, significant rises in gas and oil prices, and the war in Ukraine. UK inflation was 11.1% in October 2022. Inflation is forecast to continue to rise over this year, with the poorest households hardest hit, as essential goods and services are likely to be most severely affected.

A survey by the Financial Conduct Authority, 'Financial lives latest 2022 survey' has identified that in May 2022 12.9 million (24%) UK adults had low financial resilience, compared to 10.7 million in 2020. It also identified that adults living in the most deprived areas of the UK are nearly seven times more likely to be in financial difficulty than those living in the least deprived areas.

Indices of Multiple Deprivation 2019 data ranked Middlesbrough as the most deprived local authority for income deprivation and third most for employment deprivation. Overall Middlesbrough is ranked as the 5th most deprived local authority. As Middlesbrough has the highest proportion of neighbourhoods (almost half at 49%) that are in the top 10% of most deprived nationally¹, it is particularly exposed to this crisis.

Household food poverty or food insecurity embodies a huge number of interlinked complex issues around: Affordability - can everyone afford to budget for and purchase healthy food, and the equipment by which to cook and store it; Access - can everyone in the population obtain food; Availability - are there sufficient foods available within local communities; Nutrition and quality – do people consume the

¹ 2019 Indices of Multiple Deprivation (IMD), published by the Ministry of Housing, Communities and Local Government

right types of food in the right quantities; Sustainability – is there a reliable continuous access to food; and Education and skills – do residents have the required nutrition knowledge, cooking and preparation skills.

Purpose

The purpose of this new policy is to provide clear guidance for all Council Officers on addressing the causes and effects of poverty whilst enhancing signposting of vulnerable residents and customers to the most appropriate existing free and discounted food provision throughout the borough. It forms a road map to help someone who is in food poverty to address their immediate situation and support them to become self-sufficient, food-secure and not reliant on temporary aid.

Objectives

The Council's food poverty policy has the following objectives:

1. To help the council achieve its Strategic Plan 2021-2024 Priority to “address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable.”
2. To provide a structured approach to ensuring a professional, consistent and timely response to the identification and resolution of food poverty across all of the Council's functions.
3. To fortify local partnership links including Middlesbrough Environment City's Food Action Plan, Financial Inclusion Group and the Middlesbrough Food Partnership;
4. To improve long-term food security for the residents of Middlesbrough to reduce dependency on temporary food aid.

Outcomes

The outcomes expected from this policy are:

1. Promotion of **understanding of the drivers of food poverty**;
2. Ensuring employees and partners are confident in **identifying a food need**;
3. Creation and maintenance of clear signposting routes for residents experiencing food insecurity towards available **immediate food aid** within the borough;
4. **Addressing the underlying poverty cause** by providing clear navigation for residents who access any of the Council's services presenting with an underlying food poverty situation, to be able to access existing council support mechanisms including the Welfare Strategy and associated financial assistance, advice and support;
5. Development of a multi-agency **Food Poverty Action Plan (FPAA)** to build long-term food security for Middlesbrough.

Definitions

<p>“Food Poverty”</p>	<p>The Department of Health defines food poverty as “The inability to afford, or to have access to food to make up a healthy diet”. It is not just about hunger, but also about being appropriately nourished to attain and maintain health.</p>
<p>“Food security”</p>	<p>Food Security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. (UN Food and Agricultural organisation.</p>
<p>“Vulnerability”</p>	<p>Vulnerability can be permanent, transient or progressive. A vulnerable person is someone who, due to their personal circumstances is especially susceptible to detriment and who by characteristics and/or circumstances, is unable to act or respond appropriately to certain circumstances. This can also be any individual who is, or may be, in need of help or support due to mental health difficulties , disability, age, illness or frailty and who are, or may be, unable to look after their home and/or their wellbeing or unable to protect themselves from harm or exploitation by others.</p> <p>Middlesbrough Council recognises that vulnerability can come in many forms with no absolute definition and it can be multi layered. The council’s Vulnerability Policy dictates therefore that each case should be considered individually and with discretion, giving weight to the understanding that any residents//customers may at some point need some element of care and support in meeting payment obligations.</p> <p>Vulnerability Policy - June 2020</p>

Scope

This policy applies to all employees (both permanent and temporary), contractors and consultants of the Council who are given the authority to deliver supporting services to the residents of Middlesbrough, award discretionary payments and grants, or manage and collect debt and income which is owed to the Council.



