

CABINET AGENDA

Tuesday, 20 November 2018 at 10.00 am in the Blaydon Room - Civic Centre

From the Chief Executive, Sheena Ramsey

Item	Business
1	Apologies for absence
2	Minutes (Pages 5 - 14) Cabinet is asked to approve as a correct record the minutes of the last meeting held on 16 October 2018. Key Decisions
3	Local Transport Plan: Capital Programme mid-year update (Pages 15 - 42) Report of the Acting Strategic Director, Communities and Environment
4	Tenders for the Supply of Goods and Services (Pages 43 - 46) Report of the Strategic Director, Corporate Services and Governance Recommendations to Council
5	Revisions to the Council's Retirement Policy and Redundancy Policy (Pages 47 - 104) Report of the Strategic Director, Corporate Services and Governance
6	Gambling Statement of Principles 2019 - 2022 (Pages 105 - 154) Report of the Acting Strategic Director, Communities and Environment
7	Capital Programme and Prudential Indicators 2018/19 - Second Quarter Review (Pages 155 - 172) Report of the Strategic Director, Corporate Resources
8	Capital Strategy 2018/19 to 2023/24 (Pages 173 - 192) Report of the Strategic Director, Corporate Resources
9	Local Council Tax Support Scheme for 2019/20 (Pages 193 - 198) Report of the Strategic Director, Corporate Resources

Non Key Decisions

10 Budget Consultation (Pages 199 - 226)

Report of the Chief Executive

11 Revenue Budget - Second Quarter Review 2018/19 (Pages 227 - 234)

Report of the Strategic Director, Corporate Resources

12 Safeguarding Children Unit Annual Report and the Local Authority Designated Officer (LADO) Annual Report 2017/18 (Pages 235 - 286)

Report of the Strategic Director, Care, Wellbeing and Learning

13 Safeguarding Boards Update (Pages 287 - 358)

Report of the Strategic Director, Care, Wellbeing and Learning

14 Nomination of a Local Authority School Governor (Pages 359 - 362)

Report of the Strategic Director, Care, Wellbeing and Learning

15 Gateshead Highway Asset Management Plan (HAMP) and the New Code of Practice for Well Managed Highway Infrastructure (Pages 363 - 368)

Report of the Acting Strategic Director, Communities and Environment

16 Corporate Complaints and Compliments Procedure - Annual Report 2017/18 (Pages 369 - 382)

Report of the Strategic Director, Corporate Services and Governance

17 Petitions Schedule (Pages 383 - 388)

Report of the Strategic Director, Corporate Services and Governance

18 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
19	3
20	3

Non Key Decisions

19 Review of Strategic Risk Register (Pages 389 - 406)

Report of the Strategic Director, Corporate Resources

20 Proposed Lease Bill Quay Farm

ITEM WITHDRAWN

Contact: Kevin Ingledew Email: kevingledew@gateshead.gov.uk, Tel: 0191 4332142,
Date: Monday, 12 November 2018

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

CABINET MEETING

Tuesday, 16 October 2018

PRESENT: Councillor M Gannon

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

C59 APOLOGIES FOR ABSENCE

Apologies for absence have been received from Councillor J Adams.

C60 MINUTES

The minutes of the last meeting held on 18 September 2018 were approved as a correct record and signed by the Chair.

C61 GO GATESHEAD SPORT AND LEISURE - CAPITAL PROGRAMME DEVELOPMENTS

Consideration has been given to capital programme developments at Gateshead International Stadium and Blaydon Leisure and Primary Care Centre.

- RESOLVED -
- (i) That the progression of the projects at Gateshead International Stadium and Blaydon Leisure and Primary Care Centre, as detailed in the report be approved.
 - (ii) That the Appointment of Robinson Low Francis Ltd (RLF) as the Principal Designer and Project Manager via the Football Foundation Framework be approved and the Strategic Director, Corporate Services and Governance be authorised to agree the terms and conditions of the appointment, together with any variations that may be required during the projects.
 - (iii) That the awards and entering into contracts with the successful companies following a tender process (carried out by RLF through the Football Foundation framework) to deliver the schemes be approved, subject to the approval of the terms and conditions by the Strategic Director, Corporate Services and Governance in accordance with the Constitution.
 - (iv) That acceptance of external funding from the Football Foundation and Sport England (if successful) to help finance the projects be approved, subject to acceptance of the terms and conditions of the funding.

- (v) That the Strategic Director, Corporate Resources following consultation with the Strategic Director, Corporate Services and Governance, be authorised to formally accept the Football Foundation and Sport England awards and associated terms and conditions.

The above decisions have been made for the following reasons:

- (A) To support the recommendations of the Gateshead Sport Strategy documents, most notably the outcomes associated with the current Gateshead Football Plan.
- (B) To improve access to sport and leisure provision for the residents of Gateshead.
- (C) To support the sustainability of the Go Gateshead Sport and Leisure facility portfolio.

C62 TENDERS FOR THE SUPPLY OF GOODS AND SERVICES

Consideration has been given to tenders received for Mobile Voice and Data Services.

RESOLVED - That that the tender received from Telefonica UK Limited (O2) be accepted for the Contract for Mobile Voice and Data Services for an initial period of 60 months with the option to extend for a further 2 x 12 month periods.

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

C63 GATESHEAD PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

Consideration has been given to recommending the Council to approve the Gateshead Private Sector Housing Enforcement Policy.

RESOLVED - That the Council be recommended to approve:

- (i) the Gateshead Private Sector Housing Enforcement Policy as set out in appendix 2 to the report;
- (ii) the use of the above provisions of the Housing and Planning Act 2016, that seek to tackle the rogue landlords and property agents who knowingly rent out unsafe and substandard accommodation; and
- (iii) that the Council's Constitution is amended to include a delegation to the Service Director, Development, Transport and Public Protection to implement the above provisions on behalf of the Council.

The above decisions have been made for the following reasons:

- (A) The Council has a duty to comply with the new legislation.
- (B) To enable the use of the powers to tackle the poor standard and management of rented homes and to provide the Council with an alternative to prosecution.
- (C) Use of the powers will protect tenants, discourage unscrupulous behaviour by landlords and complement other interventions and public and private investment in neighbourhoods where there are high concentrations of private rented homes.

C64 MANDATORY LICENSING OF HOUSES IN MULTIPLE OCCUPATION POLICY

Consideration has been given to recommending the Council to approve a revised Houses in Multiple Occupation (HMO) policy, setting out how the law relating to HMOs will be implemented in Gateshead.

RESOLVED - That the Council be recommended to:

- (i) approve the revised HMO Policy as set out in appendix 2 to the report, that sets out how the Mandatory Licensing of Houses in Multiple Occupation will be implemented in Gateshead;
- (ii) approve an amendment to the Council's Constitution to include a delegation to the Service Director, Development, Transport and Public Protection to have responsibility for implementing the provisions of The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018, and the Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018 in Gateshead; and
- (iii) Approve the reviewed HMO licence fee structure as set out in appendix 1 to the report.

The above decisions have been made for the following reasons:

- (A) The Council has a duty to effectively implement the Mandatory Licensing of HMOs in the Borough.
- (B) Implementation of Mandatory HMO Licensing protects vulnerable tenants against unscrupulous landlords and communities against the impact of badly managed HMOs.

C65 LOCAL DIGITAL DECLARATION

Consideration has been given to recommending the Council to sign the Ministry of Housing, Communities and Local Government and the Government Digital Service Local Digital Declaration.

RESOLVED - That the Council be recommended to endorse and sign the Local Digital Declaration.

