

Agenda Item No. 4(c)

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

13 September 2016

Report of the Strategic Director – Economy, Transport and Communities

**DERBYSHIRE COUNTY COUNCIL'S COUNTRYSIDE SERVICE POLICY
FOR WORKING WITH COMMUNITY GROUPS 2016 - 2021**

(1) **Purpose of Report** To seek approval for the publication of a draft Volunteer Policy for Working with Community Groups, for a six week, public consultation. A final version, incorporating an Equality Impact Analysis and relevant comments arising from the consultation, will be presented to a future Cabinet meeting for adoption by the County Council.

(2) **Information and Analysis** Over the last three years (2013-14 to 2015-16), the involvement of volunteers with the Countryside Service has generated an average of 4,238 volunteer days per year, with an equivalent value of £875,982 per year. Much of this is from individuals volunteering directly with the Service, but a proportion is from community-based volunteer groups (hereafter referred to as community groups) working for and on behalf of the Service. It is anticipated that this will increase in coming years as, in response to budget reductions, 'Friends of' groups, Ramblers, etc, offer to support staff in the management of Countryside sites and the Public Rights of Way network.

Any working arrangement between the Countryside Service and community groups is intended to support and enhance the work of paid staff, not replace them. Conversely, our involvement with community groups must be tempered by the staff time and management resources available.

The draft Policy under consideration here (Appendix 1) will provide a consistent approach to the Council's engagement with community groups by standardising and formalising procedures. It is intended that the Policy is reviewed and updated as necessary, for example, to comply with changes in the law, and at least every five years.

In preparing the document, the Countryside Service has worked closely with the Director of Human Resources and the Director of Legal Services, as well as the two Local Access Forums for the County which have an advisory role in

strategic access and outdoor recreation issues. Informal discussions have also taken place with key members from some of the community groups with which the Countryside Service currently works.

Whilst there is no legal obligation to consult, it is intended to consult on the draft Policy over a 6 week period, from 3 October to 11 November 2016, by publishing the Policy on the County Council's website and distributing it to interested groups and organisations.

A final version of the Policy, incorporating the comments received where appropriate, will be presented to Cabinet for formal adoption in the spring of 2017.

(3) **Financial Considerations** There are no financial considerations associated with this report.

(4) **Legal Considerations** Whilst community groups may take on the responsibility for elements of site or rights of way management, the County Council will, by and large, be accountable for the work that these groups do on the Council's behalf. It is therefore essential that they operate to agreed standards of safety and conduct in order to protect the Council's reputation and financial standing. This Policy will set those standards of operation.

(5) **Equality and Diversity Considerations** The Policy under consideration addresses the requirement for community groups to have equality and diversity policies, or to operate to the spirit of the Council's policies. The Council will not work with groups whose aims, objectives and actions conflict with these policies.

The Countryside Service welcomes the opportunity to raise awareness of the countryside and its management by working with a diversity of community groups, including those embracing the protected characteristic groups defined in the 2010 Equality Act.

An Equality Impact Analysis will be carried out on the Volunteer Policy prior to its final adoption.

(6) **Environmental, Health and Transport Considerations** The involvement of community groups in the work of the Countryside Service has benefits not only for the sites and rights of way that the Council manages, but also for the individuals and communities themselves. This includes improved life satisfaction and self-esteem, and health and wellbeing benefits through increased activity.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, human resources, property and social value considerations.

(7) **Key Decision** No.

(8) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(9) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Steve Cresswell, extension 39660.

(10) **OFFICERS RECOMMENDATIONS** That the Cabinet Member:

10.1 Approves the draft Countryside Service Policy for Working with Community Groups 2016 – 2021 as a draft for consultation.

10.2 Agrees, following the results of the consultation, to the final Policy and associated Equality Impact Analysis being submitted to a future Cabinet meeting for adoption.

Mike Ashworth
Strategic Direction – Economy, Transport and Communities

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Derbyshire County Council

Countryside Service Policy for Working with Community Groups

2016 - 2021



Introduction

The Countryside Service is responsible for the management and promotion of Derbyshire County Council's countryside sites and facilities. This includes country parks and other recreational facilities, Greenways, public rights of way and a wide variety of conservation and environmental projects and initiatives.