Legislative and regulatory framework

Key elements of the legislative and regulatory framework for addressing food poverty are set out below.

National Food Strategy	Recommendations to make sure a generation of children do not get left behind and focusses upon food for disadvantaged children.
Data Protection Act 2018	Controls the lawful passing of personal data from one part of the Council to another.
Equality Act 2010.	Is an amalgamation of previous anti-discrimination laws. It is a law which protects from discrimination of unfair treatment on the basis of certain personal characteristics such as age
General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA2018)	The GDPR/DPA2018 place a duty on the Council to comply with the data protection principles relating to processing of personal data: (1)(a) Lawfulness, fairness and transparency; (1)(b) Purpose limitation; (1)(c) Data minimisation; (1)(d) Accuracy; (1)(e) Storage limitation; (1)(f) Integrity and confidentiality (security); (2) Accountability (including the rights of data subjects).
Freedom of Information Act (FOIA) 2000	Under the FOIA, the Council has a duty to make information available to the public upon request, unless specific exemption(s) apply. It is also obliged to proactively and routinely publish information that has been frequently requested in the past in its Publication Scheme. Information requests frequently include requests for information held in emails.
Local Government Acts 1972, 1985, 1988 and 1992, Lord Chancellor's Code of Practice on Records Management (S46 Freedom of Information Act)	Establishes requirements to manage records and information, and gives implied authority to share certain kinds of information with partners.
Safeguarding Vulnerable Groups Act 2006	An Act to make provision in connection with the protection of children and vulnerable adults.

Roles and Responsibilities

Council roles

The council's overarching role in this Policy is to identify and address the underlying poverty causes of food insecurity. Specific allocated roles include:

Head of Service – Resident and Business Support	Overall responsibility for the delivery of the all Residents and Business Revenues and Benefits Service and the Policy Owner.
Other Heads of Service	Where appropriate to their role, Heads of Service have responsibility for the provision of local resident support in relation to services they manage.
Strategic Business Managers – Resident and Business Support	Responsible for the maintenance, review and monitoring of this policy. Managing the external partnership links with local agencies through the Financial Inclusion Group. Managing the provision of financial assistance, advice and support. Managing collection and advice for debt owed to the council.
Records Manager	Responsible for the development and implementation of the corporate Records Management Policy and Retention Schedule, and for this email policy, which underpins them. Will liaise with the Data Protection Officer.
Service Delivery Manager / Strategic Business Managers / Support Services Manager.	Where appropriate, responsibility for overseeing day-to-day compliance with this policy and the standards set out within it by their staff and other personnel they manage or commission.
All staff, contractors, consultants, interns and any other interim or third parties	Responsible for compliance with this policy.
Data Protection Officer	Responsible for provision of advice and guidance to the Council on its obligations in relation to data protection.

Partner roles

This policy outline's the scope of the council's contribution and approach, however it is acknowledged that the council is supported in the work to tackle food insecurity by many local partner agencies who provide associated support services including offering free and discounted food sources, advice and financial support.



Supporting policies, procedures and standards

The following policies, procedures and standards all holistically support this Corporate Food Poverty Policy:

Welfare Support Policy	This provides a framework for a joined up approach to a holistic welfare advice and support service for all relevant residents.
<u>Vulnerability Policy</u>	Intended for use by Middlesbrough Council employees when engaging with residents/customers where payment of a collectable debt is being considered.
<u>Corporate Debt Management Policy - 2021 Middlesbrough Council</u>	This provides a framework for the consistent management of all debt and income across the Council
<u>Stop The Knock Report</u>	A solution designed as a 'helping hand' to support customers who are experiencing difficulties in meeting payment obligations.
Data Protection Policy	This summarises the Data Protection Policy position of Middlesbrough Council and how it will comply with legislation, and associated codes of practice and official guidance in relation to the processing of personal data.
Cost of Living Communication and Engagement Plan	The Council and its partners offer a wide range of support and advice for people contending with the increasing cost of living. This engagement plan ensures those most in need know what help they can access.
Section 13a Discretionary Hardship Policy	Section 13a policy provides the Council with the power to make discretionary payments to Council Tax payers where hardship can be demonstrated and funds remain available.
Community Support Scheme Policy	This specifies how the Council will operate the Community Support Scheme (CSS) and to indicate the factors that will be considered when deciding if a CSS payment can be awarded.
<u>Corporate Crisis Policy 2022 Middlesbrough Council</u>	This sets out how the Council will support residents who are in a crisis situation, and gives guidance to staff about the specific types of support which are considered suitable and fund limits which can be offered

Delivering the policy

OUTCOME 1 - Understanding the many drivers of food poverty

It is vital to understand that for food poverty there are many drivers, the underlying causes are often quite complex, and that the contributing factors can be multiple for individuals and families. Some can be sudden and unexpected for individuals and families who have previously been food-secure, and some can be prolonged and persistent. The drivers can include:

- Low / insufficient income;
- Unemployment / sudden loss of a job;
- Under-claiming of eligible benefits entitlement;
- A sudden illness or long-term illness;
- An unexpected bill;
- The death of a parent or partner;
- Poor budgeting and money management skills;
- Significant indebtedness;
- Loss of a home or home transience;
- A sudden family crisis;
- Unpaid carer situations;
- Delays in payment of benefits, or loss of certain benefits;
- Substance abuse or alcoholism;
- Young and inexperienced adults with little or no support in place;
- Poor mental health;
- Temporary or insecure employment / zero- hour contracts;
- Learning disabilities;
- Domestic abuse;
- Unplanned pregnancy or unexpected family growth due to sudden familial fostering.

The above list is illustrative and not exhaustive.

OUTCOME 2 - Identifying the need for food

The Council is in a unique position in that it contains a huge variety of teams which engage with residents on different fronts, either through the offering of direct council outbound services, through links with our public partners (e.g. schools and health services) or as a result of direct inbound contact from members of the public, many of whom may present with an overt or underlying food poverty need. It is important to understand that food poverty is not just about hunger, but also about being appropriately nourished to attain and maintain health. It is also important to recognise the differences between acute immediate hunger and chronic food insecurity.

The following are some of the trigger comments or situations that should alert council employees to a potential food poverty situation:

- Requests for foodbank referral;
- Sustained use of Eco-shops or food kitchens;
- Crisis requests for emergency assistance;
- Reliance on cheap low-quality or out of date food lacking nutrition;
- Evidence of skipping meals either individually or as a means to ensure dependants are fed;
- Children presenting at school or council services/activities hungry;
- Child 'holiday hunger' outside of term-time school meal provision;
- Limited cooking skills and nutrition knowledge;
- Lack of adequate cooking and food storage equipment in the home;
- Scavenging for discarded food / foraging for wild food;
- Stealing food;
- Children or adults unable to engage or concentrate on activities due to lack of sufficient energy;
- Presentation or exacerbation of related illnesses as a result of insufficient / insecure food access and poor diet eg diabetes, heart disease, obesity, rickets, scurvy, anaemia.
- Chronic stress related to food poverty and poverty more generally

OUTCOME 3 – Immediate Food Aid

Due to lack of financial resources the council is extremely limited in its ability to offer the direct provision of food in all but certain temporary schemes or exceptional specific circumstances and therefore under this outcome of the Policy the council acts in a signposting and partnership role to local support agencies and food providers.

In partnership with these local agencies, the council will create and updating a dedicated online resource for employees and local service providers signposting and mapping sources of emergency free and low-cost food provision currently available locally. The council also provides a public webpage on it's website to directing residents towards local food provision and supporting services.

