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CABINET AGENDA

Tuesday, 19 April 2016 at 10.00 am in the Blaydon Room - Civic Centre

From the Chief Executive, Jane Robinson

Item	Business
1.	**Apologies for absence**
2.	**Minutes** (Pages 5 - 16) Cabinet is asked to approve the minutes of the last meetings held on 15 and 22 March 2016.
	Key Decisions
3.	**Highway Maintenance Scheme Programme 2016/17** (Pages 17 - 78) Report of the Strategic Director, Communities and Environment
4.	**Local Transport Plan: Integrated Transport Capital Programme update** (Pages 79 - 92) Report of the Strategic Director, Communities and Environment
	Recommendations to Council
5.	**Adult Social Care Deferred Payments Policy** (Pages 93 - 120) Report of the Interim Strategic Director, Care, Wellbeing and Learning
6.	**2016 - 2017 Statutory Intervention Plan for the Food Control and Health & Safety services** (Pages 121 - 150) Report of the Strategic Director, Communities and Environment
7.	**Corporate Health and Safety Policy** (Pages 151 - 156) Report of the Strategic Director, Corporate Services and Governance
8.	**Councillor Engagement and Development Framework** (Pages 157 - 208) Report of the Strategic Director, Corporate Services and Governance
	Non Key Decisions
9.	**Change Programme - Progress Report First Quarter** (Pages 209 - 230) Report of the Chief Executive

10. **Review of the Corporate Performance Management Framework** (Pages 231 - 248)

Report of the Chief Executive

11. **Responses to Consultation** (Pages 249 - 276)

Report of the Chief Executive

12. **Council Tax and Non Domestic Rates - Transfer of Uncollectable Amounts** (Pages 277 - 280)

Report of the Strategic Director, Corporate Resources

13. **Inspection of services for children in need of help and protection, children looked after and care leavers** (Pages 281 - 336)

Report of the Interim Strategic Director, Care, Wellbeing and Learning

14. **Gateshead's Children Missing Education Strategy, Procedures and Guidance** (Pages 337 - 354)

Report of the Interim Strategic Director, Care, Wellbeing and Learning

15. **Elective Home Education Strategy 2016-2020** (Pages 355 - 378)

Report of the Interim Strategic Director, Care, Wellbeing and Learning

16. **Freedom of Information Annual Report 2016** (Pages 379 - 384)

Report of the Strategic Director, Corporate Services and Governance

17. **Surplus Property** (Pages 385 - 406)

Report of the Strategic Director, Corporate Services and Governance

18. **Petitions Schedule** (Pages 407 - 414)

Report of the Strategic Director, Corporate Services and Governance

19. **Exclusion of the Press and Public**

The Cabinet may wish to exclude the press and public from the meeting during consideration of the following item(s) on the grounds indicated:

Item	Paragraph of Schedule 12A to the Local Government Act 1972
20	3
21	3
22	3

23	3
24	3
25	3

EXEMPT AGENDA

Key Decisions

20. **Leisure Service Review and Management Options Appraisal - Implementation of Changes in the Service** (Pages 415 - 424)

Report of the Strategic Director, Communities and Environment

21. **Provision of Support, Development, Networking and Representation to the Voluntary and Community Sector in Gateshead 2016/2017** (Pages 425 - 458)

Report of the Strategic Director, Communities and Environment

22. **Development Agreement for the Gateshead Quays Site** (Pages 459 - 468)

Report of the Chief Executive and Strategic Directors, Communities & Environment, Corporate Services & Governance and Corporate Resources

23. **Northern Centre for Emerging Technologies** (Pages 469 - 480)

Report of the Strategic Director, Communities and Environment

Non Key Decisions

24. **Gateshead Trading Company - Update on Trading Activities 2014/15** (Pages 481 - 486)

Report of the Strategic Directors, Communities & Environment, Corporate Services & Governance and Corporate Resources

25. **Proposed Disposal of Land at Wrekenton** (Pages 487 - 494)

Report of the Strategic Director, Corporate Services and Governance

Contact: Kevin Ingledew Email: kevingledew@gateshead.gov.uk, Tel: 0191 4332142,
Date: Monday, 11 April 2016

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 15 March 2016

PRESENT: Councillor M Henry

Councillors: M Gannon, C Donovan, A Douglas, M Foy, G Haley, J McElroy, M McNestry and L Twist

C185 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Green.

C186 MINUTES

The minutes of the Cabinet meeting held on 23 February 2016 were approved as a correct record and signed by the Chair.

C187 CONTRACT FOR THE PROVISION AND OPERATION OF A COMPOSTING FACILITY AND ASSOCIATED SERVICES

Consideration has been given to the tenders received for the contract for the provision and operation of a composting facility and associated services which is being arranged on behalf of the South of Tyne and Wear Waste Management Partnership.

RESOLVED - That the tender from A Willey, trading as Greentech Recycling, Gateshead, be accepted for the contract for the provision and operation of a composting facility and associated services for a 36 month period commencing 1 April 2016, with the option to extend for a further 3 x 12 month periods.

The above decision has been made because an evaluation of the tenders received has been undertaken and the tender accepted is the most economically advantageous tender submitted.

C188 REFRESH OF EQUALITIES OBJECTIVES

Consideration has been given to recommending the Council to approve its refreshed equality objectives which aim to address the challenges of inequality across Gateshead, and to demonstrate the Council's compliance with the Public Sector Equality Duty.

RESOLVED - That the Council be recommended to approve the refreshed equality objectives as set out below:

- To support vulnerable groups most at risk of poverty and deprivation
- Gateshead the place – to improve the range of housing across Gateshead for vulnerable group
- To promote healthy and inclusive communities
- To increase levels of ambition and aspiration of vulnerable groups across Gateshead
- To develop the Council's workforce which recognises the diversity of the community it serves

The above decisions have been made to demonstrate the Council's commitment to tackling areas of inequality in Gateshead, whilst ensuring compliance with the Public Sector Equality Duty.

C189 INDEPENDENT REMUNERATION PANEL REVIEW OF MEMBERS' ALLOWANCE SCHEME

Consideration has been given to the recent review of Gateshead Members' Allowances Scheme and the subsequent recommendations of the Independent Remuneration Panel.

RESOLVED - That the Council be recommended to approve the recommendations of the Independent Remuneration Panel in relation to the scheme of members' allowances for Gateshead as set out in appendix 2 to the report.

The above decision has been made to ensure that the scheme of members' allowances remains adequate to recognise the time and effort given by councillors to their Council duties.

C190 LOCALISM ACT 2011 - PAY ACCOUNTABILITY PAY POLICY STATEMENT

Consideration has been given to recommending the Council to approved a revised pay policy statement for 2016/17 in accordance with the requirements of the Localism Act 2011.

RESOLVED - That the Council be recommended to approve the pay policy statement as set out in appendix 2 to the report.

The above decision has been made to comply with the requirements of the Localism Act 2011.

C191 TREASURY POLICY STATEMENT AND TREASURY STRATEGY 2016/17 TO 2018/19

Consideration has been given to recommending the Council to approve the Treasury Policy Statement and Treasury Strategy for 2016/17 to 2018/19.

RESOLVED - That the Council be recommended to approve the

Treasury Policy Statement and the Treasury Strategy for 2016/17 to 2018/19 as set out in appendices 2 and 3 to the report.

The above decision has been made to comply with the requirements of good financial practice in treasury management.

C192 IMPLEMENTATION OF A NEW CHARGEABLE SERVICE - SUPPORTING INDEPENDENT LIVING SERVICE

Consideration has been given to recommending the Council to approve the implementation of a new chargeable service delivered by Facilities Management with effect from 1 April 2016, namely, the Supporting Independence Service.

RESOLVED - That the Council be recommended to approve the implementation of the Supporting Independence Service with effect from 1 April 2016 and introduction of the charge of £11.50 per hour for the service and for this charge to be added to the published list of fees and charges for 2016/17.

The above decision has been made for the following reasons:

(A) To initiate a new financially sustainable service that will help people to live independently in their own homes.

(B) To reduce the demand on services provided by the Council to meet its statutory duties.

(C) To sustain employment opportunities with the Council in a financially sustainable service.

C193 SPECIAL EDUCATIONAL NEEDS AND DISABILITIES POST 16 HOME TO SCHOOL/COLLEGE TRANSPORT CHARGING

RESOLVED - That the item be deferred.

C194 GATESHEAD POLICY FOR THE EDUCATION OF TRAVELLER CHILDREN

Consideration has been given to the policy for the education of traveller children.

RESOLVED - That the policy for the education of traveller children as set out in appendix 2 to the report be approved.

The above decision has been made to ensure that children and young people are allocated a school place as quickly as possible.

C195 CHILDCARE SUFFICIENCY REPORT 2015

Consideration has been given to the Childcare Sufficiency Report 2015 which details the availability and sufficiency of childcare in Gateshead in order to fulfil the Council's duties as required by the Childcare Act 2006 (amended by The Children and Families Act 2014).

RESOLVED - That the Childcare Sufficiency Report 2015 be endorsed and officers be authorised to address gaps in provision where identified.

The above decision has been made to fulfil statutory duties and ensure sufficiency of childcare places within Gateshead.

C196 NOMINATION OF A LOCAL AUTHORITY SCHOOL GOVERNORS AND APPOINTMENT OF AN ACADEMY GOVERNOR

Consideration has been given to the:

- nomination of a local authority governor to a school where a vacancy has arisen, in accordance with The School Governance (Constitution) (England) Regulations; and

- appointment of a local authority governor in accordance with Article 51 (Articles of Association of Academies) to an academy seeking a Local Authority governor appointment.

RESOLVED - (i) That the nomination/appointment of Councillor Michael Hood as a local authority governor to Furrowfield School and Lord Lawson of Beamish Academy for a period of four years with effect from 15 March and 28 March respectively, be approved.

(ii) That it be noted that the term of office is determined by the school's instrument of governance and the academy's articles of association.

The above decision has been made to ensure the governing bodies have full membership.

C197 GATESHEAD COMMUNITY INFRASTRUCTURE LEVY DRAFT CHARGING SCHEDULE AND MAPS – PUBLIC EXAMINATION

Consideration has been given to:

- the progress made in submitting Gateshead's Community Infrastructure Levy (CIL) Draft Charging Schedule (DCS) and maps, and other supporting evidence, for public examination; and

- to delegating authority to the Strategic Director, Communities and Environment and the Strategic Director, Corporate Services and Governance following consultation with the Lead Cabinet Members for Environment & Transport and Economy to prepare and present evidence in support of Gateshead's CIL at the examination; and to suggest to the CIL Examiner any edits and consequential modifications necessary to the submission of CIL DCS and Maps during the examination.

RESOLVED - (i) That the progress that has been made in submitting Gateshead's CIL for examination be noted.

(ii) That delegated authority be given to the Strategic Director, Communities and Environment, and Strategic Director, Corporate Services and Governance following consultation with the Lead Cabinet Members for Environment and Transport and Economy to:

a. prepare and give evidence in support of Gateshead's Community Infrastructure Levy at the examination; and

b. suggest to the CIL Examiner any edits and consequential modifications necessary to the submission CIL Charging Schedule and Maps during the examination.

The above decisions have been made for the following reasons:

(A) To comply with the statutory procedure for the Council to become a CIL charging authority.

(B) To ensure that a justified and effective CIL is progressed through examination.

C198 GATESHEAD FUND (CAPACITY BUILDING FUND)

Consideration has been given to the advice of Capacity Building Fund Advisory Group to Cabinet, specifically in relation to:

- Round 3 deferred applications for capacity building funding;
- Round 4 applications for capacity building funding;
- Round 4 mitigation against council budget decisions; and
- Sporting Grants to Individuals

RESOLVED - That the advice of the Capacity Building Fund Advisory Group from its meeting on 29 February 2016 be approved and specifically:

(i) The recommendations for Round 3 deferred capacity

building funding as set out in appendix 2 paragraphs 1 and 4 and appendix 3 to the report.

(ii) The recommendations for Round 4 capacity building funding as set out in appendix 2 paragraph 4 and appendix 3 to the report.

(iii) The recommendations for Round 4 mitigation against council budget decisions as set out in appendix 2 paragraph 4 and appendix 3 to the report.

(iv) The recommendations for Sporting Grants to Individuals as set out in appendix 2 paragraph 5 to the report.

(v) The recommendation for the remaining capacity building fund budget as set out in appendix 2 paragraph 6 to the report.

The above decisions have been made for the following reasons:

(A) To ensure that the Gateshead Fund is used to maximise benefits to local communities and is managed effectively.

(B) To build capacity and sustainability in voluntary and community organisations in Gateshead.

C199 ENERGY PERFORMANCE OF BUILDINGS NEW ENFORCEMENT DUTIES

Consideration has been given to the changes introduced by the Energy Performance of Buildings Regulations 2015 and the proposal to enter into a partnership agreement with Sunderland City and South Tyneside Councils to carry out the inspection and enforcement of each parties buildings on a reciprocal basis as required by the Regulations.

RESOLVED - (i) That the Council enter into an agreement with Sunderland City and South Tyneside Councils to authorise and act on behalf of Gateshead Council in carrying out inspections and enforcement of council owned buildings within the borough of Gateshead.

(ii) That the Council enter into an agreement with Sunderland City and South Tyneside Councils for Gateshead Council employees to undertake inspections and enforcement of council owned buildings in the partner authorities' areas.

The above decisions have been made to fulfil the requirements of the Regulations.

C200 RESPONSES TO CONSULTATION

Consideration has been given to responses to recent consultations.

RESOLVED - That the responses to the following consultations as set out in appendices 2 and 3 to the report be endorsed.

- North East Combined Authority 'our journey' transport manifesto
- Introducing a Stalking Protection Order – Home Office

The above decision has been made to enable the Council to contribute responses to the consultations.

C201 MISCELLANEOUS INCOME ACCOUNTS - TRANSFER OF UNCOLLECTABLE AMOUNTS

Consideration has been given to the transfer out of the Council's accounts outstanding balances in excess of £500 from miscellaneous income accounts including Housing Benefits overpayments, where all possible recovery action has been taken and the balances are now considered to be uncollectable.

RESOLVED - (i) That the transfer of balances on 188 sundry debtor accounts, amounting to £404,027.81 and 202 Housing Benefits overpayments accounts, totalling £325,625.17 be approved.

(ii) That the action taken under delegated powers to transfer out of the Council's accounts 536 sundry debtor balances totalling £58,716.70 and 640 Housing Benefit overpayment balances totalling £107,042.01 be noted.

The above decisions have been made for the following reasons:

(A) To ensure the effective management of the Council's resources.

(B) To ensure that the Council Accounts accurately reflect the correct financial position.

C202 DISPOSAL OF LAND AND BUILDINGS AT THE FORMER WEST PARK AGED PERSONS UNIT AND GARAGES,MEADOW LANE , DUNSTON.

Consideration has been given to the detailed terms for sale of property comprising: the building which was the former West Park Aged Persons' Unit; and nearby garages at Meadow Lane, Dunston to Keelman Homes Ltd at less than market value in accordance with the procedures for such sales agreed by Cabinet on 30 January 2007 (Min.no.C268) and following Cabinet's agreement in principle to this

sale at its meeting on 23 February 2016 (Min.no C180).

RESOLVED - That the disposal of the two sites shown edged black and hatched black on the plan attached to the report for nil consideration to Keelman Homes Ltd be approved on the terms and conditions set out in the report.

The above decision has been made for the following reasons:

(A) To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.

(B) To facilitate the delivery of new affordable rented housing within the Borough.

C203 PETITIONS SCHEDULE

Consideration has been given to the latest update on petitions submitted to the Council and the action taken on them.

RESOLVED - That the petitions received and the action taken on them be noted.

The above decision has been made to inform the Cabinet of the progress of action on petitions received.

C204 EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED - That the press and public be excluded from the meeting during consideration of the remaining business in accordance with paragraph 3 of Schedule 12A to the Local Government Act 1972.

C205 DISPOSAL OF LAND AT WREKENTON

RESOLVED - That this item be deferred.

Copies of all reports and appendices referred to in these minutes are available online and in the minute file. Please note access restrictions apply for exempt business as defined by the Access to Information Act.

The decisions referred to in these minutes will come into force and be implemented after the expiry of 3 working days after the publication date of the minutes identified below unless the matters are 'called in'.

Publication date: 17 March 2016

Chair……..

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 22 March 2016

PRESENT: Councillor M Henry

Councillors: M Gannon, C Donovan, A Douglas, M Foy, G Haley, J McElroy, M McNestry and L Twist

C206 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor L Green.

C207 NORTH EAST COMBINED AUTHORITY - PROPOSED DEVOLUTION AGREEMENT AND ELECTED REGIONAL MAYOR

Consideration has been given to the views of the Council in relation to the proposed Devolution Agreement and to an update on the outstanding issues that require clarification and commitment from the Government.

RESOLVED - (i) That it be noted that Councillor Hindle's substantive point made at the Council meeting on 25 February "that the deal was about devolving central government funding to the local area and that this would allow local priorities to be better reflected in spending decisions" should have been included in appendix 3 to the report after the reference to his comments relating to Councillor Eagle's remarks about a referendum.

(ii) That Gateshead Council supports genuine devolution for the North East of England. Gateshead Council believes that the current offer to the North East Combined Authority (the "Proposed Agreement") does not represent genuine devolution, poses a threat to local democracy and proposes governance that lacks accountability. Gateshead Council does not consent to being part of a Mayoral Combined Authority. Gateshead Council will continue to work with neighbouring local authorities to our mutual benefit and seek to deliver the best possible public services to the people of Gateshead and the North East of England.

Copies of all reports and appendices referred to in these minutes are available online and in the minute file. Please note access restrictions apply for exempt business as defined by the Access to Information Act.

The decisions referred to in these minutes will come into force and be implemented after the expiry of 3 working days after the publication date of the minutes identified below unless the matters are ‘called in’.

Publication date: 23 March 2016

Chair……..

Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: Highway Maintenance Capital Programme 2016/17

REPORT OF: Paul Dowling, Strategic Director, Communities & Environment

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Purpose of the Report

1. This report seeks approval for a programme of capital funded highway maintenance schemes in 2016/17.

Background

2. The Council's capital programme for 2016/17 includes an allocation of £2,662,000 for the structural maintenance of roads and maintenance of bridges as part of the delivery of the Local Transport Plan. These allocations are used to refurbish adopted roads and highway structures in accordance with the principles outlined within the Council's highway asset management plan.

Proposal

3. Lists of schemes have been prepared in line with these allocations and are detailed in tables 1 to 6 in Appendix 2.

4. Location plans for the proposed schemes are attached at Appendix 3.

Recommendations

5. It is recommended that Cabinet:

   (i) approves the proposed programmes of refurbishment works for 2016/17; and

   (ii) authorises the Service Director, Transport Strategy awards the relevant highway works to the Service Director, Construction Services under the terms of the Highways, Drainage & Street Lighting Maintenance Contract, the balance to the annual road surfacing contractor, the annual road surface dressing contractor, the principal bridge inspections to a suitable consultant through the NEPO Framework Agreement for Transportation & Civil Engineering Consultancy and to seek tenders for the specialist concrete bridge contractors;

6. For the following reasons:

   (i) To continue to address the backlog of deterioration of roads and footways throughout the borough;

   (ii) To maintain the bridges in a safe and serviceable condition.

CONTACT: Jimmy Young extension: 3073

Policy Context

1. The proposals are in line with Vision 2030, and in particular support the creation of sustainable and thriving communities, and prosperous communities with a focus on creativity and the environment. The proposals also support the local development framework and the Tyne & Wear Local Transport Plan (LTP).

Background

2. The Council's capital programmes for 2016/17 include LTP funded allocations totalling £2,662,000 for the structural maintenance roads and for the maintenance of bridges as part of the LTP. These allocations are used to refurbish adopted roads and highway structures in accordance with the principles outlined within the Council's highway asset management plan.

3. From 2016/17 LTP highway maintenance allocations include an element of performance funding based on a Department for Transport asset management appraisal. This sees some of the funding allocated on an authority's categorisation of performance in one of three bands. For 2016/17 the assessment for Gateshead places it in band 2, meaning that there should be no loss of funding this year. However failure to attain the highest performance rating (band 3) will see increasing amounts of funding put at risk in future years.

4. Road condition survey information, bridge inspection reports and the lists of outstanding schemes have been used to prepare a programme of works in line with the allocations. The latest local carriageway condition survey data indicates that approximately 9% of Gateshead's roads require structural repairs (resurfacing). The proposals seek to ensure that roads and footways are maintained in compliance with the statutory duty (Highways Act 1980 Section 41) to maintain adopted highway.

Consultation

5. The Cabinet Members for Environment and Transport and councillors in whose wards the works are proposed have been consulted. No adverse comments have been received

Alternative Options

6. There are other similar roads throughout the borough in need of refurbishment. The proposed programmes have been chosen from lists of outstanding highways maintenance schemes, the roads concerned being amongst those considered to be in most urgent need of treatment.

Implications of Recommended Option

7. **Resources**

a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the proposed capital investment can be accommodated from within the LTP allocation set out in the Council's approved capital programme.

Where changes are identified to the delivery plans set out within the indicative programme, alternative schemes will be accelerated where possible in order to maximize the benefit of the resources that have been identified to support investment in the Council's highway infrastructure.

b) **Human Resources Implications** – Nil.

c) **Property Implications** – Nil.

8. **Risk Management Implications** – Nil.

9. **Equality & Diversity Implications** – Nil.

10. **Crime & Disorder Implications** – Nil.

11. **Health Implications** – Nil.

12. **Sustainability Implications** – The proposed works will preserve the integrity and improve the appearance of the affected highways.

13. **Human Rights Implications** – Nil.

14. **Area & Ward Implications** – The affected wards are shown in Appendix 2.

Background Information

15. The following background information has been used in preparing this report:

(a) lists of outstanding highway maintenance schemes;

(b) road condition data;

(c) bridge inspection reports.

APPENDIX 2

Table 1a: Works – Classified & Bus Routes (non-residential roads)

Scheme No.	Location	Description of Works
Principal Roads		
2016/SMP/01	A695 **Chainbridge Road / Derwenthaugh Road**, Derwenthaugh	Resurface carriageway
2016/SMP/02	A167 **Tyne Bridge Approach Southbound**, Gateshead	Reconstruct / resurface carriageway
2016/SMP/03	A184 **Felling Bypass**, Heworth	Reconstruct / resurface carriageway
Other Roads		
2016/SM/01	B6317 **Main Street**, Crawcrook	Resurface carriageway
2016/SM/02	B6316 **Whaggs Lane**, Whickham	Reconstruct / resurface carriageway
2016/SM/03	B6316 **Sunniside Road**, Sunniside	Resurface carriageway
2016/SM/04	B6317 **Whickham Highway**, Dunston Hill	Resurface carriageway
2016/SM/05	B601 **Lobley Hill Road**, Bensham	Resurface carriageway
2016/SM/06	C324 **Kingsway South**, Team Valley	Reconstruct / resurface carriageway
2016/SM/07	C314 **Chowdene Bank**, Chowdene & TVTE	Reconstruct / resurface carriageway
2016/SM/08	**Coatsworth Road**, Bensham	Resurface carriageway
2016/SM/09	B1426 **Sunderland Road**, Gateshead	Resurface carriageway
2016/SM/10	B1296 **Old Durham Road**, Sheriff Hill	Resurface carriageway
2016/SM/11	C319 **Coldwell Lane**, Felling	Resurface carriageway
2016/SM/12	C330 **Vigo Lane**, Birtley	Reconstruct / resurface carriageway

Table 1a: Works – Classified & Bus Routes (continued)

Scheme No.	Location	Description of Works
Other Roads (continued)		
2014/SM/13	B1288 **Portobello Road**, Birtley	Resurface carriageway
2016/SM/14	**Grange Road**, Heworth	Resurface carriageway
2016/SM/15	**Structural Patching** (to complement surfacing schemes)	Carriageway repairs near resurfacing schemes
2014/SM/16	**Highway Drainage Works** (to complement surfacing schemes)	Drainage repairs near resurfacing schemes
2014/SM/17	**Minor Works** (various locations – poor weather failures)	Resurface carriageway
Reserve Schemes (to be included if the main programme cannot be completed)		
2016/SMP/R01	A692 **Lobley Hill Road**, Lobley Hill	Reconstruct / resurface carriageway
2016/SM/R01	C324 **Kingsway South**, Team Valley	Reconstruct / resurface carriageway
2016/SM/R02	**Nest Road**, Felling	Resurface carriageway
2016/SM/R03	B1426 **Sunderland Road**, Heworth	Reconstruct / resurface carriageway

Table 1b: Costs – Classified & Bus Routes (non-residential roads)

Scheme No.	Title	Ward	Area	Cost £k
Principal Roads				
2016/SMP/01	A695 **Chainbridge Road / Derwenthaugh Road**, Derwenthaugh	Blaydon	West	43
2016/SMP/02	A167 **Tyne Bridge Approach Southbound**, Gateshead	Bridges	Central	77
2016/SMP/03	A184 **Felling Bypass**, Heworth	43Pelaw & Heworth	East	90
			Technical Costs	10
			Subtotal 1	**220**
Other Roads				
2016/SM/01	B6317 **Main Street**, Crawcrook	Crawcrook & Greenside	West	47
2016/SM/02	B6316 **Whaggs Lane**, Whickham	Whickham North, Dunston Hill & Whickham East	Inner West	43
2016/SM/03	B6316 **Sunniside Road**, Sunniside	Whickham South & Sunniside	Inner West	72
2016/SM/04	B6317 **Whickham Highway**, Dunston Hill	Dunston Hill & Whickham East	Inner West	22
2016/SM/05	B601 **Lobley Hill Road**, Bensham	Lobley Hill & Bensham	Central	48
2016/SM/06	C324 **Kingsway South**, Team Valley	Lamesley	South	99
2016/SM/07	C314 **Chowdene Bank**, Chowdene & TVTE	Lamesley, Low Fell, Chowdene	South	35
2016/SM/08	**Coatsworth Road**, Bensham	Saltwell, Bridges, Lobley Hill & Bensham	Central	63
2016/SM/09	B1426 **Sunderland Road**, Gateshead	Bridges	Central	51
2016/SM/10	B1296 **Old Durham Road**, Sheriff Hill	High Fell	South	57
			Technical Costs	27
			Subtotal 2	**564**

Table 1b: Costs – Classified & Bus Routes (continued)

Scheme No.	Title	Ward	Area	Cost £k
Other Roads (continued)				
2016/SM/11	C319 **Coldwell Lane**, Felling	Felling, Windy Nook & Whitehills	East	53
2016/SM/12	C330 **Vigo Lane**, Birtley	Birtley	South	49
2016/SM/13	B1288 **Portobello Road**, Birtley	Lamesley	South	30
2016/SM/14	**Grange Road**, Heworth	Pelaw & Heworth	East	55
2014/SM/15	**Structural Patching** (to complement surfacing schemes)	–	–	100
2014/SM/16	**Highway Drainage Works** (to complement surfacing schemes)	–	–	50
2014/SM/17	**Minor Works** (various – poor weather failures)	–	–	50
			Technical Costs	19
			Subtotal 3	**406**
			Subtotal 2	**564**
			Subtotal 1	**220**
			Total	**1190**

Table 2a: Works – Rural Roads (surface dressing)

Scheme No.	Location	Description of Works
2016/SD/01	C302 **Lead Road**, Greenside	Surface dress, prepatch & edge improvement
2016/SD/02	**Greenhead Road**, Chopwell	Surface dress, prepatch & edge improvement

Table 2b: Costs – Rural Roads (surface dressing)

Scheme No.	Title	Ward	Area	Cost £k
2016/SD/01	C302 **Lead Road**, Greenside	Chopwell & Rowlands Gill, Crawcrook & Greenside	West	70
2016/SD/02	**Greenhead Road**, Chopwell	Chopwell & Rowlands Gill, Crawcrook & Greenside	West	50
			Technical Costs	6
			Total	**126**

Table 3a: Works – Unclassified (residential roads & non-bus routes)

Scheme No.	Location	Description of Works
2016/MP/01	**School Lane**, High Spen	Resurface carriageway
2016/MP/02	**Orchard Road**, Rowlands Gill	Resurface carriageway
2016/MP/03	**Park View**, Winlaton	Resurface carriageway
2016/MP/04	**Cowen Road**, Blaydon	Resurface carriageway
2016/MP/05	**Brewery Bank**, Swalwell	Resurface carriageway
2016/MP/06	**Buttermere Avenue**, Whickham	Resurface carriageway & renew footways
2016/MP/07	**Chepstow Gardens**, Bensham	Resurface carriageway
2016/MP/08	**East Park Road**, Saltwell	Resurface carriageway
2016/MP/09	**Colton Gardens**, Beacon Lough	Resurface carriageway
2016/MP/10	**Hylton Street**, Gateshead	Resurface carriageway & renew footways
2016/MP/11	**Edward Road**, Birtley	Resurface carriageway
2016/MP/12	**Davidson Street**, Felling	Reconstruct / resurface carriageway
2016/MP/13	**Windermere**, Vigo	Resurface carriageway & renew footways
2016/MP/14	**The Paddock**, Leam Lane	Resurface carriageway & renew footways
2016/MP/15	**Plantation Grove**, Pelaw	Reconstruct / resurface carriageway
Reserve Schemes (to be included if the main programme cannot be completed)		
2016/MP/R01	**Victoria Garesfield**, Rowlands Gill	Resurface carriageway
2016/MP/R02	**Ely Street**, Gateshead	Resurface carriageway
2016/MP/R03	**Lobley Gardens**, Lobley Hill	Resurface carriageway

Table 3b: Costs – Unclassified (residential roads & non-bus routes)

Scheme No.	Title	Ward	Area	Cost £k
2016/MP/01	**School Lane**, High Spen	Winlaton & High Spen	West	14
2016/MP/02	**Orchard Road**, Rowlands Gill	Chopwell & Rowlands Gill	West	22
2016/MP/03	**Park View**, Winlaton	Winlaton & High Spen	West	16
2016/MP/04	**Cowen Road**, Blaydon	Blaydon	West	24
2016/MP/05	**Brewery Bank**, Swalwell	Whickham North	Inner West	11
2016/MP/06	**Buttermere Avenue**, Whickham	Dunston Hill & Whickham East	Inner West	33
2016/MP/07	**Chepstow Gardens**, Bensham	Lobley Hill & Bensham	Central	18
2016/MP/08	**East Park Road**, Saltwell	Saltwell	Central	34
2016/MP/09	**Colton Gardens**, Beacon Lough	Chowdene	South	24
2016/MP/10	**Hylton Street**, Gateshead	Bridges	Central	18
2016/MP/11	**Edward Road**, Birtley	Lamesley, Birtley	South	37
2016/MP/12	**Davidson Street**, Felling	Felling	East	40
2016/MP/13	**Windermere**, Vigo	Birtley	South	52
2016/MP/14	**The Paddock**, Leam Lane	Windy Nook & Whitehills	East	31
2016/MP/15	**Plantation Grove**, Pelaw	Pelaw & Heworth	East	19
2014/SM/16	**Structural Patching** (to complement surfacing schemes)	–	–	50
2014/SM/17	**Minor Works** (various – poor weather failures)	–	–	50
			Technical Costs	25
			Total	**518**

Table 4a: Works – Back Lanes

Scheme No.	Location	Description of Works
2016/BL/01	**Whittonstall Terrace / Ravenside Terrace**, Chopwell	Resurface carriageway
2016/BL/02	**Hood Street**, Swalwell	Resurface carriageway
2016/BL/03	**Parsons Gardens / Tyndal Gardens / Barry Street**, Dunston	Resurface carriageway
2016/BL/04	**Prince Consort Road / Camborne Grove**, Gateshead	Resurface carriageway
2016/BL/05	**Durham Road**, Low Fell	Resurface carriageway
Reserve Schemes (to be included if the main programme cannot be completed)		
2016/BL/R01	**Nell Terrace / Margaret Terrace**, Highfield	Resurface carriageway

Table 4b: Costs – Back Lanes

Scheme No.	Title	Ward	Area	Cost £k
2016/BL/01	**Whittonstall Terrace / Ravenside Terrace**, Chopwell	Chopwell & Rowlands Gill	West	12
2016/BL/02	**Hood Street**, Swalwell	Whickham North	Inner West	6
2016/BL/03	**Parsons Gardens / Tyndal Gardens / Barry Street**, Dunston	Dunston & Teams	Inner West	15
2016/BL/04	**Prince Consort Road / Camborne Grove**, Gateshead	Saltwell	Central	18
2016/BL/05	**Durham Road**, Low Fell	Low Fell	South	9
			Technical Costs	5
			Total	**65**

Table 5a: Works – Bridges

Scheme No.	Location	Description of Works
Principal Roads		
TS0329	A695, A167	Major Concrete Repairs
–	A167 Tyne Bridge	Principal bridge inspection
Other Roads		
TS0278	Various Rail Overbridges	Principal bridge inspections
TS0279	Various Road Underbridges	Principal bridge inspections
–	C322 Swing Bridge	Major steelwork repairs
TS0329	Various Road Bridges	Major concrete repairs

Table 5b: Costs – Bridges

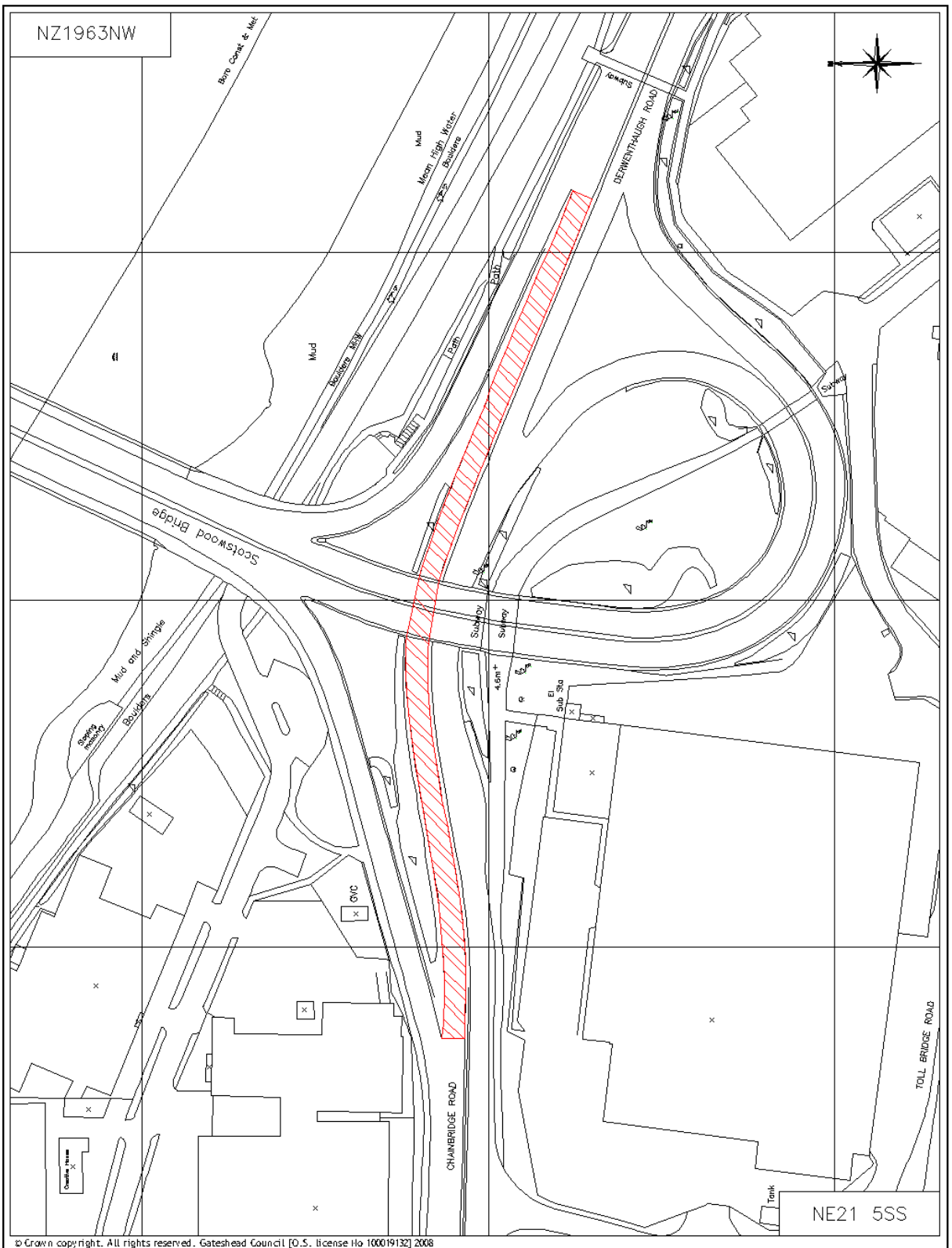
Scheme No.	Title	Ward	Area	Cost £k
Principal Roads				
TS0329	Major Concrete Repairs	Blaydon, Chowdene	West, South	355
–	Tyne Bridge; Principal Inspection	Bridges	Central	30
Other Roads				
TS0278	NR Overbridges Principal Inspections	Various	Various	110
TS0329	Road Bridges; Principal Inspections	Various	Various	60
–	Swing Bridge; Major Steelwork Repairs	Bridges	Central	32
			Total	**587**

Table 6: Costs Summary

Works	**Cost £k**
Classified	1190
Rural	126
Unclassified	518
Back Lanes	65
Bridges	587
LTP Monitoring	133
Total	**2619**

APPENDIX 3

Location Plans



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A695 Chainbridge Road, Blaydon

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Engineering Manager Transport Strategy

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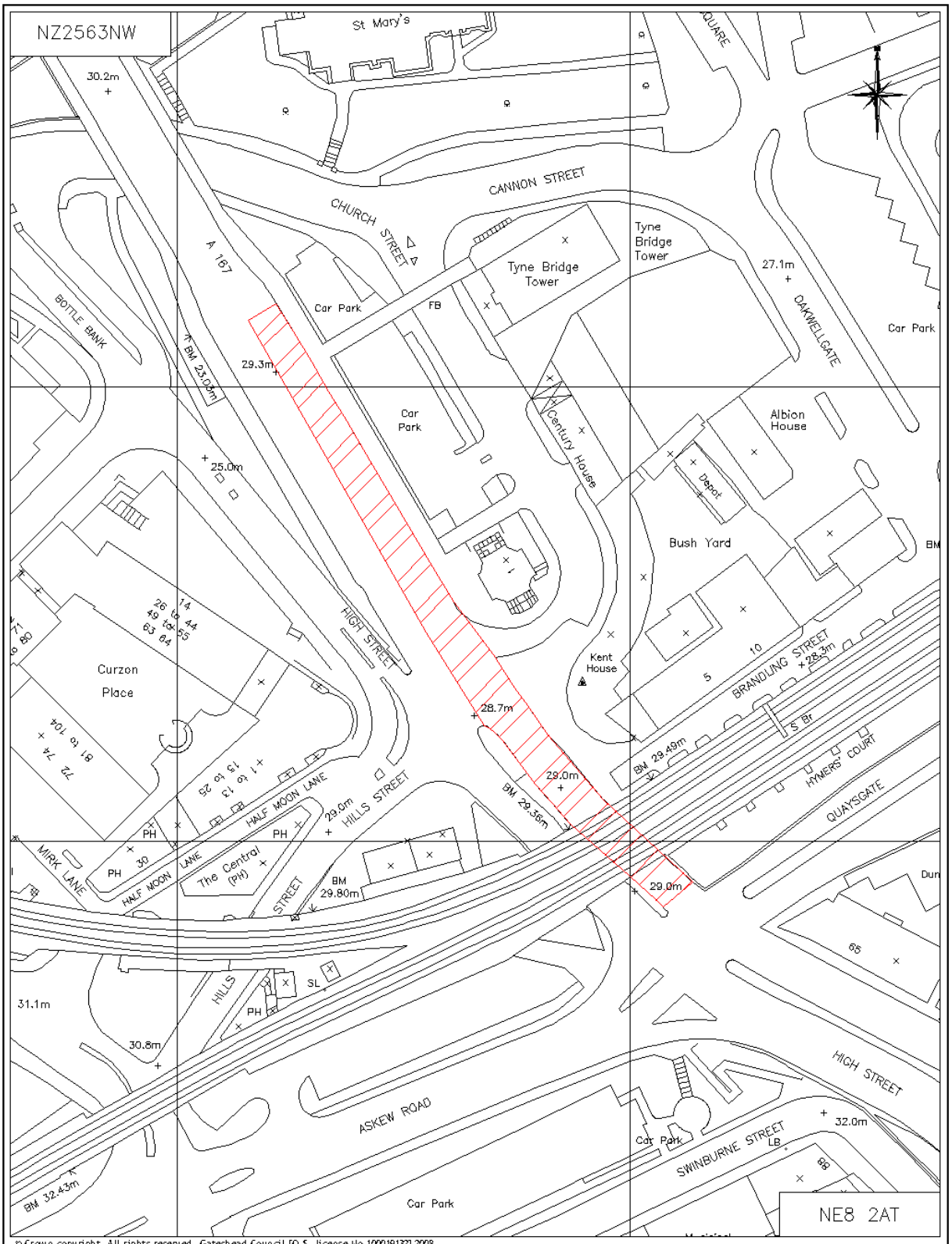

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A167 Tyne Bridge Approach, Gateshead

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A184 Felling Bypass, Heworth

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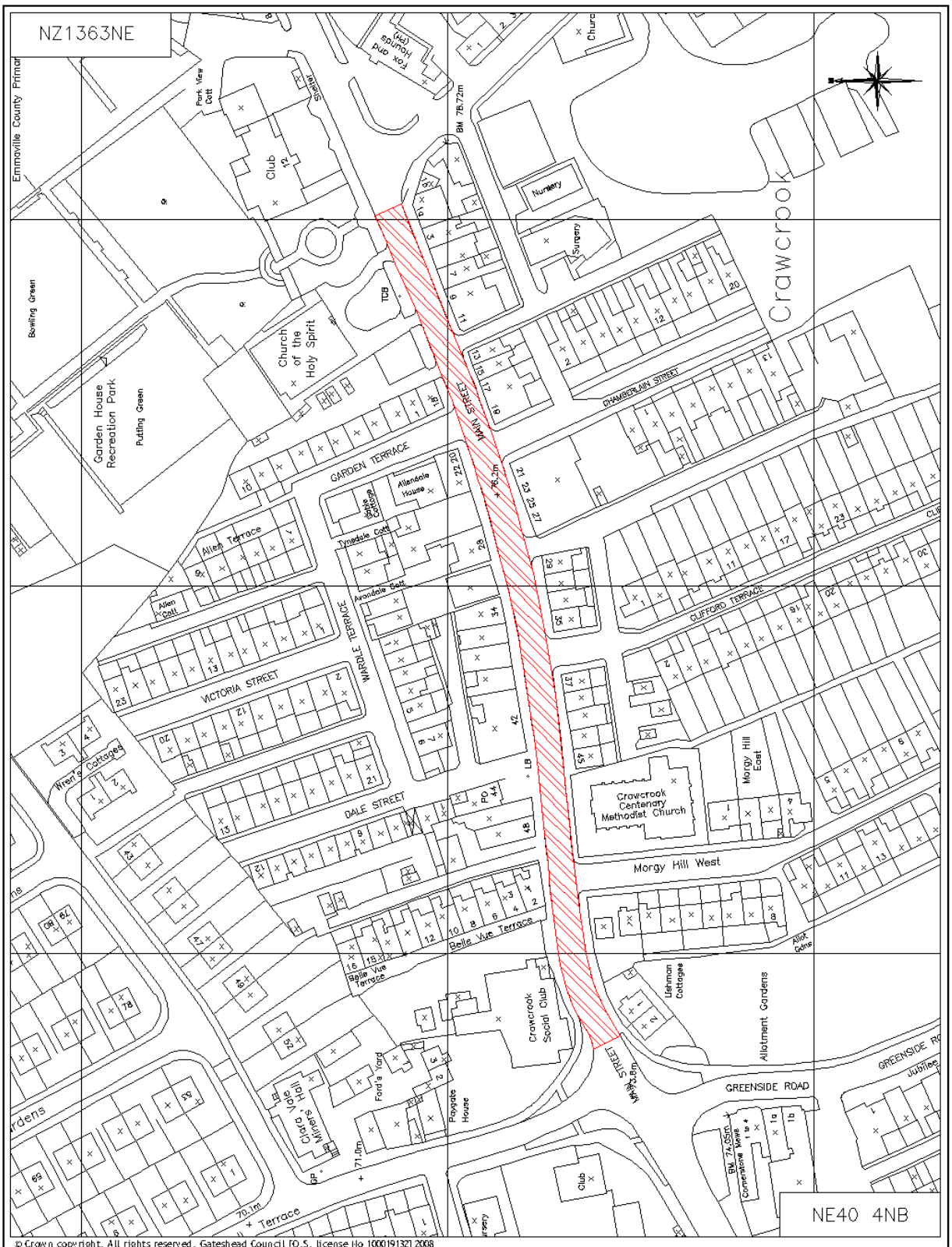

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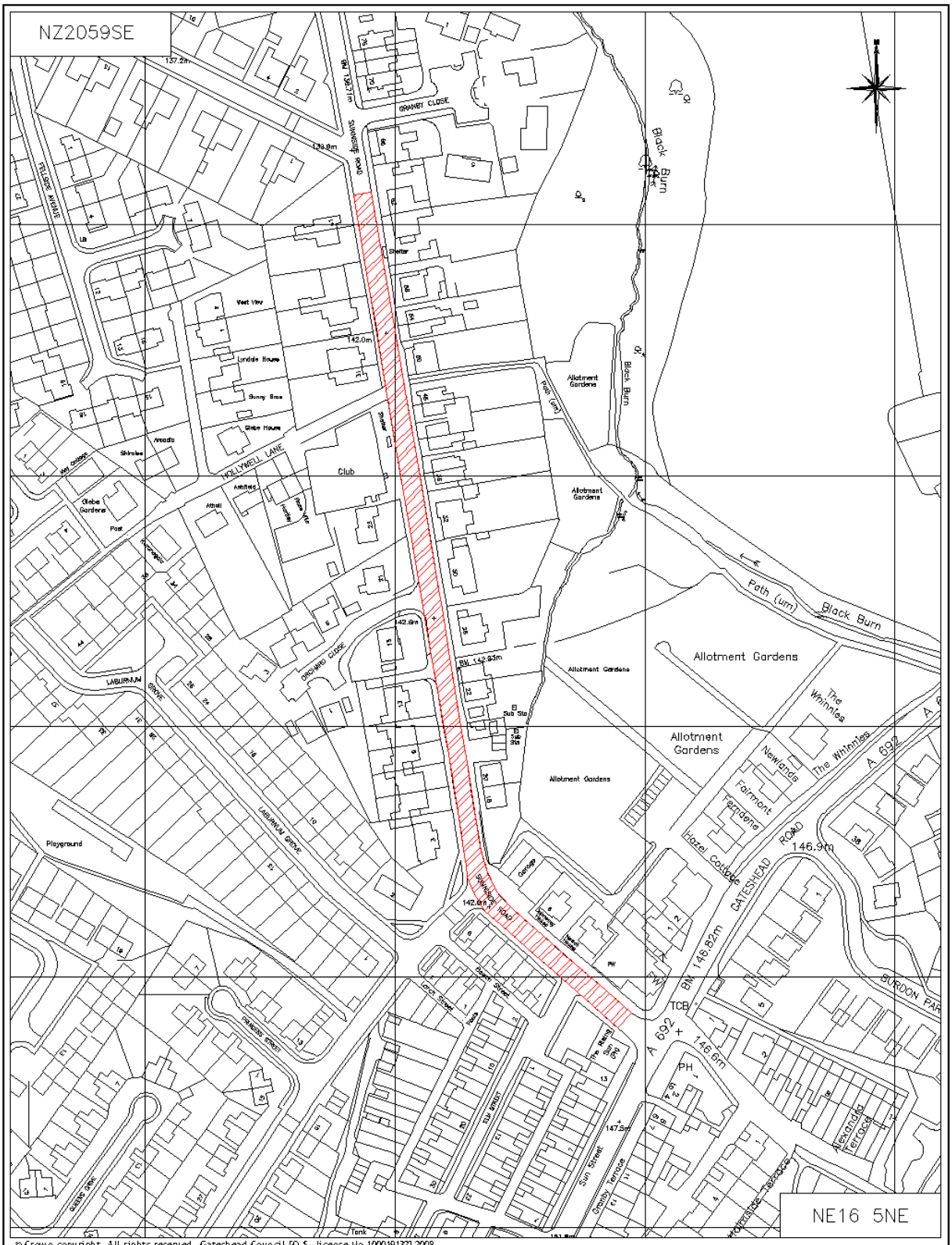

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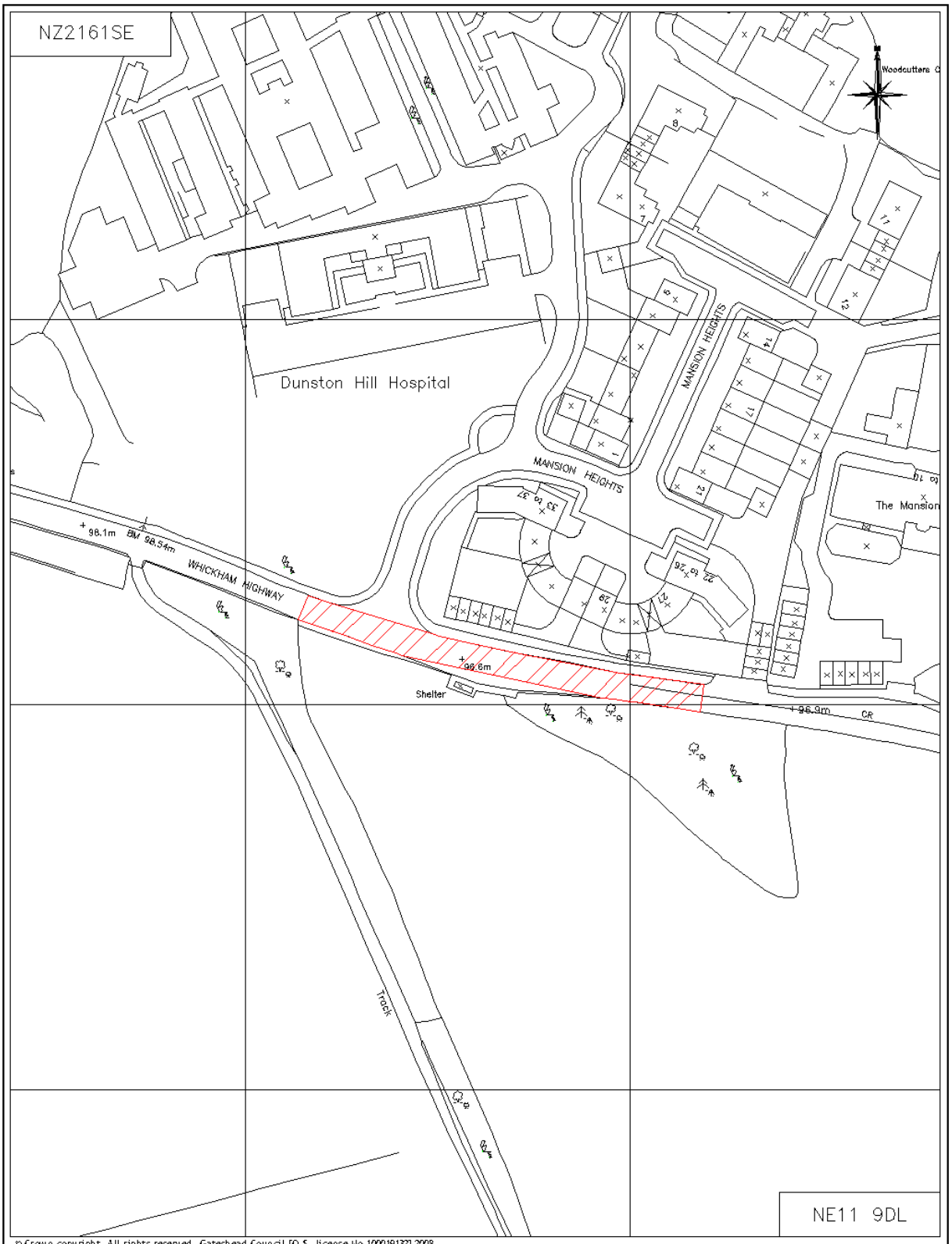

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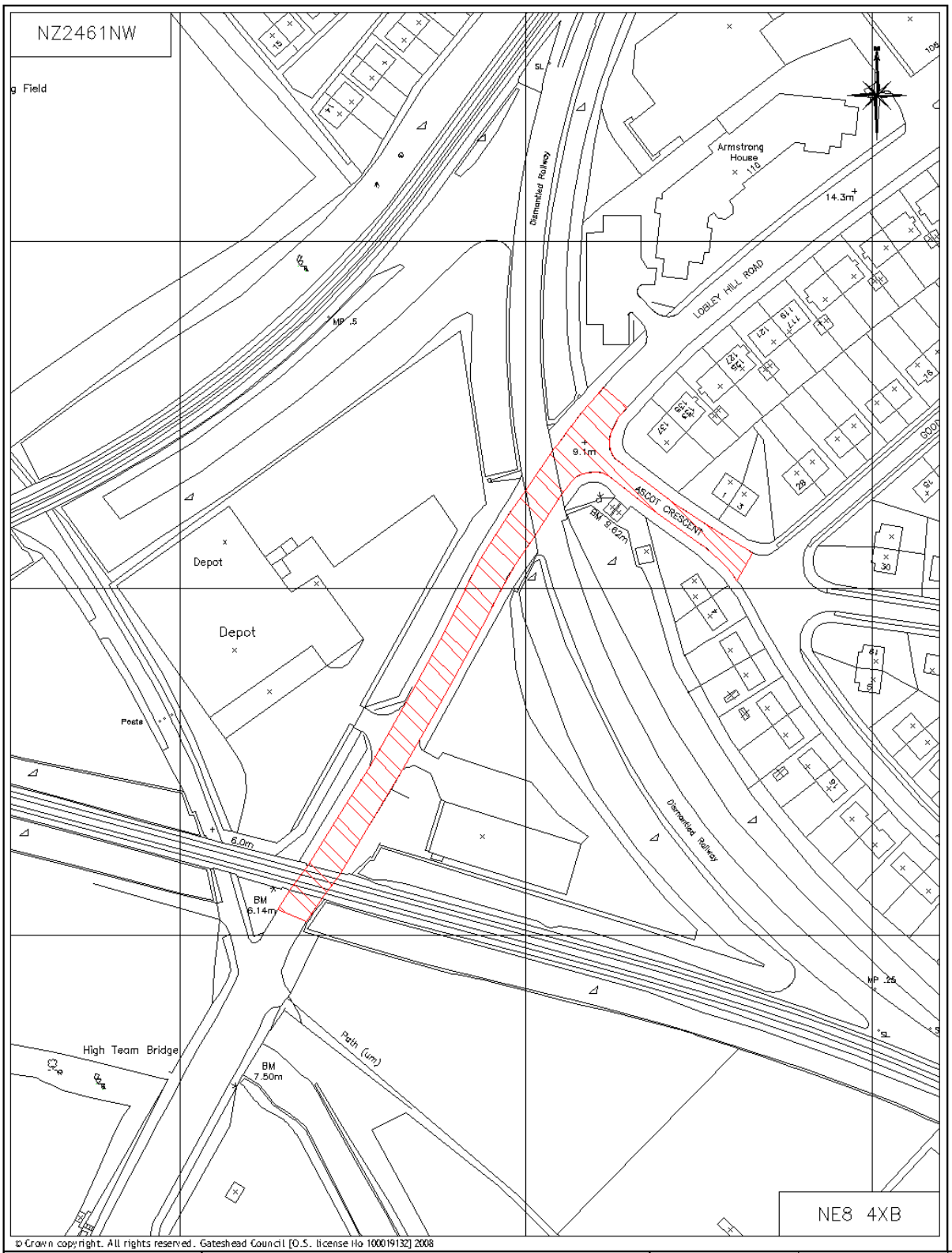

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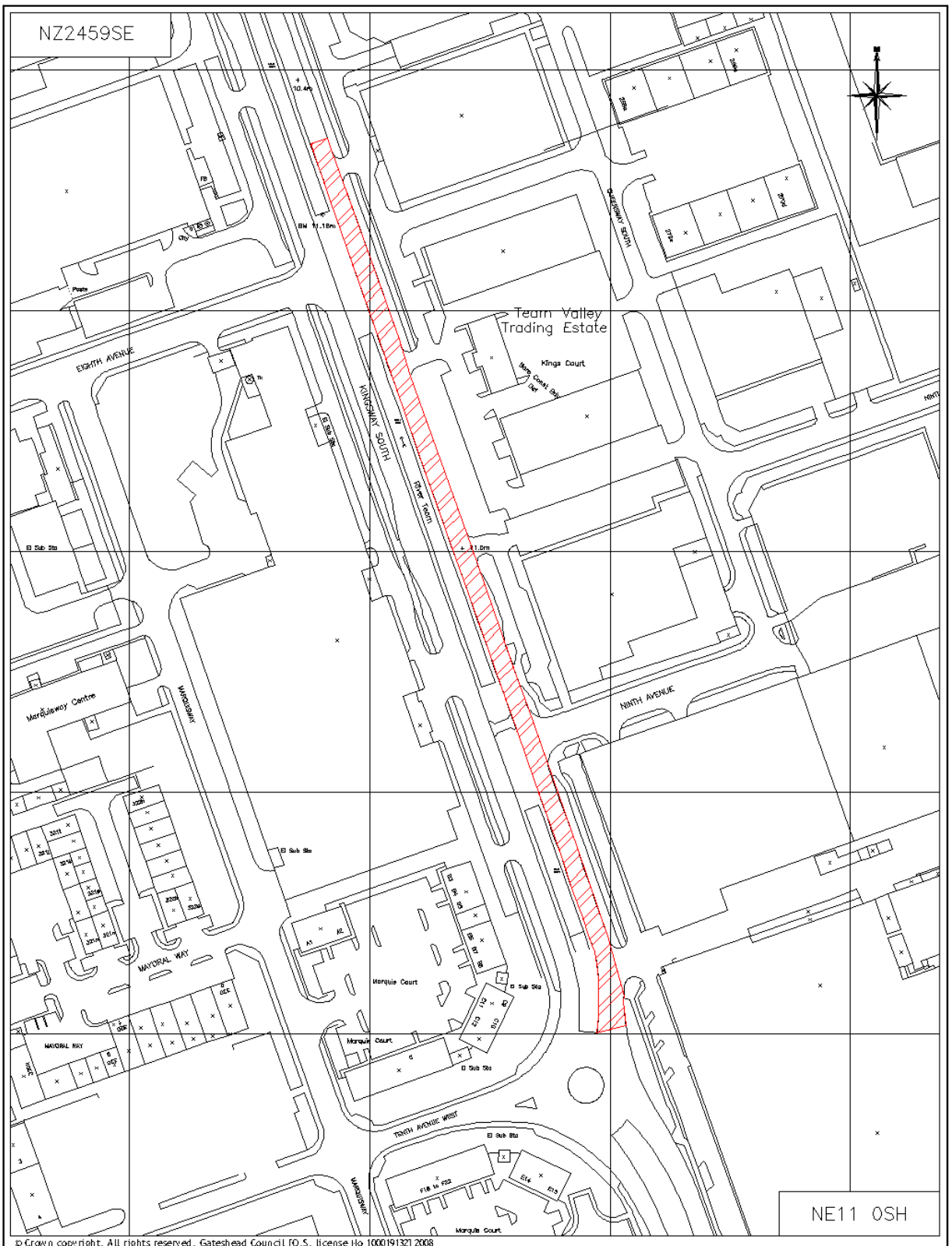

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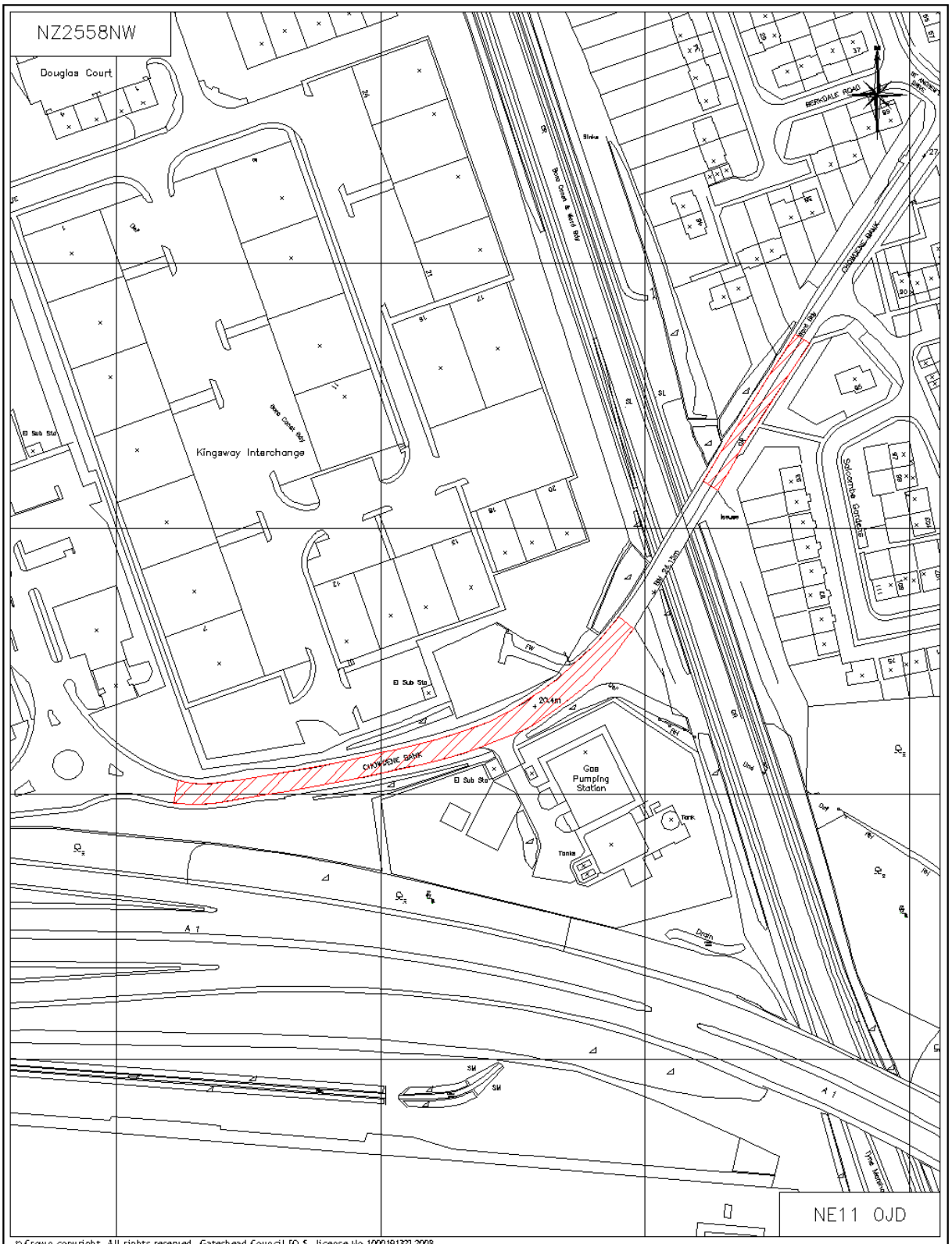

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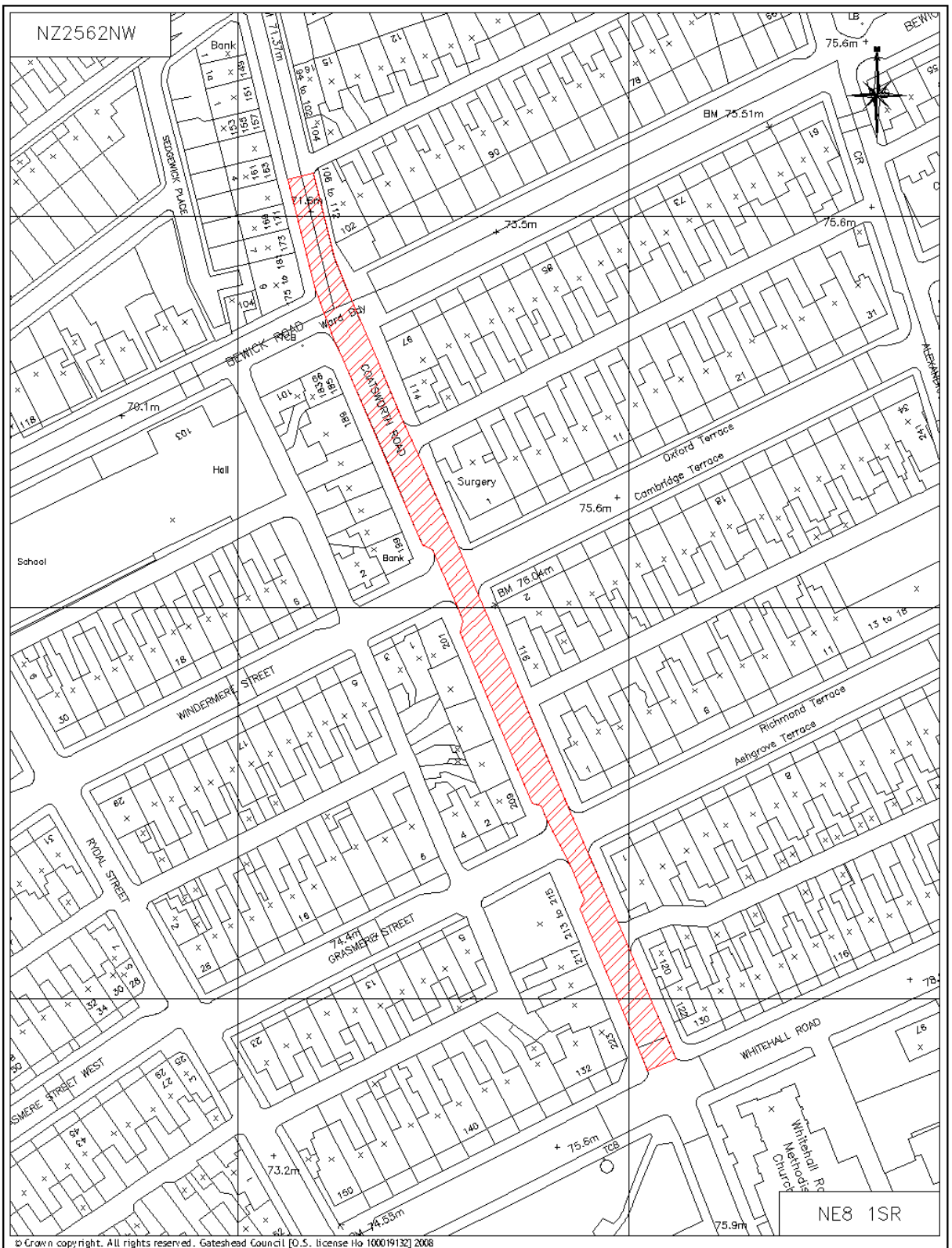

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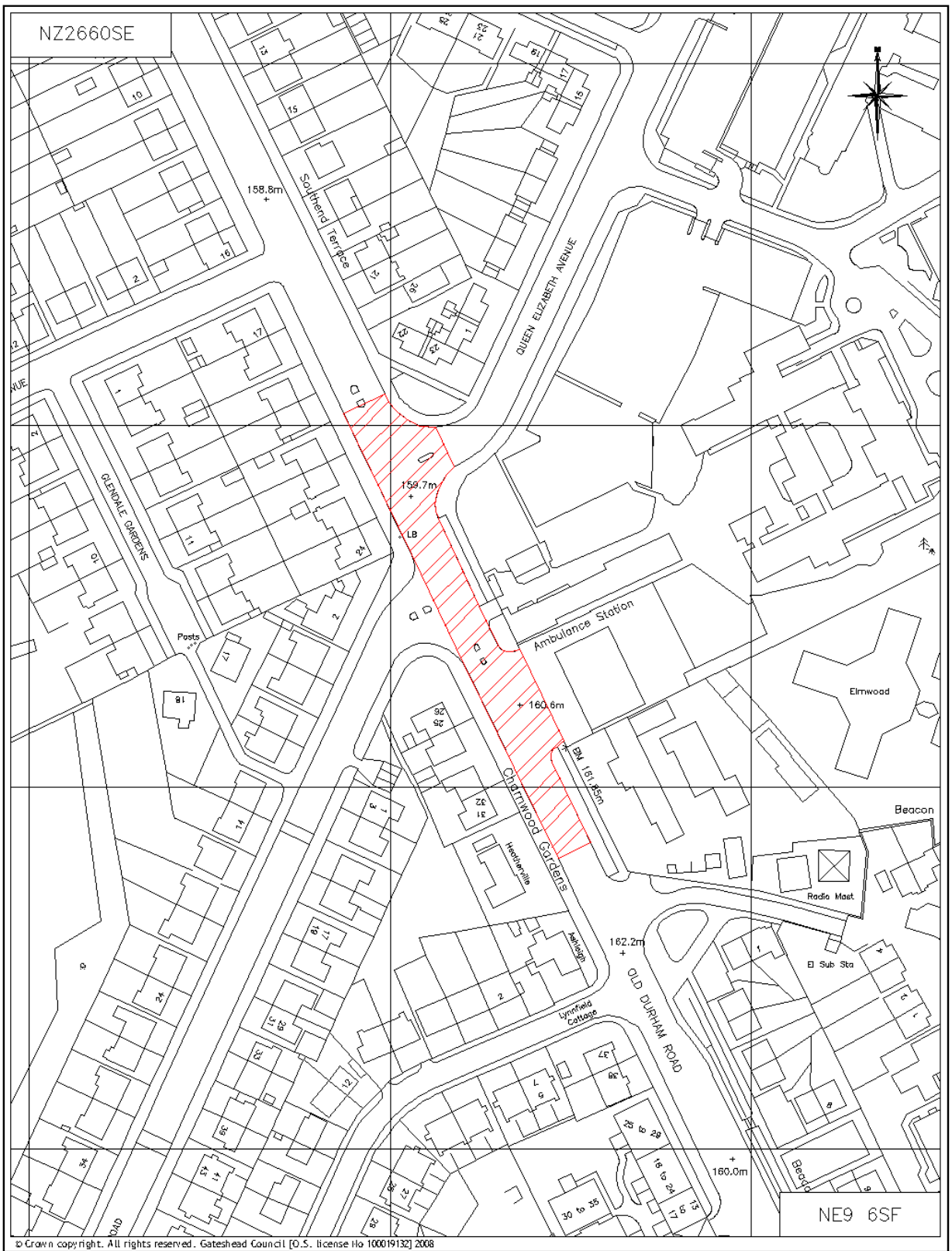

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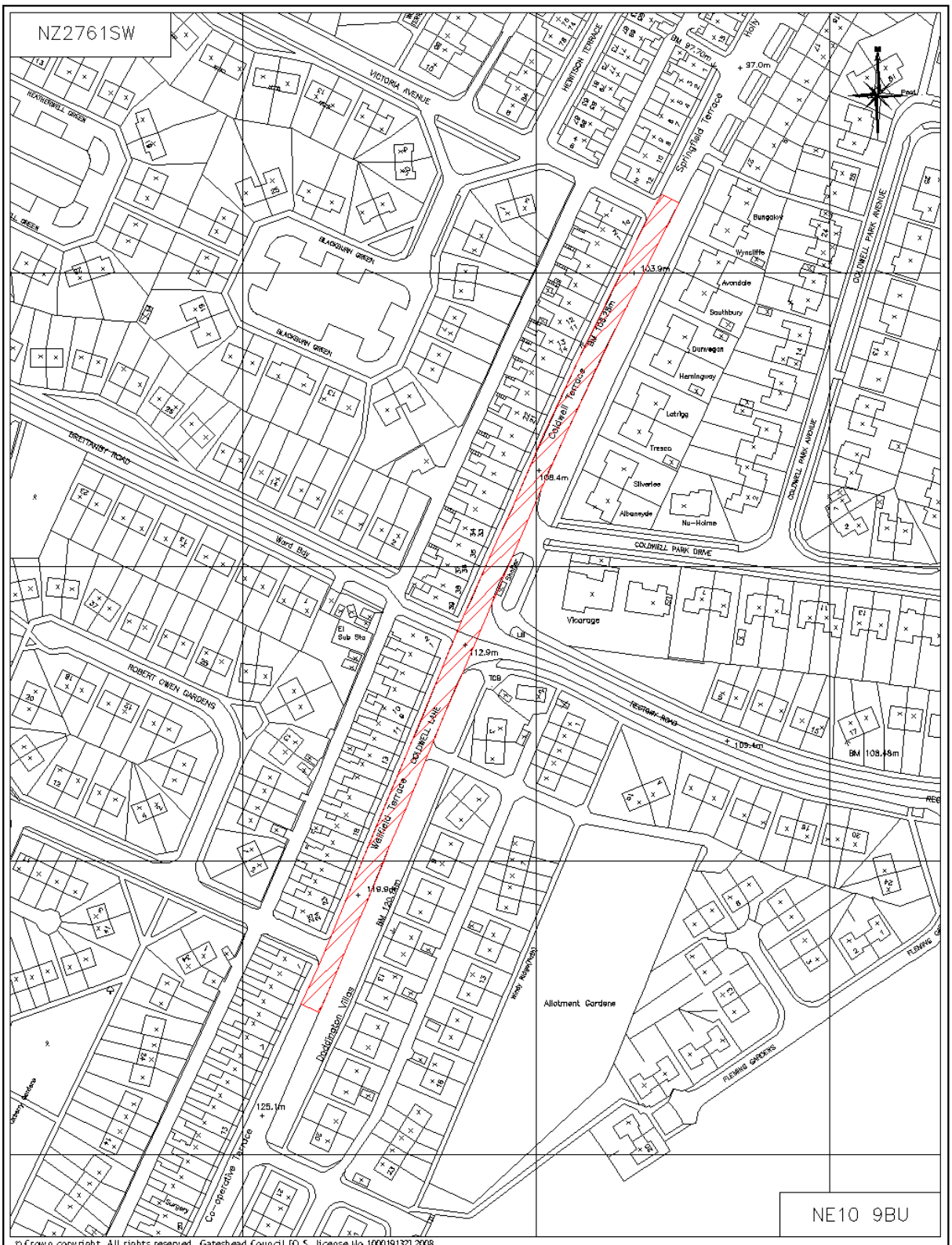

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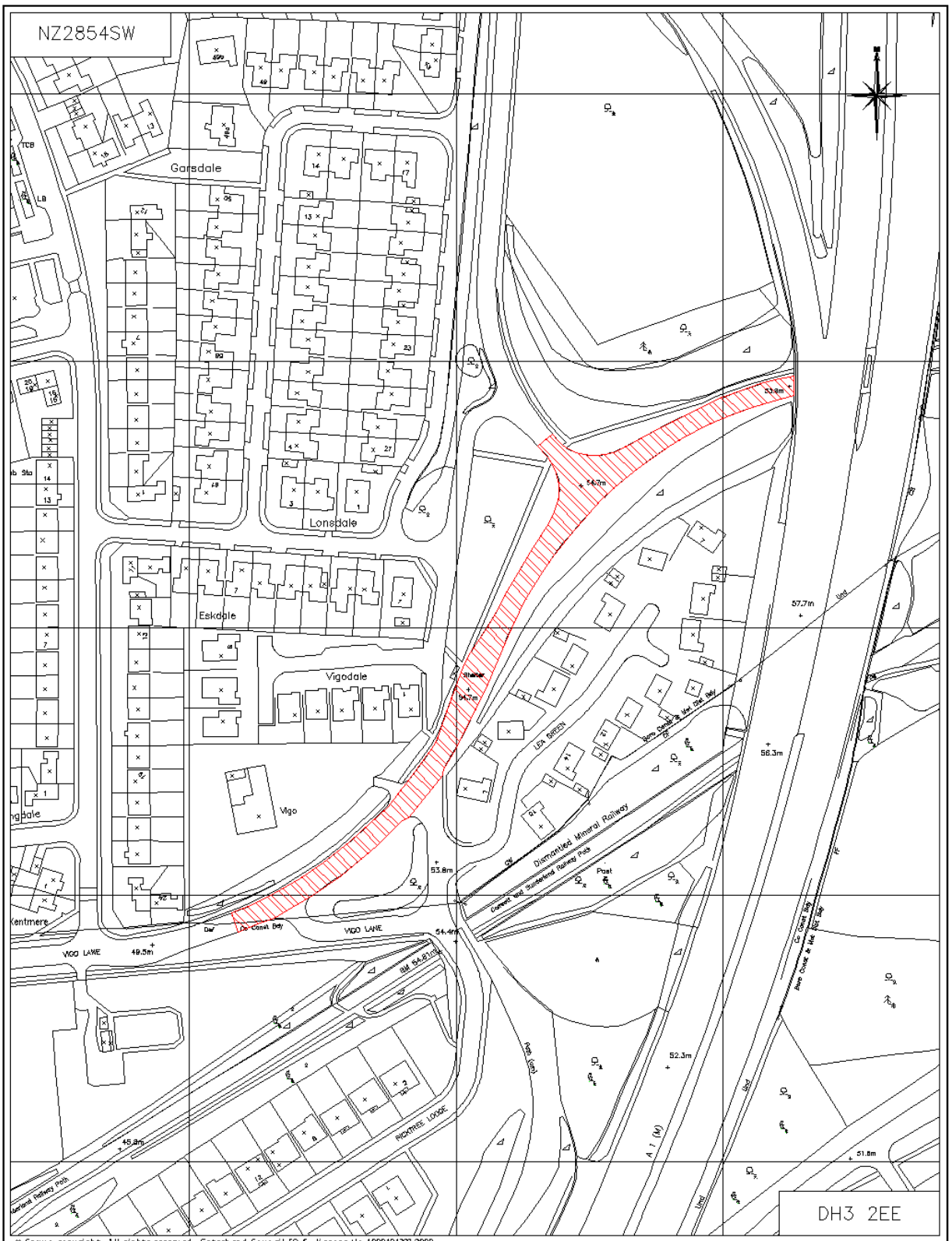

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C330 Vigo Lane, Birtley

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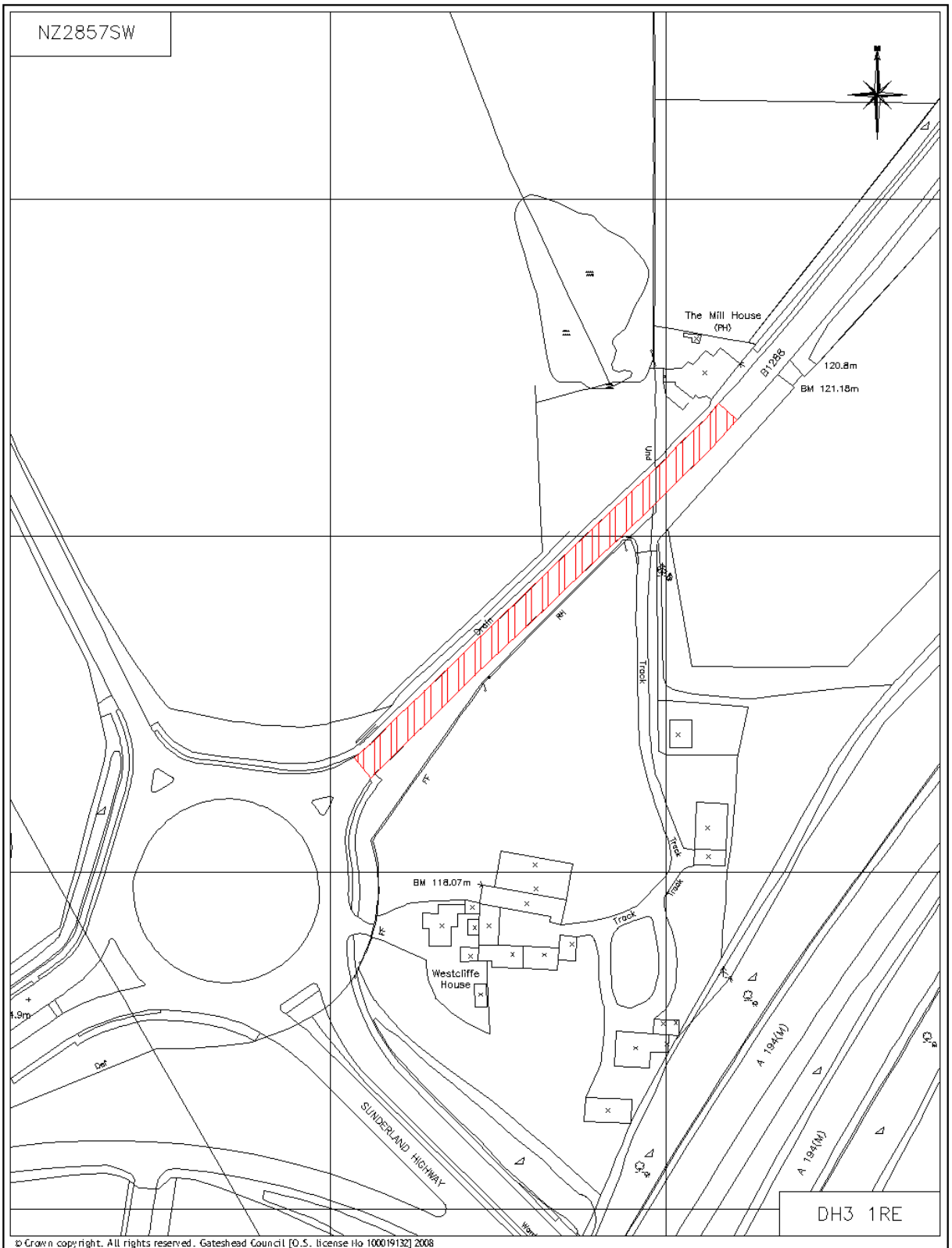

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B1288 Portobello Road, Birtley

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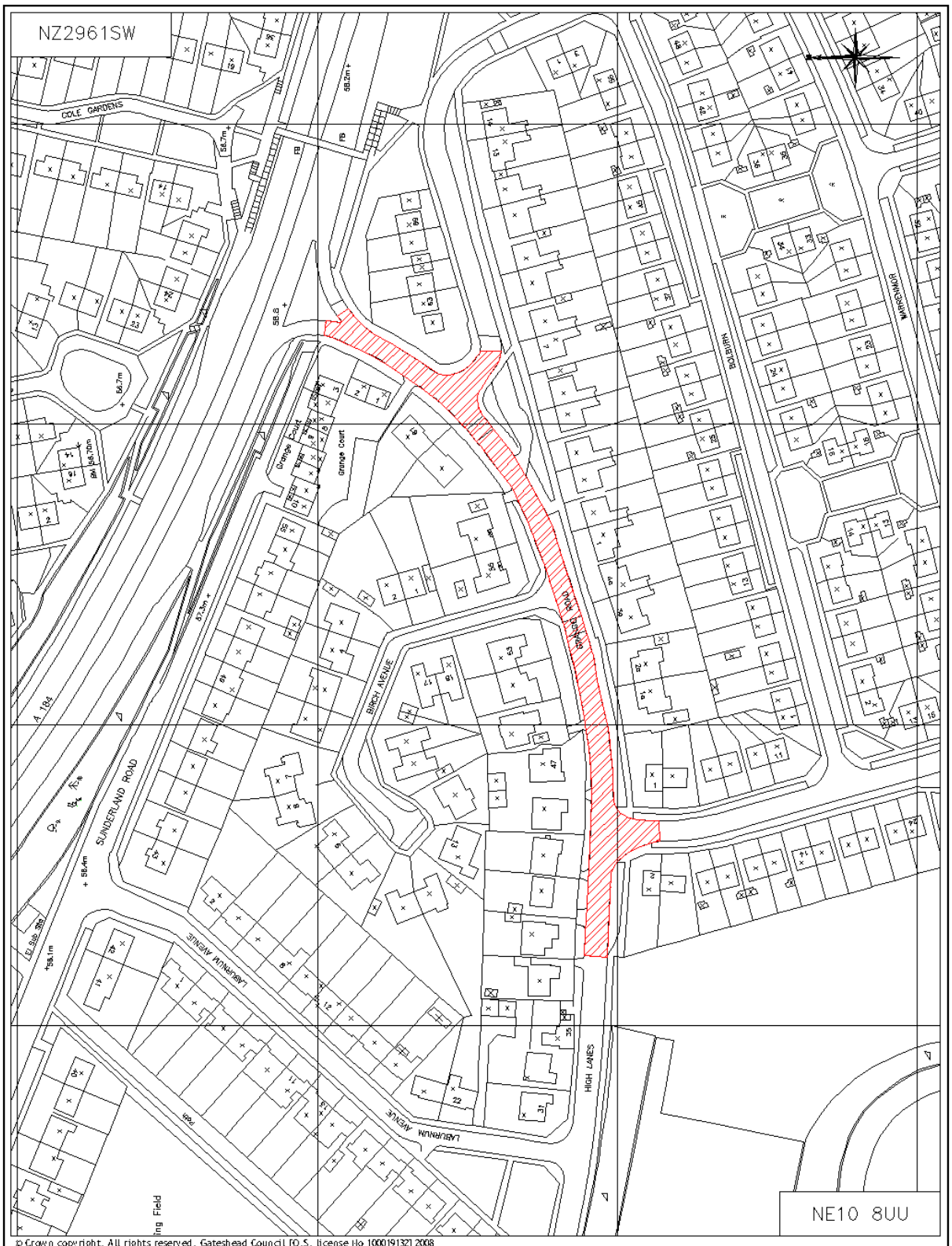