Whilst helping to protect and enhance Derbyshire's natural and built environment, these projects and initiatives also play a significant part in offering wider tourism opportunities for visitors and the communities of the County, hence supporting the local economy and generating economic growth.

Volunteering can improve confidence and self-esteem, increase knowledge and skills, and bring health benefits through raised activity. Volunteers make a valuable contribution to the well-being of our society and environment, making Derbyshire a better place to visit, work and live in. Local communities and economies benefit not only from improvements to countryside access and facilities, with consequent increased opportunities for tourism and economic growth, but the links created between the County Council, volunteers and other groups, can raise the 'social capital' of the community in which volunteers live.

There are community volunteer groups (hereafter referred to as community groups) that want to help us manage our countryside sites, Greenways and public rights of way. This Policy describes the way that the Countryside Service will engage with such groups to foster a positive and professional relationship, and provides a framework for best practice. It will be reviewed and updated as necessary, for example, to comply with changes in the law.

There may also be groups that wish to be involved in our sites for purposes which, whilst not directly helping to achieve our management objectives, still provide a benefit to the community and/or to the wider Countryside Service. Whilst it is not possible to prescribe for such groups, any bespoke working arrangement will be expected to abide by the principles of best practice described in this Policy.

Types of community groups

The types of community groups with which the Countryside Service may work are many and varied, but will have certain characteristics in common. They are likely to be:

- Formally constituted, working toward such status, or part of a larger organisation (e.g. Ramblers)
- Largely voluntary in nature
- Desirous of improvement in social and/or environmental wellbeing, etc

- Non-profit making. Any funds raised are used for the core purpose of the group
- Non-political
- Committed to equality and diversity

This Policy applies to all such groups, but for illustrative purposes will address just two broad categories: 'Friends of' groups and Rights of Way groups.

'Friends of' groups work with the Countryside Service to improve the management of a local site, Greenway or trail, giving a real focus for community involvement and 'ownership' of a site. Activities may include:

- Assistance with the creation of site management plans
- Development of work programmes
- Practical site management Action Days
- Site inspections and patrols
- Walks, talks and events
- Wildlife and other surveys (e.g. visitor/user surveys)
- Accessing external funding for site improvements

Rights of Way groups focus on the maintenance and improvement of Derbyshire's 3,000 miles of public rights of way. They include Parish Path groups, often affiliated to the Parish Council, and local Ramblers' groups that usually cover a district or borough of the County. Activities typically include:

- Path surveys
- Minor path maintenance
- Way-marking
- Development of work programmes to resolve rights of way issues
- Action Days delivering practical works such as vegetation clearance, installing steps, or replacing stiles with gates.

Working with groups

The County Council will aim to work with existing groups, facilitate the creation of new groups and, by providing support and assistance, enable them to achieve our mutual goals. However, our involvement must be tempered by the staff time and management resources available, which will vary from area to area.

Overview of the working arrangement

With support from the Countryside Service, groups will develop an agreed work programme or action plan and may be involved in the development of site management plans. How much is taken on depends on the site/area in question, the nature of the group and the availability of Countryside Service staff to provide support.

Our goal is to give groups the skills they need to safely organise Action Days and events, and deliver high-quality projects without direct supervision. We will do this by working closely with groups until we are confident that they have achieved competency in task/event planning, risk management, tool use and relevant technical skills. As all groups are different and the nature of sites and operations vary, the amount of time needed to achieve this will also vary. In addition, there may be an ongoing need to deliver materials, tools and equipment to groups, even after they have been 'signed off' as competent. Therefore, as resources are finite, there will be a limit to the number of groups we can support at any one time.

Once out of the direct supervision phase, we will provide support and assistance as required, within the constraints given above.

The remaining sections give more detail on various aspects of the working arrangement.

Responsibility and accountability

Whilst community groups may take on the responsibility for elements of site or rights of way management, the County Council will, by and large, be accountable for the work that these groups do on our behalf. It is therefore essential that groups operate to agreed standards of safety and conduct in order to protect the Council's reputation and financial position. For example, we would expect a group to operate to agreed standards (in line with County Council policies where applicable) with regard to:

- How a site/project is managed and compliance with any management plans or agreements
- Safe and correct methods of working
- The integrity and honesty of the group in its activities
- Equality of treatment and opportunity for both group members and site users
- The way that members of the public/site users are treated by group members

Although very unlikely to occur, it is possible that a group may continually ignore the above guidance. In such extreme situations, we reserve the right to take back control of a site or project.