This includes:

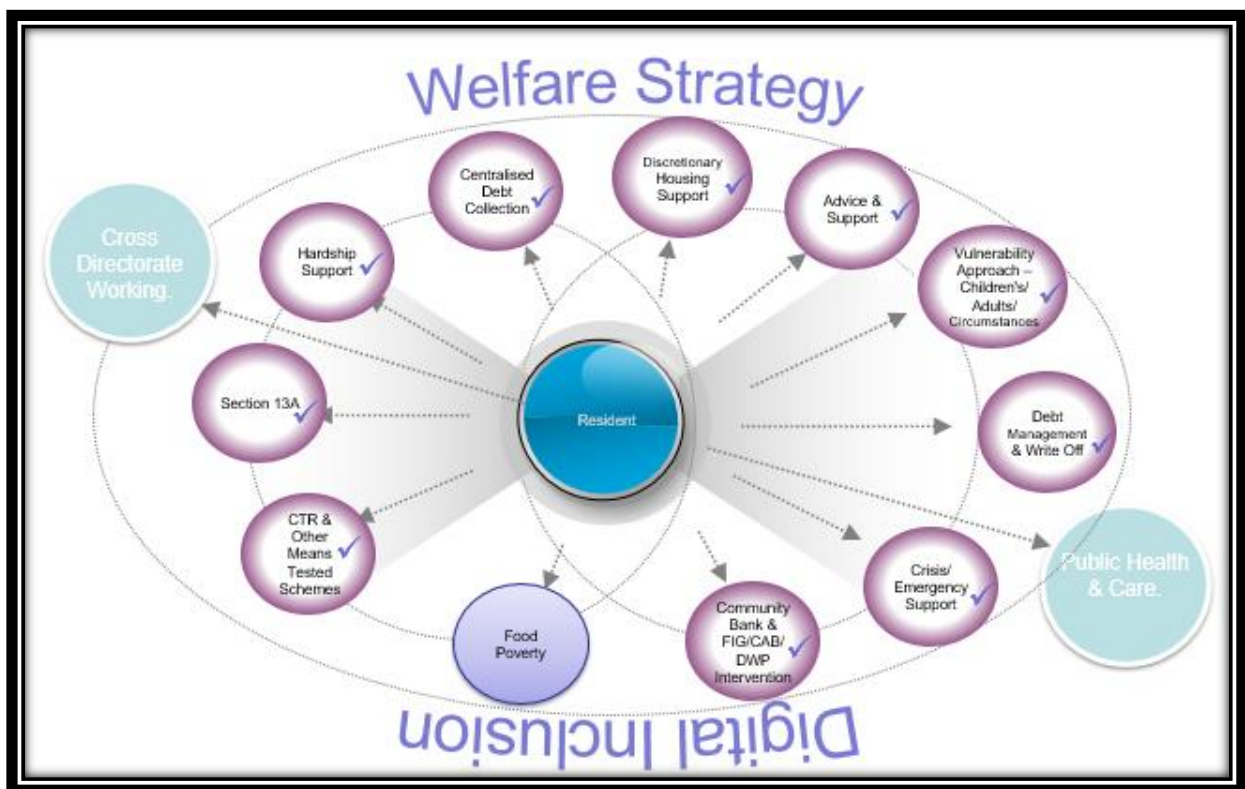
- Short term immediate provision of free food, including foodbanks and agencies providing emergency food parcels.
- Council crisis payments and vouchers for food.
- Free School Meal provision access.
- Council and partner activities that include meal provision – including those offered through the Holiday Activities Fund.

- Sources of discounted food and groceries, including eco and community shops and low-cost hot meals provided in the town.

OUTCOME 4 – Addressing the underlying causes

The council’s role in this policy is to address the underlying poverty cause through its new Welfare Strategy framework, the objective of which is to support individuals in freeing up disposable income to enable families to feed themselves. As listed under ‘drivers for food poverty’ above, the underlying poverty causes are often quite complex, and sometimes can be multiple. Therefore each case should be fully understood based on its own merits, and support should be provided or signposted to in the most appropriate form in order to address the cause and help avoid the need for repeat referrals. Support is designed to be sustainable in order to help someone who is in food poverty to eventually become self-sufficient and food-secure.