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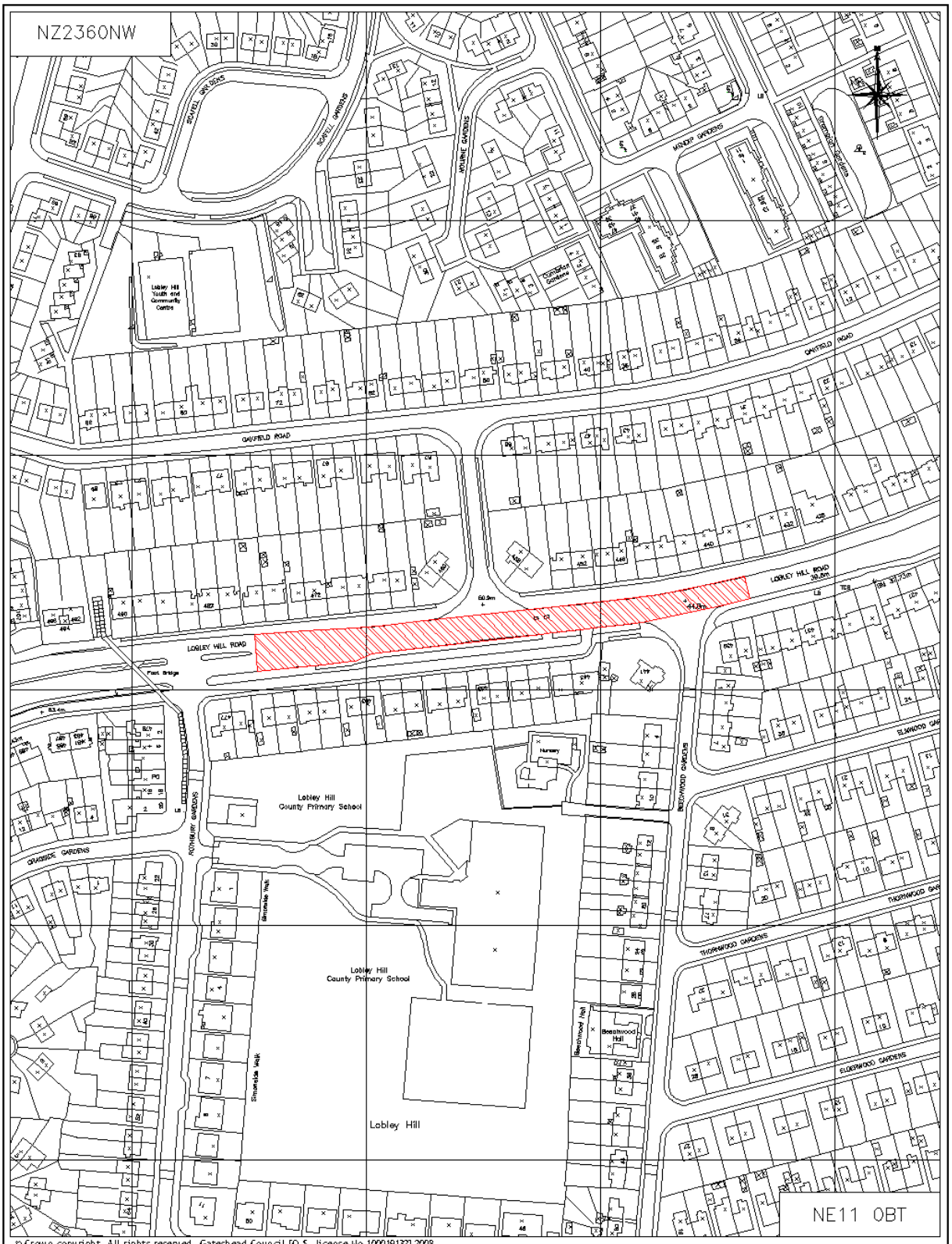

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A692 Lobley Hill Road, Lobley Hill

Communities & Environment

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Engineering Manager Transport Strategy

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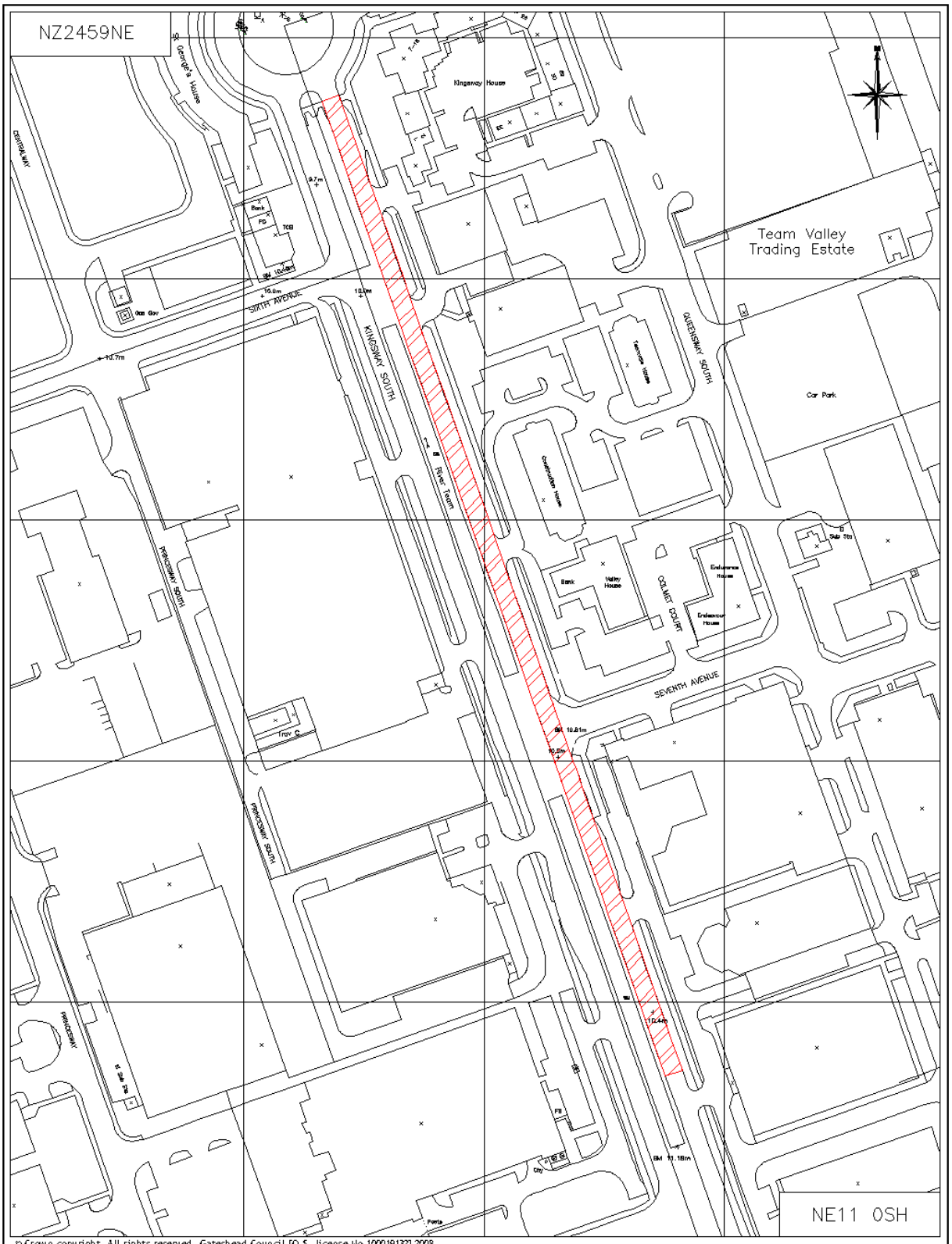

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C324 Kingsway South, Team Valley

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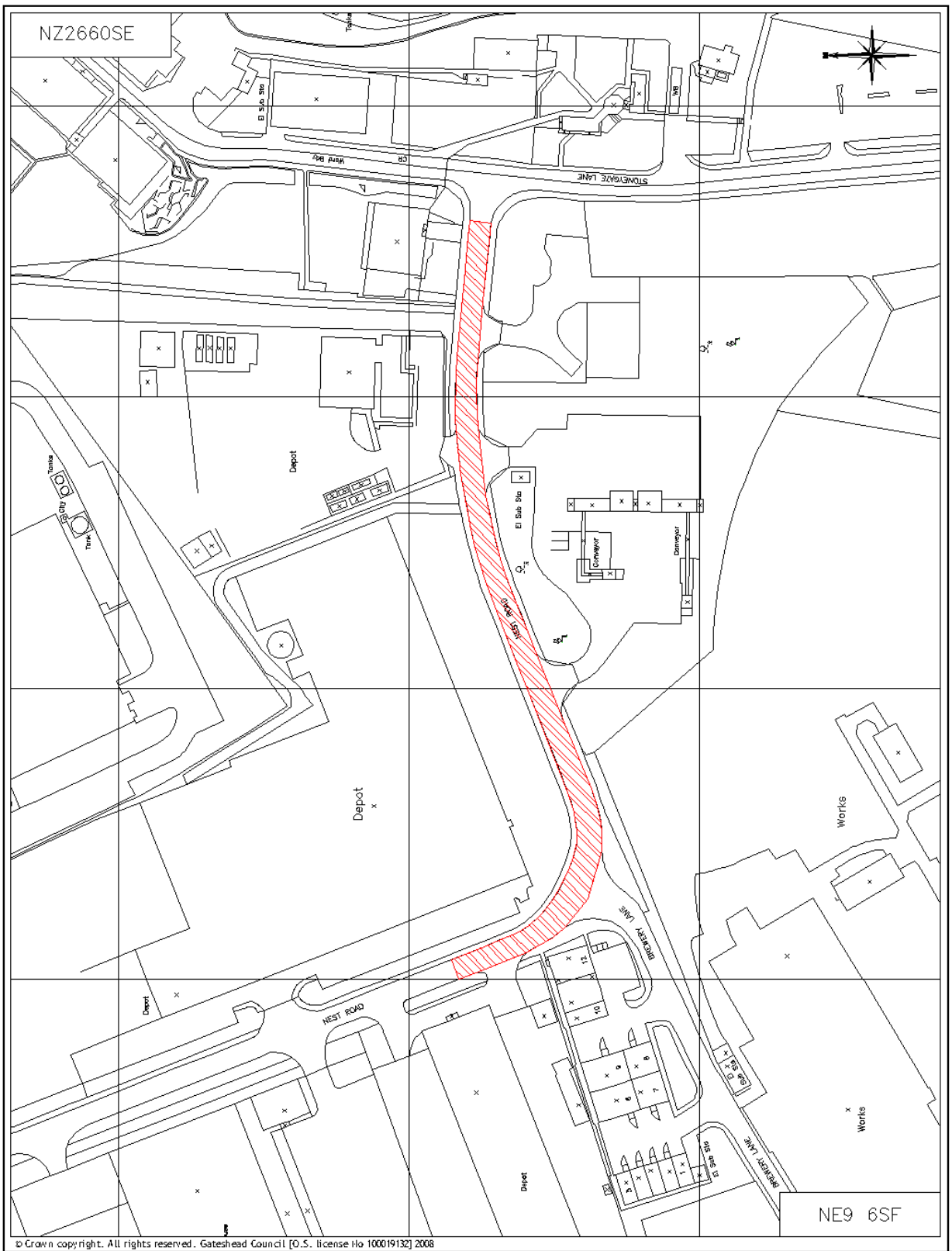

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Nest Road, Felling

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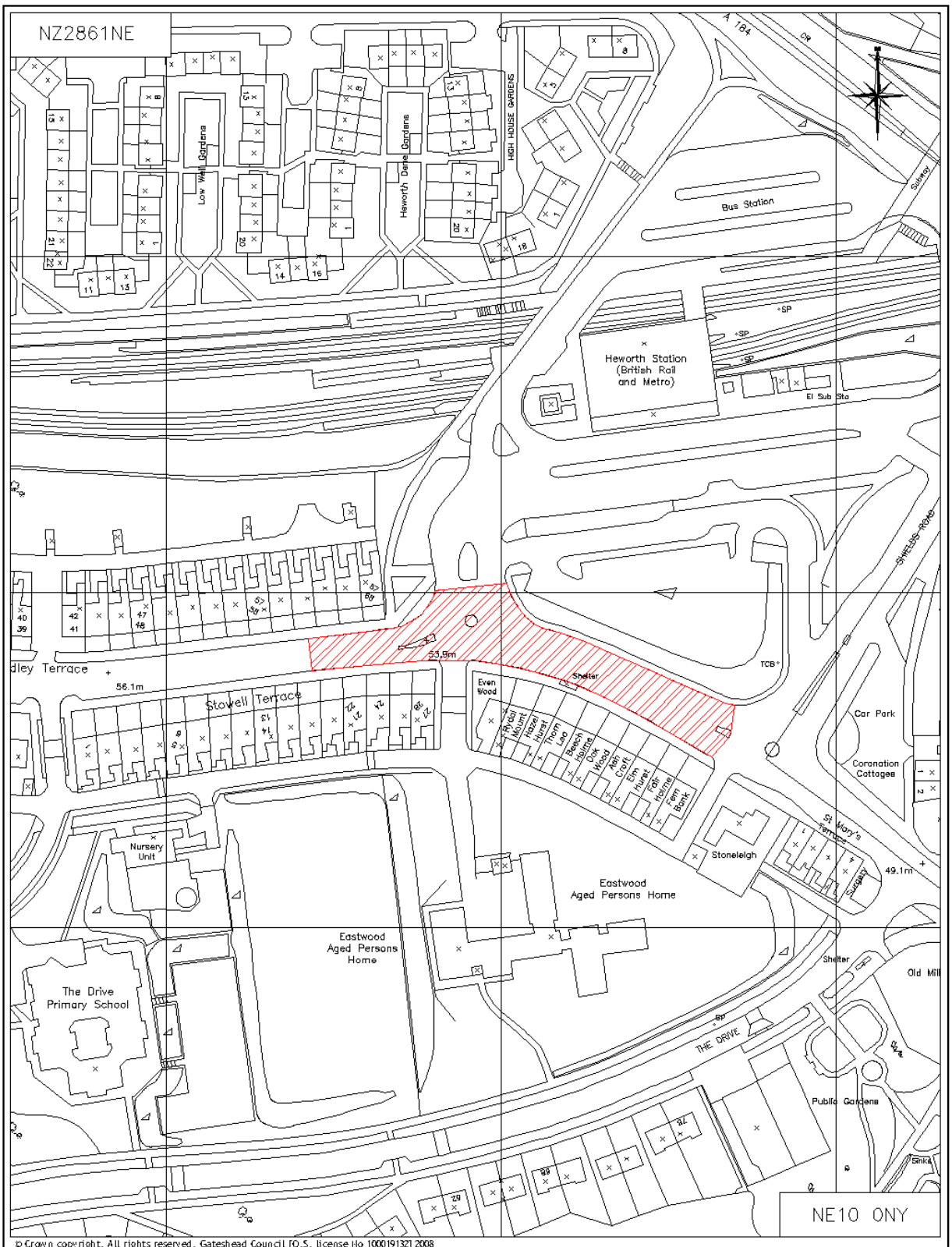

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

B1426 Sunderland Road, Heworth

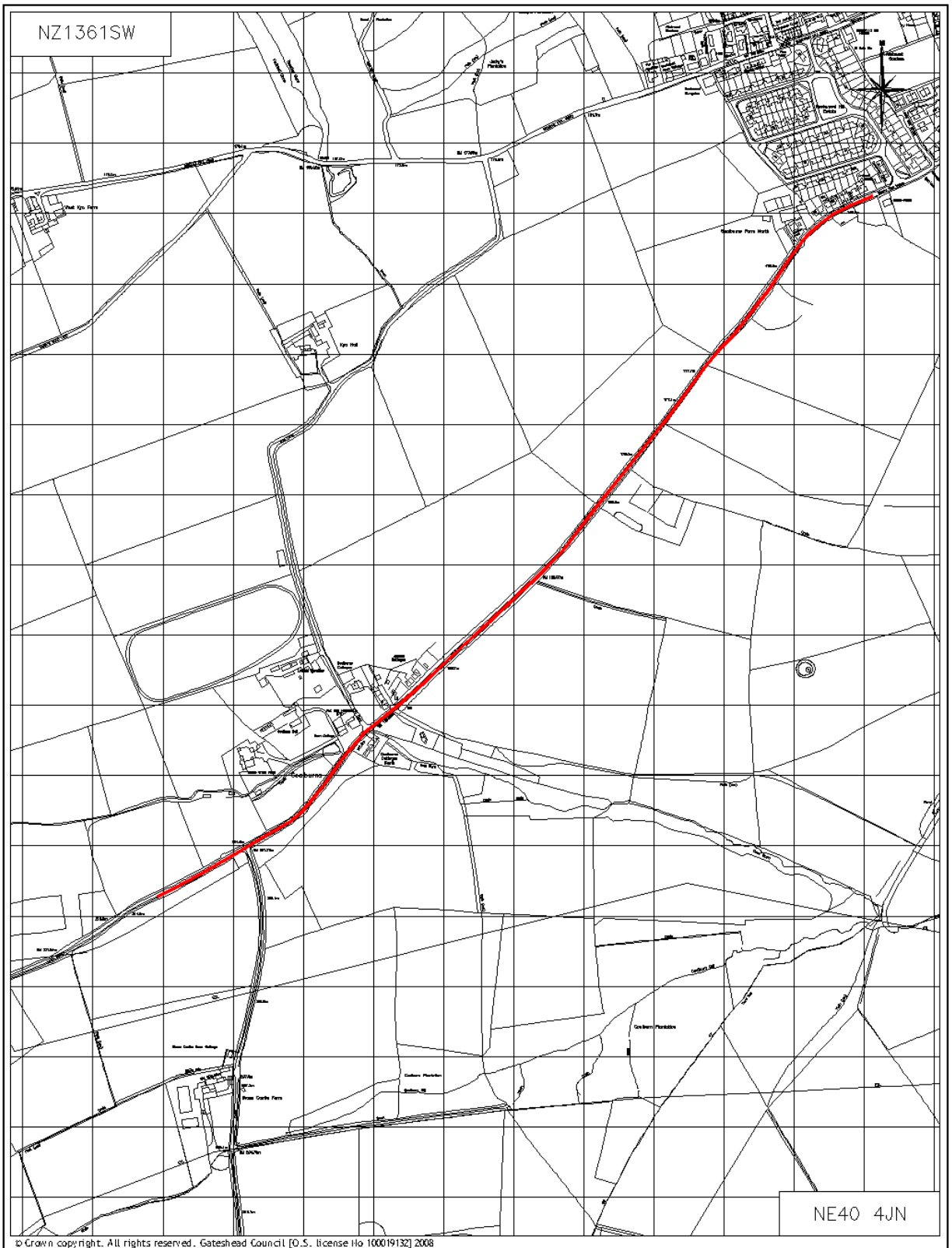
Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 26/02/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/SM/R03 REV –

cm

A4P



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DRAWING TITLE:

Highway Maintenance Programme 2016/17

C302 Lead Road, Greenside

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 09/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/SD/01 REV –

A4P

PLOTTED BY: JIMMY YOUNG DATE: Friday, April 01, 2016

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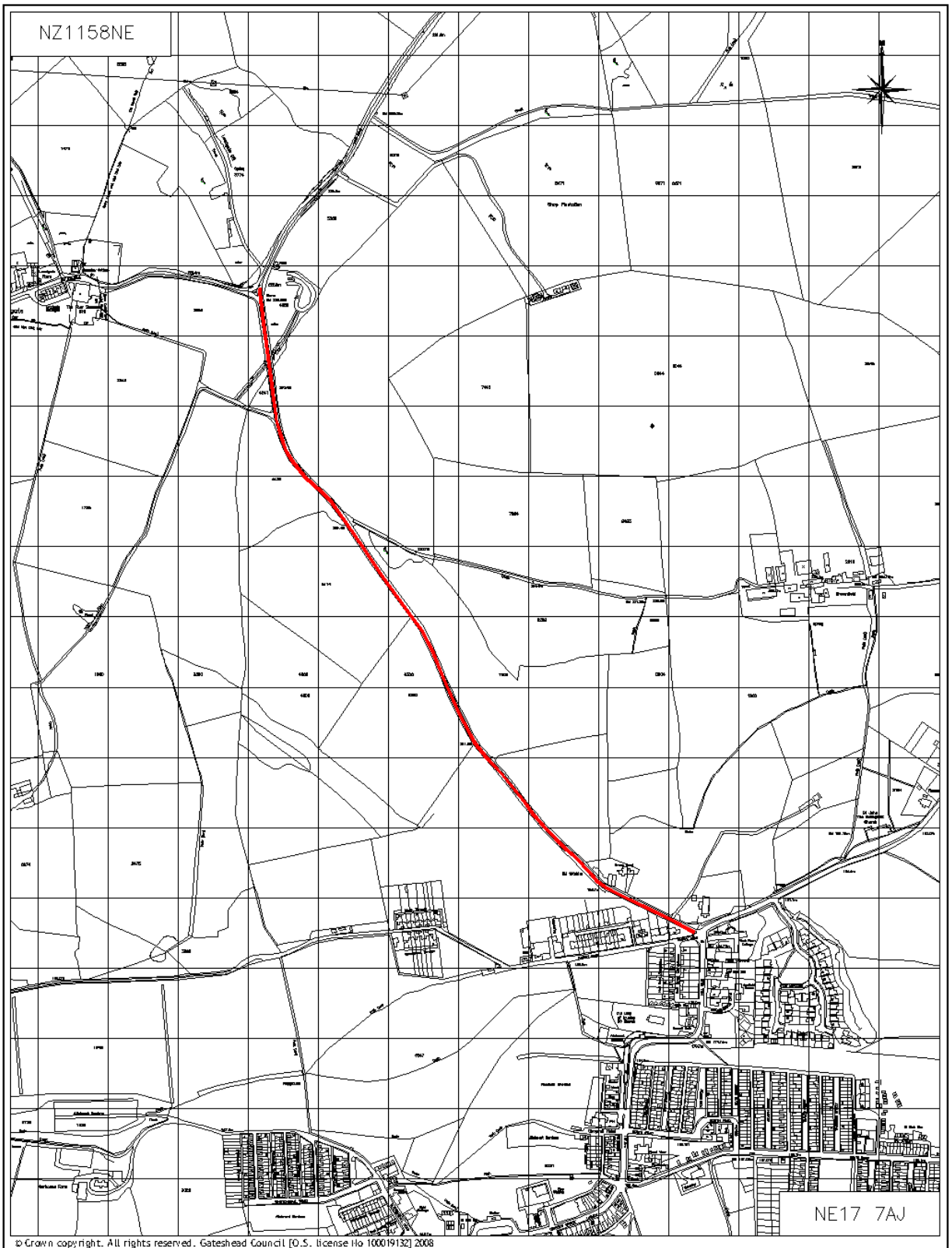

PLOTTED BY: JIMMY YOUNG DATE: Friday, April 01, 2016

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Highway Maintenance Programme 2016/17

Greenhead Road, Chopwell

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 09/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/SD/02 REV –

A4P

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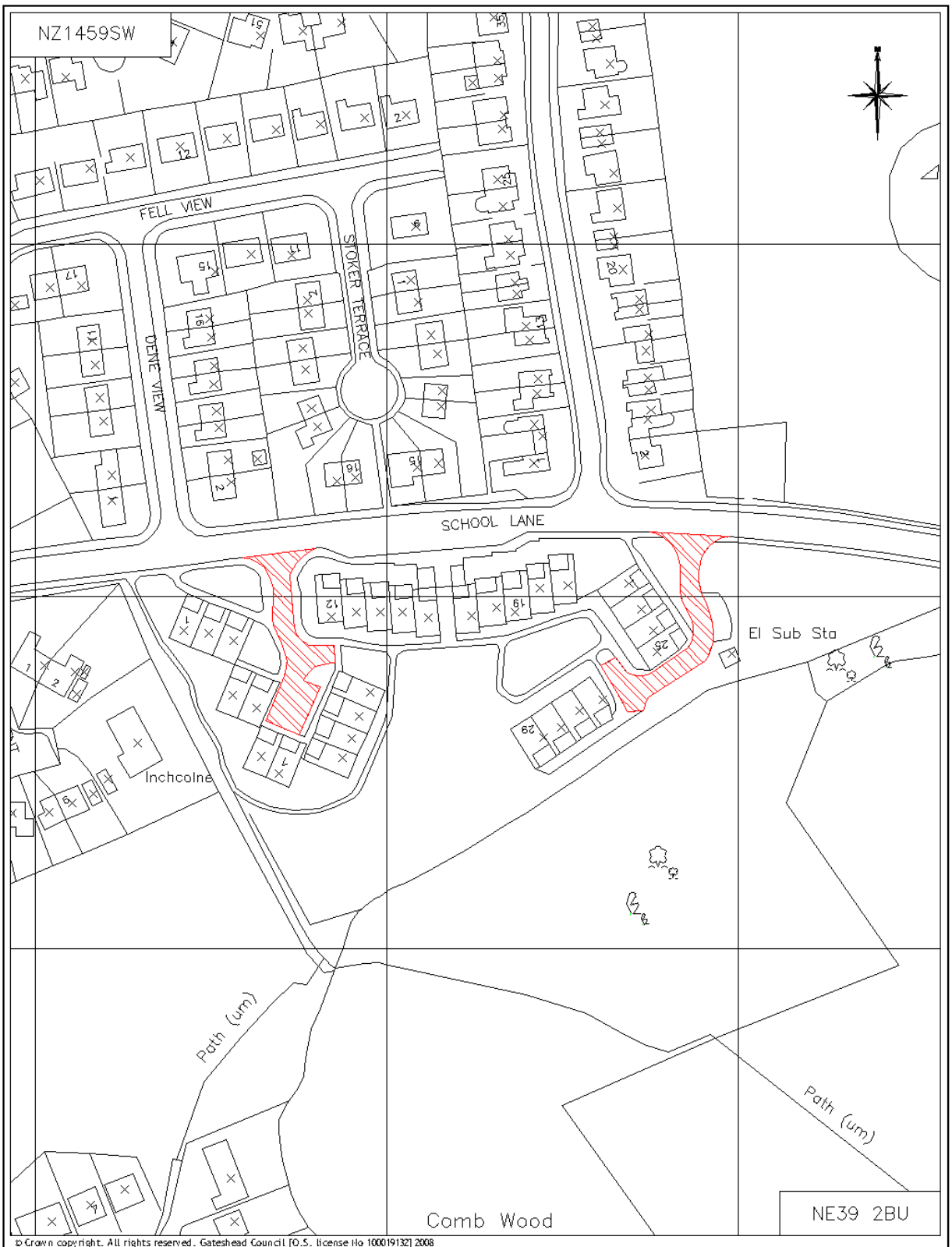

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

School Lane, High Spen

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 03/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/MP/01 REV –

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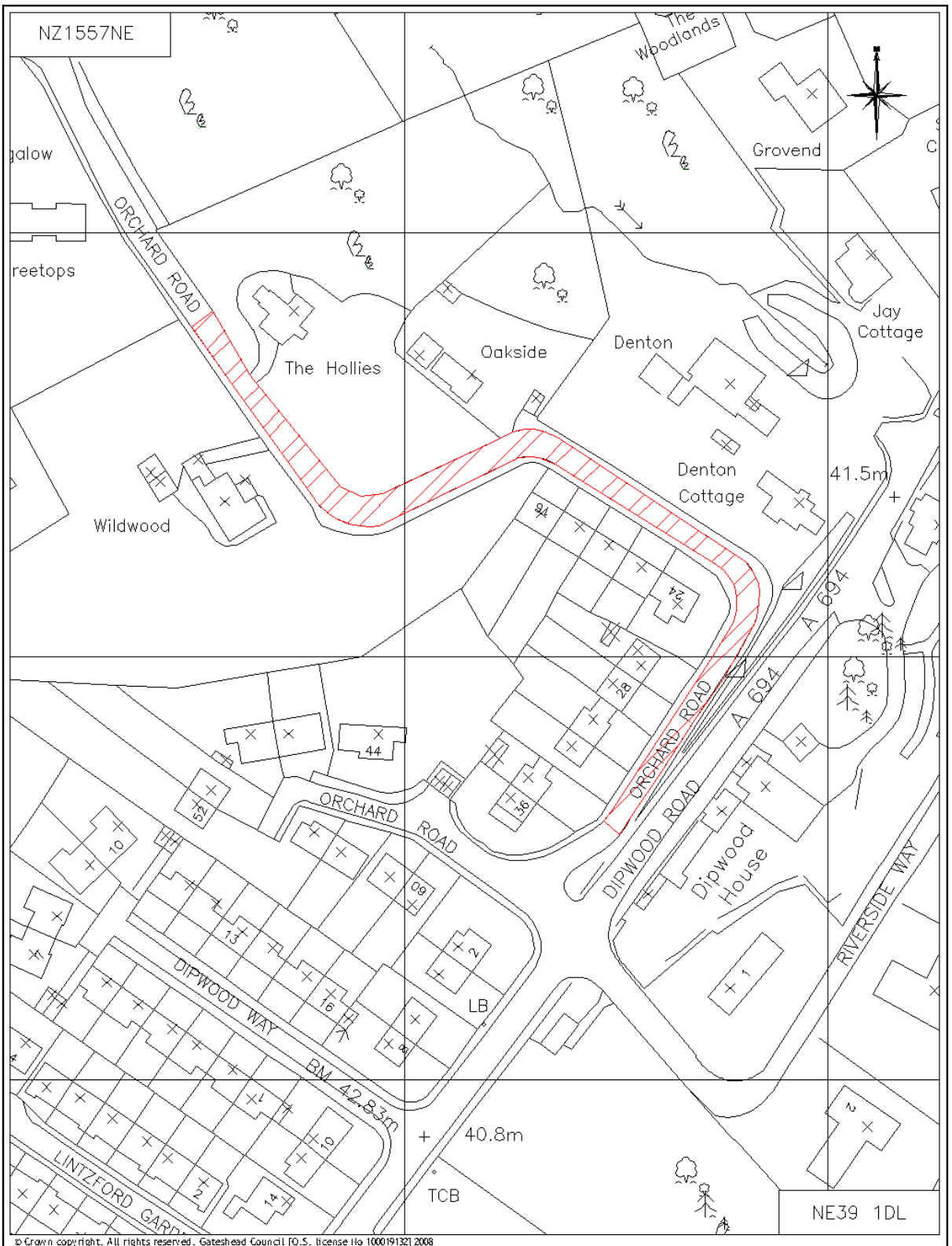
NZ1557NE
The Woodlands
Grovend
galow
reetops
ORCHARD ROAD
The Hollies
Oakside
Denton
Jay Cottage
Denton Cottage
41.5m
Wildwood
A 694
ORCHARD ROAD
DIPWOOD ROAD
Dipwood House
RIVERSIDE WAY
ORCHARD ROAD
DIPWOOD WAY
LB
BM 42.83m
40.8m
TCB
LINTZFORD GARDENS
NE39 1DL
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DRAWING TITLE:
Highway Maintenance Programme 2016/17
Orchard Road, Rowlands Gill
Communities & Environment
Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy
PREPARED BY: J. Young
DATE: 29/03/2016
CHECKED BY: C. Hodgson
SCALE: NTS
APPROVED BY: J. Young
DRAWING NO: 2016/MP/02
REV –
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cm
PLOTTED BY: JIMMY YOUNG DATE: —
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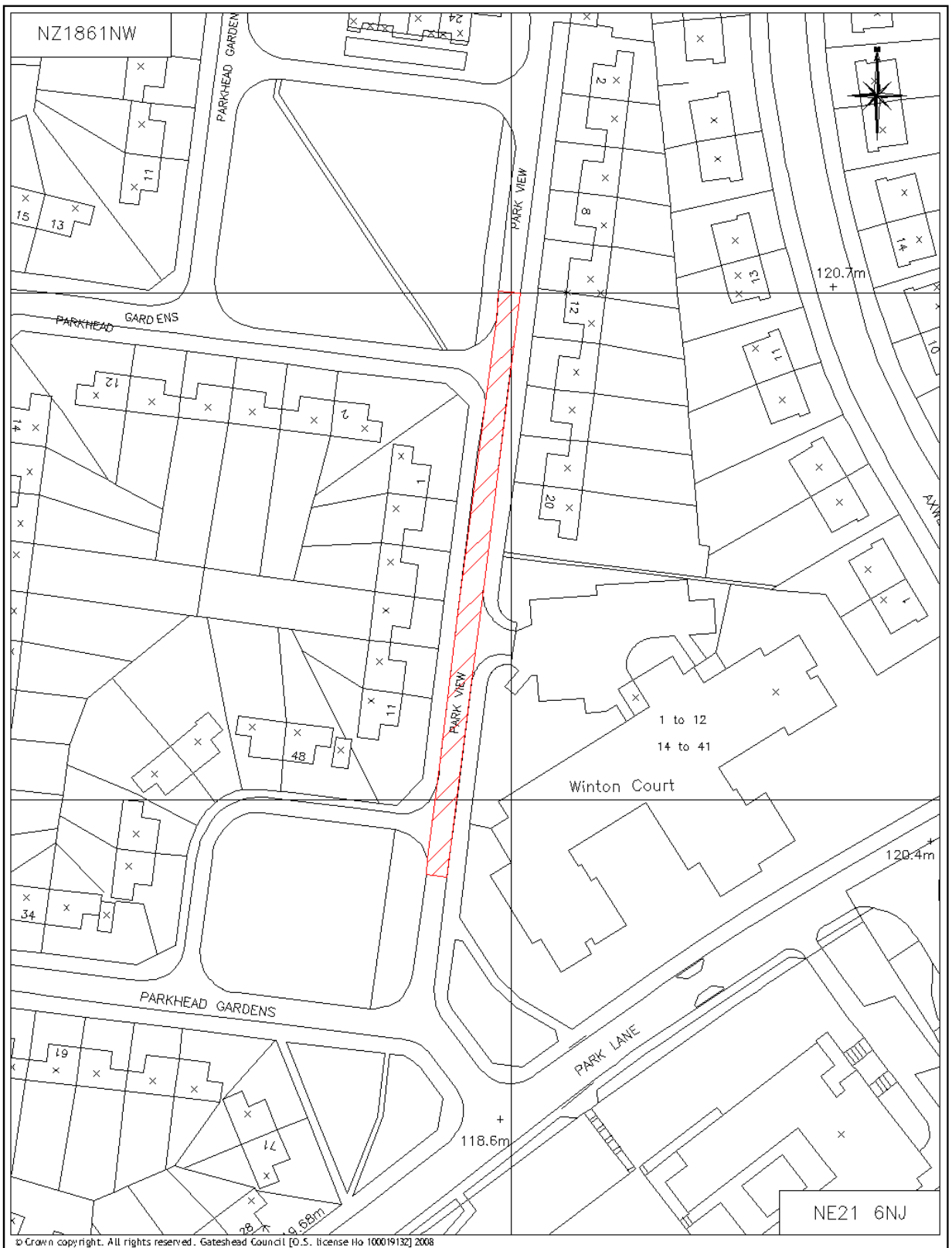

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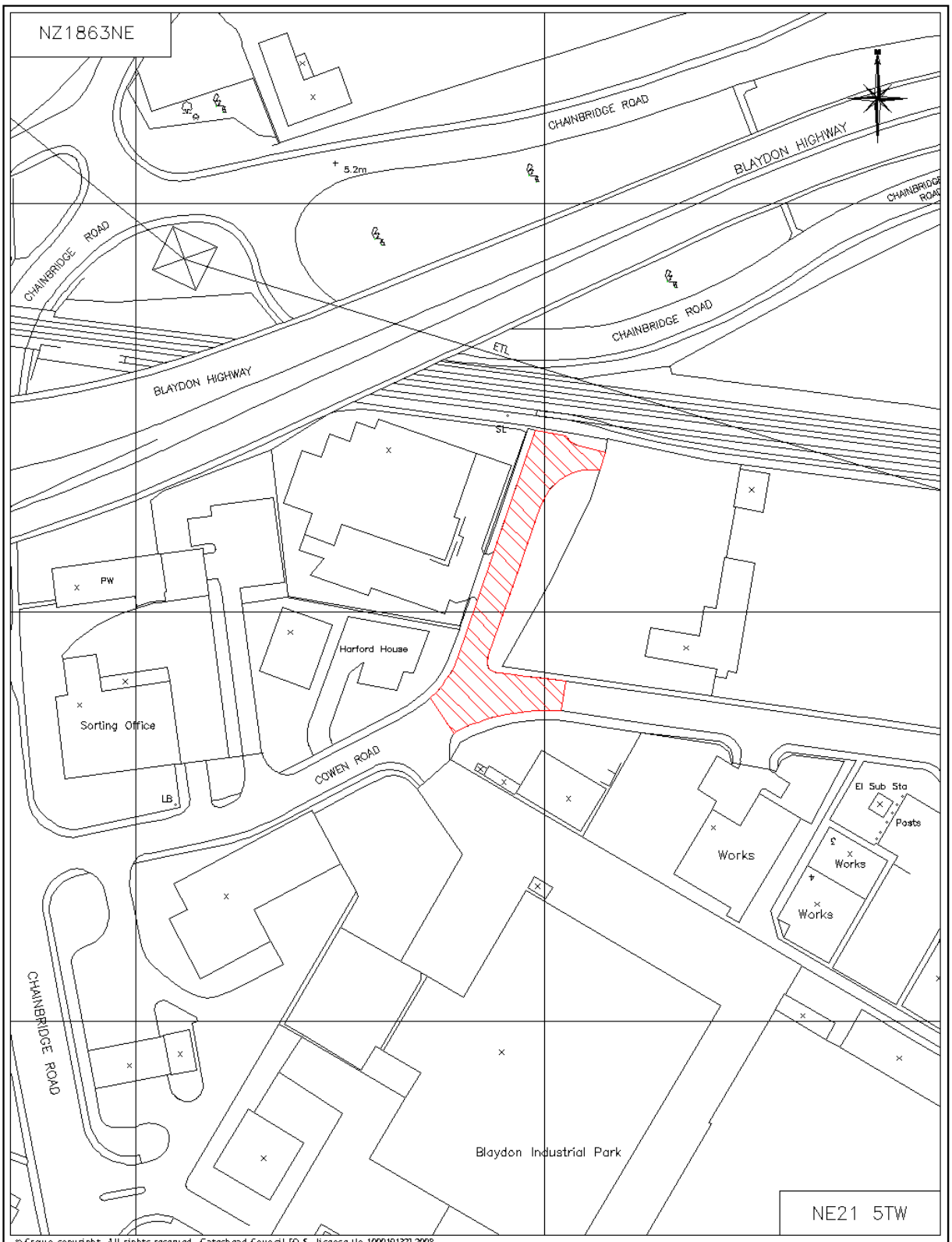
Highway Maintenance Programme 2016/17
Park View, Winlaton
Communities & Environment
Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 29/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/MP/03 REV –

A4P



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Highway Maintenance Programme 2016/17

Cowen Road, Blaydon

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY:	DATE:	
J. Young	14/03/2016	cm
CHECKED BY:	SCALE:	
C. Hodgson	NTS	
APPROVED BY:	DRAWING NO:	REV
J. Young	2016/MP/04	–
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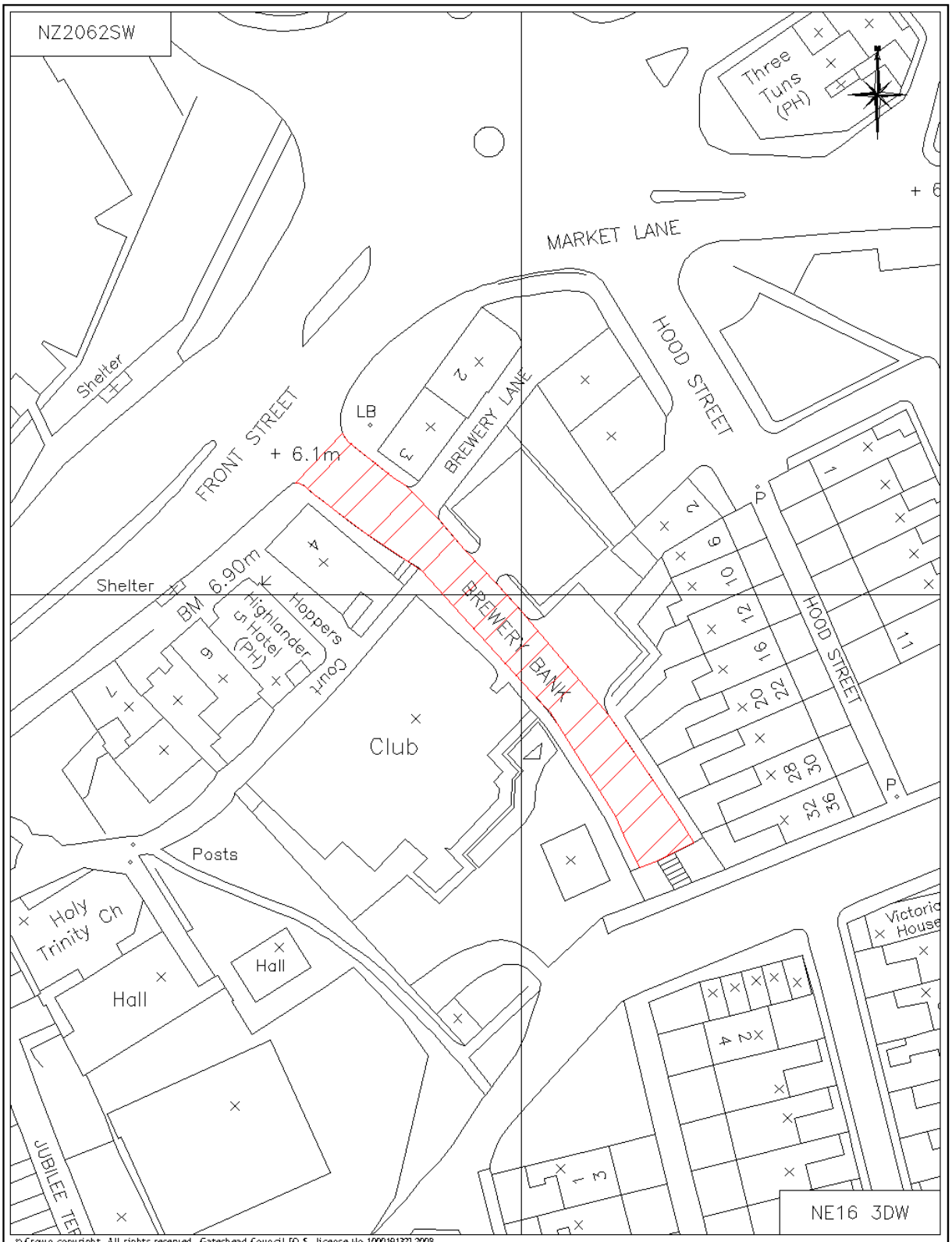

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Brewery Bank, Swalwell

Communities & Environment

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Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 29/12/2015
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/MP/05
	REV –
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Highway Maintenance Programme 2016/17

Buttermere Avenue, Whickham

Communities & Environment

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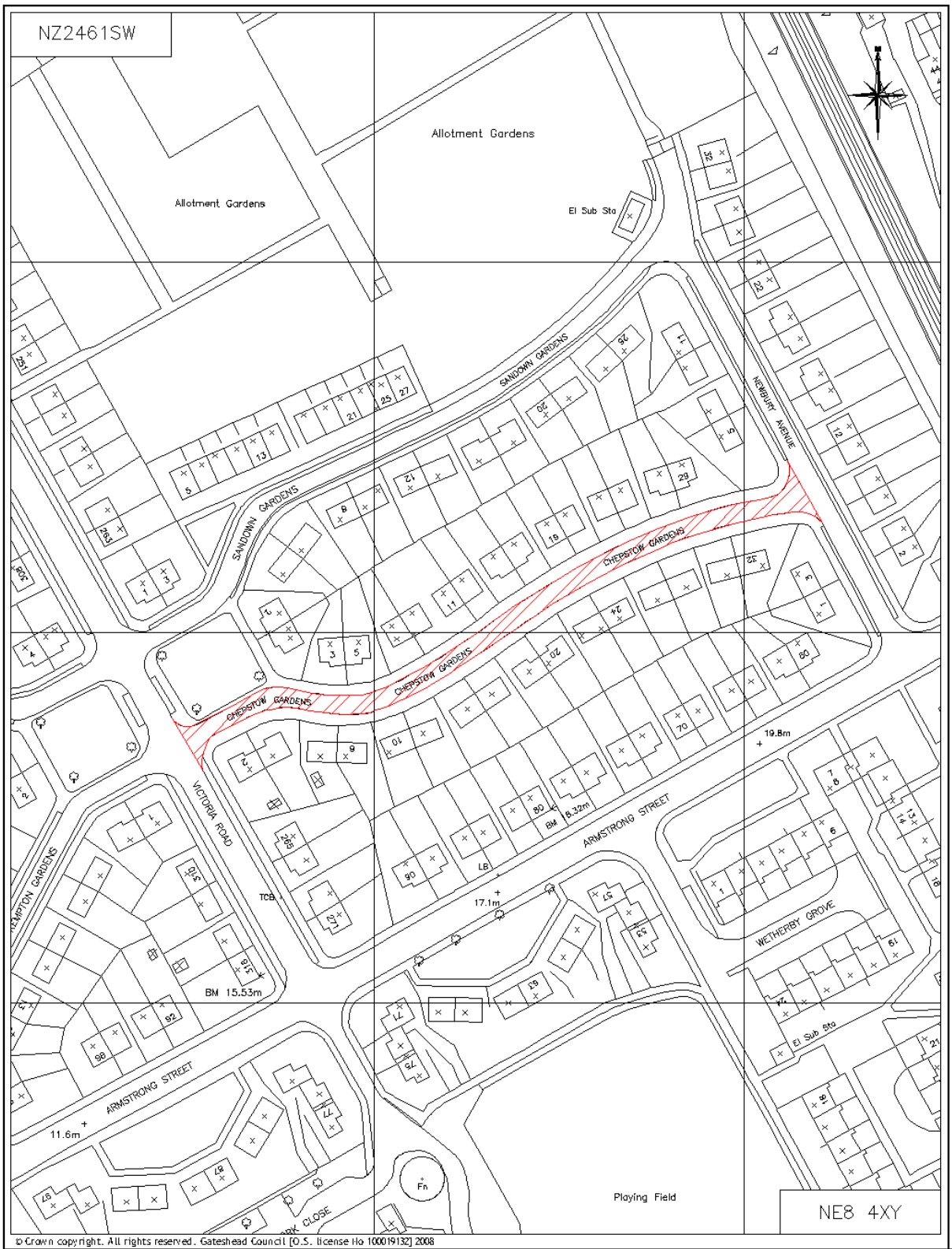

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Highway Maintenance Programme 2016/17

Chepstow Gardens, Bensham

Communities & Environment

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Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 29/03/2016	cm
CHECKED BY: C. Hodgson	SCALE: NTS	
APPROVED BY: J. Young	DRAWING NO: 2016/MP/07	REV –
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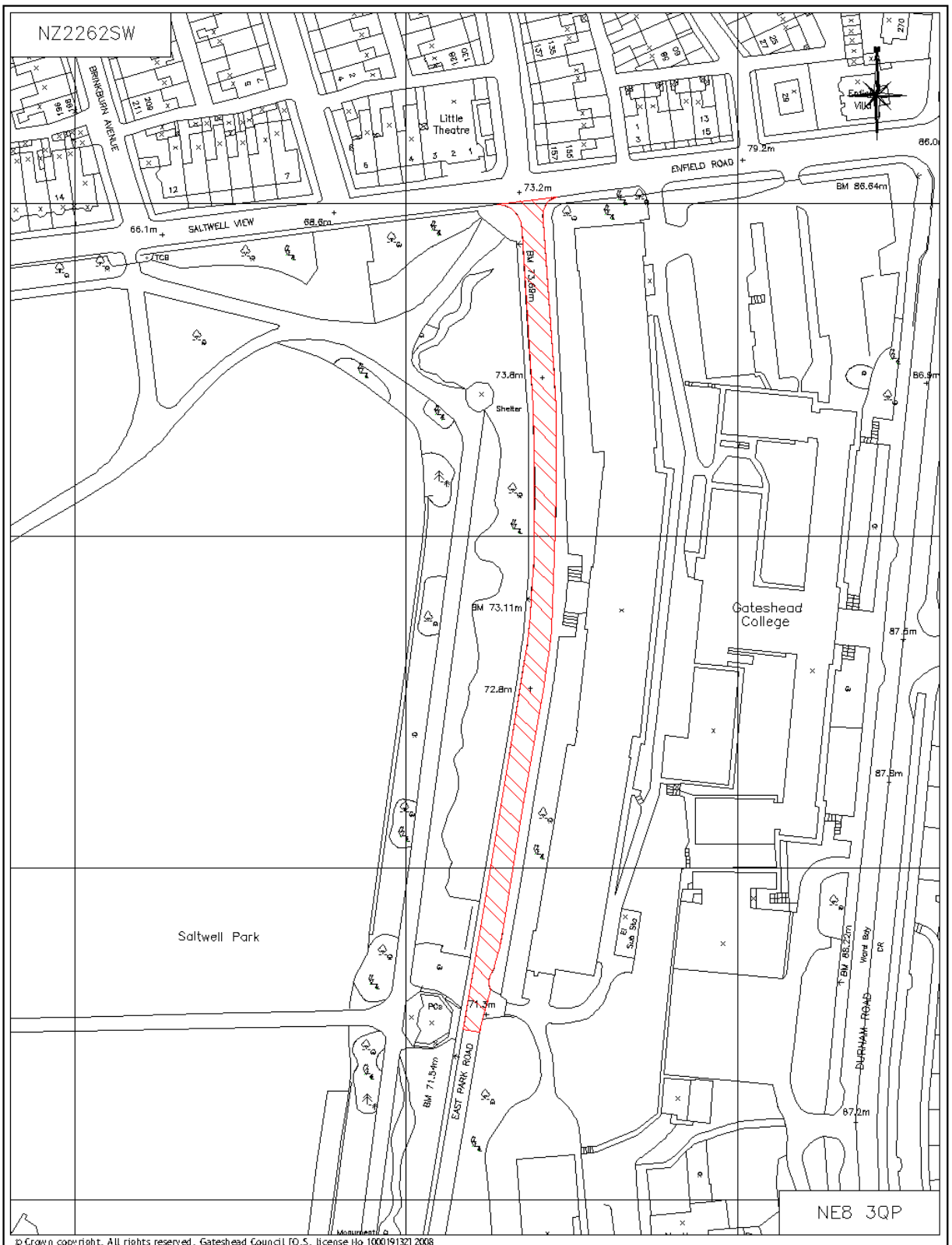

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Highway Maintenance Programme 2016/17

East Park Road, Gateshead

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 19/02/2016	cm
CHECKED BY: C. Hodgson	SCALE: NTS	
APPROVED BY: J. Young	DRAWING NO: 2016/MP/08	REV –
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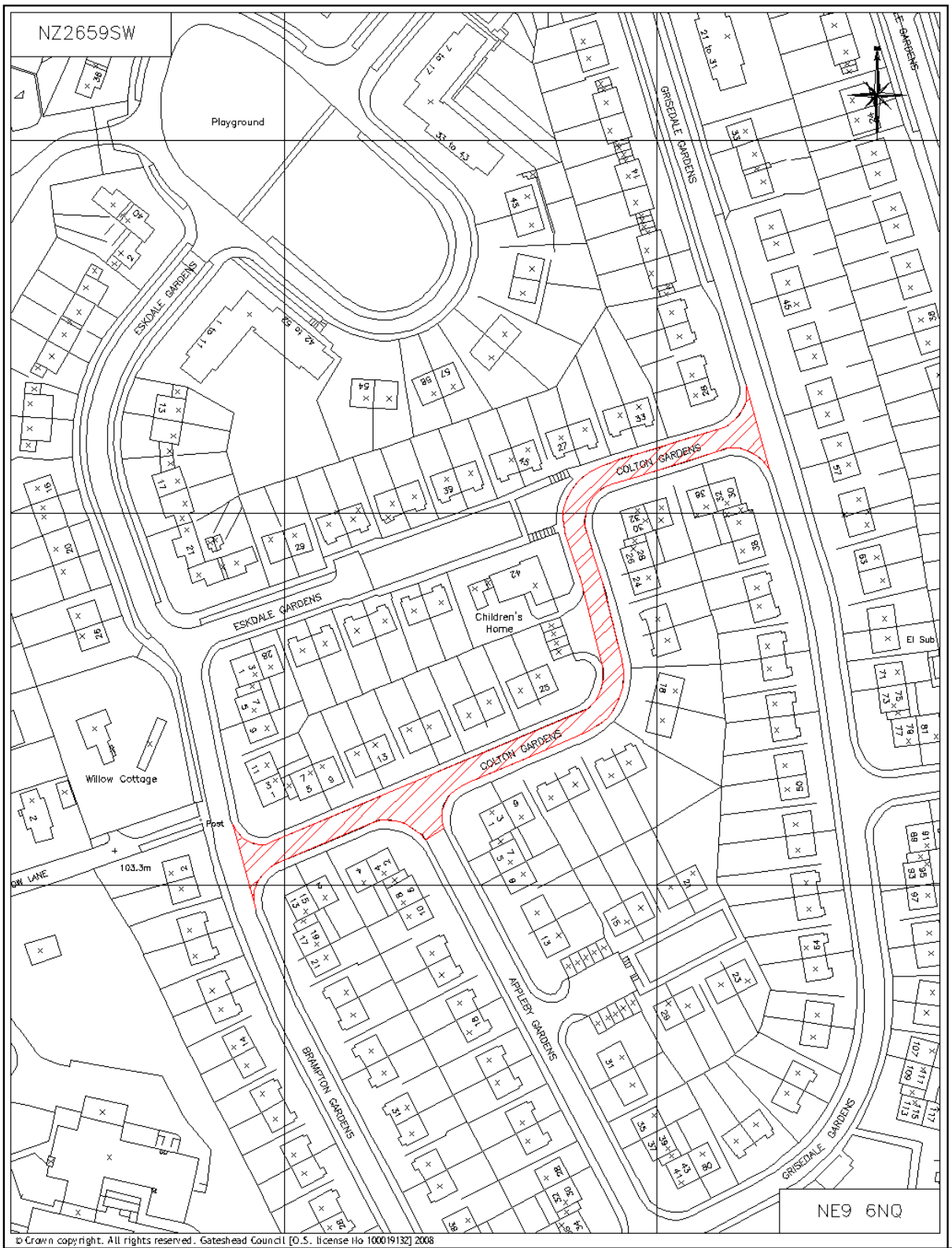

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Highway Maintenance Programme 2016/17

Colton Gardens, Beacon Lough

Communities & Environment

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Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 29/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/MP/09

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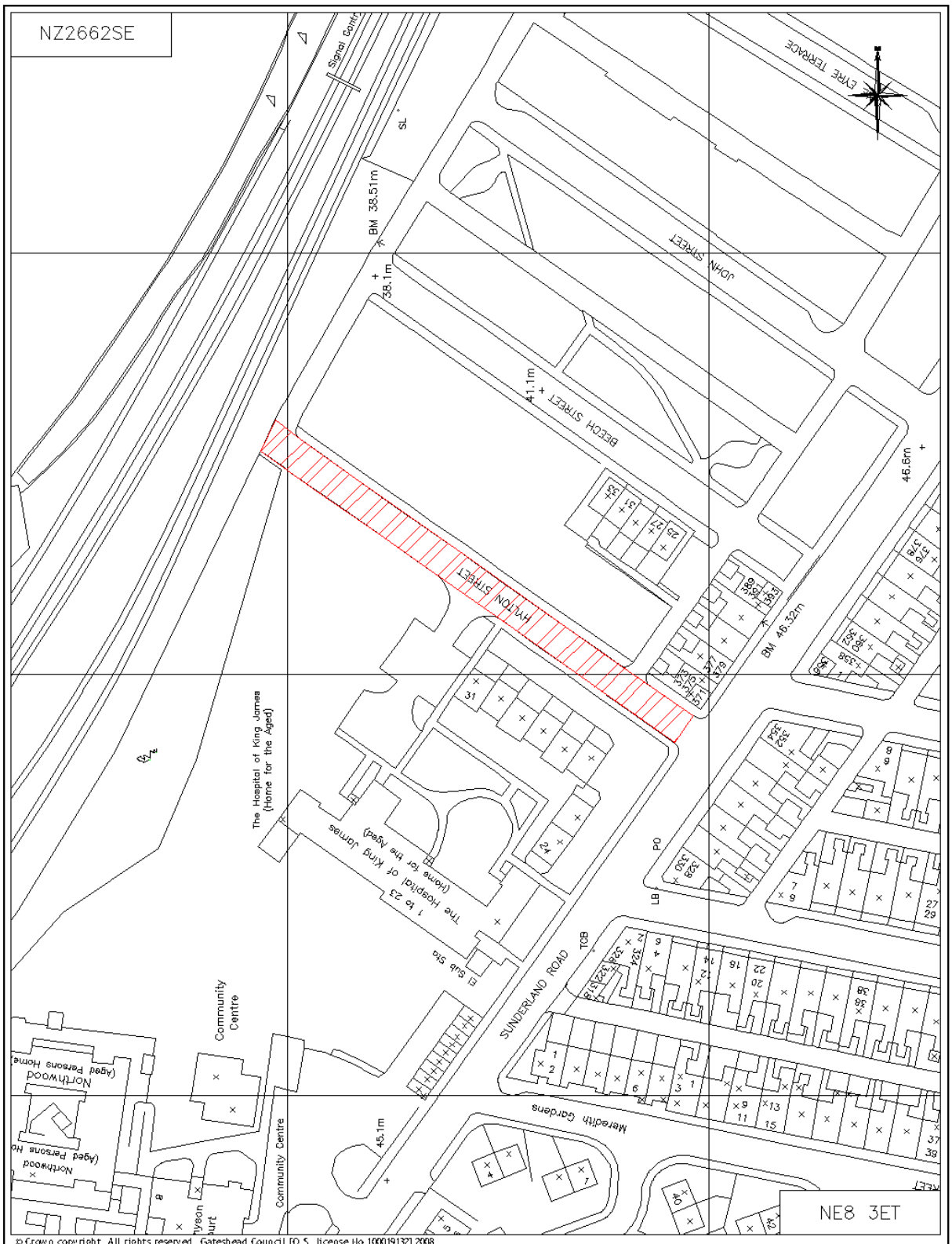
NZ2662SE
Signal Cont
SL
BM 38.51m
38.1m
JOHN STREET
EYRE TERRACE
41.1m
BEECH STREET
46.6m
HYLTON STREET
BM 46.32m
The Hospital of King James (Home for the Aged)
1 to 23 The Hospital of King James (Home for the Aged)
Sub Sta
Community Centre
SUNDERLAND ROAD
TCB
PO
LB
Meredith Gardens
45.1m
Northwood (Aged Persons Home)
Tyson Court
NE8 3ET
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DRAWING TITLE:
Highway Maintenance Programme 2016/17
Hylton Street, Gateshead
Communities & Environment
Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy
PREPARED BY: J. Young
DATE: 29/03/2016
CHECKED BY: C. Hodgson
SCALE: NTS
APPROVED BY: J. Young
DRAWING NO: 2016/MP/10
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PLOTTED BY: JIMMY YOUNG DATE: —
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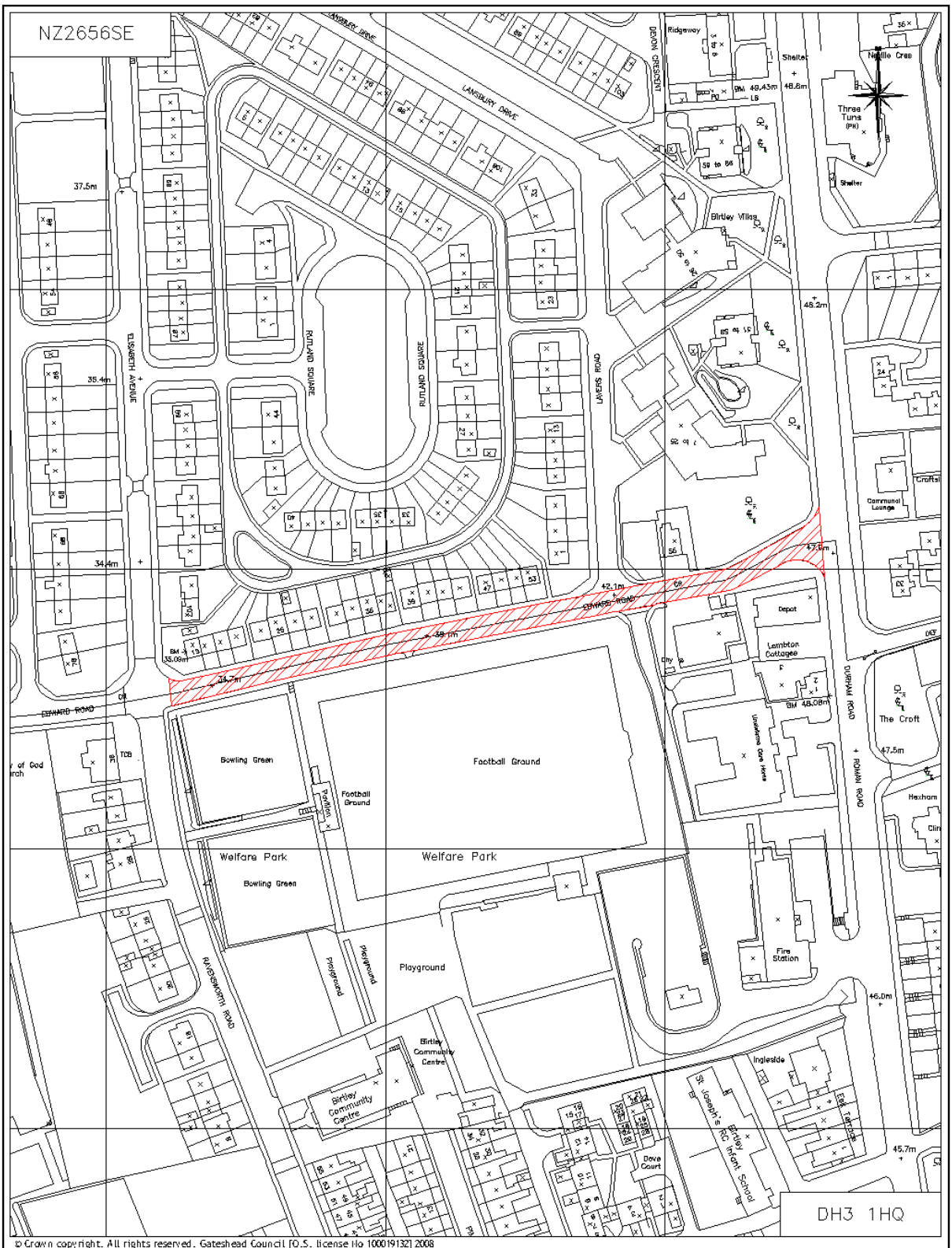

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DRAWING TITLE:

Flood Risk Management Programme 2016/17

Edward Road, Birtley

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: C. Johnson	DATE: 03/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/MP/11 REV –
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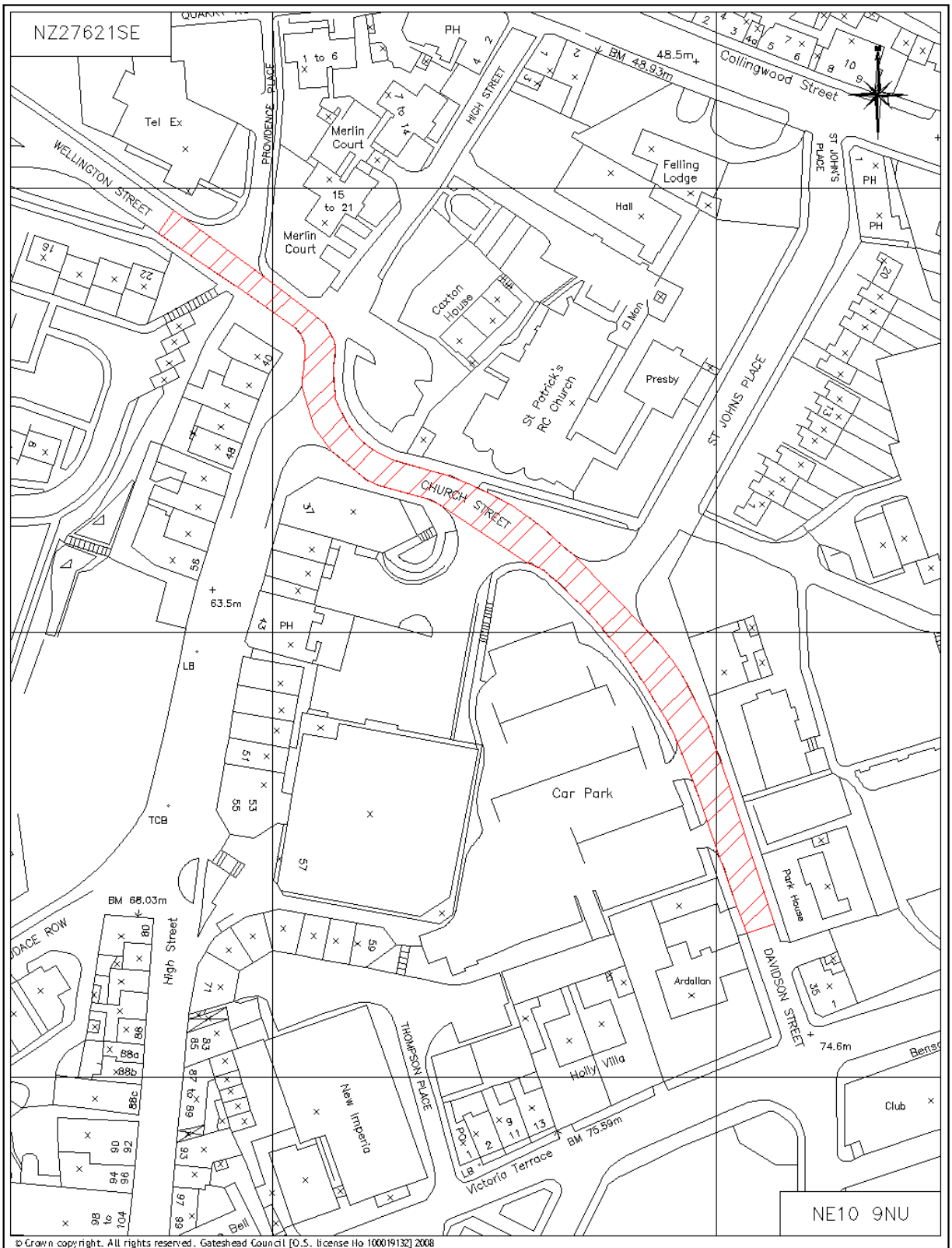

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

Davison Street, Felling.dwg

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 24/02/2016	cm
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APPROVED BY: J. Young	DRAWING NO: 2016/MP/12	REV –
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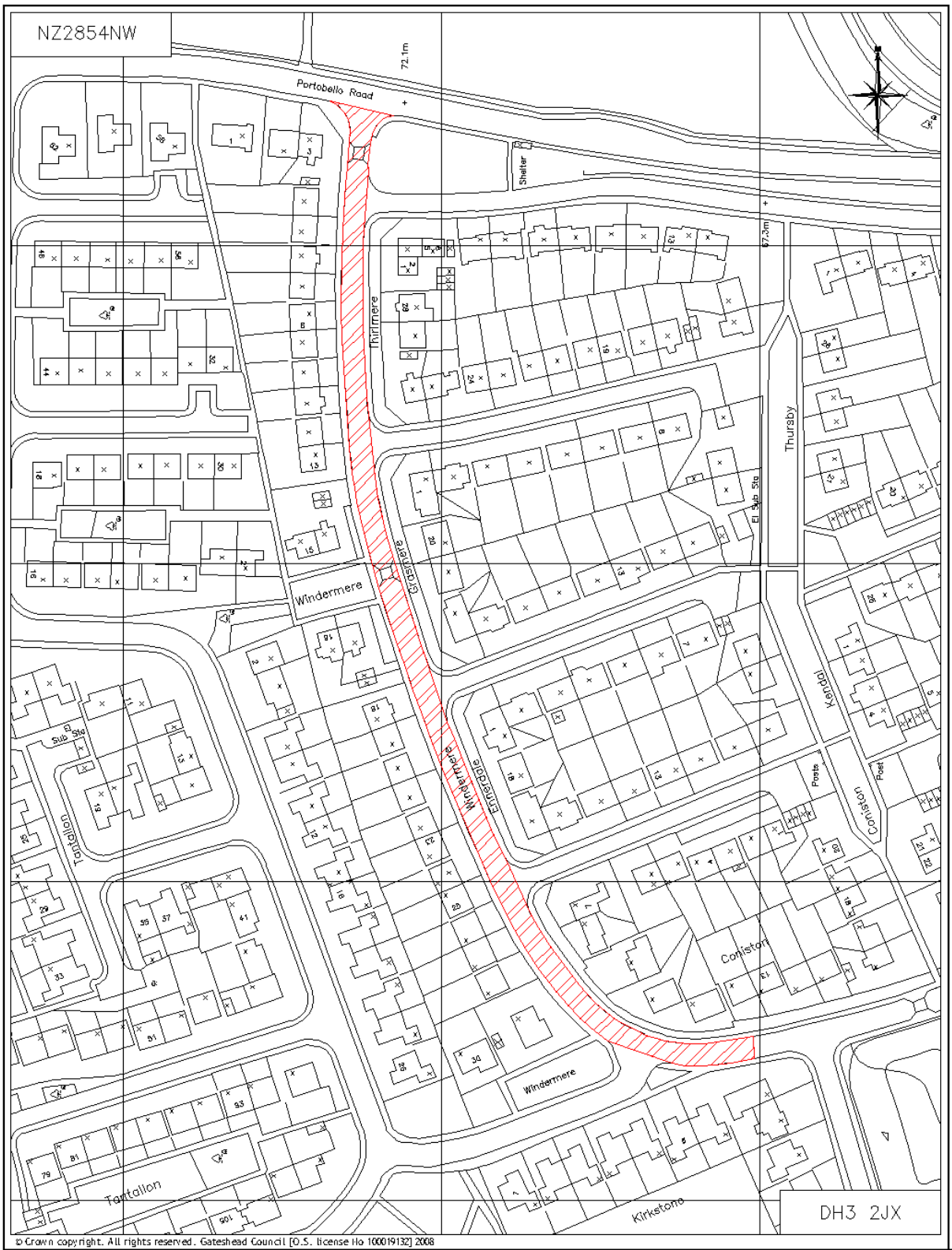

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Highway Maintenance Programme 2016/17

Windermere, Vigo

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY:	DATE:	
J. Young	29/03/2016	cm
CHECKED BY:	SCALE:	
C. Hodgson	NTS	
APPROVED BY:	DRAWING NO:	REV
J. Young	2016/MP/13	–
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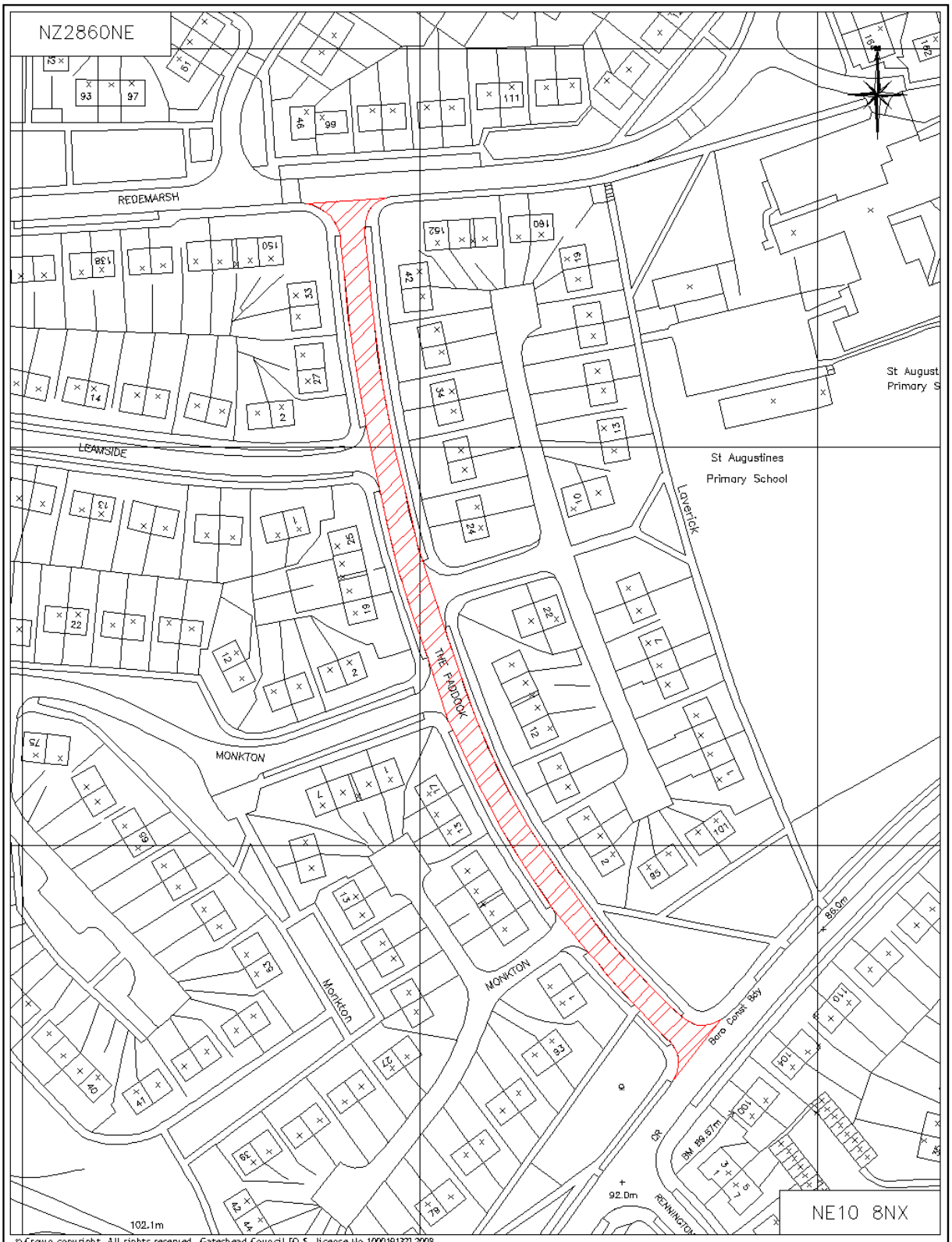

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

The Paddock, Leam Lane

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

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CHECKED BY: C. Hodgson		SCALE: NTS	
APPROVED BY: J. Young		DRAWING NO: 2016/MP/14	REV –
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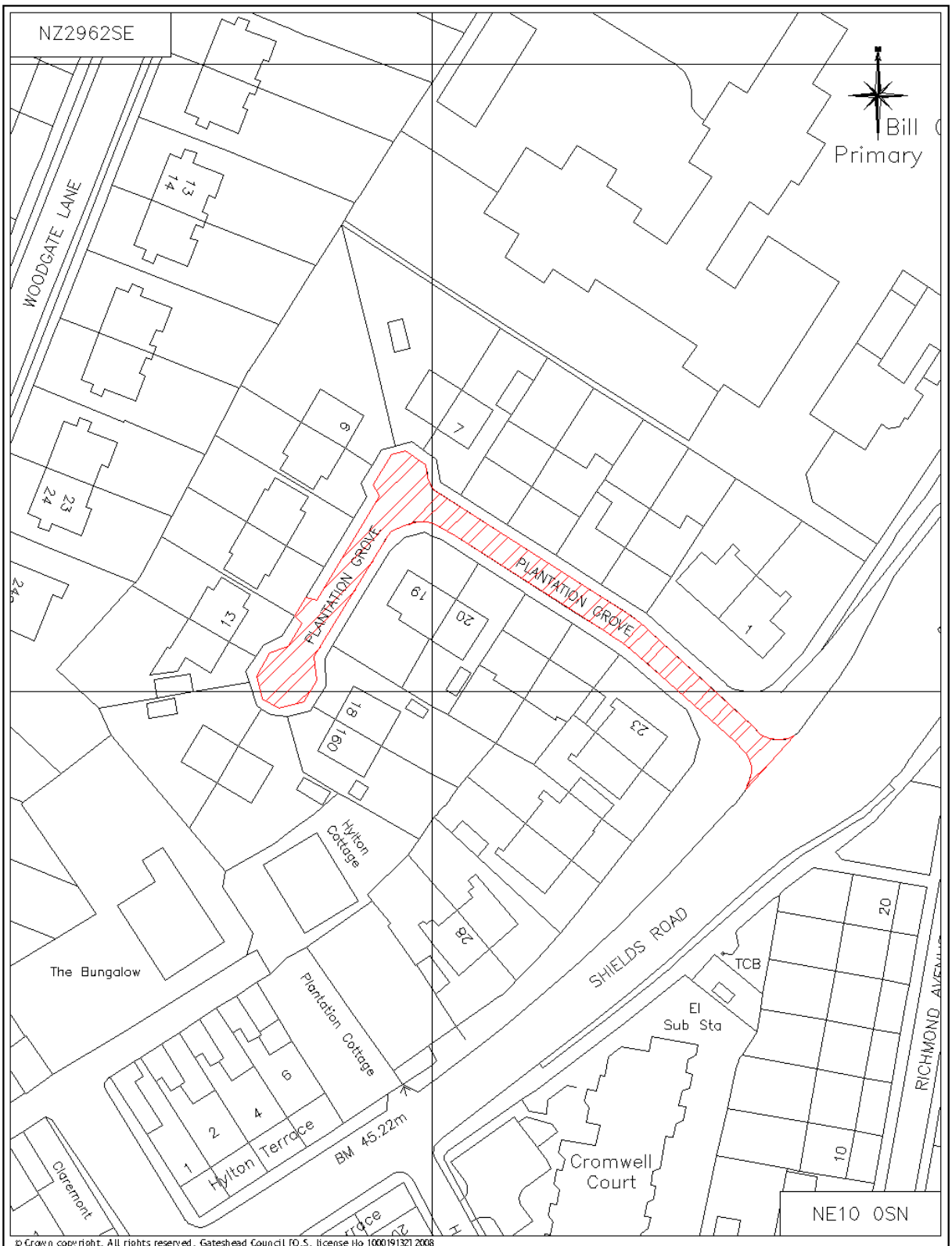

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DRAWING TITLE:

Flood Risk Management Programme 2016/17

Plantation Grove, Pelaw

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY:	DATE:	
C. Johnson	03/03/2016	cm
CHECKED BY:	SCALE:	
C. Hodgson	NTS	
APPROVED BY:	DRAWING NO:	REV
J. Young	2016/MP/15	–
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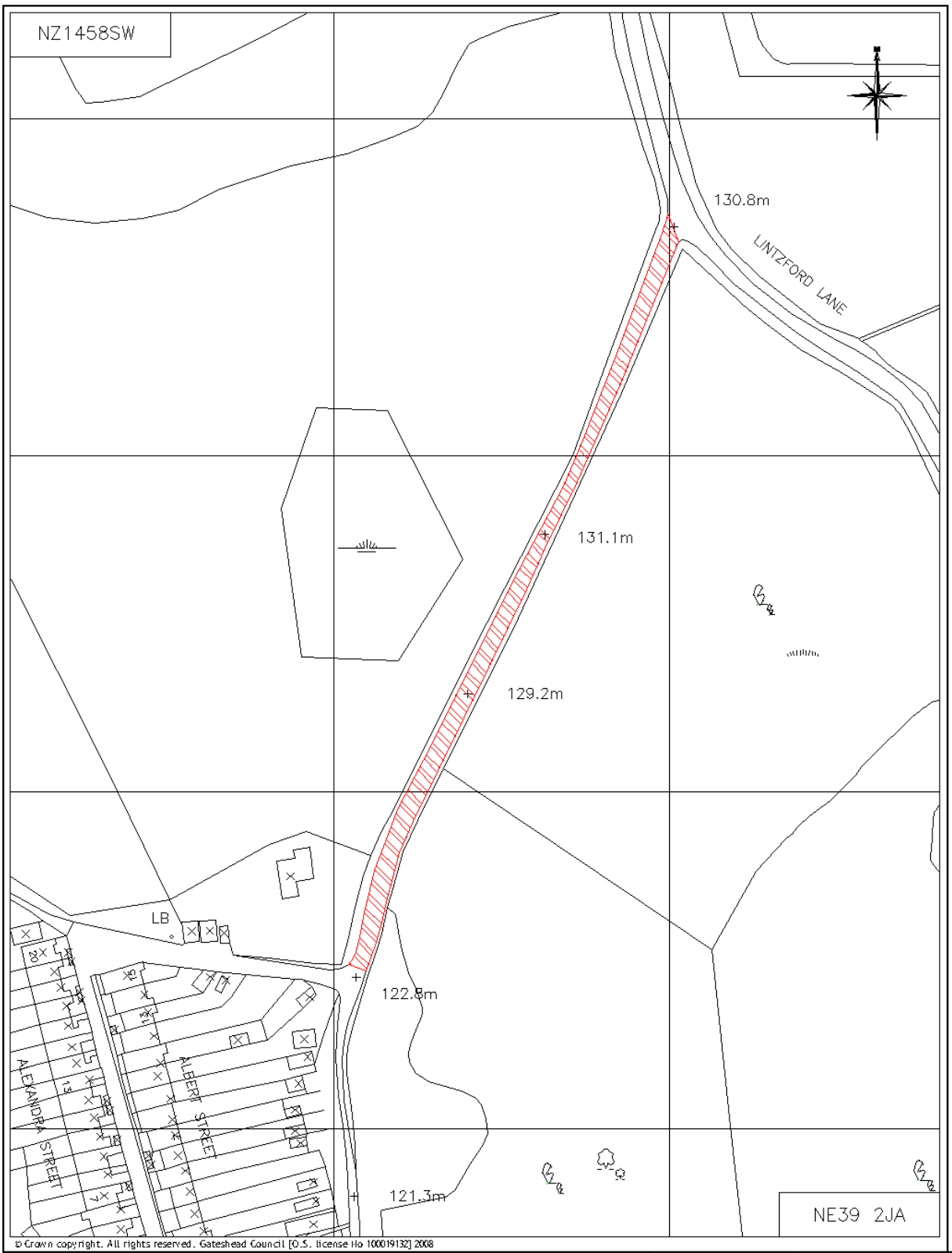

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Highway Maintenance Programme 2016/17

Victoria Garesfield, Rowlands Gill

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 29/03/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/MP/R01

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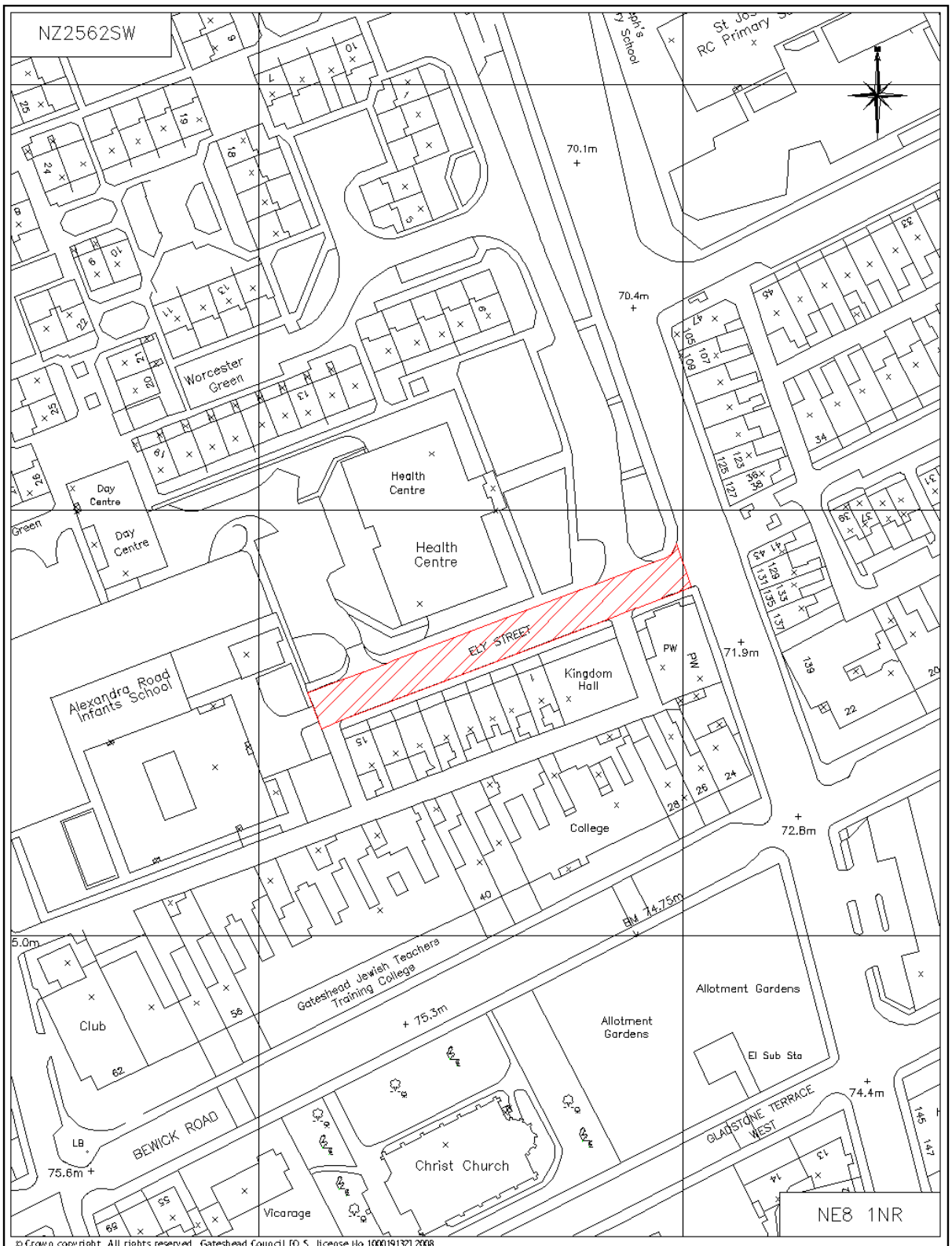