Should a group take on responsibility for the whole of a site and its management, our Legal Services section will draw up an agreement identifying the activities and responsibilities of the group and any major items (e.g. bridges, dam walls) for which management would remain with the Council. The standards of safety and conduct described above would still apply.

Work programmes and action plans

Most groups involved in site management will work to an existing management plan or assist in the creation of a new management plan for the site. Management plans will normally be for five to ten years and cover wildlife/habitat, public access, amenity, or a combination of all three, and will be the basis for the development of work programmes and action plans. There will be at least two management meetings each year to review projects, discuss future works and agree any changes that may be required to the working arrangement to ensure its continuing effectiveness for both parties.

Groups involved in the management of rights of way will prepare a rolling programme of agreed maintenance and improvement works for their area or assist in the preparation of such a programme. These works may be proposed by the Countryside Service (typically the Rights of Way Inspector) or by the group itself. Site visits will normally be needed to plan and risk assess the works, and determine any landowner consents or rights of way authorisations that may be needed.

Actions required following site inspections, path surveys, etc, will be assessed by the group (through an agreed process) so as not to overload either the group or Countryside Service staff. Priority should be given to urgent safety issues.

Insurance cover

Community groups working without charge on approved tasks for and on behalf of the Countryside Service are covered by the Council's insurance. The insurance will not cover unauthorised works, or activities away from the site/path in question. Risk assessments and documents detailing safe methods of working must be in place.

These policies cover volunteers up to the age of 80. The Council's Insurance Section should be notified if any volunteers are over 80 years of age. There is no lower age limit for insurance cover, but death benefits are greatly reduced for minors and young students in full-time education.

However, it is recommended that groups have their own insurance cover in place for personal accident and public liability, with a minimum recommended liability of £5,000,000. Whilst still dependent on appropriate planning and risk management, this may provide cover for any activities not expressly approved, but still within the spirit of the working arrangement. Where groups hold their own insurance, a copy of the certificate/policy must be provided to us.

It is not the intention that the Council's insurance replaces a group's own insurance policy where they have it and where the facts of a case would place responsibility for an incident with a group who were acting independently.

Risk management

Health and safety is often considered to be overly bureaucratic and restrictive. However, a sensible, balanced approach to health and safety means that activities can be safe and enjoyable for everyone. No one sets out to have an accident but groups need to do what they can to reduce the risk of injury, both to group members and to the public, and also have emergency procedures in place to effectively deal with accidents if they occur. This will involve designing safe methods of working and having appropriate Personal Protective Equipment available.

All activities must be thoroughly planned and have appropriate method statements and risk assessments approved before the activities take place. It is recommended that groups appoint a 'health and safety officer' to oversee this. Countryside Service staff can help with guidance and advice, and we have a range of generic risk assessments and task planning forms available to make the process more manageable. Copies of these documents must be carried on site (we recommend an A4 file) whenever activities are taking place.

Derbyshire County Council reserves the right to halt any projects and activities that its officers may witness and consider to be unsafe.

The group should have a first aid kit available during activities and we strongly recommend that you have members trained in first aid.

Groups should keep membership records with emergency contact information and details of any relevant medical conditions. Where an activity is being supervised by Countryside Service staff, this information must be made available to the task leader, who will treat it in confidence.

Training

During the 'developmental' stage of a group, Countryside Service staff will provide informal 'on the job' training to ensure that group members have the knowledge and skills they need to operate safely and effectively. Depending on the group, this may include task planning and risk assessment, safe working practices, use and maintenance of hand tools, introduction to rights of way management and habitat management/conservation. Where justified and when resources allow, Derbyshire County Council will financially support formal training. For example, training some members of Rights of Way groups in the use of brushcutters will make them more efficient and effective at vegetation clearance and therefore could be considered an appropriate and cost-effective use of public money.