The above decision has been made to ensure that the Council is able to access the support and funding required to deliver good digital public services that meet best practice and standards.

C66 TREASURY MANAGEMENT PERFORMANCE TO 30 SEPTEMBER 2018

Consideration has been given to a review of Treasury Management performance for the six months to 30 September 2018, covering investments and borrowing.

RESOLVED - That the Treasury Management Performance to 30 September 2018 be noted.

The above decision has been made to contribute to sound financial management and the long-term financial sustainability of the Council.

C67 ANNUAL FOSTERING AND ADOPTION SERVICES REPORTS 2017-18

Consideration has been given to the Fostering and Adoption Services Annual Reports for 2017/18.

RESOLVED - That the Fostering and Adoption Services Annual Reports for 2017/18 be endorsed.

The above decisions have been made for the following reasons:

- (A) To ensure that the needs of children, young people and families continue to be met.
- (B) To ensure the most effective use of resources and alignment of programmes.
- (C) To ensure the Council fulfils its statutory duties.

C68 RE-APPOINTMENT OF A LOCAL AUTHORITY GOVERNOR

Consideration has been given to the re-appointment of Councillor M Hall as a local authority governor on the Cedars Academy.

- RESOLVED -
- (i) That Councillor M Hall be re-appointed as a local authority governor on the Cedars Academy for a period of four years with effect from 17 September 2018.
 - (ii) That it be noted the term of office is determined by the Academy's Articles of Association.

The above decision has been made to ensure the Academy has full membership.

C69

DRAFT HOUSING STRATEGY 2019-2030

Consideration has been given to the draft Housing Strategy and to undertaking consultation upon it.

- RESOLVED -
- (i) That the draft Strategy form the basis for public consultation, for a period of six weeks, the period to run as soon as possible.
 - (ii) That the principle methods of consultation to be the Council's Consultation Portal and use of Council News.
 - (iii) That further consultation with Councillors to be held through a Members' Seminar and Corporate Advisory Group meetings as required.
 - (iv) That a final draft of the Strategy to be submitted to Cabinet following completion of the consultation.

The above decisions have been made to ensure appropriate and wide consultation on the draft strategy is held and to allow Cabinet to consider possible revisions to the draft strategy in the light of feedback from the consultation.

C70

GATESHEAD LOCAL PLAN - MAKING SPACES FOR GROWING PLACES (MSGP) (DEVELOPMENT MANAGEMENT POLICIES, ALLOCATIONS AND DESIGNATIONS) - SUBMISSION DRAFT

Consideration has been given to publishing the Making Spaces for Growing Places (MSGP) Submission Draft Local Plan document; MSGP Policies Map and the Plan's supporting evidence base.

- RESOLVED -
- (i) That the publication for consultation of the MSGP Submission Draft Local Plan document be approved.
 - (ii) That the publication for consultation of the Submission Draft MSGP Policies Map be approved.
 - (iii) That the publication for consultation of the Plan's supporting evidence base, including an updated Strategic Housing Land Availability Assessment (SHLAA) and Employment Land Review (ELR), and a new Viability and Deliverability Report be approved.
 - (iv) That the Service Director, Development, Transport and Public Protection, following consultation with the Cabinet Members for Environment & Transport, Housing and Economy, be authorised to make any changes necessary to MSGP and supporting documentation for public consultation.
 - (v) That the Service Director, Development, Transport and Public Protection, following consultation with the Cabinet Members for Environment & Transport, Housing and Economy, be

authorised to prepare Duty to Co-operate statements and enter into a Memorandum of Understanding with surrounding authorities.

The above decisions have been made to progress the development of the Gateshead Local Plan as required by government policy and statutory obligations under Planning and Compulsory Purchase Act 2004, Localism Act 2011 and Town and Country Planning (Local Plans) Regulations 2012 (as amended).

C71 GATESHEAD THRIVE FUND 2018/19 ROUND ONE APPLICATIONS

Consideration has been given to the recommendations of the Gateshead Thrive Fund Advisory Group in relation to Round 1 applications for funding from the Fund and Sporting Grants to Individuals/Talented Athlete Scheme.

- RESOLVED -
- (i) That the recommendations for Round 1 of The Gateshead Thrive Fund, as set out in appendices 2 and 3 to the report be approved.
 - (ii) That the recommendations for Sporting Grants to Individuals/Talented Athlete Scheme as set out in appendix 2 to the report be approved.
 - (iii) That the proposal from the Advisory Group regarding the Talented Athlete/Sporting Grants applications process as set out in the report be approved.

The above decisions have been made for the following reasons:

- (A) To ensure that the Gateshead Thrive 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.

(Councillors M Brain and C Donovan declared personal and non pecuniary interests in the above matter due to their connections with organisations recommended for funding and withdrew from the meeting whilst the matter was under consideration).

C72 PROPERTY MANAGEMENT REPORT

Consideration has been given to surplus declarations of Council property and to the surrender and award of new leases of Council property.

- RESOLVED -
- (i) That Tynedale House Promoting Independence Centre, Ryton, be declared surplus to the Council's requirements.
 - (ii) That Felling Park Depot, Holly Hill, Felling, be declared surplus to the Council's requirements.
 - (iii) That the surrender of the current leases of Site 6b Saltmeadows Road, from Tyne & Wear Fire and Rescue ("the

Tenant”); the re-grant of a 125 year lease to Tyne & Wear Fire and Rescue on the terms outlined in appendix 3 to the report be approved and the Strategic Director, Corporate Services and Governance be authorised to agree the detailed terms.

- (iv) That the surrender and renewal of the current lease of Site 9 South Shore Road, East Gateshead Industrial Estate from Cool Designs Limited (“the Tenant”); the grant of a new lease for a term of 125 years to the Tenant on the terms outlined in appendix 4 to the report be approved and the Strategic Director, Corporate Services and Governance be authorised to agree the detailed terms.

The above decisions have been made to manage resources and rationalise the Council’s assets in line with the Corporate Asset Strategy and Management Plan.

(Councillor G Haley declared a personal and non pecuniary interest in the lease of Site 6b Saltmeadows Road because he represents the Council on the Tyne and Wear Fire and Rescue Authority and withdrew from the meeting whilst the matter was under consideration).

C73 PETITIONS SCHEDULE

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

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

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

C74 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.

C75 SPECULATIVE OFFICE DEVELOPMENT IN BALTIC QUARTER

Consideration has been given to the provision of additional capital expenditure on the Speculative Office development in Baltic Quarter, following submission of final costs by Willmott Dixon Construction Ltd and the inclusion of additional costs for contract award.

RESOLVED - That the revised Capital Programme allocation for the Speculative Office development as detailed in the report be approved.

The above decision has been made for the following reasons:

- (A) To stimulate development in one of Gateshead’s primary employment areas – Baltic Business Quarter; and assist in the

process of driving rents upwards to a level at which the private sector can re-enter the market.

- (B) To provide Grade A* office accommodation to meet evidenced demand for office space in the Gateshead and Newcastle Urban Core.
- (C) To ensure that there is a range of accommodation options, including move on space, to meet the needs of existing tenants, growing indigenous businesses and inward investors, thereby capturing and retaining companies and employment opportunities of up to 500 jobs within Gateshead.
- (D) To maximise income from Business Rates, within the ADZ, and creating an income generating asset for the Council, delivering a profit over its lifetime.
- (E) To give confidence to the market that the Council is committed to creating the right environment in Gateshead in which businesses can grow and prosper.
- (F) To demonstrate that the Council, as a developer, can deliver a distinctive and high quality product to the market, establishing the Gateshead Quays / Baltic Business Quarter area as a viable business location of choice for end users.
- (G) To utilise the Council's land and property portfolio to support the Council's policy priorities in accordance with the provisions of the Council's Corporate Asset Strategy and Management Plan 2015 – 2020.