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Ely Street, Gateshead

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

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APPROVED BY: J. Young	DRAWING NO: 2016/MP/R02	REV –
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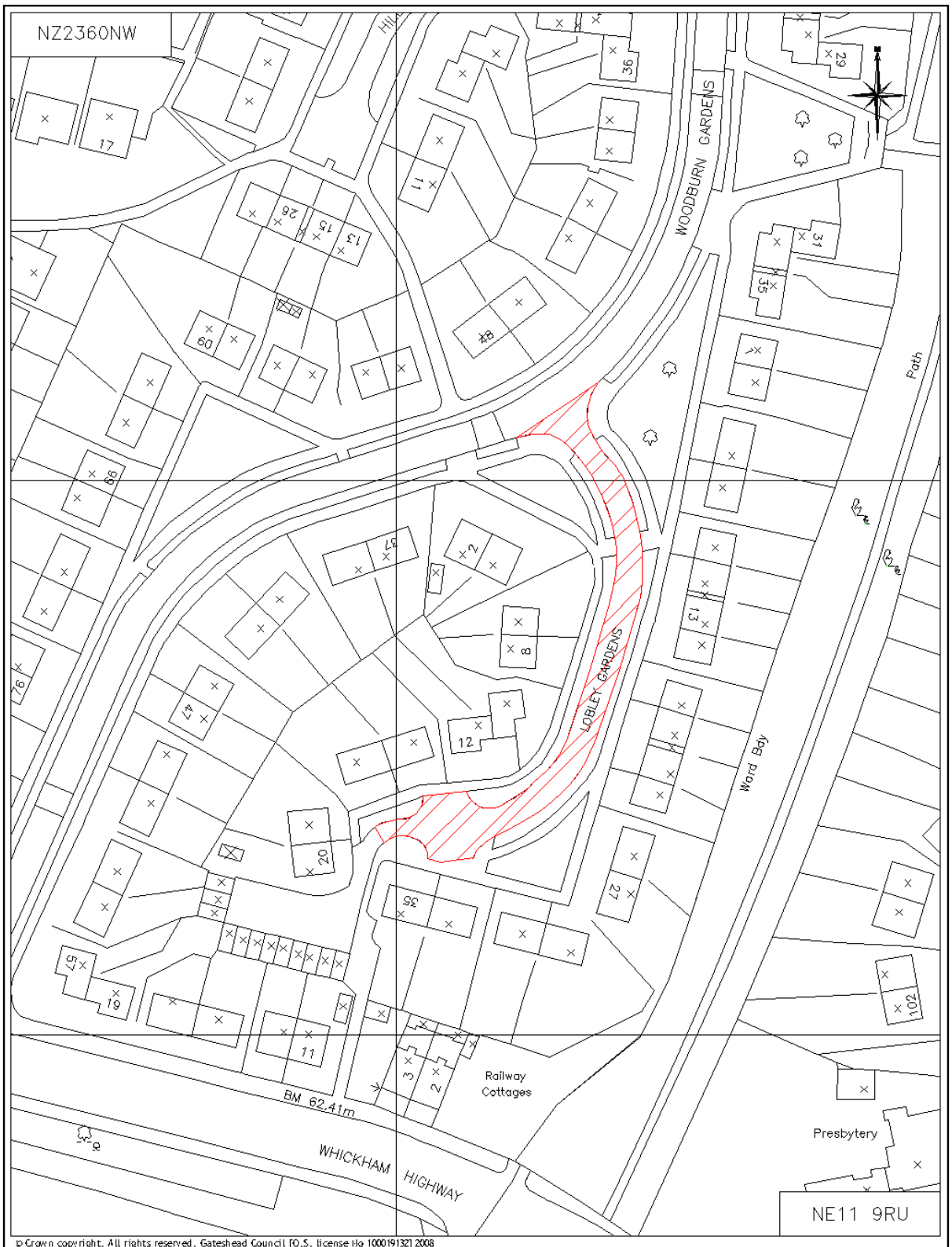

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Lobley Gardens, Lobley Hill

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

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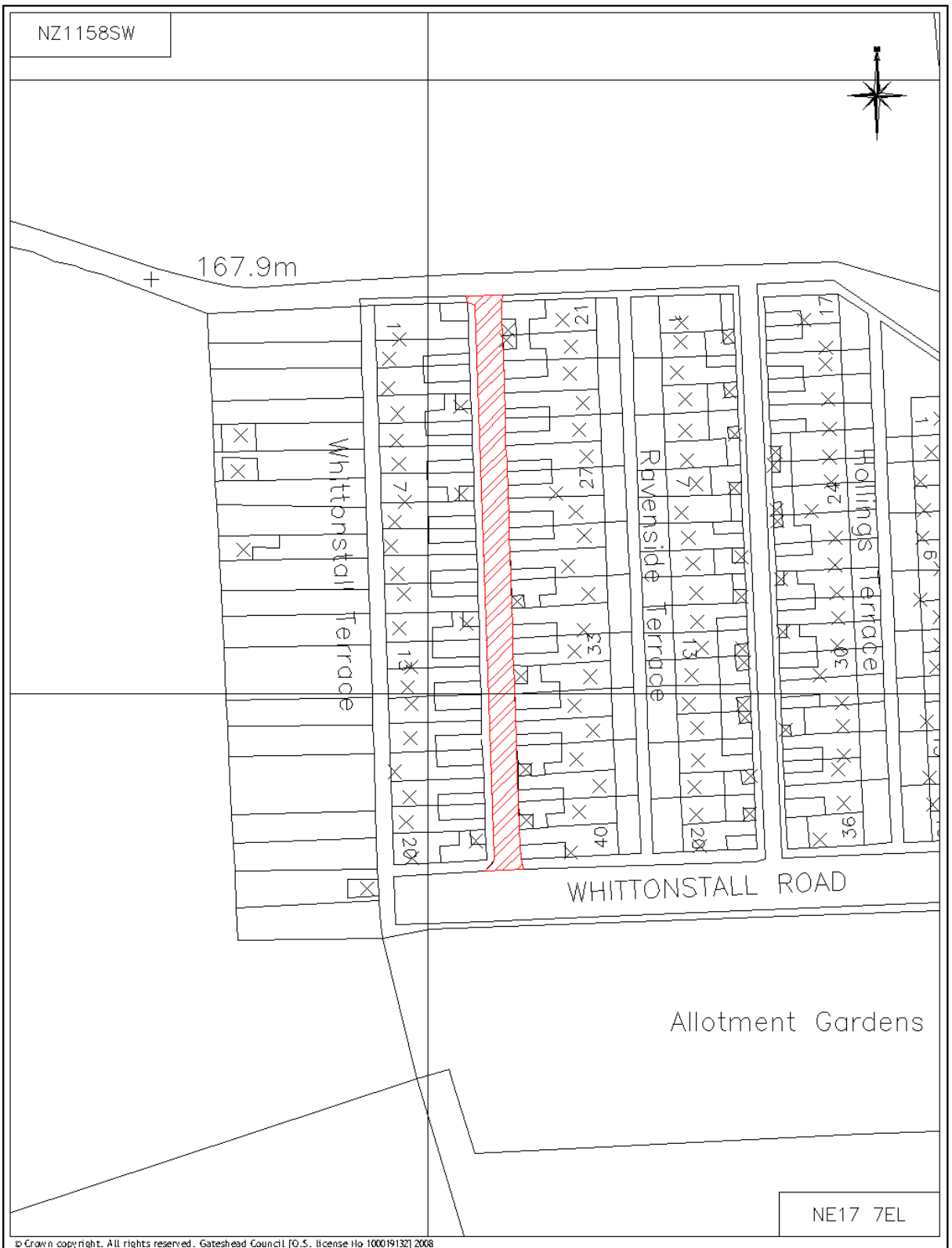
J. Young	29/03/2016
CHECKED BY:	SCALE:
C. Hodgson	NTS
APPROVED BY:	DRAWING NO: REV
J. Young	2016/MP/R03 –

cm

A4P



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Whittonstall Tce / Ravenside Tce, Chopwell

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY: J. Young	DATE: 10/02/2016
CHECKED BY: C. Hodgson	SCALE: NTS
APPROVED BY: J. Young	DRAWING NO: 2016/BL/01 REV –

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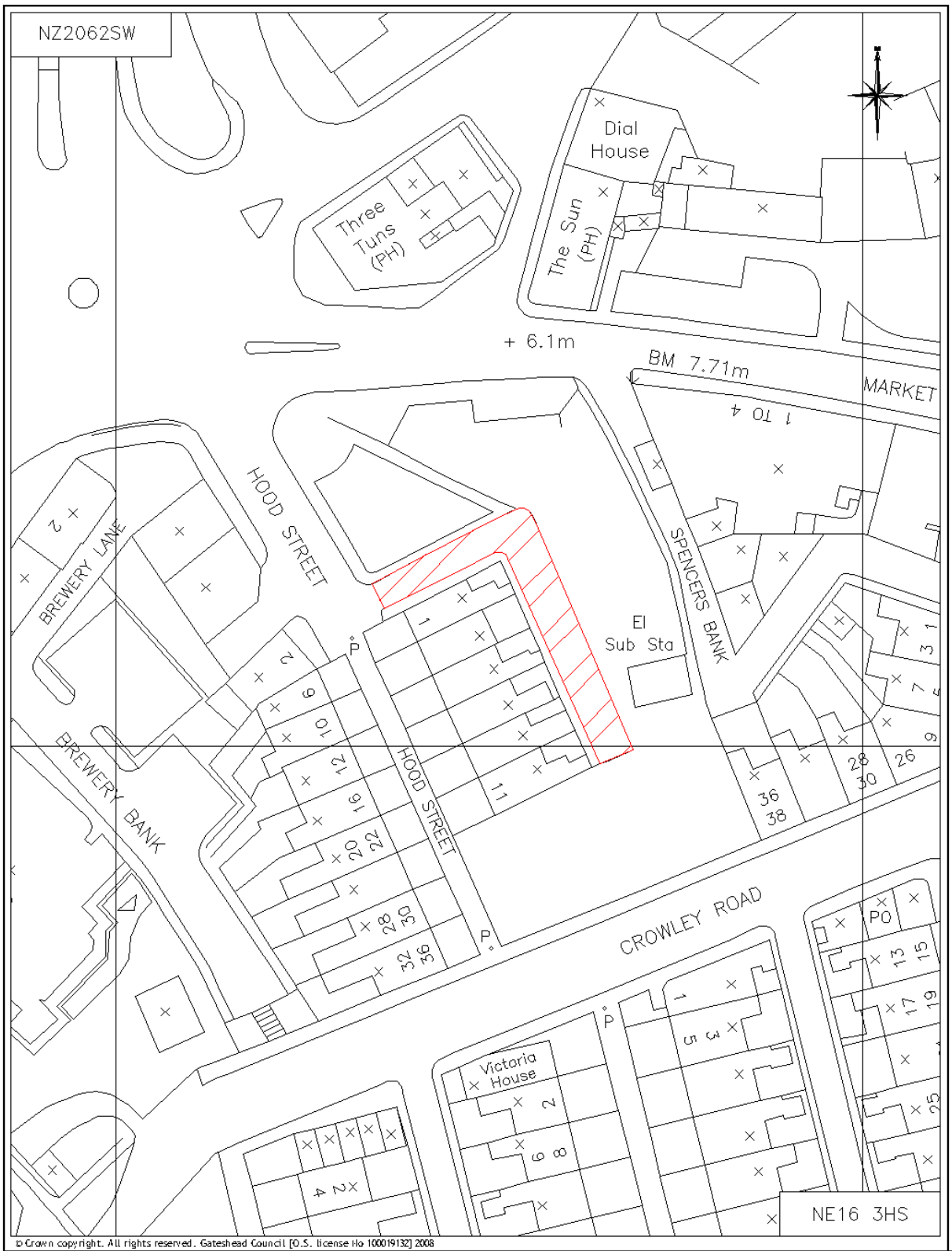

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

Hood Street, Swalwell

Communities & Environment

Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY:	DATE:
J. Young	29/12/2015
CHECKED BY:	SCALE:
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APPROVED BY:	DRAWING NO:
J. Young	2016/BL/02

REV –

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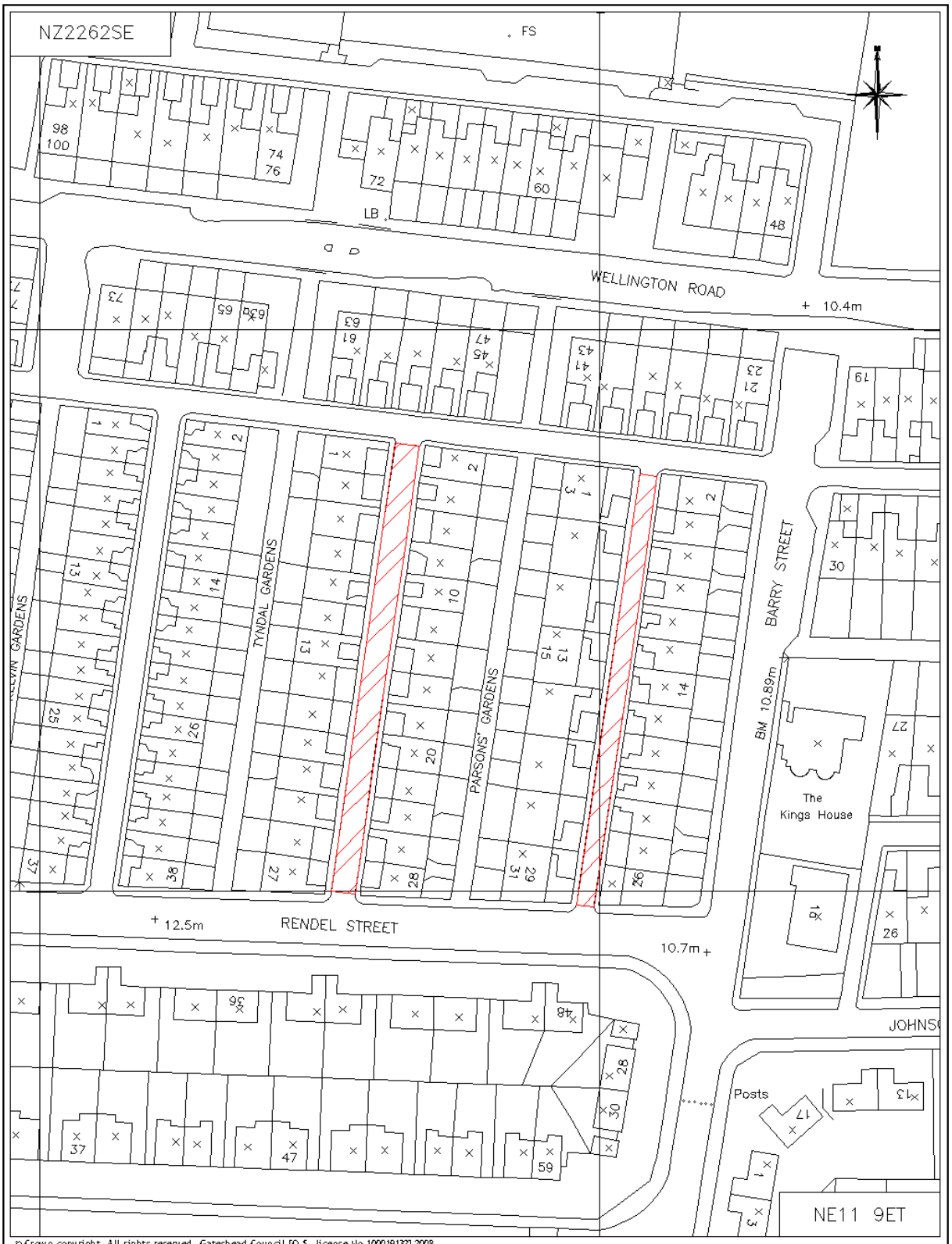

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

Parson's Gardens, Dunston

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PREPARED BY: J. Young		DATE: 29/12/2015	cm
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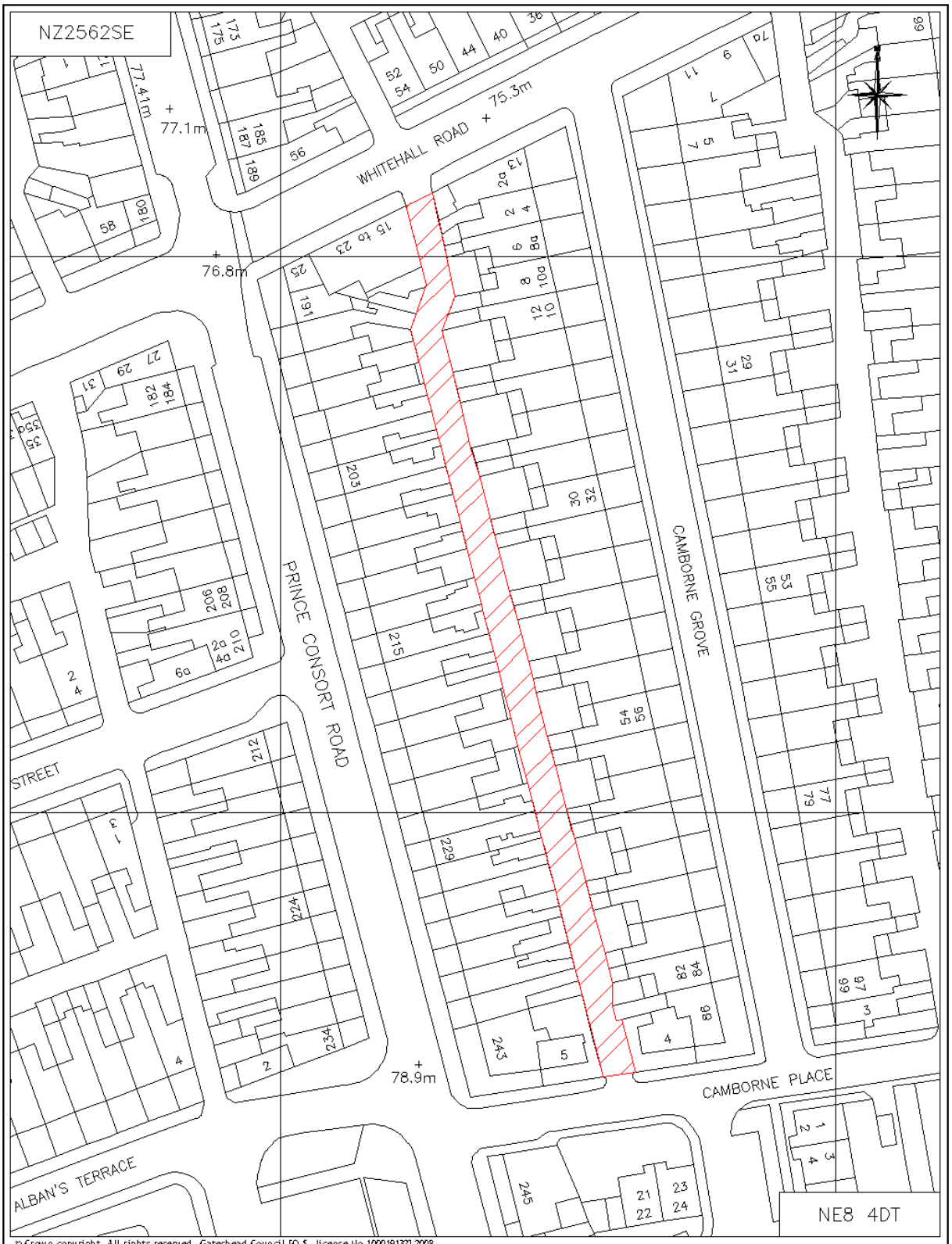

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DRAWING TITLE:

Highway Maintenance Programme 2016/17

Prince Consort Road, Gateshead

Communities & Environment

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PREPARED BY:	J. Young	DATE:	01/02/2016
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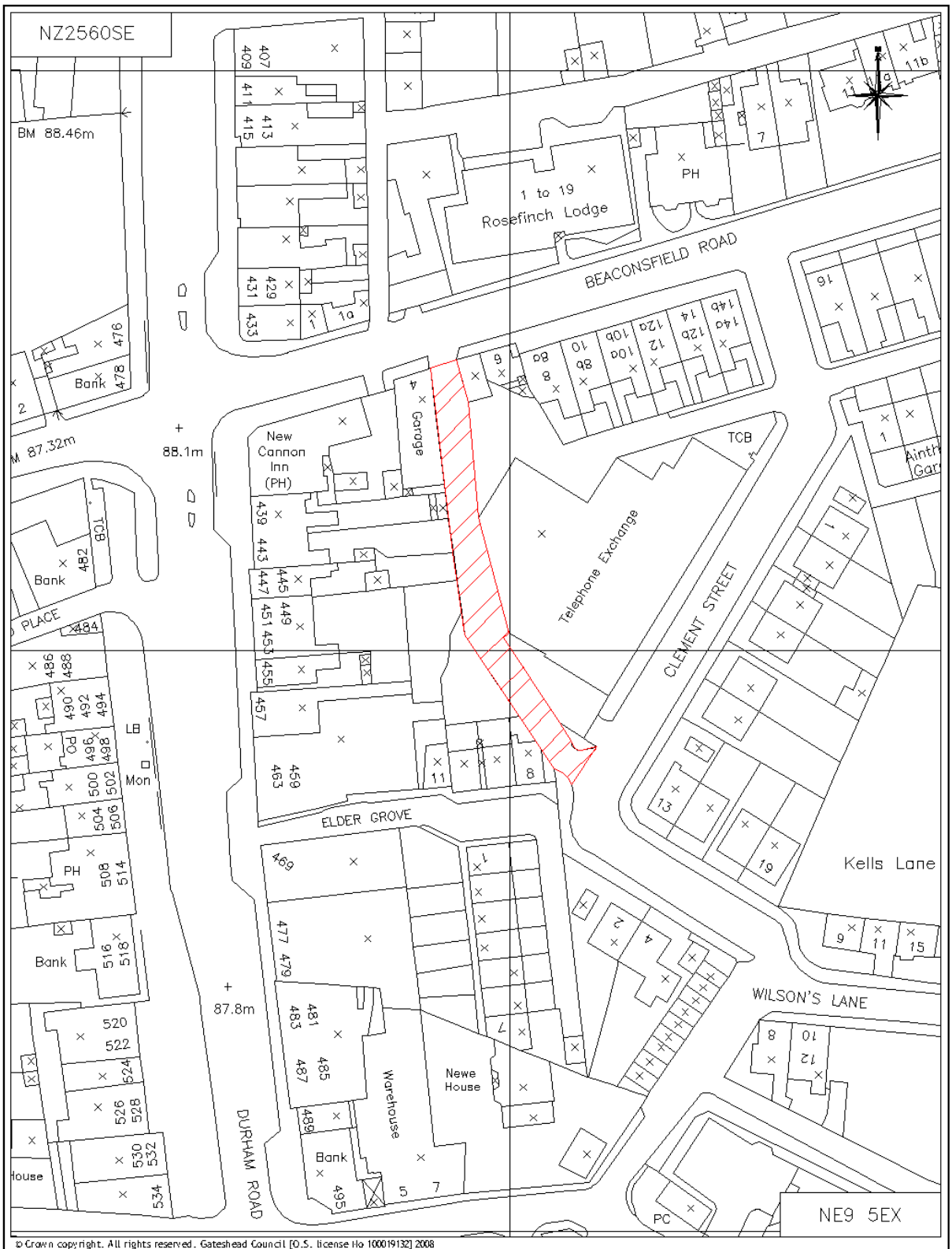
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ELDER GROVE
Kells Lane
WILSON'S LANE
DURHAM ROAD
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DRAWING TITLE:
Highway Maintenance Programme 2016/17
Durham Road, Low Fell
Communities & Environment
Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy
PREPARED BY: J. Young
DATE: 11/02/2016
CHECKED BY: C. Hodgson
SCALE: NTS
APPROVED BY: J. Young
DRAWING NO: 2016/BL/05
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DRAWING TITLE:
Highway Maintenance Programme 2016/17
Nell Tce / Margaret Tce, Highfield
Communities & Environment
Trevor Waggett B.Eng (Hons), MCIHT, MIHE
Engineering Manager Transport Strategy

PREPARED BY:	DATE:
J. Young	10/02/2016
CHECKED BY:	SCALE:
C. Hodgson	NTS
APPROVED BY:	DRAWING NO:
J. Young	2016/BL/R01

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT:	**Local Transport Plan: Integrated Transport Capital Programme update**
REPORT OF:	**Paul Dowling, Group Director, Communities and Environment**

Purpose of the Report

1. The report provides an update on progress with the Local Transport Plan (LTP) integrated transport (IT) capital programme. It includes a review of implementing the 2015/16 programme together with the in-year changes that have had to be made, and an outline of the 2016/17 programme for approval. Also covered is an outline of the LTP funding proposals and how they fit in with other funding sources.

Background

2. The LTP provides the main source of capital funding for local transport improvements. This includes both structural maintenance of highways and structures and integrated transport improvements. The latter covers a range of works including bus priority, new and improved cycleways, better facilities for pedestrians and disabled people, safer routes to school, traffic calming and road safety improvements.

3. The financial year 2016/17 will be the sixth year of LTP3, which is the third Local Transport Plan for Tyne and Wear and covers the period from 2011 to 2021. The main priorities of LTP3 are; to maintain and develop the transport networks; support the growth of the economy of Tyne and Wear; reduce transport carbon emissions; and contribute to making communities in Tyne and Wear healthier and safer.

Proposal

4. Some changes to the 2015/16 programme which was approved by Cabinet in March 2015 were required. This reflects changes to the delivery programmes on a number of schemes as a result of the need to meet revised cost estimates following detailed design, results of extensive consultation, revised priorities and unforeseen circumstances during construction.

5. The LTP Integrated Transport capital settlement for the period 2015/16 to 2017/18 and indicative allocations for the period 2018/19 to 2020/21 was announced by the Department for Transport (DfT) in July 2014. The funding

allocated to Tyne and Wear for all financial years within the above period was set as £9,465,000 per annum:

- This is a 46% reduction when compared to the allocation in 2014/15
- Gateshead is set to receive £1,280,916 of the Tyne and Wear allocation

The devolution deal under consideration by authorities in the North East could see responsibilities for this funding devolved to the North East Combined Authority. This could have implications for the amount of funding received by Gateshead in future years.

6. A letter has been received from the DfT setting out draft LTP capital maintenance allocations for future years. This follows announcements relating to changes to the levels of funding and revisions to the formula used to allocate this between local authorities.

7. The provisional allocation for Gateshead for 2016/17 is £2,511,000. The figure represents only the 'needs' based element of maintenance funding. A further £152,000 should be available based on the DfT's new performance based approach, and this is the maximum additional funding that could be claimed for 2016/17. The total allocation is £2,662,000.

8. Appendix 1 provides further background to the above together with details of external funding that has been secured to use in conjunction with the LTP funding bringing significant levels of betterment to the Borough.

9. Appendix 2 provides the projected outturn for the 2015/16 programme, while the 2016/17 programme is attached as appendix 3. The initial programme will be reviewed during the year and may be subject to change depending upon delivery progress and the outcome of consultation.

Recommendations

10. It is recommended that Cabinet:

(i) approves the estimated final outturn relating to the integrated transport capital programme for 2015/16 as set out in appendix 2;

(ii) approves the programme for 2016/17 as set out in appendix 3;

(iii) authorises the Service Director, Development & Public Protection to award the relevant works to the Service Director, Construction Services under the terms of the Highways, Drainage & Street Lighting Maintenance Contract.

(iv) authorises the Service Director, Development & Public Protection to make changes to the approved indicative programme through consultation with Cabinet Member for Environment and Transport as and when the need arises.

For the following reason:

To enable the design and implementation of transport schemes in support of the Tyne and Wear Local Transport Plan and the Council's policy objectives.

CONTACT: Anneliese Hutchinson ext 3881

Andrew Ford-Hutchinson ext 3166

Policy Context

1 The proposals are in line with the vision for transport as outlined in the Gateshead Sustainable Community Strategy, Vision 2030. They also support the Core Strategy and Urban Core Plan, and the aims and objectives of the Tyne and Wear Local Transport Plan 3. Furthermore, the indicative programme supports funding received through the Local Sustainable Transport Fund (LSTF) and Cycle City Ambition fund.

Background

2015/16 Programme

2. The LTP allocation together with other capital investment, including both internal prudential borrowing and externally secured funding, resulted in a transport capital programme in excess of £7 million in 2015/16.

3. Part of the above figure was a consequence of delays to the final programme delivery in 2014/15 resulting in £1.1 million of the approved budget being carried forward into 2015/16. £0.9 million of this carry over related to the Integrated Transport (IT) programme, while the remaining £0.2 million related to the highway maintenance programme.

4. The actual value of schemes not completed in 2014/15 but deemed as committed in that year's programme was in excess of the above. The value of IT schemes was £1.2 million while the cost of maintenance schemes was £0.2 million. This equated to a total of £1.4 million of previous commitments being implemented as part of the 2015/16 programme.

5. A large proportion of the carry forward had been anticipated as a result of the consultation that was carried out in relation to the implementation of Durham Road Quality Transport Corridor phase 4 and the 20MPH elements of the West Gateshead Links to School scheme. It had been expected that delivery would commence at the end of 14/15, however the complexities of finalising the consultation meant that delivery on site took significantly longer.

6. As with previous years there have been some changes to scheme budget as a consequence of alterations made in detailed design, response to consultation and specific onsite factors, the schemes that have had the most significant changes made to them are detailed below:

- South of Team Valley Cycle Improvements
- Coatsworth Road Environmental Improvements
- Traffic Signal Renewal
- Traffic Management (Ward Based Schemes)
- 20MPH zone/limit programme
- Road Safety Programme
- Road maintenance programme
- Bridge Maintenance Programme

7. Furthermore, it has become evident in the 3rd and 4th quarter financial year that a number of schemes will again need to be carried forward into the next financial year (2016/17), reflecting revised delivery programmes. The list below gives an overview of the schemes that will be carried forward either in full or in part, it should be noted that there are additional smaller schemes that also require completion next financial year, these are identified in appendix 2:

- A694 Speed Review
- Durham Road Ph 4
- Eighton Banks 20MPH
- Great North Cycleway
- Baltic Cycle Scheme
- Roman Road School 20MPH
- Sidney Grove Area 20MPH
- South Team Valley Cycle Improvements
- Traffic Signal Improvements
- Bus Based Major Transport Scheme

8. As of the 23rd March 2016 it is estimated the overall value of integrated transport schemes being slipped in to 2016/17 is £2,372,000. Within this figure there is £641,000 of over programming, which will be funded through the 2016/17 Integrated Transport grant allocation.

9. Appendix 2 includes further information on those schemes that are expected to be carried over in to 2016/17.

2016/17 Integrated Transport Block Settlement

10. The financial year 2016/17 is the sixth year of LTP3, which is the third Local Transport Plan for Tyne and Wear and covers the period from 2011 to 2021. The main priorities of LTP3 are; to maintain and develop the transport networks; support the growth of the economy of Tyne and Wear; reduce transport carbon emissions; and contribute to making communities in Tyne and Wear healthier and safer.

11. Gateshead's integrated transport (IT) settlement in 2016/17 is expected to be £1,280,916. As outlined above this is a significant cut when compared to previous years, with a 44% top slice (nationally) being included within the single local growth fund (SLGF). The SLGF, which is made up of several funding elements and is not ring fenced, for 2016/17 does not include any allocation for the delivery of small scale transport schemes.

12. As with the settlement in 2015/16, a further consequence locally in this reallocation of funding nationally is that Gateshead and the other Tyne and Wear Authorities will not receive a public transport allocation through Nexus. In 2014/15 Gateshead received £383,000 of public transport funding in addition to the standard LTP allocation.

13. The limited level of funding available through the IT budget has a serious impact on the Council's ability to undertake small scale transport schemes.

These are often of particular importance in resolving day to day problems on the transport network, and supporting important economic, health, environment and community objectives at a local level. Some of the larger schemes supported previously through this budget (for example corridor improvements) will become increasingly difficult to fund altogether through this source.

14. In the early part of 15/16 it was announced that Gateshead Council had been awarded £976,500 of cycle city ambition grant funding and £180,000 of Local Sustainable Transport funding following successful bids to supplement LTP allocations. This funding has been used to bring significant betterment to the Borough through delivery of cycle improvements to the great North Cycle Route (NCN 725) and Wellington Street respectively. While all opportunities will be investigated and work will continue to prepare suitable projects to react to potential external funding announcements, it is unlikely that officers will be able to secure any additional funding in 2016/17, although further external funding is expected in 2017/18.

15. The proposed programme as identified in appendix 3 has been developed based on the guidelines agreed at a Tyne and Wear level but also to reflect local priorities as identified in Vision 2030, and the Council Plan. The IT programme has also been categorised as per previous years' programmes into the following themes:

16. **Economic Development and Regeneration –** schemes aimed at improving strategic accessibility, making journey times more reliable, providing information to people and reducing public transport journey times.

17. **Climate Change –** schemes that will help achieve a less congested network that will generate less CO2 and will encourage or enable mode shift to less polluting forms of transport. These schemes are directly associated with improving the environment and therefore will be crucial in moving towards a more sustainable Gateshead, and also in promoting active and healthy travel.

18. **Safe and Sustainable Communities –** Schemes that will improve accessibility at a community level, promote the impression of security and reduce the incidence and severity of road accidents. Such schemes will empower all levels of communities and support all of the council priorities.

19. In practice many of the schemes proposed meet more than one of the objectives and some judgement has been taken in order to fit them into this categorisation.

20. The 2016/17 programme as presented in appendix 3 provides a breakdown of the schemes to be delivered throughout the course of the financial year. It also identifies where LTP funding will be used as local contributions (match funding) to secure external funding (17/18), and where prudential borrowing is proposed to supplement the externally funded elements of the programme.

21. The Integrated Transport programme outlined in appendix 3 has been developed to include allocations which will; address Ward based road safety concerns and the development of 20 MPH zone/schemes; support public

transport improvements, public rights of way improvements and cycle infrastructure improvements. The programme also looks to address day to day Councillor and resident concerns through continued allocations to traffic management and accessibility programmes. Where appropriate and in order to allocate funds under each of the programme headings, officers will utilise a scheme justification process, which considers factors including local need, benefit to the environment, economic growth and congestion reduction, and applying appropriate optimism bias. Delivery risks or issues that may be connected with the scheme are also assessed as part of this process.

22. Given the fluid nature of the capital investment and to allow programme delivery to be maximised in 2016/17 and in future years funding has been assigned to allow for future scheme development. This approach benefits the programme two fold in that it allows preliminary works including investigation, design and consultation to commence on schemes that have already been identified but were given a lower priority than those currently identified on the programme, subsequently smoothing out delivery either if funding becomes available within the given financial year or as part of a future years programme. Secondly it means a portfolio of larger schemes can be developed, which will allow for a more efficient bidding process if the potential for external funding becomes available.

23. **Maintenance**

The delivery of the road maintenance programme in 2015/16 was affected by resource issues, however, even with additional monies being allocated within the overall maintenance programme all schemes are expected to be complete on the ground prior to the end of the financial year. As suggested a number of changes to the approved programme were made throughout the year to account for alterations in cost estimates and reallocation of structural maintenance monies.

24. A letter has been received from the Department for Transport setting out draft LTP capital maintenance allocations for future years. This follows announcements relating to changes to the levels of funding and revisions to the formula used to allocate this between local authorities.

25. The provisional allocation for Gateshead for 2016/17 is £2,511,000. The figure represents only the 'needs' based element of maintenance funding. The DfT have now introduced a performance related element to maintenance funding which, in 2016/17, should see a further £152,000 available, the maximum additional funding that could be claimed for 2016/17. This brings the total allocation relating to maintenance to £2,662,000.

Consultation

26. Extensive consultation across Tyne and Wear was carried out during the preparation of the Local Transport Plan. This included household questionnaires and discussions with key interest groups as well as focus groups with Gateshead residents to discuss transport problems and solutions. The outcome from the consultation helped shape the LTP strategy and subsequent spending programmes. The Cabinet Members for Environment

and Transport have been consulted on the proposed programme. Individual schemes within the programme have and will continue to be subject to local and stakeholder consultation as appropriate.

Alternative Options

27. The allocations outlined as part of the 2016/17 programme are those considered to be deliverable and which best meet the objectives of the Local Transport Plan while supporting more local priorities.

Implications of Recommended Options

28. **Resources:**

a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the proposed capital investment can be accommodated from within the Council's approved Capital Programme.
b) Within the provisional 2016/17 LTP Programme there is a level of over programming which will be monitored throughout the year to ensure schemes are delivered within available resources.

c) **Human Resources Implications** – There are no human resources implications.

d) **Property Implications** – No property implications have been identified.

29. **Risk Management Implications** – The main risk associated with the programme is that any significant under spend may lead to a loss of funding. Failure to deliver schemes that have external funding linked to them is likely to mean the loss of that external funding source and may also jeopardise the potential to secure additional funding in future years.

30. **Equality and Diversity Implications** – Implementation of the integrated transport capital programme will assist in reducing social exclusion by improving access for the young, elderly, unemployed/low waged and people with disabilities. However the reduction in funding when compared to that received as part of LTP2 and earlier years of LTP3 continues to impact on the extent of the delivery programme.

31. **Crime and Disorder Implications** – Proposals within the integrated transport programme will assist in improving safety and security for the travelling public. However the reduction in funding when compared to that received as part of LTP2 and earlier years of LTP3 continues to impact on the extent of the delivery programme.

32. **Health Implications** – The integrated transport capital programme is vital in reducing levels of casualties in road accidents and also in achieving an 'Active and Healthy Gateshead'. The latter aims to make sustainable travel, including walking and cycling more attractive to the residents of Gateshead. Specifically, the aims are to provide the infrastructure and education to encourage healthier living through: improving streets and rights of way; removing unnecessary traffic; reducing traffic; providing training through the

safer routes to schools programme and travel planning. However the reduction in funding when compared to that received as part of LTP2 and earlier years of LTP3 continues to impact on the extent of the delivery programme.

33. **Sustainability Implications** – The integrated transport capital programme is an important element in providing the basis for a sustainable transport system capable of supporting the borough's environmental, social and economic objectives sustainability. In particular it seeks to reduce car dependence, thereby contributing to the reduction of carbon emissions. However the reduction in funding when compared to that received as part of LTP2 and earlier years of LTP3 continues to impact on the extent of the delivery programme.

34. **Human Rights Implications** – The construction of transport and traffic facilities can have an effect on the amenities of some residents. Consultation on specific proposals will be held with residents, ward members and relevant stakeholders.

35. **Area/Ward Implications** – All wards will be affected.

Background Information

36. Further background information is contained in:
    - Report to Cabinet July 2015 on Durham Rd QTC phase 4
    - Report to Cabinet March 2015 on 20MPH scheme programme
    - Report to Cabinet April 2016 identifying the Highways Maintenance Capital Programme for 2016/17.

Appendix 2: 2015/16 Integrated Transport Programme Estimated Outturn

Scheme	2015/16 Current Allocation	Est Outturn	Carry Over	Match funding details	Status
Integrated Transport	**£000's**	**£000's**	**£000's**		
Previous Commitments					
LDF Transport Modelling	40	40.0	0.0		
Durham Rd Ph4	700	550.0	150.0		Completion of scheme is expected within first few weeks of new financial year
Oakwellgate Improvements	42	42	0.0		
Local Pinch Point - Team Valley Access Improvements	20	-60.0	80.0	Prudential Borrowing	Land deal yet to be resolved
Coatsworth Road	0.2	0.2	0.0		
VMS (Town Centre)	5.1	5.1	0.0		
Ekki Bridge Cycle Improvements	41	41.0	0.0		
Cross Lane Cycle Improvements	16.5	16.5	0.0		
Bill Quay Primary 20MPH	35	35.0	0.0		
Eighton Banks 20MPH	75	2.0	73.0		Consultation and resources have resulted in delay in final delivery
Kells Lane (+surrounding area)	140	123.0	17.0		
Lingey House 20MPH	10	10.0	0.0		
West Gateshead Links to School	100	100.0	0.0		
A694 Speed Review	200	10	190.0		Phase 1 of this scheme was ordered in 15/16. Later phases to be ordered in 16/17. Limited on site works due to resources.
Felldyke school 20 mph zone	1.5	1.5	0.0		
Derwent Bridge - Land Charge	2.4	2.4	0.0		
Crawcrook to High Spen	2	2.0	0.0		
Gateshead Quays Cycle Link	3.4	3.4	0.0		
Wrekenton Centre	4.2	4.2	0.0		
LSTF Stella Links to School	2.1	2.1	0.0		
Previous Commitments Total	**1440.4**	**930.4**	**510**		
Economic Development and Regeneration					
Regeneration Areas	**6.5**	6.5			

Scheme	2015/16 Current Allocation	Est Outturn	Carry Over	Match funding details	Status
Integrated Transport	**£000's**	**£000's**	**£000's**		
Scheme Development	62	62.0			
Economic Development & Regeneration Total	68.5	68.5			
Climate Change					
Wellington Street Cycle Improvements	200.0	200.0		LSTF	Completion is expected this financial year. Final value of scheme to be confirmed due to on site design changes.
Great North Cycleway	1189.0	500.0	689.0	CCAF	Completion expected by June 2016. Complexities of scheme together with resource issues and coordination with other road works have resulted in delay.
Baltic Cycle Scheme	11.5		11.5		Managed slippage due to low priority.
South Team Valley Cycle improvements	500.0	8.2	491.8		Resource issues have delayed the delivery of this scheme.
Travel plans	69.0	69.0	0.0		
Climate Change Total	**1969.5**	**777.2**	**1192.3**		
Safe and Sustainable Communities					
20MPH Schemes	131	15	116		Consultation and legal orders together with some conflict with utilities works have delayed delivery of full programme.
Public rights of way	100	90	10		
Road safety	84	20	64		Complexities of scheme have resulted in managed slippage
Traffic Management (ward issues)	390	390	0		
Freight Partnership	8	8	0		
Dropped kerbs (ward issues)	1.4	1.4	0		
Bus infrastructure	20	0	20		
Traffic Signal Improvements	300	75	225		Complexities of traffic Management together with resource issues and availability of traffic signals group have created delay in programme.
Safe and Sustainable Communities Total	1034.4	599.4	435.0		

Scheme	2015/16 Current Allocation	Est Outturn	Carry Over	Match funding details	Status
Integrated Transport	**£000's**	**£000's**	**£000's**		
Other (Non LTP) Capital Transport Schemes					
City Boulevard/Flyover	265.0	265.0	0	Prudential Borrowing	
Eighton Lodge P&R	200.0	25.0	175.0	Prudential Borrowing	Land purchase issues are continuing to delay final delivery of this scheme.
Highways Works Borough-wide			0.0	Developer	
Saltwell 20MPH scheme	30.0	12.0	18.0	Developer	Finalising consultation and legal orders have resulted in late delivery of scheme. Completion
Rail Academy, William Street	22.2	22.2	0.0	Developer	
Quay Wall	200	170	30		
QE Residents Parking			0.0	Developer	
Birtley Town Centre Developer Works	3.2	3.2	0.0	Developer	
Other (Non LTP) Capital IT Schemes Total	**720.4**	**497.4**	**223**		
Pre/Post Monitoring	26	26			
Development and Monitoring	55	55			
Integrated Transport Totals	5314.2	2953.9	2360.3		

*Maintenance carryover estimated at £11.7k

Appendix 3: 2016/17 LTP Programme

Indicative LTP 2016/17	LTP	Match Funding	Est Scheme Value	Match details	Comments
	£000	£000	£000		
Schemes with previous commitments					
Durham Rd Ph4	150		150		
Eighton Banks 20MPH	73		73		
Kells Lane 20MPH	17		17		
A694 Speed Review	190		190		
Great North Cycleway		689	689	CCAF	
Baltic Cycle Scheme	11.5		11.5		
Kibblesworth 20MPH	45		45		
Roman Road School 20 MPH	26		26		
Sidney Grove area 20MPH	35		35		
Team Area 20MPH	5		5		
Guard Rail Assessment, Felling Bypass	20		20		
Guard Rail Assessment, Chainbridge Road	10		10		
Bus infrastructure	20		20		
South Team Valley Cycle improvements	491.8		491.8		
Traffic Signal Improvements	150	275	425	PB	£11.7k maint carryover
Saltwell 20MPH		18	18	Developer	
Eighton Lodge Park and Ride		175	175	PB	
City Boulevard		50	50	PB	
Local Pinch Point		80	80	PB	Land deal
Quay Wall		30	30	PB	
Schemes with previous commitments Total	**1244.3**	**1317**	**2561.3**		
Safe and Sustainable Communities					
Public rights of way	80		80		

Indicative LTP 2016/17	LTP	Match Funding	Est Scheme Value	Match details	Comments
	£000	**£000**	**£000**		
20MPH Schemes/Zones	130	£0	130		
Watermill area	*30*		30		
Mount Pleasant	*40*		40		
Hill Top Area	*10*		10		
Furrowfield School	*35*		35		
Dunston	*5*		5		
Cemetery Road	*10*		10		
Traffic Management (ward issues)	200		200		
Safe & Sustainable Communities Total	**410**	**£0**	**410**		
Climate Change					
Sustainable Transport Initiative	30		30		
Climate Change total	**30**		**30**		
Economic Development & Regeneration					
Ravensworth Terrace Primary School	150		150		
Scheme Development	50	50	100	PB	
Cycle City Local Contributions	70		70		
Coatsworth Road	100		100		
Economic Development & Regeneration Total	**370**	**50**	**420**		
16/17 Integrated Transport total	**2,054**	**1,367**	**3,421**		

Available Resources	£000's
15/16 Carry Over	**1731**
LTP	514
Cycle City Ambition Fund (CCAF)	689
Developer	18
Other	510
16/17 integrated Transport	**1281**
16/17 Prudential Borrowing (PB)	**300**
Total Anticipated Funding	**3312**

Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Adult Social Care Deferred Payments Policy**

REPORT OF: **Alison Elliott, Interim Strategic Director, Care, Wellbeing and Learning**

Purpose of the Report

1. This report explains the proposed changes to the Deferred Payments Policy brought about by the Care Act 2014, and requests Cabinet to recommend the Council to approve the proposed Deferred Payment Policy, charging of interest and administration costs.

Background

2. Under section 34 – 36 of the Care Act 2014, and the Care and Support (Deferred Payments) Regulations of 2014, the Council is required to offer deferred payments agreements to people who meet certain criteria governing eligibility.

Proposal

3. It is proposed that Cabinet recommends the Council to agree the Deferred Payments Policy as set out in appendix 2 of the report and also the option for the charging of interest, as set out in appendices 3 and 4 of the report.

Recommendations

4. Cabinet is asked to recommend the Council to:

   (i) Approve the Deferred Payments Policy as set out in appendix 2.
   (ii) Agree to charging of interest at the lower of 1.15% or the amount specified in regulation and administration costs based on actual costs on the deferred payments amounts.
   (ii) Delegate authority to the Director of Adult Social Care to amend the scheme in line with changes made by statutory provisions (such as, for example, any change in the upper capital threshold limit)

   For the following reason:

   To meet the requirements of the Care Act 2014.

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APPENDIX 1

Policy Context

1. The proposed changes to the Deferred Payments Policy are consistent with and support our aspirations set out in Vision 2030 and the direction of travel set out in the Council Plan and, in particular, our shared outcomes for Live Well Gateshead.

2. The Care Act 2014 established a universal deferred payments scheme which means that people will not be forced to sell their home in their lifetime to pay for their care and support.

Background

3. The Care Act 2014 provides for a deferred payment agreement (DPA) to be made to meet the cost of care, where the adult's needs for care and support are being met / would be met, by provision of accommodation in a care home or supported living accommodation. The Care and Support (Deferred Payment) Regulations 2014 provide the statutory framework for the Council's deferred payments scheme and form the basis of the Deferred Payment Policy.

4. The regulations provide for interest to be charged on any amount 'loaned' for care and support and section 9 of the regulations provide a local authority may charge interest on a deferred amount and any amounts which are treated in the same way as the deferred amount.

5. The regulations also provide that the interest rate must not exceed the maximum amount specified in regulations. The national maximum interest rate will change every six months on 1st January and 1st June to track the market gilts rate specified by the Office of Budget Responsibility in the Economic and Fiscal Outlook.

6. The regulations further provide for administration costs to be charged: These costs must not exceed the total costs actually incurred in relation to the deferred payment agreement.

Current Position

7. The Council currently operates a deferred payments scheme, however the Care Act puts the scheme on a firm legislative footing.

8. The deferred payment scheme from April 2015 requires the Council to consider charging interest and administration charges (and interest on those administration charges if rolled up into the amount deferred) and the regulations are incorporated into the Council's deferred payment policy.

9. When deciding whether to charge interest and/or administration costs to the client, the Council must consider the following:

    - The affordability and therefore attractiveness of the scheme to the client
    - The interest and costs foregone by the Council in the amount loaned for the deferred payment arrangement

- The alternative options available for recovery of care fees.
- The regulations governing the scheme.

10. The current maximum rate specified in regulation is 2.15% but taking account of the above in paragraph 8 it is proposed that the rate of interest charged is set at 1.15%. At this level it is sufficient to cover the interest foregone on investments for the Council.

11. Appendix 4 Includes details of the estimated average administration costs associated with deferred payments. It is proposed that administration costs are based on actual cost recovery and therefore may differ from the average cost.

12. The new regulations also allow for a deferred payment agreement to be made with an adult whose needs we are not meeting (because they are financially ineligible) but who asks us for a loan to meet the cost of care home accommodation or supported living accommodation.

Consultation

13. In preparing the report, consultations have taken place with the Cabinet Members for Adult Social Care and Health. Public consultation on deferred payments (DPA's) commenced on 20/11/2015 and ended 15/01/2016 and details are set out in appendix 5. The consultation responses would not change the proposed policy. No consultees raised Equality or Human Rights issues as a result of the proposals.

Alternative Options

14. The Care Act 2014 established a universal deferred payments scheme and therefore the Council is legally required to offer a scheme. The policy underpins that scheme.

15. The Council has discretion whether or not to charge interest and for administration costs within their deferred payments schemes but in not charging, the cost of the scheme would be borne by the Council

16. The Council could charge the maximum interest specified in regulation however at 1.15% it is considered the scheme is financially attractive for service users, whilst still allowing the Council to recover its basic costs. It is for these reasons that it is beneficial to keep the interest rate to a level that allows recovery of the interest foregone on the loan amount at least, leaving the Council with no overall financial loss. Appendix 3 to this report sets detailed examples of the impact of different rates.

17. If the cost to clients of interest and administration fees is so high that they are deterred from entering into DPAs, the Council's financial position will be undermined. Although clients will still have to pay their assessed contribution to the cost of their care, the Council will have no security for those payments. If they fail to pay, the Council would have to sue them in the County Court to recover the monies owed as an unsecured debt. It is probable that the process of suing in the County Court would have to be repeated several times as unpaid assessed contribution continued to accrue. The process would certainly be costly and time consuming and unlikely to result in the successful recovery of 100% of unpaid assessed contributions.

Implications of Recommended Option

18. **Resources:**

    a) **Financial Implications –** The Strategic Director, Corporate Resources confirms that the costs associated with implementing the deferred payment policy will be recovered via charging of interest on the loan amount and charging for administration costs. The charges will be reviewed in line with the Council's Fees and Charges process.

    b) Human Resources Implications – No implications

    c) Property Implications - there are no property implications relating to this cabinet report

19. **Risk Management Implication -** Regulations enable a legal mortgage to be placed on the property to provide adequate security for the debt. Administration of the scheme will include review, at least annually, of the loan to equity position to ensure the legal mortgage continues to provide adequate security. The interest rate will be reviewed at least annually to ensure it continues to cover at least the interest foregone on the deferred amount.

20. **Equality and Diversity Implications -** The Deferred payment scheme is open to all residents regardless of any potential characteristics which they may have. Due to the nature of residential care and supported living accommodation following publication of the scheme any effects will most likely be upon those who are disabled and elderly and within that group proposals are likely to affect women disproportionately to men mirroring the gender disparity in over 65s residential care and supported living accommodation.

21. The Equality Impact Assessment is set out in appendix 6. The impacts identified in relation to the proposed policy is that it will enable some residents to enter into agreements that will mean they are not required to sell their property, this is a positive impact upon those who may otherwise have to sell their property. The proposal to charge interest and administrative costs is justified as this is to protect the Council's financial interests in relation to the outlay it will make in operating the scheme. It is unlikely that the new policy would wish to be used by those of Islamic faith, since Sharia Law does not allow the charging of interest which is a key element of the Deferred Payments Scheme.

22. **Crime and Disorder Implications –** no implications from this report

23. **Health Implications –** positive impact on residents' mental health and wellbeing as entering into agreements means that the resident is not required to sell their property.

24. **Sustainability Implications -** no implications from this report

25. **Human Rights Implications -** The Policy supports Article 8, a person's rights to respect for their private and family life (including managing their property) by supporting choice. The additional costs are fair and proportionate and will have been freely chosen by the individual. The inclusion of an element of interest does not constitute an infringement of a person's Article 9 right to practice their religion

(because it would not be Sharia compliant) because the Deferred Payment Agreement is voluntary and Sharia compliant financial loans are available thus leaving a person with a choice that is compliant with their religious practice.

26. **Area and Ward Implications -** this report relates to a policy which has borough wide impact.

GATESHEAD COUNCIL

ADULT SOCIAL CARE

DEFFERRED PAYMENT POLICY FOR CARE AND SUPPORT SERVICE

CONTENTS

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1. Introduction

1.1 The Care Act 2014 establishes a universal deferred payment scheme which means that people will not be forced to sell their home in their lifetime to pay for their care and support.

1.2 By entering into a deferred payment agreement, a person can 'defer' or delay paying the costs of their care and support until a later date. Deferring payment can help people to delay the need to sell their home, and provides peace of mind during a time that can be challenging for them and their loved ones as they make the transition into care.

1.3 This document sets out how the deferred payment scheme operates and how Gateshead Council (the Council) will administer its deferred payments scheme.

2. The legal framework and definitions

2.1 The legal framework includes the following:

- The Care Act 2014 (sections 34 and 35)
- The Care and Support (Deferred Payment) Regulations 2014
- Care and Support Statutory Guidance

Gateshead Council's policies of relevance are:

- Gateshead Council Fees and Charges policy
- Gateshead Council Charging policy

2.2 For the purpose of this scheme, the following are defined in accordance with the regulations:

- Care Home means a care home within the meaning given in S3 of the Care Standards Act 2000.
- Supported Living accommodation is accommodation that is not a care home and is defined in s3(2) of the Care and Support (Deferred Payment) Regulations 2014.

3. Offering and Refusing Deferred Payment Agreements

3.1 The Council will only enter a deferred payment agreement with an adult for amounts due for care and support which the local authority considers to be sufficient to meet the adult's needs.

When a Deferred Payment Agreement will be offered

3.2 The Council will offer and will enter into a deferred payment agreement where:

- The person is an adult that has needs for care and support.
- The Council agrees to meet those needs by provision of accommodation in a care home under s.18 or 19(1) or (2) Care Act 2014 (or would do so if requested).
- The adult has a legal or beneficial interest in a property which is the adult's main or only home.
- The value of that interest is not disregarded for the purpose of calculating the amount of the adult's capital when the financial assessment rules are applied.
- The adult's capital (excluding their interest in the property) does not exceed £23,250.
- The Council is able to obtain 'adequate security' (as defined by Regulation 4 of The Care and Support (Deferred Payment) Regulations 2014) for the payment of the deferred amount and any interest or administration costs which are treated in the same way as the deferred amount. This will be the case where a charge by way of a legal mortgage for an amount which is at least equal to the deferred amount and any interest or administration costs is capable of being registered as a first legal charge in favour of the local authority in the land register.
- Genuine and informed consent is given in writing to the creation of a charge that will rank before any interest the person has by anyone with an interest in the land or asset over which a charge will be made or who might prevent the Council from exercising a power of sale or recovering the deferred payment amount.
- The adult agrees to all of the terms and conditions set out in the Deferred Payment Agreement document.

When a Deferred Payment Agreements may be offered

3.3 The Council may offer a deferred payment agreement to an adult provided the following conditions are met:

- The person is an adult that has needs for care and support
- The Council agrees to meet those needs by provision of accommodation or supported living accommodation in a care home under s.18 or 19(1) or (2) Care Act 2014 (or would do so if requested)
- The Council is able to obtain 'adequate security' (as defined by Regulation 4 of The Care and Support (Deferred Payment) Regulations 2014) for the payment of the deferred amount and any interest or administration costs which are treated in the same way as the deferred amount. This will be the case where a charge by way of a legal mortgage for an amount which is at least equal to the deferred amount and any interest or administration costs and is capable of being registered as a first legal charge in favour of the local authority in the land register or where other security is available which is considered by the council to

be sufficient to secure payment of the deferred amount and any interest or administration costs.

3.4 In considering whether to offer a deferred payment the Council will take into account the following factors:

- Where meeting care costs would leave the adult with very few accessible assets.
- If the adult would like to use wealth tied up in their home to fund more than just their core care costs and purchase affordable top-ups.
- If the adult has any other accessible means to help them meet the cost of their care and support.
- If the adult is narrowly not entitled to a deferred payment agreement because they have capital of slightly more than £23,250.

The list above is not exhaustive and the Council will have regard to other considerations where appropriate.

4 The Deferred amount and equity limit

4.1 The amount that will be included in the deferred payment agreement is as defined in Regulation 5 of The Care and Support (Deferred Payment) Regulations 2014.

4.2 The equity limit will be set at 90% of the current market value of the property less £14,250 and less the amount of any encumbrance secured on it which ranks in priority to the Council's charge.

4.3 The Council will treat administration costs and interest in the same way as a deferred amount even after the equity limit is reached.

4.4 The Council may undertake an annual revaluation of the property to ensure that there remains sufficient equity in the property for the deferred amount.

5 The Adult's contribution

5.1 The Council will allow an adult to retain a 'disposable income allowance' of £144 per week from which contributions towards care costs will not be required. However, a person may, if they wish to do so, pay additional contributions from their disposable income allowance.

5.2 In any week where the adult's income (as calculated in line with The Care and Support (Charging and Assessment of Resources) Regulations 2014) exceeds £144 the Council will not defer an amount due for the provision of care and support to meet the adult's needs in that week for the provision of accommodation in a care home or supported living accommodation. The sum that will not be deferred per week will not exceed the amount by which the adult's income exceeds £144. The adult will be required to pay this sum that is not deferred to the authority or the provider.

6 Repayment of a deferred amount

6.1 The deferred amount (including any interest and administration costs) must be repaid on the earlier of:

- The date of sale or disposal of the property over which the Council has a charge
- 90 days after the death of the adult with whom the agreement is made.

6.2 The Council will provide a full breakdown of the total amount deferred to the executor after two weeks from the date of the person's death. Information may be requested prior to this on request.

6.3 The executor of the will can decide how the amount due is to be paid; either from the person's estate or from a third party source.

7 Termination

7.1 The adult may terminate the deferred payment agreement at any time subject to the conditions below and as detailed in the contract by:

- Giving reasonable notice in writing
- Making a repayment of the deferred amount including any interest and administration costs.

8 Refusal to defer charges

8.1 The Council may refuse to defer any further charges in the following circumstances:

- Where the adult's total assets fall below £23,250 so the person becomes eligible for local authority support in paying for their care
- Where the person no longer has need for care in a care home (or care in supported living arrangements.)
- Where the property becomes disregarded under the financial charging regulations so the person qualifies for local authority support in paying for their care.
- Where the Property can no longer be insured against all the usual risks, unless there are reasonable grounds for concluding that the site value of the property, disregarding any buildings on it, is adequate security for the deferred payment debt.

8.2 The Council will cease deferring further amounts when:

- The adult has reached the 'equity limit' that they are allowed to defer.
- The adult is no longer receiving care and support in a care home or in supported living accommodation
- The value of the security has dropped and so the equity limit has been reached earlier than expected.

8.3 As set out in paragraph 5.1 an amount may not be deferred in light of the adult's income exceeding £144 in a particular week.

9 Interest

9.1 The Council will charge interest on all payments that are deferred which will include:

- The deferred amount for care and support.
- Any amounts of interest deferred, unless the adult requests to pay interest separately and not defer it.
- Any administration costs deferred unless the adult requests to pay these separately and not defer them.

9.2 Interest will be treated in the same way as the adult's deferred amount unless a request is made in writing to pay this separately.

9.3 The rate of interest charged will be as set out in the Gateshead Council Fees and Charges Policy.

9.4 Interest will continue to accrue once the equity limit is reached.

9.5 Interest will also continue to accrue after the death of the adult until the deferred amount is repaid to the Council.

10 Administration Costs

10.1 The Council will make a charge for administration costs in accordance with the following paragraphs.

10.2 The administration costs charges will be as set out in the Gateshead Council Fees and Charges Policy.

10.3 Administration costs will be treated in the same way as the deferred payment amount unless the adult requests to pay them separately.

10.4 Administration costs will include the following:

- Postage, printing and photocopying
- Providing statements
- Staff costs
- Overheads (e.g. computer equipment, utility charges etc)
- Valuation and revaluation fees
- Land registry fees

- Costs incurred in perfecting the security obtained in respect of the deferred amount
- Legal costs and fees
- Costs incurred for ensuring compliance by parties to the terms and conditions in the agreement

10.5 Before entering into a deferred payment agreement the Council will give the adult an estimate of the amount of any administration costs the Council are likely to levy.

10.6 The Council will provide a statement setting out the administration costs incurred before requesting payment for the costs or treating them as a deferred amount.

11 Terms and conditions

11.1 The Council's Deferred Payment Agreement document sets out the terms and conditions of the scheme.

11.2 The adult is required to maintain their property and to keep it insured against all losses or damage. Failure to do so may lead to the Council withdrawing support.

12 Information

12.1 The Council will provide the adult with a written statement every 6 months during the agreement or within 28 days of a request. This will include information on:

- The amount the adult will have to pay to terminate the agreement, the date of the statement and the amount of any interest and administration costs accrued.
- Details of the interest calculation and the calculation of administration costs.
- The security accepted by the Council
- The maximum amount to be deferred.

12.2 The Council will provide at least 30 days written notice to the adult of the date the equity limit will be reached or if different, where the parties have agreed an amount to be deferred, the date when that will be reached.

13 Dispute resolution

13.1 The Corporate Complaints Procedure may be utilised in relation to any disputes arising in relation to matters covered by this policy.

13.2 Where a dispute arises in relation to the Council's valuation of a property or asset the following procedure applies:

- The adult should make representations in writing to the Council's Financial Assessment team. The Council may ask for further evidence and information to support the adult's dispute.
- Where the parties continue to fail to agree a valuation for the property the adult may obtain an independent valuation at their own expense. The local authority will consider this and will respond in writing.
- If agreement is not reached the matter may be referred by the adult to the Corporate Complaints Procedure.
- An appropriate valuation must be agreed prior to proceeding with a deferred payment agreement.

Options for the charging of Interest

The examples below are based on:

- Compound interest calculation
- Interest calculated annually/6-monthly/Monthly
- Average loan amount of £250 per week (£13,000 annually)
- Interest rate of 2.15% (current maximum prescribed in the regulations) and an alternative of 1.15%
- Property/Equity value £100,000
- Calculated over a period of 6 years

Interest Compound Period	Final Balance	Deposits (per annum at start of year)	Additional Deposits/Withdrawals	Interest Rate	Interest Charge (1st year)	Interest Charged (over 6 years)	Balance >80% of Property Value
Annually	81,200.37	13,000.00	0.00	1.15%	149.50	3,200.37	Year 6
6 Monthly	80,977.61	13,000.00	0.00	1.15%	112.34	2,977.61	Year 6
Quarterly	80,865.90	13,000.00	0.00	1.15%	93.71	2,865.90	Year 6
Monthly (Compound)	80,791.31	13,000.00	0.00	1.15%	81.26	2,791.31	Year 6
Monthly (Annual Comp)	80,777.24	13,000.00	0.00	1.15%	80.98	2,777.24	Year 6
Amount		13,000.00					
Current Rate of Return		0.51%					
Loss on Investment (annually)		66.30					

In summary, for an interest rate of 1.15%, the interest payable over the period ranges between £3,200.37 and £2,777.24, depending on whether interest is applied annually or monthly.

Interest Compound Period	Final Balance	Deposits (per annum at start of year)	Additional Deposits/Withdrawals	Interest Rate	Interest Charge (1st year)	Interest Charged (over 6 years)	Balance >80% of Property Value
Annually	84,084.40	13,000.00	0.00	2.15%	279.50	6,084.40	Year 6
6 Monthly	83,670.97	13,000.00	0.00	2.15%	210.38	5,670.97	Year 6
Quarterly	83,463.11	13,000.00	0.00	2.15%	175.63	5,463.11	Year 6
Monthly (Compound)	80,861.61	13,000.00	0.00	2.15%	152.39	5,324.12	Year 6
Monthly (Annual Comp)	80,562.64	13,000.00	0.00	2.15%	151.40	5,273.26	Year 6
Amount		13,000.00					
Current Rate of Return		0.51%					
Loss on Investment (annually)		66.30					

For an interest rate of 2.15% the amount accrued in interest rises to between £6,084.40 and £5,273.26.

Appendix 4

Options for charging for administering a deferred payment

The regulations provide for administration costs to be charged:

10.-(1) The local authority may charge the adult administration costs…

These costs must not exceed the total of costs actually incurred in relation to the deferred payment agreement.

The administration of a deferred payment agreement will include such items as:

- Legal costs and fees
- Stationery costs
- Staff costs in relation to set up, compliance and monitoring
- Valuation fees
- Overheads

There are two options available in the charging of administration costs:

- An average
- The actual costs incurred on a case by case basis

However the council must, before entering into a DPA, give the adult an estimate of the amount of any charge.

The average costs are estimated to be:

Set up costs (including legal fees)	£250.00
Ongoing regular administration costs	£30.00 per annum
One off charges	£20.00 per hour
Account finalisation	£20.00 per hour

Actual costs could result in a charge of between:

Simplest case set up	£171.00
Complex case set up	£372.00
Other charges at an hourly rate of	£20.00 per hour

(In the main, the complexity is from a legal perspective or where the adult delays in complying with the requirements of the scheme.)

Appendix 5

Deferred Payment Agreements in Gateshead

Feedback from Consultation – 26th January 2016

1. Methodology:

1.1 Public consultation on Deferred Payment Agreements (DPAs) commenced on 20th November 2015 and ended on 15th January 2016. We allowed for an 8 week consultation period due to it falling over the Christmas holidays.

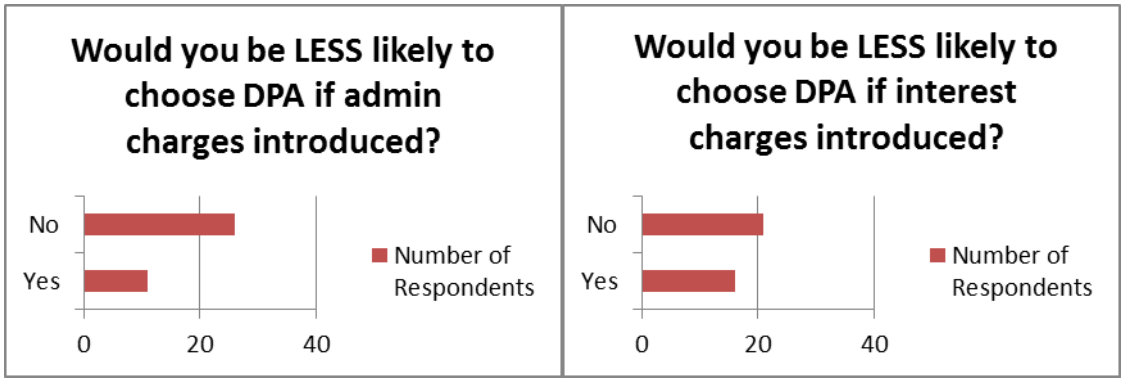
1.2 Consultation consisted of sharing information about deferred payments, eligibility, the proposals for changes and further detail about what the proposed charges would cover. This was accompanied by a short Feedback Form asking 6 questions plus personal characteristics information (Appendix 1).

1.3 A consultation and communications plan is also attached (Appendix 2) outlining the methods used to reach service users, partnerships, residents, the community and voluntary sector.

2. Summary:

2.1 With only 42 responses in total it is difficult to draw robust conclusions from the data. The low response rate can in part be attributed to the complexity of the subject area and the limited numbers who would currently be affected by the charges. However there are some messages that have emerged.

2.2 70% of respondents (26 people) highlighted that they would not be deterred from taking up a DPA if admin fees were introduced. Responses were almost equally split with 43% (16 people) saying they would be less likely to take a DPA if interest charges were introduced. Two of the 34 comments we received featured the proposed interest rate charge – both of these suggesting that people should expect to pay interest as “a loan from the bank would not be free of charges.”



2.3 In total people made 34 comments in their feedback in 3 question sections.

2.4 Four of the 11 people who made comments about the DPA scheme agreed it was reasonable for Gateshead Council to recover administrative charges when setting up

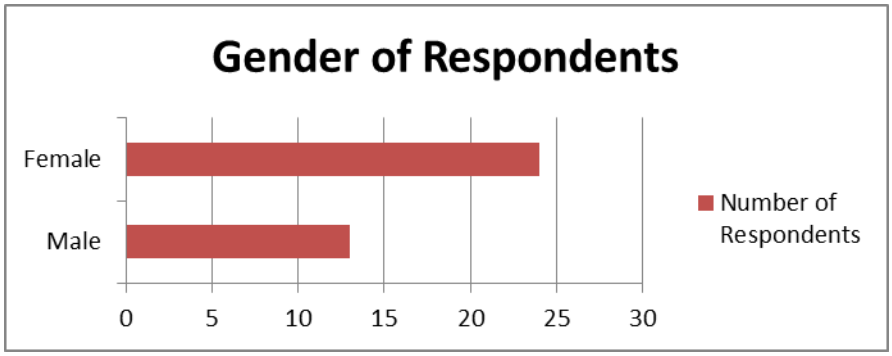
care arrangements, pointing out that the Council should not foot the bill for people who could afford to pay. Two people were against, one highlighted that clerical staff were already employed the Council so should not seek contributions to their wages from the public. The other 5 comments recorded here were general comments or suggestions about the DPAs.

2.5 Ten comments were offered when we asked for alternative ideas relating to the charge. Some of these related to how the Council could save money from elsewhere. This is not surprising as the Budget Consultation was also running at the same time containing options to meet the funding gap. Two people felt it unfair to "penalise" those who had worked hard to leave something for their children. Another commented that the Council should safeguard against those who sign their homes over to their children in order to avoid paying care costs. A couple of respondents also felt the Council should manage short term rentals of the property to avoid losing the family home.

2.6 Thirteen comments were received when we asked if people had other concerns or comments. Some questions were raised about joint ownership, joint bank accounts, opportunities for renting and where a spouse had died leaving half the house in a will to family members. This identifies further areas to clarify our information when discussing DPAs with individuals and their families. Concern was also noted about how people would meet their care costs in the future.

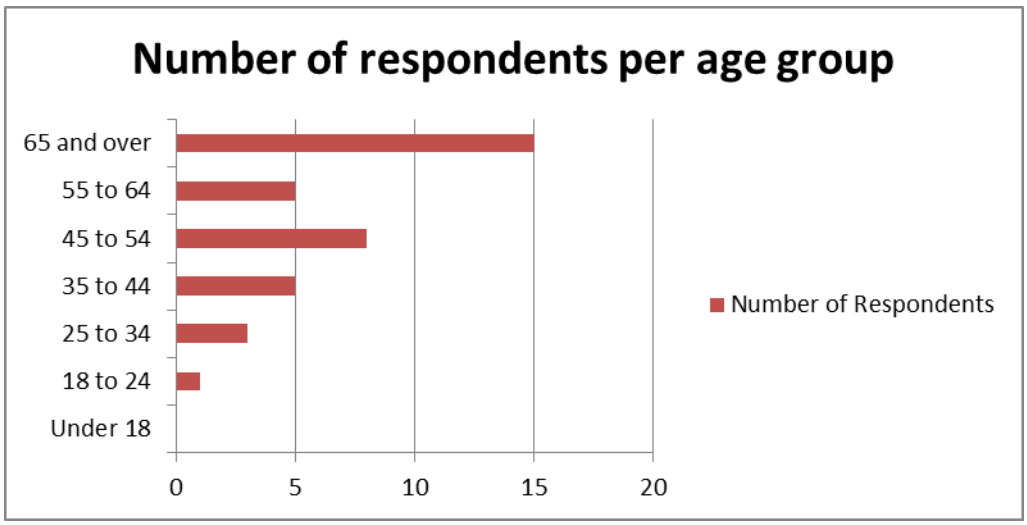
3. Who gave their views?

3.1 A total of 42 people responded to the survey. Of the total 65% were female and 35% were male. Although this sample is not robust enough to show statistically significant differences, it is possible to use the data qualitatively to give an indication of people's view regarding a DPA scheme in Gateshead.

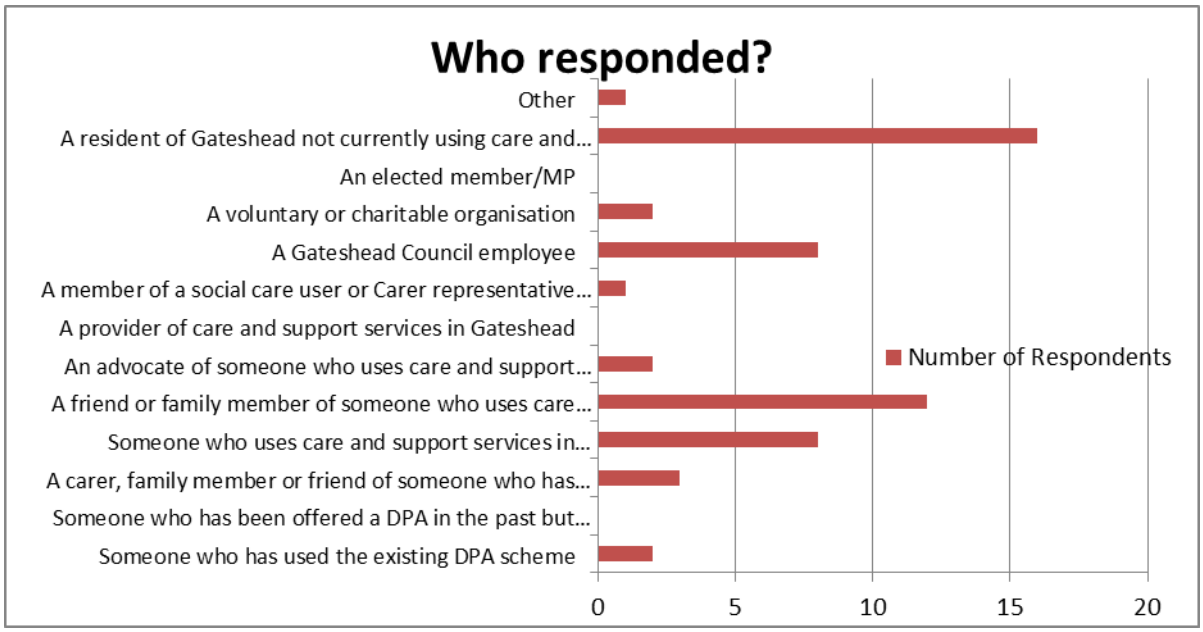


3.2 97% of respondents were White British with only 3% identifying as Black/Black British. Out of the 42 respondents 73% were Christian, 18% no religion, 6% preferred not to say and 3% as "other" religion. Almost three quarters, 73% said that they do not have a disability and do not look after anyone with a disability – 76%.

3.3 More than 40% of respondents were aged 65 and over.



3.4 The majority of people responding were residents of Gateshead who were not currently using care and support services – 40%, followed closely by friends or family members of people who do use care and support services – 30%. People who use care and support services and Council staff each had 8 respondents – 20%.



3.5 The breakdown of respondents by neighbourhood area is shown below:

Neighbourhood Area	Number of Respondents
Central	4
East	6
Inner West	6
South	14
West	6
Out of Borough	1

4. Quotes, queries and questions from Consultation feedback:

4.1 Alternative ideas or comments relating directly to the DPA proposal:

- 2 people suggested renting out a property as an alternative way of securing income and safeguards the family against losing the property – “Offer to manage short term rentals of the property and make an acceptable charge.”
- 1 suggestion was that charges should be added at the end and reclaimed once the property is sold as “some services users may not have the funds at the time they are admitted they have it tied up in an asset.”
- 1 suggestion was to “set a maximum term, say 10 years before the property should be sold or acquired by the Council.”
- 1 suggestion was to “add the charges onto the annual Council tax bills on the property - that would save the overheads and guarantee the money is paid.”

4.2 Any other comments or concerns:

- A number of requests for clarity around joint ownership, joint bank accounts and savings
- 2 people raised concerns about working hard to keep a roof over their family’s heads for many years and now penalising them for trying to better themselves.
- 1 concern about people who sign their assets over to children to avoid paying costs
- 7 comments agreed that people should provide for their own futures; that the Council should recover any costs that it can and a suggestion that people with assets “should pay now rather than later to reduce the current burden.”
- Some people have misunderstood the information given as part of the consultation and made suggestions that are already covered by the scheme such as;
    - “The family should have the right to sell parent’s homes and pay for parent care on a weekly or monthly basis.”
    - “If the debt owed to the Council outweighs the value of the property, would you still charge admin costs?”
    - “Would you consider a flat rate?”
    - “Reduce the resident’s personal allowance.”

5. Response to feedback/Recommendations:

How the consultation feedback will be used to shape the overall policy proposals:

5.1 Colleagues from Finance and Legal have had the opportunity to see an overview of the responses to the consultation.

5.2 Despite a low response the view appears to be to agree with administration and interest charges.

5.3 The individual comments made, whilst useful, would not change the DP policy as the concerns are all covered in regulations or within the policy anyway.

5.4 The individual comments will be considered when producing information about the scheme to clarify the issues people have made during the consultation.

6. Recommendation:

The consultation responses would not change the proposed policy. We therefore recommend moving forward on that basis with the policy as it is, agreeing to charge admin costs and to charge interest.

Equality Impact Assessment Initial Screening Pro-forma (Stage 1)

The purpose of this initial assessment is to analyse whether a new or substantially revised policy, strategy, function or budget proposal is likely to have significant negative impact in terms of equality and therefore require a full Equality Impact Assessment (Stage 2). ***If you are already aware that a full assessment is required, there is no need to complete Stage 1.***

Group:	**Service:**	**Section:**	**Officer responsible for assessment:**
Support officers:		**Completion date:**	
		Review date:	

(1) Name & purpose of the policy, strategy, function or budget proposal: Briefly describe the aims, objectives and purpose of the policy/function or budget proposal	Deferred Payments Policy The council is required to have in place a scheme for clients so they do not have to sell their home in their lifetime to pay the costs of their care, effectively deferring payment to some date in the future. The council can charge the costs it incurs in running the scheme and propose to charge an administrative fee and interest in accordance with the governing regulations.
(2) Is this new or existing?	The power to charge an administrative fee and interest are new powers conferred by the Care Act. However the Council has been offering Deferred Payment Agreements previously

(3) Who are the main customer groups affected by this policy, strategy, function or budget proposal and has there been prior consultation undertaken?	Anyone who requires permanent care and support in a residential care setting who owns or part owns a property that is assessable as capital. The client groups affected include (1) (1) Working age clients with physical or mental disability; Older people going into permanent residential care; of which the majority would be female. Consultation was undertaken 20/11/15 – 15/01/16.

(4) Using the table below please consider the impact of the policy, strategy, function or budget proposal on the protected characteristics as identified in the Equality Act 2010. If you have identified negative impact then a full EIA will need to be completed. Please note Question 5 should be answered in relation to impact on employees.

Protected Characteristics	Assessment of Potential Impact (delete as appropriate)	Reason for this Assessment	Are there any mitigating circumstances?
Age	/Neutral	A positive effect is that older people will not be forced to sell their property, possibly at a bad time to fund care. A negative is that this will incur costs and interest. However the interest and costs are substantially less than comparable products on the financial market	no
Disability	/Neutral	see above	
Race	Neutral	no impact	
	Positive/Negative/	Because of the gender imbalance	

Gender (includes gender reassignment)		within the group of elderly clients accessing permanent care, there will be a greater impact upon female clients. There is no gender imbalance within disability groups	
Pregnancy & Maternity	/Neutral	No impact	
Sexuality	/Neutral	No impact	
Religion or belief	Neutral	Followers of Sharia law would not be able to use the Deferred Payment Agreement because of the element of interest	Sharia compliant loans are available from financial institutions
Marriage & civil partnership	Neutral	No impact	

(5) Impact on Council Employees
Please indicate which of the protected characteristics your assessment has identified as being of relevance:

Age		**Disability**		**Race**		**Gender (inc. gender reassignment)**	
Pregnancy & Maternity		**Sexuality**		**Religion or belief**		**Marriage & civil partnership**	
None	X						

Reason:

(6) Evidence and Engagement
Please use this section to detail the information that you have considered to assess the service for its relevance to equality eg data, research, engagement etc.

We have used information from CareFirst and other Council records.
The JSNA
Other public information on demographic and population trends
We have consulted service users, their carers and other interested group in a consultation exercise.
The results of the consultation are annexed to the Cabinet report. Broadly it showed that service users did not object to paying the moderate level of administrative charge and interest proposed by this policy.

Gateshead JSNA – Frailty Data
http://www.gateshead.gov.uk/Health-and-Social-Care/JSNA/Needs-Assessment-by-Life-Course/Older-people/Frailty/Gateshead-data.aspx

Population
http://www.gateshead.gov.uk/Health-and-Social-Care/JSNA/Topics/Population-and-Deprivation/Demography/Demography.aspx

Older People's Health Profile
http://fingertips.phe.org.uk/profile/adultsocialcare/data#gid/1000105/pat/6/ati/102/page/1/par/E12000001/are/E08000037

Learning Disabilities
http://www.gateshead.gov.uk/Health-and-Social-Care/JSNA/Topics/Communities-of-Interest/Learning-Disabilities/Learning-Disabilities.aspx

Physical Disabilities
http://www.gateshead.gov.uk/Health-and-Social-Care/JSNA/Topics/Communities-of-Interest/Physical-Disabilities/Physical-Disabilities.aspx

(7) Should this policy, strategy, function, or budget proposal proceed to a Stage Two EIA?	**No** If yes is this because: 1. Negative impact identified 2. Need better monitoring data 3. Need other information 4. Possibility to promote equal opportunities and good inter-group relations.	Date Stage Two EIA to commence: Target date for completion of Stage Two EIA:

SIGNED: **Completing Officer**

SIGNED: **Service Director**

SIGNED: **Strategic Director**

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **2016 - 2017 Statutory Intervention Plan for the Food Control and Health & Safety services**

REPORT OF: **Paul Dowling, Strategic Director, Communities and Environment**

Purpose of the Report

1. The report asks Cabinet to consider and recommend the Council to approve the Intervention Plan for the Food Control and Health & Safety services for 2016 - 2017.

Background

2. It is a statutory requirement that the Intervention Plans for these services are considered and approved on an annual basis.

3. The information required in the Health and Safety Service Intervention Plan is directed by the 'Section 18 Standard on Enforcement' of the Health and Safety at Work Act 1974.

4. The information required in the Food Control Service Intervention Plan is directed by the requirements of the Food Standards Agency (FSA) Framework Agreement on Feed and Food Controls by Local Authorities.

5. An Executive Summary of the Intervention Plan is attached at appendix 2. Full details of the Plan can be viewed online within the agenda folder for this meeting and hard copies are available in the Members' Room.

Proposal

6. It is proposed that the Intervention Plan for the period 1 April 2016 to 31 March 2017 be approved.

Recommendations

7. It is recommended that Cabinet recommend the Council to approve the Intervention Plan for 2016 – 2017.

   For the following reason:

   To ensure that effective and appropriate enforcement strategies and sources are allocated to deliver the mandatory duties placed on the Council as the enforcing authority for the regulation of businesses.

CONTACT: Elaine Rudman 3911

APPENDIX 1

Policy Context

1. The work of the Health and Safety Service is directly linked to the refreshed 'Vision 2030' Gateshead's Sustainable Community Strategy and to the Council Plan in particular through promoting and maintaining good standards of occupational health, safety and welfare within the workplace environment.

2. The work of the Food Control Service is directly linked to the refreshed 'Vision 2030' Gateshead's Sustainable Community Strategy in particular by ensuring the safety, hygiene and standards of food produced, supplied and consumed in Gateshead and by controlling food and water-borne illness. The service also gives help and advice to small business leading to sustainable economic growth of small business.

Background

3. Gateshead Council is an Enforcing Authority under both food safety and health & safety law and has mandatory, statutory responsibilities to enforce the relevant legislation.

4. The Government's National Priorities (as identified in the Rogers Review 2007) include:

   - 'Improving health in the workplace' because of 'the high risks posed to individuals, their families, business and the costs to the economy'

   - 'The hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises' because of the high impact in terms of numbers of deaths and ill health caused by unhygienic food businesses and the high costs to the economy

5. Development and Public Protection considers the Government's Better Regulation agenda when planning and delivering its services

Consultation

6. The Cabinet Members for Environment & Transport and Communities have been consulted.

Alternative Options

7. The Plan is based on delivery of the minimum interventions required to meet the statutory responsibilities placed on the Council using the resources currently allocated to the services.

8. Failure to deliver the minimum interventions is not an option.

9. Delivery of a more comprehensive Intervention Plan would require additional resources.

Implications of Recommended Option

10. **Resources**

    a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that there are no additional financial implications arising from this report.

    b. **Human Resources Implications** - There are no human resource implications arising directly from this report.

    c. **Property Implications** - There are no property implications arising directly from this report

11. **Risk Management Implications** – Failure to deliver statutory responsibilities may result in government intervention.

12. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.

13. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.

14. **Health Implications** - These statutory services have an important role in preventing ill health and harm and reducing health inequalities.

    - The food service protects public health through the control of the spread of acute and chronic illness and by ensuring a safe, healthy and sustainable food chain.

    - Enforcement of health and safety aims to prevent harm and ill health in the workplace. Tackling injuries and ill health at work benefits workers, businesses and society as a whole.

15. **Sustainability Implications** – There are no sustainability implications arising directly from this report.

16. **Human Rights Implications** – There are no human resource implications arising directly from this report.

17. **Area and Ward Implications** - This report affects all wards equally

Background Information

- Section 18 ‘Standard on Enforcement’, Health and Safety at Work etc Act 1974.

- Framework Agreement on Feed and Food Controls by Local Authorities, Food Standards Agency

APPENDIX 2

EXECUTIVE SUMMARY

Despite reduced resources the Environmental Health Team of the Council still responds to over 700 accidents, food poisonings and complaints and undertakes over 1300 interventions each year in a wide range of premises in order to build stronger, healthier, prosperous and sustainable businesses.

The Food Standards Agency (FSA) as part of its national food safety framework agreement requires all Local Authorities to prepare a service plan which sets out how the official controls will be delivered.

The Health and Safety Code (The Code) requires Local Authorities to be transparent in their enforcement role. In order to achieve this we need to publish our intervention plan and report on our performance against that plan.

This plan sets out the overall aims of the Environmental Health Team and how the Council will deliver the food safety and health and safety enforcement functions in the financial year 2016/2017.

The plan describes the profile of businesses in the borough and the way in which this determines how the intervention programmes are planned.

It also describes the nature of service requests received and how they are managed and responded to within the service.

The resources allocated to deliver the service are set out for 2016/2017 and the ways in which business and customer satisfaction are monitored and maintained.

The plan includes a review of the work of the Environmental Health Team in 2015/2016 and the priorities and plans for the coming year. It includes details of the audit of the service carried out by the Food and Veterinary Office and the inter authority audit of the FHRS scheme operated in Gateshead.

Gateshead Council

www.gateshead.gov.uk

Development and Public Protection

Service Plan for the Health & Safety and Food Control Services 2016/2017

Gateshead Council

Service Plan for the Health & Safety and Food Control Services 2016/2017

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Foreword

The work of the Environmental Health Team is governed by various Acts of Parliament, Official Government Guidance and reports. The main legislation covering the teams work is the Food Safety Act 1990 and the Health and Safety at Work etc. Act 1974. The team is also monitored and reports to the Food Standards Agency and the Health and Safety Executive. The following are some of the most recent reports that directly impact on the work of the team.

The Code

The National Local Authority Enforcement Code (The Code) relates to the health and safety service and was published in 2013 by the HSE. It has been developed in response to a recommendation by Professor Löfstedt, for the HSE to be given a stronger role in directing local enforcement of health and safety. It is also an outcome of the Red Tape Challenge on Health and Safety. It is designed to ensure that local authority (LA) health and safety regulators take a more consistent and proportionate approach to enforcement. Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, LA health & safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting business, protecting their communities and contributing to a wider public health agenda.