Use of power tools and plant

Where group members have been trained in their use and hold appropriate, up-to-date certification, they may use power tools such as brushcutters/strimmers following an assessment by qualified Countryside Service staff. Where specific training and certification for a power tool does not exist, users will be expected to have certificated training for similar tools. For example, maintenance and safe-use techniques for a hedgecutter are directly comparable with a brushcutter/trimmer, and training in the latter would be considered acceptable. Appropriate Personal Protective Equipment must be worn and where a group's own power tools are used, they must be inspected at least annually by Countryside Service staff to ensure compliance with safety standards and regulations. Personal tools are used at the owner's risk: we cannot cover the cost of repair/replacement. Trained and assessed volunteers will be informed in writing as to which power tools they can use, along with required procedures, standards and risk management. Risk assessments for power tool use must be in place.

Many projects, for example the creation of a large pond, require the use of excavators, dumpers etc. All operators must be trained and certificated for the plant items in use and all equipment must be in safe working condition. Third parties (i.e. local builders, farmers etc.) with their own plant, carrying out works on behalf of a group, must have personal accident and public liability insurance.

Construction projects requiring the use of plant are likely to be large and complex and must comply with the Construction (Design and Management) Regulations 2015 (CDM 2015): at the very least, method statements and risk assessments must be in place before work begins.

Friends groups on County Council land and Rights of Way groups working closely with the Countryside Service must follow the above guidance. However, we concede that independent groups with their own insurance, carrying out rights of way work on private land may, with the landowners consent, decide to disregard the above guidance. For the safety of all concerned, we strongly advise against this. In such situations, the group will be deemed to be working on behalf of the landowner and not the County Council.

Underground services

Works such as pond excavation or gate-post installation could encounter water mains, gas pipes, electricity cables, etc, with potentially fatal consequences. Before digging, the area should be visually assessed for above ground evidence (Inspection covers, water hydrant markers, pipeline marker posts, etc) suggesting the possible presence of underground services. Digging should be carried out carefully with hand-tools and advice sought from Countryside Service staff should any services be encountered.

In high risk areas (close to roads, buildings, etc) and for **all excavations with plant and power tools**, we will provide utility plans identifying the approximate location of any underground services and, if required, arrange for a Cable Avoidance Tool (CAT) scan of the ground prior to work commencing.

If in any doubt, regardless of the site location, you must request a utility search/CAT scan before commencing work. The presence of underground services may delay works and require the modification of project schemes.

Use of Ordnance Survey mapping

Derbyshire County Council's licence to use Ordnance Survey (OS) mapping carries restrictions on the distribution of mapping to third parties. However, where a community group needs maps/plans to carry out a specific project on our behalf, then copies can be issued. A typical example is when a Rights of Way group is surveying a particular area specifically to plan tasks for a path maintenance/improvement team. Once issued, further copies should not be made and the maps/plans must be returned to us on completion of the works.

Equality and Diversity

Derbyshire County Council has a range of policies and plans for equality and human rights and expects community groups to have similar policies or operate to the spirit of our policies. We will not work with groups whose aims, objectives and actions conflict with these policies. You can find out more about our equality and diversity policies at:

www.derbyshire.gov.uk/council/equalities/default.asp

An Equality Impact Analysis has been carried out on this Policy for Working with Community Groups and the following actions identified:

Confidentiality and data protection

In compliance with the Data Protection Act 1998, Derbyshire County Council will ensure that any personal information which groups provide us with is treated in confidence. We will not share your personal information with third parties without your permission. Similarly, we cannot share with groups, the personal details of (for example) landowners, without their permission.

Publicity and Promotion

Time spent by community groups in helping to manage our sites and public rights of way should be widely recognised and publicised. Data, as six-hour long 'volunteer days', will be collected as part of Countryside Service performance monitoring and, along with brief promotional articles, may appear in our quarterly reports, website news, and on social media. This will help quantify achievements against the level of support required from Countryside Service staff and emphasise the value to the Service of working with

volunteers. Where groups are working without direct supervision, we ask that they provide us with this information.

For the most part, the Countryside Service is approached by community groups offering their time and assistance on our sites, Greenways and public rights of way. However, there may be occasions when we perceive a need for a community group where none currently exists. In these cases, we will use a range of approaches to engage with local communities and generate interest in a group. These approaches will include local press, social media, posters, flyers, events and activities, as well as working with local volunteer centres and other organisations.