C76

ACCELERATED CONSTRUCTION PROGRAMME - EXPRESSION OF INTEREST FOR FUNDING

Consideration has been given to an update on the Expression of Interest for funding for Accelerated Construction made to Homes England last year and to the acceptance of the funding offer in principle from Homes England.

- RESOLVED -
- (i) That the acceptance of the funding offer in respect of the Kelvin Grove, Askew Road West, Clasper Village and Exemplar Neighbourhood (Freight Depot) sites be approved in principle, subject to further consultation with Homes England and where appropriate, the Council's existing developer partners, to understand the viability position of each site.
 - (ii) That the Service Director, Development, Transport & Public Protection, following consultation with the Strategic Director, Corporate Resources and Strategic Director, Corporate Services & Governance, be authorised to approve the terms of the funding offer for each site
 - (iii) That where appropriate, the use of Homes England Delivery Partner Panel 3 framework to assist the Council in selecting a

preferred developer to bring forward development on the relevant sites be approved.

- (iv) That further detailed reports be submitted to Cabinet relating to the disposal of each of the sites and the proposed delivery approach.

The above decisions have been made for the following reasons:

- (A) To promote the accelerated delivery of homes within the Borough.
- (B) To enable the development of sites which are currently stalled due to viability and associated remediation costs.
- (C) To help meet housing need in the Borough.
- (D) To realise the Council's policies and objectives in relation to Thrive and housing growth.

C77 NEW GIBSIDE SPECIAL SCHOOL - CONSULTANT APPOINTMENT

Consideration has been given to endorsing the action taken by the Service Director, Council Housing, Design and Technical Services in entering into a consultancy contract with Perfect Circle JV Limited to assist the design development of the proposed New Gibside Special School, and to provide a delegation to allow further activities by project stage if required.

- RESOLVED -
- (i) That the action taken by Service Director, Council Housing, Design and Technical Services to enter into a contract dated 19 January 2018 with Perfect Circle JV Limited to inform the scheme and estimate reported to Cabinet in June 2018 be endorsed.
 - (ii) That the Service Director, Council Housing, Design and Technical Services be authorised to instruct further activities by project stage as may be necessary under the above consultant appointment, including if appropriate, the novation of the appointed consultant to the selected SCAPE Major Works Framework contractor, following consultation with the Strategic Director, Corporate Resources and subject to approval of any contracts or contract variations by the Strategic Director, Corporate Services and Governance in accordance with the Constitution.

The above decisions have been made for the following reasons:

- (A) To establish costs to deliver the new school.
- (B) To achieve the construction programme to deliver the increased pupil places.

GATESHEAD FOOTBALL CLUB

Consideration has been given to an arrangement to settle historic debt owed to the Council by Gateshead Football Club.

- RESOLVED -
- (i) That the settlement arrangement with the Football Club as detailed in the report be approved.
 - (ii) That the proposal to agree a new license arrangement with the Football Club as detailed in the report be approved.

The above decisions have been made to enable the development of an agreement which is fit for purpose and provides a clear approach to the financial relationship between the two parties in the future.

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: 18 October 2018

Chair.....

TITLE OF REPORT: Local Transport Plan: Capital Programme mid-year update

REPORT OF: Tony Alder, Acting Strategic Director, Communities and Environment

Purpose of the Report

1. The report provides an update on progress with the Council's programme of investment in the local transport network, including funding received through the Local Transport Plan (LTP) process. It includes a review of the 2018/19 programme which was approved by Cabinet in April of this year. The 2019/20 Integrated Transport and Roads Maintenance Programmes are included as appendices to allow for forward planning of these works.

Background

2. The LTP provides an important 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. This funding is supplemented wherever possible by prudential borrowing or external sources such as developer contributions and other capital grants.
3. The financial year 2018/19 is the eighth 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 network; 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.
4. Investment in the Council's highways infrastructure is identified and prioritised in accordance with the principles outlined within the Council's agreed Highways Asset Management Plan and helps to deliver the LTP priorities.

Proposal

5. A number of in year changes to the 2018/19 LTP programme (originally approved by Cabinet in April 2018) have been necessary in the first 6 months of this financial year. The programme is managed in a flexible manner and

includes an element of over-programming to ensure that the grant is fully utilised. A forward plan of integrated transport and roads maintenance schemes has also been developed to allow schemes to be brought forward or slip as necessary.

6. Early measures funding of £400k has been confirmed from central government for works to improve the Great North Cycleway on Durham Road between Shipcote Lane and Prince Consort Road. This follows on from previous phases of work along the Great North Cycle Route.
7. Funding secured through the planning system via Section 106 Agreements has been allocated where possible.
8. Specific approval is sought for the use of the SCAPE Civil Engineering and Infrastructure Framework to appoint contractors to undertake specialist major concrete repairs to structures on the A184 at Whitemare Pool. The works cannot be undertaken by the Council's internal contractors due to the specialist nature. These are being undertaken using Highways Maintenance Challenge Funding associated with the scheme at Heworth.
9. Appendix 1 provides further background to the above together with details of other external funding that has been secured for use in conjunction with the LTP funding.
10. Appendix 2 sets out the revised budgets for 2018/19 and the updated programme with the projected outturns of each scheme are set out at Appendices 3 and 4.
11. Appendices 5 and 6 set out indicative Integrated Transport and Road Maintenance Programmes for 2019/20 and Appendix 6 provides details of the Prudential borrowing, which has been allocated to the Quays sustainable transport improvements.
12. The 2018/19 programme will continue to be monitored and reviewed over the remainder of the financial year with funding re-allocated and budgets revised where necessary.

Recommendations

13. It is recommended that Cabinet:
 - (i) Approves the revised programme for 2018/19 as set out in appendices 2-4, noting that there may be a need to review scheme priorities during the course of the financial year in line with the available resources.
 - (ii) Authorises the Service Director, Development, Transport and Public Protection to award the relevant works to the Service Director, Street Scene under the terms of the Highways, Drainage & Street Lighting Maintenance Contract.

- (iii) Authorises the Service Director, Development, Transport and Public Protection to make changes to the approved programme following consultation with the Cabinet Member for Environment and Transport as and when the need arises.
- (iv) Approves the use of the SCAPE Civic Engineering and Infrastructure Framework to appoint contractors to undertake specialist major concrete repairs to structures on the A184 at Whitemare Pool.
- (v) Approves the indicative Integrated Transport and Maintenance programmes for 2019/20 as a basis for future planning.

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
Martin Kelly ext 3083

Policy Context

1. The proposals are in line with the vision for transport as outlined in the Gateshead Sustainable Community Strategy and support the pledges within Making Gateshead a Place Where Everyone Thrives. They also support the Core Strategy and Urban Core Plan, the aims and objectives of the Tyne and Wear Local Transport Plan 3 and the Gateshead Highway Asset Management Plan. Furthermore, the indicative programme supports funding received through specific government grants as well as the proposed use of Council resources.

Background

Local Transport Plan funding

2. Separate Local Transport Plan (LTP) allocations are received from Government for maintenance and (via North East Combined Authority) Integrated Transport (IT). Although not ring fenced, proposals are maintained in line with the allocations and are considered to be reflective of the pressures and priorities facing the network. While maintenance of the existing road network is the overall priority, it remains important to retain a level of funding for improvements to support future growth and other important Council priorities. In accordance with principles within the Highways Asset Management Plan, synergies between the two funding streams are maximised wherever possible in the planning and implementation of programmes.