The Code requires that LAs use the full range of regulatory interventions available to influence behaviours and the management of risk with proactive inspection utilised only for premises with higher risks or where intelligence suggests that risks are not being effectively managed. The Code provides direction to LAs on meeting these requirements, and reporting on compliance. The Code is mandatory for LAs to follow and provides suggestions for activities and sectors that are suitable for proactive inspection.

Lord Young Common Sense, Common Safety Report 2010

This report includes issues which have implications for local authorities and particularly the regulatory functions of health and safety and food safety. It recommends reducing bureaucracy associated with unnecessary health and safety and insurance requirements and tackles the compensation culture. It advocated the introduction of a register for competent health and safety consultants and hopes to reverse the risk averse approach that is seen to hamper children's development. The report reinforces the move towards risk based inspection, recommending the removal of many burdens on low risk premises, the voluntary sector and the self employed along with improved, accessible and tailored advice and guidance. It supports the ethos of earned recognition, advocating Primary Authority and recommending an enhanced HSE role for large multi-site retailers. It recommends the combination of health and safety and food inspectors in local authorities and supports the opening up of the inspection regime to accredited certified bodies.

Elliot Review

Following the horse meat scandal early in 2013, the Government tasked Professor Elliott to review the various information, reviews and some of the evidence relating to the scandal. The report was published in September 2014 and impacts on how the service operates in the future. The report raises a number of recommendations that the Government are looking at implementing. The report recommends that consumers are put first and there is a zero tolerance approach to food fraud. Intelligence about food fraud should be more widely shared. The report makes recommendations about the laboratory services and the value of sampling regimes. Independent auditing of the food industry is seen as valuable and should be encouraged, providing the audit has measures to identify and eliminate food fraud. The Government must support a co-ordinated approach to food law enforcement and look to

creating a new food law crime unit. The Government must also have in place procedures for dealing with a serious food safety or food crime incident.

Smoke Free Cars

In October 2015 new legislation on cigarette smoke came into force in England. The law requires all cars carrying people under the age of18 to be smoke free. The team have a joint enforcement responsibility with the Police. The aim of the legislation is to reduce the exposure of young children to second hand cigarette smoke. The main method of enforcement for the team will be the use of fixed penalty notices served on the driver for allowing somebody to smoke in a car with an under 18 present.

Carrier Bags

Another piece of new legislation was the introduction of the charge for carrier bags in large retail organisations. The Climate Change Act 2008 allowed for the Single Use Carrier Bags Charges (England) Order 2015, which makes it mandatory for businesses employing more than 250 people to make a charge of 5p for any plastic carrier bags issued to customers. It is expected that the money will be donated to worthy causes.

Audits

The food service has been subject to two audits during the year. The first audit was carried out by the Food and Veterinary Office as part of a Europe wide audit of the official controls on soft fruit and vegetables. The audit in Gateshead looked at the production of bean sprouts. As this was part of a wider audit across Britain an report about Gateshead was not produced. However, the auditors did raise a few points about the official controls used at the premise, but overall were pleased with the work officers had carried out.

The second audit was an inter authority audit into the implementation of the Food Hygiene Rating System. The auditors found that there were elements of good practice, particularly the use of a business advice sheet, given to the food business operator after each intervention. However, the Council needs to prioritise the progress towards getting the E rated businesses on the National Database.

Introduction

Last year the Environmental Health Team of the Council responded to over 900 accidents, food poisonings and service requests. We also undertake over 1300 interventions in a wide range of premises in order to build stronger, healthier, prosperous and sustainable businesses.

Nationally there are over a million cases of food poisoning each year, 20,000 hospitalisations and 500 deaths. This costs the economy £1.5 billion each year. 28.2 million working days were lost in 2013/14 due to work related illness or injury, 133 workers were killed at work. Workplace ill health and injury cost society £14.2billion in 2013/14.

The Food Standards Agency (FSA) as part of its national food safety framework agreement requires all Local Authorities to prepare a service plan which sets out how the official controls will be delivered.

The Health and Safety Code (The Code) requires Local Authorities to be transparent in their enforcement role. In order to achieve this we need to publish our intervention plan and report on our performance against that plan.

Gateshead Council is responsible for the enforcement of food safety legislation in approximately 1600 premises and health and safety law in approximately 3000 premises. Our food premises

range from food manufacturers to retailers and restaurants, whilst health and safety covers the service industries including warehouses, retail premises, hotels and leisure facilities.

This plan sets out how the Council will deliver the food safety and health and safety enforcement functions in the financial year 2016/17. The details concerning the time required for each element is in officer days. Each full time officer has 220 days available for carrying out their duties.

To ensure local transparency and accountability, to show the service's contribution to Vision 2030 and to meet the requirements of the FSA Framework Agreement this plan is approved by Members on behalf of Gateshead Council.

The plan highlights that the team does not have the necessary resources to complete all of the required works. The team will therefore prioritise work on a risk basis. Inspections will be targeted at high risk and poor performing businesses. For low risk businesses a system of alternative interventions will be used, including questionnaires, sampling visits, monitoring checks and checks by other teams during their visits. New food businesses will be asked to complete a questionnaire so that their initial visit can be prioritised.

1. Service Aims & Objectives

1.1 Aims

We aim to:

- Ensure that food produced, sold or consumed in the borough is safe to eat and that businesses comply with food law;

- Protect the safety, health and welfare of people at work in Gateshead and to safeguard others who may be exposed to risks from the way that work is carried out; and

- Improve working conditions in the Borough through a programme of workplace inspections and self assessment, and accident, incident and complaint investigation.

1.2 Objectives

To achieve these aims we have the following objectives:

- Deliver the official controls on food law as set out in the FSA Framework Agreement
- Ensure food is safe, fit to eat and free of contaminants
- Protect consumers from food fraud
- Improve compliance in food businesses using advice, guidance and when necessary enforcement
- Maintain an accurate database of food establishments
- Carry out a programme of food safety interventions at a frequency appropriate to risk
- Respond effectively to complaints relating to food and water
- Ensure that readily accessible advice and assistance is available to businesses and the public
- Carry out the annual sampling programmes for microbiological examination and compositional analysis, including participation in regional and national surveys
- Regularly survey imported food to prevent unsafe or illegal food from entering the market
- Approve establishments for handling products of animal origin as required
- Carry out surveillance of suspected and confirmed illness that has the potential to be food or water borne and implement control measures to prevent further illness
- Enforce a wide range of relevant health and safety legislation.
- Establish and maintain a planned inspection programme based on a risk-based priority planning system to select premises for inspection.
- Develop a range of campaigns and intervention programmes aimed at both specific business sectors and specific business risks to improve health and safety.
- Investigate complaints from the public about health and safety issues
- Investigate notified accidents, incidents and cases of occupational ill-health
- Advise, educate and assist businesses to comply with legal obligations and promote self-regulation using self-assessment tools.
- Administer and regulate statutory permission and registration regimes for specific work activities linked to health risks, such as
    - The Control of Asbestos at Work Regulations 2006
    - Gateshead Byelaws for the registration of practitioners and premises carrying on the practice of Acupuncture and the business of Tattooing, Semi-Permanent Skin-Colouring, Cosmetic Piercing and Electrolysis.

- Promote issues in the Government White Paper, 'Choosing Health' by improving working conditions to reduce the causes of ill-health related to work, promote the work environment as a source of better health and support 'Smoke Free Gateshead'
- Work closely with businesses including Workplace Health and Safety Representatives and Trade Union Representatives
- Support the principles of the Primary Authority Scheme to improve regulatory consistency and reduce burdens on business.

1.3 Links to Corporate Objectives

The Council Plan 2015-2020 sets out how the Council will achieve its aims and objectives. The Environmental Health team contributes in many areas of delivery, in particular:

- **People** The Food Service has a major role to play in ensuring a healthier community. We help businesses grow and develop and improve the service they provide by offering help and advice, this in turn provides more jobs and reduces financial exclusion and child poverty. The voluntary sector also receives help and advice from the team and helps develop stronger communities. By reducing accidents and improving food standards we are helping to reduce health inequalities and adding years to life. We work closely with Adult Social Care to safeguard our elderly residents in care homes across the borough and our work with the schools meals service helps safeguard our children at school.

- **Place** the team has an active role in the Virtual Rural Economic Strategy Team, providing advice and guidance on businesses and improving the rural economy. The team inspects the mobile and permanent traders that operate in our parks and open spaces, improving the facilities available to visitors.

1.4 Vision 2030

The work of the Food Service is directly linked to 'Vision 2030' , Gateshead's Sustainable Community Strategy and the heart of an ambitious long term plan developed by Gateshead Strategic Partnership following extensive consultation. The most relevant of the 'Six Big Ideas' within Vision 2030 to the team is **'Active and Healthy Gateshead'**

What we eat can make a big difference to our health and the Food Service plays a key role in diet and nutrition by checking the accuracy of food composition and labelling through the sampling programme. This helps people to make healthy choices based on accurate product information. We can also help raise Gateshead's profile - for example, by making sure that restaurants and hotels meet the legal standards and produce safe food for visitors and residents.

Good health is fundamental to well-being and long life and the annual inspection programme helps to ensure that food safety standards are met and workplaces are safe and healthy.

The web based initiative known as the Food Hygiene Rating Scheme places food hygiene information into the public domain and encourages food business operators to achieve higher hygiene ratings

2. Background

The service is a statutory function enforcing food safety and health and safety legislation across Gateshead. By using a variety of interventions and techniques we are seeing a sustained improvement in food safety levels, indicated by the increasing numbers of food businesses rated as 5 in the Food Hygiene Rating System. With over 900 accidents, food poisonings and complaints per year to respond to and over 1300 interventions we are constantly looking for ways to improve our service and be more efficient.

2.1 Profile of the Local Authority

Gateshead Council is one of five historical Tyne and Wear borough councils. It has the largest area of 55 square miles and the 22 wards cover a mix of urban and rural environment with a population of approximately 200 000. The borough stretches for 13 miles along the south bank of the River Tyne.

Gateshead is an area with exciting new developments including progress toward a modern, vibrant town centre with the Trinity Square Development and further development of the Gateshead Quays, which already includes the Baltic Centre for Contemporary Art and the Sage Gateshead.

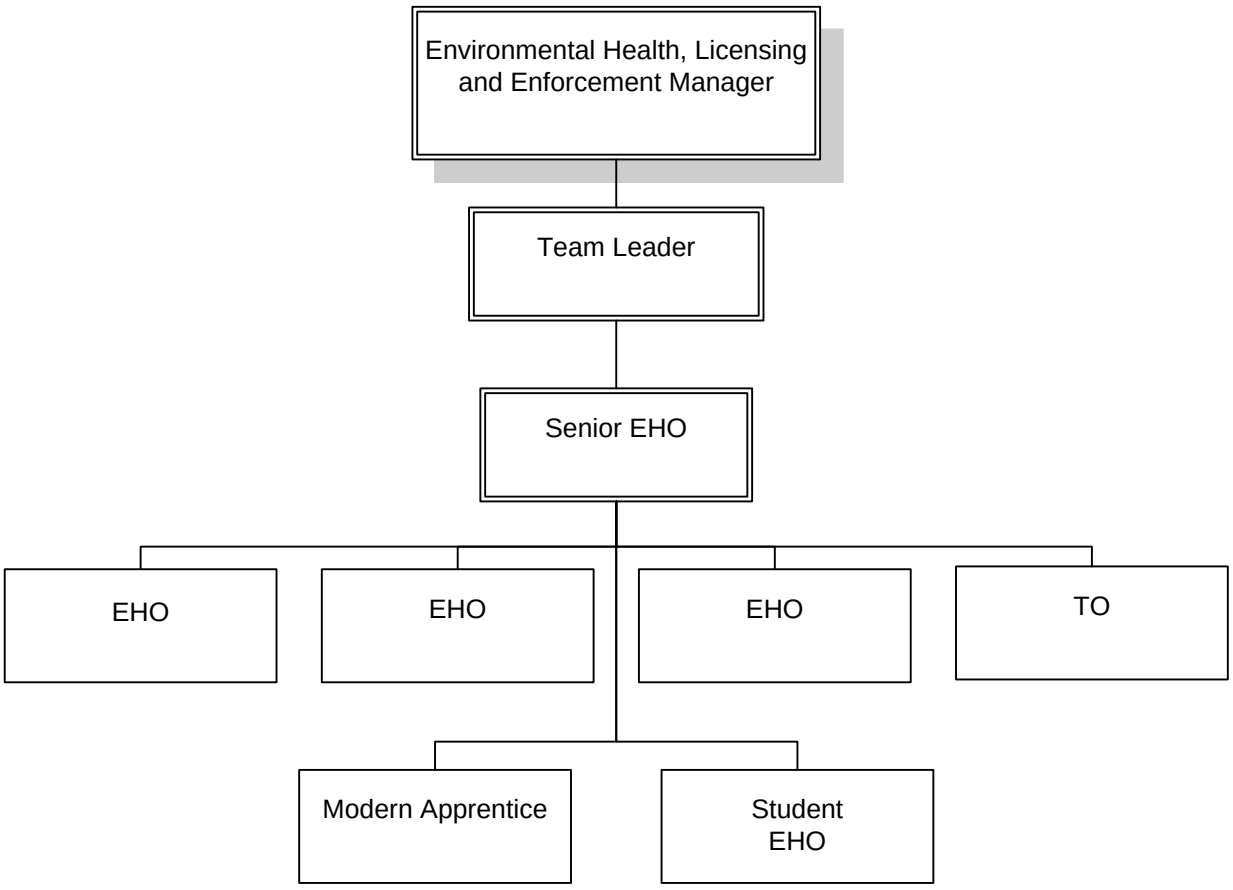
Gateshead also includes:

- The Metrocentre, one of Europe's largest indoor shopping and leisure complexes
- The Team Valley Trading Estate, home to over 650 companies and includes the Retail World shopping area
- Gateshead International Stadium
- Gateshead College

The Team is based at the Civic Centre in Gateshead with office hours being from 0830 to 1700 hours. Members of the Team voluntarily provide an unofficial out-of-hours service to carry out interventions and investigations that cannot be achieved during office hours.

The Council operates a 24 hour emergency response through Care Call, and Development & Public Protection have arrangements in place for Care Call to be able to contact a relevant officer in case of emergency outside normal office hours.

2.2 Organisational Structure



There are no planned structural changes to the team in 2016/17, however an EHO is due to begin maternity leave in May. This will impact on the service and is likely to be reflected in a reduction in the routine work carried out. It is planned that the graduate EHO currently working on the team will be maintained to cover the period of maternity leave, but will be unable to inspect higher risk businesses. The Team sends regular reports to the Transport & Environment/Employment & Skills Portfolio and Adult Social Care & Healthier Communities Portfolio.

2.3 Specialist Services

The Environmental Health Team works closely with the following specialist services:

- Public Analysts - Alan Richards, Public Analyst Scientific Services Ltd and Nigel Payne
- Infectious Disease Control – Public Health England (Proper Officer: Dr Roberta Marshall)
- Microbiology laboratory – Public Health England (North East Region Environmental Laboratories)

2.4 Premises Profile

2.4.1 Health and Safety Premises

The Health and Safety (Enforcing Authority) Regulations allocates enforcement responsibilities between Local Authorities and the HSE. Premises profiles fluctuate throughout the year due to businesses opening / closing and changes in use. The service database is updated with any changes as they become evident.

Local authority enforced business classifications	2015/16	2016/17	Change
Retail Shops	1046	1020	-26
Wholesale shops, warehouses and fuel storage	301	301	0
Offices	614	609	-5
Catering, restaurants and bars	546	560	+14
Hotels, campsites and other short stay accommodation	34	34	0
Residential care homes	68	70	+2
Leisure and cultural services	115	119	+4
Consumer services and membership organisations	429	426	-3
Other premises	19	20	+1
Total	3172	**3159**	**-13**

2.4.2 Food Premises

Particular local requirements include:

- 4 companies currently have approval for handling products of animal origin.
- Major retail, wholesaling, and warehousing complexes, including the Metrocentre and the Team Valley Trading Estate.
- Several large food producers including Kavli, Northumbrian Fine Foods, Paradise Foods, Dalziels and Beckleberrys.
- The Queen Elizabeth Hospital cook-chill production unit.
- Third country importers, including Traidcraft (specialising in fairly traded goods).
- Specific needs of various ethnic groups.

Type of Premises	2015/16	2016/17	Change
Primary Producer	1	1	0
Manufacturers and Packers	58	55	-3
Importers/Exporters	3	3	0
Distributors and transporters	58	59	+1
Supermarket/Hypermarket	35	36	+1
Smaller retailers	314	309	-5
Retailers - Other	25	43	+18
Restaurants/café/canteen	237	252	+15
Hotel/Guest house	30	29	-1
Pub/Club	209	205	-4
Takeaway	236	228	-8
Caring establishment	102	104	+2
School/College	89	91	+2
Mobile food unit	64	75	+11
Restaurant and caterers - other	150	142	-8
Other		10	+10
TOTAL	1611	**1642**	**+31**

2.5 Client Profile

The client profile for the service is wide-ranging and varied, being based around all Local Authority enforced businesses and all food businesses.

Our clients include those who make a request for service (complaints or advice) about these, or proposed businesses. This will include owners, employees, managers, trade union/employee representatives, customers, residents and visitors. We appreciate the various and diverse needs of these people will affect how we work with them – issues such as language, experience, education, disability, age, time available can all make a difference.

Our database allows us to identify information about businesses that enables specifically targeted work. For example, we can group them by businesses classification/type, geographical area and business name.

We also respond to specific health and safety queries. For example, providing health and safety information and advice to students and other local authorities and investigate smoking complaints in ALL businesses and vehicles.

Our customers include Government departments, regulatory bodies such as Health and Safety Executive (HSE), Fire Authority, Police Authority, other teams within Gateshead Council, other local authorities and agencies such as Public Health England (PHE), Local Government Regulation (LGA) and Chartered Institute of Environmental Health (CIEH). Some of these are also our partners.

We also assist the Director of Public Health in achieving some of her targets with respect to infectious disease, smoking and workplace health.

3. Service Delivery

3.1 Proactive Work

The intervention programme is continually monitored and reviewed by Lead Officers in the Team with the following factors being assessed:

- Most appropriate intervention for risks associated with a business
- Qualifications, experience and competency of the officer carrying out an intervention
- Additional intelligence that may be gathered during the year (food fraud, illegally imported food, accidents)
- Use of unscheduled interventions for increased risks or newly identified hazards
- New businesses added to the programme.

3.1.1 Health and Safety

HELA LAC 67/2 (rev 4.1) provides guidance for priority planning of inspections through a risk rating system. Officers score premises based on four risk elements and assign a rating value to each of these elements:

- Confidence in management
- Health performance
- Safety performance
- Welfare standards

The system then categorizes the risk the premises pose as high (A), medium (B1/B2) or low (C), and identifies an intervention frequency for A and B1.

LAC67/2 does not give an intervention frequency for B2 and C - although ignoring these is not an option, we do not routinely visit these premises unless we are visiting for other reasons i.e. a food safety intervention.

We have therefore decided an intervention frequency not less than 3 yearly for B2 and 5 yearly for C. This takes into account the number of premises in these categories, the resources available for delivering the service plan and local/ historical knowledge of the premises database.

All intervention visits contain an element of smokefree enforcement and officers will check for compliance with the legislation.

The types of interventions for all premises are directed by the Code. Broadly these fall into two groups, proactive and reactive. The two groups include a number of different options and include:

Proactive interventions:

- Partnership
- Motivating senior managers
- Supply chain
- Design and supply
- Sector and industry wide initiatives
- Working with those at risk
- Education and awareness
- Inspection
- Intermediaries
- Best practice
- Recognising good performance

Reactive interventions:

- Incident and ill-health investigation
- Dealing with issues of concern that are raised and complaints

A traditional inspection is reserved for only a very small number of premises, so the majority of interventions will come from the other options.

Low risk businesses are unlikely to be visited, but will receive a self assessment questionnaire and written advice on how to improve their health and safety performance. These businesses will then be able to request an advisory visit if they so wish.

All other businesses will receive a face to face intervention from one of the above categories. The Code provides for a number of industry wide initiatives to promote safety in high risk areas.

HSE Category	Rating score	Intervention frequency (set by LAC 67/2 rev 3; or Gateshead)	Total on database	Due in 2016/17	Time Required (Days)
A	5 or 6 on any risk	Inspect not less than once per year	0	0	0
B1	4 on any risk	Premises for intervention. Premises without an intervention within 18 months to be reviewed	1	1	1
B2	3 on any risk	Premises for intervention. Gateshead standard is an intervention not less than every 3 years	223	156	21
C	No score greater than 2	Assess premises, but suitable for non-inspection intervention methods\ techniques. Gateshead standard is an intervention not less than every 5 years	2706	937	63
Unrated	Unknown	Gateshead standard is an intervention according to the perceived priority	229	230	31
Total			3159	1324	116

3.1.2 Food Safety

The Food Service uses the FSA's intervention rating scheme to determine the frequency that food premises should receive an intervention. This ensures that all premises are visited at an appropriate minimum interval determined by their risk rating.

Interventions are defined as activities that are designed to monitor, support and increase food law compliance within a food establishment. They include, but are not restricted to:

- Inspections (full and/or partial) and audits
- Monitoring
- Verification and surveillance
- Sampling where the analysis/examination is carried out by an Official Laboratory.

The tables below show how many premises the Service has in each risk category on 1 April 2016, together with the projected number of interventions required during the financial year:

FSA Risk Category	Minimum intervention frequency	No. on database	Projected interventions due 2016/17	Bought forward from 2015/16	Time Required (Days)
A	6 months	4	8	0	16
B	12 months	31	24	7	31
C	18 months	347	130	184	157
D	24 months	593	177	120	40
E	36 months	524	130	43	23
UNRATED		151	151	0	61
Total		1642	606	354	328

Unrated businesses are those that have not yet been inspected and therefore do not have a rating. New businesses are continually added to the programme throughout the year. 111 were added during 2016/17 with 33 of them receiving an inspection, taking approximately 16 days of EHO time. A total of 85 new businesses were inspected during the year.

3.1.3 Food Standards

The table below shows the number of premises that the Council has on its database and the number of interventions required during the year.

FSA Risk Category	Minimum intervention frequency	No. on database	Projected interventions due 2016/17	Bought forward from 2015/16	Time Required (Days)
A	12 months	21	7	12	19
B	24 months	699	139	465	245
C	5 years	782	265	32	40
UNRATED		143	143	0	58
Total		1645	554	509	362

3.1.4 Feed Safety

As part of our ongoing commitment to reducing burdens on business, we have agreed with Trading Standards to undertake feed safety interventions at the same time we undertake food

safety interventions. This should have limited impact on the work of the team, but will remove the need for a second officer to visit the premises to undertake a separate feed visit. The time for these has been factored in to food hygiene interventions.

3.2 Service Requests

3.2.1 Health and Safety

The Council investigates requests for service from a wide customer base about health and safety issues in the workplace. We endeavour to provide comprehensive information and advice on health and safety when requested.

We have an internal policy, based on HSE guidance to determine whether requests for service will / may / will not be responded to. Our target is to respond to 100% of those requests for service that meet our selection criteria within two working days.

In 2015/16 we received the following number of requests for service:

Complaint Type	Number of Requests	Time Allocated 2015/16 (days)
Health and Safety	57	15
Accidents (none RIDDOR)	1	1
Licensing	45	6
Public Health	26	11
Smoking	10	1
Total	139	34

3.2.2 Food Safety

The Food Service receives complaints about food and food businesses. These are investigated in accordance with the selection criteria. Numbers of complaints received in 2015/16 are shown in the table below:

Nature of request	Number of Requests	Time Allocated 2016/17 (days)
Premises	54	22
Standards	83	34
Hygiene	48	19
Totals	185	75

3.3 Home Authority Principle and Primary Authority Principle

Gateshead Council fully supports the Home Authority Principle and the Primary Authority Partnership Scheme.

The Food Service is Home Authority for a number of producers and as such provides advice and investigates incidents on behalf of other Local Authorities. The Service does not have any Primary Authority arrangements in place, but is currently looking to enter into a partnership agreement with a local business.

Gateshead must abide by the relevant principles and guidance when it deals with any business that has a Primary Authority agreement. The Better Regulation Delivery Office website is

regularly monitored to identify new primary authority partnerships and the premises database updated with relevant information.

3.4 Advice to business

The Food Service not only provides advice on compliance and business improvement during each visit, but also responds to requests for advice from local businesses and members of the public. The total numbers of requests received in 2015/16 is 104, due to the new charging regime we anticipate that this will only require a total of 14 days to provide the advice.

The advice provided varies from forwarding website links or information packs to visiting a business to provide detailed advice on compliance and controlling hazards.

3.5 Food sampling

Food sampling is carried out in accordance with our procedures. The food and businesses sampled are determined by our intervention and sampling programmes and additional information received such as allegations of food poisoning, complaints, newly identified businesses, processes or hazards.

Annual sampling programmes are developed following consultation with the North East Food Sampling Group, the Public Analysts and Public Health England. The programmes support national food surveys (identified by FSA and Local Government Regulation) as well as regional and local priorities.

The time required includes the time taken for resamples and investigations of failed samples.

Samples taken	2014/2015	2015/16	Time Allocated 2016/17 (days)
Microbiological examination	454	500	338
Analysis (composition/labelling)	203	219	148
Total	657	762	**515**

In 2016/17 we will contribute to the PHE Cross Regional Studies on unpasteurised fruit and vegetable smoothies, hygiene during the production and handling of Ice, re-usable bottles for antibacterial sprays/sanitiser and cooked crustaceans and other cooked shellfish.

The FSA studies have been agreed, following a change to the way that the sampling is funded there are significant consequences for the compositional sampling programme, with the number of samples allocated to Gateshead being vastly reduced.

3.6 Control and investigation of outbreaks and food related infectious disease

The Food Service aims to safeguard the public through surveillance and investigation of food and water related infectious disease. The Service works closely with Public Health England and follows agreed disease specific procedures and when relevant, Outbreak Control Plans.

Numbers of incidents notified to the Service in previous years are shown in the table below:

Food related infectious disease	2014/15	2015/16	Time Allocated 2015/16 (days)
Investigated	103	153	62
Monitored	203	242	16
Outbreaks	11	4	20
Totals	317	355	98

During the year there have been improvements in the use of DNA analysis of food poisoning organisms. This has meant it is easier to link food poisoning organisms between people and the food they have eaten. It may also mean that there may be more outbreaks identified, these may not necessarily be local links as results are entered on a national database and may show links across the country.

One of the outbreaks reported has resulted in a formal investigation taking place, hence the increase in time allocation from previous years.

3.7 Food safety incidents

The Service regularly receives reports of food incidents from the FSA via e-mail and text. Action depends on the nature of the incident and will be dealt with in accordance with the FSA Code of Practice. The majority are for information only but Food Incident warnings and Food Alerts for Action may require immediate action to remove the food hazard from the food chain. These Alerts/Incidents can potentially have an impact on programmed interventions.

There are a large number of product recalls received during the year, which officers need to be aware of. During the year 6 alerts for action were received.

3.8 Statutory Notifications

A significant part of the health and safety workload is taken up with accident investigation. Certain injuries, dangerous occurrences and occupational diseases are reportable by businesses to the enforcing authority using RIDDOR. Incidents are selected for investigation in accordance with HSE Guidance, local and national priorities.

In 2015/16 we received 179 accident notifications and we investigated 38 of these. This was an increase on the previous year. That took a total of 38 officer days to carry out and a further 2 days to administer all notifications.

We will respond to notifications of defective lifting equipment within two working days or more promptly where appropriate, to ensure the risk of injury is minimised or eliminated.

The Council must be notified by licensed asbestos contractors about any asbestos stripping operation taking place in Council enforced premises. We will respond to all notifications in an appropriate timescale and liaise with the contractor to ensure that all work takes place according to legislative guidelines to minimise risk.

3.9 Registrations

Byelaws require the registration of people and premises carrying out acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis.

The Council is required to maintain a register under the Local Government (Miscellaneous Provisions) Act 1982 and charges are made for registration of persons and premises used for each activity. In 2015/16 we processed 28 applications for skin piercing, taking a total of 28 officer days. The team have commenced 2 campaigns targeting tattooists, with the aim of reducing the number of illegal tattooists. Firstly the Tyne and Wear Region has implemented a Tattoo Hygiene Rating Scheme. The aim is to encourage customers who wish to get a tattoo, to only go to premises with a good rating. The second campaign is called Ink Smart and is aimed at encouraging members of the public to tell us about illegal tattooists.

We also maintain a public register of installations under the Notification of Cooling Towers and Evaporative Condensers Regulations 1992. This can be used as a source of information in the investigation of a suspected legionella outbreak or for planning initiatives to control Legionella.

3.10 Licensing Applications

The service is a statutory consultee under the Licensing Act 2003 and the Gambling Act 2005. The number of applications received is given in the table showing the number of health and safety service requests received.

3.11 Business training and information

We will raise awareness with relevant businesses of legislative changes as they occur.

We encourage training courses for both inspectors and for businesses (over and above the statutory minimum) including those approved by the Chartered Institute of Environmental Health, FSA and the HSE.

3.12 Liaison and Partnerships

The health and safety service has close and regular contact with the HSE via the North East Occupational Health and Safety Group. This results in shared priorities, and action plans with delivery through partnership working across the region. The HSE LA Partnership Officer attends and provides access to specialist services and shared resources. The group exists to promote uniformity, consistency and a sharing of knowledge. It fully supports the development of the partnership between HSE and Local Authorities working together and represents the Tyne and Wear, Durham and Northumberland authorities. Opportunities for joint working on both a national and regional level are explored and developed. There is a sub group which looks at skin piercing activities and promotes consistency in enforcement across the region.

Wider liaison with other environmental health professionals is supported via links with the CIEH (initially through the North East Regional Management Board) and the Knowledge Hub website.

The Food Service works very closely with neighbouring councils through the North East Food Liaison Group. Representatives meet quarterly to promote uniformity and consistency on issues such as enforcement, competency and training. It provides a forum for the sharing of knowledge and experiences to improve good practice and consistency. There are 2 sub-groups, one for microbiological sampling and one for food standards. The microbiological group has been

chaired by the Services Team Leader for 3 years. An EHO from Gateshead represents the wider region on the National Food Standards Focus Group.

The Service has close links with the Public Health England (PHE), Food, Water and Environment (FWE) Laboratory, now based in York. The PHE laboratory provides expert advice on microbiological issues associated with food poisoning, sampling and complaint investigation. Meetings are held regularly between the north east local authorities and key laboratory personnel to discuss practices, training and current issues.

The Service has formally appointed Public Analysts and has established close working links associated with sampling, chemical analysis and labelling. The North East Food Sampling Groups meet quarterly to discuss compositional and microbiological issues, and to arrange coordinated regional sampling targeting wider and emerging food safety issues.

The Service works in partnership with the NE Health Protection Unit of PHE concerning notification of infectious diseases, reporting and investigation of food or water borne illness and infection control.

There is regular contact with the FSA and this includes reporting food safety and fraud issues for the national database to assist in investigations by other organisations and the annual Local Authority Enforcement Management Scheme (LAEMS) return of data. Over the coming months the new Food Crime Unit will also become an important point of contact and we will be sharing information and intelligence with it.

Wider liaison with other environmental health professionals is supported via links with the CIEH and the Knowledge Hub website. The service also works closely with other services and groups within the council.

During the year the service received 2 audits of its activities.

The first was an audit of enforcement of the legislation pertaining to sprouting seeds by the European Food and Veterinary Office. The audit was aimed at the UK as a whole so did not generate a report specific to Gateshead. It did however; highlight several areas of improvement, which have all been implemented.

The second audit was an inter authority audit of the implementation of the Food Hygiene Rating Scheme. The report highlighted several areas of improvement and a plan has been submitted to the audit team and approved.

4. Resources

4.1 Finance

4.1.1 Expenditure

An overall expenditure budget for 2016/17 has been set that covers:

- Salaries, national insurance and superannuation
- Vehicles
- Sampling
- Analytical fees
- Incineration and waste disposal
- Control of infectious diseases
- Consumable materials and technical equipment

A ‘credit’ system is operated by the FWE laboratory for microbiological samples taken for the protection of public health. Each Authority is allocated an annual number of credits to ‘spend’ on the various tests. There is no charge to the authorities for samples taken within the credit allocation.

The Service has and will continue to take advantage of free and highly subsidised training provided by the FSA and PHE.

4.1.2 Income

Charges apply for the registration of skin piercing premises and practitioners. These are one-off charges that provide a small amount of income to the team.

A charging system will be introduced to allow for recouping the costs of none statutory functions. In 2015/16 the team provided 6 export certificates for a local business, under the new system this would have produced £450 income. Charges will be based on £75 per hour.

The cost of registration for skin piercing activities has also been increased to better reflect the costs to the service of undertaking the registration process.

4.2 Resources

The following tables show how much time in days officers have allocated to the various parts of the service. These are projected figures based on the estimated times allocated during 2015/16 as shown in the previous tables. In calculating the resources required the management figures are excluded as they are not included in the time calculations shown above.

4.2.1 Management

Officer	H & S	Smokefree	Food	ID
Environmental Health, Licensing and Enforcement Manager	22	4	44	7
Team Leader	56	9	127	9
Senior EHO	10	2	120	6

4.2.2 Operational

Post	Officer	H & S	Smokefree	Food	ID
1	Team Leader	10	2	5	2
2	Senior EHO	12	9	56	5
3	EHO	22	0	176	22
4	EHO	22	0	176	22

5	EHO	22	0	176	22
7	Modern Apprentice	66	2	132	20
8	TO	0	0	198	22
9	Student EHO	44	2	154	20
	Total	198	15	1073	135

4.2.3 Competence

Each officer has a level of competence and specialism that directs what type of work they are able to undertake. The Senior EHO undertakes assessment of each officer on a regular basis. Regular A&D's identify any training issues and how best to provide the training. The team also undertakes a number of exercises to test competence and help improve knowledge and confidence. The team took part in the national consistency exercise run by the FSA earlier in the year.

4.2.4 Overall Resource Required

Activity	Visits / investigations	Total Time
Health and safety inspections	1	1
Health and safety face to face interventions	386	52
Health and safety none face to face interventions	937	63
Accident investigations	38	40
Health and safety service requests (Includes licensing Applications)	129	32
Skin piercing applications	20	20
Smokefree complaints	10	1
Food safety inspections	823	268
Food standards inspections	920	304
New Businesses	294	119
Food premises approvals	4	12
Food sampling interventions	657	486
Infectious disease investigations	317	80
Food service requests	185	75
Food Safety Notices	156	26
Food Advice	104	14
Meetings		79
Training		80
ICT Maintenance		20
Total	4981	1772

	H&S	Smokefree	Food	ID	Other	Total
Time Available	198	15	1073	135	0	1421
Time Required	209	1	1292	80	179	1761
Balance	-11	14	-219	55	-179	**-340**

4.3 Staff Training and Development

Food training is provided free of charge by the FSA and is available both regionally and nationally. Officers are required to maintain 10 hours CPD in food related training in order to maintain their basic food competence. The FSA are consulting on a proposal to require all officers involved in food enforcement to maintain 20 hours CPD. The impact of this will be evaluated and comments made to the FSA.

Further training is provided through the North East Public Protection Partnership

Environmental Health Officers must maintain a minimum of 20 hours CPD to maintain competence and 30 hours if chartered Environmental Health Professionals. Environmental Health Officers are also career graded and must take on extra responsibility to progress within the career grade.

5. Quality Assessment

The Team is fully committed to the principles of continuous improvement and will strive to maintain high standards of performance.

Officer workload, enforcement decisions and data recording will be monitored by the Senior EHO to ensure consistency and accuracy. Health and Safety enforcement decisions are confirmed by using the Enforcement Management Model.

Officers undertake joint visits to ensure consistency and share knowledge and best practice.

The Intervention Plan and Sampling Programme are monitored on a monthly basis and progress is reported to the Head of Service.

Business and consumer satisfaction is monitored through the use of postal surveys. The survey in 2015/16 showed that respondents strongly agreed that overall they were satisfied with the inspection service they received. Full results can be found in the Customer Satisfaction Survey End of year Report.

6. Review

Below is a review of the work completed in 2015/16. Due to changes in working practices and coding of premises that occurred during the year it is not always possible to directly link the planned work with what has been carried out. Also many of the visits included visits to previously unrated premises. Many food premises now receive a joint intervention that includes both food and health and safety.

6.1 Health and Safety

Sector, premises type or specific cross sector activity	Planned activity or resource		Achieved	Comments
	Visits / contacts	Officer days		
Health and safety inspections	2	2	6	We do not have any A rated premises
Health and safety face to face interventions	251	102	45	Mainly included as joint food hygiene interventions and includes a number of take away premises
Health and safety none face to face interventions	386	52	202	
Accident investigations	132	43	38	
Health and safety service requests (Includes licensing Applications)	139	41	125	
Skin piercing applications	20	20	28	
Smokefree complaints	18	2	10	
Total	**1271**	**327**	**1009**	

6.2 Food Safety

Activity	Planned	Officer Days	Achieved	Comments
Food Hygiene Interventions				
A	2	4	5	A number of new high risk establishments have been identified during the year.
B	25	25	16	Those not inspected were due in March 2016.
C	271	146	70	Premises that are broadly compliant and low risk have not been visited in preference to higher risk establishments and taking enforcement actions where low compliance
D	454	123	203	
E	127	17	67	
UNRATED	95	39	46	
Food Standards Interventions				
A	19	24	8	
B	568	318	86	Standards interventions are normally undertaken at the same time as hygiene interventions. However, where a sampling intervention is undertaken, the standards intervention is not carried out until the next inspection. The Food Information Regualtions2014 have had a large impact on the work of the team and has required an increase in the time spent with businesses.
C	46	28	14	

In the following table, planned activity is taken from the activity reported in last years' service plan. The level of activity is dependent upon the number of reports and what formal action is taken throughout the year.

Activity	Projected	Officer Days	Achieved	Comments
Sampling				
Microbiology	454		500	The sampling officer has been on long term sick leave. This has led to fewer samples being taken.
Compositional	203		219	
Infectious Disease				
Investigated	103		153	
Monitored	203		242	
Outbreaks	11		4	A major outbreak is being formally investigated.
Service Requests	339		280	
Enforcement				
Written warnings	215		141	These figures reflect our commitment to improving conditions within the poorest performing premises.
Hygiene Improvement Notices	16		18	
Prosecutions	2		1	
Simple caution	0		1	
Voluntary surrender	6		13	
Condemnation	0		0	

7. Service Improvements

7.1 Health & Safety

We will continue to expand the number of joint visits that are carried out to reduce burdens on business and work in a more efficient way. This is particularly true in take away premises where an intervention can only be undertaken in the evening.

We will continue the use of mailshots to lower risk businesses and provide guidance combined with self-assessment questionnaires.

We will examine the use of alternative means of contacting businesses.

7.2 Food

We will become more risk based in our approach to inspections. Lower risk businesses will receive self-assessment questionnaires, whilst compliant businesses at last inspection will receive an alternative intervention.

The highest risk premises and poor performing businesses will still receive an inspection.

We will examine the use of alternative ways of working and where colleagues are visiting premises ask them to obtain some basic information to assist us.

We will target new businesses, in order to reduce the number of outstanding inspections..

We are updating our webpages to increase the information provided to businesses and the public. We will encourage more use of online applications and reporting of problems.

7.3 Service Priorities

In 2016/17 the Development & Public Protection Service Priorities we will contribute to will be:

- Improving Health and Wellbeing
    - Ensuring safe food.
    - Ensuring compositional standards are met and that labels are accurate, including nutrition information and claims.
    - Prevent food fraud.
    - Ensuring workplaces are safe.
    - Investigating workplace accidents to prevent them recurring.
    - Work with the Adult Safeguarding Team to ensure the safety of elderly residents in care homes.

- Improving Customer Service
    - Expanding our customer satisfaction surveys to other areas of the service.
    - Review standard letters and notices to ensure they are written in plain English and can be produced quickly and efficiently.
    - Ongoing review of the procedures manual.

- Supporting Businesses
    - Providing advice to businesses.
    - Participation in the national FHRS scheme to promote business improvement.
    - Continuing to support the Metrocentre, through our joint aim of having all food businesses rated as 4 or 5.
    - Supporting the Rural Economic Strategy.

- Creating a High Quality and Sustainable Environment
    - Supporting businesses to improve their environment and going green.

- Maximising Efficiency and Value for Money
    - Examining alternative ways of working.
    - Carrying out more combined food and health and safety visits.
    - Being the eyes and ears for other teams during our visits and checking compliance with indicator items.
    - Ensuring our officers maintain and increase competence.

- A highly respected service which meets all service user needs ensuring they are well informed
    - Expand our use of customer satisfaction surveys.
    - Examine suggestions and respond to poor performance.
    - Ensure that all compliments and complaints are entered onto the corporate system.

Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Corporate Health and Safety Policy**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services & Governance**

Purpose of the Report

1. To request that Cabinet recommends to Council approval of the revised Corporate Health and Safety Policy covering all Council employees and others affected by the Council's work activities.

Background

2. It is a legal requirement to have a health and safety policy and it is recognised as good practice to review and revise the policy from time to time to keep it up to date with the Council's overall aims and objectives and to ensure it follows the principles of current and good practice.

3. The delivery of public services will always involve a degree of potential risk. It is important, however, that the Council, wherever possible, eliminates such risks, or minimises them by being proactive in the management of risk. An effective health and safety management system is a method by which issues can be placed in an agreed framework to identify, analyse, control and monitor risks.

4. Having a policy that sets a clear direction for the organisation to follow is one of the key elements of health and safety management.

5. An effective health and safety management system will contribute towards:

   - Providing a high quality service
   - Achievement of the Council's strategic and operational objectives
   - Providing a safe and healthy working environment
   - Protection of the Council's assets
   - Ensuring compliance with statutory requirements
   - Minimising financial losses which arise from unplanned events
   - Ensuring a systematic approach to the identification of risks and the allocation of resources to control them
   - Supporting quality initiatives aimed at continuous improvement.

6. The Cabinet must ensure that the Chief Executive has in place an effective health and safety management system and that decision making systems allow for health and safety implications to be given appropriate and proper consideration.

7. The Chief Executive has overall responsibility for health and safety and must have an effective management structure and arrangements in place to deliver the policy.

8. Strategic and Service Directors will be responsible for providing leadership and implementing the policy within their portfolio responsibilities.

9. Once the policy has been implemented, it will be important to measure, audit and review performance.

Proposal

10. The Corporate Health and Safety Policy as proposed in Appendix 2 has been updated in content to cover health and safety legislation in a precise format. It is proposed that the Council adopts the revised policy.

Recommendation

11. It is recommended that the attached draft policy is agreed by Cabinet and referred to Council for approval at its meeting on 21 April 2016.

For the following reason:

To comply with the legal requirement to have and keep updated a health and safety policy.

CONTACT: Mike Barker ext: 2100

Policy Context

1. The adoption of the policy will directly contribute to the Corporate Risk Management Strategy and the Occupational Health and Safety Strategy. It will also allow the Council to support objectives within Vision 2030 and the Council Plan.

Background

2. The Council recognises that good health and safety management supports the delivery of our services for the people of Gateshead. As part of the overall risk management process and culture, good health and safety management will help reduce injury and loss, help promote a healthy workplace and help protect all who are affected by the Council's activities.

3. By having an up to date effective health and safety policy it sets a clear direction for the Council to follow and will contribute to all aspects of business performance as part of a demonstrable commitment to continuous improvement.

4. Gateshead Council is an Enforcing Authority under health & safety law and has statutory responsibilities to enforce the relevant legislation. As a result of this the Council should be seen as an 'exemplar' and ensure the Health and Safety Policy is reviewed annually and revised whenever necessary. This will also ensure that the Council meets at least the same standards expected of others and preferably has a higher standard. In revising the Corporate Health and Safety Policy the Council can be assured of taking every step possible to ensure the standards relating to health and safety remain high.

Consultation

5. The Leader, recognised non-teaching trade unions and members of the Corporate Health and Safety Committee have been consulted regarding the revision of the policy.

Alternative Options

6. There is a legal requirement under the Health and Safety at Work etc. Act to prepare a health and safety policy and draw any revision of it to the attention of employees. Therefore, no alternative options have been considered.

Implications of Recommended Option

7. **Resources**:

   a) Financial Implications – The Strategic Director, Corporate Resources confirms that implementing the revised Health and Safety Policy will be accommodated from within existing resources. Improvements in health and safety performance will reduce the number of successful claims for compensation for injury/ ill health, contribute to a reduction in sickness absence, and reduce the risk of fines resulting from prosecution.

b) **Human Resources Implications –** The policy will help to ensure that the Council is a safe and healthy place to work.

c) **Property Implications –** There are no property implications arising from the recommendations within this report.

7. **Risk Management Implications -** The changes in the Council's Corporate Health and Safety Policy statement as recommended in the report are relatively minor and are not considered to introduce any new risk.

8. **Equality and Diversity Implications –** There are no equality and diversity implications.

9. **Crime and Disorder Implications –** There are no crime and disorder implications.

10. **Health Implications -** The policy will help to minimise or address work related health issues.

11. **Sustainability Implications -** There are no sustainability implications.

12. **Human Rights Implications –** There are no direct implications, although the proposal will support employees' existing rights to a safe and healthy working environment.

13. **Area and Ward Implications -** There are no area or ward implications.

14. **Background Information**

'HS (G) 65 Managing for Health and Safety' and 'Helping Great Britain Work Well – a New Health and Safety System Strategy' published by the Health and Safety Executive.

'Leading Health and Safety at Work' published by the Institute of Directors and the Health and Safety Commission.

'Think about Health and Safety – What Elected Members Need to Know' published by the Institute of Occupational Safety and Health.

Corporate Health and Safety Policy (LCS-HS-04)

This health and safety policy statement is the principal document for health and safety in Gateshead Council.
All other health and safety documents at a corporate or service group level will meet or exceed the principles set out here.
Everyone who works for the Council is encouraged to read this policy and consider how they can contribute to achieving its aims.

General statement of health and safety policy

Gateshead Council recognises that good health and safety management supports the delivery of quality services to the people of Gateshead.

The Council is committed to providing and maintaining a healthy and safe working environment for all its employees and will ensure that their work does not adversely affect the health and safety of other people, such as service users, visitors and contractors.

In order to achieve this aim the Council has the following key objectives:

- as a minimum, to comply with requirements of relevant legislation;
- to identify hazards, assess risks and manage those risks;
- to ensure that employees (and others, as appropriate) are adequately informed of the identified risks and, where appropriate, receive information, instruction, training and supervision;
- to assess all occupational health risks and take action to prevent, reduce or control them to an acceptable level and conduct health surveillance when required;
- to provide adequate financial resources to ensure that proper provision can be made for health and safety;
- to consult with employees' representatives on health and safety matters;
- to provide and maintain safe and healthy premises, and work equipment;
- to ensure that employees are competent to do their tasks, providing training where necessary;
- to ensure that contractors are competent to manage the health and safety aspects of their work;
- to maintain appropriate health and safety management systems and arrangements; and
- to monitor and review the effectiveness of the safety management systems and arrangements then where appropriate, implement improvements.

	Councillor Mick Henry Leader of the Council		Jane Robinson Chief Executive

Organisation and responsibilities

Councillors have overall responsibility for considering proposed changes to the Council's health and safety policy, within which Cabinet, individual committees and their officers will operate.

The Chief Executive has responsibility for ensuring that the Council's health and safety policy is implemented effectively by strategic directors.

Strategy Group shall:

- provide strategic direction by endorsing and enabling implementation of corporate health and safety strategies;
- ensure that robust health and safety management systems, arrangements and organisations exist in each group; and
- support the Chief Executive in meeting her safety responsibilities for the Council as a whole.

Strategic Directors together with their Group Management Teams are responsible for establishing their own arrangements for:

- producing a health and safety policy for their group that supports the corporate health and safety objectives, bringing this to the attention of employees and revising as necessary to ensure that it remains valid;
- identifying the hazards and relevant legislation applying to their activities and assessing the associated risks;
- planning and implementing arrangements to eliminate or control significant risks and to comply with the relevant legislation;
- monitoring the above arrangements to ensure that they are working effectively;
- ensuring their managers are competent in health and safety management techniques;
- ensuring that staff are involved and consulted on relevant health and safety matters in good time and ensure that their views are considered;
- obtaining assistance from the Health and Safety Team where necessary;
- ensuring adequate resources are provided for health and safety;
- undertaking workplace 'tours' to ensure health and safety risks are identified;
- reviewing the health and safety performance of their group annually and providing a summary of that review to be included in the annual health and safety report;
- reporting to the Chief Executive any situation where the standards set out in the Council's general statement of health and safety policy cannot be implemented.

Service Directors, head teachers, managers and supervisors will have specific responsibilities which will be set out in their group / school health and safety policy, and are required to:

- comply with the requirements of their group / school health and safety documentation;
- ensure all work related hazards are identified and suitable and sufficient risk assessments are undertaken and recorded;
- develop local procedures and safe working practices in line with corporate and service specific documentation and risk assessments;
- ensure that they and their staff have adequate levels of competency to complete their work tasks safely;
- ensure that health and safety systems are maintained;
- report and investigate incidents as required; and
- develop and implement an effective health and safety management action plan, monitored and revised on a regular basis.

All employees (and volunteers) are responsible for:

- taking reasonable care of their own health and safety and that of others affected by their acts or omissions;
- co-operating with the management of their service / school so far as is necessary to enable the risks to be controlled and achieve compliance with relevant legislation;
- using all work equipment and substances in accordance with the instruction and training received;
- not intentionally misusing anything provided in the interests of health, safety and welfare; and
- reporting to their supervisor or manager any health and safety problem which they cannot deal with themselves or any shortcoming they consider to be in the health, safety and welfare arrangements.

Health and Safety Team

In order to assist the Council, the health and safety advisers will provide competent advice and make recommendations to Strategy Group on the development of the health and safety strategy, policies, procedures and implementation plans. They will also:

- provide competent advice and support to managers on health and safety matters;
- keep up to date on developments in health and safety legislation and practice;
- monitor on behalf of the Council the implementation of health and safety policies and procedures;
- stop any unsafe activity;
- provide health and safety training and instruction;
- receive accident and incident reports, investigate as appropriate, compile and analyse accident and incident data; and
- liaise with recognised trade unions and their appointed workplace representatives on issues relating to the health and safety of their members.

Employee consultation

Employees or their representatives will be consulted on the arrangements to control significant risks and to comply with the relevant legislation. This will be done informally by managers and supervisors in the workplace and formally through the Council's joint consultative arrangements, where health and safety will be a standing item on agendas or where appropriate, through health and safety committees or forums.

Monitoring and review of the Council's health and safety performance

An annual report will be presented to the Corporate Resources Overview and Scrutiny Committee. This will summarise the results of the monitoring activities carried out across the Council, review the injuries/incidents reported and recommend any actions for improving performance.

This policy has immediate effect and replaces previous versions. The policy will be reviewed annually and amended as necessary.

Approved on behalf of the Council by the xxx on xx xx2016

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Councillor Engagement and Development Framework**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and Governance**

Purpose of the Report

1. To ask Cabinet to recommend the Council to agree the recently finalised Councillor Engagement and Development Framework.

Background

2. The Council has, over recent years, developed a number of procedures, processes and protocols, which, taken together, are intended to guide councillors on how they undertake their duties, in particular relating to consultation, engagement, training and development.

3. A review has taken place that looked at existing arrangements and protocols in place relating to these areas. As a result of the review, an overarching Councillor Engagement and Development Framework has been produced. Where appropriate, new protocols and procedures have been developed in line with current practice.

4. A copy of the Framework is attached at Appendix 2 and contains the following sections:

   - A foreword by the Leader of the Council;
   - How the Council works;
   - The Council's Officer structure;
   - Communication and Consultation;
   - Councillor Development;
   - Feedback, concerns and compliments;
   - ICT Provision.

5. At the end of each section, there is a 'Related Information' heading which lists documents for further reference. This list will contain hyperlinks to each document, once the Framework is published.

6. The Framework, and the amended protocols, procedures and documents have been considered by the Councillor Support and Development Group and Audit and Standards Committee, who agreed with all of the proposals.

Recommendation

7. It is recommended that Cabinet:
   - agree the Framework and recommend it to Council for approval; and
   - recommend that Council agree that the Protocol on Councillors' Attendance is added to the 'Associated Protocols' within the Code of Conduct for Members.

For the following reason:

To ensure councillors and officers are able to engage effectively, and have a good understanding of arrangements, roles and responsibilities.

CONTACT: Martin Harrison extension: 2101

Policy Context

1. The Council has, over the years, developed a number of procedures, processes and protocols which, taken together, are intended to help guide councillors on how they undertake their duties, and in particular relating to consultation, engagement, training and development.

Background

2. A review was instigated by the Chief Executive, following consultation with the Leader of the Council, to look at existing arrangements and protocols in place relating to consultation and engagement with councillors.

3. Where required, protocols and processes have been updated, and new documents produced where appropriate.

4. Some key areas that have been addressed are:

<u>How the Council Works</u>
This section includes a reference to the Protocol on Advisory Groups that has been updated to refer to the current Advisory Group structure. This protocol is attached at Appendix 3.

<u>Communicating and Consulting with Councillors</u>
The two existing protocols relating to this have been merged into one new protocol that outlines the timescales officers are expected to follow when responding to enquiries made by councillors. It also outlines when councillors should be consulted about issues affecting their wards. This is attached at Appendix 4.

<u>Councillor/Officer Relations</u>
This protocol has been substantially reviewed and updated. It stresses mutual respect between councillors and officers, and gives clarity on what each can expect from the other. The revised protocol is attached at Appendix 5.

<u>Councillor Development</u>
A new protocol on Councillors' Learning and Development has been drawn up that includes what is expected in terms of attendance at meetings, training sessions and completion of Personal Development Plans. This is attached at Appendix 6.

All training and development is important, but some areas are considered essential so councillors are asked to undertake to attend courses on:

- Ethics, probity and the Code of Conduct;
- Training relating to committee membership;
- Equalities; and
- Child Protection.

<u>Councillor Attendance</u>
A new protocol has been produced specifically dealing with councillor attendance at meetings. In view of the crucial importance of this area, it is considered appropriate that the Council is asked to add this protocol to the 'Associated

Protocols' in the Code of Conduct for Members, so that a failure to comply with the protocol could be seen as a breach of the Code. The protocol is attached at Appendix 7.

Outside Bodies

Most councillors are appointed to serve on outside bodies. To aid councillors' understanding of their roles and assist them to carry out their roles effective, a role descriptor has been prepared, together with a protocol setting out general guidance and potential pitfalls. These are attached at Appendix 8.

5. Following completion of the review, a Councillor Engagement and Development Framework has been produced that encompasses all of the information relating to this area.

6. The Framework is intended to be used by councillors and officers as guidance and reference to ensure effective engagement, understanding of arrangements, roles and responsibilities, within a context of reduced resources.

Consultation

7. The Councillor Support and Development Group, Audit and Standards Committee and the Leader of the Council have been consulted throughout the process.

Alternative Options

8. There are no alternative options.

Implications of Recommended Option

9. Resources:

a) Financial Implications – there are no financial implications arising from the recommended option.

b) Human Resources Implications – there are no human resources implications arising from the recommended option.

c) Property Implications - there are no property implications arising from the recommended option.

10. Risk Management Implication - there is no risk management implications from the recommended option,

11. Equality and Diversity Implications - there are no equality and diversity implications arising from the recommended option.

12. Crime and Disorder Implications – there are no crime and disorder implications arising from the recommended option.

13. Health Implications –there are no health implications arising from the recommended option.

14. **Sustainability Implications -** there are no sustainability implications arising from the recommended option.

15. **Human Rights Implications -** there are no human rights implications arising from the recommended option.

16. **Area and Ward Implications -** there are no area and ward implications arising from the recommended option.

Background Information

17. Reports presented to:

- Councillor Support and Development Group on 11 March 2015;
- Councillor Support and Development Group on 9 September 2015;
- Audit and Standards Committee on 7 March 2016.

Appendix 2

Gateshead Council

Councillor Engagement and Development Framework

April 2016

Councillor Engagement and Development Framework

Foreword by the Leader of the Council

In Gateshead, we believe continuous councillor development is essential to ensure that councillors update their knowledge and learn new skills and behaviours to guide decision making.

To support that ambition, this framework has been developed, which is the culmination of a recent review and refresh of all aspects of engagement with councillors, and their development and support.

The framework brings together, in a clear and accessible format, all the existing protocols, which have been revised and refreshed where necessary, and establishes new ones where appropriate. Also within the framework will be the advice and guidance provided to officers on how to engage, consult and brief councillors.

Each section contains advice, guidance and protocols on the relevant aspects, in order to assist you and officers to provide the best support.

I hope you find this guide useful and use it to fully support your role as a Gateshead councillor.

Councillor Mick Henry
Leader of Gateshead Council

Contents

1. How the Council Works
2. The Council's Officer Structure
3. Communication and Consultation
4. Councillor Development
5. Feedback, concerns and compliments
6. ICT Provision

How the Council Works

In May 2002, the Council adopted a new constitution prepared under the Local Government Act 2000. The constitution is based on the following allocation of responsibilities:

- the full Council sets the budget and policies for Council services
- the Leader and Cabinet take responsibility for ensuring that these policies are delivered and for developing proposals for changes to policy or new policies
- overview and scrutiny committees (OSCs) review decisions, scrutinise performance and ensure that all agencies work together to improve the quality of life for Gateshead residents
- two advisory groups that report directly to Cabinet

The constitution requires that all decisions are made openly and transparently, after proper consultation and with regard for the principles of human rights and equal opportunities. The Council's decision-making system is designed to:

- support councillors in representing their local communities
- help councillors to identify their priorities more clearly
- provide a sound basis for tackling cross-cutting issues
- provide a focus for community leadership and partnerships with other organisations

The Council
The full Council, consisting of all 66 elected members, meets every six weeks plus an annual meeting and a budget meeting. Its role is to:

- agree the policy framework, strategies and plans
- agree the budget
- decide the political management framework
- appoint the Leader

The Council also receives reports from Cabinet members and from Overview and Scrutiny committees. Councillors can put forward notices of motion, which initiate debates on topics of major significance to the Borough. Councillors may also question the Leader and Cabinet members, and present petitions on behalf of local residents. Members of the public can also ask questions or present petitions, provided they give notice.

The six-weekly Council meeting is above all the 'public face' of decision making – the forum at which all members gather to determine, in the public spotlight, the most significant policy issues facing the Borough. To bring the Council closer to the people, some Council meetings have been held outside the Civic Centre.

The Cabinet
The Cabinet consists of ten members headed by the Leader of the Council, who appoints the nine other members, one of whom is appointed Deputy Leader. The Cabinet provides political leadership and direction across the whole range of Council services and considers all policy issues.

While the Cabinet acts collectively, individual Cabinet members have their own portfolio allocated to them by the Leader. Cabinet members work in teams, with one lead member supported by one or two others, depending on the size of the portfolio. The Cabinet collectively

makes decisions on most Council services within the budget and policy framework set by the full Council. It meets fortnightly and its meetings, like those of other Council bodies, are held in public – except where personal or confidential information is to be discussed.

Decision Making Committees
By law, decisions about planning applications, licences and similar matters may not be taken by the Cabinet. The Council has therefore set up separate committees, consisting of non-Cabinet members, to take these decisions. The main committees are:

- **Accounts** - which approves the annual statement of accounts and statement on internal control
- **Appeals** - which hears appeals on a range of service issues such as exclusion from the housing register
- **Audit and Standards** - this Committee meets, reviews, monitors and approves the Council's arrangements for audit, both internal and external, risk management and the overall control environment. It is also responsible for promoting and monitoring high standards of conduct and assists all councillors to observe the code of conduct.
- **Health and Wellbeing Board** - this Board, which comprises of councillors and representatives of partner health organisations, leads on the production of the Joint Strategic Needs Assessment and a Joint Health and Wellbeing Strategy, both of which aim to advance the health and wellbeing of residents in Gateshead.
- **Licensing** - which deals with liquor licensing and public entertainment
- **Planning and Development** - which deals with planning applications
- **Personnel Appeals** - which hears appeals from employees on matters relating to their employment
- **Regulatory** - which grants various types of licence (e.g. for hackney carriages)
- **Rights of Way** - which makes decisions on bridleways and footpaths.

Overview and Scrutiny Committees
The Council has four overview and scrutiny committees (OSCs), again consisting wholly of non-Cabinet members. Between them, the OSCs cover all the Council's services, but each OSC focuses on a specific aspect of the Council's priorities. The OSCs are:

- **Care, Health and Wellbeing** - which reviews social services (except those for children and young people) and health services
- **Communities and Place** - which examines economic development; lifelong learning; culture (including leisure); housing; physical development and regeneration; transport planning and public transport; and local environment, including climate change. There is also a Community Safety sub-committee, which looks specifically at issues relating to community safety.
- **Corporate Resources -** which focuses on the management of resources, including value for money and procurement; supporting democracy and involving local people; equalities and diversity.
- **Families -** which focuses on all services provided to children and young people, particularly education and social services. There is a Corporate Parenting sub-committee, which specifically looks specifically at the Council's role in this area.

OSCs hold decision-makers (the Cabinet and officers) to account, but also work with other parts of the Council in contributing to the development of policy. An important part of their role is to

question other agencies, public and private, whose actions affect the lives of Gateshead people, for example National Health Service Trusts.

Functions of OSCs include:

- Reviewing Council policies and making recommendations to the Cabinet and/or Council
- Considering reports on performance
- Examining decisions and, if appropriate, asking for decisions to be reconsidered before they are implemented.

Advisory Groups
Advisory Groups report directly to and advise the Cabinet. They cover all the portfolio areas and match the scope of the OSCs. There are two principal advisory groups, namely Corporate Resources and Policy. The Corporate Resources Advisory Group is chaired by the Leader of the Council and the Policy Advisory Group by a councillor nominated by the Leader of the Council, from the Policy Advisory Group pool of Chairs. All councillors can self-nominate to the pool, prior to the start of the municipal year, with the Leader appointing Chairs when required.

All councillors are invited to meetings of both of these Advisory Groups

Related information:
- *Constitution*
- *Councillors' Guide to Council Meetings*
- *Protocol on Advisory Groups*

The Council's Officer Structure

The Council employs approximately 5,000 people to provide essential services to a population of around 200,505.

The officer structure is led by the **Chief Executive,** who is responsible for:

- Working closely with the Leader of the Council, providing advice and guidance on the forward planning of objectives and the delivery of services, and in doing so, securing a corporate approach to the affairs of the authority.
- Acting as the Council's Head of Paid Service; reporting to Council on the manner in which the discharge of the Council's function is co-ordinated, the number and grade of employees required for the discharge of functions and the organisation of employees;
- Providing strategic advice and arrange other advice to the Council, Cabinet and all other council bodies;
- The strategic management of the local authority, providing advice and support to elected members; and
- Developing and maintaining key relationships with strategic partners and other agencies and bodies.

The Chief Executive leads the strategic management team (known as Strategy Group), which delivers the Council's services through the Groups outlined below.

- ***Care, Wellbeing and Learning***
- ***Communities and Environment***
- ***Corporate Resources***
- ***Corporate Services and Governance***
- ***Policy, Economic Growth and Transformation***

In the absence of the Chief Executive (e.g. annual leave or otherwise uncontactable), the most appropriate Strategic Director, or in their absence a Service Director to deal with the issue, should be contacted to provide advice and support.

More detailed information can be obtained from the Guide to Gateshead Council.

Communication and Consultation

Councillors have an important role to play in their wards, taking up issues on behalf of their constituents and acting as a link between them and the Council. Councillors are entitled to expect that officers will support them in this role, and that their enquiries will be responded to in a timely manner. The protocol on Communicating and Consulting with Councillors sets out how these expectations will be realised in practice.

Councillors and officers are public servants and are indispensable to one another. Their responsibilities however are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Officers work under a contract of employment and are responsible to the Council. Their job is to give advice to councillors and to the Council, and to carry out the Council's work as ultimately directed by the Council's Head of Paid Service.

The relationship between councillors and officers is an essential ingredient that contributes to the successful working of the Council. The relationship within this Council is characterised by mutual respect, honesty and trust. Councillors and officers must feel free to speak to one another openly and honestly.

The Protocol on Officer/Councillor Relations provides detailed guidance to all parties and is dependent on mutual respect. In addition, a training course has been developed for officers, which looks at how officers should engage with councillors, including writing and presenting reports at committee meetings.

There are many opportunities for councillors to obtain and discuss information about issues from officers, including reports, briefings and seminars. In addition, some Services offer specific opportunities for councillors to find out about issues affecting their wards, for example the weekly road works schedule.

Councillors must also be mindful of the Code of Conduct, which is applicable to all councillors. The code is based on a model adopted by all seven North East authorities. In general, the code covers behaviour such as councillors not abusing their position or not misusing their authority's resources. In addition, there are rules on registration and disclosure of interests. Councillors are bound by the Code when they are conducting council business or representing the Council.

Two provisions of the Code apply regardless of whether councillors are conducting council business or not. Firstly, a councillor must not act in a manner that could be regarded as bringing the Council or their office into disrepute. Secondly, councillors should not use their office improperly to secure for themselves, or any other person, an advantage or disadvantage.

In particular, the Code of Conduct requires councillors:

- to promote equality by not discriminating unlawfully against any person;
- to treat others with respect;
- not to compromise the impartiality of those who work for the Council;
- not to prevent anyone getting information they are entitled to or disclose confidential information without consent;

- not to misuse the Council's resources; and
- to report a breach of the Code to the Monitoring Officer if they reasonably believe that another councillor has broken the Code.

Related information:

- *Protocol for Communicating and Consulting with Councillors*
- *Protocol on Officer/Councillor Relations including the following protocols:*
  - *Officer Attendance at Political Group Meetings and Other Political Meetings*
  - *Public Meetings*
  - *Candidates at Elections*
  - *Parliamentary Candidates*
- *Code of Conduct for Councillors*
- *Protocol on Report Formats and Preparing reports*
- *Protocol on seminars and briefings*
- *Protocol for Handing the Media*

Councillor Development

The Council is recognised as a 'politically mature' Council with a high degree of trust and mutual respect between members of different political parties. This positive relationship has enabled the Council to move forward, in terms of how it supports and develops its elected members.

More than ever, Councillors have an increasingly important role to play as community leaders, identifying and taking up issues on behalf of constituents, and acting as a link between their constituents and the Council. At Gateshead, we believe councillors are entitled to expect officers from all our services to support them in this role.

Support, training and development is driven by councillors for councillors, via a cross-party Councillor Support and Development Group, which is chaired by the Leader of the Council. All of this training and development aims to support frontline councillors as the lynch pin and recognises that the community champion role is a demanding one.

The Council was awarded the North East Charter for Elected Member Development in 2008 in recognition of its work in this area.

All councillors are encouraged to take the opportunity to draw up a Personal Development Plan (PDP), which is monitored on an annual basis. The PDP helps to identify areas where individuals would like extra training or development.

Personal Development Interviews
These interviews are confidential and the length will vary dependent upon the level of discussion. They provide an opportunity for you to reflect on your development needs in your current role and as a result, a personal development plan will be prepared tailored to your needs for the coming year. Role descriptors and the associated skills required are available to assist with this process. These interviews are optional but we would encourage you to take up this opportunity.

Your PDP will be updated at least annually and should be a "living document" that is refreshed to take into account your growing experience and changing needs.

Role Descriptors
Role descriptors have been developed for the following:

- Councillor
- Cabinet Member
- Chair or Vice Chair of a Decision Making Committee or Overview and Scrutiny Committee
- Chair or Vice Chair of the Health and Wellbeing Board
- Councillor Member of the Health and Wellbeing Board
- Planning and Development Committee Member
- Overview and Scrutiny Committee Member
- Regulatory Committee and Licensing Committee Member
- Audit and Standards Committee Member

- Appointment to Outside Bodies
- Partnership Members
- School Governor

Induction Programme for new Councillors
All newly elected councillors are encouraged to undertake the Council's induction programme. The programme has been designed over a number of years to assist new councillors in their new role with the Council. The programme offers an introduction to the Council, meetings with the Leader and Chief Executive, and meetings with the strategic management team in order to find out more about the services the Council provides to the residents of Gateshead.

New councillors are also allocated a 'buddy' – a more experienced councillor who can offer advice and support on any issue during the first few weeks and months.

In the months following the election, sessions are offered on a range of issues including Equality and Diversity, Local Government Finance, Code of Conduct for Councillors, Partnerships, Scrutiny, Risk Management and Health and Safety.

Training for new Mayors
Members who are elected to the office of Mayor will attend a specialised training session aimed at incoming Civic Heads and their teams, including Deputy Mayors. Apart from the planned content, the seminar provides an opportunity to meet and network with people in similar roles. The seminar focuses on the role of the Civic Head and there is also a session on chairing Council meetings, which includes reference to the challenges of multi-party participation. There will be an opportunity to discuss any concerns you may have and arrange further support. Further one-to-one and group sessions can be arranged on areas such as public speaking if so required.

Appointments to Outside Bodies
Most councillors are appointed to serve on outside bodies. To aid councillors' understanding of their roles and assist them to carry out their duties effectively, a role descriptor has been prepared, together with a protocol setting out general guidance and potential pitfalls.

Related information
- *Protocol for Councillor Development*
- *Personal Development Plan Template*
- *Role Descriptors*
- *Protocol on Councillors Attendance at Conferences and Training Events*
- *Protocol on Appointments to Outside Bodies: The Councillors' Roles – General Guidance and Potential Pitfalls.*

Feedback, concerns and compliments

Complaints and compliments
The Council aims to deliver the best possible services and needs to know if it is getting it right. The Council's aim is to provide the best possible services to Gateshead residents. We appreciate all our customers' comments, good or bad. An annual report is produced and available to all elected members.

Complaints
We believe that every customer has a right to complain. When residents give their views to the Council, they help us to:

- Put things right if we have made mistakes
- Continually improve our services and make sure we do not repeat mistakes.

A customer may complain because:
- We failed to provide them with a service
- We provided them with a poor standard of service
- We provided the service in an unfair or discriminatory manner.

How does the process work?
All complaints will be treated confidentially. Any information given is covered by the Data Protection Act. This means that we:

- Will keep personal data safe and secure
- Will not share it with other organisations without permission unless the law says we must and
- May use it to prevent and detect fraud.

Compliments
The Council also appreciates any comments about the services it provides. Views can be given by email, by phone, in writing or in person. This is helpful as it identifies where the Council is performing well and helps to spread good working practices.

Concerns or compliments from councillors
In the event that a councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Strategic Director. Where the employee is the Chief Executive, the matter should be raised with the Monitoring Officer. Attempts will be made to resolve the matter informally but, if this ineffective, it may be necessary to invoke the Council's disciplinary procedures.

Any positive feedback or compliments on the performance of an officer should be brought to the attention of the relevant Strategic or Service Director. To make it easier for councillors to record compliments or concerns about any issue, a dedicated inbox has been created, which is accessible only by councillors. All information received using this method will be treated as confidential and passed to the relevant Service Director.

Related information:
- *Complaints Procedure*
- *Dedicated email address for feedback*

ICT Provision

All councillors will be provided with an iPad and/or iPhone to assist with carrying out their role as a ward councillor. In addition, the Council uses mobile devices as its primary method to share agendas and papers with councillors, and communicate with them.

When using these mobile devices, councillors need to be mindful of the Councillors ICT Security Policy and will be asked to sign the Acceptable Use Policy for Mobile Devices when they receive their equipment.

The use of Information and Communication Technology (ICT) helps the Council to provide effective and efficient services and is a vital tool in the work of many councillors. The purpose of the policies is to ensure that, as users of the Council's ICT systems, you are aware of the security risks that are always present and help protect the Council's information from all threats, whether internal or external, deliberate or accidental. The adoption of the policies provides a firm indication that the Council is taking "due care" of information which is one of the basic requirements of the Data Protection Act 1998.

By following the policies, you will help minimise the potential risk of disruption to Council business and help ensure that data held on Council systems remains secure.

As well as the ICT Security Policy, there are also various laws that determine how computers should be used, such as the Computer Misuse Act 1990 and the Data Protection Act 1998. Therefore, to ensure you comply with both the law and Council policy, it is important that you:

- Never let anyone else know your password. You should treat your password as you would your bank card PIN code, and if you have reason to believe that someone knows it you should change it immediately.
- Do not allow anyone else to use equipment that is logged on under your user name.
- Do not make, or attempt to make, any changes to the operating system or settings on Council computers.
- Do not access or attempt to access any files, folders, logs, reports, messages, systems or information that you are not authorised to access.
- Take care to ensure that display screens cannot be overlooked when working on sensitive data.
- If in doubt on any matter relating to computer security, please seek advice from ICT Services.

Related information:

- *Councillors ICT Security Policy*
- *Acceptable Use Policy for Mobile Devices*

Gateshead Council
www.gateshead.gov.uk

Protocol on Advisory Groups

Purpose of Advisory Groups

1. The Cabinet will draw on the advice and experience of non-Cabinet councillors and will involve them constructively in the process of policy formulation. This can be achieved partly by their involvement in Advisory Groups.

2. The purpose of Advisory Groups is to enable the Cabinet to seek advice before a firm line is fixed, in an informal setting and from a broad range of councillors. Meetings of Advisory Groups will usually be held in response to a request from the Leader or Cabinet for advice on a specific issue or issues. Meetings will focus on a discussion of issues and giving advice rather than arriving at a formal resolution.

Structure of Advisory Groups

3. There are two Advisory Groups as follows:

   - Corporate Resources Advisory Group
   - Policy Advisory Group

4. There is also one other Advisory Group:
   - Gateshead Capacity Building Fund

5. All councillors are invited to attend meetings of the Corporate Resources and Policy Advisory Groups. The Gateshead Capacity Building Fund Advisory Group has a core membership and only those councillors are invited to attend meetings.

6. The Corporate Resources Advisory Group is chaired by the Leader of the Council and the Policy Advisory Group is chaired by a councillor nominated by the Leader from the Policy Advisory Group pool of chairs.

Convening and Attending Advisory Groups

7. The Cabinet will decide whether to seek advice from an Advisory Group on any particular issue. If an officer considers that there is a need for advice to be sought from an Advisory Group then this should be highlighted to the Cabinet within a Cabinet report or approval sought from the Leader of the Council. It is essential that there is clarity why and on what issues the views of an Advisory Group are being sought.

8. Once it has been agreed that a meeting of an Advisory Group should be held, an officer of Democratic Services, Corporate Services and Governance will arrange the meeting. The officer will ensure, as far as practicable, that the meeting is arranged on a date convenient for the Chair, the relevant Cabinet members and the lead officers for that particular issue.

9. Officers should not prepare a formal report for the Advisory Group meeting. Instead, the Advisory Group will be given a presentation outlining the background to the issue, the main points and clearly stating what councillors are being asked to give views on. Officers should also prepare a discussion paper, generally no more than 1 side of A4, to assist their presentation, to be circulated prior to the meeting.

10. All members of the Strategy Group will be advised when Advisory Group meetings are being held and the issues being considered. Strategic Directors need only attend or be represented at these meetings if they consider it appropriate to do so.

11. Advisory Groups can only express views. The Democratic Services Officer will prepare minutes of the Advisory Group summarising all the views expressed, including those issues where there is difference of view. The minutes from the Advisory Group meetings should be attached to any further report prepared for the Cabinet on that particular issue.

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Protocol for Communicating and Consulting with Councillors

Councillors have an important role to play in their wards, taking up issues on behalf of their constituents and acting as a link between them and the Council.

Councillors are entitled to expect that officers will support them in this role. In particular, officers are expected to:

- **Consult** councillors about proposals affecting their ward
- **Communicate** with councillors about things happening in their ward
- **Respond promptly** and effectively to ward issues raised by councillors.

This Protocol sets out how these expectations will be realised in practice.

Responding to Councillors' Enquiries

1. Officers will acknowledge all enquiries from councillors by the end of the next working day and send a full reply within five working days.

2. When an officer is unable to send a full reply within this timescale, then an explanation will be given to the councillor stating how long the response is likely to take and the reason for the delay.

Consultation

3. Officers are expected to consult councillors at the earliest opportunity on matters affecting their wards and which are required to go to Cabinet or another body for decision, or on which the officer intends to take a decision under delegated powers.

4. Before consulting with ward councillors, the officer should discuss the matter with the appropriate cabinet member and explain the issues to him/her, making it clear that ward councillors will be consulted.

5. The purpose of consulting ward councillors is to:

    - Make them aware of issues affecting their wards so that, wherever possible, councillors receive this information from the Council before hearing it from any other source;
    - Obtain information and advice from ward councillors on the matter;
    - Ensure that ward councillors' views are recorded and taken into account in the decision-making process.

6. The officer responsible for the consultation will establish personal contact with the ward councillors, either by telephone or email, or by arranging a meeting, with the Cabinet Member in attendance if they both consider it appropriate. The officer will make a written record of councillors' views.

7. While recognising that ward councillors do not have a veto over decisions, their views will always be considered seriously and included in any report to Cabinet (or other body) so that decision-makers are aware of those views. Councillors' views should be used to help inform the preparation of any report, so consultation should not just take place at the 'last minute', when a report is already prepared and may, for example, be entering the time-restricted Cabinet process.

8. The consultation section of the ensuing report should state which councillors have been consulted and any views they expressed, based on the written record referred to above.

9. Officers should be alert to the fact that an issue may affect more than one ward and all relevant councillors should be consulted. The Constitution definition of 'key decision', for example, includes where a matter affects two or more wards.

10. Existing systems in place for notifying ward councillors of planning and licensing applications, and reporting their views, will continue.

Councillors' Responsibilities

11. Councillors should avoid making unreasonable requests or putting pressure on officers to do things that they are not empowered to do.

12. Councillors should be mindful of the increasing pressure placed on officers due to reduced capacity and resources.

13. Councillors need to also bear in mind that there are some kinds of information which they are not entitled to have – for example, personal information about individuals, including their constituents, where the individual has not consented to its release.

Officer Responsibilities

14. Service Directors are responsible to their Strategic Director for ensuring that the requirements of this Protocol are met in relation to the functions for which they are responsible.

15. If more than one officer is involved, for example in a client/client-agent/consultant relationship, they should be clear among themselves who is taking the responsibility.

Appendix 5

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PROTOCOL ON COUNCILLOR/OFFICER RELATIONS

This protocol forms part of the local framework for standards of behaviour approved by the Council's Audit & Standards Committee. Monitoring of compliance with this protocol is the responsibility of the Audit & Standards Committee and the Monitoring Officer.

1. Introduction: The Underlying Principles

1.1. The relationship between councillors and officers is fundamental to the successful working of the Council. This relationship within this Council is characterised by mutual respect, honesty and trust. Councillors and officers must feel free to speak to one another openly and frankly. Nothing in this protocol is intended to change this relationship: its purpose is to help councillors and officers to perform effectively by giving guidance on their respective roles and expectations, and on their relationship with each other. The protocol also gives guidance on what to do on the rare occasions things go wrong.

1.2. The protocol must be read and operated in the context of any relevant legislation and national and local codes of conduct and any procedure for confidential reporting.

2. Roles of councillors and officers

2.1. Both councillors and officers are servants of the public and are indispensable to one another in the delivery of their public duties. Their responsibilities, however, are distinct. Councillors are responsible to the electorate, and serve only so long as their term of office lasts. Officers are responsible to the Council: their job is to give advice to the Council, and to councillors in carrying out their Council duties, and to carry out the Council's work under the direction and control of the Council, the Cabinet, and relevant Committees, and Sub-Committees.

Mutual respect between councillors and officers, and a clear understanding of their respective roles and responsibilities, are essential to good local governance.

2.2. Councillors

2.2.1. Councillors have five main areas of responsibility:

(i) giving political leadership;
(ii) determining the policy of the Council;
(iii) monitoring, reviewing and scrutinising the performance of the Council in implementing policy and delivering services;
(iv) representing the Council externally; and
(v) acting as advocates and Community Leaders on behalf of their wards and constituents.

2.2.2. Subject always to the expectations contained in paragraph 3, it is not the role of councillors to involve themselves in the day to day management of Council services.

2.3. **Members of the Cabinet, Chairs and Vice Chairs**

2.3.1. Members of the Cabinet and chairs and vice chairs of committees, boards, panels, etc. have responsibilities additional to those set out above, and their relationships with officers may therefore differ from, and be more complex than, those of councillors without such responsibilities; this is recognised in the expectations they are reasonably entitled to have of enhanced levels of support from officers. However, such councillors must still respect the impartiality of officers: they must not ask officers to undertake work of a party political nature, or to do anything that would put them in difficulty in the event of a change in the political composition of the Council.

2.4. **Opposition councillors**

2.4.1. As individual councillors, all councillors have the same rights and obligations in their relationships with officers and should be treated equally. This principle is particularly important in the context of overview and scrutiny. However, where a political group forms an administration, it is recognised that the relationship between officers (particularly those in senior management roles) and the administration will differ from that with opposition groups.

2.5. **Officers**

2.5.1. The role of officers is to give advice and information to councillors and to implement the policies determined by the Council.

2.5.2. In giving advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual councillors on an issue (e.g. in response to a consultation process), if the councillor wishes to express a contrary view, he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

2.5.3. Certain officers (e.g. Head of Paid Service, Monitoring Officer and Chief Finance Officer [Section 151 officer] have responsibilities in law over and above their obligations to the Council and to individual councillors, and councillors must respect these obligations, must not obstruct officers in the discharge of these responsibilities, and must not victimise officers for discharging these responsibilities.

3. **Expectations**

3.1. Councillors can expect the following from officers:

(i) Respect, dignity and courtesy

(ii) A commitment to the Council as a whole, and not to any political group
(iii) A constructive working partnership
(iv) An understanding of, and support for, respective roles, workloads and pressures
(v) Timely response to enquiries and complaints
(vi) Professional advice, not influenced by political views or political preference, which does not compromise the political neutrality of officers
(vii) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold within, or appointed by, the Council
(viii) Equality of treatment so that the same councillors do not receive disproportionate support due to the manner in which they raise issues
(ix) Awareness of and sensitivity to the political environment
(x) Training and development, in order to carry out their role effectively
(xi) Integrity, mutual support and appropriate confidentiality
(xii) That officers will not raise personal issues with them outside the agreed procedures
(xiii) That officers will not use their relationship with councillors to advance their personal interests or to influence decisions improperly
(xiv) That officers will at all times comply with any relevant Code of Conduct
(xv) Support for the role of councillors as the local representatives of the Council within any scheme of support for councillors that may be approved by the authority.

3.2. Officers can expect the following from councillors:

(i) Respect, dignity and courtesy
(ii) A constructive working partnership
(iii) An understanding of, and support for, respective roles, workloads and pressures
(iv) Political leadership and strategic direction
(v) Integrity, mutual support and appropriate confidentiality
(vi) Not to be subject to bullying or to be put under undue pressure; councillors should bear in mind the level of seniority of officers in determining what are reasonable requests, having regard to the power relationship between councillors and officers and the potential vulnerability of officers, particularly at more junior levels
(vii) That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
(viii) That councillors will at all times comply with the relevant Code of Conduct.

3.3. **Limitations upon Behaviour**

3.3.1. The distinct roles of councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

(i) Close personal relationships between councillors and officers can confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the

perception in others that a particular councillor or officer may secure advantageous treatment.

(ii) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, especially personal matters and party political issues.

(iii) Relationships with particular individuals or party groups should not be such as to create public suspicion that an officer favours that councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

4. Members' Code of Conduct

4.1 In accordance with legislative requirements the Council has a members' Code of Conduct. The Code is intended to be consistent with the Nolan seven principles of public life, and should be read in the light of those principles: namely, that councillors will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

4.2 The Code specifies what general conduct is expected of councillors, including: treating others with respect, not bullying, or conducting themselves in a manner which could reasonably be regarded as bringing the Council, or the office of councillors, into disrepute. The Code also makes provision for registering and declaring councillor interests. Detailed arrangements are also in place for dealing with complaints against councillors. The Code and arrangements can be found on the Council's website.

5 Decision-Making by Managers

5.1 The Constitution delegates to Strategic Directors and other managers, the power to make decisions over a wide range of matters. In some cases, the Constitution provides that the delegation may only be exercised after the manager concerned has consulted the Leader or nominated Cabinet member. Managers must consider carefully any comments made to them by the councillor(s) concerned, but must bear in mind that it is the manager, not the councillor, who takes the decision in these circumstances and is responsible for it. They must also bear in mind that no officer can be compelled to take a decision with which he/she considers to be wrong or inequitable.

5.2. A manager is not obliged to take a decision on a matter delegated to him/her: he/she may refer the matter to the appropriate Council body for a decision. Indeed, managers should do this if they feel that the issue is a particularly contentious tone raises some new issues which were not contemplated when the delegation was first agreed.

6 The Council as Employer

6.1 The Council is collectively the employer of all Council employees. It is responsible for settling the terms and conditions on which people are employed, and the human resources framework by which they are managed.

6.2 It is important that councillors are clear about the Council's, and their own, role in relation to the management of employees. Councillors must ensure that, by their

individual actions, they do not act outside the framework established to deal with employee matters or contrary to Council policies and procedures in relation to employees.

6.3 Under the Constitution, the Council has delegated to managers the responsibility for appointments, dismissals and disciplinary action, and for dealing with employee matters in accordance with the Council's human resources framework and the relevant national conditions of service. Councillors are responsible for:

(i) Certain senior appointments (through the Special Appointments Committee and/or the full Council)
(ii) Settling terms and conditions and the human resources framework (through Cabinet and full Council)
(iii) Determining appeals from employees of the Council in relation to conditions of service, discipline and so on (through the Personnel Appeals Committee).

6.4 It is essential to the proper running of the Council that councillors and officers do not step outside this framework. Officers must not raise with councillors personal matters to do with their job, nor make claims or allegations about other employees. For their part, councillors must not attempt to deal with any such matters raised by officers, but should remind the officer that such matters should be dealt with through the appropriate consultation, grievance or confidential reporting procedure. Councillors should not, for example, seek to 'represent' any officer during any management process such as disciplinary or grievance proceedings.

6.5 If a councillor has concerns about the management of a particular service, they should raise those concerns with the appropriate Service Director or Strategic Director, or ultimately with the Chief Executive.

6.6 Employee relations matters and disputes need to be handled particularly carefully. Councillors need to remember that it is the Council that is the employer and that every councillor is part of the Council. Where disputes arise, they will be handled corporately. It would be extremely damaging to the Council's position, and to relationships with employees, if individual councillors were to act independently of the Council. In particular, individual councillors or groups of councillors should not hold separate formal discussions with employees and purport to represent the Council.

6.7 In all matters relating to employees, councillors should bear in mind that because they are, collectively, the employer, the actions of an individual councillor may incur liability for the Council.