Led by the Resident and Business Support service, the Welfare Strategy provides a holistic multi-faceted solution to addressing these complex needs:



Employees and partners who identify a food poverty situation with a resident should refer them into the Resident and Business Support Welfare solution.

The overarching Welfare Strategy will help residents in a number of different ways, such as providing assistance with shortfalls in rent, maximising state benefits and ensuring residents are able to free up disposable income in order to enable them to feed themselves. The Strategy does however include the caveat that emergency aid is a temporary intervention with limited resource and there is an expectation that residents will take proactive and positive steps themselves to become self-sufficient and avoid reliance on public aid.

A summary of some of the steps which will be taken by the council, subject to the individual situation and the council's available resources, to address the underlying cause once a resident is identified as potentially being in need are as follows:

Low income

- Conduct a Benefit entitlement review to maximise take up, supporting those customers to claim where they are not able to do so,
- Conduct a council tax account review to ensure all applicable discounts, exemptions and reliefs are in place as per entitlements
- Provide support to help with shortfalls in rent through the Discretionary Housing Payment scheme,
- Consider Emergency assistance through the Community Support scheme
- Link in with other Council services/other organisations through data sharing agreements to access difficult to reach client groups,
- Signpost to a consolidated advice and support web page, which has been designed by Revenue and Benefits Services. This page holds valuable information of where to go for help with:-
 - Debt Advice,
 - Help with Gas and Electric,
 - Rent and Council Tax Support,
 - Free School Meals and Foodbanks,
 - Housing Support and Money Advice,
 - Health and Wellbeing.
- Work closely with the Tees Valley Routes to Work team to help residents identify any barriers to finding employment.

Debt

Where a council debt is in place, the service should deal with the resident under the vulnerability policy, the corporate debt management policy, the crisis policy and the corporate debt write off policy (whichever are relevant to the circumstance of the case), all of which have a defined approach which can help and support residents who are believed to be suffering from food poverty. This in itself may mean that debt repayments are reduced, suspended or written off in accordance with the terms of the policies.

For identified vulnerable customers, where reasonable to do so we will:-

- Carefully consider their circumstances before taking any action;
- Support them to agree the best method of recovering outstanding monies and the easiest way for them to pay;
- Update their account with any information they provide to us to aid us with dealing with any vulnerabilities they may have that are influencing their ability to meet their payment obligations;
- Where further action is necessary, if contact has not been maintained, we will aim to make an appointment with them before progressing with any next steps;
- Adapt our processes if we are aware that someone is vulnerable to minimise any hardship or distress;
- Carefully explain our processes and decisions and aim to keep them fully informed;
- Signpost them to any help and advice, which is available;
- For multiple debts we will signpost to debt advice services and consider consolidated debt solution, supported by Welfare Rights;
- Reduce the level of costs charged for those customers that take steps to self-help;
- In exceptional cases, if financial circumstances mean there is an inability to pay and if residents are accessing self-help options (i.e. routes to work, access to learning etc.), options to reduce the debt using the Council's hardship provision may be considered.

Crisis

Where a resident claims a discretionary payment, such as a Discretionary Housing Payment, Crisis Payment, Section 13 a payments; Section 17 (Crisis Support), which includes a referral for food, then a review of the circumstances of the case should be carried out by the team dealing with the award, and where required, signposting should be given to:

- Welfare Rights - [Middlesbrough Council Welfare Rights Unit | Middlesbrough](#)
- Citizens Advice Bureau - [Free confidential independent impartial advice | Middlesbrough Citizens Advice \(mcab.org.uk\)](#)
- Department for Work & Pensions (if sanctions are in place or deductions from benefits)
- Adult Social Care - [Contact social services | Middlesbrough Council](#)
- Children Services – if a young child is involved [Contact social services | Middlesbrough Council](#)
- Middlesbrough Matters - [Home - Middlesbrough Care Matters Directory \(middlesbroughmatters.co.uk\)](#)
- Safeguarding Adults (where someone is at risk from abuse) - [Safeguarding-Adults-Leaflet-English-Updated-June-2020.pdf \(tsab.org.uk\)](#)

Where appropriate, all front facing Council staff should signpost the resident to access [Free School Meal provision](#) if this has not been previously claimed.