Integrated Transport (IT) programme

3. Gateshead is set to receive £1.233m of the Tyne and Wear LTP allocation for integrated transport in 2018/19. Appendix 2 sets out this funding along with the funding received from other areas, giving a total budget of £2.907m.
4. As with previous years there have been changes to scheme budgets as the designs have progressed. The reasons for this are varied but are generally a consequence of alterations made during the detailed design process in response to consultation, to reflect specific on-site factors or due to schemes slipping into the 2019/20 financial year as a result of delays. The main changes are as follows;
 - i. Coatsworth Road- Scheme delayed and will slip into 2019/20 programme.
 - ii. Angel Cycleway Improvements- Scheme removed as a result of objections.
 - iii. Winlaton 20mph Zone- Scheme delayed and will slip into 2019/20.
 - iv. A195 (New Road) Cycle Improvement- Scheme brought forward to address underspend on above schemes.

5. Several schemes in the 2018/19 financial year will be carried over into 2019/20 but this has been addressed through a combination of planned over programming and by bringing forward other schemes from within the Council's 5-year programme of schemes. As a result, the projected outturn for 2018/19 will see the LTP IT grant spent in full. All schemes carried over will be funded as a commitment from the 2019/20 budget.
6. Appendix 3 provides a breakdown of the schemes to be delivered within the IT programme and identifies where there has been a change to the budget or the forecasted spend.
7. The overall focus of the Integrated Transport Programme remains the improvement of sustainable transport. This has important economic, social and environmental benefits through reductions in congestion and pollution, and in encouraging healthy and active lifestyles amongst residents and those employed in the Borough.
8. Priorities have been defined having regard to the three areas identified by the LTP. These are consistent with Vision 2030 and cover the following:

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.

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.

Safe and Sustainable Communities – Schemes that will improve accessibility at a community level and enhance health and wellbeing (including better road safety and air quality and increased active travel). Such schemes will empower all levels of communities and supports all Council priorities.

9. Given the fluid nature of the capital investment and to allow programme delivery to be maximised in future years funding has also been allocated to allow for future scheme development. This approach benefits the programme two-fold in that it allows preliminary works to commence on future schemes whilst also enabling schemes to be designed in readiness for external funding opportunities. This is particularly important for larger schemes, which could not take place using the LTP grant.
10. A five year programme of integrated transport schemes is being developed to give a clearer picture of the ways in which investment will be channelled in the medium to long term. The benefit of this is that it allows for the phasing of works over several years, allows for the advanced planning of design work and also enables schemes to slip and others to be brought forward from within the plan. The proposed indicative 2019/20 programme is set out in Appendix 5.

11. A further round of bidding for National Productivity Investment Fund money took place in 2017/18 and the Council was successful with its bid. A total of £2.341m has been granted towards a scheme to create a new bus, cycle and pedestrian link between Sunderland Road and the High Street. The scheme will improve bus punctuality whilst also providing better access to the High Street from the east by replacing the existing subway with an at-grade signalised crossing. This funding applies to the 2018/19 and 2019/20 financial years but the majority of the Council contribution of £903k was brought forward to 2017/18 to enable the commencement of the necessary major utilities works. A further £100k of funding towards the scheme was secured through the planning system. In 2018/19 approximately £20k of funding will be utilised with the majority of works taking place in 2019/20 following completion of the utilities works.
12. A joint bid for Early Measures funding for 2018/19 was made to the DfT by the joint Tyne and Wear Authorities. The DfT has confirmed that the bid was successful and as part of this Gateshead will receive £400k towards cycle route improvements on the Great North Cycleway along Durham Road. The proposed scheme will follow on from other the improvements made to this route in recent years and in doing so encourage people to cycle, which assists in reducing air pollution and promoting healthy and active lifestyles amongst residents.

Maintenance programme

13. The LTP Maintenance funding allocation for Gateshead in 2018/19 is £2.663m. This includes a 'needs' allocation of £2.204m and incentive funding of £459k. A further £418.5k has also been allocated from the Government's Pothole Action Fund.
14. Priority in the HAMP is given to urgent repairs such as safety barriers and landslips with any remaining funding put towards programmed maintenance and renewal. Given that the planning and delivery of maintenance schemes is usually more predictable than integrated transport schemes, and the identification of substitute schemes is simpler where problems do arise, only minimal over-programming has been allowed for in the programme. Where issues do arise re-programming from within the five year programme of schemes can take place.
15. Road condition survey information, bridge inspection reports and the lists of outstanding schemes have been used to prepare a detailed programme of works in line with the allocations set out in appendix 3.
16. 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.

17. In line with the requirements of the HAMP a longer-term approach to maintenance investment is under development. The approval in February 2017 of indicative five year allocations for maintenance as part of the Council's overall capital programme will support this, enabling outline programmes for 3-5 years to be developed.
18. In addition to roads the budget is also used for the maintenance of highway structures. This is split over general inspection and repair of road and rail bridges, as well as geotechnical and other assets. Where specific need is identified higher levels of funding are allocated for major repairs. In 2018/19 such works have been identified at Scotswood Bridge and additional funding has been allocated within the Capital Programme to support this work. Where necessary the Council works closely with Newcastle City Council to undertake joint bridge repairs.
19. Separate budgets have also been set out for the maintenance of traffic signals, road markings, footways, strategic patching and vehicle restraint systems (See appendix 4).
20. A projected underspend within the LTP bridges and structures programme, has come about due to the focussing of staff resources onto areas where external funding has been reallocated. To maximise the use of the LTP grant the underspend has been reallocated to roads maintenance, resulting in a projected full utilisation of funding in the 2018/19 financial year.
21. The Council received a grant of £5m through the Highway Maintenance Challenge Fund mid-way through 2017/18 for the maintenance and improvement of Heworth Roundabout. Works commenced in the 2017/18 financial year and were completed in June 2018. The Council is required to make a local contribution of £500k towards the scheme giving a total budget of £5.5m. During construction it became apparent that the full budget would not be required to complete the works. Whilst the final cost has yet to be agreed, a figure closer to £4.25m is expected leaving £1.25m unallocated. Approval was sought and given by the Department for Transport for the Council to retain the funding for other maintenance works. Six schemes were identified as set out in Appendix 3. One such scheme will involve major concrete repairs to the Whitemare Pool roundabout. The scale of the works and specialist nature will require procurement of an external private contractor through the Council's SCAPE framework contract and approval is sought from Cabinet for this.
22. The proposed indicative 2019/20 maintenance programme is set out in Appendix 6.

Council borrowing

23. Prudential borrowing has been allocated to several schemes in the 2018/19 financial year including £259k to Heworth roundabout (match funding). £620k of Prudential borrowing has been utilised for the creation of a temporary car park in the Quays to serve Baltic Business Quarter and to provide alternative car parking during construction of the Quays arena and conference centre,

£50k to works relating to sustainable transport improvements in the Quays, £450k to Traffic Signal maintenance/improvement, £750k to Strategic Maintenance and £310k to Scotswood Bridge maintenance.

Other funding

24. The Council continues to use funding secured from developers to improve the transport network and help limit the adverse impacts from additional traffic from development. This money is often received through s106 agreements, and proposals related to the A695 are included in the indicative 2019/20 programme. In the future opportunities may also arise to use some funding from the Community Infrastructure Level to fund improved transport infrastructure.
25. Experience suggests that opportunities for additional funding may arise during the year. The most likely opportunity is the 'Transforming Cities Fund', for which a bid was submitted by Gateshead through NECA. The North East Combined Authority were one of ten shortlisted regions and further work will now go into developing the bid.
26. A short- term opportunity may arise for additional funding to be spent through the Transforming Cities Fund in 2018/19. This will require the identification of schemes which can delivered quickly, and without the complication of accompanying legal orders etc. Discussions are underway around this, with the possibility that cycling improvements in the A195 area (see paragraph 4 above) and Felling By-pass could receive funding.