7 Councillors' Access to Information and Advice

7.1 Documents

7.1.1 Councillors' legal rights to inspect Council documents are covered partly by statute and partly by common law. Councillors generally have a statutory right to inspect agendas, minutes and background papers of the Council, the Cabinet, Overview and Scrutiny Committees, the Council's regulatory committees (e.g. Planning & Development, Licensing and

Regulatory Committees) and the Audit and Standards Committee. However, this does not apply to certain items that are regarded as exempt business: for example, because they relate to individual employees, to contract or industrial relations negotiations, to applicants for Council services and so on. These rights are set out more fully in the Access to Information Rules, which are detailed in the Constitution. Councillors also have the same rights under the Freedom of Information Act 2000 as the general public to access recorded information held by the Council.

7.1.2 The common law right is broader. It is based on the principle that any councillor has, on the face of it, a right to inspect Council documents if access to those documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This is often referred to as the `need to know' principle.

7.1.3 It is for the councillor concerned to demonstrate that he/she has a `need to know'. Mere curiosity is not enough.

7.1.4 The Strategic Director, Corporate Services and Governance will give advice on councillors' rights of access to documents and any questions on this subject should be directed to him/her.

7.1.5 Any Council information provided to a councillor must only be used by the councillor for the purpose for which it was provided, namely in connection with the councillor's duties as a councillor, unless the information is already in the public domain.

7.1.6 The Code of Conduct provides that a councillor must not disclose information given to him/her in confidence by anyone without the consent of a person authorised to give it, or unless he/she is required to do so. Equally, a councillor must not prevent another person from gaining access to information to which that person is entitled by law.

7.1.7 If a councillor is not receiving, or is having difficulty in obtaining, information that is needed, or to which he/she considers he/she is entitled, the councillor should contact the relevant Strategic Director or, ultimately, the Monitoring Officer, for advice.

7.2 **Advice**

7.2.1 Councillors may ask appropriate officers (normally at Service Director level or above) for advice on:

(i) Matters likely to come before the Council, the Cabinet or another decision-making body or an Overview and Scrutiny committee (for example, an item in the Schedule of Decisions or a planning application);

(ii) Matters with which they have to deal as ward councillors; or

(iii) Matters which they may have to deal with as a representative of the Council on an outside body.

7.2.2 Where advice is sought through a Strategic or Service Director, in the interests of efficiency, the Director will arrange for the advice to be provided by an officer best placed to deal with it, at whatever level.

7.2.3 In general, Services will adopt a 'right person, right setting' approach so that the most appropriate officer, of whatever level, will advise and assist in whatever setting, including attendance at portfolio meetings and other councillor non-decision making meetings.

7.2.4 Officers will provide such advice to the best of their ability, together with any relevant information to which the councillor is entitled to have access, in accordance with the principles set out in section.7 above.

7.2.5 Where an officer has provided advice on a matter in the Schedule of Decisions, he/she should inform the relevant Cabinet member and the Leader. Where the advice relates to a matter going before another decision-making body, such as a licensing or planning application, the Chair of that body should be informed.

7.2.6 If it appears that any request for advice or information is excessive or unreasonable, the matter should be taken up with the appropriate Strategic Director, ultimately, the Strategic Director, Corporate Services & Governance.

8 The Mayor and officers

8.1 The role of Mayor of Gateshead is not merely a traditional one, important though that is. The position is well understood and respected by the people of Gateshead, and because the Mayor is a focal point for the diverse communities of Gateshead, it is a position that contributes greatly to the Council's goal of social inclusion, and citizen engagement.

8.2 Officers should treat the Mayor with the respect due to his/her office. They should address him/her by his/her title. Officers must do everything possible to ensure that the dignity of the office is upheld.

8.3 The role of Mayor is an onerous one, and the Mayor is entitled to look for support and advice from all levels of the organisation.

9 The Leader and Cabinet and officers

9.1 The Cabinet collectively takes decisions in the name of the Council, provided those decisions are within the Council's budget and policy framework. In addition, Cabinet members individually have portfolios through which they lead change, publicly present issues, lead consultation exercises and generally represent the Council.

9.2 It is clearly important that there should be a close working relationship between Cabinet members and Strategic Directors, Service Directors and other senior managers of the authority. A similarly close working relationship should prevail

between a portfolio holder and the senior managers working in that portfolio area. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Director managers' ability to deal impartially with other members or with other elements of the Council democratic framework.

9.3 When dealing with portfolio issues, both Cabinet members and the officers who advise them should be aware of the wider policy implications for the Council and the need to involve other members and officers where appropriate.

9.4 All reports to the Cabinet are submitted in the name of the Chief Executive and/or one or more Strategic Directors. Those persons are responsible for the contents of reports submitted in their name.

9.5 Dialogue between officers and Cabinet members, and briefing of the Cabinet collectively and of individual members, are to be encouraged. It is also quite proper, and desirable, for officers to discuss with members alternative ways of achieving the Council's agreed policy objectives. However, authors of reports must take responsibility for their reports and must not include any advice which they do not believe to be proper or in the Council's interests, or any information which they do not believe to be correct, unlawful or illegal. For their part members must not put officers under pressure to give such advice or information. Any difficulties in this regard should be raised by the officer with his/her Service Director or Strategic Director or ultimately with the Monitoring Officer.

10 Chairs and Members of Overview and Scrutiny and officers

10.1 The Council does not formally separate officer support between the Cabinet and the Overview and Scrutiny function. Indeed, the Scrutiny function in Gateshead is seen as an integral part of the Council's framework, working within that framework to enhance policy making. However, officers who have to advise the Cabinet and then account to Overview and Scrutiny Committees for that advice could find themselves in a difficult position unless there are conventions in place to deal with that situation.

10.2 As part of the Overview and Scrutiny Rules that appear elsewhere in this constitution, the Council has adopted a number of conventions including:

10.3 To avoid putting junior employees under undue pressure, only officers of Service Director level or above will normally be invited to attend Overview and Scrutiny Committee meetings, although more junior officers could be invited following consultation if appropriate;

10.4 An officer is entitled to be accompanied by another officer. Indeed, it will often be the most effective way of responding to the Committee's enquiries if the manager responsible for the service is accompanied by a specialist officer with detailed knowledge of the topic;

10.5 The Chief Executive is entitled to make representations if he/she feels that an inappropriate officer has been asked to attend;

10.6 An officer may undertake to give a written answer, or ask for time to seek further information, if he/she feels it is appropriate.

10.7 When attending Overview and Scrutiny Committees, officers should confine their information and evidence, as far as possible to questions of fact and explanation relating to policies and decisions. They should also, if required, explain and justify advice they have given to the Cabinet, and the decisions they have themselves taken under delegated powers. As far as possible, officers should avoid being drawn into discussions of the merits of alternative policies where this is politically contentious, and their comments should always be consistent with their obligation to be politically impartial.

10.8 Members of Overview and Scrutiny Committees should bear in mind that officers' evidence should be restricted to questions of fact and explanation, and should not press officers to go outside that remit.

10.9 Cabinet members should bear in mind that officers who are called before an Overview and Scrutiny Committee are obliged to provide frank and honest explanations of the advice they have given, even where that advice was not taken.

11 Chairs and Members of Other Committees and officers

11.1 The Council has a range of committees that deal with 'non-executive' matters. The main ones are:

(i) the Planning and Development Committee
(ii) the Licensing and Regulatory Committees
(iii) the Rights of Way Committee
(iv) the Appeals Committee
(v) the Personnel Appeals Committee
(vi) the Audit and Standards Committee
(vii) the Accounts Committee

11.2 Some officers, as part of their normal duties, will be in regular contact with the chair and members of these committees. Much of what is said in section 7 about the relationship between officers and the Cabinet will also apply, allowing for the different circumstances, to the relationship between officers and chairs/members of non-executive committees.

11.2.1 To summarise, the main principles are:

(i) officers will need to maintain a close relationship with the chairs/councillors concerned, but
(ii) that relationship must not be such as to call in to question officers' impartiality;
(iii) there should be dialogue between senior managers and the relevant chair
(iv) it is the authors' responsibility to ensure that reports include only proper advice and correct information; and
(v) councillors must not put officers under pressure to give advice or information in any other way.

12 Officers and Political Groups

12.1 Officers are politically neutral and must be seen to be so. They serve the whole Council and not a political group. Senior officers cannot be a councillor for the employing Council, nor can they speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party.

12.2 However, it is recognised that from time to time there will be occasions particularly on major policy matters, when it is in both the Council's and the group's interests that a political group should receive the professional advice of officers on a specific matter.

A protocol has been agreed to cover these situations. This is attached as Annex 3A.

13 Councillors in their Ward Role and officers

13.1 All councillors have a vitally important role to play as representatives of their wards and communities. Officers have a duty to support them in this role.

13.2 Officers should respond positively to requests for councillors, in their ward role, for advice (see paragraph 6.8) or for assistance in dealing with a ward matter.

13.3 Clearly, officers must not go outside the Council policy in attempting to resolve a ward issue, and there must be no suggestion that any person has received preferential treatment simply because he/she has taken the matter up through a member. For their part, councillors must not expect officers to go outside Council policy or distort the Council's agreed priorities, for example by insisting that works are undertaken when they wouldn't normally be done because of service reductions. However, if it is clear that the application of a Council policy would cause unreasonable hardship, or would have some consequence that may not have been foreseen when the policy was drawn up, it is proper and reasonable for the matter to be drawn to the attention of the relevant Strategic Director, who will then consider how the matter should be pursued.

13.4 Protocols have been drawn up to cover a number of specific situations relating to members in their ward role. These are:

(i) public meetings (annex 3B)
(ii) candidates at local elections (annex 3C)
(iii) parliamentary candidates (annex 3D).

14 Other Individuals who are Members of Council Bodies

14.1 A modern system of local government requires the development of effective relationships between the Council and local people and organisations. Often this leads to the direct participation of local people and organisations in Council bodies.

14.2 This participation can take many forms. At the most formal level, church and parent governor representatives must be appointed by law to the relevant Overview & Scrutiny committee, with full voting rights on education matters. Other arrangements may be less formal, for example the co-option of individuals outside the Council (without voting rights) onto advisory groups or Overview and Scrutiny committees, or the involvement of a range of organisations on different partnership boards.

14.3 It goes without saying that, whatever the formal position, people from outside the Council who serve on Council bodies must be treated with respect and encouraged to feel that they have an equal contribution to make with their Council and non-Council colleagues. They should never be left feeling that they are 'second class' members of the body to which they belong. Impressions can be very important here; for example, officers should take care to include non-Council members in the informal conversations that often take place at the beginning or end of meetings.

14.4 Normally non-Council members will be entitled to receive the same information relating to the work of the body they serve as their Council colleagues and to be included in the same events (visits to facilities and so on). However, non-Council members will not have a right to be supplied with information that is not related to the Council business with which they are concerned - unless of course that information would be available to other members of the public.

14.5 Officers whose role it is to advise bodies on which non-Council members serve must ensure that they are absolutely clear about the legal status of those members - whether they have voting rights on some or all of that body's business, which items they can speak on and so on. Officers who undertake this role must be ready to give the necessary advice, but should avoid creating a difficulty where none exists.

15 Press Releases

15.1 Official press releases on behalf of the Council will be prepared and circulated by the Council's Communications service.

15.2 It is councillors collectively who are ultimately accountable for the services provided by the Council and the Council's developments and achievements. Official press releases will therefore give proper weight to the role of the relevant members in each case. In particular, Cabinet members have a role under the constitution to publicly present issues and policies as they develop and this should be borne in mind in all contacts with the media. Where practicable, ward councillors should be informed on matters affecting their wards in particular, prior to release.

15.3 Any official publicity must conform to the requirements of the Code of Recommended Practice on Local Authority Publicity issued by the Secretary of State under the Local Government Act 1986.

15.4 There is of course nothing to prevent any councillors from communicating with the media or on individual basis, but councillors should bear in mind that they

are not doing so on behalf of the Council and they should not use Council facilities for this purpose.

15.5 In making public statements on their own account, councillors should seek to ensure that, as far reasonably possible, they have verified the information and that such statements are justified and proportionate and do not adversely affect the interests of the Council and its residents.

16 Correspondence

16.1 Except in very exceptional circumstances, all letters on official Council business should be sent out over the name of the appropriate officer. (An exception might be, for example, the Leader of the Council raising an issue on behalf of the Council with a Government Minister).

16.2 This does not, of course, prevent a councillor responding in his/her own name to a letter addressed to him/her in his/her official capacity (e.g. Cabinet member, chair of a decision-making body) or as a ward councillor, such as a letter of complaint. In these situations, councillors are free to seek advice from appropriate officers and would often be well advised to do so, for example if approached about a planning application.

16.3 Letters that create obligations or give instructions on behalf of the Council should never be sent out over the name of a councillor.

17 Use of the Council's Resources

17.1 It is an established principle that a modern council will rely on the ability of all of its members, whether in the executive or backbench role, to adapt to different ways of working. All councils should give those serving as councillors or as co-opted members the officer support, facilities and training necessary for them to fulfil their role, be it executive or otherwise, as effectively as possible.

17.2 The Council endorses these principles and accordingly seeks to provide councillors with a range of support services, including:

(i) stationery, typing and photocopying
(ii) The use of certain employees, such as the Councillors' Secretary and support staff in the Cabinet Office
(iii) An increasingly wide range of ICT services, including some services that can be used by councillors in their own homes, such as iPads, internet access and printers.

It is important that all these support services are used properly, to support the work that councillors carry out as councillors. They should not be used in accordance with policies in force, such as the Acceptable Use Policy and Councillors' ICT Security Policy.

17.3 In using the Council's ICT resources, councillors must comply with the councillors' ICT Security Policy. Failure to comply could have serious consequences for the Council, for example in exposing it to legal liability.

17.4 Councillors should take care not to put members of staff - particularly those who provide support to them - under pressure to carry out tasks that they are not authorised to do.

17.5 The Code of Conduct requires councillors, when using the Council's resources or authorising their use by others, to act in accordance with the Council's reasonable requirements.

18 If things go wrong

18.1 **Procedure for officers**
From time to time, the relationship between councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally through resolution involving senior management or councillors, it is open to officers to make a formal complaint under the members' Code of Conduct.

18.2 **Procedure for councillors**
In the event that a councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Strategic Director. Where the employee is the Chief Executive the matter should be raised with the Monitoring Officer. Attempts will be made to resolve the matter informally but if this is ineffective it may be necessary to invoke the Council's disciplinary procedures.

ANNEX 3A

Protocol – Officer Attendance at Political Group Meetings and Other Political Meetings

1. Introduction

1.1 This protocol gives guidance on responding to requests to attend political group and other political meetings, and on how officers should conduct themselves at such meetings.

2. Political Group Meetings

2.1 This part of the Protocol refers to meetings of any of the political groups represented on the Council.

2.2 The attendance of officers at political group meetings must be handled properly. Officers are, of course, politically neutral and must be seen to be so. They serve the whole Council and not a political group.

2.3 From time to time there will be occasions, particularly on major policy matters, when it is in both the Council's and the group's interest that a political group should receive the professional advice of officers on a specific matter.

2.4 When these situations arise, it is essential to have mechanisms in place to avoid any possible conflict of interest or misunderstanding. The following Rules will therefore apply:

(i) officer attendance at political group meetings must be agreed with the Chief Executive, who will decide who should attend and the subject matter of the item; and
(ii) an officer who attends a political group meeting must be accompanied by another officer.

2.5 At the meeting, officers should confine themselves to questions of fact and explanation relating to policies and recommendations.

2.6 Officers must maintain the confidentiality of proceedings of political groups. However, it is proper for an officer to debrief his/her senior officer on matters which they need to know (for example a Service Director may debrief his/her Strategic Director). It is also proper for an officer to debrief:
(i) the Chief Executive
(ii) the monitoring officer and/or the section 151 officer in relation to matters of that they need to be aware in order to carry out their statutory roles.

2.7 In this, as in other situations, councillors and officers will treat each other with courtesy and respect.

3. Other Political Meetings

3.1 Requests are also sometimes received for officers to attend other meetings of a political nature, for example a branch meeting of a political party.

3.2 All such requests must be referred to the Chief Executive, who will decide whether or not it should be accepted. In considering whether to accept a request, the prime consideration will be whether it is in the Council's interests, in terms of imparting information and explaining the Council's position on significant policy issues that officers should attend. There is no obligation to accept any request.

3.3 Where it is agreed to accept a request, the meeting must always be attended by two officers.

3.4 When attending political meetings:

(i) officers should confine themselves to questions of fact and explanation relating to policies and recommendations (paragraph 6 applies)
(ii) officers should maintain confidentiality, but may brief more senior officers on matters that they need to know (paragraph 7 applies).

4. Ward Surgeries

4.1 Officers will not normally attend ward surgeries. However, all officers will be expected to deal promptly and efficiently with any queries, service requests or other issues that may be referred to them by councillors arising from their ward surgeries.

ANNEX 3B

Protocol – Public Meetings

1. Public meetings are a valuable means of consulting on issues of local concern. They provide the Council with a means of explaining its position and allowing local people to understand the issues involved.

2. The Council arranges many public meetings on its own initiative. In addition, requests for such meetings may also come from councillors and occasionally from other individuals and interested groups. Normally these requests do not cause a difficulty but occasionally the issues involved can raise local sensitivities particularly in wards where there is mixed political representation. At times, adverse comments have been made about the Council's role in providing facilities and officers to attend at such meetings.

3. To ensure a consistent approach and avoid any possibility of misunderstanding the role of officers in such situations, the following administrative arrangements will apply:

   (i) Requests for public meetings should be directed to the appropriate officer who will;

   - consider the request in consultation with the relevant portfolio holder alongside the Council's current policy on the matter
   - ensure that there is no conflict of interest with Council policy
   - ensure all Ward councillors are invited to attend the meeting.

   (ii) Subject to the request being made by a councillor and the above conditions having been met, the appropriate officer will be responsible for booking and paying for the accommodation and for arrangements for the attendance of the relevant officers.

   No meetings should be held between publication of the Notice of Election and Election Day.

4. If an individual councillor wishes to arrange a public meeting on his/her initiative and outside these arrangements, there is nothing to stop him/her doing so, but in that case, the Council will not pay for the accommodation and officers will normally attend only if the other Ward councillors have been invited also.

ANNEX 3C

Protocol – Candidates at Local Elections

1. This note gives advice to officers on dealing with requests for advice or assistance from people who are standing as candidates at local elections, whether by-elections or the annual municipal elections.

2. If a candidate asks for advice or assistance on a matter relating to a constituent or affecting the area of the ward, the request should be treated as if it was coming from an individual on behalf of a constituent. It should be dealt with like any other such request; that is with courtesy and an attempt to help.

3. Where the candidate says that the matter has been raised by a constituent or constituents, he/she should be informed that officers will look into the matter and if he/she will provide the name of the constituent(s) who have raised it, officers will write to them directly. If the issue is one of more than individual concern, such as a complaint about the tidiness of an area, the response should also say that officers will inform the ward councillors and discuss it with them. But this is not required where the issue relates to one individual or household, for example a repair request or an inquiry about re-housing.

4. Sometimes a candidate may raise a matter apparently on his/her own initiative and without making any reference to it having been raised by constituents. In this case, officers should deal with it in the normal way and respond to the candidate as to anyone else who has requested assistance or information. It will not be necessary to inform the ward councillors unless the matter is judged to be particularly significant.

5. No preference should be given to any one candidate's request and no personal or confidential information should be given to candidates.

6. The situation is somewhat different when one of the ward councillors is himself/herself a candidate at the election. In this case, he/she remains the ward councillor right up until the day of retirement (the fourth day after the election) and should continue to be treated as such. This means, in particular, that if the ward councillor raises an issue on behalf of constituents, officers will correspond with him/her directly and without involving other ward councillors.

    a. Note: a separate protocol applies in relation to candidates at parliamentary elections.

    b. There are sometimes circumstances where no election has yet been called but individuals hold themselves out as being candidates. In this situation, the same Rules apply.

ANNEX 3D

Protocol – Parliamentary Candidates

1. The first thing to note is that, once Parliament has been dissolved, there are no longer any Members of Parliament, only parliamentary candidates.

2. All parliamentary candidates should be treated the same and given the same facilities and opportunities. No preference should be given to any particular candidate. If a candidate asks to visit a particular facility, officers should take account of the views of residents and users in deciding whether a visit can be allowed. It is quite reasonable for conditions – such as no photographs – to be attached to visits where appropriate. The key principle is that all candidates are treated equally; whatever is allowed to one candidate must be allowed to others, with the same conditions applying.

3. All candidates or their agents may hire or book rooms for the purposes of holding meetings and so on. Again, no preference should be given to any one candidate.

4. There will be no MPs surgeries during the election campaign.

5. Requests from parliamentary candidates for advice or assistance for a constituent should be processed in the normal way. Again, no preference should be given to any one candidate's request, and no personal or confidential information should be given to candidates. It is no longer a matter of dealing with MPs and therefore the request should be treated as if it were coming from an individual on behalf of a constituent. It should be dealt with as the Council would deal with any such request, that is with courtesy and an attempt to help. Officers should indicate that they are going to look into the matter and if the candidate will provide the name of the constituent(s) who have raised it, officers will write to them directly. Where the matter has been raised by the candidate apparently on his/her own initiative without reference to constituents, officers should respond directly to the candidate.

6. The situation is somewhat different when a serving councillor for the Borough stands as a parliamentary candidate for a constituency that covers his/her ward. In that case, the councillor should continue to be treated as the ward councillor in relation to any matter relating to his/her ward; if he/she raises an issue on behalf of constituents in the ward, officers will correspond with him/her directly. However, if the issue does not relate to the councillor's ward, it should be treated as if it had been raised by any other candidate and dealt with as set out in paragraph 5.

7. The statutory Rules apply in relation to party political publicity. This means that election posters clearly seeking support for a political party are not permitted on Council property. In cases of doubt please contact the Strategic Director, Corporate Services and Governance.

8. Enquiries about matters relating to the election should be directed to the Service Director, Litigation, Elections and Registrars or the Election Office. The Election Office will supply a list of candidates and election agents as soon as it is available.

Note: a separate protocol applies in relation to candidates at local elections.

Gateshead Council
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PROTOCOL FOR COUNCILLOR LEARNING AND DEVELOPMENT

Gateshead Council is committed to the learning, training and development of all its councillors.

1. Roles and Responsibilities

Political group leaders have pledged their commitment to learning and development for councillors. A cross-party Councillor Support and Development Group was established in 2008, to monitor and advise on the Council's current and future arrangements for councillor development. This group is responsible for:

- Helping their peers to identify and find opportunities to meet their learning and development needs, usually via the Personal Development Plan (PDP) process.
- Creating an environment that encourages self-development and continuous learning and the sharing of knowledge and skills amongst the councillors in the political groups.
- Encouraging councillors to attend seminars and other appropriate training and development events on a regular basis
- Encouraging councillors to complete a Personal Development Plan and take part in their own political group appraisal schemes
- Assessing value for money in learning and development and ensuring adherence to equal opportunities principles
- Monitoring the application of this policy by evaluating the outcomes of what the councillors have achieved via their PDPs, as well as reviewing the framework established to support them in their development.

All councillors have individual responsibility to:

- identify their own learning and development needs by completing a Personal Development Plan
- seek opportunities to improve their effectiveness and increase their potential
- undertake to attend once during each term of office, those training courses that are essential including:
    - Ethics, probity and Code of Conduct
    - Training relating to committee membership, and
    - Equalities
    - Children and Adults Safeguarding
- share their knowledge and skills with their peers.
- review and evaluate learning and development activities so as to apply increased knowledge, skills and personal qualities developed through the activities.

2. Resources

The Council provides a budget for councillor development. This budget will cover priority needs linked to corporate, constitutional and individual learning and development requirements as identified in Personal Development Plans. The full cost

of all learning and development will be identified and monitored by the Councillor Support and Development Group through regular reviews.

Councillors' entitlements to travel and subsistence and dependent carers allowance for attendance at learning and development events, is stated in the Councillors' Scheme of Allowances.

3. Accessing Learning and Development Opportunities

The methods to be considered will be both internal and external and will cater for the variety of roles councillors are expected to undertake and will take into account the Council's priorities as well as the Councillors' Personal Development Plans.

Every effort will be made to ensure that internal resources or resources from partner groups are considered initially. They will include:

- Internal: induction, access to Intranet, Internet (per Internet Policy) and e-learning, seminars, training courses, workshops, mentoring, briefings (including repeat sessions for councillors unable to attend initial session).
- External: induction, peer support/councillor mentoring, focused visits, workshops, regional and national training courses, seminars and conferences.

4. Evaluation

So that the return on investment in learning and development is secured, it is the responsibility of the Councillor Support and Development Group, with support from officers, to ensure that evaluation takes place at the following levels:

- Immediate review (eg. that the learning and development activity was satisfactory and gave value for money) via feedback questionnaires.
- Acquisition of skill, knowledge and personal qualities (eg that the required levels of knowledge, skill or personal qualities have been acquired) via PDP reviews.
- Performance improvement (eg. knowledge, skill, new behaviours or personal qualities are being applied in practice and improvements have resulted).
- High level review (eg that increases in skills, knowledge or personal qualities acquired through learning and development have been relevant and made direct contributions to the achievement of Council objectives).

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Protocol for Councillors' Attendance at Meetings

1. A proper programme of training and development will ensure councillors are able to undertake their full range of functions and, in particular, to attend and participate effectively in all meetings of Council bodies of which they are designated members.

2. Councillors should aim to attend 100% of meetings of Council bodies, unless there is a reasonable excuse for not doing so.

3. If councillors are unable to attend a meeting, they should inform the relevant Democratic Services Officer as soon as they are able.

4. A persistent failure to attend meetings, without reasonable excuse, could be viewed as bringing the office of councillor into disrepute and a potential breach of the Councillors' Code of Conduct.

5. Councillors are reminded of the provisions of Section 85 of the Local Government Act 1972, which provides that if a councillor fails to attend a formal meeting of the Authority for six consecutive months, then they cease to be a member of the Authority, unless full Council agrees the reason for the non-attendance, prior to the end of the six month period.

Role Description: Member of an Outside Body

Role	Actions	Skills/Behaviour
1. To participate in the activities of an outside body to which the councillor is appointed.	By: • developing and maintaining a working knowledge of the policies and practices in relation to that body • showing a willingness to learn from the experience and advice of others and to apply this learning to become more effective • exercising your right to speak and vote if eligible to do so	These include: • assertiveness/assurance • listening • understanding legal basis • probity • objectivity • mediation • networking
2. To provide two way communication between the Council and the outside body	By: • keeping the Council informed of the proceedings of that outside body, subject to any issues of confidentiality	These include: • listening • probity • understanding legal basis
3. Acting in the best interest of the body to which the councillor is appointed.	By: • attending board/management committee meetings and following rules on declaration of interests • demonstrating integrity and impartiality in decision making • recognising and understanding where conflicts of interests occur and seeking advice on how to handle them • taking responsibility for all main decisions in relation to the operation of the body to which you are appointed	These include: • working constructively to achieve realistic solutions • ability to question and challenge. • probity
4. To comply with the Code of Conduct, unless that body is another relevant authority which has its own Code, or	By: • promoting and maintaining high standards of conduct for councillors	These include: • awareness of the Code of Conduct • awareness of current guidance

Role	Actions	Skills/Behaviour
unless observance of the Code would conflict with any other obligations (ie the duty to act in the best interests of the outside body).	• undertaking a duty of confidentiality – to both the Council and outside body. Not to take advantage of receiving confidential information or deliberately leaking information	
5. To be aware of the level of cover of any insurance or indemnity provided to members appointed to the body.	By: • seeking advice and support from the Council's Strategic Director of Legal and Corporate Services, regarding whether appropriate insurance cover is in place	These include: • awareness of current guidance

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Protocol on Appointments to Outside Bodies
The Councillors' Roles – General Guidance and Potential Pitfalls

1. Introduction

Alongside their involvement in the Council itself, it is usual for councillors to be involved in a wide range of outside bodies, including community organisations, sports and recreation clubs, housing associations and companies.

Sometimes members will be appointed to sit on these organisations by the Council itself, for example to discharge Council duties through formal partnerships, or as formal appointments to national or regional 'representative' roles, such as on the LGA, ANEC or the Combined Authority. In other cases, the member may be appointed independently of any Council involvement. This guidance deals predominantly with those instances in which the Councillor has been nominated or appointed onto the outside body by the Council.

Councils and the outside bodies themselves can gain a number of benefits from councillors being involved in their leadership and governance:

- To provide knowledge, skills and expertise which may not otherwise be available
- To provide local accountability or democratic legitimacy through the appointment of an elected representative
- To ensure that good relationships can be maintained with the body
- To deliver a partnership project that requires the input of other organisations or community groups
- To protect the Council's investment or assets: e.g. if the Council has provided grant funding or provides funding for service delivery
- To lever in external funding which would be not be available to the Council on its own

There are a number of types of outside bodies in which members may become involved as a representative appointed by the Council. Some common examples are:

- National or regional body
- Charitable Trust
- School and Academies Boards of Governors
- Company limited by shares
- Company limited by guarantee
- Unincorporated association
- Industrial and provident society (mainly housing associations)

The structure of each type of organisation, the management, and the rules which govern the organisation, vary. The following table shows how each type is set up and managed:

Legal Status of the organisation	Governing Document	Management	Possible councillor involvement	Common types of organisation
A public authority	Constitution usually based on legislation	Authority	Member	Combined Authority Fire & Rescue Authority
Charitable Trust	Trust Deed	Trustee meetings	Trustee	Playing field trusts
Company limited by guarantee	Memorandum and Articles	a) Board of Directors b) Meetings of members	Director (may also be known as a trustee, governor or Board member)	Charitable organisations, housing companies, community associations, academy trusts
Company limited by shares	Memorandum and Articles	a) Board of Directors b) Meetings of shareholders	Director	Commercial organisations (e.g. joint ventures or companies providing contractual services; trading subsidiaries)
Unincorporated association	Constitution	Management Committee Members meeting	Management Committee member	Community associations

Regardless of how the appointment is made, the law lays down many requirements with which councilors must comply. These may include duties to the Council, as well as duties to the outside body and its members.

An appointment to an outside body does not, therefore, necessarily mean that you will be representing the Council's interests on that outside body. Indeed there are a number of cases, for example if you are a trustee or a company director, where you must always act in the interests of the outside body and not necessarily in the Council's interests.

This can lead to conflicts of interests between your role as a Councillor and your representative role on the outside body.

You will only be considered a representative of your Council on an outside body if you have been formally appointed or nominated by the Council to this role. You should not purport to act as Council representative on an outside body unless a formal appointment has been made.

Set out below are a number of matters that you should take into account if you act on one or more outside body.

2. Appointment and reporting back

Your appointment should be within any policy your Council has adopted for involvement in partnerships and outside bodies (for example the protocol on local authority school governors). This policy may explain some of the reasons why the Council may wish to appoint a representative e.g. in order to provide skills or democratic legitimacy, or to protect the Council's assets, or for other reasons.

You must ensure that your appointment has been made in accordance with the Council's Constitution. This is usually done either by resolution of Council or Cabinet.

It is important that anyone who is appointed to an outside body provides information and reports periodically to the Council on what the organisation is doing. The Council may have adopted an approach on how and when such reports are to be presented. You should ensure that the outside body provides you with sufficient information to enable you to make this report back. BUT - you are not required to disclose anything which is commercially confidential as this may be in breach of:

- the Members' Code of Conduct;
- your duties of confidentiality to the outside body (whether as director, trustee or more generally); or
- may be a breach of confidence in the general sense, such as releasing information covered by data protection legislation.

3. General Advice and Guidance to Councillors Appointed to Outside Bodies

As a minimum you should:

- Ensure that you know the legal status of the organisation – refer to the table above and read the governing document to understand your responsibilities; if still unclear, seek advice from the Strategic Director, Corporate Services & Governance;

- Ensure that if you are appointed a director of a Company the relevant form (form 288)is filed at Companies' House upon your appointment and resignation;

- Make any general declarations of interest at the first meeting (see section 7 below);

- Ask if there is any personal liability insurance or indemnity in place – sometimes referred to as directors' liability insurance (see section 8 below);

- Clarify whether the organisation will pay allowances or expenses (see section 8 below);

- Ensure the board or management committee has regular financial and other reports which detail the current financial situation of the organisation and any liabilities - take an interest in the business plan;

- Discuss with relevant officers any new activities that the outside body undertakes (you may need to provide them with copy papers) and ensure that risks are properly identified in reports (consistent with local authority decision making - ensure that all relevant information is presented);

- Observe duties of confidentiality (in both directions) (see section 7 below);

- Carefully consider any conflicts of interest, declare interests, and if appropriate, leave the room for consideration of the business (see section 6 below);

- Take advice from the Monitoring Officer, the Chief Finance Officer and your lead officer contact within the Council as appropriate - not just if the organisation is likely to become insolvent, but generally. Occasionally, that advice may be to seek external advice on your position, especially if there is a conflict between the organisation and the Council;

- Manage conflict - usually issues can be balanced, but ensure that when in meetings of the body you act in the body's best interests which may not necessarily be those of the Council - if all else fails, resign. Do not just remain a director and fail to attend meetings or you may find that you are in breach of your duty to act in the best interests of that organisation (see section 6 below); and

- Finally, question the need for future Council involvement! Has the organisation come of age, or has it changed direction from when the Council first became involved - what useful purpose would ongoing representation serve?

4. Particular Duties and Responsibilities of Directors and Trustees

If you are appointed a director of a company then you must act in the best interests of the company. The main duties of a director are:

- to act honestly and in good faith and in the best interests of the company as a whole;
- a duty not to make a personal profit and to take proper care of the company's assets;
- to attend board meetings and follow the rules on the declaration of interests;
- to exercise reasonable skill and care (this is a subjective test based upon the individual's own knowledge and experience and involves due diligence in the performance of his/her duties as a director); and
- to comply with statutory obligations imposed by the Companies Acts, other legislation and any procedural rules set out in the governing document.

If you are appointed as a trustee of a charity then the duties of trustees are generally the same as for a director but in addition you must make sure the trust acts in accordance with the aims and objectives of the trust and you should make sure that you have a clear understanding of what these are (there is normally a trust deed which sets these out).

If you are appointed as a School Governor to an Academy School, you are likely to be both a company director and a charity trustee in which case the above advice will be relevant (see also para 1.6 and generally *The Department for Education's Governors' Handbook for Governors in Maintained Schools, Academies & Free Schools (January 2014)* for further details on your responsibilities).

It should be noted that there is no *requirement* for academies to have local authority appointed trustees (formerly governors). All trustees will be covered by an indemnity provided for by the academy's Articles of Association.

5. General Duties of a Representative on an Outside Body

In carrying out your duties as a trustee or director of an outside body you must take decisions without being influenced by the fact that you are a councillor. Your primary duty in making management decisions for the outside body is to make these decisions in the interests of the organisation. Councillors should always ensure that their fellow directors/trustees are aware of the fact that they are councillors.

In these cases, you must act in the interests of that body and exercise independent judgement in making decisions, in accordance with your duty of care to the body. You are not there just to vote in accordance with the Council's wishes. You may have regard to the interests of the Council, but this should not be the overriding consideration. In some cases voting in the Council's interests could be a breach of your director's duty to the company.

In other cases the Council may have expressed a view or formulated a policy and would expect you to convey that view or policy to the outside body. It is acceptable for you to do this as your Council's representative provided that it does not conflict with your particular duties as director or trustee or where it is clearly not contrary to the interests of the organisation.

The overriding responsibility is to seek to avoid a situation where duty and interest conflict and therefore if you are unsure about declaring an interest, it would be wise to declare and leave the meeting during consideration of the business (or whatever is required under the outside body's own code of conduct, if it has one – see section 7, below).

6. Managing Conflicts of Interest

In general terms the purposes of the outside body and what it wants to do often coincide with the Council's interest and so conflicts may be rare. However, there may be difficulty in some circumstances: for example, if the body is not complying with the terms and conditions of a funding agreement with the Council; or the organisation wishes to appeal against a planning decision made by the Council; or where the organisation has wider objects than
the reason behind the Council's appointment and wishes to pursue activities which would conflict with Council policy.

You will need to manage the conflicts that will arise appropriately and in certain circumstances may feel that your only option is to resign from the company or body. Similarly, if the Council does not feel that a representative on an outside body is properly fulfilling their role and responsibilities (e.g. the person is not attending meetings or is votingin ways which may be inappropriate) then the Council could choose to change its representation on the outside body. Clearly there is a greater scope for conflicts to arise where you hold an office in the outside body: e.g. Chair, Vice-Chair, Secretary or Treasurer, than if you are a general member.

7. Declarations of Interest and Duties of Confidentiality - the Members' Code of Conduct

When outside bodies consider issues related to the Council or where you may have a personal interest in relation to the body's activities, these need to be declared in line with the rules of the outside body and the Members Code of Conduct : see *Gateshead Council's Constitution; Part 5;Councillors' Code of Conduct ('the Code').* The specific rules adopted by each body will vary and therefore you should ask for advice and guidance from the secretary of the organisation and/or the Monitoring Officer, as appropriate.

When the Council considers issues relating to or affecting the outside body to which you have been appointed as Council representative you must declare your personal interest in the matter in accordance with the Members' Code of Conduct : see esp. paras 16/17 Part 4 of the Code :'Non-Participation in Council Business'.

These provisions do not apply if you hold a relevant dispensation or the matter relates to the discharge of certain Council functions: see para 19 of the Code.

You will also need to ensure details of your appointment are included on the Register of Interests kept by the Monitoring Officer: see paras 11/12; Part 2 of the Code: 'Registration of Interests'.

Confidential information must be treated with care and if you have any doubt over the status of any information then you should keep that confidential and check with the relevant officer, whether or not it is something which is already in the public domain or which may be disclosed.

The legal position is that someone who has received information in confidence is not allowed to take improper advantage of it. Deliberate leaking of confidential information will also be a breach of the Members Code of Conduct.

Where you act as a representative of the Council on an outside body, you must comply with the code of conduct of that body, if it has one. If it does not, you must comply with the Members' Code of Conduct unless observance of the Code would conflict with any other obligations (i.e. the duty to act in the best interests of a company).

Under the Code, you must not:

- disclose information given to you in confidence by anyone, or information acquired which you believe is of a confidential nature, without the consent of a person authorised to give it, or unless you are required by law to do so (para9);
- prevent another person from gaining access to information to which that person is entitled by law (para 8).

Disclosing confidential information may also contravene other parts of the Code: e.g. it may be regarded as bringing the office of councillor or the Council into disrepute; may compromise the impartiality of people who work for the Council; may improperly confer or secure an advantage or disadvantage for you or any other person (see generally paras. 1- 10, Part 1: 'General Conduct').

8. Allowances, insurances and indemnities

The Council may have authorised attendance at meetings of certain outside bodies as an approved duty for councillors, allowing travelling and/or subsistence allowances in connection with meetings of the body. Alternatively, any expenses may be defrayed by the body itself, in accordance with its own rules. If the body does pay expenses, you may not claim from the Council. For further information on allowances contact the relevant officer in the Council.

In some instances councillors who represent the Council on outside bodies may carry personal liability for decisions they make and actions which they take in their representative capacity. This is most likely to arise if you have been appointed as director of a company, or a trustee of a charity or onto the management board of an organisation. The outside body may have insurance to cover your liability in these cases and you should check with the organisation.

The Local Government Act 2000 allows the Secretary of State to make regulations giving local authorities powers to provide some protection for a Councillor or officer acting as the Council's nominated director where a claim is brought against them because of some negligent act, or failure to act, in the course of carrying out their duties as directors. These regulations are set out in the 2004 Indemnities Order which came into effect in November
2004.

Cabinet granted an indemnity under these arrangements on 18 October 2005 and reference should be made to the terms set out in that report.

However, cover can only be provided by the authority where the officer or Councillor has been specifically appointed by the authority to act as the Council's nominated director; nor can it extend to acts by the councillor or officer regarded as criminal: e.g. wrongful or fraudulent trading. It can be used to meet the costs of defending any criminal proceedings but if convicted; the costs of the defence must be reimbursed to the Council or Insurance Company.

Cover cannot be provided where there is intentional wrongdoing, fraud or recklessness.Nor can it be provided to fund an action for defamation brought by a councillor or officer against a third party (although it can extend to defending an action for defamation brought *against* a councillor or officer by a third party). The cover also extends to councillors or officers doing acts which are outside the powers of the authority (i.e. *ultra vires*) so long as they reasonably believed what they were doing at the time was within the powers of the authority.

If a Councillor is a member of a body in their personal capacity they should be alert to the potential for personal liability and seek assurances regarding the indemnity and insurance position of the body concerned.

Contact Information:

Mike Barker, Monitoring Officer:

Martin Harrison, Deputy Monitoring Officer:

Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Change Programme – Progress Report First Quarter**

REPORT OF: **Jane Robinson, Chief Executive**

Purpose of the Report

1. To update members on the progress being made in respect of the Change Programme, that was agreed by Cabinet in February 2016.

Background

2. Cabinet agreed to a major programme of Change at the meeting on 9t February 2016, to help the Authority ensure it continues to secure a balanced budget in the period up to 2021 whilst securing the right range of activities that residents need (See Appendix 1*).* Given the unprecedented scale and pace of change required, a co-ordinated programme was determined to provide the best opportunity to review the right things at the right time and to minimise the effect on what residents need and expect as well as employment.

3. It was acknowledged that the scale and breadth of the programme requires significant commitment from across the Council to understand the relationships and interdependencies between projects. This disciplined approach is intended to ensure we are exploiting opportunities to increase income rather than close or reduce provision where needed. The scale of the challenge requires a significant investment of time from all senior staff to deliver a major programme of change that will reach every aspect of the Council's business and every effort will be made to enhance the skills of the workforce through involvement in the various projects.

4. The sequencing and packaging of activities within the programme is also important as there will be some activities that are more complex and need a longer timeframe to explore the opportunities and find the right solutions (e.g. some changes relating to social care and the environment are likely to take a number of years to implement, especially where we need to ensure the community is able to share responsibility, whereas some projects, especially in regard to expanding traded services, could be completed within a year in order to create benefits). This comprehensive whole organisation approach will provide transparent and robust performance management so that decisions can be made about competing pressures within the resource constraints. It will also become clear, early on, what sort of issues and decisions might need to be considered.

Update

5. This paper outlines the progress being made across the four workstreams since the programme's inception. Progress is described at both workstream and individual project level in order to provide a comprehensive overview.

Proposal

6 It is proposed that Cabinet consider and comment on the progress that has been made across the Change Programme and within each of the four workstreams, particularly around the pace of change within the context of the challenges facing the Council and our ambitions

Recommendations

7 It is recommended that Cabinet:

(i) Notes the progress being made in devising the Change Programme; and
(ii) Offers any comments which will help ensure that progress is made at pace on the right issues.

For the following reason:

To ensure Cabinet is able to monitor progress of the Change Programme and give direction in a timely manner.

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APPENDIX 1

Policy Context

1. The delivery of an effective change programme is an essential mechanism to enable delivery of Vision 2030 and the Council Plan. Set in the financial context of the Medium Term Financial Strategy the objectives of the change programme are to accelerate analysis and decision making on a Council wide basis through the best use of resources to deliver Council priorities. Underpinning this is the need to secure longer term financial sustainability. Each of the four worsktreams is clearly focused on delivering the shared outcomes in the Council Plan.

Background and Progress

People Workstream

2. The Vision for the People workstream is aligned to the Council Plan, By 2020 the Workstream will have developed and implemented innovative approaches to:
   - ***Maximising Growth –*** Identifying and considering areas that can grow and trade in a commercial environment. Opportunities that are being considered include a social care trust. We are also considering opportunities to integrate effort with partners, in particular the CCG and NHS Provider Trusts
   - ***Reducing Costs –*** Services are being redesigned in order to reduce spend in high cost areas and focus on early intervention and prevention.
   - ***Increasing Collective Responsibility -*** Through service redesign and the Achieving More Together project we are facilitating and supporting community resilience. We are encouraging, empowering and enabling local people and partner organisations to share responsibility for the outcomes of Gateshead.

3. ***Adult Social Care***
   The current mobilisation period will see the new model for Adult Social Care implemented by 1 June 2016. There are milestones up to March 2018 for Adult provider services and All age commissioning in order to realise £14m savings over 2 years. The model is being progressed but there are a number of factors and dependencies that could affect future progress such as the strength and development of the independent sector, increasing demand and the agenda being driven by central government. The future model beyond 2018 will be incorporated into Care Wellbeing and Learning redesign and also the health and social care integration project. The model will need to continue to develop in order to be efficient and deal with changing demands. The Benefits we aim to achieve through this are as follows:

   - 80% of customer queries resolved at point of contact.
   - 60% of customers going through enablement will not require a service for 2 years.
   - Increase in customers who are enabled and living independently with a better quality of life.
   - A strong market that offers a good range of choice for the customers.

4. ***Health and Social Care Integration***

High level strategic discussions are ongoing with health partners to understand and identify opportunities for integration, with proposals to be identified by September 2016. Priorities identified for Gateshead are out of hospital care, children's services and mental health. Complementary workstream activities particularly around strategic assets and commercialisation will be employed to add both resource and expertise to effect solutions to health and social care challenges in creative and cost efficient ways. We will explore the potential through these initiatives to attract additional funding and academic support to assist with establishment and development costs, where possible, to fund innovation and delivery. The vision and aspiration is to have a fully integrated model by 2020; work is to be undertaken to model both the savings and improved outcomes.

5. The work aims to achieve the following benefits:

- Integrated and co-located teams that are co-ordinated around the needs of the customer.
- Better data sharing for a holistic whole system approach.
- Improved quality of services and safety for customers.
- Reduced cost across health & social care
- Employing Council assets beyond Social Care to achieve health and social care outcomes to attract investment from our strategic partners

6. ***Care, Wellbeing and Learning Redesign***

We have looked at potential models for 2020 including a single point of access and an integrated early help and prevention function. Work is ongoing to understand the picture nationally and how services have been integrated successfully elsewhere whilst achieving good outcomes. The expected benefits are:

- Maximise opportunities to work with families
- Cost reduction and achievement of year on year savings.
- Focus on early intervention and reduce high cost care.
- Integration with partners, avoiding duplication & delivering better outcomes.

7. ***Achieving More Together***

The intended outcomes of this project will be determined once we are clear on the following:

- What is best done by the Council
- What is best done by communities
- What is best done together?

8. We will be more explicit about the outcomes, approach and role of the Council in progressing this project. In line with CWL redesign, a detailed business case will be developed by 31 May 2016. This will define what we want to achieve by 2020 and what we will do to get there. Benefits from this project are:

- Empowered communities to take responsibility for themselves and their environment.
- More joined up working and collaborating with residents and communities to identify the best long-term solutions.
- Resources of citizens and communities complement Council services, with a reduction in demand for services.

- Identify and make visible the health-enhancing assets in a community, in order to improve the health of residents and reduce health inequalities.

9. ***Integrated Commissioning***

The new model for Adult Social Care has already integrated Adults, Children's and Public Health Commissioning into one unit. The model for CWL redesign shows that by 2020 we will have integrated commissioning with the CCG. There may be an opportunity to integrate commissioning opportunities across our directorates focusing upon commercialisation, accommodation and leisure as well as with others outside the Council e.g. Newcastle Council and the CCG working across Newcastle Gateshead, and these options will be explored. In line with Health and Social Care integration, areas will be identified by September 2016 and this will be a key milestone for decisions. There will be a large dependency on Health and Social Care integration in order for this to progress.

10. The approach is aiming to achieve the following benefits:

- Greater control over the price and level of quality; improving services for customers.
- A whole systems asset based approach which identifies resource and efficiency opportunities both within and outside the Council
- Improved provider relationships to improve market development and build on community assets.
- Greater intelligence to inform strategic commissioning.
- Improved partnership working that can foster relationships in other areas of integration.
- A strong, sustainable, flexible independent sector
- Deliver the savings and ensure best value for money

11. ***Partnership Working***

This project is covered in other projects, namely, One Public Service, Achieving More Together, Health and Social Care integration and Integrated Commissioning. Therefore it has been removed as a specific project.

12. ***Transport***

This is a relatively new project. A core group will agree the scope of the project so the benefits realisation and delivery plan can be drafted and agreed. A plan will be developed by the end of May 2016. The scope is likely to include:

- Eligibility
- Policy changes
- Operating times
- Income
- Types of transport
- Transport sharing

13. In order to achieve objectives and address the budget gap, different models of delivery will be considered for implementation by 2020, which will require Council wide support and have a major impact on other services within the Council.

Place Workstream

14. The Strategy for delivering the Place workstream is also firmly aligned with Vision 2030 and the Council Plan by maximising growth, reducing costs and increasing collective responsibility. It also takes forward the policy directions for Increasing community, individual and Council resilience such as enabling communities to do more themselves by actively improving their local environment and promoting positive behaviours like recycling and tackling negative behaviours such as fly-tipping. It is likely to significantly change the current role of the Council. In recent weeks work has been undertaken to develop the outcomes to be achieved through identifying Gateshead's strategic assets and USP as well as the strategic interventions needed to enable the Council, working with partners, to realise Council Plan and Vision 2030 priorities for 2020.

15. The next steps across the Place workstream can be summarised as:
    - Complete workstream delivery planning and Benefits realisation
    - Mapping of interdependencies by July 2016
    - Understand resource requirements to deliver and detail about savings/ income that could be generated across the workstream.

16. ***Economic Growth***
    Work has been undertaken to model and track property tax income generated from a range of activities. The intention is to review the current approach in order to understand the how to get the best outcomes for the Council. This will include modelling different approaches, timescales and focusing on those areas that will make the biggest difference, taking account of Short, medium and long term ambition. The scope of the current approach will also be broadened to take a more strategic review of the way in which the Council uses all the levers it has available - its relationships and influence, policies, resources, statutory and non-statutory services as well as the interventions that would help to achieve real economic growth, based on evidence. The work will continue over the coming weeks and the workstream will make recommendations on the way forward by the summer.

17. Although the project will also be taking a longer term view, we are currently estimating the following benefits by 2020/21:

    - £3.2m new business rates
    - 34,000 sqm new office space
    - 7,500 sqm new retail space
    - 26,000 sqm industrial space
    - 2,000 sqm leisure space
    - While by 2030 8,000 new jobs will be created.

18. ***Maximisation of Assets***

This project is focusing on the Council's physical assets and how these can be maximised. It is closely linked to the Economic Growth and Housing Growth activity. Through this work the Council will secure capital receipts, reduce operational costs, increase revenue, new job opportunities both long and short term and new housing. Specific benefits are more efficient management of the Council's property portfolio including generating income from asset maximisation, rationalisation of the operational portfolio, and generating savings and receipts through sales of properties declared surplus. The total receipts over the period are expected to be around £20m.

19. The approach is being developed alongside opportunities to work with others. Benefits include:

- Reduced operational costs;
- Income generation through capital receipts; New Homes Bonus; Business Rates/Council Tax.
- Better use of assets as part of a strategic approach to Place and Economic Growth.

20. ***Housing Growth***

Housing Growth focuses on how the Council can enable homes to be delivered. It is focused on objectives around population growth to underpin sustainable economic growth as well as ensuring the Gateshead residential offer provides a choice of high quality accommodation to meet current and future needs. An analysis of interventions that could be adopted to achieve better outcomes or increase the pace is taking place and will be used to inform the approach. This is particularly relevant in the context of issues such as the use of Council owned land; changing definitions of affordable homes and wider changing context around housing.

21. The following benefits will be achieved through this project (All these figures are estimates):

- 2021 - £5.2m new Council Tax income
- 2021 - 4,025 new homes, bringing in over £400m of private sector investment, plus New Homes Bonus.
- 2030 – 11,000 additional new homes
- Local Employment, Apprenticeship and Training opportunities.

22. ***Housing Repairs and Maintenance***

This project is making good progress following the decision (19th January 2016) to develop a new delivery model with the Council working with a commercial partner to deliver housing repairs and maintenance. Key timescales around this are: 2016/17 – Mobilisation and Planning; 2017 2019 – Efficient Operation and 2019 2021- developing the service to market to others e.g. Housing Associations, landlords and domestic clients.

23. The project is aiming to achieve the following benefits:

- Delivering more and achieving better outcomes for customers within existing budget including integration of construction services and housing management (2016/17) and Increased use of digital technology to access services 24/7 (2017/18).
- Surplus returned to the Council (2018/19)
- The right people, skills and behaviours with a Workforce Assessment (2017/18) and development of modern and flexible ways of working (2018/20)
- Delivering high performing services with a track record including offering repairs and housing management services to the internal and external market on a competitive cost basis (2020/21)
- Employment and apprenticeship opportunities for local people.

24. ***Housing stock options / HRA Funding***

The sustainability of the Housing Revenue Account is linked to options for the future of the Council's housing stock and is a key priority. We have, so far, focused on identifying savings of £5.7m over the next two years. The next steps are around achieving the target as well as reviewing sheltered support services (17/18) and exploring further opportunities for investment. The project will develop a strategy to identify investment required to match housing need for tenants and future tenants for future shape of housing provision within the HRA (or as part of future delivery model). The Government is re-formulating the new stock transfer manual which is necessary to inform any options we might develop. Further work will also take place on alternate investment options.

25. Benefits to be achieved through this project are:

- Maintain HRA financial sustainability through a five year Business Plan that will ensure the continued appropriate investment in Gateshead homes.
- Reduction in costs through: more efficient supervision and management of housing stock including approach to repairs and maintenance
- Increased investment in Council Housing to improve housing and estates and implement the housing asset strategy.

26. ***Leisure and Culture***

The project is aiming to establish a sustainable self financing Culture and Leisure offer by 2020 that fulfils a range of Council priorities contributing to quality of life, high achievement as well as health and well-being. Stage two is nearing completion following the report from consultants on options for the service, which have been analysed and recommendations being formed for a Cabinet decision on the future delivery model. Stage three will consider an Integrated Culture and Leisure offer by June 2016 and will be followed by a review of role and structures etc. by April 2017 with a new delivery model in place by April 2018.

27. Benefits include:

- A customer focused Leisure & Culture Business offer
- A workforce which is fit for purpose
- Financially self-sufficient services.
- Improved leisure stock provision to increase income and competitiveness
- Increase number of residents accessing health & wellbeing opportunities

- Increase participation and access to sport & physical activity
  Establishment of a Council and community library network fit for the 21st century supporting children's love of reading; helps to develop digital inclusion opportunities; access to health information and that supports the development of resilient communities.

28. ***Clean, Safe, Attractive Environment***
The focus is to deliver Council responsibilities to meet aspirations. Work will involve reducing costs, engaging communities more to take more responsibility for their local area and finding new ways of delivering. Priority services relating to the environment will be identified by June, 2016. A new Behavioural Change Team is being deployed to help to educate and inform changes amongst communities using a targeted approach. . Other activities through this workstream include an educational programme for schools and link to visitor and education centre (Developing resilience and capacity with volunteers and communities; We will consider other delivery models for maintaining parks and new developments Implement an environmental management plan that will reduce regular maintenance, enhance wildlife, encourage community support and reduce revenue budgets and reduce costs through a more strategic approach to use of football pitches and bowling greens.

29. The benefits that this approach would achieve over a five year period are:
- Improve how local people feel and act in their area including that they are less likely to expect the Council to step in, with the area being cleaner, safer and attractive
- Enabling access to support local people to bring about change.
- More people volunteering and taking responsibility to maintain/ improve their local environment
- Reduced cost to the Council and local people for keeping the environment clean, safe and attractive
- Potential to make use of enforcement powers to reinforce principles of Clean, Safe Attractive Environment with any income generated used within the local area for improvements

Ways of Working Workstream

30. The ways of working workstream brings together a range of projects that underpin the way the Council operates or will need to operate in the next decade and as such are enabling projects or programmes of work.
- The development of the draft Digital Gateshead work programme has been informed by the Digital Gateshead Strategy 2015 – 2020, which is one of the supporting strategies for the Council Plan. Meetings have been held with all Strategic and Service Directors to learn about their priorities for digital transformation and an assessment prepared and reported back on the identified opportunities. The draft Digital Gateshead work programme is built around 8 *Shaping* workstreams, which the Digital Programme will lead, 9 *Following* workstreams, which will deliver digital solutions in response to

the work being led and progressed by the other Change Programme workstreams and 15 *Task and Finish* projects.

- A detailed Workforce Strategy and Plan have been developed and implemented that address the issues of skills and behaviours; recruitment and retention; pay, reward and recognition; wellbeing and engagement; and performance and change. The Workforce Strategy will continue to be reviewed in the light of the impact of other workstreams on our workforce.

- Working differently is a key set of policy directions within the Council Plan and this is a common theme across all of the projects. Ensuring a positive culture is reinforced within the Workforce Strategy and Plan.

- The Council's culture and behaviours are shaped by the values agreed within the Council Plan. The values are a set of deeply held principles which define how we work as a Council and help to inform important decisions and choices.

- Communication is used to promote engagement, change culture and behaviour and generate income. Our approach will ensure the whole organisation is effectively and efficiently engaging with councillors, residents, businesses, partners, employees and trade unions.

- Our approach to reinforce our performance management framework with partners will ensure that we target our resources where they are most needed. We will o be better equipped to tackle underperformance swiftly and proportionately; and continue to be a best value council with everyone taking personal responsibility and being held to account for effectiveness and efficiency.

- The review of our support services will enable us to plan for some potentially huge changes in the delivery of support services that may result from the implementation of the Change Programme as a whole.

31. ***NECA/Devolution***

On 22 March 2016 Cabinet resolved as follows:

"That Gateshead Council supports genuine devolution for the North East of England. Gateshead Council believes that the current offer to the North East Combined Authority (the "Proposed Agreement") does not represent genuine devolution, poses a threat to local democracy and proposes governance that lacks accountability. Gateshead Council does not consent to being part of a Mayoral Combined Authority. Gateshead Council will continue to work with neighbouring local authorities to our mutual benefit and seek to deliver the best possible public services to the people of Gateshead and the North East of England."

32. On 24 March 2016 the North East Combined Authority ("NECA") Board confirmed continued support in principle for the devolution proposals but identified a number of issues that require clarification and commitment by Government. A further NECA Board meeting will be held week commencing 9 May 2016 to consider next steps. Some authorities will also hold further Cabinet meetings to decide whether to finally commit to the devolution deal. If the proposals are progressed without Gateshead, Cabinet did resolve to continue to work with neighbouring authorities who places an increased onus and focus on finding innovative ways of working with those authorities and other potential partners, within the legal framework provided. Further detail will be known following 13 May 2016 which will inform the future of this project.

33. ***One Public Service***

This project was established to understand how, by working with other public sector partners, we could maximise the benefit of investment of public resources in the borough and talk to other organisations about what can be done in collaboration in order to deliver greater efficiencies and economies of scale. One key area where progress has been made is the development of the North of Tyne One Public Estate. This comprises a partnership of Newcastle Council, North Tyneside Council, Northumberland County Council, Gateshead Council and other public sector organisations who operate within the four local authority boundaries. Newcastle Council submitted a speculative bid to the One Public Estate Funding Round 3 (an initiative of the Cabinet office's Government Property Unit delivered by the LGA). The bid was successful as a result of which a sum of £130,000 has been secured, subject to meeting specific funding conditions. An element of this funding has been used to support the Partnership in meeting the funding requirements to include identifying future projects. A workshop took place on 24th March 2016 with representatives from across the Partnership to explore the issues, challenges and opportunities.

34. ***Digital***

The purpose of Digital Gateshead is defined from the point of view of the customer, namely: *"Make it easy to access, benefit from and deliver good services"*. The Digital Gateshead Strategy, agreed by Council in November 2015, has now been developed into a Digital Gateshead Programme. The aim is to start delivering this from May 2016. The programme will take four to five years to complete.

35. New capabilities and digital solutions will be implemented across the organisation for the full period of the Digital Gateshead strategy. Individual project and implementation plans will be developed for each workstream and task and finish activity and these will identify how and when the work will benefit particular teams and services. Measures will focus on service; cost; revenue; efficiency and morale. Benefits will be achieved within teams and services as digital solutions deliver efficiencies; improved flow; economies of scale and scope; shared responsibilities and improved engagement. A programme of action has been drafted during early 2016 by carrying out research and consultation. Once consultation has been completed and any changes made, the work can start on this ambitious digital transformation programme.

36. There are three proposed phases in the Digital Gateshead Programme:

Phase 1 – *Building Capacity* (from May 2016) – to continue to solve those problems that more obviously lend themselves to digital solutions (such as online booking, reporting and payment) whilst further developing the technology we need.
Phase 2 – *Increasing Corporate Capability* (from Sept 2016) – learning how to digitally solve more complex problems that require judgement rather than being solely transactional (such as getting a planning or benefits decision or engaging with social care)
Phase 3 – *Complex and Fundamental Change* (from April 2017) – totally rethinking how we operate and using technology to help do that well (such as consulting with people and partners, waste management and community development)

37. In all, 17 major strands of work have been identified that, if completed, will deliver the Digital Strategy. Eight of those will be led by the Digital Programme and will bring services and partners with them to make new things happen. These are called *Shaping Workstreams*. Examples include payments, consultation and portability/mobile working.

38. Additionally, there are nine further areas of work where digital could make a significant contribution across the change programme. How and when these areas of work are progressed will reflect decisions made in other parts of the overall Change Programme. Examples include using technology to better manage waste and sharing data to help redesign and integrate social care and health. Details of these 17 workstreams are available and will form the basis of specific consultation with members in the very near future. The efficacy of the Digital Programme will be monitored using measures to be reported upon regularly. Broadly, these will be look at changes in:
Demand – will fall with more things done right first time and with good automation
Cost – falling demand, better designs and cheaper transactions should see costs fall
Satisfaction – better design and more speed means fewer errors and complaints
Morale – fewer complaints and improved services plus better roles should result

39. ***Workforce Plan***
This project will ensure that the Council has the right people with the right skills in the right place at the right time. Skills and behaviours will be improved through a number of activities including:
- Providing coaching opportunities to support leadership development
- Targeted project work to develop skills
- Developing a talent management and succession planning framework
- Producing a learning and development framework to support the development of Management and other employees across the Council.

40. Having the right workforce will be dependent on providing the appropriate reward packages that recognise the difficult financial climate and ensure fairness across the workforce and work is ongoing to review our approach to pay, reward and recognition and to ensure that employees understand the totality of their employment package. Work has already been undertaken to incorporate a grading structure from 1 April 2016 that will implement the National Living Wage.

41. A review of the Council's terms and conditions is underway with the aim of ensuring that our terms and conditions are modern, fair and appropriate. The review will look at changes to pay protection, the working week and removal essential car user allowances by July 2016 and to remove or reduce all premium payments and other allowances by 1 April 2017. We are undertaking further work to expand the employee benefits available including the introduction of a new employee benefits scheme. A review of recruitment and retention policies and procedures will ensure the shape and size of the organisation is fit for purpose, sustainable and flexible.

42. A number of activities have been implemented or are planned to improve wellbeing and engagement with the workforce including:

- Rolling out a Corporate Health and Safety training programme annually
- Developing and implementing a Stress Toolkit and delivering stress training
- Continuing with the annual employee survey
- Developing a Council Wide Employee Forum
- Regular blog from the Chief Executive
- Online employee suggestion scheme

43. It is also important that our employees understand what is expected of them and also how they might be affected by the Change Programme, and how they can get involved. A revised achievement and development process which may include a performance rating element and stronger links to a revised Competency Framework is currently being consulted on The workforce plan will continue to be reviewed and aligned to the needs of the organisation taking into account the impacts of the overall Change Programme on the Council's workforce. We will continue to review all terms and conditions in order to identify savings which will minimise compulsory redundancies and reductions in service levels. In addition work will continue to expand the employee benefits that are available including the consideration of further salary sacrifice schemes and other non-financial rewards.

44. ***Culture and Behavioural Change***

This project supports the delivery of the whole of the Council Plan including the Workforce Strategy and Plan.. Following an initial project scoping session there was a consensus that in order to successfully deliver the Council Plan employees, councillors, residents and communities will need to work together towards a positive culture and an agreed set of behaviours.

45. The first stage of this project is about engaging those four groups and identifying the positive culture and behaviour that we need to keep in Gateshead and build on for the future, and also recognising the gaps that will need to be addressed. In order to do that a series of engagement activities are being delivered in stage one including the employee survey, team talk live events and online viewpoint panels for residents. Following the consultation and engagement period an agreed set of priorities will be agreed and activity undertaken accordingly.

46. ***Communication and Engagement***

This project supports the delivery of Council Plan and cuts across all work streams of Change Programme. The project will create more commitment to deliver change as people are more informed and aware of what is expected. This will improve motivation and morale across the whole organisation. The reputation of the Council will be enhanced and protected and resources will be allocated effectively and efficiently in order to improve services and outcomes.

47. Progress so far includes:
- Engagement with employees and research and analysis to help develop a single communications plan by June 2016. The plan will include milestones for the development and delivery of effective communications and engagement up to 2020.
- Work to scope a fundamental review of internal communications and engagement

48. ***Performance Management***

The aim of this project is to ensure the performance management framework turns theory into practice and delivers the improved outcomes. Following agreement of a new Council Plan 2015-2020, evaluation has taken place identifying the need to revisit and amend the corporate Performance Management Framework, to support decision making and ensure the Council continues to be effective, fit for purpose and sustainable.

49. To deliver this the Council must ensure that it:-
- targets resources where they are most needed;
- tackles underperformance swiftly and proportionately; and
- continues to be a best value council with everyone taking personal responsibility and being held to account for effectiveness and efficiency.

50. Engagement around performance is essential in driving forward a revised Performance Management Framework with a range of activities already taken place including: several workshops with employees around performance and business planning;
- benchmarking best practice;
- assessment of IT;
- Individual discussions relating to draft strategic indicators with service managers and chairs of overview and scrutiny committees.

51. The anticipated benefits for the customer should include improved council performance reporting in terms of service provision, contextual information, engagement, and satisfaction. For the Council and employees, the anticipated benefits are increased and improved employee performance with a better understanding of their individual role in delivering the Council Plan to 2020.

52. Initially the review has progressed proposals to:
- continue to report to both overview and scrutiny committees and Cabinet every 6 months on progress (with appropriate additional performance data included).
- agree a new suite of strategic indicators to help manage delivery of the outcomes within the Council Plan. This includes the replacement of five year rolling targets with "Tracker" or “Target” indicators.
- review and present a revised set of corporate equality objective indicators in line with statutory requirements. These proposals are subject a separate report on the Cabinet agenda.

Trading and Commercialisation Workstream

53. The ambition for the Trading and Commercialisation Workstream is to generate income to support priority activities and delivery of Vision 2030, This is to be achieved through supporting key trading projects that will increase traded income to the Council by improving how the Council trades in order to maximise its potential. Each project itself contributes not only to the generation of income, but to broader Council priorities such as employment opportunities, contributing to the housing offer and improving customer choice.

54. The approach being adopted is based upon:
- A new Income Generation Strategy
- Delivery projects (existing service but to expand)
- Development projects (new opportunity)
- Task and Finish approach to specific time limited areas of work

55. ***Income Generation Strategy***

The Income Generation Strategy will set a coherent approach to income generation across a longer timeframe. It will focus on key income generation activity and will set the levels of income required to improve the Council's financial position, contributing to the budget. The aim is for this to be agreed by end of July 2016 and for this to inform the Council budget for 17/18.

56. ***Delivery Project - Facilities Management***

The vision for the Facilities Management Service is: Integrated, professional facilities services, tailored to the customer's needs, delivered with passion and integrity. The main focus of the Service in the immediate term will be to maintain trading current performance whilst preparing to increase trading surplus in the medium term. Work already undertaken to develop the project includes launching the Supporting Independence Service in April, which is supported by a marketing package to increase awareness of the offer, as well as development work around the service planning what is needed between now and 2020 to enable the service to be a more competitive position to generate income.

57. Benefits to be achieved are:
- Increased trading activities to move activities closer to a cost neutral position over the shorter term to develop a sustainable and more competitive service by 2020 that will generate additional income to the Council
- Employment opportunities for local people living in all wards in Gateshead which can support the local economy
- Procurement practices that will benefit local supply chains supporting the local Economy.
- Delivery of services such as cleaning, school meals, the Supporting Independence Service and facilities support will bring a range of direct and indirect benefits creating a healthier, more inclusive and nurturing place for all.

58. Key milestones have been mapped out and include: the reconfiguration of Bewicks by March 2017 to ensure the financial performance is improved by £100k; The Supporting Independence Service will be financially self-sustaining by 1 April 2018. A review of trading performance including indenting improvements by June 2018

and be well placed for opportunities within the market arising from the National Living Wage by 2020.

59. ***Delivery Project - Services to Schools***
This project aims to increase trading with schools in line with the Council Plan and Medium Term Financial Strategy. Part of the strategy is to retain current levels of business as well as then increasing this across broader geographies. The work supports the Council Plan outcomes and policy direction to maximise trading opportunities from marketable and competitive services. Current progress has included identifying customer service issues and ways to improve. During 2016, milestones include a review of all 39 traded Services to Schools;

60. Realisable benefits include:
- Improved customer satisfaction
- More efficient services delivered at a lower cost
- Increased market share of schools
- Increase income from traded services by 2018

61. ***Development Project - Adult Social Care Provider Services***
This project aims to identify the trading potential of adult social care provider services. At present the work being taken forward to remodel Adult Social Care means that the opportunities for trading cannot be determined, though this will be reviewed when the wider work has sufficiently progressed and opportunities can be explored.

62. ***Development Project Bereavement***
The aim is to provide a new bereavement service that is customer focused, efficient and that enhances the current service provision. The proposal would also support the Council's Medium Term Financial Strategy through improved efficiency, making better use of capacity and resources as well as increasing the trading of marketable and competitive services. Recent progress has focused on developing the Business Case which will inform recommendations to Cabinet in the summer, with a view to implementing changes from April 2017. Benefits would include improved customer service and customer satisfaction as well as a more cost efficient affordable service that will recover costs including initial investment.

63. ***Development Project– Energy***
Energy has multiple objectives that are closely aligned to Council Plan outcomes, These are taken forward through the objectives of the project including achieving benefits such as: Reducing energy consumption and carbon emissions, improve energy performance of Gateshead homes and to grow and deliver energy services provision in and beyond Gateshead generating income, as well as improving levels of fuel poverty which has both economic and health outcomes for local people. Key areas of recent progress include establishing the Energy Services Company and exploring opportunities for District Energy Scheme town centre extension.

64. The nature of the schemes means that there is a longer payback period of investment, though the outcomes are not purely financial. On principle schemes should be at least self financing. While Gateshead Council is in a strong place in terms of the current market, capacity could limit the ability to expand. Key milestones include a 20% reduction in carbon emissions by 2020; additional income

of £500k by 2020; all homes will be rated as energy efficient by 2030 and income levels will reach £1.5m p.a by 2035.

65. ***Development Project - Housebuilding***
This aims for the Council to act as a direct housing developer, including the design and build of new housing for private, social or affordable (sale or rent). Progress includes, potential sites identified for further investigation for housebuilding as well as detailed housing designs have been developed in preparation for sites and in line with housing need. Next steps are to develop a pipeline of sites and business cases for a programme up to 20/21.

66. This would be brought to Cabinet for approval and then to Gateshead Trading Company. Realisable benefits include:
- To deliver surplus income to the Council
- Increase population - Additional Council Tax income
- Additional new homes bonus
- Creation of employment opportunities

67. ***Delivery Project - School Improvement Services***
The project is exploring a new sustainable delivery model for school improvement and is set within the context of changing Government policy towards the involvement of local authorities in schools and the move to require all schools to convert to academy status. The work contributes to Vision 2030 and the Big Idea for Creative Gateshead which has a focus on nurturing a borough of high achievers. This is greatly influenced by educational experience

68. A Business Case is being developed for consideration over the next few months with a view to decisions being taken for 2017/18. Realisable benefits are:
- Reduced cost to the Council in providing the (current) statutory responsibilities it carries in regard to ensuring all schools provide a good education for Gateshead children and young people. Measured through Cost of service against level of schools rated 'good or 'excellent'
- Potential new school improvement body, closely linked to the Council, which can provide support and stability for Gateshead schools at a time when Government policy is removing the role of Councils within school improvement.

69. ***Development Project - Sponsorship***
Maximising growth, through jobs, investment and income generation is fundamental to the success of the Council Plan up to 2020. This project will unlock the potential to generate income through the sponsorship of Council assets. Stage one of the strategy is to develop a comprehensive understanding of the income potential from sponsorship of Council assets and services. Phar Partnerships who have extensive experience in the sponsorship market will be working with the Council during stage one to develop the best possible long-term approach. Stage one is underway and will be completed with a sponsorship strategy for the Council based on an assessment of assets. It will be important for the strategy to set out principles for the type of sponsor that the council would want to be associated with. Stage two will follow, though will depend upon the results of Stage One. Realisable benefits could include: a new income stream to support the sustainable delivery of future services. and the intrinsic link between sponsorship, social value and corporate

social responsibility, which has the potential to see wider benefits to communities across Gateshead.

70. This Workstream will also have a focus on some key task and finish activities that will enable the Council improve how it trades and the infrastructure and capacity around trading. It will also optimise the potential to generate income and other benefits. These include the recharge framework which is being reviewed and budgets realigned during the 2016/17 budget setting process. Developing a Pricing Framework for traded services by August 2016 following a pilot exercise. Financial schedules to support trading to enable services and the Council understand the financial contribution that trading is making / can make to the Council by October 2016. Identification of new income streams for trading including the potential to use assets for income generation as well considering alternative investment models that could provide an opportunity for capital appreciation and improved revenue stream when compared with bank/financial institutions savings rates Options analysis and business case for expansion of Trade Waste services. Some investment would be required and this would be set out in a business plan in autumn 2017.
Other activities to be taken forward through a Task and Finish approach are: Training and skills development; creating a commercial culture; creating a trading friendly environment, Improving customer focus and considering the optimum delivery models for trading.

Shape of the Programme

71. Attached at Appendix A is the revised Programme to take account of the revised projects within the People workstream. Also attached at Appendix B is the 'roadmap' which captures key activities as currently identified in the period up to 2020/21

Consultation

72. The Leader of the Council has been consulted in his portfolio role.

73. Cabinet members have been consulted on specific areas relating to their portfolios. Further to this, each of the Workstream Leads has presented an overview to Corporate Resources Advisory Group as follows:

- People Workstream, 28th January
- Place Workstream, 1st March
- Ways of Working Workstream, 8th March
- Trading and Commercialisation, 14th March

74. Trade Unions are also engaged through regular meetings to discuss Change Programme development and progress, both in respect of the programme in general as well as in relation to specific themes and projects.

Implications

75. **Resources**

a) **Financial Implications -** The Strategic Director, Corporate Resources confirms that the Strategic Change Reserve of £2.5 million is being used to enable financial interventions on a time limited basis underpinned by business cases that will identify benefits to be realised. The overall approach to change is being taken forward on a Council-wide basis supported by an

Invest to Save programme so that every effort is made to ensure there is a return on investment. In addition the Medium Term Financial Strategy will be revised by July 2016 and this will align with the next quarterly update of the change programme. The change programme will be essential in generating options to assist in the closure of the revised funding gap over the next 4 years that will be presented within the MTFS.

b) **Human Resource Implications –** capacity to support the Change Programme is largely being achieved through some secondments from across the Council after internal recruitment exercises. A small number of specialist experts are also being bought in for a short period to help ensure the plans are robust and can deliver of time e.g. Project managers to deliver the redesign of Care, Wellbeing and Learning and the Housing Repairs Contract by 1st April 2017. External support is only being sought once there is clarity that the expertise is not available from the existing workforce and where there is a clear value because of what needs to be done quickly e.g. the programme around bringing Housing Repairs contract back in house is huge in its own right and needs to be well managed and delivered on time to secure the savings/ additional income to the Council.

c) **Property Implications** – there are no property implications arising directly from this report.

76. **Risk Management Implications** – the Change Programme framework will be supported by a comprehensive register of risk that will be actively managed to ensure and support effective decision making.

77. **Equality and Diversity Implications** – An equality impact framework will be developed as appropriate to support decision making.

78. **Crime and Disorder Implications** – Nil.

79. **Health Implications** – Nil.

80. **Sustainability Implications** – The Change Programme is an essential element of the Council's planned approach to ensure a sustainable financial position over the medium term.

81. **Human Rights Implications** – Nil

82. **Area and Ward Implications** – all areas of the Borough are covered by the Council-wide approach outlined within the Change Programme.

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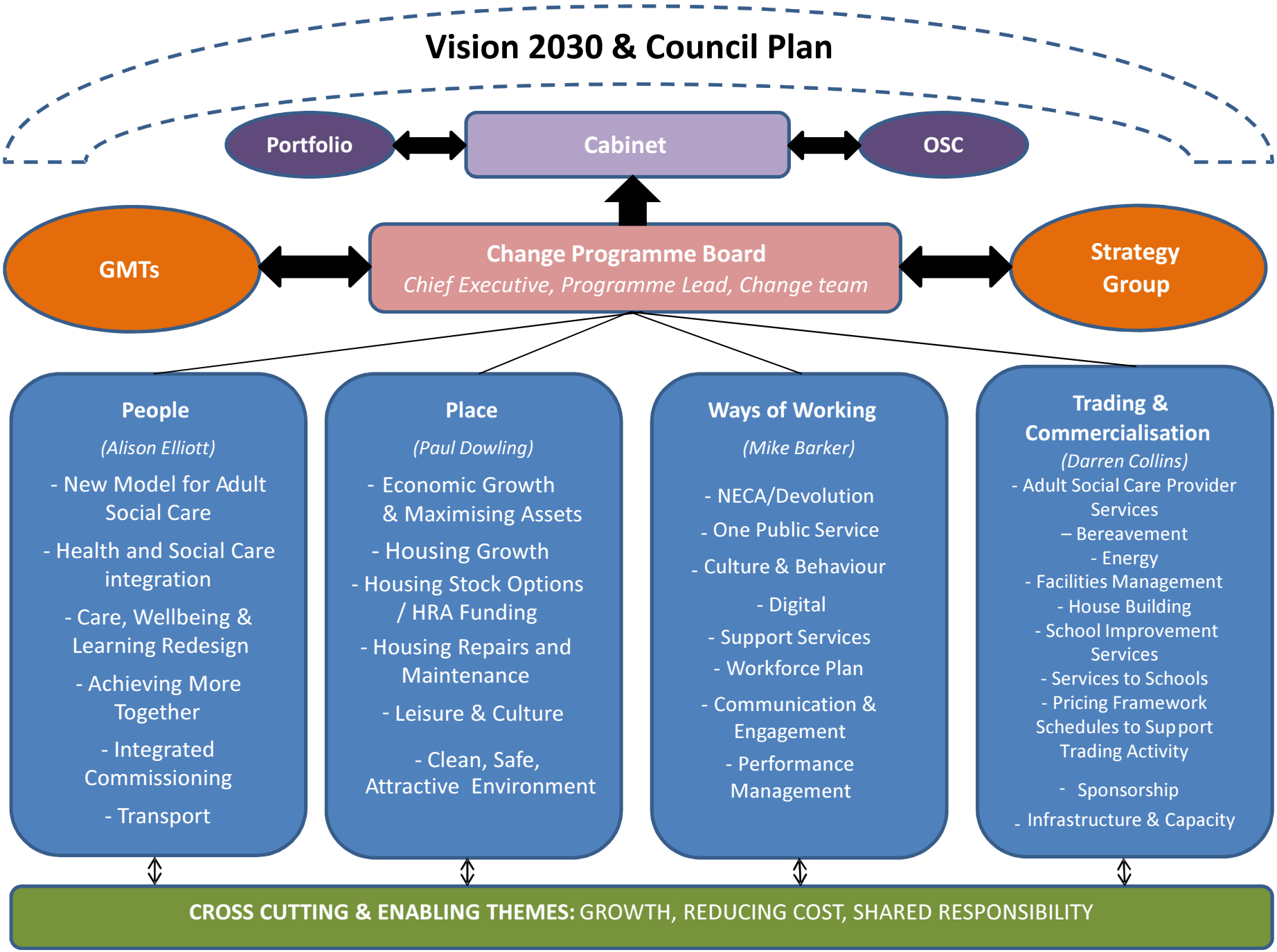
Vision 2030 & Council Plan
Portfolio
Cabinet
OSC
GMTs
Change Programme Board
Chief Executive, Programme Lead, Change team
Strategy Group
People
(Alison Elliott)
- New Model for Adult Social Care
- Health and Social Care integration
- Care, Wellbeing & Learning Redesign
- Achieving More Together
- Integrated Commissioning
- Transport
Place
(Paul Dowling)
- Economic Growth & Maximising Assets
- Housing Growth
- Housing Stock Options / HRA Funding
- Housing Repairs and Maintenance
- Leisure & Culture
- Clean, Safe, Attractive Environment
Ways of Working
(Mike Barker)
- NECA/Devolution
- One Public Service
- Culture & Behaviour
- Digital
- Support Services
- Workforce Plan
- Communication & Engagement
- Performance Management
Trading & Commercialisation
(Darren Collins)
- Adult Social Care Provider Services
– Bereavement
- Energy
- Facilities Management
- House Building
- School Improvement Services
- Services to Schools
- Pricing Framework Schedules to Support Trading Activity
- Sponsorship
- Infrastructure & Capacity
CROSS CUTTING & ENABLING THEMES: GROWTH, REDUCING COST, SHARED RESPONSIBILITY

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Review of the Corporate Performance Management Framework**

REPORT OF: **Jane Robinson, Chief Executive**

Purpose of the Report

1. The purpose of this report is to seek Cabinet approval for the revision of the corporate strategic indicator set and a change to the identification of tracker and target indicators to replace the current rolling five-year performance targets with a single fixed 2020 target.

Background

2. The Council Plan 2015-2020 was approved by Cabinet in July 2015, with Gateshead's Sustainable Community Strategy - Vision 2030 - also refreshed and agreed by Cabinet on the 3rd November 2015. Both documents endorse shared desired outcomes for Gateshead, which are:
   - *Prosperous Gateshead* – a thriving economy for all -;
   - *Live Love Gateshead* – a sense of pride and ownership by all; and
   - Live Well Gateshead – a healthy, inclusive and nurturing place for all.

4. As a result of the development of a Council Plan for 2015-2020, further evaluation has taken place which identified the need to amend further the Corporate Performance Management Framework to support decision making and ensure the Council continues to be effective, fit for purpose and sustainable. In addition performance management is also being considered as part of the Ways of Working strand of the corporate Change Programme.

5. This report outlines work undertaken thus far in revising the current performance management framework.

Findings

6. The aim of the review of the current approach to performance management is to ensure the framework turns theory into practice and delivers the outcomes detailed above. To deliver this the Council needs to ensure that it:-
   - targets resources where they are most needed;
   - tackles underperformance swiftly and proportionately; and
   - continues to be a best value council with everyone taking personal responsibility and being held to account for effectiveness and efficiency.

Proposal

7. A revised list of strategic performance indicators has been identified to support the monitoring of progress in delivering the outcomes of the Council Plan and Vision 2030. This has involved both the identification of new indicators and the removal of others. To ensure strategic indicators match the outcomes it is proposed to:
   - Continue to report to both Overview and Scrutiny Committees and Cabinet every 6 months on progress (with appropriate additional performance data included).

- Replace the gathering and reporting of five year rolling targets and instead categorise strategic indicators as either a "Tracker" or a ”Target” indicator. Key performance indicator progress will be reported against these two indicator types. Target and tracker indicators are defined as:
  - *Target* indicators - targets are realistically able to be set for these indicators where improvements can be measured regularly and can be actively influenced by the Council and its partners. An example would be the percentage of business rates collected. A fixed 2020 target will be set and progress towards this target will be reported; and
  - *Tracker* indicators – where performance will be tracked, benchmarked and reported but where a 2020 target will not necessarily be set but rather the longer term trend will be monitored, as the Council and partners are able only to partially influence the outcome. An example of the would be the child poverty rate.

Recommendations

8. It is recommended that Cabinet:

(i) Endorses the revision of the proposed strategic indicator set and the identification of a both tracker and target indicators to replace the current rolling five-year performance targets (Appendix 2).

(ii) Notes a report will be taken to each Overview and Scrutiny Committee to finalise the strategic indicator set with 2020 targets, with any significant changes being reported back to Cabinet.

For the following reason:

To ensure the Council’s approach to performance is continuously improving and is contributing to the successful delivery of Vision 2030 and the Council Plan 2015-2020.

CONTACT: Marisa Jobling extension: 2099

Policy Context

1. This report forms revises the Council's performance management framework and sets out the Strategic Indicator targets to 2020 in line with the Council Plan 2015-2020.

Background

2. Performance management is a positive tool that enables improvement, where possible, and safeguards service sustainability where necessary. Among its benefits are:
   - ensuring corporate objectives are prioritised and that resources are allocated effectively;
   - improving services and outcomes for local people;
   - motivating and engaging staff by ensuring that individuals are aware of their own targets and goals and how these contribute to achieving the Council's vision;
   - ensuring that significant risks to the achievement of objectives are identified and managed and integrated with performance and
   - providing early warning and rectification of poor performance.

Consultation

4. The Deputy Leader of the Council and the Chairs of the Overview & Scrutiny Committees have been consulted on this report.

Alternative Options

5. There are no alternative options with regard to the report as the recommendation supports the Council's general duty to secure continuous improvement in the way functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

Implications of Recommended Option

6. **Resources**
   a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that there are no financial implications arising directly from this report.
   b) **Human Resource Implications** - There are no human resource implications arising directly from this report.
   c) **Property Implications** - There are no property implications arising directly from this report.

7. **Risk Management Implications** - There are no risk management implications arising directly from this report.

8. **Equality and Diversity Implications** - There are no direct implications arising directly from this report. However, Services will continue to ensure the impact of policy decisions do not disproportionately affect certain communities or individuals through Equality Impact Assessments. There are a number of strategic indicators in Appendix 2 that support the Council's equality objectives, in accordance with the Public Sector Equality Duty reported previously to Cabinet on15 March 2016.

9. **Crime and Disorder Implications** - There are no crime and disorder implications arising directly from this report.

10. **Health Implications** - There are no health implications arising directly as a result of this report.

11. **Sustainability Implications** - There are no sustainability implications arising directly as a result of this report.

12. **Human Rights Implications** - There are no human rights implications arising directly as a result of this report.

13. **Area and Ward implications** - There are no area and ward implications arising directly as a result of this report.

Background Information

- Five-Year Target Setting 2014/15 – 2018/19, report to Cabinet, 15 July 2014.
- Council Plan 2015-2020 report to Cabinet 14 July 2015.
- Gateshead's Sustainable Community Strategy - Vision 2030 - agreed at Cabinet, 3 November 2015.
- Refresh of Equality Objectives report to Cabinet on 15 March 2016.