The council will also look at whether the resident shows any signs of being in fuel poverty particularly for gas and electricity. In doing this, checks will be made to see if they have been paid any grants and rebates to which they are eligible, refer the resident to the council's existing [fuel poverty and energy saving](#) solutions, and the [South Tees Affordable Warmth partnership](#), of which the Council is a partner organisation.

Welfare Support

The Council will provide a joined up approach to a holistic welfare advice and support solution for all relevant residents who present to the service in food poverty.

Support will include (but is not limited to):

- A full review of the case including payment resolution;
- Support through the Discretionary Housing Payment process (where applicable);
- A financial Health Check including advice on Benefit take up;
- A full review of existing debt (including responding to payment problems / reducing the amount to pay if possible);
- Engagement with the Stop the Knock approach;
- Referrals to Food Bank and other food related initiatives;
- Crisis Support & white goods provision.

OUTCOME 5 – Development of a Food Poverty Action Plan (FPAP)

On adoption of this policy, a cross-council and multi-agency Food Poverty Action Plan will be supported with input from partners to address emerging local issues on this theme and provide time-bound targeted actions, and regular updates will be provided through the established Financial Inclusion Group to ensure actions are coordinated.

Monitoring and review arrangements

The implementation and effectiveness of this policy and its supporting procedures will be monitored and reported on by the Head of Service and associated management team. The policy for the first 12 months will be subject to quarterly review to track use and performance, followed by a full review every 3 years.

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Template for Impact Assessment Level 1: Initial screening assessment

Subject of assessment:	Corporate Food Poverty Policy			
Coverage:	Cross cutting			
This is a decision relating to:	<input type="checkbox"/> Strategy	<input checked="" type="checkbox"/> Policy	<input type="checkbox"/> Service	<input type="checkbox"/> Function
	<input type="checkbox"/> Process/procedure	<input type="checkbox"/> Programme	<input type="checkbox"/> Project	<input type="checkbox"/> Review
	<input checked="" type="checkbox"/> Organisational change	<input type="checkbox"/> Other (please state)		
It is a:	New approach:	<input type="checkbox"/>	Revision of an existing approach:	<input checked="" type="checkbox"/>
It is driven by:	Legislation:	<input checked="" type="checkbox"/>	Local or corporate requirements:	<input checked="" type="checkbox"/>
Description:	<ul style="list-style-type: none"> ○ Key aims, objectives and activities ○ The policy sets out how the Council will provide a framework to help the council achieve its Strategic Plan 2021-2024 Priority to “address the causes of vulnerability and inequalities in Middlesbrough and safeguard and support those made vulnerable.”; Provide a structured approach to ensuring a professional, consistent and timely response to the identification and resolution of food poverty across all of the Council’s functions; Fortify local partnership links including Middlesbrough Environment City’s Food Action Plan, Financial Inclusion Group and the Middlesbrough Food Partnership; and to improve long-term food security for the residents of Middlesbrough to reduce dependency on temporary food aid. ○ Statutory drivers (set out exact reference) ○ The Council has a statutory duty to make payments to Middlesbrough residents who are in crisis or hardship, or have experienced a disaster. The council also provides additional support to residents who fall within pre-defined situations. ○ There is no legal driver for food poverty support, but there is a responsibility to support those in need through specific Government funding or our responsibilities as a council to support vulnerable groups. ○ Differences from any previous approach ○ Previous solutions were inconsistent, and resulted duplication and variance in support. This will be rectified by the proposed policy ○ Key stakeholders and intended beneficiaries (internal and external as appropriate) ○ The key stakeholders include customers of council services, staff, local partners and national government. ○ Intended outcomes. ○ Promotion of understanding of the drivers of food poverty; ○ Ensuring employees and partners are confident in identifying a food need; ○ Creation and maintenance of clear signposting routes for residents experiencing food insecurity towards available immediate food aid; ○ Addressing the underlying poverty cause by providing clear navigation for residents who access any of the Council’s services presenting with an underlying food poverty situation, to be able to access existing council support mechanisms including the Welfare Strategy and associated financial assistance, advice and support; ○ Development of a multi-agency Food Poverty Action Plan (FPAA) to build long-term food security for Middlesbrough. 			
Live date:	December 2022			
Lifespan:	3 years. This is the first iteration of the policy. It will be reviewed quarterly during the first year,			
Date of next review:	Full review is December 2025. An Informal review will take place in April 2023 (and quarterly until February 2024) to ensure it is operating as expected. If there are adverse findings that review will be formalised.			