Consultation

27. 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.
28. The identification of maintenance schemes includes the assessment of feedback from members of the public. In many cases small scale repairs are carried out but, where appropriate, suggestions are fed into programmes of planned renewal.

Alternative Options

29. The allocations outlined as part of the 2018/19 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

30. 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) **Human Resources Implications** – There are no human resources implications.
- c) **Property Implications** – No property implications have been identified.

31. **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. Development of programmes takes into account risks relating to safety, delay and longer-term issues such as growth, pollution and health in determining priorities.

32. **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.

33. **Crime and Disorder Implications** – Proposals within the integrated transport programme will assist in improving safety and security for the travelling public.

34. **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. Increases in sustainable and active travel will also have positive air quality outcomes.

35. **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 sustainably. In particular it seeks to reduce car dependence, thereby contributing to the reduction of carbon emissions.

36. **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.

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

Background Information

38. Further background information is contained in:
- Report to Cabinet 24th April 2018 on the LTP programme
 - Report to Cabinet on the Highways Asset Management Plan, 29th November 2016

Appendix 2- 2018/19 budget allocations

2018/19 Capital Investment: Highways Infrastructure	Total (£'000)
In-year Funding Allocations:	
LTP: Maintenance	2,663
LTP: Integrated Transport	1,233
Highways Maintenance Challenge Fund	2,959.4
National Productivity Investment Fund	20
DFT Pothole Funding	418.4
Early measures funding	400
S106 Developer Contributions	614.4
Council Resources (Borrowing)	
Street Lighting Column Replacement	1200
Strategic Transport / Maintenance	750
Heworth Roundabout Upgrade	259.4
Traffic Signal Renewal	450
Gateshead Quays transport infrastructure	5
Gateshead Quays temporary car park	620
Scotswood Bridge joint replacement	310
Total Investment in Highways Infrastructure	11,902.6

Appendix 3: 2018/19 Estimated Outturn

Project Name	2018/19 Budget (£'000)	2018/19 Projected Outturn (£'000)
Integrated Transport		
Economic Development and Regeneration		
Ravensworth Terrace School	17.2	17.2
Coatsworth Road Improvements	200	0
Town Centre Variable Message Signs	55.9	55.9
Watermark signalised junction	150	138
Blaydon roundabout signalisation	320	320
Mill House roundabout UTMC improvements	0	14
Gateshead Quays temporary car park	0	620
Gateshead Quays transport infrastructure	452.2	5
Scheme development	50	12
<i>Keelmans Way</i>	0	5
<i>Lingey Lane bus improvements</i>	5	2
<i>Askew Road junction</i>	0	5
Regeneration Areas	50	25
Development and Monitoring	50	50
Economic Development & Regeneration Total	1345.3	1257.1
Climate Change		
Great North Cycleway Phase 3	350	400
Durham Road ph 5,6,7 (D&C)	15	15
Angel Cycleway (phase 2)	300	0
NCN725 phase 4 to 7 (D&C)	10	10
A195 Cycle improvements	0	200
Wardley Cycle improvements	20	20
Sustainable Transport Initiative	10	10
Climate Change Total	705	655
Safe and Sustainable Communities		
Sunderland Road Link	880	20
Bus Lane enforcement (Ph 1 and 2)	30	20
Sunniside speed management	5	0
Public Rights of Way	80	80
Traffic Management (Ward Issues)	250	250
Woodside Lane improvements	15	18
Fellside Road	15	15
Blaydon bus shelter improvements	10	4.5
20mph Zone Schemes (as follows)	-	-

<i>Rowlands Gill</i>	100	140
<i>Kells Lane (Low Fell additional works)</i>	50	50
<i>Shibdon</i>	10	30
<i>Felling</i>	40	40
<i>Winlaton</i>	120	5
<i>Mount Pleasant</i>	50	50
<i>Watermill</i>	75	75
<i>Barlow</i>	0	50
<i>Heworth/Leam Lane</i>	60	60
<i>Dunston (D&C)</i>	5	2
<i>Teams (D&C)</i>	10	2
Safe and Sustainable Communities Total	1805	911.5
Integrated Transport Total	3855.3	2823.6

D&C- Design and consultation

Project Name	2018/19 Budget (£'000)	2018/19 Projected Outturn (£'000)
Maintenance		
Principal Roads		
A167 Tyne Bridge Approach	96	89
A1114 Handy Drive	11	11
High speed skid improvement	100	100
Principal Roads Total	207	200
Other Roads		
C301 Greenside Road, Crawcrook	37	0
B6317 Main Road, Ryton	63	63
Branch Street/Mount Pleasant, Winlaton	32	48
C312 Lamesley Road, Lamesley	76	109.8
Coatsworth Road, Bensham	84	0
High Street, Gateshead	65	38.6
C313 Easedale Gardens, Wrekenton	69	64.3
C329 Station Road, Birtley	98	69.1
C302 Lead Road, Greenside (surface dressing)	0	35
Structural Patching	100	324
Highway Drainage Works	50	75
Minor Works	50	270.5
Non Residential Other Roads Total	724	1097.3
Residential Roads		
Orchard Close, Rowlands Gill	13	13
Meldon Terrace/Rockwood Terrace, Greenside	7	7
Hanover Drive, Winlaton	40	100
West View, Blaydon	7	30
Calleley Avenue, Whickham	26	27

Project Name	2018/19 Budget (£'000)	2018/19 Projected Outturn (£'000)
Crowley Avenue/Cromwell Road, Whickham	30	0
Earlsway, Team Valley	77	88.8
Salcombe Gardens, Chowdene	40	36
Joicey Road, Low Fell	17	0
King Edward Street, Gateshead	34	19
Moss Side, Wrekenton	25	25
Quarry Row, Felling	11	20
Laburnum Avenue, Heworth	33	33
Montrose Drive, Wardley	42	42
Minor works (various poor weather failures)	50	217
Residential Roads Maintenance Total	452	657.8
Back Lanes		
Margaret Terrace/Nell Terrace, Highfield	12	12
Richmond Avenue/Park Terrace, Swalwell	12	12
Alexandra Terrace, Sunnyside	6	0
Dunston Road/Baker Gardens, Dunston	10	10
Moore Avenue/Wilson Street, Dunston	7	7
Westfield Terrace, Shipcote	16	16
Joicey Road, Low Fell	17	17
Back Lanes Maintenance Total	80	74
Technical Costs	100	10
Road Maintenance Total	1563	2039.1
Bridge Maintenance		
Bridge Maintenance Principal Roads		
Major Concrete Repairs	410	1.1
Heworth Roundabout	3233.9	2032.8
<i>Stoneygate Lane safety barrier*</i>	0	70
<i>Whitemere Pool major concrete repairs*</i>	0	675
<i>A184 Felling Bypass resurfacing*</i>	0	315
<i>Heworth flood relief scheme*</i>	0	40
<i>A184 Green Lane Gardens flood relief*</i>	0	100
<i>A692 Lobley Hill vehicle restraint system *</i>	0	100
Felling bypass safety fence	0	0.8
Tyne Bridge repairs	100	30
Bridge Maintenance Principal Roads Total	3743.9	3364.7
Bridge Maintenance Other Roads		
NR Overbridges Principal Inspections	74	0
Road Bridges; Principal Inspections	50	13.5