APPENDIX 2

PERFORMANCE MANAGEMENT STRATEGIC INDICATORS
TO MONITOR DELIVERY OF THE COUNCIL PLAN 2015-2020

Prosperous Gateshead		**Indicator: *Existing/New /Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
An increase in the working age population:							
PG1	**Working age population – number of residents aged 16-64**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ HCA ▪ LEP	Andrew Marshall	Corporate Resources
PG2	**Increase overall housing supply**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ HCA ▪ LEP	Andrew Marshall	Communities & Place
PG3	**Proportion of long term empty homes**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ HCA ▪ LEP	Andrew Marshall	Communities & Place
More private, public and social investment:							
PG4	**No of new social enterprises supported**	New *(Tracker)*	Higher is better	Monthly	▪ Gateshead Council ▪ VCS	Lindsay Murray	Communities & Place
PG5	**Number of enterprises in Gateshead**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ LEP	Andrew Marshall	Communities & Place
More and better paid jobs with more people in work:							
PG6	**Employment rate – people economically active in work or training aged 16-64**	New *(Tracker)*	Higher is better	Monthly	▪ Gateshead Council ▪ JobCentre Plus	Andrew Marshall	Communities & Place
PG7	**Economic activity rate - % of all people aged 16-64**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Jobcentre Plus	Andrew Marshall	Communities & Place
PG8	**Proportion of residents receiving main**	New	Lower is	Monthly	▪ Gateshead	Andrew	Communitie

	out of work benefits	*(Tracker)*	better		Council ▪ Jobcentre Plus	Marshall	s & Place
PG9	**Gross average weekly pay of residents (not self-employed)**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Jobcentre Plus	Andrew Marshall	Communitie s & Place
PG10	**Residents employed in occupations requiring higher skills levels**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Jobcentre Plus	Andrew Marshall	Communitie s & Place
PG11	**Proportion of children in relative low income households**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ LEP	Andrew Marshall	Communitie s & Place
PG12	**Number of jobs in Gateshead**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ LEP	Andrew Marshall	Communitie s & Place
Prosperous Gateshead		**Indicator: *Existing/New /Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
PG13	**Number of residents self employed**	New *(Tracker)*	?	Annual	▪ Gateshead Council ▪ LEP ▪ JobcentrePlus	Andrew Marshall	Communitie s & Place
PG14	**Gross weekly pay of jobs in Gateshead**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ LEP	Andrew Marshall	Communitie s & Place
PG15	**Proportion of jobs in Gateshead paying less than the Living Wage**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ LEP	Andrew Marshall	Communitie s & Place
Fewer people with low level skills and more people with higher level skills-Improved educational attainment /Increased learning and development:							
PG16	**Proportion of residents with no qualifications**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ Schools ▪ FE/HE institutions	Andrew Marshall	Communitie s & Place
PG17	**Proportion of residents qualified to NVQ3**	New	Higher is	Annual	▪ Gateshead	Andrew	Communitie

	or above	*(Tracker)*	better		Council ▪ Schools ▪ FE/HE institutions	Marshall	s & Place
PG18	**Reduce NEET rate**	Existing *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ FE/HE institutions ▪ Jobcentre Plus	Val Hall	Families
PG19	**Increase the % of Gateshead schools rated Outstanding**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG20	**Maximise the % children offered a place at their preferred school**	New *(Target)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG21	**Reduce the % of children in poverty**	Existing *(Tracker)*	Lower is better	Annual	▪ Gateshead Council	Val Hall	Families
Educational attainment:							
PG22	**Increase the % of children achieving a good level of development at age 5 *(Only statutory for one more year)***	Existing *(Target)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Val Hall	Families
PG23	**Increase the % of children attaining the expected standard at the end of KS1 (*New measure used from a baseline of summer 2016*)**	New *(Target)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG24	**Increase the % of children attaining the expected standard at the end of KS2 (*New measure used from baseline of summer 2016*)**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
Prosperous Gateshead		**Indicator: *Existing/ New /Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
PG25	**Increase the % of children achieving 5 or more A*-C GCSE including Maths & English (*final year 2016 and replace with***	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families

	***PG26 & PG27*)**						
PG26	**Raise Attainment 8 - scores of pupils at the end of KS4 (*NB: New measure used from baseline of summer 2017*)**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG27	**Raise Progress 8 – scores of pupils at the end of KS4 (*NB: New measure used from baseline of summer 2017*)**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
Equality Objective: Increase levels of ambition and aspiration of vulnerable groups across Gateshead							
PG28	**Reduce the gap between Attainment 8 scores and Progress 8 scores of disadvantaged pupils and their non-disadvantaged peers at the end of KS4 (*from a baseline set at 2017*)**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG29a	**Increase the % of vulnerable children achieving 5 or more A*- C at GCSE including Maths & English: (*NB: To end at 2016 and replaced with PG28***						
	Looked After Children (LAC)	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG29b	**Free School Meals (FSM)**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families
PG29c	**Special Educational Needs (SEN)**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ Schools	Steve Horne	Families

Live Love Gateshead		Indicator: *Existing/New/Equality*	Desired Direction	Freq	Responsible Partners	Accountable Officer	OSC Cttee
Confident and more aspirational population acting as Gateshead's strongest advocates							
Residents survey responses					▪ Gateshead Council ▪ Northumbria Police ▪ CCG ▪ VCS ▪ QE Hospital		
LL1	**Satisfaction - Gateshead as a place to live**	Existing *(Tracker)*	Higher is better	Annual		Marisa Jobling	Corporate Resources
LL2	**Consulted/engaged population (e.g. taking decisions with the public/ not for them etc.)**	Existing *(Target)*	Higher is better	Annual		Lindsay Murray	Corporate Resources
LL3	**Communities get on well together (integrated happy neighbourhoods)**	Existing *(Tracker)*	Higher is better	Annual		Lindsay Murray	Corporate Resources
LL4	**Decrease the percentage of people who are dissatisfied with life**	Existing *(Target)*	Lower is better	Annual	▪ Gateshead Council	Alice Wiseman	Care Health & Wellbeing
A community who take pride in Gateshead the place and enjoy and engage in world class culture and heritage that contributes to a sense of belonging and wellbeing:							
Volunteering					▪ Gateshead Council ▪ VCS		
LL5	**Increase formal volunteering**	Existing *(Target)*	Higher is better	Annual		Lindsay Murray	Corporate Resources
LL6	**No. of visitors increased by 50%**	New *(Tracker)*	Higher is better	Annual	▪ Gateshead Council	Lindsay Murray	Corporate Resources
LL7	**No. of visits to libraries**	New *(Target)*	Higher is better	Monthly	▪ Gateshead Council ▪ VCS	Lindsay Murray	Communities & Place
Gateshead people who care about their local area and share responsibility for making and keeping our environment the best it can be:							
LL8	**Improve the recycling rate**	Existing *(Target)*	Higher is better	Monthly	▪ Gateshead Council ▪ Waste Partnership	Colin Huntington	Communities & Place
LL9	**Increasing homes in the highest energy**	Existing	Higher is	Bi-	▪ Gateshead	Peter	Communitie

	efficiency bands	*(Target)*	better	annual	Council ▪ TGHC	Udall	s & Place
LL10 a	**Reducing Council carbon emissions - actual**	Existing *(Target)*	Lower is better	Annual	▪ Gateshead Council	Peter Udall	Communities & Place
LL10 b	**Reducing Council carbon emissions – weather corrected**	Existing *(Target)*	Lower is better	Annual	▪ Gateshead Council	Peter Udall	Communities & Place
LL11	**% of renewable / low carbon / energy generated locally**	Existing (*Target)*	Higher is better	Annual	▪ Gateshead Council	Peter Udall	Communities & Place

Live Well Gateshead		**Indicator: *Existing/New/Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
The destination of choice for families with a range of excellent and affordable housing options:							
LW1	**Increase the number of affordable homes**	New *(Target)*	Higher is better	Annual	▪ Gateshead Council	Andrew Marshall	Communities & Place
A place where children have the best start in life:							
LW2	**% of mothers smoking at time of delivery**	Existing *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG	Alice Wiseman	Families
Equality Objective: Support vulnerable groups at most risk of poverty and deprivation							
LW3	**The number of eligible 2 year olds accessing their free early learning place**	New / Equality *(Target)*	Higher is better	Annual	▪ Gateshead Council	Val Hall	Families
LW4	**Reduce excess weight in 4-5 and 10-11 year olds (excess weight defined as Overweight/Obese)**	Existing *(Tracker)*	Lower is better	Annual	▪ Gateshead Council	Alice Wiseman	Care Health & Wellbeing
LW5	**Number of people undertaking sport and activity recreation in those aged 14 years + (1x30mins per week)**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ CCG ▪ Schools	Lindsay Murray	Communities & Place
LW6	**Number of children with a child protection plan**	Existing *(Target)*	?	Monthly	▪ Gateshead Council ▪ Northumbria Police	Elaine Devaney	Families
Equality Objectives: Support vulnerable groups most at risk of poverty and deprivation							
LW7	**Work with families as part of the National Troubled Families Programme known as Families Gateshead**	New/ Equality *(Target)*	Higher is better	Quarterly	▪ Gateshead Council	Val Hall	Families
Equality Objectives: Gateshead the place – to improve the range of housing across Gateshead for vulnerable groups							
LW8	**Ensure young people leaving care are**	New/	Higher is	Annual	▪ Gateshead	Elaine	Families

	supported to have a safe place to live (sustainable and appropriate accommodation 16/17 year olds)	Equality *(Target)*	better		Council	Devaney	
Equality Objectives: To increase the level of ambition and aspiration of vulnerable groups across Gateshead							
LW9	**Ensure young people leaving care are supported to be in education, employment apprenticeships or training.**	New/ Equality *(Target)*	Higher is better	Annual	▪ Gateshead Council	Elaine Devaney	Families
Live Well Gateshead		**Indicator: *Existing/New/Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
A place where older people are independent and are able to make a valuable contribution to the community:							
LW10	**Delayed transfers of care from hospital in days per 100,000**	New *(Target)*	Lower is better	Monthly	▪ Gateshead Council ▪ CCG	Paul Grubic	Care Health & Wellbeing
LW11	**Helping Older people to live at independently at home 91 days after discharge from hospital**	Existing *(Target)*	Higher is better	Monthly	▪ Gateshead Council ▪ CCG	Paul Grubic	Care Health & Wellbeing
LW12	**Repeat safeguarding adult enquiries**	Existing *(Target)*	Lower is better	Monthly	▪ Gateshead Council ▪ Northumbria Police	Val Hall	Care Health & Wellbeing
A place where those who need help have access to appropriate joined-up services that make a difference to the quality of their life:							
LW13	**Non-elective admissions to hospital per 100,000 population**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
LW14	**Stabilise hospital admissions per 100,000 for alcohol related harm**	Existing *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
Equality Objectives: Promote healthy and inclusive communities							
LW15a	**Support for young carers**	Equality *(Target)*	Higher is better	Annual	▪ Gateshead Council	Ann Day	Care Health & Wellbeing

					▪ VCS		
LW15b	**Support for carers in BME communities**	Equality *(Target)*	Higher is better	Annual	▪ Gateshead Council ▪ VCS	Paul Grubic	Care Health & Wellbeing
Equality Objectives: To increase the level of ambition and aspiration of vulnerable groups across Gateshead							
LW16	**Gap in the employment rate between those with a learning disability and the overall employment rate (percentage point gap) (Persons)**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG	Alice Wiseman	Care Health & Wellbeing
LW17	**Promote positive emotional mental health amongst the school age population – hospital admissions for self-harm rate per 100,000.**	Equality *(Tracker)*	Lower is better	Annual	▪	Alice Wiseman	Care, Health & Wellbeing
LW18	**Gap in the employment rate for those in contact with secondary mental health services and the overall employment rate (percentage point gap) (Persons)**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG	Alice Wiseman	Care Health & Wellbeing
Equality Objective: Promote healthy and inclusive communities							
LW19	**Excess under 75 mortality rate in adults with serious mental illness (Indirectly standardised ratio)**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG	Alice Wiseman	Care Health & Wellbeing
Live Well Gateshead		**Indicator: *Existing/New/Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
Place where people choose to lead healthy lifestyles with more and more people across Gateshead living longer and without life-limiting illnesses:							
LW20	**Reduce mortality from causes considered to be preventable - per 100,000 population**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG	Alice Wiseman	Care Health & Wellbeing

Equality Objectives: Promote healthy and inclusive communities							
LW21	**Healthy life expectancy at birth - Male**	Equality *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
LW22	**Healthy life expectancy at birth – Female**	Equality *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
LW23	**Gap in life expectancy between England and Gateshead – Male**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
LW24	**Gap in life expectancy between England and Gateshead – Female**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
Equality Objectives: Promote healthy and inclusive communities							
LW25	**Health Inequalities reduce the inequalities in life expectancy across Gateshead (Male)'**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
LW26	**Health Inequalities reduce the inequalities in life expectancy across Gateshead (Female)'**	Equality *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ CCG/QE Hospital	Alice Wiseman	Care Health & Wellbeing
LW27	**No. of people undertaking sport and activity recreation in those aged 16+ (3x 30 mins per week)**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ CCG	Lindsay Murray	Communities & Place
A tolerant place where people feel safe:							
Equality Objective: Promote healthy and inclusive communities							
LW28	***Community Safety***						
	Increase the number of referrals to ARCH	Equality *(Target)*	Higher is better	Quarterly	▪ Gateshead Council ▪ Northumbria Police	Val Hall	Community Safety Sub
LW29	**Domestic Abuse - % of high-risk referrals who have engaged with Independent Domestic Violence Advisers (IDVAs)**	Equality *(Target)*	Higher is better	Quarterly	▪ Gateshead Council ▪ Northumbria Police	Val Hall	Community Safety Sub

					▪ VCS		
LW30	**First Time Entrants - PNC rate per 100,000 of 10-17 population**	Existing *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ Northumbria Police	Val Hall	Community Safety Sub
LW31	**Custody - Use of custody rate per 1,000 of 10-17 population**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council	Val Hall	Community Safety Sub /
LW32a	**Re-offending (through use of Live Tracker) - Re-offending rates on current cohorts**	New *(Tracker)*	Lower is better	Annual	▪ Gateshead Council ▪ Northumbria Police ▪ CPS	Val Hall	Community Safety Sub
LW32 b	**Re-offending (From PNC) - Reoffending rates after 12 months**	New *(Tracker)*	Lower is better				
LW33	**Total recorded crime in Gateshead**	New *(Tracker)*	Lower is better	Monthly	▪ Northumbria Police ▪ Gateshead Council	Val Hall	Community Safety Sub
LW34	**Reported instances antisocial behaviour**	Existing *(Tracker)*	Lower is better	Monthly	▪ Northumbria Police ▪ TWFRS ▪ Gateshead Council	Val Hall	Community Safety Sub
Live Well Gateshead		**Indicator: *Existing/New/Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
LW35	**% of people who agree the police and council are dealing with ASB and crime issues that matter in their area**	New *(Tracker)*	Higher is better	Quarterly	▪ Northumbria Police ▪ Gateshead Council	Val Hall	Community Safety Sub

LW36	**% of people who feel *very* or *fairly* safe living in their neighbourhood**	New *(Tracker)*	Higher is better	Quarterly	▪ Northumbria Police ▪ Gateshead Council	Val Hall	Community Safety Sub
LW37	**Accessibility to public transport**	Existing *(Tracker)*	Higher is better	Annual	▪ Gateshead Council ▪ NECA	Anneliese Hutchinson	Communities & Place
LW38a	**People killed or seriously injured (KSI) in Road Traffic Collisions - % change over base year (Performance should be positive)**	Existing *(Tracker)*	Lower is better	Annual	▪ Northumbria Police ▪ Gateshead Council	Anneliese Hutchinson	Communities & Place
LW38b	**Children killed or seriously injured (KSI) in Road Traffic Collisions - % change over base year (Performance should be positive)**	Existing *(Tracker)*	Lower is better	Annual	▪ Northumbria Police ▪ Gateshead Council	Anneliese Hutchinson	Communities & Place / Families

Corporate Performance	**Indicator: *Existing/New /Equality***	**Desired Direction**	**Freq**	**Responsible Partners**	**Accountable Officer**	**OSC Cttee**
Maximising Growth:						
CP1	**% of council tax collected that was due to be paid**	Existing *(Target)*	Higher is better	Monthly	▪ Gateshead Council	John Jopling	Corporate Resources
CP2	**% of business rates collected**	New *(Target)*	Higher is better	Monthly	▪ Gateshead Council	John Jopling	Corporate Resources
CP3	**% of undisputed invoices paid on time**	New	Higher is	Monthly	▪ Gateshead	John Jopling	Corporate

		(Target)	better		Council		Resources
Reducing Costs:							
CP4	**Speed of benefits claims (processing)**	Existing *(Target)*	Higher is better	Monthly	▪ Gateshead Council	John Jopling	Corporate Resources
CP5	**Staff sickness (excluding school staff)**	Existing *(Target)*	Lower is better	Monthly	▪ Gateshead Council	Deborah Hill	Corporate Resources
CP6	**% increase in digital based transaction/ contact from established baseline**	New *(Target)*	Higher is better	Monthly	▪ Gateshead Council	Mark Smith	Corporate Resources
CP7	**Percentage increase in online transactions**	New *(Target)*	Higher is better	Monthly	▪ Gateshead Council	Mark Smith	Corporate Resources
Increasing collective responsibility:							
CP8	**Employee engagement: e.g. good place to work/ satisfaction/engagement**	New *(Target)*	Higher is better	Annual	▪ Gateshead Council	Marisa Jobling	Corporate Resources
CP9	**Improve Superfast Broadband connectivity- Increase the coverage in Gateshead to 98.9% of premises by June 2019.**	New *(Target)*	Higher is better	Annual	▪ Gateshead Council	Roy Sheehan	Communities & Place
Equality Objective: To increase levels of ambition and aspiration of vulnerable groups across Gateshead							
CP10a	**Apprenticeships *(NB: dependent on detail of final Govt legislation)***	Equality *(Target)*	Higher is better	Annual	▪ Gateshead Council	Deborah Hill	Corporate Resources
CP10b	**Ensure young people leaving care are supported to have an opportunity for an apprenticeship**	Equality *(Target)*	Higher is better	Annual	▪ Gateshead Council	Deborah Hill	Corporate Resources

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Responses to Consultation**

REPORT OF: **Jane Robinson, Chief Executive**

Purpose of the Report

1. To endorse the responses to the following consultations:

   - Funding Local Authorities to support former Independent Living Fund recipients: The Former ILF Recipient Grant – Department for Communities and Local Government (DCLG) – appendix 1

   - Technical Consultation on Implementation of Planning Changes – DCLG - appendix 2

Background

2. The background to the consultations and responses are set out in appendices 1 and 2.

Proposal

3. To endorse the responses set out in appendices 1 and 2.

Recommendation

4. It is recommended that Cabinet endorses the consultation responses set out in appendices 1 and 2.

   For the following reason:

   To enable the Council to contribute responses to the consultation.

CONTACT: Kevin Ingledew extension: 2142

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APPENDIX 1

Response to Consultation on Funding Local Authorities to support former Independent Living Fund recipients: The Former ILF Recipient Grant

Policy Context

1. The Independent Living Fund (ILF) was established in 1988 to enable disabled people to continue to live in the community rather than in residential care. It was managed by the ILF Trust, set up by the Department for Work and Pensions. The Care Act 2014 ensures that the key features of ILF support, namely personalisation, choice and control, are now part of the mainstream adult social care system. On 30 June 2015 the ILF was closed, creating a single care system, managed by Local Government.

2. In announcing the decision to close the ILF funding for 2015/16, in respect of former ILF users, was distributed based on ILF forecast expenditure at the point of closure.

Background

3. On 10 February 2016 the Department for Communities and Local Government issued a consultation paper on funding for local authorities to support former ILF recipients. Specifically the consultation focuses on the method of distribution of funding and the equalities assessment underlying this.

4. At the time of the ILF closure agreed support packages for English ILF users amounted to £186.2 million. After deducting 25 percent to cover payments in the first quarter of 2015/16 a grant of £139.7m was issued to local authorities in England. Gateshead was issued with a grant of £337,340.

5. With the ILF now closed the government are not able to make an assessment of the actual remaining commitments to former ILF clients. It is proposed the now-closed ILF Trust's financial model is used. This uses expenditure trends over several years to estimate the funding required to enable Local Authorities to continue to fully fund care packages for former ILF users. This includes use of an annual reduction rate (attrition) of 5% and annual suspense of £1.13 million (temporary stops to packages arising from hospital stays).

6. Due to the geographical variation in take up of ILF funding it is proposed that the distribution of future funding remains in line with expenditure patterns at the time of the ILFs closure.

7. Under the proposal the funding Gateshead will receive is shown in the table below, which represents an annual reduction of around 3% after the application of the attrition rate above and protection for inflation:

2016/17	2017/18	2018/19	2019/20
£427,121	£413,056	£400,012	£387,862

Consultation

8. The Cabinet Members for Adult Social Care have been consulted on the response.

Alternative Options

9. An alternative option would be not to respond to the consultation and therefore not influence the way in which the former ILF recipient grant is distributed

Implications of Recommended Option

10. Resources:

a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the financial implications of the outcome of the consultation are outlined in this report

b) **Human Resource Implications** – there are no direct HR implications arising from this report

c) **Property Implications**- there are no property implications arising from this report.

11. Risk Management Implications – There is a risk that the Council is under resourced to meet the ongoing commitments arising from meeting the needs of former ILF users**.**

12. Equality and Diversity Implications – There are no equality and diversity implications arising directly from this proposal.

13. **Crime and Disorder Implications** – There are no Crime and Disorder implications arising directly from this proposal.

14. **Health Implications** – There are no health implications for the Council arising directly from this proposal

15. **Sustainability Implications** – There are no sustainability implications arising directly from this proposal.

16. **Human Rights Implications** – There are no Human Rights implications arising directly from this proposal.

17. **Area and Ward Implications** –There are no specific Area or Ward implications.

Response to the Consultation on Funding Local Authorities to support former Independent Living Fund recipients: The Former ILF Recipient Grant

Q1 Do you have any comments on the proposal to use the ILF model to calculate the value of the Former ILF Recipient Grant?

The 5% attrition rate used in the model, whilst higher than the rate of attrition experienced in Gateshead, does not appear to be unreasonable but it does not take account of local variations and therefore may disproportionately affect/benefit certain authorities especially where the level of ILF is substantial.

The implied inflation rate used in the model is less than 2%. The increase in the living wage on 1 April 2016 of £0.50 per hour (7.46%) and pension auto enrolment has a significant impact upon the cost of care provision. The level of inflation used in the model is unlikely to fully mitigate the increases in costs that Councils will be faced with.

Q2 Do you have any comments or suggestions about the proposal to continue to maintain the link between historic ILF client numbers and the distribution of the Former ILF Recipient Grant?

As the initial grant was based upon known commitments for each local authority it seems reasonable to continue to link the grant to the original distribution method. Utilisation of differing methods would not take account of the geographical variation in the take up of ILF.

Q3 Do you have any comments with our provisional equalities assessment?

The equalities statement states that there is no way of assessing whether local authorities will use the funding to maintain care packages in full. As individuals will be assessed under the Care Act 2014 and care and support provided to meet individuals needs and outcomes care packages will only be reduced where it is appropriate to do so and conversely packages may be increased where support needs increase.

The proposal to continue to provide funding in line with the distribution at the time of the ILF closure will assist in mitigating any negative impact on certain groups.

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APPENDIX 2

Technical Consultation on Implementation of Planning Changes

Policy Context

1. The proposed response is in accordance with the Council's vision and priorities set out in the Council Plan and Vision 2030, particularly in ensuring that Gateshead is able to benefit from new development and a range of excellent and affordable housing options through efficiant and high quality services.

Background

2. It is important that the planning system supports delivery of the high quality new homes and supporting infrastructure that the country needs, and planning plays a huge role in helping to achieve sustainable development. These proposals are focused on streamlining and speeding up the planning system and supporting a general increase in housing delivery.

3. This consultation is seeking views on the proposed approach to implementation of measures in the Housing and Planning Bill, and some other planning measures. Responses to the consultation will inform the detail of the secondary legislation which will be prepared once the Bill gains Royal Assent. The proposals which have been set out cover the following key areas:

- Chapter 1 - Changes to planning application fees
- Chapter 2 - Enabling planning bodies to grant permission in principle for housing development on sites allocated in plans or identified on brownfield registers, and allowing small builders to apply directly for permission in principle for minor development
- Chapter 3 - Introducing a statutory register of brownfield land suitable for housing development
- Chapter 4 - Creating a small sites register to support custom build homes
- Chapter 5 - Speeding up and simplifying neighbourhood planning and giving more powers to neighbourhood forums
- Chapter 6 - Introducing criteria to inform decisions on intervention to deliver our commitment to get local plans in place
- Chapter 7 - Extending the existing designation approach to include applications for non-major development
- Chapter 8 - Testing competition in the processing of planning applications
- Chapter 9 - Information about financial benefits
- Chapter 10 - Testing competition in the processing of planning applications
- Chapter 11 - Facilitating delivery of new state-funded school places, including free schools, through expanded permitted development rights

- Chapter 12 - Improving the performance of all statutory consultees
- Chapter 13 - Public Sector Equality Duty

Consultation

4. The Cabinet Members for Environment and Transport have been consulted on the proposed response.

Alternative Options

5. The options around the implementation of the proposed planning changes have been considered and discussed

Implications of Recommended Options

6. **Resources**

a) Financial Implications – The Strategic Director, Corporate Resources confirms that there are no financial implications arising from this report.

b) Human Resources Implications – None.

c) Property Implications - None

7. **Risk Management Implications** – None.

8. **Equality and Diversity Implications** – There are no equality and diversity implications arising from this report

9. **Crime and Disorder Implications** – None.

10. **Health Implications** – None.

11. **Sustainability Implications** – There are no sustainability implications arising from the report.

12. **Human Rights Implications** – There are no human rights implications arising from this report.

13. **Area and Ward Implications** – No specific area or ward implications.

Background Information
Technical Consultation on implementation of planning changes (February 2016) (DCLG)

ANNEX - PROPOSED RESPONSE TO CONSULTATION

Chapter 1: Changes to planning application fees.

Question 1.1: Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?

1. The proposal to adjust fees in line with inflation is welcomed and significantly overdue. This would allow the much needed investment in resources (both at case officer level and through consultation expertise) that are required to ensure that planning applications are considered quickly**.**

2. However, if the fee increase is dependent on performance, then unintended consequences may occur. For example a council may make a negative decision within designated timeframes rather than explore solutions that could take longer but have a more positive outcome. This would not align to the government's growth agenda and would effectively cause the developer delay in the ultimate approval of planning permission. Another consequence could be that developers target their schemes to the LPAs with lower fees resulting in blighted areas with less growth.

3. Increasing lack of resources within LPA's would further add to the resource pressures currently faced making it difficult to deliver the Governments growth agenda. Perhaps it would be better if there were increases across the board, but potential for a partial refund if case not handled within a specific time period (subject to certain provisions of compliance)?

Question 1.2: Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?

4. No. If an LPA is under performing, then additional resources may be required to bring it up to speed not less. It is unlikely that the added pressure to deliver performance standards will result in the delivery of more/quicker planning approvals, particularly in the context of already under resourced planning services following Government budget cuts. There needs to be recognition that planning services need support not penalties.

Question 1.3: Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?

5. Possibly, the risk remains that the perception with objectors that planning permission has been bought. Resources need to be in place before an authority can offer a higher standard of service. This would require significant investment in advance.

Question 1.4: Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?

6. A fast track process which follows on from a comprehensive pre app process where all that remains to be undertaken during the planning application is the statutory consultation process may be beneficial as it would encourage more significant engagement at the pre app phase of the development. However, the resources required for the pre app process would have to be paid for and sufficient time given to this part of the process, possibly through PPA agreements. There is also a concern regarding the transparency relating to such a process.

Question 1.5: Do you have any other comments on these proposals, including the impact on business and other users of the system?

7. If different providers are offering the planning processing service for different fees, but the LPA still retains the overall decision making power, a certain amount of checking work would still be required to either make delegated decisions or to present a case to planning committee. A fee would be required in order to fully resource this part of the process.

8. It is likely that, as with the building control services, approved providers would target the commercially lucrative applications leaving the applications with lower fees but significant work to the LPAs to deal with. For example during the PAS benchmarking exercise undertaken in 2012, it was clear that the householder application fee did not always cover the cost of the time required to consider the application given the often controversial nature of these applications with immediate neighbours. A critical mass of applications is required in order to be able to retain the expertise within a LPA or group of LPAs to be able to consider the wide range of different issues associated with applications. Without this the ability to consider all applications efficiently would be compromised.

Chapter 2: Permission in principle

Question 2.1: Do you agree that the following should be qualifying documents capable of granting permission in principle?
a) future local plans;
b) future neighbourhood plans;
c) brownfield registers.

9. Gateshead Council considers that future local plans and future neighbourhood plans should be qualifying documents capable of granting permission in principle. However, the approach to Brownfield Registers in terms of consultation requirements and their overall status is different and therefore the Council believes that further clarification is required on this point, whilst this would also be subject to the robustness of the technical details consent stage.

10. We are keen to work with developers, landowners and communities in preparing a brownfield register (and are currently preparing a pilot brownfield register), and the Council has a strong track-record of delivering new housing on brownfield sites. We are also aware that the Government intends to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. Emerging guidance (within the

pilot brownfield register manual) suggests that sites included within brownfield registers should be subject to an assessment that is similar to the current approach adopted within Strategic Housing Land Availability Assessments. When preparing SHLAAs, LPAs are able to emphasise that the assessment provided in the SHLAA is separate to the determining of a planning application for development. As a result of this, preparation of SHLAAs is able to progress relatively smoothly, as it is based on a technical assessment of a site's merits, rather than the merits of a specific application. If brownfield registers are to act as qualifying documents the potential for challenge from interested parties will increase substantially, and may have the effect of hindering progress on these documents. A more flexible approach which enables LPAs to prepare a brownfield register separately to identifying sites to be granted PIP will enable the more timely preparation of key evidence, and support the delivery of new housing.

Question 2.2: Do you agree that permission in principle on application should be available to minor development?

11. The Council feels this is unlikely to be taken up as minor development will not attract the level of investment required to gain certainty that the principle is acceptable. There are currently very few outline applications for minor development. (4 out of 8 received in 2015)

Question 2.3: Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?

12. The amount of residential development is very difficult to quantify without significant amounts of background information such as drainage methodology, ecology, highway considerations, or topography. There is a risk that inclusion of the amount of development could fetter good urban design. Requiring this information at PIP stage would negate the benefit of permission in principle. However, the location and uses allowed in principle are no stronger than a normal allocation within a local or neighbourhood plan**.**

13. There may also be other in-principle issues which need to be considered depending on the circumstances or the requirements of existing Local Plan policies. For example, access and flood related requirements, and for larger sites, phasing linked to the provision of related infrastructure. For larger growth sites, including those in split ownership or with more than one developer, as allocated in the Gateshead and Newcastle Core Strategy (March 2015), there is a requirement for those sites to be subject to an approved masterplan and phasing plan. So flexibility is required to reflect individual site circumstances.

14. The Council considers that if the technical details are not acceptable for justifiable reasons, the local planning authority could justify a refusal at the technical details stage, and the applicant would have the right of appeal.

Question 2.4: Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?

15. Gateshead Council do not have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage.

16. In regards to location, we agree that this would be a red line plan drawn to a scale that clearly identifies the location and parameters of the site. Moreover, in regards to uses, we consider that permission in principle should be available to be given for proposals that are housing led. Retail, community and commercial uses that are compatible with a residential use can also be granted permission in principle where they form part of housing led development. Additionally, in regards to amount of residential development, we agree that in order to achieve a good balance between ensuring upfront certainty and flexibility, it is proposed that permission in principle will specify a minimum and maximum level of residential development that is acceptable.

17. As stated above, Gateshead Council is of the view that there could be wider range of in-principle issues that need to be addressed depending on the individual site circumstances, and/or to reflect the requirements of existing Local Plan policies. It is likely that there would be a need to have such a significant amount of detail at the technical approvals stage that would render the pip worthless as details of the impact of the development such as highways, ecological mitigation, flood/drainage solutions could all add significant uncertainty to the costs of the development and would have the potential to render a scheme unviable..

Question 2.5: Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?

18. Gateshead Council consider that permission in principle on allocations or applications may only be granted where the local planning authority already has sufficient information about the proposed development on the sites to be able to screen it and as a result of screening the project, the authority determines that an environmental impact assessment is not required. The PIP process should not apply to a site where an ES is required. Where a site would affect a protected habitat or other sensitive site the required assessment would add significant cost to the PIP process. In addition, however, a site could be significantly constrained by other issues such as protected species, flooding, heritage or contamination, where the outcome of an assessment would have a significant impact on the use, quantum, viability or deliverability of the scheme.

19. Also, in relation to the Habitats Directive, we agree that the requirements of the Habitats Directive will also need to be met where they apply. The Habitats Directive provides protection for Special Areas of Conservation and Special Protection Areas. Plans or projects which are likely to have a significant effect on either of these areas, but are not directly connected with or necessary to the management of that area, must be subject to an appropriate assessment of its implications for the site. A plan or project may only proceed if it will not adversely affect the integrity of the site concerned.

Question 2.6: Do you agree with our proposals for community and other involvement?

20. Gateshead Council welcomes the proposals for community and other involvement, in particular the proposal that local authorities can carry out further

consultation on technical details consents with such interested persons as they consider appropriate. There is a risk that the community will request, detailed information about the scheme during any application for PIP which will not be available until the technical details stage. This is likely result in significant local objections to PIP applications which would have a significant impact on LPA resources when responding to enquiries and taking cases to Committee.

Question 2.7: Do you agree with our proposals for information requirements?

21. No. insufficient information would be available under the proposed submission to give a considered view about quantum of development**.** For technical details stage it is likely that a design and an impact assessment would be sufficient. However, it is not clear how contributions to infrastructure and ongoing maintenance of the mitigation measures would be submitted.

Question 2.8: Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application?

22. Gateshead Council considers that the fee to be set should be consistent with similar types of application in the planning system – at the very least the fees should meet the cost of a full permission. For technical details following a local plan PIP, the cost to consider the technical details against the council's allocation assumptions would be greater than if the applicant had made a PIP application.

23. The benefits of obtaining a PIP such as the certainty of the principle of the development and the reduced requirement for information at the technical details stage should be reflected in the cost.

24. The resource implications for LPAs to grant PIPs (either at allocation or on Application) should be fully reimbursed through the technical details stage.

Question 2.9: Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?

25. The Council agrees that permission in principle can expire after five years, but only provided that it can be renewed by application without the need for a review of the plan. A review of the Plan may not be timely or a desirable and effective use of resources and may be delayed in delivery.

Question 2.10: Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?

26. There could still be a significant amount of technical detail to consider and experts to consult. If the expectation would be to negotiate throughout this

process to achieve an acceptable scheme, then there is a risk that there is insufficient time in 5 or 10 weeks to do this

Chapter 3: Brownfield register

Question 3.1: Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?

27. Yes, Gateshead Council agrees with the proposals for identifying potential sites. . The proposals are in line with actions Gateshead is currently investigating to help bring forward sites in the Borough.

Question 3.2: Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?

28. Yes, Gateshead Council agrees with the proposed criteria for assessing suitable sites. We will use the National Planning Policy and Planning Practice Guidance in regards to deciding whether to include a site on the register. We will also adopt a positive, proactive approach and consider both large and small sites, and we will only reject potential sites which have no realistic prospect of being suitable for new housing. Moreover, we aim to seek suggestions for smaller sites from the public and other interested parties and include these sites in our registers whenever possible because of their valuable contribution to overall housing supply. Additionally, we will ensure that sites are suitable for residential use and free from constraints that cannot be mitigated however, the Council is of the view that the register should not include sites that are subject to constraints that cannot be mitigated.

Question 3.3: Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?

29. Gateshead Council considers that it would be a good idea in some cases to use the environmental assessment undertaken during the preparation of the local plan to assess the likely environmental effects of the register. We will only proceed with a plan or project if it will not adversely affect the integrity of the site concerned. We understand that it would be inappropriate for a site to be placed on the register if its development would be prohibited by the Habitats Directive.

Question 3.4: Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?

30. Yes, Gateshead Council agrees with the views on the application of the Strategic Environment Assessment Directive.

Question 3.5: Do you agree with our proposals on publicity and consultation requirements?

31. Gateshead Council broadly agrees with the proposals on publicity and consultation requirements.

Question 3.6: Do you agree with the specific information we are proposing to require for each site?

32. Gateshead Council considers that the information required will be key to improving availability and transparency, however the task of ensuring all relevant information is provided within the suggested time frame is onerous. Gateshead Council is part of the brownfield register pilot coordinated by DCLG. We understand that requirements for specific information to be published as part of the brownfield register are yet to be finalised, and will be informed by feedback from the LPAs involved in the brownfield register pilot. Of the information identified in the technical consultation document (paragraph 3.28), Gateshead Council considers that while a site reference number will assist in identifying sites, the creation/identification of a UPRN for each site in the register is likely to be an onerous task for LPAs to carry out. Up to date information on public ownership may also be difficult to obtain, and an approach which simply specifies whether a site is in public/private/unknown ownership would therefore be more appropriate.

Question 3.7: Do you have any suggestions about how the data could be standardised and published in a transparent manner?

33. We will publish our brownfield registers online on our own local Council website, in an agreed standard form, as we are required to meet 'Open Data' standards.

Question 3.8: Do you agree with our proposed approach for keeping data up-to-date?

34. Yes, Gateshead Council agrees with the proposed approach for keeping data up-to-date. We will review our stock of brownfield land and its permission status annually if required and as new sites become available time to time. As part of this we recognise that a review and update of the information on sites already in registers, and the addition of new sites that have been identified and assessed as suitable will be necessary. This also includes sites identified by the public, developers and others on a voluntary basis. However, Government should be mindful of the considerable staff resources required for this exercise to be done comprehensively. It is not realistic or proportionate to expect a full review more often than annually, and the ability to do it annually will depend on the resources available to local authorities.

Question 3.9: Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?

35. Gateshead Council agree with the drive to make progress in getting permission for housing in place on suitable brownfield land, in particular through entering sites on our register so that those sites can gain a grant of permission in principle. We are committed to ensure that the Government's wishes to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020 have been achieved. Ensuring land is detailed on the register is one aspect but whether this will drive progress is questionable. Many of the sites identified will still require further site investigation and remediation work to be carried out, which will remain the main reason why the sites fail to come forward for development.

Question 3.10: Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter?

36. There are no further specific measures that Gateshead Council feels should be considered where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter. Will there be specific measures carried out by central government to help bring forward sites where Local Authorities have made sufficient progress and have planning permission in place, however the sites have not been developed due to viability constraints?

Chapter 4: Small sites register

Question 4.1: Do you agree that for the small sites register, small sites should be between one and four plots in size?

37. Gateshead Council broadly agrees that for the small site register, small sites should be between one and four plots in size. However, this would be ok for individual self-builders but will not meet the needs of either providing serviced plots to meet demand on the register or for group build. A minimum threshold could also be 10 as this falls well below the optimal site yield of small/medium housebuilders.

Question 4.2: Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?

38. Although we do not have a specific objection to the proposed approach of including sites in the small sites register regardless of their actual suitability for housing development, we do note that this approach risks making the small sites register's value as a planning tool almost worthless. Without any assessment of suitability the small sites register would effectively be a forum for developers to promote their sites, rather than a planning tool. The proposed approach would also mean that LPAs will find it difficult to make an accurate and realistic assessment of potential capacity of small sites in their area. In this respect, our response to question 4.3 identifies some categories of land which we think should be excluded from the small sites register.

Question 4.3: Are there any categories of land which we should automatically exclude from the register? If so what are they?

39. Yes, Gateshead Council would like to exclude sites from the register which we deem unsuitable for development, including greenfield sites in the Green Belt, and sites in locations which the Council deems wholly unsuitable for residential development.

Question 4.4: Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?

40. No, Gateshead Council does not agree that location, size and contact details will be sufficient to make the small sites register useful. We consider that the minimum information should include site plans that are readily available at relatively low cost and therefore would not constitute a burden for the landowner. Site plans will be essential for LPAs in understanding the extent of a site.

Chapter 5: Neighbourhood planning

Question 5.1: Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?

41. Gateshead Council broadly supports the proposed circumstances in which we must designate all of the neighbourhood area applied for. We understand that the circumstances proposed are when a parish council applies for the whole of the area of the parish to be designated as a neighbourhood area, or applies to enlarge an existing designation of part of the parish to include the whole of the parish area; or in other cases, a local planning authority has not determined an application for designation of a neighbourhood area within the current time periods.

Question 5.2: Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?

42. Gateshead Council agrees broadly with the proposed time periods for a local planning authority to designate a neighbourhood forum, and would endeavour to reach a decision on an application to designate a neighbourhood forum within 13 weeks subject to the necessary information being provided...

Question 5.3: Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?

43. Yes, Gateshead Council broadly agrees with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum.

Question 5.4: Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?

44. Gateshead Council broadly agrees with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner.

Question 5.5: Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?

45. The Council has no comments on this issue.

Question 5.6: Do you agree with the proposed time period within which a referendum must be held?

46. The Council has no comments on this issue.

Question 5.7: Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?

47. The Council has no comments on this issue.

Question 5.8: What other measures could speed up or simplify the neighbourhood planning process?

48. There are no other measures that Gateshead Council considers could speed up or simplify the neighbourhood planning process.

Question 5.9: Do you agree with the proposed procedure to be followed where the Secretary of State may intervene whether a neighbourhood plan or Order should be put to a referendum?

49. No, the Council does not agree with the proposals or timescales for intervention by the Secretary of State. They fail to recognise the complexity of some of the issues which could have arisen, which might require consideration of detailed evidence and potentially consultation of statutory bodies and other specialist organisations. Nor does the Council agree with the principle of such intervention, which fails to give due account to local democratic accountability. It is envisaged that there would be a remedy through the courts where a local authority has behaved unreasonably. However, if the Secretary of State is to have powers to intervene, the timescale allowed should be much longer. It is noted that the consultation states that cases where this would be expected to arise are "extremely rare".

Question 5.10: Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?

50. Yes, Gateshead Council agrees that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan.

Chapter 6: Local plans

Question 6.1: Do you agree with our proposed criteria for prioritising intervention in local plans?

51. There is insufficient information in the consultation document on how under-delivery and high housing demand will be defined in the absence of an up-to-date local plan. The Council is concerned that short timescales may produce pressure to minimise local consultation, and that commissioning of third parties reduces democratic accountability, reduces cost-effectiveness and reduces the contribution which can be made to plan-making by experienced local authority officers with detailed local knowledge. The Council is also concerned that continuing and worsening under-resourcing of local authorities increases the likelihood that insufficient resources will be available to deliver plans in a timely fashion.

52. We consider that the potential for DCLG to intervene in plan making will actually do little to support Councils in reaching a decision to adopt a local

plan document. The plan-making process should be one which results in a Local Plan which addresses l/.ocal issues as identified through robust evidence, and also has support from the community such that it can be endorsed by the Council's elected members. The proposals for intervention by the secretary of state appear to contain little that would improve performance in these matters. We consider that a more effective approach, in terms of the resources of LPAs and of DCLG, would be to support existing LPA functions by providing clear guidance and support from services such as the Planning Advisory Service.

Question 6.2: Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?

53. The Council has no comments on this issue.

Question 6.3: Are there any other factors that you think the government should take into consideration?

54. No, Gateshead Council does not have any other factors that we think the government should take into consideration.

Question 6.4: Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention?

55. Yes, Gateshead Council agrees that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention. We think it is important that we would be given an opportunity to explain any exceptional circumstances which, in our view, would make intervention at the proposed time unreasonable.

Question 6.5: Is there any other information you think we should publish alongside what is stated above?

56. Other than the information stated above, there is no other information which Gateshead Council thinks should be published.

Question 6.6: Do you agree that the proposed information should be published on a six monthly basis?

57. The Council would question the resource implications of this proposal and considers that annually would be.

Chapter 7: Expanding the approach to planning performance

Question 7.1: Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?

58. The impact of setting time based decision targets is that decision will be made to refuse permission within the statutory timeframe rather than encouraging discussion and amendments where a positive solution could be found given more time. The ability to have PPA's and Extensions of Time to add significant value, allowing time for discussion and amendments. However, I am aware of examples where applicants have refused to agree to an extension of time unless the LPA agrees to concede a planning issue. This is obviously not the improvement to the planning process intended by this threshold for designation.

59. This LPA has a very limited number of major or county matters applications that might be dealt with in any given two year period. County matters may be just over the threshold of 2 decisions per year but one significant and complex and locally controversial landfill application could mean designation when you may be unlikely to get another of that scale for several years. With PPA's and extension of time applications, most authorities should be able to meet the 60% standard for majors.

60. However, as many applicants for minor applications are less experienced in the planning process, these can take longer to reach a positive conclusion, particularly when negotiations or amendments are required. Therefore there is a risk that including minor applications into the threshold for designation could lead to more refusals and discourage lengthy discussions to find solutions.

61. It is considered that 60% target gives a good indication that the LPA is making the majority of its decisions in good time but also allows sufficient leeway to enter into discussions to gain approval more quickly. This will also allow development to commence more quickly than if a revised application process is necessary.

62. The appeal target is a crude indication of the quality of the decisions being made. However, the Council does consider there to be any better way of making this assessment without a more comprehensive assessment of decisions made across the LPA. However, the differences between the decisions that PINS are able to make and those of the LPA would mean that the number of overturns are falsely represented. Often the consideration of a case is subjective and finely balanced. As such, a small number of overturned decisions by PINS do not represent a failure in the quality of the decision making process of that Authority. As such a reduction of the designation threshold is not considered to be appropriate.

63. Considering the very few numbers of appeals that a good authority should have, a small number of appeals being overturned could make a significant difference to this standard. In addition PINS have the ability to make split decisions where an LPA cannot and these partial approvals would count towards the standard. Another example recently experienced was for an appeal against conditions, where an inspector agreed with the council's decision to impose those conditions, but changed the standard 3 years to implement the approval to take account of the appeal period. This was counted as an allowed appeal and contributed towards the designation

threshold. Therefore the ability for an LPA to explain these anomalies as an exceptional circumstance is essential whatever the threshold

Question 7.2: Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?

64. No see the answer to question 7.1.

Question 7.3: Do you agree with our proposed approach to designation and de-designation, and in particular?

65. No see the answer to question 7.1.

Question 7.4: Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?

66. The Council sees no reason why householder development should be considered any differently to other applications. These can often have as many objections or be as controversial as any other applications.

Chapter 8: Testing competition in the processing of planning applications

67. The proposed introduction of competition in the processing of planning applications is considered to be highly controversial. To ensure local accountability in planning decisions, LPA's have to maintain responsibility to make decisions. There is the potential for approved planning services to process applications, but without local knowledge and understanding of the area, the policies and the relationship with local statutory consultees, it would be unclear how competition would have any benefits over the LPA to deliver the strategic growth identified in the Local Plan. It would also be difficult to demonstrate that an approved provider is giving an independent assessment of an application. LPAs are often accused of bias towards developers and this would be increased significantly if the recommendation would be made by another party paid for by the developer. LPAs have the established transparency of process to give all parties to a planning application the confidence that balanced and impartial due consideration will be given to any application.

68. This council has also experienced the introduction of competition in the dealing with Building regulations applications. This is clearer as BC legislation and policy is laid out in national regulations which, whilst open to a small degree of interpretation, do not have the same subjective assessment that many aspects of planning have. The local knowledge of the area and policies is key to weighing up and balancing the considerations of any planning application.

Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?

69. There is the potential for very significant applications or where a specific or unusual area of expertise is required such as for major Minerals or county matters sites. However, the decision should still be made by the LPA.

Question 8.2: How should fee setting in competition test areas operate?

70. The fees must be at a competitive level to the LPA and the benefits realised through speed of decision or area of specific expertise. National fees are universal and a private company undercutting the national fees would not be appropriate**.**

Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to?

71. The fees must be at a competitive level to the LPA and the benefits to the applicant realised through speed of decision or area of specific expertise. National fees are universal and a private company undercutting the national fees would not be appropriate.

72. This Council has developed SLA's with local statutory and non-statutory consultees to establish when to consult and this would be a requirement for any other Planning service provider to ensure that all applications are being considered on a level playing field.

73. If an approved provider undertakes the validation, consultation, consideration and negotiation of amendment stages of an application producing a report with a recommendation, it is likely that some form of checking would be required for a case to be signed off or approved by the LPA either through delegation to an officer or via planning committee. Therefore a fee would be required to enable the LPA to resource this.

74. Further resources would be required for the public to access details/records of the planning application to enable affair and transparent consultation process.

75. The LPA would have to make available details of the historic records for the site, policy background and evidence of constraints for the site. In addition the information submitted with an application should be made available to the LPA to supplement their records.

76. LPA officers build a relationship with, residents groups, consultees, developers and councilors all of which aid the process of considering and delivering development. It is difficult to establish what another provider would add to this process.

Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?

77. Regular auditing of applications/recommendations received. Possibility that LPA's have the ability to call in an application if it fails to consider any particular issue appropriately.

78. It is likely that Committees will require a check of the reports by a Local Officer in order to ensure that sufficient local weight has been given to the relevant issues. It is possible that reports from a provider would be more greatly scrutinized by Committee.

Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?

79. The LPA receives many enquiries from members of the public seeking information about applications. Whilst this is being directed as far as possible onto the council's website, there are a number of people who require explanation of the application to be able to understand technical plans and documents. If the Council is expected to maintain this role resources would be required to facilitate this. Public expectation that would be able to find information about all applications within the LPA area on the council's planning website and maintain an up to date record on back office computer systems and DMS.

80. This is a two way process of information sharing which is possible if there were one provider operating in an area. However, it is likely that several providers would vie for applications and the additional resources required to keep all parties up to date with information required to consider applications appropriately would significantly outweigh any benefits of quicker decisions.

81. The level of information held in a Local Authority to give evidence and background to the consideration of planning issues is significant and not necessarily in a format that would be easily shared with a provider. In addition, if a provider is another authority or a private consultancy, it would be difficult to ensure that adequate data security of both private information and locally sensitive data could be maintained.

82. Most LPAs have a briefing process for Committee with very tight timeframes for delivery to meet a certain committee. The reports have been streamlined into a specific format to make the process as efficient as it can be. The additional checks required for approved providers will add unnecessary burdens onto the application which is likely to outweigh any time saved by the provider.

Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?

83. Significant likelihood that there will be duplication of process or checking of the process undertaken by the approved provider. Local knowledge of local constraints and policies is essential in considering applications which would require input from LPA's as an additional consultee. BC is different as assessing proposals against national standards which apply to all areas.

Consultee relationships are already in place to have a strategic overview growth in the local area. There is uncertainty as to how consistent decision making would be ensured?

84. The introduction of competition to planning decision making would reduce the income for LPAs at a time when they are trying to be self-sufficient. The likely applications that would appeal to an approved provider would be the larger applications which generate significant fees leaving the LPA to use fees from smaller applications to fund its wider service such as enforcement and heritage work, the democratic process and legal processes such as S106.

85. There is a risk that these proposals would erode consistency and transparency in the decision making process.

Chapter 9: Information about financial benefits

Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?

86. No there would be significant additional work to identify this information with little likely difference to the outcome of the application. The council already sets out the benefits associated with S106 and will in the near future do the same with CIL when this is implemented.

87. Council tax and rates information could only be an estimate and new homes bonus would be dependent on the number of houses demolished in the year that the new houses approved were completed so an accurate value for new homes bonus could not be given at decision stage.

88. Perception from objectors that developer is buying planning permission as is already the case when s106 contributions are reported.

Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement these measures?

89. No see response to 9.1 above and concern regarding the impact of such proposals on already stretched Council resources.

Chapter 10: Section 106 dispute resolution

90. The Council is not aware of any significant disputes relating to the requirements of a S106 contribution that have led to significant delays in the resolution of an s106 agreement or planning application. The council has published a clear SPD guidance note which sets out the Councils requirements for S106 contributions and how it will determine the level of contributions required. However, if a dispute were to arise the dispute resolution proposed would be appropriate.

Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?

91. The Council agrees.

Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?

92. The Council agrees.

Question 10.3: Do you agree with the proposals about what should be contained in a request?

93. The Council agrees.

Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?

94. No this is likely to result in malicious requests. If a LPA is sufficiently concerned about a third party interest, it would have the ability to make the decision to enter the process.

Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?

95. The Council has no views on this question.

Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?

96. It is likely that many disputes would relate to viability and the scheme's ability to accommodate the level of the contributions. Expertise in development finance is key.

Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?

97. No the applicant should pay the fee if they do not agree with what has been required by the LPA. If LPA's are required to set out in an SPD what their contributions are and this goes through a consultation process, then the applicant will have to make a case about why they do not want to accord with the SPD.

Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?

98. The Council has no comments in response to this question.

Question 10.9: What matters do you think should and should not be taken into account by the appointed person?

99. The LPA's guidance/SPD. Any viability evidence and the LPAs consultee advice on the submitted viability evidence.

Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?

100. As any viability information may include commercially sensitive information, it is accepted that some considerations of the process will need to be kept confidential, however, a resolution report would have to be produced which summarises the reasons why a decision/recommendation is being made without disclosing financial information.

Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?

101. No clear view as long as the statutory targets for considering applications is halted for any case that is referred for dispute resolution;

Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?

102. No

Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?

103. None

Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?

104. No

Chapter 11: Permitted development rights for state-funded schools

Question 11.1: Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?

105. The Council has no comments in response to this question.

Question 11.2: Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?

106. The extension of permitted development rights would result in a number of temporary uses for schools in areas where these are not appropriate and would have a detrimental impact on highways safety or residential amenity.

Chapter 12: Changes to statutory consultation on planning applications

Question 12.3: What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?

107. The Council has no comments in response to this question.

Question 12.4: Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.

108. The Council has no comments in response to this

Chapter 13: Public Sector Equality Duty

Question 13.1: Do you have any views about the implications of our proposed changes on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter? Is there anything that could be done to mitigate any impact identified?

109. The Council has not identified any adverse impacts of the changes which are the subject of this consultation on people with protected characteristics under the Equalities Act.

Question 13.2 Do you have any other suggestions or comments on the proposals set out in this consultation document?

110. The Council has no further comments to make at this

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Council Tax and Non-Domestic Rates – Transfer of Uncollectable Amounts**

REPORT OF: **Darren Collins, Strategic Director, Corporate Resources**

Purpose of the Report

1. This report asks Cabinet to approve the transfer of outstanding balances from Council Tax and Non-Domestic Rates (NDR) accounts, where all possible recovery action has been taken and the balances are now considered to be uncollectable.

Background

2. Council Tax and NDR charges are levied in accordance with statutory legislation. Under the localisation of Business Rates, a proportion of monies collected by the Council are retained locally to form part of the core funding of the Council.

3. Charges which remain unpaid are subject to prompt appropriate recovery action. Despite this action there remain some debts, which are uncollectable.

4. The amounts, which have been identified as uncollectable are summarised at appendix 1. These balances represent the full amount identified as uncollectable at the end of the financial year 2015-16.

Proposal

5. It is proposed to transfer the balance of 1,005 accounts to the value of £148,240.73 for Council Tax and 291 accounts to the value of £924,928.72 for Non-Domestic Rates.

6. In addition to this, balances of £500.00 or less on 2,142 individual accounts totalling £170,402.12 in respect of Council Tax and 203 accounts totalling £18,869.85 for Non-Domestic Rates, have been transferred under delegated powers in accordance with Financial Regulation 8.10.

7. The total proposed transfer is therefore £318,642.85 Council Tax and £943,798.57 Non Domestic Rates of uncollectable balances. Of the proposed NDR transfer, £740,247.12 is as a result of insolvency.

8. The amount of the proposed transfer represents 0.4% of the Council Tax collectable debit and 1.0% of the NDR collectable debit for 2015-16.

Recommendations

9. It is recommended that Cabinet notes the action taken under delegated powers to transfer 2,142 accounts totalling £170,402.12 in respect of Council Tax and 203 accounts totalling £18,869.85 in respect of NDR and agrees to: -

- The transfer of 1,005 accounts in respect of Council Tax balances totalling £148,240.73

- The transfer of 291 accounts of NDR balances totalling £924,928.72.

For the following reason:

(i) To ensure the effective management of the Council's resources.
(ii) To ensure that the Council Accounts accurately reflect the correct financial position.

CONTACT: John Jopling extension: 3582

APPENDIX 1

Policy Context

1. The proposals in this report are consistent with the Council's vision and medium term objectives as set out in Vision 2030 and the Council Plan and, in particular the key Council priority of ensuring a sustainable Gateshead through ensuring the best use of its resources.

Background

2. The transfer reflects Council Tax and NDR accounts where the recovery process has been exhausted and it is no longer cost effective to pursue the cases through the court process.

3. Of the £943,798.57 Non Domestic Rates transfer, £374,727.79 relates to three cases of insolvency with the following values:

   (i) 1 account with a value of £249,406.26
   (ii) 1 account with a value of £64,545.08
   (iii) 1 account with a value of £60,776.45

Details of Debts Included in Transfer

4. The tables below give details of the reason and the year that the debt was created.

Council Tax

Year of Debit	Deceased	Insolvency	Other	Total
	£'000's	£'000's	£'000's	£'000's
Prev Years	8	6	77	91
2010/11	4	8	8	20
2011/12	3	7	6	16
2012/13	2	10	15	27
2013/14	4	22	24	50
2014/15	8	22	47	77
2015/16	3	20	15	38
		Total		**319**

Non-Domestic Rates

Year of Debit	Insolvency	Other	Total
	£'000's	£'000's	£'000's
Prev Years	80	108	188
2011/12	79	42	121
2012/13	104	34	138
2013/14	157	10	167
2014/15	259	5	264
2015/16	60	5	65

Total	**943**

Consultation

5. The Leader has been consulted.

Alternative Options

6. No alternative options are proposed. A regular review of debt owed to the Council is an essential part of good recovery and accounting procedures.

Implications of Recommended Option

7. Resources

a) Financial Implications - The Strategic Director, Corporate Resources confirms that the cost of the transfer of £318,642.85 for Council Tax and £943,798.57 for NDR can be met from the provision set up in the Collection Fund.

b) Human Resources Implications – Nil

c) Property Implications – Nil

8. Risk Management Implications – The transfers mitigate the risk of entries in the Council's statement of accounts being incorrect.

9. Equality and Diversity Implications – Nil

10. Health Implications - Nil

11. Crime and Disorder Implications - Nil

12. Sustainability Implications - Nil

13. Human Rights Implications – Nil

14. Area and Ward Implications – All Wards

Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Inspection of services for children in need of help and protection, children looked after and care leavers**

REPORT OF: **Alison Elliott, Interim Strategic Director, Care, Wellbeing and Learning**

Purpose of the Report

1. The purpose of this report is to:
   a. inform Cabinet of the findings from Ofsted's Inspection of **services for children in need of help and protection, children looked after and care leavers** and their Review of the effectiveness of the Local Safeguarding Children Board in Gateshead published on the 11th March 2016;
   b. seek Cabinet's approval to implement the actions necessary in relation to the areas for improvement identified by Ofsted processes within Gateshead, in line with Ofsted's recommendations;
   c. refer the Ofsted report and subsequent improvement plans to the Children and Young People's Overview and Scrutiny Committee for consideration.

Background

2. The inspection was carried out under section136 of the Education and Inspections Act 2006. The Inspection of services for children in need of help and protection, children looked after and care leavers was carried out under the Single Inspection Framework (SIF) which came into force in November 2013, replacing the previous inspection regime of the inspection of Local Authority Arrangements for Child Protection which were targeted inspections and followed the 3 year cycle of Safeguarding and Looked After Children inspections (SLAC).

3. All English Local Authorities will be subject to a SIF during the period November 2013 to April 2017. The inspection in Gateshead took place between 27th October and 19th November 2015. The inspection was unannounced and the inspection team consisted of seven of Her Majesty's Inspectors (HMI), two HMI shadow inspectors and an Ofsted Senior Data Analyst. Inspectors looked closely at the experiences of children and young people who have needed or still need help and/or protection. This also includes children and young people who are looked after and young people who are leaving care and starting their lives as young adults.

4. Inspectors considered the quality of work and the difference adults make to the lives of children, young people and families. They read case files, watched how professional staff work with families and each other and discussed the effectiveness of help and care given to children and young people. Wherever possible, they talked to children, young people and their families. In addition, the inspectors have tried to understand what the local authority knows about how well it is performing, how well it is doing and what difference it is making for the children it is trying to help, protect and look after.

5. Inspectors scrutinised over 200 case files and undertook in depth cases analysis of 20 cases, alongside the audits of those cases undertaken by the Local Authority. Inspectors interviewed staff and managers involved in these cases, observed practice, spoke with children, their families and other professionals to assess the effectiveness of multi agency arrangements. Additionally, they analysed performance data, management information and strategy documents.

Inspection Findings

6. The inspection judgement was that **the overall effectiveness of Children's Services in Gateshead is good**. Inspectors will make a judgement of 'good' where the characteristics set out are widespread and common practice and are demonstrably leading to improved outcomes. The detailed grading in each judgement area within the Ofsted framework was:

    - Children in need of help and protection - Good
    - Children looked after and achieving permanence - Good
    - Adoption performance - Good
    - Experiences and progress of care leavers – Requires Improvement
    - Leadership and Governance – Good

7. Between November 2013 and 11th March 2016, 85 Inspection reports have been published. Of those, only 20 others have achieved an overall judgement of 'Good', 22 inspections resulted in a judgement of Inadequate and the remaining 43 achieved a judgement of Requires Improvement. To date no authority has achieved an overall judgement of outstanding.

8. The inspection report highlights a great many strengths in practice across the whole system, including highlighting very good practice in the following areas; intensive family support in relation to domestic abuse; performance management and quality assurance arrangements; fostering support; celebrating the achievements of children looked after and care leavers and promoting children's rights. Each of the above named areas received an Annex O* commendation from Ofsted inspectors during the inspection period. The report recognises the significant improvements that have taken place over the last 4 years and the methodical way in which those improvements have been sustained.

    *** Annex O** Where inspectors observe best and/or innovative practice in a local authority they record the detail in Annex O, the best practice log.

9. The inspection also included a review of the LSCB to evaluate the effectiveness of the Board in carrying out its statutory functions. Inspectors considered the evidence that the LSCB;

    - Coordinates the work of statutory partners in safeguarding children and monitors the effectiveness of those local arrangements.

    - Delivers multi-agency training in the protection and care of children which is evaluated regularly for impact on management and practice.

    - Ensures local policies and procedures in respect of thresholds for intervention are understood and operate effectively.

- Uses serious case reviews, management reviews and reviews of child deaths as opportunities for learning and feedback that drive improvement.

- Evaluates and monitors the quality and effectiveness of the local authority and statutory partners in protecting and caring for children, including the provision of improvement advice and

- Challenges practice between partners and uses casework auditing to ensure improvements can be made in frontline practice and management oversight.

10. The Inspector for the LSCB scrutinised minutes of board meetings and subgroup meetings, strategies, policies and performance management information alongside interviewing the LSCB Chair, Business Manager, LSCB Partners and Subgroup Chairs. The information gathered was triangulated with the inspection team who, when talking to social workers in relation to practice, discussed the impact of the LSCB on practice through multi-agency training and the dissemination of learning from serious case reviews.

Proposal

11. It is proposed to take forward actions to respond to the areas for development highlighted by the inspection (outlined in Appendix 1), through the Learning and Children's performance framework overseen by the Interim Strategic Director, Care Wellbeing and Learning, Children's Trust Board and Local Safeguarding Children Board.

Recommendations

12. It is recommended that Cabinet agrees to:

    (i) note the contents of the Ofsted Inspection Report of services for children in need of help and protection, children looked after and care leavers and the review of the LSCB, 27Th October – 19th November 2015 (Appendix 2);
    (ii) approve the implementation of the actions necessary in relation to the areas for improvement identified by Ofsted processes within Gateshead, in line with Ofsted's recommendations; and
    (ii) Refer the report to the Families OSC, Children's Trust Board and Local Safeguarding Children Board for consideration.

    For the following reason:

    (i) To ensure that the Ofsted findings are given appropriate scrutiny as part of the Council's performance management arrangements and ensure that any necessary action is taken around the areas for improvement.

CONTACT: Ann Day ext 3484

Policy Context

1. The proposals in this report are in line with the Council's statutory duties and with the outcomes for children and young people set out in the Council Plan, Children Gateshead, the Children and Young People's Plan, and Gateshead's Sustainable Community Strategy - Vision 2030.

Inspection process

2. Until October 2013, Ofsted assessed with other inspectorates how well local services worked together to improve outcomes for children and young people through annual unannounced inspections of contact, referral and assessment, coupled with three yearly Inspections of Safeguarding and Looked After Children services and targeted inspections of Local Authority Arrangements for Child Protection from 1st April 2012 to 1st November 2013. These were replaced by the Single Inspection programme of **services for children in need of help and protection, children looked after and care leavers** which commenced in November 2013.

3. The purpose of the inspection is to evaluate the local authority as the lead agency; on its effectiveness in leading partnership working from Early Help to children who need to be looked after and their progress on to becoming care leavers. The inspection team consisted of seven of Her Majesty's Inspectors (HMI), two HMI Shadow Inspectors and an Ofsted Senior Data Analyst. The inspection was carried out under the Children Act 2004 and the inspection team was on site between 27th October and 19th November 2015.

4. All inspection judgements are made using the following four-point scale: Outstanding, Good, Requires Improvement or Inadequate.

5. Inspection and regulation by external and independent agencies assists with ensuring that children and young people are achieving the best possible outcomes and are being kept safe and free from harm. Inspection and regulation reports also give an independent account to local citizens on how well services are doing and how public money is being spent.

6. The framework for the inspection that took place in Gateshead in 2011, which looked at both safeguarding arrangements and looked after children arrangements was significantly different to the one Ofsted currently uses. Ofsted revised the criteria for inspection in April 2012, setting a significantly higher bar, more rigorous attention to individual casework, no notice and a specific focus on child protection arrangements. In February 2013 Gateshead was inspected on its Arrangements for Child Protection receiving a judgement of good. This latest inspection in 2015 follows on from that previous inspection, being as rigorous in its methodology but with a broader remit to include Early Help and services to Looked After Children and Care Leavers. The methodology remains centred on casework and scrutinises whether services lead to improved outcomes for children and young people.

7. During the inspection Inspectors looked at over 200 cases, spoke to 21 young people directly and 37 parents/carers.

Inspection outcomes

8. **Children in need of help and protection was judged to be good.** The inspectors noted that children who need help and protection are identified early and receive effective and timely interventions, delivering improved outcomes. They judged the experience and progress of children who need help and protection as good highlighting that:

- Multi-agency partnerships are strong with a robust focus on safeguarding.
- Thresholds for access to social care are well understood and embedded.
- A wide range of very good targeted and coordinated early help is delivered across a range of services, with elements of outstanding practice within intensive family support.
- The Common Assessment Framework (CAF) and team around the family (TAF) approaches are being used effectively to identify and respond to need and lead to effective family-focused interventions. CAF assessments include an assessment of risk and how it impacts on the child.
- The Early Help quality assurance system is providing a good overview of early intervention; as a result children who require more targeted or specialist help are identified quickly.
- Referrals to children's social care receive timely responses that are thoroughly considered, safely managed and lead to swift and decisive actions.
- Robust information gathering by duty workers at the contact and referral stage leads to timely and informed decision making. Information sharing between partners is effective and appropriate.
- Child protection enquiries are thorough and benefit from effective multi- agency strategy meetings.
- Assessment quality is good; assessments are holistic, make good use of historical information and evaluate the child's experience well and contain balanced strengths and risks analysis leading to appropriate outcomes for children.
- Evidence of direct work with children is a particular strength.
- Social workers know the children they work with well and, as a result, provide good support to meet children's needs and promote their safety. Visits to children are regular and most benefit from having a consistent Social worker which enables trusting relationships to be built.
- Multi-agency arrangements to safeguard vulnerable children who go missing from home, care or education or are at risk of sexual exploitation are robust.
- The proactive approach taken with unborn children is identified as a strength ensuring protective action commences and continues before and after birth.

9. **The experiences and progress of children looked after and achieving permanence was judged to be good.** The inspectors noted that decisions to look after children are generally timely, appropriate and in the best interests of the children. The following areas of good practice were highlighted:

- The Public Law Outline (PLO) is applied appropriately and ensures that children are supported and protected well.

- Effective intensive family support services wrap around families to keep children within their family where it is safe to do so.

- Social workers carry out viability assessments and use family group conferences to explore alternative options to being taken into care, resulting in effective use of placements with family members and SGOs (Special Guardianship Orders)

- Social workers are good at listening to children and know them well. Children's wishes and feelings are well recorded in assessments.

- The quality of assessment is good; assessments are comprehensive with good analysis and evidence of research.

- The needs of children are well considered with good attention to health matters, identity and diversity.

- Decisions and planning for children to return home are robust, with clear evidence of senior management oversight and support plans in place to address risks.

- Children are seen alone where appropriate and, importantly, the frequency of visits is increased where needed.

- Children are very well supported to express their views; social workers take good account of children's wishes and feelings when considering where they should live. Looked after Children are well represented through One Voice, which is highly influential in shaping services for looked after children.

- Placement stability in Gateshead is very good.

- The projected needs of children looked after is very well understood. This informs recruitment activity and planning to maintain sufficient resources. The recruitment of foster carers is good.

- Children looked after in Gateshead who are missing and at risk of sexual exploitation receive a well-coordinated response to the risks.

- Clear protocols, procedures and good access to early intervention and treatment services for substance misuse ensure that children in Gateshead receive appropriate support.

- Educational attainment for looked after children is improving and is above national comparators across all the key stages.

10. **Sub judgement: Adoption performance is good**

- Children are identified at an early stage and their parallel plans are effectively tracked to minimise delays.

- There is a coherent recruitment strategy for adopters based on an analysis of the likely predicted numbers, needs and profiles of children.

- The majority of assessments of adopters are timely, robust and child centred, with clear analysis supporting the recommendations. The adoption panel is suitably robust and carefully considers recommendations for approvals and the quality of matching children with adopters.

- There are minimal disruptions, with one breakdown in 2014–15. This demonstrates the quality of matches for children and the post-adoption support available.

- Fostering to adopt is a relatively new initiative that is successfully achieving permanence through Adoption for Children.

- Arrangements to support children and adopters pre and post adoption are effective and responsive. Timely assessments are completed to identify individual needs and tailor support packages.

- Adoption support is commissioned through an adoption agency. This is particularly highly regarded by adopters. Individual therapy and psychological support has been effective in helping families to improve relationships and attachments between child and adopter.

11. **Sub judgement: The experience and progress of care leavers requires improvement.** Inspectors highlighted the following areas of good practice:

- Arrangements for keeping in touch with care leavers are effective.

- Assessment of risk is key to the work undertaken by social workers, personal advisers and other support staff working with care leavers.

- Care leavers are effectively supported and challenged to identify risk and reduce their involvement in risky behaviour.

- Support is carefully calibrated to meet the specific needs of care leavers over time and to deal with the scale of the issues they may confront.

- Care leavers have also been involved in developing a care leavers' charter.

- The young people value the relationships they have with their personal advisers and the support they receive. As one young person put it, 'I see them as family; they are always there for me'.

- Seven care leavers are being well supported to attend local universities, including help with fees and maintenance costs and additional payments to foster carers providing ‘staying put’ arrangements.

- For the very small number of care leavers who have disabilities, thorough and well-managed transition arrangements ensure they continue to be effectively supported by adult services.

- The Council are compliant with the Southwark Judgement, ensuring that all 16- to 17-year-olds who become homeless are assessed as a child in need and, where appropriate, become looked after.

- All young people and care leavers now live in safe and secure accommodation. Care leavers have good access to a range of suitable accommodation, including increasing numbers who are benefitting from the staying put policy now in place.

- A successful and innovative commissioned service, which uses sport to engage with young people was developed in response to an identified need for supported accommodation for young people in Gateshead.

- Joint working arrangements with housing staff and a proactive and strategic approach ensures that young people at risk of losing their tenancies or becoming homeless are quickly identified and supported, increasing the numbers of care leavers successfully taking up and sustaining their own tenancies.

12. **Leadership, management and Governance is good**. The inspectors found that children and young people were at the heart of good practice in Gateshead. They highlighted the following areas:

- Political leaders and members led by the CEO are good advocates for vulnerable children and young people.

- There is a strong ethos of collective responsibility across the council, which is helping to achieve the best outcomes for children

- The level of challenge by elected members is robust; areas of strength and improvement are well understood and this leads to effective and timely challenge of key issues.

- Governance arrangements are robust and there is a golden thread running through all of the strategic plans for children, young people and families, both within children’s social care and across the partnership.

- There is an outstanding performance management and outcomes framework that is contributing to a shared ambition for and prioritisation of services for children and families.

- A coherent and comprehensive quality assurance framework is embedded and supports a rigorous programme of management oversight and continuous improvement within the local authority.

- Routine auditing is strong with good attention to the consistency of the work and effective consideration of both qualitative and quantitative standards.

- A quality assurance system is also embedded in relation to early help. This is providing a good overview of the effectiveness of early intervention

- There are effective arrangements with Gateshead Local Safeguarding Children's Board (LSCB).

- There are clear pathways established for accessing a comprehensive range of services to support children and families in need of early help, targeted and specialist support.

- Services are robustly monitored and evaluated for their effectiveness. There is effective monitoring of contract compliance by the Children's Commissioning Team; this is ensuring good quality and choice of accommodation for children looked after and care leavers.

- The joint strategic needs assessment (JSNA) is comprehensive and informs service needs well and supports the alignment of adult and children's commissioning.

- The workforce strategy appropriately includes clear expectations for learning and continuous professional development to improve and inform workers' practice. There is a responsive, accessible and appropriately targeted offer of training for social workers and managers, including good learning from serious case reviews regionally and nationally.

- The Principal Social Worker role is well established and has a positive impact on improving quality and the recruitment and retention of social workers through implementing an attractive workforce offer and clear career pathways.

- Historically, Gateshead has had a stable workforce and the increase in the recent turnover of staff is well understood, with responsive action being taken to ensure competitive remuneration packages and securing the stability of the workforce in the longer term. Existing staff are supported in maintaining appropriate caseloads.

- Supervision is of a consistently good quality and management oversight of cases is routine and comprehensive in most cases seen. There is a consistent focus on continual professional development through supervision, observations of practice and through appraisal.

- The children's rights service provides effective services for and coordination of complaints, advocacy and the provision of independent visitors for children, young people and their families.

- There are many excellent examples of operational staff going the extra mile to ensure that children and young people are helped to understand interventions and contribute to planning.

- There are cohesive working relationships between the corporate complaints team and children's rights service, which help children express their views well both formally and informally when they are not happy about a service.

- High numbers of children make a positive contribution across all areas of service delivery and this was consistently seen through direct work.

13. **Recommendations from Ofsted.** However, despite the good practice highlighted above there were elements that Inspectors determined should be improved and they provided a number of recommendations as detailed below:

    - Improve the quality of all children's plans, including pathway plans to ensure that targets for improvement are clear and that they focus on risk and the most important issues for children, young people and care leavers.

    - Ensure that child protection conferences and looked after reviews are used to drive and progress plans through the use of effective challenge and robust risk analysis.

    - Improve the attendance of education professionals at all children and young people's reviews and meetings, to ensure a robust focus on their educational outcomes.

    - Ensure that children who are subject to child protection processes have access to independent advocacy, in order to help share their views and to inform decisions about their lives.

    - Support care leavers to understand their health histories more thoroughly and ensure they have regular and timely access to mental health services.

    - Devise a more effective way of communicating legal entitlements to all care leavers.

    - Establish a protocol with all education and training partners to ensure that arrangements are in place to provide proactive support for care leavers to stay on their courses and complete their qualifications.

    - Ensure the adoption panel provides quality assurance feedback to the agency on the quality of reports being presented to panel and adoption performance.

14. A number of the recommendations have already been addressed and a robust action plan has been developed in order to monitor progress and ensure the continual drive to outstanding across all service areas.

15. **The review of the LSCB found that the LSCB requires improvement**. The inspectors found that while it fulfils its statutory responsibilities and there is clear, strong commitment from key statutory agencies, there are gaps in its membership, activities and monitoring of frontline practice that limit its effectiveness. However, much of the work it undertakes it does well and some, very well. They highlighted the following areas of good practice

- The LSCB has a comprehensive and robust business plan covering a three-year period. Yearly action plans build on progress from the previous year.

- Plans are well aligned to other strategic plans and are well informed by identified local needs, shared priorities and findings from local LSCB auditing activity as well as national learning.

- The LSCB exerts its challenge function appropriately, with some examples of strong challenge to partners resulting in improved engagement with safeguarding.

- The LSCB identified most of the areas for development seen in this inspection in March 2015 and is taking action to address them.

- Good collaborative working between sub-groups has resulted in an effective whole systems approach to safeguarding, including child sexual exploitation and extremism.

- The board's auditing activity is used to improve practice. For example, the Neglect Inquiry has led to the development of comprehensive guidance for all agencies.

- Communication across the LSCB sub groups and to the full Board is generally effective, leading to well-coordinated activities based on an established cycle of scrutiny, learning training and action.

16. The review made the following **recommendations** for improvement;

- Ensure that the LSCB engages more effectively with the community it serves, including learning from the participation and testimony of children and young people, increased engagement with faith and ethnic minority groups, and timely recruitment of lay members.

- Develop appropriate pathways to increase the LSCB contribution to and influence on the work of the Health and Wellbeing Board to ensure the experience of children and young people are given appropriate consideration in all activity.

- Ensure that training is sufficient to meet demand and is informed by a training needs analysis that includes analysis of impact on practice over time and the difference it has made to outcomes for children.

- Ensure that agencies report the outcomes of single-agency auditing activity to the LSCB to increase its oversight of practice

- Review the multi-agency data set used by the board to ensure that it meets LSCB priorities and includes all relevant activity that impacts on frontline practice, including workforce information

- Develop robust mechanisms for measuring the LSCB's effectiveness as part of a performance management framework

- Ensure that the LSCB annual report provides a clear account of the activity of the LSCB and its strengths and areas for improvement that is easily understood by a lay reader.

Consultation

17. The Cabinet Members for Children and Young People have been consulted. The inspection report has been widely circulated to partners for comment and will be discussed at the Children's Trust Board and Local Safeguarding Children Board (LSCB) to ensure that any improvements or learning is taken forward appropriately.

Alternative Options

18. There are no alternative options.

Implications of Recommended Option

19. **Resources**

a) **Financial Implications –** The Strategic Director, Corporate Resources has confirmed there are no direct financial implications arising from this report.

b) **Human Resources Implications** - Any human resources implications arising from the improvement areas will be addressed in line with the Council's established practices.

c) **Property Implications –** nil.

20. **Risk Management Implication –** Through Gateshead's cycle of continuous improvement the areas for improvement highlighted in the inspection report will be addressed, ensuring that the needs of vulnerable children and young people are met according to statutory requirements and that the risks to their safety are minimised and their protection is improved.

21. **Equality and Diversity Implications -** The proposals are designed to improve outcomes for vulnerable children and young people and their families. Specific activity in relation to equality and diversity implications is highlighted as an area for improvement; in undertaking this activity services for children and families will better reflect equality and diversity implications.

22. **Crime and Disorder Implications** – nil**.**

23. **Sustainability Implications** – nil**.**

24. **Human Rights Implications –** as a result of the proposed improvements we will seek to enhance the human rights of all children, young people and their families who are affected.

25. **Health Implications –** There are no specific health implications

26. **Area and Ward Implications –** Ofsted's Inspection is provided on a borough wide basis and areas for improvement will be addressed across the borough.

27. **Background Information -** The following documents have been relied on in preparation of this report:

- Ofsted's Framework and evaluation schedule for the inspections of services for children in need of help and protection, children looked after and carer leavers and Reviews of Local Safeguarding Children Boards originally published in November 2013 and subsequent iterations, latest version October 2015.
- Ofsted's Inspection Report of services for children in need of help and protection, children looked after and care leavers and Review of the Local Safeguarding Children Board in Gateshead published 11th March 2016.

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Gateshead Borough Council

Inspection of services for children in need of help and protection, children looked after and care leavers

And

Review of the effectiveness of the Local Safeguarding Children Board[1]

Inspection date: **27 October 2015 to 19 November 2015**

Report published: **11 March 2016**

Children's services in Gateshead are good		
1. Children who need help and protection		Good
2. Children looked after and achieving permanence		Good
	2.1 Adoption performance	Good
	2.2 Experiences and progress of care leavers	Requires Improvement
3. Leadership, management and governance		Good

[1] Ofsted produces this report under its power to combine reports in accordance with section 152 of the Education and Inspections Act 2006. This report includes the report of the inspection of local authority functions carried out under section 136 of the Education and Inspections Act 2006 and the report of the review of the Local Safeguarding Children Board carried out under the Local Safeguarding Children Boards (Review) Regulations 2013.

Executive summary

Children's services in Gateshead are good because leaders, managers and workers are highly effective. Very good practice was seen in the following areas: intensive family support in relation to domestic abuse; performance management and quality assurance arrangements; fostering support; celebrating the achievements of children looked after and care leavers and promoting children's rights.

There is strong corporate commitment to safeguarding and improving outcomes for all children and young people in the borough. Political leaders and elected members led by the chief executive officer (CEO) are good advocates for vulnerable children and young people. The Strategic Director of Care, Wellbeing and Learning is a skilled and confident leader. He is effectively supported by the CEO, members and other directorates within the council, and a strong, cohesive senior management team. The council has responded effectively to the areas for development identified following the inspection of child protection services in 2013 and the inspection of safeguarding and looked-after children services in 2011. Improvements have been sustained in a methodical way.

Leaders and managers have a comprehensive understanding of local need. This is reflected in strategic planning with explicit objectives for improvement and service development. The council is responsive to the diverse needs of the community and delivers a wide range of accessible and appropriate services. Good-quality service provision is secured through effective prioritisation and a shared understanding of safeguarding across the multi-agency partnership.

The council has undertaken significant work with partners to ensure confidence and understanding of the threshold for access to children's social care. Advice, information and timely signposting ensures children, young people and families receive the right support at the right time. There is a clear and accessible early help offer. A particular strength is the alignment of adult and children's commissioning for example, services for parents which include domestic violence support and prevention, adult mental health and substance misuse services. This is leading to much earlier identification of children in need of help and protection.

There is a highly effective multi-agency approach to safeguarding and managing risk across the council and wider partnership. A particularly strong area is the response to children at risk of sexual exploitation and those who go missing from home and care. Responses to child protection concerns are timely and robust. Social workers have manageable caseloads and are supported by effective supervision. This allows practitioners to complete good-quality assessments of risk and need in a thorough but timely way. Despite this, plans are not consistently outcome-focused and do not always ensure that interventions are targeted or enable progress to be monitored and measured.

Corporate parenting arrangements are good. As a result, outcomes for children looked after are often good and improving, for example decisive action has been taken to improve the educational attainment of children looked after. Performance is

now above national comparators across all the key stages. Placement stability is very good and the vast majority of children looked after live with foster carers. The majority of children benefit from timely plans to secure permanence. Decisions about permanence are most often made by the child's second review. The profile of the fostering resource and the projected needs of children and young people is very well understood. This informs recruitment activity and planning to maintain sufficient resources.

Children and young people are at the heart of practice in Gateshead. The children in care council 'One Voice' are highly valued and have a wide range of opportunities to make a positive contribution across all areas of service delivery. The achievements of children looked after and care leavers are valued and celebrated.

Adoption performance is good. Children are identified at an early stage when adoption is being considered as part of their plan for permanence and their parallel plans are effectively tracked to minimise delays. Recruitment practice is robust and the majority of assessments are completed within timescales. Good links exist with regional partners and agencies, which broadens the potential links for children. Children are well matched with adopters and effective ongoing support promotes stability, which adoptive families highly value.

Arrangements for keeping in touch with care leavers are effective. Care leavers have good access to a range of suitable accommodation and they are well supported to develop independent living skills. However, pathway plans are not used effectively as tools to promote care leavers' health, wellbeing and education. Not enough care leavers sustain their education, employment or training beyond the age of 19 and the council needs to be more ambitious and persistent for this vulnerable group.

Performance management and quality assurance arrangements are good with outstanding features and promote a robust culture of improvement through learning. Management information is used well to monitor actual performance and impact and encourage staff at all levels to contribute to improving outcomes for children and young people. The workforce is stable and staff feel well supported by visible, approachable and accessible managers. There is good investment in social work staff and partner agencies, with clear expectations for learning and continuous professional development to improve and inform social work practice.

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The local authority

Information about this local authority area[2]

Previous Ofsted inspections

- The local authority operates three children's homes. Two were judged to be good or outstanding in their most recent Ofsted inspection.
- The previous inspection of the local authority's arrangements for the protection of children was in February 2013. The local authority was judged to be good.
- The previous inspection of the local authority's services for children looked after was in January 2011. The local authority was judged to be adequate.

Other information about the local authority

- The strategic director of care, wellbeing and learning has been in post since October 2014.
- The chair of the LSCB has been in post since June 2014.

Children living in Gateshead

- Approximately 40,100 children and young people under the age of 18 years live in Gateshead. This is 20% of the total population in the area.
- Approximately 23.2% of the local authority's children are living in poverty.
- The proportion of children entitled to free school meals:
  - In primary schools is 17.6% (the national level is 15.6%)
  - In secondary schools is 14.1% (the national level is 13.94%)
- Children and young people from minority ethnic groups account for 5% of all children living in the area, compared with 21.5 % in the country as a whole.
- The largest minority ethnic groups of children and young people in the area are the White 'Other' (which includes a significant Jewish community as well as those from many European countries) and Asian/Asian British.
- The proportion of children and young people with English as an additional language:
  - In primary schools is 5.9% (the national average is 19.4%)
  - In secondary schools is 4.1% (the national average is 15%).

[2] The local authority was given the opportunity to review this section of the report and has updated it with local unvalidated data where this was available.

Child protection in Gateshead

- At 31 March 2015 1,590 children were identified through assessment as being formally in need of a specialist children's service. This is a reduction from 1,602 at 31 March 2014.
- At 31 October 2015, 238 children and young people were the subject of a child protection plan. This is a reduction from 258 at 31 March 2015.
- At 31 October 2015, one child lived in a privately arranged fostering placement. This is a reduction from two at 31 March 2015.
- Since the last inspection in 2013, five serious incident notifications have been submitted to Ofsted and one serious case review has been completed.

Children looked after in Gateshead

- At 31 October 2015, 367 children are being looked after by the local authority (a rate of 92 per 10,000 children). This is an increase from 340 (85 per 10,000 children) at 31 March 2015.

Of this number:

- 143 children (or 39%) live outside the local authority area
- 18 children live in residential homes, of whom 44% live out of the authority area
- nine children live in residential special schools
- 319 children live with foster families, of whom 36% live out of the authority area
- three children live with parents, all of whom live in the authority area
- one young person is an unaccompanied asylum-seeking child.

In the last 12 months:

- there have been 25 adoptions
- 16 children became subject of special guardianship orders
- 198 children ceased to be looked after, of whom 25 returned to be looked after
- 26 children and young people who have ceased to be looked after have moved on to independent living
- Six young people who have ceased to be looked after are now living in houses of multiple occupancy.