Screening questions	Response			Evidence
	No	Yes	Uncertain	
<p>Human Rights</p> <p>Could the decision impact negatively on individual Human Rights as enshrined in UK legislation?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>This proposed policy is designed to ensure that the Council operates a more consistent and joined up approach to food poverty support, and considers the resident individual needs as a whole through a centralised offering. This policy is also designed to provide a support framework when responding to residents who present themselves to the service when in need and will be applied across all directorates.</p> <p>Evidence used to inform this assessment includes analysis of the various circumstances of the resident, and current support provisions from various council services across the council, and engagement to date with senior officers who have been involved in the development of the policy and supporting detailed delivery plans.</p> <p>There are therefore no concerns that the policy could negatively impact on individual human rights as enshrined in UK legislation.</p>
<p>Equality</p> <p>Could the decision result in adverse differential impacts on groups or individuals with characteristics protected in UK equality law? Could the decision impact differently on other commonly disadvantaged groups?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed policy provides consistency and efficiency in the council's approach, whilst being mindful of a resident's situation. Liaison between the various supporting services is in place so that where a wider support delivery is required, or signposting to other services, this can be put into place quite quickly. The Food Poverty policy also links into the Council's overall Welfare Strategy and vulnerability policy, as well as the Council's Corporate Debt Management policy which supports Social Inclusion and a customer's ability to pay, should anyone presenting in crisis have any outstanding debt to the council.</p> <p>It is potentially relevant to all the protected characteristics. The aim of the policy is to address inequalities in outcomes experienced by residents / service users of the council when they are in crisis or require emergency support.</p> <p>This method of working is designed to understand the individual needs of the resident and ensure they get the support they are entitled to in a quick and easy manner. This will result in a more tailored service response, improving outcomes and the better identification of equality and fairness issues that may need to be addressed. There are no concerns that the policy could have a disproportionate adverse impact on individuals or groups because they hold one or more protected characteristics. The application of a case by case approach to crisis will support work to provide nuanced approaches.</p>
<p>Community cohesion</p> <p>Could the decision impact negatively on relationships between different groups, communities of interest or neighbourhoods within the town?*</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The proposed policy should provide a coordinated, joined up and consistent approach to food poverty, and includes arrangements for a single service (Resident & Business Support) coordinating support which will prevent inconsistencies across customers who access support.</p> <p>Where there may be any different needs because of a protected characteristic or geography, this joined up approach will help to develop follow up actions focussed on addressing those unequal impacts. There are no concerns that the policy could have an adverse impact on community cohesion.</p>

* Consult the Impact Assessment further guidance appendix for details on the issues covered by each of these broad questions prior to completion.

Screening questions	Response	Evidence
<p>Next steps:</p> <ul style="list-style-type: none"> ➤ If the answer to all of the above screening questions is No then the process is completed. ➤ If the answer of any of the questions is Yes or Uncertain, then a Level 2 Full Impact Assessment must be completed. 		

Assessment completed by:	Nicola Mearns	Head of Service:	Janette Savage
Date:	05/12/22	Date:	05/12/22

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