Project Name	2018/19 Budget (£'000)	2018/19 Projected Outturn (£'000)
Swing Bridge; Major Steelwork Repairs	40	0
Newburn Bridge repairs	0	25
Derwenthaugh expansion joints	0	20
Scotswood Bridge comb joints	310	310
Bridge Maintenance Other Roads Total	474	368.5
Geotechnical Assets	100	80
A184 repairs	100	125
Geotechnical Assets Total	200	205
Bridge Maintenance Total	4417.9	3941.2
Other		
Traffic signal improvements	500	550
Bowes Railway improvements	600	600
Lighting Column Replacement	1200	1200
Road marking renewal/pedestrian guardrail	125	100
Vehicle Restraint Systems renewal	125	100
Strategic patching	175	213
Street lighting	125	125
Footway resurfacing	199	212
Other Maintenance Total	3049	3100
Maintenance Totals	9029.9	9077.3
Integrated Transport Total	3855.3	2823.6
Total Highways Infrastructure Investment	12885.2	11900.9
Sources of Funding (Appendix 2):		
External Grant/Contributions	-	8307.9
Council Resources	-	3594.4
Total Projected Highways Funding	-	11,902.3
Total Under/Over programming	-	1.4(U)

**Schemes using Heworth Challenge Fund underspend*

Appendix 4: 2018/19 Proposed Highway Infrastructure Investment

£000	LTP	Match	Total	Match details	Comments
Integrated Transport					
Safe & Sustainable Communities	855	56.5	911.5	NPIF/Developer	
Climate Change Total	255	400	655	Early measures/DEFRA	
Economic Development & Regeneration	118.2	1138.9	1257.1	Developer/Council	
Total Integrated Transport	1,228.2	1595.4	2823.6		
Maintenance					
Planned road maintenance:					
<i>Classified roads</i>	200	0	200		
<i>Unclassified roads</i>	1097.3	0	1097.3		
<i>Residential roads</i>	256.4	401.4	657.8	Pothole	
<i>Back lanes/Surface dressing/Technical costs</i>	67	17	84	Pothole	
Planned road maintenance (total)	1620.7	418.4	2039.1		
Bridges/structures - planned maintenance	89.6	0	89.6		
Scotswood Bridge joint replacement	0	310	310	Council	
Heworth roundabout	0	2033.6	2033.6	Challenge/Council	
Heworth underspend schemes	100	1200	1300	Challenge	
A184 repairs	125	0	125		
Bowes Railway	600	0	600		Bid made for EA levy to support flood relief works
Geotechnics	80	0	80		
Traffic signal renewal	50	500	550	Council/Developer	
Strategic maintenance	0	750	750	Council	
Street lighting column replacement	0	1200	1200	Council	
Total Highways Maintenance	2,665.3	6,412	9077.3		
Total Highways Infrastructure Investment	3893.5	8007.4	11,900.9		

Appendix 5: 2019/20 indicative Integrated Transport capital programme

Ongoing commitments					
Scheme	Budget	Match fund	Council borrowing	LTP	Notes
Traffic Management	250	0	0	250	Small scale traffic management schemes
Public Rights of Way	80	0	0	80	Improvements to PRow network
Car park improvements	10	0	0	10	Improvements to Council operated car parks
Development and Monitoring	25	0	0	25	Transport modelling and investigations
Scheme development	50	0	0	50	Development of future schemes
Regeneration areas	50	0	0	50	Modelling and investigation works relating to regeneration areas
Total	465	0	0	465	

Economic development and regeneration					
Scheme	Budget	Match fund	Council borrowing	LTP	Notes
Quays Sustainable transport improvements	4504	0	4504	0	Sustainable transport improvements linked to future development of Gateshead Quays. Assumes carry over of £447.2k from 18/19
Beweshill Lane roundabout improvements- A695	755	755	0	0	S106 works relating to housing development sites in Ryton/Crawcrook
Stargate Lane roundabout improvements- A695	564	564	0	0	S106 works relating to housing development sites in Ryton/Crawcrook
Coatsworth Road improvements	200	0	0	200	Traffic calming and parking bays/waiting restrictions
A195 bus lane New Road	100	0	0	100	Bus lane and bus gate between A194 and Leam Lane (links to Follingsby Industrial Estate)
Total	6123	1319	4504	300	

Safe and sustainable communities					
Scheme	Budget	Match fund	Council borrowing	LTP	Notes
20mph Zones					
Winlaton	200	0	0	200	Slipped from 18/19
Dunston	125	0	0	125	Design works completed in 18/19
Teams	20	0	0	20	Design works completed in 18/19
Sunderland Road bus, cycle and pedestrian link	2400	2400	0	0	£2.3m National Productivity Investment Fund and £100k S106
Deckham/Felling pedestrian and cycle links	15	15	0	0	Funding for study into cycling and walking links to inform future work
First Ave pedestrian crossing	10	10	0	0	S106
Total	2670	2425	0	345	

Climate Change					
Scheme	Budget	Match fund	Council borrowing	LTP	Notes
Bus shelter improvements	20	0	0	20	Requests made to Traffic Solutions and Nexus
NCN725 Phase 4	200	0	0	250	Design works completed 18/19. Next phase of improvements through Birtley
Keelmans Way Improvements-Phase 1	50	0	0	50	Resurfacing, widening, lighting as required
Felling Bypass cycleway Ph 1	250	0	0	250	Improved route along north side of Felling bypass
Durham Rd Corridor Ph 5, 6, 7	25	0	0	25	Design only
Civic Centre Gatehouse-Sustainable travel	80	0	0	80	Green Travel Plan- Sustainable travel for staff
Total	775	0	0	675	
Total	10033	3744	4504	1785	£552k over programme

Appendix 6- 2019/2020 indicative Roads Maintenance programme

Table 1 - Classified & Bus Routes (non-residential roads)

Scheme No.	Location	Ward	Area	Description of Works	Cost £k
Principal Roads					
2019/SMP/01	A167 Tyne Bridge Approach Road , Gateshead	Bridges	Central	Reconstruct / resurface carriageway	42
2019/SMP/02	A692 Gateshead Road , Sunnyside	Whickham South & Sunnyside	Inner West	Reconstruct / resurface carriageway	38
2019/SMP/03	A694 Lockhaugh Road , Rowlands Gill	Chopwell & Rowlands Gill	West	Reconstruct / resurface carriageway	61
2019/SMP/04	High Speed Skid Improvement	-	-	Carriageway surface treatment	100
Reserve Schemes (to be included if the main programme cannot be completed)					
2019/SMP/R01	A167 Durham Road , Birtley	Lamesley	South	Reconstruct / resurface carriageway	
Subtotal 1					241
Other Roads					
2019/SM/01	C302 Lead Road , Greenside	Crawcrook & Greenside	West	Reconstruct / resurface carriageway	56
2019/SM/02	B6317 Main Road , Ryton	Ryton, Crookhill & Stella	West	Reconstruct / resurface carriageway	70
2019/SM/03	C327 Hollinside Road , Metrocentre	Whickham North	Inner West	Reconstruct / resurface carriageway, kerbs	48