Recommendations

1. Improve the quality of all children's plans, including pathway plans to ensure that targets for improvement are clear and that they focus on risk and the most important issues for children, young people and care leavers (paragraphs 17, 25, 46, 48 and 80).

2. Ensure that child protection conferences and looked after reviews are used to drive and progress plans through the use of effective challenge and robust risk analysis. (paragraphs 17, 36, 81 and 99)

3. Improve the attendance of education professionals at all children and young people's reviews and meetings to ensure a robust focus on their educational outcomes (paragraph 19).

4. Ensure that children who are subject to child protection processes have access to independent advocacy in order to help share their views and to inform decisions about their lives (paragraph 19).

5. Support care leavers to understand their health histories more thoroughly and ensure they have regular and timely access to mental health services (paragraphs 78, 79 and 95).

6. Devise a more effective way of communicating legal entitlements to all care leavers (paragraph 83).

7. Establish a protocol with all education and training partners to ensure that arrangements are in place to provide proactive support for care leavers to stay on their courses and complete their qualifications (paragraphs 81, 82 and 93).

8. Ensure the adoption panel provides quality assurance feedback to the agency on the quality of reports being presented to panel and adoption performance. (paragraphs 64 and 99)

Summary for children and young people

- Senior managers and councillors in Gateshead want to give children the best start in life. When children and their families need help, good-quality services and support are available at the right time.
- Social workers and managers are good at listening to children and making sure their views are acted on. When they do assessments to find out what children need, they always talk to people who know the family such as teachers, health professionals and sometimes police officers. This is to make sure they provide the right help and support to make children safe and to offer help to parents and carers.
- When social workers make plans to help children and their families, the plans do not always show what is going to happen and who is going to help.
- Social workers are very good at identifying when children are at risk of sexual exploitation. If children go missing, they will always be visited by a trustworthy adult when they return home to see how they can help to keep them safe in future. Senior managers make sure professionals from all agencies work together to protect children and young people.
- Children who are looked after go to live with very skilled carers who look after them well. Wherever possible they will live with their brothers and sisters. If it is safe to go home social workers make sure this happens at the right time and provide support for as long as necessary. When children need to be adopted, social workers find adoptive parents quickly.
- One Voice, which is the Children in Care Council, works hard to influence how children looked after are supported. Children can contribute to their reviews, make complaints, suggestions or comments on their achievements using the Mind of My Own app (MOMO).
- Councillors and senior managers want all children to do well at school. They provide lots of support to help children make progress in their learning. They celebrate children's success and are very proud of all children's achievements.
- When young people leave care, they get good support to find a safe place to live and to live independently. Care leavers get good help from their personal advisors and value these relationships. The council needs to get better at giving care leavers information about their health and what benefits they are entitled to. They also need to get better at helping care leavers stay in education, employment and training after their 19th birthday.

The experiences and progress of children who need help and protection	Good

Summary

Children who need help and protection are identified early and receive effective and timely interventions. Multi-agency partnerships are strong with a robust focus on safeguarding. Thresholds for access to social care are well understood and embedded. A wide range of very good targeted and coordinated early help is delivered by children's centres, commissioned services and in-house provision with elements of outstanding practice within intensive family support. Good-quality early help assessments lead to effective family-focused interventions. Regular reviews take place via team tround the family (TAF) arrangements. Very good performance management arrangements evidence these services are effective in providing support for families, reducing the need for social care intervention and sustaining progress when children's cases step down from statutory services. This is reducing re-referrals to children's social care.

Referrals to children's social care receive timely responses that are thoroughly considered, safely managed and lead to swift and decisive actions. In almost all cases, child protection enquiries are thorough and benefit from effective multi-agency strategy meetings. Whilst timely, child protection conferences and core groups are not always effective in challenging and driving children's plans. Poor attendance by educational professionals at some key meetings means that information sharing is not as robust as it should be.

Assessments are holistic, make good use of historical information and evaluate the child's experience well. Most assessments balance strengths and risks and lead to appropriate outcomes for children. Evidence of direct work with children is a particular strength. Social workers know the children they work with well and, as a result, provide good support to meet children's needs and promote their safety. Where children cannot express their views, social workers use observations to inform the assessment. Timely identification and provision of services where needed during assessments ensures children receive help at the point it is first recognised. Children's plans however do not focus consistently on outcomes and contingencies, although case recording clearly evidences the progress children are making.

Multi-agency arrangements to safeguard vulnerable children who go missing from home, care or education or are at risk of sexual exploitation are robust. Where required, children receive coordinated help and protection that are underpinned by effective risk assessments. Regular monitoring of their progress via the Missing, Sexual Exploitation and Trafficked Group (MSET) provides additional scrutiny and leads to effective support for children and young people, which then informs strategic prevention and disruption work.

Inspection findings

9. Gateshead has appropriately prioritised and invested in early help and prevention and this is making a positive difference in improving children's outcomes. The early help quality assurance system is providing a good overview of the effectiveness of early intervention within the Family Intervention Team (FIT), Positive Pathways, children's centres and Youth Support Team. Children and their families benefit from a wide range of targeted and well-coordinated services, both commissioned and in-house, when they first need help. As a result, some children's circumstances improve and others who need more targeted or specialist help are identified quickly.

10. A strong emphasis on partners delivering early help through collaboration and cooperation has resulted in consistent use of the Common Assessment Framework (CAF) to identify and respond to need. The vast majority of CAFs seen were thorough and contained an assessment of risk that included the impact on the child. 'Team around the child' meetings and reviews are regular. They are managed effectively by a lead professional and well attended by a good range of agencies. Family engagement is clear throughout the process. In the vast majority of cases, the life of a child (and often the parent) has improved because of the services provided.

11. A Positive Pathways team ensures that early help services are delivered at the right level, coordinating children's cases as they are 'stepped up' and 'stepped down' between early help and children's social care. The Family Intervention team, children's centres and the adolescent youth support service offer targeted interventions to meet identified need. However, too many children with a disability experience statutory assessments that are not proportionate to their identified need when a lower level service response is required. The council needs to make pathways to early help services clearer for families and children with a disability. Overall, social workers, other professionals and parents spoken to during the inspection identified significant improvement in the outcomes for many children because of the good quality services they receive. Due to the success in phase one of the Families Gateshead (Troubled Families) programme, the council was an early adopter of phase two of the programme. There are 672 families currently receiving coordinated support, led by a wide range of agencies. The service is tracking a further 334 families where positive outcomes have been achieved to ensure that progress is maintained.

12. Information sharing between partner agencies is effective and appropriate. Experienced social workers and managers provide social work expertise at the point of contact with children's social care. Most social workers and managers have received recent training to raise awareness of child sexual exploitation female genital mutilation (FGM) and trafficking. No cases of FGM or trafficking are currently reported in Gateshead. A workshop to raise awareness of radicalisation has provided information for frontline staff, including the duties placed on all agencies and the role of frontline workers.

13. Where appropriate, consent for enquiries is explicitly recorded. Thresholds between early help and statutory child protection work operate effectively. Robust information gathering by duty workers at the contact and referral stage leads to timely and informed decision making in the vast majority of cases. Management oversight is robust and additional quality assurance of decisions by peer managers where cases have closed acts as an additional safeguard.

14. Strong links with early help services mean that children and families who do not meet the threshold for children's social care receive support, where appropriate. Re-referral rates have reduced from 20.1% in 2014–15 to 11.6% currently, indicating that the support provided to families is effective in meeting their needs. Good communication between the longstanding, dedicated emergency duty team and day-time services results in robust information sharing and effective support to children in the evenings and at weekends.

15. Assessment quality is good. They do, however, take longer to complete than nationally. In 2014–15, 53.1% of assessments took 41 to 45 days for completion and only 5.2% were within 10 days. The council has not yet analysed the underlying reason for this and therefore cannot be certain that all assessments are completed within the child's timescale. However, this does not lead to a delay in service. In the vast majority of cases seen by inspectors, children received services and had an interim plan while the assessment was ongoing.

16. Assessments effectively evaluate the child's experience and contain balanced strengths and risk analysis. Chronologies are present in almost all cases and previous history is well considered. In almost all cases, children are seen alone where appropriate and good attention is paid to obtaining their views and feelings, including sensitive direct work and observations of younger children. Assessments involving a child with a disability are holistic and consider every child within the family. A child's ethnicity and religion are given careful consideration and there is evidence that the council have improving relationships with diverse groups including a large Jewish community. However, there is further work to do to help community leaders understand social care thresholds and facilitate early engagement if there are concerns.

17. Assessments do not always lead to effective plans. Although no cases were seen where a child was without a plan, they did not consistently contain outcome-focused actions and timescales were not routinely included. Children's outcomes could be further improved if plans were more robust and specifically targeted to identified need. Core groups and care teams take place regularly. However, the lack of focused planning in some cases makes it difficult to measure progress against the plan. More positively, case recording does show that risk to children is reducing because of effective safeguarding activity. In most cases, contingency planning needs to be clearer, although parents spoken to were clear about what was expected of them and what would happen if things did not improve.

18. 11.5% of children subject to protection plans in Gateshead are unborn, which is well above the national average of 1.8% (2014–15). This proactive approach ensures that focused multi-agency work starts as soon as professionals identify concerns. Protective action commences and continues before and immediately after birth. As a result of this robust planning, 63% of children no longer required a child protection plan by the time they reached six months old.

19. Reviews of plans are timely, with 98.8% of initial child protection conferences (ICPC) and reviews taking place within the prescribed timescales. This is higher than the national average of 74.7%. Children are supported to attend their conference where appropriate. However, not all currently have access to independent advocates. A system has recently been introduced for family support workers to undertake direct work with children to seek their views where an ICPC is arranged. This is a new initiative and, while positive, does not replace robust independent advocacy. Good attendance at conferences by most agencies results in well-informed, multi-agency decision making. A concerted effort by the council has seen an improvement in the attendance of GPs at conferences, which is improving the availability of health information to inform risk analysis. The involvement of schools, however, is inconsistent with examples seen of non-attendance and reports not being provided.

20. Social workers and support staff in Gateshead know the children they work with well. Case records show that work influences assessments and reflects the child's day-to-day life experiences. With the exception of one safeguarding team, caseloads are appropriately weighted to social workers capacity and experience and management oversight is good. Inspectors did however request that senior managers review a small number of cases where plans for children were insufficiently robust. In all cases, inspectors' concerns were accepted and acted on immediately. Visits to children are regular and most children benefit from having a consistent social worker, which enables children and their families to develop trusting relationships with them. One parent told inspectors that their support worker 'helped to get the knots out of my stomach and make better life choices for me and my child'.

21. At the time of the inspection, there were 235 children subject to child protection plans at a rate of 58 per 10,000 at the end of March 2015. This is above the national average of 43 per 10,000 and represents a 7% decrease since the same period in 2014. A significant proportion of children are subject to protection plans due to neglect (67%). The Local Safeguarding Children's Board (LSCB) has undertaken an evaluation to look at reasons for this and plans to launch new guidance for frontline practitioners. There has been a delay in this guidance being introduced. However, in all but one case sampled by inspectors where neglect was the primary reason for a child protection plan, the child's needs were identified in a timely way and protective and authoritative actions had been taken where appropriate.

22. Multi-agency risk assessment conferences (MARAC) take place regularly and these effectively consider cases of children living in households where domestic

abuse is a significant risk. Information sharing between agencies enhances risk assessments and translates into individual safety planning for children and their families. The council has invested in domestic abuse support services including dedicated domestic abuse workers within the social work teams. Operation Encompass is a pilot initiative established with the police and two neighbouring authorities to share information with schools following domestic abuse incidents. This has led to 276 separate incidents of domestic abuse reported to schools that otherwise would not have been known. Although it is too early for an impact evaluation, the feedback from schools is positive as it allows them to consider additional support needs for pupils.

23. The prevalence of children who live in households affected by mental health, substance misuse or domestic abuse is well known. Robust assessments are undertaken by adult services and referrals generated to children's social care where appropriate, or families are signposted to early help services. The impact of adult substance misuse on the child features prominently in the assessments and plans seen by inspectors. Very good examples were seen of effective work with parents struggling with such problems, for example intensive family support and bespoke support packages for children and parents.

24. Children who go missing from home and school or who are at risk of child sexual exploitation benefit from a coordinated multi-agency response to assess risk and need. MSET sits monthly and collects information about children who go missing from home and care and those who experience or who are at risk of child sexual exploitation and/or child trafficking. Effective intelligence sharing in relation to potential hotspots, disruption activity and the use of harbouring notices are leading to a reduced risk for those children. Multi-agency mapping exercises support the process of building knowledge of local patterns, trends and 'push and pull' factors.

25. When children return from being missing and there is risk associated with being missing or it is a frequent occurrence, they are offered interviews through an independent provider or the youth service. The risk assessment tool is a live document and, in the vast majority of cases, the assessment is holistic and robust and leads to preventative actions and targeted support. Consultation takes place with strategic managers when concerns escalate and they offer additional oversight of the protection work. However, not all actions arising from assessments or from MSET translate into children's individual plans. The response to risk is often subsumed within existing plans, which sometimes makes it difficult to quickly extrapolate the concern and ensure a robust focus on the risk. Inspectors referred one case back to senior managers where risks to a child had not been recognised, resulting in immediate action being taken to reassess the risk under child protection procedures.

26. Preventative work in schools covers a wide range of risk-taking behaviours including: running away; child sexual exploitation; developing healthy relationships including same-sex relationships; internet safety; and drug and alcohol use. The council has thorough procedures for those children missing

from education, including undertaking all the necessary statutory checks and searches. Good links with the MSET and children's social care risk assessment processes ensure that risks to children who are missing from education are effectively analysed. Frontline police officers have had training to identify young women at risk and children's social care have begun to roll out training on Female Genital Mutilation (FGM) and trafficking to all staff. Currently 54 children are home educated. Good arrangements assist monitoring of the quality of the education and ensure that safeguarding is considered. Health professionals and children's social care undertake risk assessments of the small minority of families that are reluctant to engage with the service.

27. Work with homeless 16-to 17-year-old young people is compliant with legislation and guidance. No young people have been placed in bed and breakfast accommodation since 2011. While the majority of accommodation provided is appropriate, inspectors visited one provision used in emergencies for young people and care leavers that was not suitable and requested the council reflect on its use. The homeless prevention service dedicated to young people, which is a joint venture by children's services and housing, provides a daily drop-in that gives young people and their families easy access to support and advice. Conciliation services between young people and their parents prevent breakdown in some cases. In all cases where a young person cannot remain at home, they receive a single assessment and, if they are 16 and still in statutory education, they become looked after.

28. The management of allegations against professionals who work with children is robust. The designated officer has taken targeted action to address under-reporting from agencies, including health services, through a wide range of awareness raising activities across the partnership including the voluntary sector. This is leading to an increase in referrals and a safer organisational culture is promoted through learning lessons at the conclusion of a case.

29. Private fostering arrangements are clear and follow statutory guidance. However, notifications for private fostering are low, with just one current arrangement and only three notifications in the past six months. Despite awareness-raising campaigns, the number has not increased. Agencies accept this is likely to be under-reported and, although a wide range of activity has been undertaken, further work is required to raise the profile of private fostering with the public and to raise awareness within faith and community groups.

The experiences and progress of children looked after and achieving permanence	Good

Summary

Services for children looked after in Gateshead are good. Decisions to look after children are generally timely, appropriate and in the best interests of the children. The sufficiency strategy is informed by a clear needs analysis and is continually reviewed to respond to changes within the children looked after population. The success of recruiting good-quality carers and careful matching is illustrated through very good placement stability. Foster carers are well supported.

Independent reviewing officers' (IROs) performance in respect of the timelines of the reviews of children looked after is very good at 99.4%. The Children's Rights Service is extremely effective in providing information, help and advice to children.

Assessments and reports are very comprehensive with good analysis of risks, evidence of research, consistent use of chronologies, and effective consideration of all relevant people in the children's lives. Social workers are good at listening to children and know them well. Conversely, the quality of care plans overall is not consistent and means that children's progress and outcomes, although good, could be further improved. The local authority are aware of the deficiencies in care planning and are actively addressing this matter.

Educational attainment in Gateshead is improving. Senior managers have taken robust action with education partners to drive improvements in personal education plans (PEPs). A successful raising education achievement for looked after children's team (REALAC) ensures that professionals focus on educational outcomes. Consequently, the rate of progress for current pupils is showing positive improvements, with 80% of the current cohort across all key stages making expected progress in line with their peers. Robust actions plans are in place for the remaining 20% of children.

Adoption performance is good. Children are identified at an early stage and their parallel plans are effectively tracked to minimise delays. Recruitment practice is robust. Children are well matched with adopters and effective ongoing support promotes stability. The adoption panel is suitably robust but is not routinely providing quality assurance feedback to contribute to monitoring and improving the service.

There are effective arrangements for keeping in touch with care leavers who also have good access to a range of suitable accommodation. However, not all services for care leavers are good. Pathway plans are not always meaningful or effective and not enough young people sustain their education, employment or training beyond the age of 19. Care leavers are not always aware of their health histories and a small number of care leavers with mental health difficulties are not getting sufficient

support in a timely way.

Inspection findings

30. In all cases seen, decisions for children to become looked after are timely, appropriate and in the best interests of the children. The Public Law Outline (PLO) is applied appropriately and ensures that children are supported and protected well. Effective intensive family support services wrap around families to keep children within their family where it is safe to do so. Social workers carry out viability assessments and use family group conferences to explore alternative options to being taken into care. This is resulting in effective use of placements with family members through Regulation 24 assessments and special guardianship orders.

31. The majority of children benefit from timely plans to secure permanence. Children are effectively tracked before their second review and from initial legal meetings to securing their permanence plan.

32. The timeliness of court proceedings for children's cases in Gateshead has increased from an average duration of 24 weeks in 2014–15 to 34 weeks for Quarter 1 2015–16 (period ending 30th June 2015). This is above the national average. These delays are not attributed to the quality of work and care applications by the local authority, which are considered by the judiciary to be good. They are the result of increased use of expert witnesses by parents and of difficulties in the courts timetabling children's cases. The Local Family Justice Board and the Children and Family Court Advisory and Support Service (Cafcass) have produced a clear action plan to address these matters.

33. Social workers are good at listening to children and know them well. Children's wishes and feelings are well recorded in assessments. Social workers form good relationships with children and there is some very good evidence of direct work with children to support them. Decisions and planning for children to return home are robust with clear evidence of senior management oversight and support plans in place to address risks. Children's wishes and feelings are at the centre of the planning for returning home.

34. In most instances (92.6%) social workers undertake statutory visits within timescales set by the council. Children are seen alone where appropriate and, importantly, the frequency of visits is increased where needed. The recording of visits is generally good but in a few instances the entries on the children's electronic recording system had insufficient detail. Life story work in the majority of children's cases sampled is good. In addition to the work of social workers, foster carers have worked well with children to complement this process.

35. Children who are looked after are very well supported to express their views. The children's rights officer is passionate and highly motivated about his work ensuring children and young people in care know their rights, are fairly treated

and their voices heard. A 'voice of the child' email address is used to collate children's views to influence service design and improvements. In September 2015, the MOMO (Mind of My Own) App was introduced. This enables young people to send their views to their IRO or social worker and comment on services or raise concerns. Children from One Voice stated that they know their rights and consider that since they first became children looked after, the services in Gateshead have improved.

36. IRO caseloads currently average 72 children, but some staff have caseloads in excess of 90 children. Caseloads are therefore outside the good practice guidance of 50-70 identified in the IRO handbook. This is hindering some aspects of their work, in particular their ability to monitor plans in between reviews. The timeliness of looked after reviews is very good at 99.4%. IROs endeavour to meet with children just before their reviews and the use of MOMO to gather the views of children for their reviews is working well. The app was only introduced in September 2015 and already 60 children looked after have signed up to use it.

37. Placement stability in Gateshead is very good. As at 31 March 2015, only 7% of children looked after had three or more placements in 12 months compared to 8% in 2013–14. The England average in the same period was 11%. At 31 October 2015 the figure for Gateshead children looked after is 5%. There has also been a marked improvement for the percentage of children looked after in the same placement for at least two years, rising from 74% in 2013–14 to 83% at 31 October 2015.

38. The vast majority of children are living in foster care 320 (86.7%), with 208 children (65%) living in the local authority area and 112 (35%) living in neighbouring local authorities. One third of Gateshead foster carers live out of the area but are approved and supported by the council. Children are well prepared to move to their permanent families and homes. Younger children are supported well through direct work to help them understand their plan and know about their family. Social workers take good account of children's wishes and feelings when considering where they should live and ensure that carers are given very good information before children go to live with them. Foster carers are skilled in moving children on to adoption.

39. The projected needs of children looked after is very well understood. This informs recruitment activity and planning to maintain sufficient resources. Initiatives to improve choices and meet the needs of identified groups of children, for example complex older children, are ongoing. Those children where a permanence plan of long term-fostering is decided are effectively tracked to identify long-term families to meet their needs.

40. The recruitment of foster carers is good. There is an effective and timely system for responding to enquiries to foster. Home visits are robust and clearly focus on safeguarding, motivation and potential to foster. Managers oversee decisions at each stage in the process and during assessments. Where workers

identify potential foster carers with supporting experience, there is a fast track route to progress timely assessments. Foster carers are well supported by experienced workers and receive effective supervision to ensure the quality of standards are maintained. The service is clear on the expectations for children and, where these fall short, decisive action is taken. Support groups are held frequently and are popular with foster carers. Groups enable foster carers to meet, build relationships and offer and receive support. The groups offer themed sessions facilitated by workers and partner agencies on areas such as advocacy, the law and fostering, equality and diversity and gathering evidence to prepare for supervision. The fostering team offer an excellent out-of-hours duty system for foster carers to support them in crisis.

41. Effective commissioning of external placements has resulted in some positive outcomes for children placed outside Gateshead. In particular, the quality of placements is very good with well-planned support for education and health needs, risk reduction and providing stability.

42. The sufficiency strategy is informed by a clear needs analysis and is regularly reviewed to respond to changes within the children looked after population. Placements for children with a disability and where children may have complex needs are carefully considered and bespoke packages of support or specialised placements are commissioned as appropriate for as long as required. The council is good at promoting placements with relatives and friends and has achieved improved placement stability through this as well as keeping children closer to home in Gateshead. The council is currently on target to recruit 30 foster carers for 2015–16.

43. Children are always placed in accommodation that is judged by Ofsted as good or better. There are five children in placements that are currently judged as requiring improvement. No children are living in placements judged inadequate. When services are not good, commissioners monitor the placement and, if necessary, a plan is developed for individual children to ensure that they are safe.

44. Supervised contact arrangements are good. Referrals are supported by robust assessments in order to match children to workers and venues. The service is overstretched at present but this is not causing undue delay. In the interim, social workers are supervising some of the contact visits over and above what they would normally undertake. It is a strength that children have continuity of worker and that transport for children is provided either by the worker or the foster carer. This means children's development, emotional attachments and security can be maintained. However, contact plans are not always clear about when social workers should observe contact and formal reviews of contact are not undertaken. This means that the impact of contact on children and the behaviour of parents is not robustly explored or understood.

45. Overall the quality of assessments seen is good. Assessments and reports, including reports for court, are comprehensive with good analysis of risks and

evidence of research. There is consistent use of chronologies and effective consideration of all relevant people in the children's lives, including wider family members. The needs of children are well considered with good attention to health matters and identity and diversity. When the needs of children change, the local authority routinely undertakes a single assessment to consider what further action is needed to support progress. This is very good practice.

46. The quality of care plans require improvement overall. Some good planning is undertaken with regard to court work, early permanence and when children return home. However, the quality of planning is not consistent and means that children's progress and outcomes, although good, could be further improved. The current care planning format focuses too much on the identified themes contained in the template instead of addressing children's needs according to risk and importance. Transition planning for children with a disability is appropriate. Adult services allocate a social worker at the young person's 17th birthday and time is taken to build relationships and rapport with the young person before transfer.

47. Gateshead Youth Offending Team (YOT) has become the only local authority team in the North East to attain the Restorative Justice Quality Mark. This award demonstrates that Gateshead YOT is delivering good-quality, safe and sustainable restorative services that meet six set standards. Restorative justice is offered to all victims in Gateshead. The YOT work effectively in trying not to criminalise children looked after. This approach has been successful with 98 children currently being considered through preventative work and 50 through statutory work, having received the minimum of a caution.

48. Children looked after in Gateshead who are missing and at risk of child sexual exploitation receive a well-coordinated response to the risks. The missing sexual exploitation and trafficked group (MSET) collects information about children who go missing from care and those who experience or who are at risk of child sexual exploitation. When children go missing frequently or there is a concern a return home interview is undertaken by an independent provider. Strong relationships with the police ensure rapid responses when concerns escalate. However, this information does not always translate into a bespoke missing or child sexual exploitation plan, but is included within the children looked after plan where these specific needs are not always prioritised.

49. The timeliness of children's annual health assessments has improved with 99% completed within the year. This is an increase from 96% in 2012–14. Performance information about initial health assessments is recorded on a monthly basis. The most recent monthly figure shows that only 52% of initial health assessments were completed within 28 days. This delay is attributable to additional consents being required by South Tyneside NHS Foundation Trust, looked after children and young people's team (LACYP) before they can undertake the initial health assessments. In 2014–15, 94.4% of dental checks were undertaken within 12 months of a child becoming looked after. This is better than 88.4% reported in 2013–14. There is a clear action plan in place to

improve performance on health and new guidance has been published and circulated to health professionals to ensure that they understand their responsibilities and continue to promote the health of children looked after.

50. The LACYP have good arrangements in place to consider the quality of their work. This includes seeking children's views from which an action plan is drawn up. The review of February 2015 noted that 96% of children felt that the health assessment experience was 'great or OK'.

51. A Care Quality Commission inspection in July 2014 identified some shortfalls in health performance and provision. These have been appropriately identified in action plans and are being addressed. Improvements can be seen in waiting times for children and young people's service (CYPS), previously known as child and adolescent mental health services. Children referred as urgent are seen within 48 hours and the average waiting time from referral to initial consultation is now 13.6 weeks, with evidence more recently of the last 14 children being seen within 10 weeks. These timescales are an improvement on previous performance but there is still no clear risk assessment criteria for referrals. The local authority is aware of these issues and is taking action with partners to achieve improvements.

52. Clear protocols, procedures and good access to early intervention and treatment services for substance misuse ensure that children in Gateshead receive appropriate responses. Services are aligned with adult provision, enabling effective support when children reach 18 years of age. In order to support children looked after, three drop-in sessions have been delivered in children's homes and there is a regular drop-in service at one of the children's homes.

53. The REALAC team is currently supporting 272 school-aged children, 31% of whom attend schools out of the borough. The team works effectively with schools and social workers in and out of the borough to raise attainment for children and young people. Progress is thoroughly tracked and monitored and those children at risk of falling behind or with increased barriers to learning are discussed on a weekly basis. Good monitoring by the REALAC team means that attendance for children looked after compares favourably with all pupils, at 94.4% compared to 95.6% for all pupils.

54. Despite the majority of schools in Gateshead being good or better, 19% of children looked after attend schools that are less than good. Wherever possible when children enter the care system and need to change schools, every effort is made to place them in a good school. Where children are in a school that are less than good, their progress is closely monitored and supported by the virtual school.

55. Attainment for children looked after is improving, and is above national comparators across all the key stages. Over time, the gap between children looked after and other children in Gateshead have been closing but is not yet

consistently across all stages. For example at Key Stage 1, improvements have been made across all main subjects resulting in reading, writing and mathematics being in line with or just below all Gateshead pupils in 2015. However, at Key Stage 2, Gateshead is performing below comparators in writing, grammar and reading and significantly below in mathematics.

56. Results for the 2014 Key Stage 4 cohort of children looked after were disappointing, particularly for A*-C including English and mathematics, which declined from 35% to just 9%.The local authority recognised the need to act on this poor performance and put a range of measures in place, for example additional one-to-one tuition for English and mathematics and coaching for exams. These are having an impact and rates for the cohort have improved to 20% for 2015. The rate of progress for current pupils is showing positive improvements and 80% of the current cohort across all key stages are making expected progress in line with their peers.

57. Children and young people in care in Gateshead are represented through the One Voice youth network, which is highly influential in shaping services for children looked after. There are strong links with the local authority scrutiny committee and corporate parents. Despite a recent change in representatives in One Voice, the work has continued and very good progress has been achieved on changing how children in care are supported, how services are provided and in providing a social networking forum for the children and young people. Achievements include the introduction of MOMO in September 2015. The young people really appreciate this in preference to the written documents that they used to complete. In addition, One Voice has devised a new one-page care plan format to simplify the planning documents for them. IRO business cards, the Care Pledge and fostering guides have also been introduced, following suggestions by the children and young people involved.

58. The council works hard to ensure that children have access to social, educational and recreational opportunities. Social events are part of the One Voice youth network. One Voice also has good links with neighbouring and national children in care councils. Some young people recently attended a residential event in the Lake District to develop a regional care leaver event that is to be held in North Tyneside in Spring 2016. The event will focus on ensuring that care leavers are fully aware of their entitlements.

59. Foster carers are provided with a 'Max Card', entitling the children they care for to reductions in entry costs to local attractions not run by council and a 'Go' card for access to leisure facilities run by the council. These are appreciated by the foster carers and children. Unfortunately, there are no reciprocal arrangements with other authorities for those children in foster care outside Gateshead. Staff from the REALAC team carefully monitor the use of the pupil premium, which is being applied well to support the individual progress of pupils in different ways including one-to-one support, providing equipment such as laptops, and enabling children looked after to fully participate in all out-of-school activities.

60. The council are very good at recognising the achievements of children looked after and care leavers. A recent celebration event was attended by approximately 150 children and care leavers. It was a wonderful, professionally managed and organised event. There were a number of care leavers in attendance who performed and received awards in recognition of their achievements. The event was very well attended by social workers, family members, carers and council members.

Adoption performance is good

61. Children are identified at an early stage when adoption is being considered as part of their plan for permanence. Children's progress through care proceedings and planning is effectively tracked to avoid unnecessary delay. An 'early alert' system ensures the adoption team is fully informed of children who may potentially progress to adoption. This enables the adoption team to consider the adopters already approved and those who may be currently in assessment as potential options for children.

62. There is a coherent recruitment strategy for adopters based on an analysis of the likely predicted numbers, needs and profiles of children. Marketing activities are effective and interest and enquiries have increased. Adopters report very positively on their initial contact with the service and the quality of information and welcome they receive. Prospective adopters are well informed about adoption through information evenings and the pre-approval training prepares them well. The majority of assessments are timely, robust and child centred with clear analysis supporting the recommendations. Where a few delays occur, there are viable reasons that are recorded and these delays are not due to the lack of urgency by the service. Assessments are currently underway with nine prospective adoptive families.

63. Family finding is purposeful with a dedicated worker pursuing options and links for children through a range of contacts, the national adoption register and regional information sharing. There are eight children currently waiting and there is active progress in pursuing options and potential links for all of them. There are currently six adopters waiting, some with specific age ranges or matching considerations. There is effective use of, and prompt referrals made to, the National Adoption Register to initiate nationwide family finding. In the last 12 months, seven children and eight adopters have been referred for national finding family. In 2014–15, the majority of children (16 out of 22) were matched successfully locally and within the wider region. There are currently 16 children placed with adopters with applications for adoption orders under review or in progress.

64. The adoption panel is suitably robust and carefully considers recommendations for approvals and the quality of matching children with adopters. The agency

decision maker makes timely decisions and, where required, pursues additional information to inform well-considered decisions for children. The chair of the panel and the agency decision maker meet periodically but the panel is not routinely providing analytical quality assurance feedback to contribute to monitoring and improving the service. This is a requirement.

65. Children are well matched with suitable adopters. Where it is in the interests of children, further time is taken to find the right family. There are no undue delays. For a small number of children (six) where extensive national searches have not found potential adopters, action has been taken to secure permanence through long-term fostering, in three cases with their existing foster carers. The service has a good record for placing older children and for placing brothers and sisters together. In 2014–15, separate placements were found for six groups of siblings, enabling them to live together in line with their assessments and plans.

66. There are minimal disruptions, with one breakdown in 2014–15. This demonstrates the quality of matches for children and the post-adoption support available. The potential lessons from a review of the disrupted placement have been reflected on by the service and the panel.

67. Fostering to adopt is a relatively new initiative that is successfully achieving permanence through adoption for children. Four families have been specifically approved to foster children at the point they became looked after with the plans to become their adopters, should adoption become the final care plan. In three of the four families, children are now adopted. One fostering-to-adopt couple spoke positively of how they were able to care for a new-born baby through early medical treatments in hospital. The baby had the opportunity to form early attachments from birth. For one child, plans are not at the stage to determine whether permanence through adoption is the outcome and this remains a foster placement. There are currently two families in the assessment process expressing an interest in fostering to adopt . This is a very positive start and the service is actively promoting this initiative as part of the options for adoption in all recruitment activity.

68. Arrangements to support children and adopters pre and post adoption are effective and responsive. Timely assessments are completed to identify individual needs and tailor support packages. Adopters are well informed of their entitlements and the availability of the adoption support fund. Adopters spoken with valued the support they receive and the difference it made to their confidence, relationships with children, understanding of attachment patterns and the improved stability in the family. In the last 12 months the service supported 31 families. A further 57 families are receiving assessed financial support.

69. Adoption support is commissioned through an adoption agency that offers a range of individual and group support options for children and adopters. This agency is currently providing support for 20 individuals. The agency provides

specific training to support adopters' understanding of and parenting responses to children's attachment needs. This is particularly highly regarded by adopters. Individual therapy and psychological support has been effective in helping families to improve relationships and attachments between child and adopter. The success of adoption support is demonstrated by the extremely low disruption rate. One adoptive parent described the impact for their child and family after receiving 'excellent' specialised behaviour management training, adding that without the support from the service the adoptive parent doubted if the family would still be together. It is significant that this family have recently adopted a second child; such is their confidence in the support from the service.

70. The local authority managers are fully aware that they face challenges to meet nationally agreed thresholds and extensively analyse their adoption performance to understand and predict the picture.

71. For the 26 children adopted in the 12 months before this inspection, the average time in days between entering care and moving in with an adoptive family was 531 days, which is 44 days above the national threshold for the period 2012–15 of 487 days. Of the 26 children, 11 were placed within the national threshold of 487 days.

72. Current yet unpublished figures for those placed for adoption this year suggest an improving picture, with 10 children placed within an average of 474 days and six out of 10 children placed within an adoptive family within the target 487 days.

73. The timeliness from placement order to matching is 141 days on average. This is 20 days more than the agreed national threshold of 121 days. Of 11 children placed but not yet adopted, six were matched within the target 121 days. The timeliness for those children placed in 2015 looks more positive but previous figures will continue to impact on meeting overall performance indicators.

74. Scrutiny of the children where there have been delays shows this is not due to a lack of purposeful planning. Overall timeliness is influenced by six children's plans that changed from adoption to long-term foster care, following extensive national searches for adoptive families. The figures are also influenced by three children adopted by their current long-term foster carers. These are very positive outcomes for the children who have continued to experience long-term stability and consistent parenting. For some children, matching took longer but has resulted in very good matches with adopters who are able to meet the children's specific needs in the longer term.

75. Overall, the numbers of children adopted has increased significantly since 2012-13, rising from 17 children to 33 children in 2013–14 with this figure stabilising at 34 children in 2014–15. The vast majority of children requiring adoption are white British, which is reflective of the local population.

The experience and progress of care leavers requires improvement

76. Arrangements for keeping in touch with care leavers are effective. Gateshead are in touch with 140 of 145 care leavers. Personal advisers are proactive in staying in touch, making regular telephone calls, sending texts, emails and unannounced visits. Personal advisers use birthdays as an additional incentive for young people to get in touch by providing a £50 birthday payment. At present one young person, an unaccompanied asylum seeker has been missing from the service since March 2013. All necessary safeguarding procedures have been followed in an attempt to locate the young person. This includes holding a number of strategy meetings, widespread investigation and searches by police and contact with the Border Agency.

77. Assessment of risk is key to the work undertaken by social workers, personal advisers and other support staff working with care leavers. They are effectively supported and challenged to identify risk and also to do something themselves about reducing their involvement in risky behaviour and to understand the consequence if they continue. Support is carefully calibrated to meet the specific needs of care leavers over time and to deal with the scale of the issues they may confront. This includes information and advice about the risks of sexual exploitation, substance and alcohol misuse, sexual health and safe relationships. When necessary, personal advisers skilfully coordinate input from other agencies and professionals to prevent the risky behaviours of a small minority of care leavers before they escalate out of control. Care leavers have also been involved in developing a care leavers' charter. The young people value the relationships they have with their personal advisers and the support they receive. As one young person put it, 'I see them as family; they are always there for me'.

78. Personal advisers report that all care leavers have access to their health histories, although wider access to health interventions and support is more variable. For example, GPs offer telephone assessments to access talking therapies but there is a delay in offering treatment. As a result, young people do not always take up the offer even when it is clear they would benefit from the service.

79. Not all young people are registered with a dentist, although the vast majority are registered with a GP. Delays remain in care leavers accessing mental health services. Young people spoken to were not sure if they had been given their health histories, but some thought they had been. Most were very clear about taking responsibility for their own health issues. One young person had been able to access counselling with the support of a personal adviser.

80. Pathway plans are not effective as planning tools. The majority are too descriptive and lack focus on the outcomes to be achieved. Line managers are not sufficiently monitoring the quality of pathway plans or providing senior managers with the information they need to inform the strategic action required to achieve positive outcomes for care leavers. All young people spoken to during the inspection were not clear if they had completed pathway plans and therefore were unable to comment whether or not they had found them helpful.

81. Despite the council comparing well in 2013–14 in relation to the numbers of care leavers aged 19 to 21 in education, training and employment at 57%, which is higher than the national average of 45%, education outcomes and employment opportunities for care leavers remain too variable. In 18 sampled and tracked pathway plans seen by inspectors, only seven (39%) care leavers aged 18-21 were in education, training or employment at the time of inspection.

82. The council has been slow to offer care leavers apprenticeships within its own departments. Very recently approval has been given to reprioritise apprenticeship places for care leavers. Despite the authority's learning and skills service having a wide apprenticeship offer across the whole region with local employers, offering 400 apprenticeships, the service only knew of two care leavers who have successfully completed an apprenticeship programme. At present, seven care leavers are being well supported to attend local universities, including help with fees and maintenance costs and additional payments to foster carers providing 'staying put' arrangements.

83. Care leavers are uncertain about their entitlements and none spoken to by inspectors had received written confirmation about what these were. However, it was clear from discussion that they received their entitlements, for example financial support to attend higher education. For the very small number of care leavers who have disabilities, thorough and well-managed transition arrangements ensure they continue to be effectively supported by adult services. Particularly good attention is paid to their ongoing education and training needs.

84. The council are compliant with the Southwark Judgement, ensuring that all 16- to 17-year-olds who become homeless are assessed as a child in need and, where appropriate, become looked after. All young people and care leavers now live in safe and secure accommodation. Three care leavers are in custody. No young people are placed in bed and breakfast accommodation. The council last used this type of provision in 2011.

85. Care leavers have good access to a range of suitable accommodation, including increasing numbers who are benefitting from the staying put policy now in place. There are 15 care leavers supported under these arrangements. Taster flats are managed in partnership with the Council's Housing Services. Care

leavers use these properties to develop their independent living skills before being granted a tenancy of their own.

86. A commissioned service was developed in conjunction with Adults and Children's Services in response to an identified need for supported accommodation for young people in Gateshead. The project was a result of a bid for funding to 'Changing Places' and it was successful due to its innovative use of sport to engage and develop young people. This project currently provides five supported living placements for 16-17 year olds and an additional 15 placements for young adults aged 18 and over, including care leavers.

87. Successful joint working arrangements with housing staff ensures that young people at risk of losing their tenancies or becoming homeless are quickly identified through a RAG rating system. This proactive and more strategic approach is having a positive impact on increasing the numbers of care leavers successfully taking up and sustaining their own tenancies. A working group has been established between children's and housing services to plan for and support care leavers moving into Gateshead Council tenancies. The group wrap care and support around the young people to maximise the chances of successful transition providing young person's 'floating' support.

Leadership, management and governance	Good

Summary

Leadership, management and governance is good. In particular: the engagement and participation of children, young people and families; workforce development; commissioning of services for children and families. Performance management and monitoring is good with outstanding features. This is contributing to the provision of good quality sustainable services and positive outcomes for the majority of children and young people in Gateshead.

Children and young people are at the heart of good practice in Gateshead. Political leaders and members led by the CEO are good advocates for vulnerable children and young people. The Strategic Director of Care, Wellbeing and Learning is a skilled and confident leader. He is effectively supported by other directorates within the council and a strong, cohesive senior management team. The council has systematically addressed the poor practice identified in 2011 by Ofsted and more recently areas for development in relation to the Care Quality Commission (CQC) inspection findings of 2014. Good-quality service provision is secured and sustained through effective prioritisation and a shared understanding of the vision that Gateshead and its partners have for children, young people and families. Governance is strong and solid foundations are in place for taking services forward.

Much work has been undertaken with partners to ensure confidence in applying the threshold to children's services, which is now firmly embedded. Leaders use change management well and have effectively consulted with staff and partners for the planned transformation of services for children and families. Successful, effective practice is being used appropriately to identify how children's, adult and health services will be aligned under one directorate from April 2016 and improve efficiencies and effective working arrangements.

There is particular strength in the alignment of adult and children's commissioning, for example in relation to service provision for parents including domestic violence, adult mental health, and substance misuse. Management oversight is good. The quality assurance framework is very comprehensive and well informed by outstanding performance management arrangements.

While many services for care leavers have improved, the strategic oversight and monitoring of educational outcomes for care leaver's needs to strengthen. There is more to do to ensure that care leavers receive consistently good-quality services.

Inspection findings

88. Children and young people are at the heart of good practice in Gateshead. The Strategic Director of Care, Wellbeing and Learning (DCS) has approached challenges and the plans for transformation in a sustained, measured and systematic way. His encouraging manner is ensuring that services for children and their families are sustained. There is a strong ethos of collective responsibility across the council, which is helping to achieve the best outcomes for children. The director is effectively supported and challenged by the CEO, elected members, other directorates within the council, and a strong, cohesive senior management team.

89. The statement of assurance in relation to the director meeting statutory responsibilities for both children's and adult's services is coherent. Although its review is slightly delayed, there is a clear understanding of statutory responsibilities to ensure effective oversight and delivery of services for children.

90. Elected members take corporate parenting very seriously. The lead member for children's services is well inducted and supported to meet the responsibilities of the role and has shown effective challenge, for example, in relation to CYPS waiting times, appropriate payment for foster carers and enabling young people to remain with their foster carers beyond the age of 18. She has helped raise awareness about child sexual exploitation through her work with the parent's forum and this is good practice. The lead member does not attend children in care council meetings routinely or regional meetings with other lead members. This reduces opportunities for further improving service quality and sharing good practice.

91. The chair of scrutiny is an experienced social worker and this adds value to the level of challenge by elected members, which is robust and very impactful. Areas of strength and improvement are well understood and this leads to effective and timely challenge of key issues. Examples include educational attainment for children looked after, which is now improving; and children's health, which has led to a review of emotional health and wellbeing provision. There is comprehensive understanding and support for workforce development and regular meetings with frontline staff, children and young people.

92. Governance arrangements are robust and there is a golden thread running through all of the strategic plans for children, young people and families, both within children's social care and across the partnership. This is underpinned by an outstanding performance management and outcomes framework that is contributing to a shared ambition for and prioritisation of services for children and families. This includes a good focus on children and young people in the work of the Health and Wellbeing Board and Community Safety Partnership.

There are effective arrangements with Gateshead Local Safeguarding Children's Board (LSCB).

93. The broad membership of the corporate parenting forum, including the Fostering Association chair, representatives from housing, and the voluntary and community sector, is ensuring that children looked after are prioritised across the borough. Current challenges facing care leavers are understood. However, the strategic drive seen in relation to improving education outcomes for children looked after has not been as robust in ensuring that education, employment and training opportunities are secured and maintained for all care leavers.

94. The joint strategic needs assessment (JSNA) is comprehensive and informs service needs well. The JSNA has a particular focus on vulnerable groups; including children looked after and care leavers, through a well-informed and appropriately aligned sufficiency strategy. There are clear pathways established for accessing a comprehensive range of services to support children and families in need of early help, targeted and specialist support. Services are robustly monitored and evaluated for their effectiveness. This includes, for example, joint commissioning with health in providing good-quality short break services for children with complex health needs.

95. There is particular strength in the alignment of adult and children's commissioning, for example in relation to service provision for parents in domestic violence, adult mental health, and substance misuse. Because prevalence is very well understood, children are receiving good levels of support in relation to substance and alcohol misuse. The pathway for care leavers requiring mental health support is less clear and some care leavers are not receiving the support they need in a timely way.

96. The contract for supporting children's emotional health and wellbeing, currently delivered by the children and young people's service, is under review in order to improve the timeliness and quality of provision for children and young people. There is evidence that waiting times are improved following appropriate challenge by senior leaders.

97. The anti-bullying strategy for the Gateshead strategic partnership has recently been distributed for consultation. The strategy aims to align partners together to tackle all areas of bullying and harassment. The fostering service bullying policy and procedure and the children's guide all have clear and easy-to-follow guidance.

98. The sufficiency duty is well met in relation to providing good value for money. There is effective monitoring of contract compliance by the children's commissioning team through, for example, membership of regional consortiums for children's homes, independent fostering agencies and provider forums. This is ensuring good quality and choice of accommodation for children looked after and care leavers, which are promoting very good placement stability.

99. Performance management and monitoring arrangements are good and have outstanding features and is facilitating robust challenge from elected members, leaders and managers in order to improve the quality of services for children. Managers readily access a SharePoint site for live performance information that effectively supports them in their task of driving service improvement. This has led to, for example, robust action being taken to prioritise dips in performance such as educational attainment and health provision for children looked after. There is an appropriate focus on improving consistency in quality across the service. However, evaluation of the challenges by IROs is not formally undertaken and an annual adoption panel report 2014–15 is not available. As a result, these areas of provision are not contributing as effectively as they could to driving service improvement.

100. A coherent and comprehensive quality assurance framework is embedded and supports a rigorous programme of management oversight and continuous improvement within the local authority. Routine auditing is strong with good attention to the consistency of the work and effective consideration of both qualitative and quantitative standards. Outcomes from audits are monitored and actions and improvement in practice reviewed at monthly performance clinics. Through this process, senior managers have identified children's plans are not effective tools for improving children's outcomes and are in the process of redeveloping the care planning template and rolling out targeted training for social workers and managers.

101. A quality assurance system is also embedded in relation to early help. This is providing a good overview of the effectiveness of early intervention within the family intervention team, Positive Pathways, children's centres and youth support. A quarterly health check is undertaken around a scorecard of workforce, quality performance and resources, demonstrating an established connection between performance and quality. The council is aware of the need to accelerate its focus on care leavers now that the protection of children is assured. The council has already sought to challenge, for example, the pause in provision of apprenticeships for care leavers.

102. There is good investment in and engagement with social work staff and partners to promote continual professional development and inspectors saw many examples of highly effective social work. The workforce strategy appropriately includes clear expectations for learning and continuous professional development to improve and inform workers practice. The principal social worker is well established and has a positive impact on improving quality and the recruitment and retention of social workers through implementing an attractive workforce offer and clear career pathways. Newly qualified social workers are effectively supported in their post-qualifying year. There are clear career pathways for managers and practitioners through 'first line', a regional pre-pilot programme for managers and 'front line', the FastTrack programme for student social workers. There are effective links with local universities to support student social workers and a 'step up to social work' programme enhances recruitment opportunities and service learning.

103. There is a responsive, accessible and appropriately targeted offer of training for social workers and managers. Examples include regular briefings, e-learning courses, subscription to social work publications as well as group training courses. There is good learning from serious case reviews regionally and nationally. Training is well informed by feedback and service needs. There is effective use of partnerships through the Public Service Academy, which delivers broader training opportunities to the workforce. However, learning from the neglect review undertaken by LSCB is not yet implemented.

104. Historically, Gateshead has had a stable workforce and the increase in the recent turnover of staff is well understood, with responsive action being taken to ensure competitive remuneration packages and securing the stability of the workforce in the longer term. The number of vacancies across the social care workforce is low. Existing staff are supported in maintaining appropriate caseloads with a stable group of agency staff to cover any vacancies and absence. Caseloads for IROs and conference chairs are slightly higher than recommended and this is hindering aspects of their work in relation to evaluating quality of practice.

105. There is effective sharing of good practice and collaborative working regionally, for example through conferences, effective work with the LFJB to reduce court timescales, and in work undertaken with universities to provide developmental opportunities for student social workers, qualified social workers and managers. Good practice is shared and adopted by other authorities, for example in relation to the development of a combined Special Guardianship and Regulation 24 assessment to promote efficiency in securing permanency during the assessment of potential permanent carers.

106. Supervision is of a consistently good quality and management oversight of cases is routine and comprehensive in most cases seen. There is a consistent focus on continual professional development through supervision, observations of practice and through appraisal. There is helpful guidance to providing good-quality supervision. Performance management and learning from training are routinely reviewed. There is a strong focus on compliance through supervision, but there are consistent elements of reflective practice and a focus on quality, particularly through appraisal and observed practice. Permanence for children and driving children's plans are a consistent focus of supervision. This includes supervision of IROs and child protection chairs, where the level of challenge is reviewed.

107. The children's rights service provides effective services for and coordination of complaints, advocacy and the provision of independent visitors for children, young people and their families. Services to promote children's participation are accessible, through imaginative use of technology like the MOMO app and a variety of tools to positively engage children and young people. There are many excellent examples of operational staff going the extra mile to ensure that children and young people are helped to understand interventions and contribute to planning. Two workers based in the referral and assessment team

are ensuring that all children over the age of ten can contribute to initial child protection conferences. In addition, regular meetings are held with advocates to ensure that children receiving short break services stay with other children and young people with similar interests and abilities.

108. There are cohesive working relationships between the corporate complaints team and children's rights service, which help children express their views well both formally and informally when they are not happy about a service. A strong corporate parenting responsibility was seen operationally and this is role-modelled effectively by the children's rights worker. High numbers of children make a positive contribution across all areas of service delivery and this was consistently seen through direct work.

The Local Safeguarding Children Board (LSCB)

The Local Safeguarding Children Board requires improvement

Executive summary

The Local Safeguarding Children's Board (LSCB) in Gateshead requires improvement to be good. While it fulfils its statutory responsibilities and there is clear strong commitment from key statutory agencies, there are gaps in its membership, activities and monitoring of frontline practice that limit its effectiveness. However, much of the work it undertakes it does well and some, very well.

The LSCB has not yet forged strong enough partnerships with the Health and Wellbeing Board to enable it to assert its influence. Membership of the LSCB is not sufficiently representative of the whole community. It does not currently have a lay member and, although it is actively exploring ways of promoting young peoples' and faith groups' involvement, plans are at an early stage. The annual report is too descriptive and not easily accessible to the lay reader. It does not report on private fostering arrangements. This is a missed opportunity to raise awareness.

The LSCB's analysis of the training it provides is not sufficiently robust for it to be assured that training is sufficient to meet local need or to measure its effectiveness in improving frontline practice. The multi-agency data set used by the LSCB does not assist scrutiny of the full range of issues that influence frontline practice. A lack of evaluative commentary or reporting by some agencies limits its usefulness further.

The LSCB exerts its challenge function appropriately, with some examples of strong challenge to partners resulting in improved engagement with safeguarding. However, it does not currently keep a challenge log. The LSCB has not developed a performance framework for measuring its own effectiveness. Nonetheless, the LSCB identified most of the areas for development seen in this inspection in March 2015 and is taking action to address them.

The LSCB scrutinises agencies' compliance with safeguarding policies and procedures through annual section 11 audits. The LSCB has recognised the quality of audits is too variable. For example, arrangements in individual schools under section 175 of the Education Act 2002 are not included. The LSCB has taken authoritative action to strengthen arrangements for next year and has introduced a peer review process to further assure the effectiveness of policies and procedures on the ground.

Good collaborative working between sub-groups has resulted in an effective whole systems approach to safeguarding, including child sexual exploitation and extremism. The board's auditing activity is used to improve practice. For example, the Neglect Inquiry has led to the development of comprehensive guidance for all agencies.

Recommendations

109. Ensure that the LSCB engages more effectively with the community it serves, including learning from the participation and testimony of children and young people, increased engagement with faith and ethnic minority groups, and timely recruitment of lay members (paragraphs 118 and 133).

110. Develop appropriate pathways to increase the LSCB contribution to and influence on the work of the Health and Wellbeing Board to ensure the experience of children and young people are given appropriate consideration in all activity (paragraph 121).

111. Ensure that training is sufficient to meet demand and is informed by a training needs analysis that includes analysis of impact on practice over time and the difference it has made to outcomes for children (paragraph 125).

112. Ensure that agencies report the outcomes of single-agency auditing activity to the LSCB to increase its oversight of practice (paragraph 127).

113. Review the multi-agency data set used by the board to ensure that it meets LSCB priorities and includes all relevant activity that impacts on frontline practice, including workforce information (paragraph 128).

114. Develop robust mechanisms for measuring the LSCB's effectiveness as part of a performance management framework (paragraph 129).

115. Ensure that the LSCB annual report provides a clear account of the activity of the LSCB and its strengths and areas for improvement that is easily understood by a lay reader (paragraph 137).

Inspection findings – the Local Safeguarding Children Board

116. The LSCB complies with its statutory responsibilities as defined in 'Working together 2015'. The LSCB is appropriately constituted although it has had no lay member since June 2015. This recruitment has been purposely delayed due to a plan to recruit jointly with the Adult Safeguarding Board as part of a general strategy to align the work of the boards in a whole-life approach to safeguarding. While the LSCB anticipates that this will bring clear benefits in ensuring continuity, it means it has not benefited from a regular lay member perspective for some considerable time. The representation of the voice of young people on the LSCB is insufficient and, consequently, learning from their experience and their direct influence on board priorities is diluted. The LSCB had already recognised this gap before this inspection and is exploring ways of

strengthening young people's input. A report on the voice of the child is being collated, creation of a youth LSCB is under consideration and the chair has recently met with the Children in Care Council 'One Voice' to explore how the experience of children looked after can be represented.

117. The LSCB meets regularly and, while commitment to furthering the work of the LSCB by key statutory partners is strong, attendance logs show a high degree of variability in LSCB members' attendance at meetings. This includes key decision makers in statutory partner agencies. Although they have ensured representatives from their agencies attend regularly and relevant issues are fed back promptly, attendees are not always at the required level of seniority to commit to proposed actions. This leads to increased activity outside LSCB meetings and potential delay. The independent chair has put forward proposals to reshape the LSCB. While the chair anticipates this will facilitate attendance and increase the LSCB's efficiency, plans remain at an early stage.

118. The LSCB has a comprehensive and robust business plan covering a three-year period. Yearly action plans build on progress from the previous year. Plans are well aligned to other strategic plans such as the Children's Trust and the Health and Wellbeing Board (HWB) as part of an overarching shared strategic vision. They are well informed by identified local needs, shared priorities and findings from local LSCB auditing activity as well as national learning. For example, the action plan for 2015/16 appropriately includes implementation of new neglect guidance based on learning from the Neglect Inquiry and a review of the multi-agency threshold document. This will ensure it contains specific guidance in relation to early identification of potential risk of child sexual exploitation, extremism and cyber-crime. However, the plan is too recent for it to have had a discernible impact in improving the functioning or effectiveness of the LSCB. This shared vision has not yet been realised into fully 'joined up' activity. Although links with the Children's Trust are strong, the LSCB has appropriately identified that its influence on the HWB requires strengthening. The HWB's governance arrangements do not include sufficient opportunity for the LSCB to exert its influence. This reduces the HWB's ability to test if it is robustly fulfilling its responsibilities to help protect and care for young people. The LSCB chair only attends the HWB annually and there is no current LSCB representation on the HWB. This limits the effectiveness of both boards. For example, a homeless health needs audit presented to the HWB in June 2015 did not report on the health needs of homeless 16 and 17 year olds or include any specific focus on care leavers. This was a missed opportunity.

119. LSCB members express confidence in the independent chair, who is highly skilled and knowledgeable across all areas of the business. He is supported by an experienced business manager who is pivotal to the smooth functioning of the LSCB. While all partner agencies confirm a mutual culture of robust challenge and debate and could give examples of effective challenge, the LSCB does not currently hold a challenge log. This means there is no clear audit trail for issues raised across the partnerships or systematic analysis of progress or

themes. The LSCB has recognised this gap and proposals to introduce a challenge log were agreed by the LSCB before this inspection.

120. The LSCB currently operates seven sub-groups that are appropriately aligned to the LSCB's key statutory responsibilities and priorities. Police, health and children's social care are well represented on the subgroups and the LSCB business planning group. They play a strong role in scrutiny arrangements and in updating the LSCB on developments in their respective agencies, including highlighting potential areas of concern. Schools' contribution has been far more variable but has improved in recent months. All sub-group chairs report to the LSCB at least bi-annually. They are members of the LSCB business group and this is supported by the LSCB business manager's membership of all sub-groups and chairing of two. As a result, communication across the groups is generally effective, leading to well-coordinated activities based on an established cycle of scrutiny, learning training and action.

121. The LSCB offers a comprehensive range of training courses with 52 training events held in 2014/15. Training is regularly updated to inform staff of changes in legislation and to share national and local best practice. The majority of LSCB training is delivered by partner organisations. While this ensures it is specialist and Gateshead-specific, the availability of trainers has reduced due to other pressures. As a result, some training in 2014/15 was cancelled. Many events were oversubscribed and 35% of all applicants were unsuccessful in obtaining a place (176) while a similar number (164) were offered a place and did not attend. The LSCB launched a programme of e-learning modules in December 201to increase sufficiency and offer greater flexibility. Initial responses were slow, but have improved. The LSCB's analysis of the quality of training and whether it is reaching those who would benefit most is not robust. It has not undertaken any recent training needs analysis and evaluation of the quality of training is over-reliant on self-reporting on the day. This is almost always very positive but cannot measure the impact of learning on outcomes for children. Participants are asked to complete a survey three months after the event to identify the difference that training has made to their practice but managers are not included and response rates are poor. Consequently, the impact of training on practice over time is not fully evaluated or understood. The LSCB plans to develop a quality assessment tool over the coming months to evaluate current training and its delivery more effectively.

122. The LSCB can however evidence clear improvements in practice on the ground as a result of some training. As a result of LSCB challenge to the clinical commissioning group (CCG), 100% of GPs in Gateshead have completed multi-agency (level 3) training. This increased awareness, combined with a new post commissioned by the CCG to assist GPs in writing reports for child protection conferences, has led to a significant improvement in the numbers of GP reports provided, from 10% in 2014–15 to 38% in quarter one 2015–16.

123. The LSCB has adopted a thematic approach to its multi-agency case auditing through a series of inquiries informed by national research and local drivers.

The LSCB undertook the first inquiry into neglect in 2014-–2015 due to high numbers of children subject to child protection plans under the category. A further inquiry into child sexual exploitation is planned for 2015–16. The Neglect Inquiry scrutinised the application of thresholds and effectiveness of services provided at every stage of the child's journey. It identified that while no children were subject to child protection plans inappropriately, some opportunities to intervene at an earlier stage had been missed. As a result of this learning, new guidance has been developed for practitioners and a commissioned service has been engaged to train all staff in using a tool to identify and respond to neglect based on the graded care profile. While the LSCB anticipates this should result in a more consistent identification of neglect and lead to more effective help at an early stage, the guidance is yet to be disseminated and monitoring of other practice has reduced. For example, no single agency auditing has been reported to or analysed by the LSCB performance management sub-group in the last 12 months.

124. The multi-agency data set used by the LSCB does not effectively support the monitoring and evaluation of all frontline practice. Although it considers children's and young people's experience from early help to care leavers, it is insufficiently linked to board priorities. The data set does not include some performance information in relation to children the LSCB has identified as particularly vulnerable, such as disabled children. Until very recently it did not include children missing from home or care or are at risk of child sexual exploitation. The LSCB recognises this has hampered its monitoring of prevalence and its analysis of the effectiveness of the wide range of multi-agency and single agency initiatives taking place. A failure to provide data by some agencies including CYPS and probation and no workforce information mean that the LSCB does not have a complete picture of the performance and effectiveness of local services at a time of widespread organisational change.

125. The LSCB has not developed a performance management framework nor uses any performance indicators to measure its performance. Statutory partners in Gateshead know each other well and operate in a culture of mutual trust and shared ambition for children. Nonetheless, it is important that the LSCB has clearly defined quantitative and qualitative measures for holding partners to account and for assessing its own effectiveness. In the absence of a clear quality assurance framework, the LSCB is overly reliant on partners bringing issues in their own agencies to the LSCB's attention. Agencies' perceptions of the relevance of issues within their own organisation or the LSCB as a whole can be inaccurate. Some LSCB members spoken to had an overly positive view of the LSCB's performance.

126. The LSCB ensures that policy and procedures are updated regularly to reflect changes nationally and locally, with clear links to detailed guidance. They are included in the LSCB training offer. For example, training on FGM has been updated to include recently revised guidance. This proactive approach, combined with a focus on FGM in the summer edition of the LSCB newsletter,

ensured increased awareness in a wide range of agencies at a time when women and girls are most at risk.

127. The Gateshead Child Sexual Exploitation strategy (updated in May 2015) is consistent with revised guidance. The delivery plan is robust. It includes key ACPO strategic priorities of Prevent; Protect; Pursue and Prepare. Good collaborative working between LSCB sub-groups has resulted in a holistic, whole-systems approach to child sexual exploitation. Initiatives include workshops based on the theatre production of 'Chelsea's choice', which 2,500 children attended in November 2014, and 700 taxi drivers received mandatory training as part of the conditions of retaining their licence in August 2015. Over 500 practitioners attended a sub-regional conference on child sexual exploitation in October 2015. This collaboration and the ongoing work of the licensing sub-group to use its powers to oppose licensing applications that may present a risk to children, for example by selling 'legal highs' to young people, is a significant strength.

128. The LSCB coordinates multi-agency responses to prevent extremism appropriately and partners report progress to the LSCB regularly. The LSCB has taken a lead in awareness-raising activities. Prevention of extremism is included in its multi-agency training offer. In August 2015, a workshop was held to raise awareness of the Prevent duty for frontline staff. As a result of these initiatives, understanding of the potential targeting of young people by extremist groups as a form of exploitation has increased. The LSCB recognises that it needs to engage more meaningfully with this and other faith groups to promote the safeguarding agenda. Plans to establish a multi-faith group sub-group are at an early stage of development. The involvement of faith and ethnic minority groups in the LSCB at the point of inspection was underdeveloped.

129. The LSCB has ensured a programme of Section 11 audits on a yearly basis. As a result of effective challenge by the LSCB, the majority of agencies had provided a sufficient response by March 2015. More recently, as a result of good collaboration between the LSCB and the CCG, as of November 2015 almost all GP practices had submitted an audit. While the initial findings of the Section 11 audits were positive, some responses were too limited for the LSCB to be fully satisfied that effective arrangements were in place. Education Gateshead, for example, provided an overarching response but did not report on individual audits completed by schools under section 175 of the Education Act 2002. The LSCB has taken authoritative action to strengthen arrangements for next year and outcomes of all schools' section 175 audits will be included. Peer reviews of safeguarding arrangements have been identified as a means of further assurance. To date, one visit has been completed. This initiative shows promise but is in the early stages and not all agencies have committed to the process.

130. The LSCB has a comprehensive local learning and improvement framework with statutory partners, including procedures for serious case reviews (SCRs) and multi-agency and single-agency learning reviews. This represents a proactive

response by agencies to improve practice as a result of learning. Multi-agency briefings were held around the time of publication to ensure that staff understood the lessons and the resulting changes in practice. All practitioners spoken to during the inspection had attended briefings and almost all could articulate the lessons learned. Wider learning from local and national SCRs is included in the LSCB training offer.

131. The child death overview panel (CDOP) is shared with two neighbouring local authorities. Although publication of the CDOP annual report has been significantly delayed, Gateshead-specific information was included in the LSCB annual report. Findings show that the pattern of modifiable child deaths seen locally reflects those seen nationally, such as in relation to co-sleeping or smoking. Gateshead participates in regional campaigns to raise awareness.

132. The LSCB annual report is overly descriptive. It does not always include contextual information on areas for development, which makes it difficult for the lay reader to understand the link to performance. It does not include reference to private fostering arrangements. This is a missed opportunity to promote awareness of this vulnerable group of children to a wider audience.

Information about this inspection

Inspectors have looked closely at the experiences of children and young people who have needed or still need help and/or protection. This also includes children and young people who are looked after and young people who are leaving care and starting their lives as young adults.

Inspectors considered the quality of work and the difference adults make to the lives of children, young people and families. They read case files, watched how professional staff work with families and each other and discussed the effectiveness of help and care given to children and young people. Wherever possible, they talked to children, young people and their families. In addition, the inspectors have tried to understand what the local authority knows about how well it is performing, how well it is doing and what difference it is making for the people who it is trying to help, protect and look after.

The inspection of the local authority was carried out under section 136 of the Education and Inspections Act 2006.

The review of the Local Safeguarding Children Board was carried out under section 15A of the Children Act 2004.

Ofsted produces this report of the inspection of local authority functions and the review of the Local Safeguarding Children Board under its power to combine reports in accordance with section 152 of the Education and Inspections Act 2006.

The inspection team

The inspection team included 6 of Her Majesty's Inspectors (HMI) from Ofsted.

Lead inspector: Tracey Metcalfe HMI

Deputy lead inspector: Fiona Millns HMI

Team inspectors: Sarah Urding HMI, Catherine McEvoy HMI, Fiona Parker, Shirley Bailey HMI, Pamela Blackman HMI

Shadow inspectors: Regulatory Inspection Manager Rachel Holden, Charles Searle HMI

Senior data analyst: Pete McLaughlin

Quality assurance manager: Paul Armitage

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Children Missing Education Strategy, Procedures and Guidance**

REPORT OF: **Alison Elliott, Interim Strategic Director, Care, Wellbeing and Learning**

Purpose of the Report

1. This report seeks approval for the Children Missing Education (CME) Strategy, Procedures and Guidance document.

Background

2. The Local Authority has a duty to identify children who are not receiving a suitable education either by being registered at a school or educated otherwise and there must be robust multi-agency processes in place to prevent children from being 'lost' from the education system.

Proposal

3. It is proposed that the Children Missing Education Strategy is approved

Recommendations

4. It is recommended that Cabinet approves the Children Missing Education Strategy.

   For the following reasons:

   (i) To ensure that the Council complies with section 436A of the Education Act 1996.
   (ii) To ensure that the Council wherever possible identifies 'lost' children and ensure they have access to suitable education provision

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CONTACT: Jeanne Pratt extension: 8644

Policy Context

1. Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006) requires all local authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.

2. This proposal supports the vision for Gateshead as set out in Vision 2030 and The Council Plan 2015-2020 "Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead". This means that:
    - we will have well educated communities that make the best use of lifelong learning, achieving this through improved educational attainment.
    - we are a borough of high achievers, driven by aspiration and creativity through increased learning and development.
    - children, young people and vulnerable adults that are safe and supported, where those who need help have access to appropriate joined up services that make a difference to the quality of their life.

Background

3. The Local Authority has a duty to identify children who are not receiving a suitable education either by being registered at a school or educated otherwise and there must be robust multi-agency processes in place to prevent children from being 'lost' from the education system.

4. Children fall out of the education system for a number of reasons including failure to enter the system in primary school, or to enter the secondary system after primary or moving from one area to another but being unable to secure a suitable school place.

5. Vulnerable groups include:-
    - Children living in women's refuges
    - Children of homeless families living in temporary accommodation
    - Children living in a house of multiple occupancy or bed and breakfast accommodation
    - Unaccompanied asylum seekers and refugees or children of asylum seeking families
    - Children with long-term medical or emotional problems
    - Children and Young People Looked After
    - Children for whom English is an additional language
    - Children with a Gypsy, Roma and Traveller background
    - Children from transient families
    - Teenage mothers
    - Children who are permanently excluded from school
    - Children with poor attendance
    - Children on roll of Alternative Education Providers e.g. PRUs early college placements
    - Children and young people who have committed offences or are at risk of becoming involved in crime

- Children identified with specific child protection issues and those who are considered to be in need of a Child Protection Plan
- Young people at risk of forced marriage
- Young people at risk of radicalisation

6. Since 2011 Gateshead has had 561 CME, of which 447 have been found, leaving 114 whose whereabouts we are unable to verify. This data is set out in the table below

	Total	Found	Not Found
2011-2012	122	92	30
2012-2013	116	97	19
2013-2014	122	100	22
2014-2015	121	108	13
2015-date	80	51	29 16 Abroad 13 – most waiting for school places
Cumulative Total	**561**	**447**	**114**

7. There is a named Children Missing Education (CME) coordinator within the Council whose role is to receive notifications of children possibly missing from education and to manage the missing from education procedures. The CME coordinator is responsible for:-

- maintaining a Children Missing from Education database
- Investigating referrals made by schools, other agencies and other local authorities
- Providing reports to senior managers and the Department for Education (DfE)
- Using available databases to locate children
- Liaising with schools
- Attending regional meetings

8. Notifications of a child missing can be received from within the Council including agencies such as schools, health, housing, police and/or other local authorities nationwide.

9. Within Gateshead there are clearly defined procedures as set out in the attached Strategy, Procedures and Guidance document (Appendix 2), which is an updated version of our previous CME Strategy. The Strategy states that

'In order to protect vulnerable children and in line with best practice requirements, pupils should not be removed from the school roll until they are confirmed to have been admitted to a new school or advised to do so by their Children Missing Education Officer'.

10. Parents have a legal responsibility to ensure that their children of compulsory school age are receiving a suitable education (section 444 Education Act 1996) and all schools have safeguarding duties in respect of their pupils (section 175 of the Education Act 2002).

11. All schools including maintained schools, free schools, academies and Pupil Referral Units must monitor a pupil's attendance on a daily basis and investigate any unexplained absences (section 175 of the Education Act 2002).

12. In normal cases of absence a schools' staged response should be followed and a referral for legal action should be made when parents fail to improve the attendance. These cases are not children missing from education.

13. Should any agency become aware that a child has either left Gateshead, or has arrived in the area, the CME Coordinator should be notified and as much information as possible provided to assist in tracing and tracking the child.

14. If a child is subject to a child protection plan the school must inform the Referral and Assessment Team immediately. Any concerns about child protection, sexual exploitation and trafficking should also be reported.

15. Effective multi-agency and cross border information sharing is necessary to assist with enquiries into pupils missing from education. The CME coordinator may need to contact agencies such as Health, Social Services, Police and Housing to locate a child.

Improving information in identifying children missing education

16. Following recent inspections of schools Sir Michael Wilshaw (Her majesty's Chief Inspector of Schools) expressed concern about the inconsistent practice and poor communication in identifying children who are missing education, specifically highlighting that current regulations do not place a legal duty on schools to establish and record destinations for all pupils whose names are removed from the school admission registers. His recommendation was that the government strengthens current regulations and related guidance to ensure schools provides regular and accurate information to local authorities.

17. In light of these recommendations, the government are currently consulting on propose changes to the Education (Pupil Registration) (England) Regulations 2006.

18. Sir Michael Wilshaw has recommended that the government helps to ensure that school provide regular and accurate information to local authorities. Therefore, proposed amendments to the Education (Pupil Registration)(England) Regulations 2006 will require schools to report when a pupil's name is added to or removed from their pupil admissions register in all cases. In light of this, the Council will be requesting migration forms (a record of admissions and deletions from registers) be regularly completed by schools and returned to the CME Coordinator as from September 2016.

Consultation

19. Members of the Local Safeguarding Children's Board have been consulted on the formation of this strategy.

20. The Cabinet Member for Children and Young People have been consulted.

Alternative Options

21. The alternative option would be for the Council not to have a strategy but this would mean that it would fail to meet its statutory duty in relation to children missing education.

Implications of Recommended Option

22. **Resources:**

    a) **Financial Implications –** The Strategic Director, Corporate Resources confirms there are no financial implications as a result of this report.

    b) **Human Resources Implications –** There are no specific implications arising from this report

    c) **Property Implications -** None

23. **Risk Management Implication -** None

24. **Equality and Diversity Implications -** All children, young people and their families have a right to access to education including equality of opportunity in terms of accessing support, advice and guidance.

25. **Crime and Disorder Implications –** Improving the attendance of any child missing education will reduce the risk of young people becoming involved in anti- social/ criminal behaviour.

26. **Health Implications –** Improved attendance in education will contribute to improving emotional health and well-being.

27. **Sustainability Implications -** None

28. **Human Rights Implications -** Article 2 of the first protocol to the convention provides that no person shall be denied the right to education and provides parents with a right to ensure such education is in conformity with their own religious and philosophical convictions. However, this right is heavily qualified to the effect that it must be compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

29. **Area and Ward Implications -** This will impact the children and young people in all areas and wards across Gateshead.

Background Information

30. The following background papers have been used in the compilation of this report:
    - 2004 Every Child Matters
    - Education Act 2006, Section 9, Section 19 (3A) and (3B) and Schedule 1
    - 2009 Working Together to Safeguard Children
    - DfE, Education White Paper, “The Importance of Teaching”, 2010
    - Gateshead Council’s Corporate Plan 2015-20
    - Gateshead Council’s Vision 2030

- Charlie Taylor's Report Improving Attendance at School (2012)
- Children Gateshead 2014-17
- Equality Act 2010
- Improving information in identifying children missing education consultation document

Appendix 2

Children Missing From Education

Strategy, Procedures and Guidance
January 2016

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Procedures for children who have arrived in the Area

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Intake (Reception) and Transition (Year 7)

Deletion from the School Admissions Register

Introduction

Section 436A of the Education Act 1996 (added by section 4 of the Education and Inspections Act 2006) requires all local authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children residing in their area who are not receiving a suitable education.

This document explains Gateshead Council's procedures for identifying, registering and tracking Children Missing from Education and the statutory responsibilities of the Local Authority (LA), schools and other agencies.

The Local Authority has a duty to identify children who are not receiving a suitable education either by being registered at a school or educated otherwise and there must be robust multi-agency processes in place to prevent children from being 'lost' from the education system.

Children Missing from Education

Children Missing Education in this document relates to:-

- children of compulsory school age who are thought to have left Gateshead but their destination is unknown
- children of compulsory school age who have arrived in Gateshead but have not sought a school place

Children at risk of going missing from the education system

Children fall out of the education system for a number of reasons including failure to enter the system in primary school, or to enter the secondary system after primary or moving from one area to another but being unable to secure a suitable school place.

Vulnerable groups include:-

- Children living in women's refuges
- Children of homeless families living in temporary accommodation
- Children living in a house of multiple occupancy or bed and breakfast accommodation
- Unaccompanied asylum seekers and refugees or children of asylum seeking families
- Children with long-term medical or emotional problems
- Children and Young People Looked After
- Children for whom English is an additional language
- Children with a Gypsy, Roma and Traveller background
- Children from transient families
- Teenage mothers
- Children who are permanently excluded from school
- Children with poor attendance
- Children on roll of Alternative Education Providers e.g. PRUs early college placements

- Children and young people who have committed offences or are at risk of becoming involved in crime
- Children identified with specific child protection issues and those who are considered to be in need of a Child Protection Plan
- Young people at risk of forced marriage
- Young people at risk of radicalisation

Notifying the Local Authority

There is a named officer within the Local Authority whose role is to receive notifications of children possibly missing from education and to manage the procedures.

Notifications can be received either from within the Local Authority and from other agencies such as schools, health, housing, police, other Local Authorities nationwide.

In order to ensure children in Gateshead do not go missing from education, it is necessary regularly to raise awareness with all stakeholders about how to inform the authority of children missing education. It is often the case that another agency becomes aware of the arrival or existence of a child living in the authority but not in education before the authority becomes aware.

Good Practice Guidance:

In paragraph 17.97 of the Victoria Climbié Inquiry Report, Lord Laming recommended that: "Front line staff in each of the agencies which regularly come into contact with families with children must ensure that in each new contact, basic information about the child is recorded. This must include the child's name, address, age, the name of the child's primary carer, the child's GP, **and the name of the child's school if the child is of school age. Gaps in this information should be passed on to the relevant authority in accordance with local arrangements.**"

The recommendation was accepted in *Keeping Children Safe*, the Government's response to the *Victoria Climbié Inquiry* and the Joint Chief Inspectors' Report *Safeguarding Children* (September 2003).

Children Missing from Education Coordinator

The CME coordinator is the LA's named contact for all matters relating to Children Missing from Education.
The CME coordinator is responsible for:-

- maintaining a Children Missing from Education database
- Investigating referrals made by schools, other agencies and other LA's
- Providing reports to senior managers and the DfE
- Using available databases to locate children
- Liaising with schools
- Attending regional meetings

Responsibilities of parents, schools, and other agencies

Parents have a legal responsibility to ensure that their child(ren) of compulsory school age are receiving a suitable education (section 444 Education Act 1996) and all schools have safeguarding duties in respect of their pupils (section 175 of the Education Act 2002).

All schools including maintained schools, free schools, academies and Pupil Referral Units must monitor a pupil's attendance on a daily basis and investigate any unexplained absences (section 175 of the Education Act 2002).

In normal cases of absence a schools' staged response should be followed and a referral for legal action should be made when parents fail to improve the attendance. These cases are not children missing from education.

Should any agency become aware that a child has either left Gateshead, or has arrived in the area, the CME Coordinator should be notified and as much information as possible provided to assist in tracing and tracking the child.

If a child is subject to a child protection plan the school must inform the Referral and Assessment Team immediately. Any concerns about child protection, sexual exploitation and trafficking should also be reported.

Information sharing

Effective multi-agency and cross border information sharing is necessary to assist with enquiries into pupils missing from education. The CME coordinator may need to contact agencies such as Health, Social Services, Police and Housing to locate a child.

Migration forms (schools)

Sir Michael Wilshaw has recommended that the Government helps to ensure that school provide regular and accurate information to LAs. Therefore, proposed amendments to the Education (Pupil Registration)(England) Regulations 2006 will require schools to report when a pupil's name is added to or removed from their pupil admissions register in all cases. In light of this, the LA will be requesting migration forms (a record of admissions and deletions from registers) be regularly completed by schools and returned to the CME Coordinator as from September 2016.

Procedures for Children Missing Education

Procedures for schools when children are thought to have left the area

It is expected that all schools follow the guidelines below when a pupil is absent:-

1. Schools should try to establish the whereabouts of the child by

   - attempting to make contact with family by telephone, letter or home visit
   - contacting other family members and other contacts named on the school contact list
   - contact agencies with known involvement with the family for information

2. If traced by the school but the parent is making no attempt to secure a school place in the new area

    - complete the CME referral form
    - pupil remains on the school roll

3. If traced by the school and a school place is pending (e.g. meeting arranged) allow 10 school days for the place to be confirmed before completing the CME form. It is only where a school place is **not** confirmed that the CME coordinator should be notified. If a school place is confirmed then a CME form is not required.

4. If the child is traced to another school and attendance is confirmed

    - remove name from roll
    - send common transfer file (CTF) via S2S (school to school)
    - complete SIMS record

5. If not traced complete CME referral form

6. If the child is found to be still resident in Gateshead but the parent is failing to send the child to school then a referral to the Legal Intervention Team for non-attendance should be considered

Referral process for schools

All referrals from schools must be made on the referral form included in this document (appendix 1) and should be sent by secure means to dianesurtees@gateshead.gov.uk. All responses will also be via secure email if the referrer is outside Gateshead Councils secure email system.

It is expected that schools exhaust all possible leads to locate the whereabouts of a child and their family before a referral form is submitted.

Upon receipt of the referral the CME coordinator may contact the referrer for further details. If the referral is deemed appropriate the case will be opened and the following process will take place.

- The case will be opened on EMIS (electronic case management system)
- If it is found that the child is still resident in Gateshead but not attending the school where they are on roll the school will be informed (the school can then work with the family and consider a referral into the Legal Intervention Team if non-attendance continues)
- The CME coordinator will contact other partner agencies in Gateshead for information about the whereabouts of the child
- If the child is thought to have left the area and school have been informed of a possible destination then the appropriate LA will be contacted
- If the child is thought to have left the area with no indication of a destination the CME Coordinator will add the child's details to the DfE S2S national database

In order to protect vulnerable children and in line with best practice requirements, pupils should not be removed from the school roll until they are confirmed to have

been admitted to a new school or advised to do so by their Children Missing Education Officer.

Procedures for other agencies (statutory and voluntary) when children are thought to have left the area

Safeguarding is a key responsibility to all those who work with children and families. There is an expectation that these partners ensure that if they are aware of a child who is thought to have left the area that they contact the CME Coordinator, by telephone or email. Partners include

- Schools
- Admissions
- SEN
- Social Care teams
- Neighbourhood and Housing services
- Health including GPs, A&E departments, health visitors
- Police
- Benefit agencies
- Women's refuge
- General public and carers

Children Missing Education procedures do not replace any agency protocols or procedures in respect of safeguarding.
Once notified that a child may have left the area, the CME Coordinator will open the case and the following process will take place.

- The case will be opened on EMIS (electronic case management system)
- If it is found that the child is still resident in Gateshead but not attending, the school where they are on roll the school will be informed
- The CME coordinator will contact other partner agencies in Gateshead for information about the whereabouts of the child
- If the child is thought to have left the area and an approximate destination is known, then the appropriate LA will be contacted
- If the child is thought to have left the area with no indication of a destination the CME Coordinator will add the child's details to the DfE S2S national database

Procedures for children who have arrived in the area

It is an expectation that any professional coming into contact with a school aged child will ask the parent why that child is not in school and where that child is registered. If the child appears not be on a school roll the CME Coordinator should be contacted either by telephone or email.
Once the CME coordinator has been notified about a child not on a school roll the coordinator will begin the following process:-

- check if a school transfer request has been made
- make a home visit to complete a school transfer form if the family is at home, or leave a letter and school transfer form
- make a further visit if a transfer form has not been received in 5 working days.

- contact the Housing Company and other agencies to confirm the family is living at the address
- where the CME coordinator is unable to make contact in person with the family, the referrer (either another professional or other LA) will be contacted and further action discussed

Procedures for pre-school aged children

Whilst it is not the duty of the LA to identify pre-school children that stop attending a LA funded 2, 3 or 4 year old place at a nursery or other childcare provision regard should be given to ratify the child's safety and welfare. Childcare providers notify the LA, via Early Years Childcare Service, of such children where there has been no explanation from the parent/carer for the child's non-attendance, contact with them has been unsuccessful and there are no other known professionals involved with the family. The child/family's details will be passed to Gateshead Children's Centre team who will contact the Health Visiting Service to ascertain when contact was last made with the family and any concerns. A home visit will be made on the same day of receipt of the child's details and if unsuccessful on two more home visit attempts then a Report to Home Educated/Missing from School Panel will be made.

Intake (Reception) and Transition (Year 7)

If a child fails to attend the start of reception or Year 7 the school should attempt to contact the parent, the LA admissions team and any other known link.

The admissions team will provide the CME coordinator with details of any child who has not been located.

Deletion from the School Admissions Register

The Education (Pupil Registration)(England) Regulations 2006 govern when a pupil can be removed from the admission/attendance register.

The regulations enable schools to delete compulsory school age children in the following circumstances:

- the school is replaced by another school on a school attendance order
- the school attendance order is revoked by the LA
- completion of compulsory school age
- the permanent exclusion of a pupil – (subject to appeal)
- the death of the pupil
- the pupil is transferred between schools
- the pupil is withdrawn to be educated outside the school system
- the pupil fails to return from an extended holiday after both the school and the LA have been unable to locate the pupil
- a medical condition prevents their attendance and return to the school before ending compulsory school age
- the pupil is in custody for more than four months
- there are 20 continuous unauthorised absence days and both the LA and the school have been unable to locate the pupil
- the pupil has left the school but it is not known where he or she has gone, after both the school and LA have been unable to locate the pupil

All other deletions are illegal and could result in court proceedings against the person responsible.

Whenever a pupil joins or leaves a school then an electronic common transfer file (CTF) must accompany that pupil to the new school.

When a pupil is deleted from the Admission register the school must clearly indicate the date and the reason for the removal from roll, (Regulation 8 of the 'Education (Pupil Registration) (England) Regulations 2006' provides guidance on deletions from Admissions Register). In the event of a pupil moving to another school the name of the school should be indicated on the school's database and the pupil's records should be sent to the new school within 15 days. Before a child's name is removed from the school roll the LA must be informed through the school's assigned Education Welfare Officer and the Children Missing Education Officer.

In order to protect vulnerable children and in line with best practice requirements, pupils should not be removed from the school roll until they are confirmed to have been admitted to a new school or advised to do so by their Children Missing Education Officer.