Table 1 - Classified & Bus Routes (non-residential roads) continued

Scheme No.	Location	Ward	Area	Description of Works	Cost £k
2019/SM/04	C322 Hawks Road , Saltmeadows	Bridges	Central	Reconstruct / resurface carriageway	81
2019/SM/05	Coatsworth Road , Bensham	Saltwell, Bridges, Lobley Hill & Bensham	Central	Resurface carriageway	75
2019/SM/06	C330 Portobello Road , Vigo	Birtley	South	Reconstruct / resurface carriageway	63
2019/SM/07	B1288 Leam Lane , Leam Lane	Windy Nook & Whitehills	East	Reconstruct / resurface carriageway	53
2019/SM/08	Structural Patching	-	-	Carriageway repairs near resurfacing schemes	100
2019/SM/09	Highway Drainage Works	-	-	Drainage repairs near resurfacing schemes	50
2019/SM/10	Minor Works (various – poor weather failures)	-	-	Resurface carriageway	50
Reserve Schemes (to be included if the main programme cannot be completed)					
2019/SM/R01	C303 Newburn Bridge Road , Stella	Ryton, Crookhill & Stella	West	Reconstruct / resurface carriageway	-
2019/SM/R02	High Street , Gateshead	Bridges	Central	Reconstruct / resurface carriageway	-
				Subtotal 2	646
				Subtotal 1	241
				Total	887

Table 2 - Unclassified (residential roads & non-bus routes)

Scheme No.	Location	Ward	Area	Description of Works	Cost £k
2019/MP/01	Albert St / Alexandra St Access , Victoria Garesfield	Chopwell & Rowlands Gill	West	Reconstruct / resurface carriageway	40
2019/MP/02	Dyke Heads Lane , Greenside	Crawcrook & Greenside	West	Resurface carriageway	14
2019/MP/03	Caledonia , Winlaton	Winlaton & High Spen	West	Resurface carriageway	11
2019/MP/04	Northlands , Blaydon	Blaydon	West	Resurface carriageway	9
2019/MP/05	North View , Whickham	Whickham North	Inner West	Reconstruct / resurface carriageway	25
2019/MP/06	Burnthouse Lane , Whickham / Sunnyside	Whickham South & Sunnyside	Inner West	Resurface carriageway	45
2019/MP/07	Orchard Road / Duckpool Lane , Whickham	Dunston Hill & Whickham East	Inner West	Reconstruct / resurface carriageway	39
2019/MP/08	First Avenue , Team Valley	Lobley Hill & Bensham	Central	Resurface carriageway	40
2019/MP/09	Salcombe Gardens , Chowdene	Chowdene	South	Refurbish footways	45
2019/MP/10	Dryden Road / Durham Road Link Road , Low Fell	Low Fell	South	Resurface carriageway	19
2019/MP/11	Pottersway , Carr Hill	Deckham	Central	Resurface carriageway	54
2019/MP/12	Shincliffe Gardens , Wrekenton	High Fell	South	Resurface carriageway	43

Table 2 - Unclassified (residential roads & non-bus routes) continued

Scheme No.	Location	Ward	Area	Description of Works	Cost £k
2019/MP/13	Holly Hill , Felling	Felling	East	Resurface carriageway	17
2019/MP/14	Montrose Drive , Wardley	Wardley & Leam Lane	East	Resurface carriageway	45
2019/MP/15	Minor Works (various – poor weather failures)	-	-	Resurface carriageway	50
Reserve Schemes (to be included if the main programme cannot be completed)					
2019/MP/R01	Engine Lane , Low Fell	Low Fell	South	Resurface carriageway	-
2019/MP/R02	St Bedes Drive , Gateshead	Bridges	Central	Refurbish footways	
2019/MP/R03	Coldwell Park Drive , Felling	Felling	East	Resurface carriageway	
2019/MP/R04	Seaburn Gardens , Wrekenton	High Fell	South	Resurface carriageway	-
Total					496

Table 3 - Back Lanes

Scheme No.	Location	Ward	Area	Description of Works	Cost £k
2019/BL/01	Margaret Terrace / Nell Terrace , Highfield	Chopwell & Rowlands Gill	West	Overlay carriageway	22
2019/BL/02	Napier Road / Park Terrace , Swalwell	Whickham North	Inner West	Resurface carriageway	17
2019/BL/03	Church Street / Glamis Terrace , Marley Hill	Whickham South & Sunnyside	Inner West	Overlay carriageway	10
2019/BL/04	Johnson Street / Keppel Street , Dunston	Dunston & Teams	Inner West	Resurface carriageway	11
2019/BL/05	Moore Avenue / Whickham Avenue , Dunston	Dunston Hill & Whickham East	Inner West	Resurface carriageway	9
2019/BL/06	Donside , Leam Lane	Windy Nook & Whitehills	South	Resurface carriageway	12
2019/BL/07	Duke Street / York Street , Pelaw	Pelaw & Heworth	East	Resurface carriageway	15
Reserve Scheme (to be included if the main programme cannot be completed)					
2019/BL/R01	Simpson Street / Coronation Street , Crookhill	Ryton, Crookhill & Stella	West	Resurface carriageway	-
2019/BL/R02	Coatsworth Road , Shipcote	Saltwell	Central	Resurface carriageway	-
2019/BL/R03	Meresyde / Fossefeld , Leam Lane	Pelaw & Heworth	East	Resurface carriageway	-
Total					96

Table 4 - Surface Dressing

Scheme No.	Location	Ward	Area	Description of Works	Cost £k
2019/SD/01	C312 Lamesley Road, Lamesley & Birtley	Lamesley	South	Prepatch & surface dress	88
2019/SD/02	Thornley Lane , Winlaton Mill	Winlaton & High Spen	West	Prepatch, surface dress & highway drainage	16
Total					104

Table 5 - Costs Summary

Works	Cost £k
Classified & Bus Routes	887
Unclassified	496
Back Lanes	96
Surface Dressing	104
Technical Costs	50
Total	1633

Appendix 7- Gateshead Quays transport infrastructure improvements (Council borrowing)

	2018/19	2019/20	2020/21	2021/22	Total
Design/consultancy	150	20	20	20	210
Highway improvements	15	475	1000	10	1500
Highway reinstatement	10	750	10	0	770
Traffic management/VMS	25	500	450	25	1000
Bus infrastructure	0	200	700	100	1000
Coach/HGV parking	15	800	100	0	915
TRO's/parking restrictions & associated works	20	20	40	0	80
Pedestrian/cycle routes	5	175	200	150	530
Sustainable drainage	50	50	50	50	200
Natural environment/GI- off site improvements	50	60	60	60	230
Sub total	340	3050	2630	415	6435
Contingency (33%)	112.2	1006.5	867.9	136.95	2123.55
Total	452.2	4056.5	3497.9	551.95	8558.55

*£50k outturn expected in 2018/19.

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REPORT TO CABINET
20 November 2018

TITLE OF REPORT: Tenders for the Supply of Goods and Services

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

Purpose of the Report

1. The purpose of this report is to ask Cabinet to consider the tenders received for the Contract for the Provision of an Integrated Sexual and Reproductive Health Service.
2. The background to this contract is contained in the attached appendix.

Proposal

3. Cabinet is asked to agree and note the recommendations below.

Recommendations

4. It is recommended Cabinet agree that the tender received from South Tyneside NHS Foundation Trust be accepted for a 48 month period commencing 1 April 2019 with an option to extend for a further 2 x 12 month periods.

For the following reasons:

- i) A comprehensive evaluation of the tender received from South Tyneside NHS Foundation Trust has been undertaken. The tender received from South Tyneside NHS Foundation Trust passed all the required evaluation criteria and was the only compliant bid received to deliver this contract.
- ii) The tender received from Community Based Care Health Ltd was deemed to be non-compliant as its costs considerably exceeded the maximum annual budget of £1,125,000 stated in the tender documents and therefore could not be considered to deliver this contract.