Children who have thought to have left the area

School aware pupil may have left Gateshead → If there are any child protection concerns call Children's Services in the first instance

School exhausts all measure to locate the whereabouts of the child

Pupil Found

YES

If attendance confirmed at another school

Send common transfer file

Remove from school roll

Complete SIMS record

Case closed

NO

Complete CME referral and send to CME Coordinator

CME coordinator receives referral and if appropriate logs child's details on database

CME coordinator will contact Gateshead partner agencies for further information if necessary

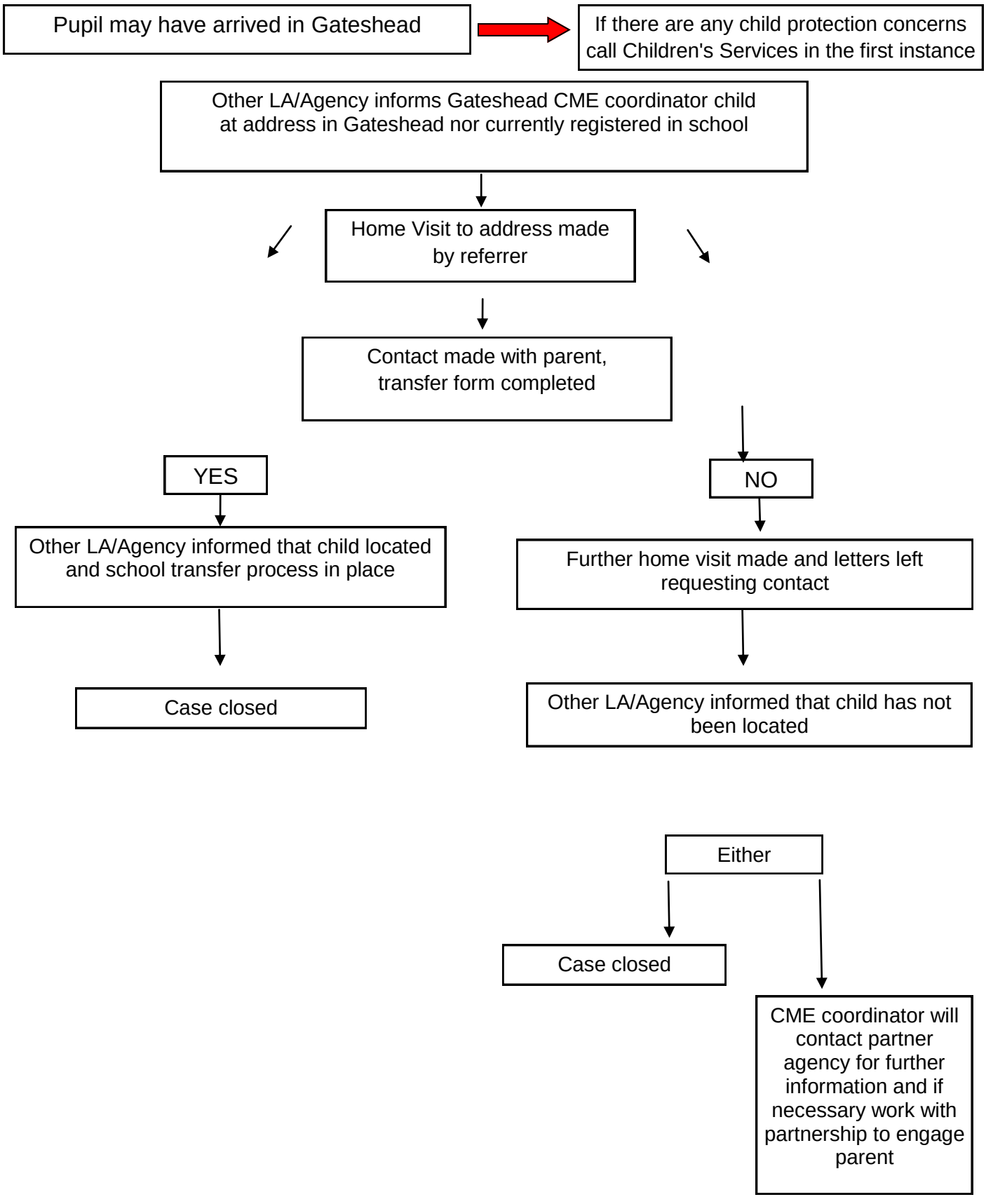
If the child has left the area and the general destination is known the appropriate LA will be contacted

After 20 school days if pupil is not found school will be advised they can remove from roll - case will remain open as CME

Further checks will continue to be made - case will remain open until the child is found

If the child is found to be still living in Gateshead then the school will be informed and a referral for legal action should be considered.

Children who have thought to have arrived in the area



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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Elective Home Education Strategy**

REPORT OF: **Allison Elliott, Interim Strategic Director, Care, Wellbeing and Learning**

Purpose of the Report

1. This report seeks approval for the revised Elective Home Education (EHE) Strategy.

Background

2. Parents have a legal right to choose to home educate their children (1944 Education Act). Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their children at home instead of sending them to school.

3. Local Authorities have a statutory duty, wherever possible to establish the identities of those children who are being home educated. However parents are not legally required to give the local authority access to their home.

4. The impact of this is that local authorities can in some circumstances encounter barriers in carrying out their statutory duties 'to establish the identities, so far as possible, of children in their areas who are not receiving suitable education'.

5. In Gateshead parents who home educate their children tend to fall within two broad groupings. Those parents who choose to home educate because they feel that their children will receive a 'better' quality of education at home. The second group consist of parents who have chosen to home educate to avoid confrontation with schools, the local authority or their own children but for whom there may be welfare concerns in relation to educating their child at home. In Gateshead the majority of parents work with the Council, however, there are some families who choose to work outside of the Council, refusing visits from officers responsible for monitoring children who are electively home educated or refusing to provide evidence that their children are being suitably home educated.

6. The revised Elective Home Education Strategy sets the responsibilities of parents, schools/academies and the Council in supporting parents who choose to educate their children at home as well as a range of services available to support families who choose to home educate.

Proposal

7. This revised strategy sets out responsibilities for parents, schools and the Council in relation to elective home education.

Recommendations

8. It is recommended that Cabinet approves the revised Elective Home Education Strategy as set out in appendix 2.

   for the following reason(s)

   (i) To enable the Council and its partners to agree an effective Elective Home Education strategy in order to support parents who chose to home education while ensuring that systems are in place to monitor and support (where it is possible) home education.

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APPENDIX 1

Policy Context

1. This proposal supports the vision for Gateshead as set out in Vision 2030 and The Council Plan 2015-2020: “Local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead”. This means that:
    - we will have well educated communities that make the best use of lifelong learning, achieving this through improved educational attainment.
    - we are a borough of high achievers, driven by aspiration and creativity through increased learning and development.
    - children, young people and vulnerable adults that are safe and supported, where those who need help have access to appropriate joined up services that make a difference to the quality of their life.

2. Education is compulsory in England for children from the start of the term following the child’s 5th birthday until the last Friday in June of the academic year in which the child is 16. From June 2013, the raising of the participation age meant that young people were required by law to engage in education, employment or training until their 17th birthday. This increased to 18 years of age in 2015 (Education and Skills Act 2008).

3. Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory and it can be provided at school ‘or otherwise’ (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child’s education rests with their parents who also have a duty to ensure that any education provided is “efficient”, “full time” and ”suitable”.

4. Parents have a right to educate their children at home (Section 7 of the Education Act 1996). Elective Home Education (EHE) is the term used to describe parents’ decision to provide education for their children at home instead of sending them to school. Parents in Gateshead who home educate use the term ‘home educated’ or ‘home tutored’ when referring to educating their child at home. Elective Home Education is different from home tuition provided by the local authority or education provided by a local authority other than at school.

5. Parents' right to educate their children at home applies equally where a child has special educational needs (SEN) (see Section 319 of the Education Act 1996), regardless of whether or not they have a Statement of Special Needs or an Education Health Care Plan.

Background

6. As of December 2015, for the current academic year 2015/16, in Gateshead there are 53 children who are being home educated. The breakdown of children who are/have been in receipt of home education over the past two years is as follows:

	2014/15	2015/16 (Dec 15)
N	-	1
Recp	3	2
Y1	7	3
Y2	4	5
Y3	4	3
Y4	3	5
Y5	7	3
Y6	1	9
Y7	6	2
Y8	5	6
Y9	8	5
Y10	2	4
Y11	13	5
Total	63	53

7. This is a slight decrease from the previous academic year, in part because 13 Year 11 young people have moved on to post-16 education provision and also numbers tend to increase throughout the academic year.

8. There are a number of reasons that parents might decide to home educate their child can which include:

- distance or access to a local school
- religious or cultural beliefs
- philosophical or ideological views
- disaffection with the system and/or feeling of unreasonable expectations being placed on their child
- bullying
- a short term withdrawal for a particular reason
- a child's unwillingness or inability to go to school
- parents perception that their child's special educational needs are not being met by the school
- a parent's desire for a closer relationship with their child

9. The Council's primary interest does not lie in the reason for choosing home education, but in ensuring that all children, including those educated at home, are receiving an education that is "efficient", "full time" and "suitable".

10. The Education Support Service monitors the education provided by parents who home educate their children on an annual basis. For the majority of children, it is felt that the education they are provided with is "efficient", "full time" "suitable to the age, ability and aptitude of the child", and "suitable to any special educational needs".

11. Over the past several years, however, there have been a small number of families who have chosen to home educate but for whom the EHE Team has concerns. This might be down to a number of reasons; including but not exclusively, poor attendance while at school, moves of house and/or moves of school, no contact with the child by any professional over a period of time (6-12 months), involvement in the Missing, Sexually Exploited and Trafficked Group (MSET), Multi-agency Risk Assessment Conference (MARAC), the Family Intervention Team (FIT), Youth Offending Team (YOT) and/or Children and Families services.

12. The Education Support Service has therefore established multi-agency termly meeting to discuss the families of concern with their partners in health and social

care in order to ensure that the wellbeing of these children is not placed at risk because they are home educated.

13. In order to further ensure that families who choose to home educate their children are fully aware of their legal responsibilities as well as the services and support which is on offer to them from health, education and social care the EHE strategy has been revised and updated.

14. In updating the EHE strategy, education is working with health and social care to provide an overview of the services across the Council which are on offer to all families including those who choose to home educate as well as providing the procedures that parents and local authorities must adhere to in relation to home education.

15. The revised strategy includes information on support which can be provided from Children Centres; health, Connexions and the Family Intervention Team.

Consultation

16. Consultation on the EHE strategy was held between the 29 February 2016 and the 18 March 2016. Information was sent to all parents who the local authority knows are home educators and relevant local authority staff.

17. Four responses were provided; one from a local councillor, one from a parent who used to home educate, one from a parent who currently home educates and one from a home education consultant.

18. Responses fell into three categories;

- The format of the strategy, including the layout, clarity of different sections, clarity of meaning of phrases
- Legal points
- Varying perceptions on the content;
  - The use of a flowchart would be good
  - The use of a flowchart confuses things

19. Where appropriate changes have been made to the strategy to incorporate the various comments made.

20. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

21. The alternative option would be not to have a strategy; however, this would make it difficult to co-ordinate best practice in Gateshead and to support parents in their choice to home educate their children.

22. **Resources:**

a) Financial Implications – The Strategic Director, Corporate Resources confirms that there are no financial implications resulting from this report

b) Human Resources Implications – There are no specific implications arising from this report

c) Property Implications - None

23. **Risk Management Implications** - There is a very small potential risk in relation to child welfare; in relation to those families that we are unaware of who choose to home educate their children.

24. **Equality and Diversity Implications -** Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory and it can be provided at school 'or otherwise' (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child's education rests with their parents who also have a duty to ensure that any education provided is "efficient", "full time" and "suitable".

25. All children, young people and their families have a right to equality of opportunity in terms of accessing support, advice and guidance

26. **Crime and Disorder Implications** – none

27. **Health Implications** - For children who we are unaware of who are being home educated, there is a possibility that they potentially lack access to in-school screening, education and medical interventions via the school nurse.

28. **Sustainability Implications** - None

29. **Human Rights Implications -** Article 2 of the first protocol to the convention provides that no person shall be denied the right to education and provides parents with a right to ensure such education is in conformity with their own religious and philosophical convictions. However, this right is heavily qualified to the effect that it must be compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure

30. **Area and Ward Implications** - This proposal will affect all wards.

Background Information

31. The following background papers have been used in the compilation of this report:

- 2004 Every Child Matters
- Children Gateshead 2014-17
- Equality Act 2010
- Gateshead Council's Corporate Plan 2015-20
- Gateshead Council's Vision 2030
- Working together to safeguard children March 2015
- Elective Home Education Guidelines for Local Authorities 2007
- Badman Report 2009
- The Exclusion Guidance (January 2015)

- House of Commons Education Committee Report Support for Home Education (2012)
- Attendance Strategy 2016
- Children missing education, statutory guidance for local authorities (2015)
- Ensuring Children's Right to Education (2015).

Appendix 2

Elective Home Education Strategy

2016 - 2020

Elective Home Education Strategy

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Gateshead's vision for children and young people is that they are empowered and supported to develop to their full potential and have the life skills and opportunities to play an active part in society. (Vision 2030)

Introduction

Article 28 of the United Nations Convention on the Rights of the Child (UNCRC) recognises the right of the child to an education. In England, education is compulsory and it can be provided at school "or otherwise" (as set out in the 1996 Education Act, section 7). The responsibility for the provision of a child's education rests with their parents who also have a duty to ensure that any education provided is "efficient", "full time" and "suitable".

Parents have a right to educate their children at home (Section 7 of the Education Act 1996). Elective Home Education (EHE) is the term used to describe parents' decision to provide education for their children at home instead of sending them to school. Parents who chose to home educate their children are required to provide an efficient, full time education suitable to the age, ability and aptitude of the child.

The following strategy has been written to provide services, schools/academies and parents who chose to home educate with an overview of the procedures that parents, schools/academies and Local Authorities must adhere to, in relation to home education. It also provides information on a variety of services across the Local Authority, which are on offer to all families including those who chose to home educate.

Principles

Gateshead Local Authority seeks to ensure that all children, young people and their families receive the support that they need, to ensure that they are able to develop to their full potential. Parents who chose to home educate are still able to receive support from a range of services (should they want to) which are available across the borough.

As a council, we recognise that Elective Home Education is a parental right, which requires significant commitment. We aim to develop positive and supportive relationships with parents based on trust and mutual respect, working together, to ensure the young person's full potential is reached. We welcome input from home educating families/carers and home education organisations, in developing and reviewing our Elective Home Education Strategy.

This strategy aims to inform Gateshead Local Authority Officers, schools/academies, parents, carers, Guardians and other related agencies about the services on offer as well as the policy and procedures to be followed where parents, legal carers or guardians make the choice to educate their children otherwise than at school, usually at home. The term "parent" is used throughout this strategy to include all those with parental responsibility.

Gateshead seeks to ensure that its policy and procedures on Elective Home Education are clear, consistent and non-intrusive. The strategy does not apply to children receiving alternative educational provision from the Local Authority because they are not attending school as a result of illness, exclusion or other reasons known to the Education Support Service.

Parents may choose to home educate for various reasons. The following list is not exhaustive, but sets out common reasons parents may have for making this choice:

- Distance from or access to a local school
- Religious or cultural beliefs
- Philosophical or ideological views
- Dissatisfaction with the system
- Bullying
- A short term intervention for a particular reason
- A child's unwillingness or inability to go to school
- Special Educational Needs
- Parents' desire for a closer relationship with their children

The Local Authority's primary interest does not lie in the reason for choosing home education, but in ensuring that all children, including those educated at home, are receiving an education that is "efficient", "full time" and "suitable".

Children and young people whose parents choose to educate them at home are not registered at a school (mainstream, special, academy or pupil referral unit (PRU)). Parents who chose to home educate their child assume financial responsibility for their child's education. In contrast to children who attend a maintained school or academy, children who are home educated do not receive any funding from the government directly to parents or via the Local Authority to provide for their education.

The Children Act 2004 places a duty on all agencies to work together to promote the welfare of children and to share information appropriately. This is further supported by "Working Together to Safeguard Children" 2015. This principle underpins this strategy and there is an expectation that where necessary all agencies and professionals will work together and with parents to ensure that all children are receiving an education that is efficient, fulltime and suitable.

This document sets out the Local Authority's strategy with respect to the following:

- The legal position regarding Elective Home Education
- The rights and responsibilities of parents
- The responsibilities of the Local Authority and procedures which will be followed by the Local Authority when a family choose to home educate
- School Responsibilities
- EHE and Safeguarding
- EHE and children with Special Educational Needs
- EHE and Traveller Children
- Services on offer to parents from
    - Children Centres
    - Health
    - Connexions (post 16 progression)
    - Family Intervention Team
- Reviewing procedures and practices
- Complaints procedures

Elective Home Education and Education

The strategy has been written with reference to the guidance *"Elective Home Education Guidelines for Local Education Authorities"* which were published in November 2007 following widespread public consultation. The policy and procedures should be read with reference to the relevant legislation outlined in Section 2 of the policy and the local authority's *Attendance Strategy* and *"Children Missing from Education Strategy*. Other relevant publications include "*Children missing education, statutory guidance for local authorities (2015*) and *"Ensuring Children's Right to Education* (2015).

The responsibility for a child's education rests with their parents. Education is compulsory in England for children from the start of the term following the child's 5th birthday until the last Friday in June of the academic year in which the child is 16. From June 2015 the raising of the participation age will mean that young people will be required by law to engage in education, employment or training until their 18th birthday. (Education and Skills Act 2008).

The European Convention on Human Rights, Article 2 of Protocol 1, which states that:

> *"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the rights of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions."*

Section 7 of the Education Act 1996 states that:

> *"The parent of every child of compulsory school age shall cause him to receive efficient full-time education suitable"*
>
> *a) To his age, ability and aptitude, and*
> *b) To any special educational needs he may have, either by regular attendance at school or otherwise."*

Section 9 of the Education Act 1996 states that

> *"In exercising or performing all of their respective powers and duties under the Education Act the Secretary of State, local education authorities and the funding authorities shall have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure*."

Elective Home Education and Parental Rights/Responsibilities

As outlined, parents have a legal right to home educate their child. The key definitions of such an education are that it must be *"efficient", "full time"*
"suitable to the age, ability and aptitude of the child", and *"suitable to any special educational needs".*

This definition gives parents considerable freedom in determining the scope of education provided and is not prescribed by the 1996 Education Act.

Case law has however established some clarity about the interpretation of these words.

"Efficient

Education is considered to be *efficient* if it achieves that which it sets out to achieve.

"Suitable"
A *suitable* education is one which *"primarily equips a child for life within the community of which he is a member, rather than the way of life in the country as a whole, as long as it does not foreclose the child's options in later years to adopt some other form of life if he chooses to do so".*

Education has also been ruled to be suitable *"if, and only if, the education is such as:*
(i) to prepare the child for life in modern, civilised society, and
(ii) to enable the child to achieve his full potential"

There is no legal definition of what constitutes a *"full-time"* education, although children in school usually spend between 22 and 25 hours working each week for 38 weeks of the year. However "contact time" in this way is not relevant in the context of elective home education, where the child often has continuous one to one contact with the parent/educator and the types of educational activity which the child follows may be varied and flexible.

There is no legal requirement for home educating parents to:

- teach the National Curriculum
- provide a broad and balanced education
- have a timetable
- have premises equipped to any particular standard
- set hours during which education will take place
- have any specific qualifications
- make detailed plans in advance
- observe school hours, days or terms
- give formal lessons
- mark work done by the child
- formally assess progress or set development objectives
- reproduce school type peer group socialisation
- match school, age-specific standards
- enter children for public examinations

The particular conditions relating to the home education of children with Special Educational Needs are set out later in this strategy.

When parents engage a third party (e.g. tutor) to deliver part of their child's education, they are responsible for ensuring that the person is appropriately qualified and suitable, including Disclosure and Barring Service (DBS) checks.

When parents elect to home educate, they assume full financial responsibility for their child's education, including the costs of private tuition, courses and public examinations.

Elective Home Education and School/Academy Responsibilities

Where a child has never been registered at a school/academy and is being home educated, the parent is under no legal obligation to inform the Local Authority of the child's existence or the fact that they are home educating, although many parents do so voluntarily. If any Local Authority officer becomes aware of such a situation, they should forward any details known, to the EHE Team.

Parents are not legally obliged to inform the Local Authority directly if they make the decision to home educate (unless the child is a pupil at a special school) but where they are uncertain about whether they want to home educate, early contact with the EHE Team can help the parents make an informed decision and satisfy the Local Authority that parents are making suitable arrangements for the child's education.

If a child is registered at a Local Authority school and/or an academy or free school and the parent approaches the school/academy to discuss the possibility of home educating their child, the school/academy should respond to the parent positively and constructively.

Once the parent has decided to home educate, they must inform the school/academy in writing. Good practice would suggest that the school/academy should try and resolve any issues that the parent might have with the school/academy which has led to the decision to home educate.

The DfE guidelines make it clear that:

"Schools must not seek to persuade parents to educate their children at home as a way of avoiding an exclusion or because the child has a poor attendance record. In the case of exclusion, they must follow the statutory guidance. If the pupil has a poor attendance record, the school and local authority must address the issues behind the absenteeism and use the other remedies available to them."

In order to provide as much support as possible to parents, the school/academy should encourage the parent to discuss the situation with the EHE Team before deregistration of their child takes place. Parents are however, under no legal obligation to do so.

When a school/academy receives formal, written notice from a parent that a child is being withdrawn from school in order to be home educated and the child has ceased to attend the school/academy the Headteacher should ensure that the pupil's name is removed promptly from the admissions register in accordance with Section 8(1) (d) of the Education (Pupil Registration) (England) Regulations 2006.

Regulation 12 (3) the Education (Pupil Registration) (England) Regulations 2006 states that:

> "*the "proprietor" (Headteacher) of the school must, make a return to the Local Authority for every such pupil giving the full name of the pupil, the address of any parent with whom the pupil normally resides and the ground upon which their name is to be deleted from the admission register as soon as the ground for deletion is met in relation to that pupil, and in any event no later than deleting the pupil's name from the register".*

In practice the school/academy must inform the EHE Team as soon as a child has been withdrawn from school and parents have indicated in writing that they intend to home

educate. The school/academy must forward a copy of the letter from the parent and written confirmation of the date when the pupil's name is to be removed from the register.

The responsibility is on schools/academies to act promptly in such circumstances.

At this point the school/academy could provide the parent with the contact details of the EHE Team, should parents wish to contact the EHE Team independently to inform them that their child is being home educated. The school/academy should copy the parent into the notice to the Local Authority. The school/academy database must be updated immediately by the school/academy through the Data Exchange process.

When the EHE Team receives formal confirmation from a school/academy or directly from a parent that a child is being home educated, the EHE Team will contact the school/academy to ensure that the child has been deregistered and to obtain any relevant background information. A check will be made on the School database to ensure that deregistration has been correctly recorded and an EHE referral will be created in the database (EMIS) which will enable the Local Authority to track communication with the home educating family.

The EHE Team will contact parents offering a home visit to discuss their child's education and to offer the parent advice and guidance; including signposting to other services where appropriate.

Elective Home Education and Local Authority Responsibilities

The Local Authority has no statutory duties in relation to monitoring the quality of home education on a routine basis, but do have the responsibility to ensure that children receive a suitable education.

The Local Authority has a duty under section 436A of the Education Act 1996, inserted by the Education and Inspections Act 2006, to make arrangements to enable them to establish the identities, so far as it is possible to do so, of children residing in Gateshead of compulsory school age, who are not on a school roll and ***are not*** receiving a suitable education otherwise than being at school.

In order to fulfil this duty the Local Authority will adopt a multi-agency approach to ensure that all services working with children are aware of the Local Authority's duty and that consideration is given to safeguarding and promoting the child's welfare in those circumstances that might warrant it. Local Authority services include, but not exclusively, Health, Housing, Children and Families, Connexions, Family Intervention Team (FIT), Youth Offending Team (YOT), School Inspectors, Legal Intervention Team (attendance) and the Elective Home Education Team. The Local Authority does maintain an up to date record of all those children who are known to be Home Educated.

Once informed by the Headteacher of a parent's intention to remove their child from school/academy, the EHE Team will need to be satisfied that there are no specific issues which could prevent a child being deregistered at that time, such as:

- The child being subject to a School Attendance Order which has not been revoked.
- The child is the subject of a supervision order
- The child is attending a special school

In other circumstances as outlined below, the Local Authority would want to work with parents to support them in providing the most appropriate provision for their child;

- The child has been referred to social services or the police for child protection concerns and the matter is under investigation
- The child is subject to a child protection plan.
- There is a history of condoned absence, unmanaged truancy or other concerns that may require further Local Authority intervention by the Legal Intervention Team (education) or social care professionals.

The EHE Team will work positively with parents to ensure that a suitable provision is provided and that it is in the best interest of the child to continue with this provision. The Local Authority recognises that there is no legal requirement to visit the home or meet the child being educated. However parents may welcome the opportunity to discuss the provision that they are making for their child's education either through a visit to their home or a mutually convenient location.

Gateshead Local Authority respects the fact that initially parent's plans may not be detailed and the EHE Team will give a reasonable timescale for parents to develop their provision and then further contact will be made.

Where parents agree to a home visit, the EHE Team will meet with parents and the child, usually within four weeks, to offer informal advice and guidance on EHE and to inform the parents about the Local Authority's processes in relation to EHE.

Where parents decline a home visit, the EHE Team will offer to meet the parents at an alternative venue or through correspondence, will inform parents of alternative appropriate ways of satisfying the Local Authority that a suitable, efficient, full-time education is being delivered. This may be in the form of a report and examples of work or evidence from a third party confirming a suitable provision is provided.

When considering provision the EHE Team will expect provision to include the following characteristics, as described in DFE guidelines:

- consistent involvement of parents or other significant carers – it is expected that parents or significant carers would play a substantial role, although not necessarily constantly or actively involved in providing education
- recognition of the child's needs, attitudes and aspirations
- opportunities for the child to be stimulated by their learning experiences
- access to resources/materials required to provide home education for the child – such as paper and pens, books and libraries, arts and crafts materials, physical activity, ICT and the opportunity for appropriate interaction with other children and other adults.

These characteristics will be reflected in a report completed by the Local Authority regarding the provision. This report will be shared with parents if requested; otherwise parents will be advised whether or not the provision provided is found to be 'suitable and efficient'.

Once the EHE Team has established that provision is "suitable and efficient", contact will be made on an annual basis.

When provision is not suitable and efficient

Section 437(1) of the Education Act 1996, states that Local Authorities shall intervene if it appears that parents are not providing a suitable education, although as previously discussed 'suitable' is not easily defined.

And

The Education Act 1996 further requires the Local Authority, in cases where it appears a child of compulsory school age is not receiving suitable education, to serve a notice in writing on the parent requiring her/him to satisfy the authority within a specified period that the child is receiving such education.

When contact with a parent cannot be established a letter will be sent requesting a home visit or a report be provided, to ensure provision is suitable. If evidence is not suitable or no contact is made a meeting will be offered and procedures followed, as highlighted below.

If a suitable provision is not being provided the EHE Team will advise the parent, in writing, of the Local Authority's concerns and make recommendations with timescales to ensure that the child receives a suitable education. The parent will also be advised of the possible consequences of not providing such an education, both for themselves and in terms of the impact on the child. The EHE Team will continue to offer advice and guidance to support parents in delivering a "suitable and efficient" education.

Where it is clear following all reasonable attempts to address concerns that progress in providing a suitable education has not been made, the EHE Team will discuss the matter with the Education Support Service manager and the parent will be invited to a meeting to discuss, the provision further.

If the Local Authority has evidence that the provision that parents are providing isn't suitable, parent(s) will be asked to identify a school which they feel would meet the needs of their child. This would be accomplished through a referral to the Fair Access Panel where a school place would be offered.

A second option of support may be to issue a School Attendance Order. In this instance a notice of intend would be served to the parents. A school could then be allocated through the Fair Access Process.

Gateshead's policy is not to routinely make use of these legal powers but to aim to resolve any issues which may arise, through discussion and support and possibly the implementation of a CAF and multi-agency working.

The EHE Team will aim to keep a constructive relationship with parents during this process and to act in the interests of the child's welfare. In a minority of cases the outcome of this process may result in School Attendance Order proceedings being initiated. The aim will always be to resolve issues without recourse to this.

At any stage where the EHE Team or parent identifies concerns about the child's welfare, concerns will be passed to appropriate agencies and may be discussed at a multi-agency meeting to collectively agree a course of action.

Elective Home Education and Safeguarding

The Local Authority has the statutory duty to make arrangements to establish the identities of children in their area who are not receiving a suitable education. The duty applies in relation to children of compulsory school age who are not on a school roll but does not apply to children who are being educated at home.

Gateshead Local Safeguarding Children's' Board (LSCB) Procedures http://proceduresonline.com/gateshead/lscb/ *(Sections 5. Children in Specific Circumstances, 1.4.12 Children Missing from Education).*

The Local Authority has responsibility to bring together agencies and individuals to be proactive in safeguarding and promoting the welfare of children. Concerns regarding child protection should be immediately referred to the LA using established protocols. The LA must take action to enable cases of suspected or identified abuse to be properly considered or pursued. Child abuse can include physical injury, neglect, including emotional neglect, continued ill treatment and sexual abuse.

Schools/academies have a very important role in monitoring the wellbeing of their pupils and sharing concerns with, or making referrals to Children's Services when a child is believed to be 'in need' or abuse or neglect is suspected.

Some children who are being educated at home could be in a position where they are at risk of harm. If they are not attending a school/academy, it is more difficult to identify risks to these children.

It cannot be discounted that a parent might choose to educate their child at home in order to confine them to the home and prevent disclosure about abuse.

The Local Authority will aim to support families who chose to home educate by attempting to engage proactively with all home educating parents and children and will aim to see, speak with and establish the views of the children who are home educated. Although it is recognised that parents are under no legal obligation to allow their children to be seen.

Children in a school/academy may already be causing concern. A child may have been or is the subject of a CAF in this case the EHE Team will liaise with the Lead Professional. If the child is subject to a Child Protection Plan the EHE Co-ordinator will make immediate contact with Children's Services completing the LA multi-agency referral form.

On being made aware of a pupil who is to be educated at home a number of checks will be carried out by the EHE Team; this will involve contact with the previous school(s), Children's Social Care, Health and any other relevant agencies to clarify if there are any concerns about the arrangement to home educate. The information received will inform further actions and potential support if needed.

Elective Home Education and Special Educational Needs (SEN)

Parents' right to educate their child(ren) at home applies equally where a child has special educational needs (SEN) (see Section 319 of the Education Act 1996). This right is

irrespective of whether or not the child has Statement of Special Needs or an Educational Health Care Plan (EHCP).

If the child attends a special school/academy the school must inform the Local Authority before the child is deleted from the school/academy roll and the Local Authority will need to consider whether EHE is suitable before amending the EHCP or the Statement of Special Needs. The child's name will remain on the school/academy roll until the Local Authority agrees that parents are able to provide a suitable education.

Local Authority approval for removal from a school/academy roll is not required for children with a Statement of Special Needs or an EHCP who are registered at a mainstream school/academy. Where parents elect to home educate a child with Statement of Special Needs or an EHCP who is registered at a mainstream school/academy, the school/academy will remove the pupil from roll in the same way, as for children who are not the subject of a Statement of Special Needs or an EHCP. Parents should submit a letter to school/academy indicating their intention to EHE. Following receipt of written confirmation from the parent that educational provision is being made, the school/academy should remove the child from roll.

It remains the Local Authority's duty to maintain a Statement of Special Needs or an EHCP, to review it annually and ensure that the child's needs are met through EHE, following procedures set out in the SEN Code of Practice.

Where the Local Authority is satisfied that the child's parents have made suitable arrangements, it does not have to name a school/academy in the child's Statement of Special Needs or EHCP though it should state the type of school/academy it considers appropriate and go on to state that "parents have made their own arrangements under section 7 of the Education Act 1996". The Statement of Special Needs or an EHCP can also specify any provision that the Local Authority has agreed to make under section 319 to help parents to provide suitable education for their child at home.

If the parents attempt to EHE falls short of meeting the child's needs in relation to an efficient, full-time education, suitable to the age, ability and aptitude and to any special educational need the child may have as defined in section 7 of the Education Act 1996 the Local Authority could conclude that they are **not** absolved of their responsibility to arrange the provision in the Statement of Special Needs or an EHCP and the Local Authority should continue to maintain provision.

Section 324(5) (a) of the Education Act 1996

> *"Where a local education authority maintain a statement then, unless the child's parent has made suitable arrangements, the authority (i) shall arrange that the special educational provision specified in the statement is made for the child and (ii) may arrange that any non-educational provision specified in the statement is made for him in such a manner as they consider appropriate."*

If it is established that a suitable education is being provided the Local Authority will follow its procedure, as set out in this policy, that apply to all EHE children. In addition, on an annual basis a joint visit with an education psychologist will be undertaken, to ensure that parents are able to fulfil the requirements of the Statement of Special Needs/EHCP. This information will then feed into the review process.

A parent who is educating their child at home may ask the Local Authority to carry out a needs assessment of their child's special educational needs and the Local Authority must consider the request within the same statutory timescales and in the same way as for all other requests. The views of the designated medical officer for Special Educational Needs should be sought by the Local Authority where a child with a statement is educated at home because of difficulties related to health needs or a disability. The EHE Team will direct parents of home educated children with SEN or queries about the assessment process to Gateshead SENDIAS for appropriate advice and guidance.

Elective Home Education and Traveller Children

Gateshead Local Authority is sensitive to the distinct culture, ethos and needs of Gypsy, Roma and Traveller communities. Traveller parents have exactly the same right to educate their children at home as other families and will be treated in exactly the same way as any other families.

The Local Authority will take a broad and holistic view of the education being provided with reference to their communities' culture and lifestyle, when considering the suitability of the education.

As some Traveller families are highly mobile, the EHE Team will work closely with the Gateshead Ethnic Minority and Traveller Achievement Service (EMTAS) to ensure that accurate information about the educational arrangements of traveller children of school age is exchanged and that the children's welfare is being safeguarded.

In some instances Traveller pupils may be dual registered with a school in another part of the country.

If a Local Authority officer becomes aware of a traveller family who is home educating, a referral should be made to the EHE Team who will ensure that the information is passed to the Ethnic Minority Team (EMTAS).

In practice, the EHE Team will liaise with EMTAS service who will make the initial visit to the family, ensuring that the family's wishes to home educate is communicated effectively to the EHE Team. This will ensure that Traveller families have full access to advice and guidance on establishing suitable educational provision for their children.

Subsequent visits to home educating Traveller families will be conducted jointly by a member of the EHE Team and an Officer from EMTAS. Although EMTAS are unable to provide any direct teaching for home educated traveller children, they may be able to offer access to educational initiatives which will enhance the education the child is receiving at home.

The duty of the Local Authority to act if children are not receiving a suitable education applies equally to Traveller children residing with their families on temporary or unauthorised sites and to settled travellers.

Although travelling children of school age have the same legal right to education as anyone else, it can be difficult to claim or seek these rights without a permanent or legal place to stop.

Gateshead Local Authority therefore seeks to positively assist traveller families (in the same way as other families) who do not appear to be providing a suitable education for their children, before taking action.

In accordance with DfE guidelines, if it appears that a traveller family is not providing a suitable education for their children (after all reasonable attempts to engage the child has failed), the Local Authority will consider whether it would be appropriate to follow School Attendance Order proceedings or to make an application in the family proceedings court for an Education Supervision Order. This would only be undertaken in exceptional circumstances and applies equally to traveller and non-traveller families.

Elective Home Education and Additional Services

There are also a range of services available to all parents including those who home educate their children. The following section outlines some of those services.

Elective Home Education and Children Centres

Gateshead Children's Centres provide a welcoming and safe place for everyone, as well as an opportunity for children and their families to access and enjoy a range of activities. Each family is treated with respect and their differences celebrated. It is their belief that through the support of our local community we can work together and achieve better lives for our children.

Children's Centres provide a range of activities for families who have children under the age of 5 years to promote readiness for school and health and wellbeing. These range from Stay and Play groups, activities around learning through play and physical activities to name but a few.

With parental consent individual family support can also be accessed through a referral via the following:

- Self-referrals from Parents/ Carers/other family members
- Referrals from
    - Health Partners inclusive of GP / Health Visitors/ Midwives other Health Services
    - Private/ Voluntary Sector
    - Any other universal service

Further information can be obtained by contacting Gateshead Children Centre on 01914336300.

Elective Home Education and Health

Children who are home educated are still entitled to receive a number of regular health assessments and screening such as a hearing and vision tests and height and weight checks, while of primary school age.

For those young people of secondary school age there is the offer of Diphtheria, Tetanus and Polio Booster and Men C between13-18 years of age. Girls only will be offered Human Papilloma Virus (HPV) vaccine in Year 8 to protect against cervical cancer.

Additionally advice and support for young people and parents on any health issues including feelings and emotions, behaviour issues, weight management, sexual health, continence, smoking is usually also on offer.

In the first instance any information on the above can be sought from your local GP or the school nursing service.

In addition there are also a range of services which are available to support young people, these include:

Platform (drugs and alcohol)	0191 460 1354
Sexual Health Promotion Team	0191 283 1586
Emotional Wellbeing Team	0191 283 4560

Elective Home Education and the Family Intervention Team

The Family Intervention Team (FIT) provides practical help, advice and advocacy to Gateshead families who require extra support with:

- Family relationships
- Managing children's behaviour
- Home conditions
- Health and wellbeing
- Household budgets
- Leisure and learning
- Help from other professionals

FIT work with families where they feel comfortable and safe – in the homes or in schools or community settings. The team are committed to working with the whole family to provide a tailored package of support using the Common Assessment Framework (CAF) process.

The CAF is a way of working out what is going well for the family, what extra support a family may need and how best to provide this support. The team will work with families to develop an agreed support plan to deliver joined-up support. The family intervention worker will suggest a team of people who they feel could help. Plans are normally reviewed every 5-6 week in a Team Around the Family (TAF) meeting.

The FIT also offer a wide range of group parenting courses to help parents and carers build effective relationships with children of all ages and with a variety of needs.

Further information is available from caroleredding@gateshead.gov.uk or telephone 0191 433 2565.

Elective Home Education and Post 16 Progression

Connexions Gateshead offers statutory careers information, advice and guidance services on behalf of Gateshead council. They

- Offer impartial information, advice and guidance to 13-19 year olds (and up to 25 for young people with learning difficulties and disabilities)
- Work with young people in or out of learning or employment

- Work with schools, colleges, training providers and employers
- Support young people seeking further education, training, employment, and Apprenticeships, including the skills to access opportunities, such as how to complete application forms, write a CV and handle interviews
- Support young people facing issues relating to social, health and welfare problems
- Put young people in touch with other people who can help

Young people are able to make an appointment at a range of access points around the borough for help or support with their work, training or learning plans; to make an appointment to see an adviser, text or call **07768 938 080/0191 433 2785**.

Review Procedures and Practices

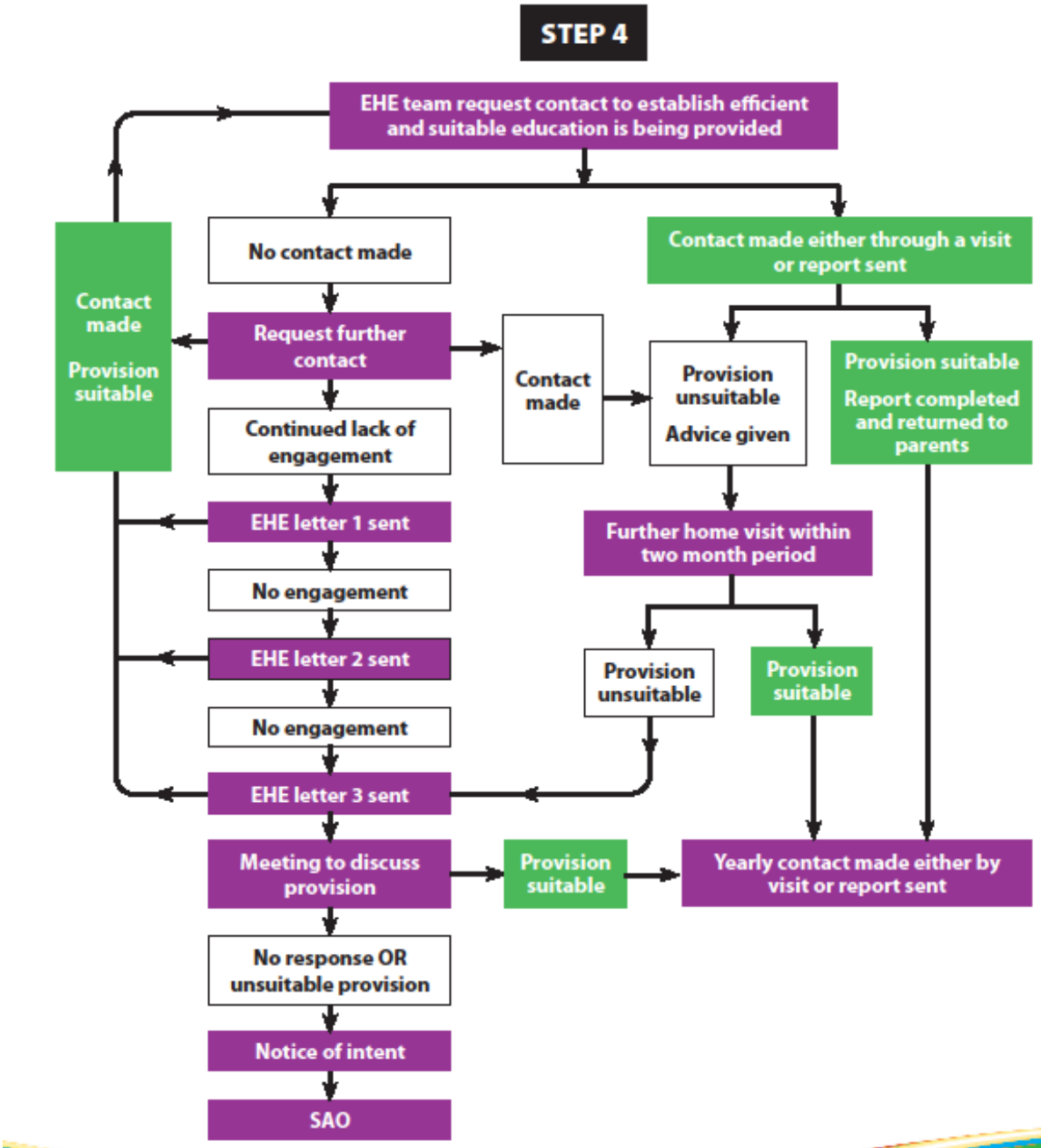
Gateshead will review these guidelines and practice in relation to home education on an ongoing basis. Home education organisations, parents and relevant partners will be involved in the process of review in order to ensure the most effective practice and strengthen partnerships.

Complaints Procedures

Gateshead Local Authority seeks to work in partnership with parents / carers who choose to Home Educate their child(ren) and to develop good working relationships. However, if a complaint should arise, in the first instance, contact should be made with the Team with responsibility for Elective Home Education either by telephone or in writing to the Service Manager:

Education Support Service
Dryden Centre
Evistones Road
Low Fell
Gateshead Council NE9 5UR
Tel 0191 433 8758

Elective Home Education (EHE)



Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Freedom of Information Annual Report 2015**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and Governance**

Purpose of the Report

1. The report details the number of requests received by the Council under the Freedom of Information Act 2000 for the period 1 January 2015 to 31 December 2015. The report provides an analysis of the requests received during the year and details how the Council has complied with its statutory obligations under the Act.

Background

2. The Freedom of Information Act came into force on 1 January 2005. The Act places statutory obligations on local authorities to deal with requests for information within 20 working days of receipt. It provides members of the public with access to information held by public authorities, which they previously had no right of access to.

Proposal

3. To agree the annual report and refer it to the Corporate Resources Overview and Scrutiny Committee in April 2016 for consideration.

Recommendations

4. Cabinet is asked to:

   (i) Agree the Freedom of Information Annual Report for 2015 as set out in Appendix 1
   (ii) Agree that the report is referred to the Corporate Resources Overview and Scrutiny Committee in April 2016 for consideration.

   For the following reason:

   To have an effective and timely system for dealing with requests for information which ensures the Council is compliant with the relevant legislation.

CONTACT: Deborah Hill extension: 2110

Policy context

1. The Freedom of Information Act (FOI) procedures support the principles set out in Vision 2030, the Council Plan and the Government's transparency agenda.

Background

2. The FOI procedures were introduced in January 2005 to ensure that the Council could meet its legal obligations under the Freedom of Information Act 2000.

3. To meet our e-government targets, FOI applications can be made online and payments, where required, can also be made by a variety of methods to increase customer options and satisfaction.

4. The procedures support the Government's transparency agenda, which aims to make councils more open about activities they undertake. Regulations came into force in October 2014 which made it mandatory for local authorities to publish transparency data either quarterly or annually depending on the type of data. Each set of data has differing publication requirements. A transparency page has been established on the Council's website so that the information required to be published can be accessed by members of the public from one site.

5. To ensure that expertise in information handling is available across the Council there are 63 information champions

.

6. There are 20 interactive training modules available for employees to use. These modules are accessed via the intranet and provide staff with training on Freedom of Information, Data Protection, Human Rights and Records Management.

7. Training materials for information champions and a detailed guidance manual for service directors are also available on the intranet.

8. Requests for information are logged on an electronic tracking system. This provides a full auditable trail of how to deal with requests and provides information champions with standard letter templates and management reports.

9. A separate appeals process, as required by the Act, is in place. Requesters can ask in writing for a review by the Strategic Director, Corporate Services and Governance. Following internal review there is a right of appeal to the Information Commissioner.

Number of requests for information

10. During the period 1 January 2015 to 31 December 2015, the Council received 1206 requests for information. This represents an 8.16% increase on requests received the previous year and a 453.21% increase since the implementation of the Act in 2005. The table below shows how Gateshead Council compares with other public authorities in the region.

Local Authority	2015	2014	% increase/decrease
Gateshead	1206	1115	+ 8.16%
Redcar & Cleveland	995	1441	-30.95%
North Tyneside	1323	1147	+15.34%
Northumberland	1399	1519	-7.89%
Middlesbrough		1161	
Sunderland	1320	1255	+5.17%
Newcastle	1371	1285	+6.69%
Darlington		972	
South Tyneside	1133	No data	
Hartlepool	1084	No data	
Stockton	1043	No data	
Sunderland University	173	No data	
Newcastle University	316	No data	

Category of requests

11. The subject matter of requests varies considerably. Requesters often ask multiple questions which fall under more than one category of request, hence the difference in numbers of requests received and categories of request:-

Policy	10
Environmental Information Requests	8
Personal data	2
Councillor	3
Staff	125
Contracts	76
Other	1043

12. Requests are increasingly complex with requesters often asking for a lot of information as part of a single request. Since January 2015 a lot of requests have been focussed on business rates i.e. how many organisations owe money, how long they have owed money and who they are. A number of requests have also focussed on the use of social work agency staff and information has been sought around Council contracts, particularly in relation to ICT contracts. Many requesters wanted information about the Council's traded services, specifically around unit costs and the number of employees etc. performing the contracts. Quite a few

requesters asked for information about the decision making process around the 20 mile per hour zones across the Borough. We also received the usual requests about trips and slips, travel abroad and the number and location of public toilets.

Method of receipt of requests

E- Mail	1176
Letter	27
Internet form	2
Fax	1

13. Most recipients prefer responses by e-mail. The FOI tracking system caters for that by allowing documents to be imported into the system in "read only" format, so that a full record of responses can be maintained. To comply with the Government's transparency agenda responses cannot be provided in PDF format. They must be provided in an open format which allows reuse.

Category of requester

14. Our data suggests that in 2015 most requests were from individuals or companies wanting contractual information rather than from the press, interns or campaign groups. It is not, however, always possible to identify the source of a request as the requester need only give a name and a return address.

Reviewed requests

15. If a requester is dissatisfied with a decision in relation to a request, they have a right to an internal review by the Strategic Director, Corporate Services and Governance. Eight requesters have exercised this right in 2015. The original decision maker's decision was upheld in all eight cases.

16. Following the internal review, if still unhappy, the requester has a right of appeal to the Information Commissioner. One requester exercised that right and the Information Commissioner upheld our decision to refuse access to the information requested.

Resolution of requests within target timescales

17. The Council has a statutory target timescale of 20 working days to respond to requests for information. Of the requests received in 2015 94.84% were dealt with within the 20 day timescale. This is less than a 0.1% decrease on last year's figure of 95.53%.

Service	**% dealt with in 20 working days**
Care Wellbeing and Learning	**79%**
Corporate Resources	**90.69%**
Communities and Environment	**87.25%**
GHC	**68.75%**
Corporate Services and Governance	**89.52%**
Chief Executives	**100%**

Actions to Maintain Performance

18. Services are now proactively publishing more information on the Council's website. If the information is published on the website it is exempt from disclosure under the Act as it is "information easily accessible by other means". Information champions are only required to send a requester the web page link to where the information is held. It is further hoped that the information on the transparency pages will decrease the volume of requests coming in.

Consultation

19. No consultation has taken place on the preparation of this report.

Alternative Options

20. There are no alternative options – this activity is prescribed by statute

Resources

21. a) **Financial implications –** The Strategic Director, Corporate Resources confirms that the costs arising from providing responses to FOI requests is accommodated from within existing resources. Most of the costs are associated with officer time in collecting the information and co-ordinating responses. Current regulations only allow for charging for photocopying and disbursements such as postage and packing. Currently no charge is made for requests where this cost would be less than £10. Legislation does not require requests to be complied with if they exceed the cost limit of £450. In order to determine whether a request would cost more than £450 the Fees Regulations permit us to use an hourly rate of £25 per hour which equates to 18 hours of officer time. Cabinet determined in 2005 that, given the resource implications, no requests costing more than £450 would be processed. Assistance is, however, given to requesters to reformulate their request so that it falls under the costs limit.

b) **Human Resource Implications –** The Council must ensure that sufficient information champions are trained in each service to respond to requests within timescales. This has been achieved from within existing resources.

c) **Property Implications –** There are no property implications arising out of this report

22. **Risk Management Implications –** There are now 63 information champions trained to deal with requests as well as support provided centrally from the Information Rights Officer.

23. **Equality and Diversity Implications -** The FOI procedure contributes to the implementation of the Council's Equal Opportunities Policy.

24. **Crime and Disorder Implications** - There are no crime and disorder implications arising out of this report.

25. **Health Implications -** There are no health implications arising out of this report.

26. **Sustainability Implications -** There are no sustainability implications arising out of this report.

27. **Human Rights Implications -** There may be human rights implications in releasing certain information in response to requests. Therefore, having a formalised procedure for dealing with requests and comprehensive guidance manuals for employees to refer to will assist the Council to carry out its duties under the Human Rights Act 1998.

28. **Area and Ward Implications -** There are no ward implications arising out of this report.

Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: Surplus Property

REPORT OF: Strategic Director Corporate Services and Governance

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Purpose of the Report

1. To seek approval to (i) the properties listed below being declared surplus to the Council's requirements and (ii) the future proposals for the properties after being declared surplus.
   - Winlaton Community Centre
   - Emma Memorial Hall
   - Springwell Community Centre
   - Front Street Primary School

Background

2. The properties are no longer required by the Council for service delivery for the reasons specified in the appendices to this report. The properties are shown edged black on the attached plans.

Proposal

3. It is proposed that the properties be declared surplus to the Council's requirements and thereafter dealt with in accordance with the proposals set out in the appendices.

Recommendations

4. Cabinet is asked to approve the recommendations in the attached appendices.

   For the following reason:-

   To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.

CONTACT: Lesley Pringle extension: 3490

APPENDIX 1: Winlaton Community Centre, North Street, Winlaton. NE21 6BY

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and the Council Plan. In particular, creating capacity for volunteering and community cohesion.

2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate through the disposal of an uneconomic asset.

Background

3. The property, known as Winlaton Community Centre, which is shown edged black on the attached plan is currently held by the Council for the benefit, improvement and development of the borough pursuant to section 120 of the Local Government Act 1972.

4. The Centre was identified as a Transitional property in the Community Centre Review which was approved by Cabinet at its meeting on 26th February 2013(Minute No. C224). A transitional property is one which is either surplus to the Council's requirements or is considered to be appropriate for operating independently from the Council. In these circumstances the Council would consider a transfer of the asset to a third party pursuant to the Community Asset Transfer policy.

5. The Centre's existing management committee has submitted an expression of interest form in accordance with the Council's Community Asset Transfer policy and it is proposed that the application be progressed to enable the transfer of the property.

Proposal

6. It is proposed that the property be declared surplus to the Council's requirements and a 35 year lease granted to the management committee pursuant to the Council's Community Asset Transfer policy.

7. In the event that the lease does not proceed to completion and no other suitable community group can be identified to take on the management of the centre, it is proposed that the property be disposed of on the open market.

Recommendation

8. It is recommended that Cabinet:-

   (i) Declare the Property surplus the Council's requirements
   (ii) Authorise the Strategic Director, Corporate Services and Governance to negotiate a 35 year lease pursuant to the Council's Community Asset Transfer policy.

(iii) Authorise the Strategic Director Corporate Services and Governance to dispose of the property on the open market in the event that the community asset transfer does not proceed to completion.

For the following reason:-

(i) To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.
(ii) To ensure delivery of the cost savings identified in the Community Centre Review approved by Cabinet on 26th February 2013 (Minute No C224)

Consultation

9. In preparing this report consultations have taken place with the Leader, Deputy Leader and Ward Councillors for Winlaton and High Spen who have raised no objections to the proposal.

Alternative Options

10. The option of retaining the property has been discounted as following its assessment as a transitional property as part of the Community Centre Review it fulfilled the criteria for a community asset transfer.

Implications of Recommended Option

11. **Resources:**

a) **Financial Implications -** The Strategic Director, Corporate Resources confirms that the disposal of the property is expected to generate revenue savings for the Council. If a community asset transfer is not possible a disposal on the open market would be expected to generate a capital receipt for the Council.

b) **Human Resources Implications -** There are no implications arising from this recommendation.

c) **Property Implications -** The future disposal of this property will result in a reduction in the Council's overall property portfolio thus reducing operational costs.

12. **Risk Management Implication -** The future disposal of this property will remove opportunities for vandalism to a vulnerable property.

13. **Equality and Diversity -** There are no implications arising from this recommendation.

14. **Crime and Disorder Implications -** The future disposal of this property will remove opportunities for crime and disorder, especially vandalism and theft.

15. **Health Implications -** There are no implications arising from this recommendation.

16. **Sustainability Implications -** The future disposal of this property will reduce the level of the Council's operational costs, including gas an electricity use, which will subsequently result in a reduction in the Council's carbon footprint.

17. **Human Rights Implications -** There are no implications arising from this recommendation.

18. **Area and Ward Implications –** Winlaton and High Spen in the West area

19. **Background Information -** Minute No. C224

APPENDIX 2 Emma Memorial Hall, Main Road, Crawcrook, Ryton NE40 3TR

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and the Council Plan. In particular, creating capacity for volunteering and community cohesion.

2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate through the disposal of an uneconomic asset.

Background

3. The property, known as Emma Memorial Hall, which is shown edged black on the attached plan is held by the Council for the benefit, improvement and development of the borough pursuant to section 120 of the Local Government Act 1972.

4. The Centre was identified as a transitional property in the Community Centre Review which was approved by Cabinet at its meeting on 26th February 2013 (Minute No C224). A transitional property is one which is either surplus to the Council's requirements or is considered appropriate for operating independently from the Council. In these circumstances the Council would consider a transfer of the asset to a third party pursuant to the Council's Community Asset Transfer policy.

5. The Centre's existing management committee has submitted an expression of interest form in accordance with the Council's Community Asset Transfer policy and it is proposed that the application be progressed to enable a transfer of the property.

Proposal

6. It is proposed that the property be declared surplus to the Council's requirements and a 35 year lease granted to the management committee pursuant to the Council's Community Asset Transfer policy. In the event that the lease does not proceed and no other suitable community group can be identified to take on the management of the centre it is proposed that the property be disposed of on the open market

Recommendation

7. It is recommended that Cabinet:-

   (i) Declare the Property surplus the Council's requirements
   (ii) Authorise the Strategic Director, Corporate Services and Governance to proceed with a 35 year lease to the existing management committee pursuant to the Council's Community Asset Transfer policy.
   (iii) Authorise the Strategic Director, Corporate Services and Governance to dispose of the property on the open market in the event that the community asset transfer does not proceed to completion.

For the following reason:-

(i) To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.

Consultation

8. In preparing this report consultations have taken place with Leader, Deputy Leader and Ward Councillors for Crawcrook and Greenside who have raised no objections to the proposal.

Alternative Options

9. The option of retaining the property has been discounted as following its assessment as transitional property as part of the Community Centre Review it fulfilled the criteria for a community asset transfer.

Implications of Recommended Option

10. **Resources:**

a) Financial Implications - The Strategic Director, Corporate Resources confirms that the disposal of the property by granting a lease is expected to generate revenue savings for the Council. If a community asset transfer is not possible a disposal on the open market is expected to generate a capital receipt for the Council.

b) Human Resources Implications - There are no implications arising from this recommendation.

c) Property Implications - The future disposal of this property will result in a reduction in the Council's overall property portfolio thus reducing operational costs.

11. **Risk Management Implication -** The future disposal of this property will remove opportunities for vandalism to a vulnerable property.

12. **Equality and Diversity -** There are no implications arising from this recommendation.

13. **Crime and Disorder Implications -** The future disposal of this property will remove opportunities for crime and disorder, especially vandalism and theft.

14. **Health Implications -** There are no implications arising from this recommendation.

15. **Sustainability Implications -** The future disposal of this property will reduce the level of the Council's operational costs, including gas an electricity use, which will subsequently result in a reduction in the Council's carbon footprint.

16. **Human Rights Implications -** There are no implications arising from this recommendation.

17. **Area and Ward Implications –** Crawcrook and Greenside in the West area

18. **Background Information -** Minute No.C224

APPENDIX 3: Springwell Community Centre, Lanchester Avenue, Wrekenton.NE9 7AL

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and the Council Plan. In particular, creating capacity for volunteering and community cohesion

2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate through the disposal of an uneconomic asset

Background

3. The property, known as Springwell Community Centre which is shown edged black on the attached plan, is currently held by the Council for housing purposes. Ordinarily the consent of the Secretary of State would be required, however, as it has never been used for the provision of dwelling houses it is deemed to be vacant and as such the Council can rely on the General Consent A.3.2. of the General Consent for the Disposal of Land held for the purposes of Part II of the Housing Act 1983 – 2013, which gives consent to a local authority to dispose of land held for that purpose.

4. The Centre was identified as a transitional property under the Community Centre Review which was approved by Cabinet on 26th February 2013 Minute No C224. A transitional property is one which is either surplus to the Council's requirements or is considered appropriate for operating independently from the Council. In these circumstances the Council would consider a transfer of the asset to a third party pursuant to the Council's Community Asset Transfer policy.

5. The Centre's existing management committee did not wish to submit an Expression of Interest form to progress a Community Asset Transfer.

6. The Council has, however, been approached by 19 Plus Community Interest Company(CIC), who have been trying to secure accommodation in the locality.

7. 19 Plus CIC, trading as Cumbric, is an organisation providing education, training and activities to advance independent living, life and social skills, and employment of people with learning disabilities. It is believed that this use of the property will complement and support the existing community activity to enable it to continue and this benefit has been taken into account when assessing the level of rent that should be payable using the scoring matrix in the Community Asset Transfer policy.

Proposal

8. It is proposed that the property be declared surplus to the Council's requirements and a 35 lease be granted to 19 Plus CIC trading as Cumbric, subject to a rent of £15,000 per annum and 3 yearly rent reviews to reflect the intended use pursuant to the Council's Community Asset Transfer policy.

Recommendation

9. It is recommended that Cabinet:-

(i) Declare the Property surplus the Council's requirements
(ii) Authorise the Strategic Director, Corporate Services and Governance to proceed with a 35 year lease to 19 Plus CIC, trading as Cumbric, subject to the rental terms above, pursuant to the Councils Community Asset transfer policy.

For the following reason:-

To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.

Consultation

10. In preparing this report consultations have taken place with the Leader, Deputy Leader and Ward Councillors for High Fell who have raised no objections to the proposal.

Alternative Options

11. The option of retaining the property has been discounted as following its assessment as transitional property as part of the Community Centre Review it fulfilled the criteria for a community asset transfer.

Implications of Recommended Option

12. **Resources:**

a) **Financial Implications -** The Strategic Director, Corporate Resources confirms that the disposal of the property by granting a lease is expected to generate revenue savings and produce an income for the Council.

b) **Human Resources Implications -** There are no implications arising from this recommendation.

c) **Property Implications -** The future disposal of this property by granting a lease will result in a reduction in the Council's operational property portfolio thus reducing operational costs.

13. **Risk Management Implication -** The future disposal of this property will remove opportunities for vandalism to a vulnerable property.

14. **Equality and Diversity -** There are no implications arising from this recommendation.

15. **Crime and Disorder Implications -** The future disposal of this property will remove opportunities for crime and disorder, especially vandalism and theft.

16. **Health Implications -** There are no implications arising from this recommendation.

17. **Sustainability Implications -** The future disposal of this property will reduce the level of the Council's operational costs, including gas an electricity use, which will subsequently result in a reduction in the Council's carbon footprint.

18. **Human Rights Implications -** There are no implications arising from this recommendation.

19. **Area and Ward Implications –** High Fell in the South area.

20. **Background Information -** Minute No. C224

APPENDIX 4: Front Street Primary School, Front Street, Whickham. NE16 4AD

Policy Context

1. The proposed surplus declaration supports the overall vision for Gateshead as set out in Vision 2030 and the Council Plan. In particular, Live Well Gateshead – the destination of choice for families with a range of excellent and affordable housing options and a place where children have the best start in life

2. The proposed declaration will also accord with the provisions of the update of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, the rationalisation of the estate and the use of its assets to support housing and employment

Background

3. The site of the Front Street Primary School is shown edged black on the attached plan and is currently is held by the Council for education purposes. The school relocated to new premises at North View during the easter holiday break and therefore the existing land and buildings are surplus to the Council's requirements.

4. An out of school club currently use the nursery building, shown hatched on the attached plan, by way of a Tenancy at Will and wish to remain in occupation with a view to expanding its business providing childcare for 2 years. The nursery building is located on a different level to the remainder of the buildings within the site and is not considered suitable for residential development and the grant of a lease to the out of school club is considered suitable.

5. As the site lies within a Conservation Area, and the main school building (shown cross hatched on the plan) is a non-designated heritage asset for the purposes of the National Planning Policy Framework, its demolition would not be encouraged, it is therefore anticipated that the building will be converted. The remaining buildings could, however, be demolished subject to Conservation Area consent as the land is suitable for residential redevelopment.

6. The grant of a lease to the Out of School Club and the disposal of the remainder of the site would both require the specific consent of the Secretary of State pursuant to Schedule 1 of the Academies Act 2010

Proposal

7. It is proposed that the site shown edged black on the attached plan be declared surplus to the Council's requirements and that, subject to the Secretary of State consent, (i) a lease of the area shown hatched is granted to the Out of School Club, and; (ii) the remainder of the site is disposed of for residential development. The detailed terms of the disposals will be the subject of a further report.

Recommendation

8. It is recommended that Cabinet declares the property, shown edged black on the attached plan, surplus the Council's requirements; and subject to the specific consent of the Secretary of State:

(i) Authorises the Strategic Director, Corporate Services and Governance to negotiate the grant of a lease of the building shown hatched on the attached plan; and
(ii) Authorises the Strategic Director, Corporate Services and Governance to dispose of the remainder of the site.

For the following reason:-

To manage resources and rationalise the Council's assets in line with the Corporate Asset Strategy and Management Plan.

Consultation

9. In preparing this report consultations have taken place with the Leader, Deputy Leader and the Cabinet Members for Housing. The Ward Councillors for Whickham North have also been consulted and have raised no objections to the proposal.

Alternative Options

10. The option of retaining the property has been discounted as the school has been moved to new premises and no alternative use could be identified. Retaining the property would prevent the Council achieving the maximum capital receipt for its asset

Implications of Recommended Option

11. **Resources:**

a) **Financial Implications -** The Strategic Director, Corporate Resources confirms that grant of a lease is expected to produce a rental income and the disposal of the remainder of the property is expected to generate a capital receipt for the Council.

b) **Human Resources Implications -** There are no implications arising from this recommendation.

c) **Property Implications -** The grant of a lease of part and the future disposal of the remainder of the property will result in a reduction in the Council's overall property portfolio thus reducing operational costs.

12. **Risk Management Implication -** The future disposal of this property will remove opportunities for vandalism to a vulnerable empty property.

13. **Equality and Diversity -** There are no implications arising from this recommendation.

14. **Crime and Disorder Implications -** The future disposal of this property will remove opportunities for crime and disorder, especially vandalism and theft.

15. **Health Implications -** There are no implications arising from this recommendation.

16. **Sustainability Implications -** The future disposal of this property will reduce the level of the Council's operational costs, including gas an electricity use, which will subsequently result in a reduction in the Council's carbon footprint.

17. **Human Rights Implications -** There are no implications arising from this recommendation.

18. **Area and Ward Implications –** Whickham North in the Inner West area.

19. **Background Information -** None

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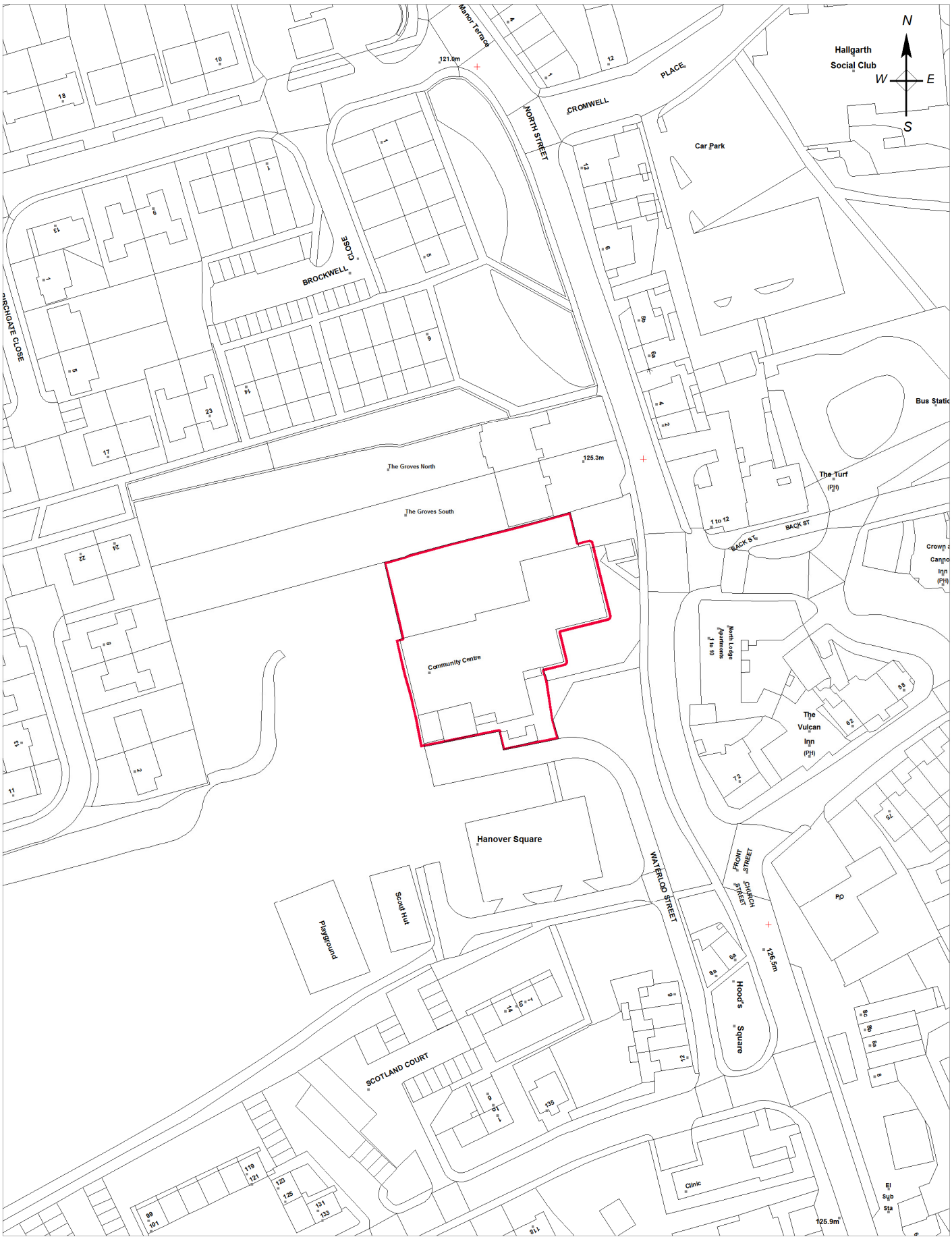

Title

Winlaton Community Centre
North Street, Winlaton

Scale	Date Created	Drawn By
1:1250	26th February 2016	M Hawkyard

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Drawing Number	Rev
Asset ID 000307	02

Date Printed	O/S NUMBER
26th February 2016	NZ1762SW

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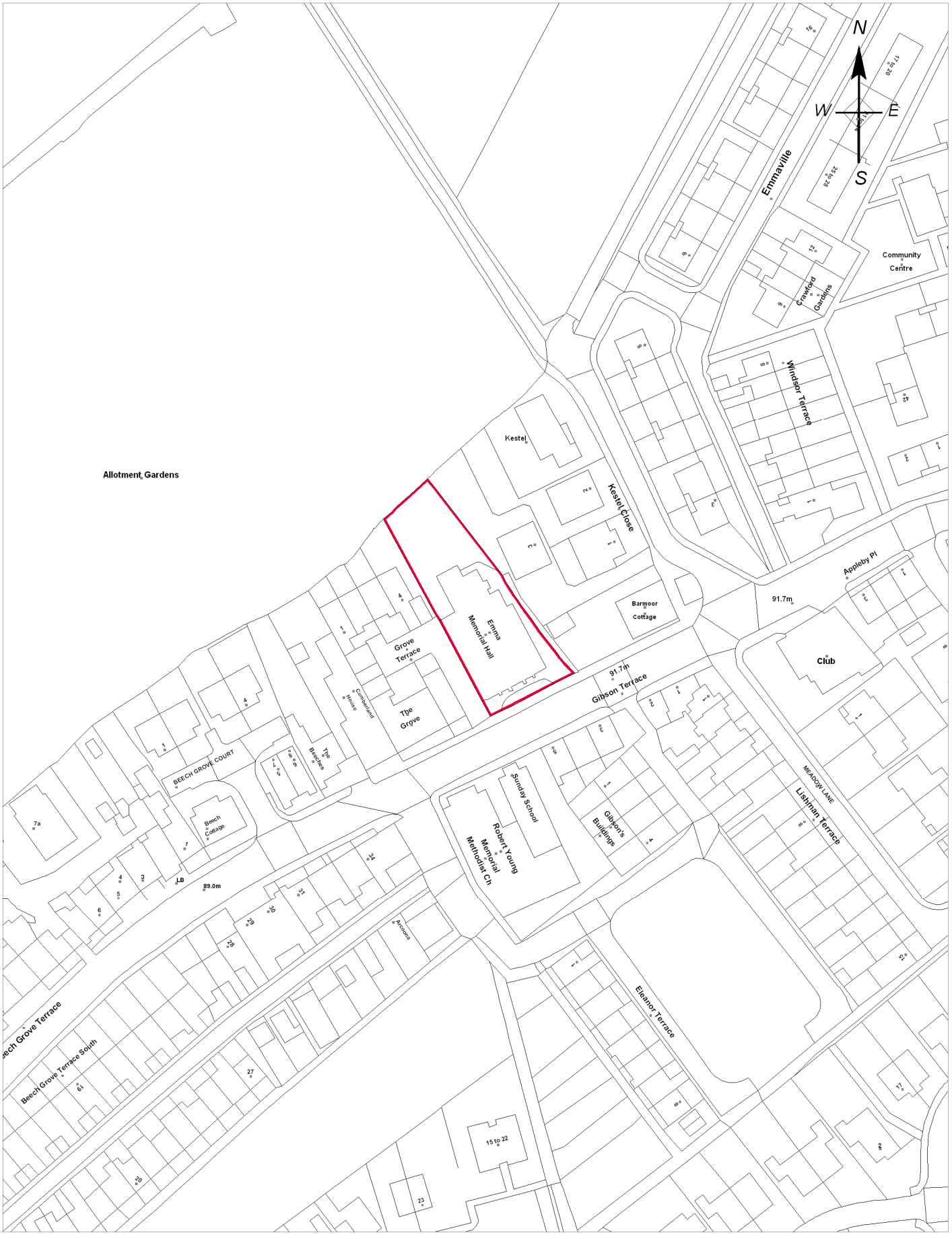

Title

Emma Memorial Hall
Main Road, Crawcrook

Scale	Date Created	Drawn By
1:1250	27th September 2010	Gillian Hall

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Drawing Number	Rev
Asset ID 000193	00

Date Printed	O/S NUMBER
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Corporate Asset Strategy Team
Legal and Corporate Services
Gateshead Council

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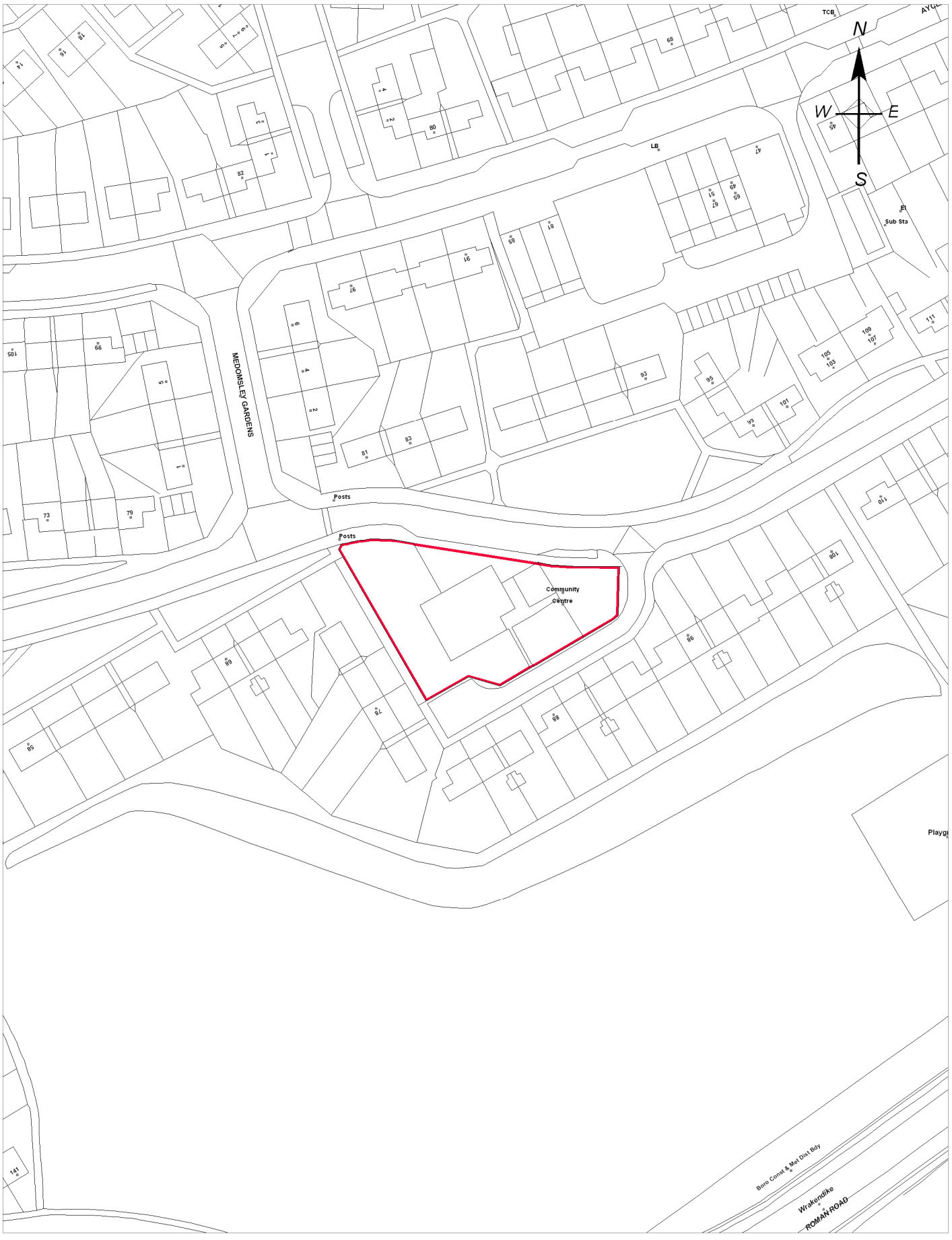

Title

Springwell Community Centre
Lanchester Avenue, Wrekenton

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Drawing Number	Rev
Asset ID 001821	00

Date Printed	O/S NUMBER
19th October 2010	NZ2859SW

Gateshead Council

Corporate Asset Strategy
Legal and Corporate Services
Gateshead Council

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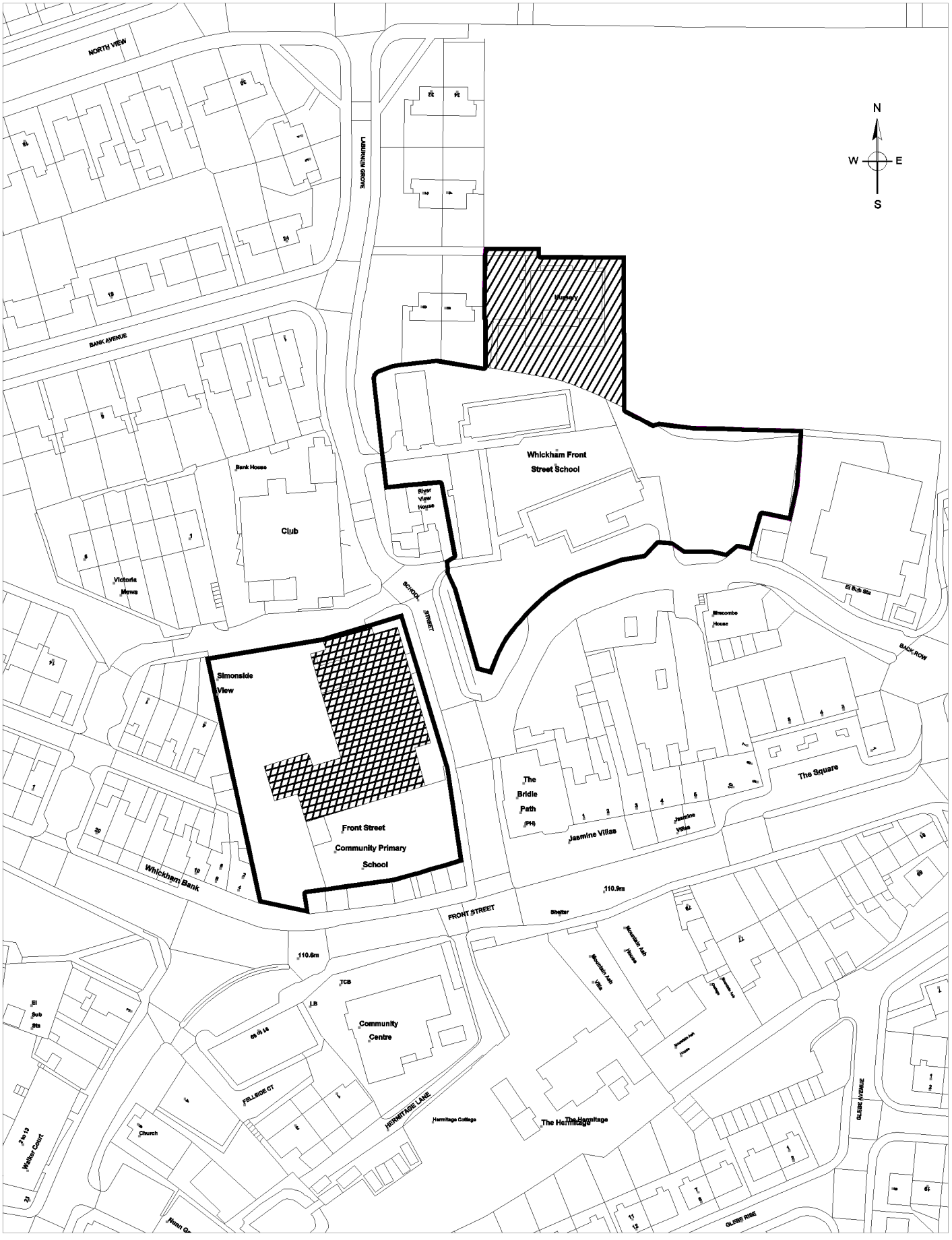

Title

Whickham Front Street Community Primary School
Front Street, Whickham

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Scale	Date Created	Drawn By
1:1250	24th February 2016	J Middlemas

Drawing Number: 000227 (F)
Rev:

Date Printed: 24th February 2016
O/S NUMBER: NZ2061SW

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Gateshead Council

REPORT TO CABINET
19 April 2016

TITLE OF REPORT: **Petitions Schedule**

REPORT OF: **Mike Barker, Strategic Director, Corporate Services and Governance**

Purpose of the Report

1. To provide an update on petitions submitted to the Council and the action taken on them.

Background

2. Council Procedure Role 10.1 provides that any member of the Council or resident of the borough may submit a petition to the Leader of the Council, to another member of the Council nominated by the Leader, to the Chief Executive or a Strategic Director.

Proposal

3. The Cabinet is asked to note the petitions received and actions taken on them.

Recommendations

4. It is recommended that Cabinet notes the petitions received and action taken on them.

   For the following reason:

   In order to inform Cabinet of the progress of the petitions.

CONTACT: Mike Aynsley extension: 2128

APPENDIX 1

Policy Context

1. The information is provided in accordance Council Procedure Rule 10.2 whereby progress of petitions is to be reported regularly to meetings of the Cabinet. The procedure supports the Council Plan.

Background

2. Council Procedure Rule 10.1 provides that any member of the Council or resident of the borough may submit a petition to the Leader of the Council, to another member of the Council nominated by the Leader, to the Chief Executive or a Strategic Director.

Consultation

3. This report has been prepared following consultation as set out in the schedule.

Alternative Options

4. There are no alternative options.

Implications of Recommended Option

5. Resources:

a) Financial Implications – The Strategic Director, Corporate Resources confirms that there are no financial implications arising from this report.

b) Human Resources Implications – Nil

c) Property Implications - Nil

6. Risk Management Implication - Nil

7. Equality and Diversity Implications - Nil

8. Crime and Disorder Implications – Nil

9. Health Implications - Nil

10. Sustainability Implications - Nil

11. Human Rights Implications - Nil

12. Area and Ward Implications - Borough wide

Background Information

13. Petitions schedule attached.

APPENDIX 2

PETITIONS SUBMITTED TO GATESHEAD METROPOLITAN BOROUGH COUNCIL

DATE RECEIVED	REF	FROM	ISSUE	FORWARDED TO	ACTION TO DATE
4.11.2014 Submitted to Strategic Director, Corporate Services and Governance	15/14	Residents of Low Fell	Petition regarding the proposals for changes to Durham Road (Quality Transport Corridor Phase 4)	Strategic Director, Communities and Environment	Final layout of the project (subject to legal consultation) was agreed by Cabinet on 14 July 2015. Legal consultation completed and the project is currently being constructed:- <u>Enfield Road estimated completion end of June</u> - Junction improvements almost completed. Works outstanding are bollards to be placed at Lindum Road (to stop vehicles traversing the footway), dropped kerbs and finished surface on the southbound side of Durham Road to be completed. Traffic ssignals currently operating on timer and not detectors. Raised carriageway surface to be constructed Mid-June with lines and traffic signal detectors to follow. <u>Durham Road Footways from Enfield to Beaconsfield Road estimated completion end of April</u> - All kerb lines adjusted for shared footway/vehicle parking. All build-outs removed for bus lane. Finished footway surfaces remain outstanding. Signage for bus lanes not in place. Road markings to be applied. Pedestrian refuge

					at Valley Drive started but not complete. <u>Belle Vue Bank Junction estimated completion end of June</u> - All kerb and drainage works have been completed. 90% of footway surfacing is now complete. Traffic signals to be operational (timer not detector) from Monday 11 April. All roads re-opened. Raised carriageway surface to be constructed in mid-June with lines and traffic signal detectors to follow.
20.4.2015 Submitted to Strategic Director, Communities and Environment	09/15	Residents of Whickham	Petition regarding parking issues around Otterburn Gardens, Blake Avenue and Abbots Way, Whickham	Strategic Director, Communities and Environment	The issues raised have been investigated and the conclusions drawn have been discussed with the local ward members and the Portfolio Holder. The lead petitioner has been advised of the Council's position which encompasses an expectation that we will advertise the intent to introduce a discrete area of parking restriction. Further information has now been sent to councillors. There has been some slippage in the programme and it is anticipated that formal consultation will be undertaken in the near future. The scheme has been forwarded for legal consultation, which finishes on 28 April and the local members have been updated.

21.12.2015 Submitted to Councillor Thompson	17/15	Residents of Gateshead	Petition requesting the reinstatement of bus service 98/98A	Strategic Director, Communities and Environment	The petition has been forwarded to Nexus and Go North East for a response. The views of ward councillors have been sought and the lead petitioner has been informed of the actions taken. The additional views from Ward Councillors have been forwarded to Go North East and Nexus. A response to the petition has been received from Nexus and forwarded to the lead petitioner. Go North East have also been reminded of the need for a response. Go North East have acknowledged that a response is required, but are still assessing the situation and potential actions.
1.03.2016 Submitted to Strategic Director, Corporate Services and Governance	05/16	Residents of Kay Cottages Residential Accommodation Scheme	Petition - Removal of subsidies for sheltered scheme officers	Strategic Director, Communities and Environment	The Council has done a great deal of work to mitigate, as far as possible, the impact of the removal of the subsidy. It was originally proposed that the subsidies be reduced and removed over the next 3 years, but in view of the potential impact on residents it was decided to remove the subsidy over 5 years to ease the impact of these charges. There is also provision in the budget to help tenants in cases of particular hardship which is available on application. The sheltered scheme officers and Gateshead Housing

					Company (TGHC) have details of this fund and can talk to any tenants who are experiencing difficulty and may wish to make an application to the hardship fund. The Council is also working hard to further reduce the cost of this service by reviewing the way the service is delivered and consolidating the function within TGHC in an effort to make savings through removal of duplication. The Council is also seeking to review the service and functions provided to make a greater part of it housing benefit eligible, if at all possible. The Council has assured residents that this step was not taken lightly and it is very much aware of the impact on residents in sheltered housing. The Council will continue to work to reduce costs to residents, as far as possible, in the future. The lead Cabinet member has been consulted and the petitioners have been advised accordingly. It is proposed that this petition be removed from the schedule.

The Gateshead Housing Company Confidential Petitions

15.10.2012 Submitted by Cllr D Davison	42/12	Petition received from residents of Beacon Court, Fell Court and Lough Court	Petition regarding replacement of windows	The Gateshead Housing Company	A package of improvement works to these blocks, including roof renewals and replacement windows has been approved for inclusion within the 2015/16 Capital Programme. The works are to be part funded through the Council's Warm Up North initiative subject to funding arrangements. Contractual issues are currently being finalised ahead of the works starting on site. Planning submission has been submitted. On-site activity will commence with site set by 29 April with delivery of the work commencing in May 2016.
12.11.2012 Submitted by Cllr A Douglas	45/12	Petition received from residents of East Street flats	Petition regarding replacement of windows	The Gateshead Housing Company	The company and council are working with partners to explore all options for work to multi-storey blocks, including insulation and window replacement. The lead petitioner was updated as part of the November 'Multi-storey Service Improvement Group' meeting. An update was provided on the Town Centre heating scheme (CHP), recently approved by cabinet. Details on the CHP will be developed in conjunction with the Council after which further updates will be provided to residents in these blocks. Preparatory work to connect these blocks to the CHP is ongoing. Further funding opportunities to support additional energy

					measures are to be explored alongside the proposed future capital programme.
12.02.2016 Submitted to the Gateshead Housing Company	04/16	Petition received from residents of Church Drive and Sheriff Hall Villas	Petition requesting that a hedge be pruned on the boundary of Church Drive and Sheriff Hall Villas	The Gateshead Housing Company	The lead petitioner has been acknowledged and the ward councillors have been notified. TGHC and Gateshead Council Officers are currently costing works to the leylandi hedges. During the week commencing 11 April 2016 residents will be consulted on the proposed works.

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