CONTACT: Andrea Tickner

extension: 5995

Policy Context

1. The Contract for the Provision of an Integrated Sexual and Reproductive Health Service has been organised in accordance with the Council's Contract Procedure Rules

Background

2. The contract is being arranged on behalf of Care, Wellbeing & Learning, Public Health. The contract is for a 48 month period commencing 1 April 2019 with an option to extend for a further 2 x 12 month periods.
3. This service will deliver sexual health services for the local population including STI and HIV testing and contraception. The service will have approaches for specific client groups with an emphasis on prevention and early intervention and reducing risky behaviour. The Provider will work with the Council to deliver innovative and effective approaches to support people to access Sexual Health services across the borough. Access to the service shall be available through various channels and in locations that are inclusive and address both the urban and rural localities. Seldom heard groups will be effectively engaged. The service will include a digital offer to support Service Users to gain access to timely interventions including an effective website that enables people to access self-help, advice and information and also make appointments. It will also include on-line offer for self-testing to increase the uptake of testing and achieve quick turn-around for effective treatment.
4. Tenders were received from:

Community Based Care Health Ltd
South Tyneside NHS Foundation Trust

Consultation

5. Consultation has taken place with Stakeholders, Providers and Service Users during the development of the specification model.

Alternative Options

6. The anticipated value of this contract exceeded the threshold requiring competitive tenders to be invited in accordance with the EU Public Procurement Directives; therefore, there are no alternative options

Implications of Recommended Option

7. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources, confirms that award of the contract at £1,125,000 per annum will deliver a budget saving of £210,000 per annum which will be factored into the revenue budget for 2019/20

b) **Human Resources Implications – Nil**

c) **Property Implications -Nil**

8. **Risk Management Implication – Nil**

9. **Equality and Diversity Implications –** The recommended tenderer meets the legal obligations of the Equality Act 2010.

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

11. **Health Implications –** The award of this contract service will ensure that the Council meets its duty to promote and protect the sexual and reproductive health and wellbeing of the local population through provision of comprehensive open access sexual health and contraceptive services (including testing and treatment for sexually transmitted infections, contraception outside of the GP contract and sexual health promotion and disease prevention).

12. **Sustainability Implications – Nil**

13. **Human Rights Implications - Nil**

14. **Area and Ward Implications -Nil**

Background Information

15. The documents that have been relied on in the preparation of the report include the received tenders.

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TITLE OF REPORT: Revisions to the Council's Retirement Policy and Redundancy Policy

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

Purpose of the Report

1. To agree a revised Retirement Policy and revised Local Government Pension Scheme (LGPS) Discretions Policy for approval by the Council as set out in appendix 2. To also agree a revised Redundancy Policy as set out in appendix 3 to this report.

Background

2. The purpose of the Council's Retirement Policy is to assist the Council when considering applications for early retirement from employees who are eligible for payment of benefits under the LGPS. This is aligned to the Council's workforce planning process and provides for consideration of retirement applications in an effective, fair and consistent manner, taking into account the financial and managerial interests of the Council.
3. The Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 introduced a legal requirement for the Council to set a policy on a number of pension discretions. The current Retirement Policy details these discretions and was approved by the Council on 17 July 2014.
4. The current Redundancy Policy was approved by the Council on 28 February 2013 following a review of the redundancy payments scheme.

Proposal

5. **Retirement Policy (Appendix 2)** – this has been revised to ensure it reflects current good practice, taking into account the Council's ongoing financial position, and the fact that releasing pension on an unreduced basis can result in a significant associated cost for the Council in the form of a 'strain on the fund'. It also reflects the most recent updates to the Local Government Pension Regulations.

The main changes are:

- Inclusion of the procedure for managing applications for flexible retirement, and providing clarity on the criteria on which applications will be considered. Notably, the policy highlights that applications for flexible retirement will only be granted in exceptional circumstances or where there is little cost to the Council.

- Inclusion of the provisions relating to ill health retirement which are currently outlined in a separate document.
- Highlighting that it is the intention of the Government to introduce legislation to provide for repayment of public sector exit payments and an exit payment cap. Note that this legislation is pending and therefore the policy may need further updating in the future.
- Providing clarity in respect of voluntary early retirement applications which are a cost to the Council – such applications will only be granted in exceptional circumstances or where there is little strain on the pension fund; each case will continue to be considered on its merits. The policy also clarifies that the Pensions and Pay Discretions Sub-Committee will consider appeals where applications for voluntary early retirement have not been agreed.
- Clarification that the Strategic Director, Corporate Services and Governance can agree the discretions relating to the non-aggregation of pension benefits i.e. where an employee requests not to aggregate their deferred benefits with new LGPS employment.

Taking into account these updates, the revised policy articulates more clearly the Council's position, particularly in relation to the discretions available to grant early retirement where there is a cost to the Council. It is anticipated that by providing this clarity will better manage employee's expectations in this respect.

6. Applications for the early release of deferred benefits which are a cost to the Council will continue to be considered by the Pensions and Pay Discretions Sub-Committee.
7. **Redundancy Policy (Appendix 3)** - in conjunction with the changes detailed above, the Council's Redundancy Policy has also been revised. The main change is in respect of consideration of applications for voluntary redundancy in cases where there is no risk of compulsory redundancy.
8. As a consequence of the Council-wide voluntary redundancy exercise undertaken in 2011 there have been high levels of expectation amongst the workforce in relation to the ability to secure voluntary redundancy at age 55. The change proposed in the revised policy should ensure that employees do not have unrealistic expectations in this regard. The main change therefore relates to providing clarification that applications for voluntary redundancy will be approved only where to do so will clearly support effective business planning and service delivery; and, will take into account the cost to the Council.

Recommendation

9. Cabinet is asked to recommend the Council to:
 - (i) approve the attached revised Retirement and Redundancy Policies, which include the Council's policy on pension discretions; and
 - (ii) authorise the Strategic Director Corporate Services & Governance in consultation with the Leader of the Council to make any minor amendments to the policies that may be required following further consultation with Trade Unions.

The above decisions have been made for the following reasons:

- (i) To ensure the Retirement Policy reflects current good practice, taking into account the Council's ongoing financial position, and the fact that releasing pension on an unreduced basis can result in a significant associated cost for the Council in the form of a 'strain on the fund'.
- (ii) To reflect in the Retirement Policy the most recent updates to the Local Government Pension Regulations.
- (iii) To ensure that employees do not have unrealistic expectations of the ability to secure voluntary redundancy at age 55 by providing clarification in the Redundancy Policy that applications for voluntary redundancy will be approved only where to do so will clearly support effective business planning and service delivery; and, will take into account the cost to the Council.

Contact: Janice Barclay

Ext 2101

Policy Context

1. The proposed amendments to the Retirement Policy, Discretions Policy, and Redundancy Policy update the HR framework to enable the Council to manage workforce matters in support of the strategic policy objectives of the Council and the Workforce Strategy.

Background

2. The Retirement Policy and Discretions Policy were approved by the Council on 17 July 2014 as a result of the Local Government Pension Scheme Regulations 2013 and the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 which, in effect, brought about the implementation of a new scheme from 1 April 2014 and introduced a legal requirement to set a policy on discretions.
3. The current Redundancy Policy was approved by the Council on 28 February 2013 following a review of the redundancy payments scheme.

Consultation

4. The views of the Leader of the Council have been sought in drafting this report. The Council's recognised non-teaching Trade Unions have also been consulted extensively in relation to the proposed amendments. Although the Trade Unions acknowledge the financial pressures faced by the Council, they are concerned that the Council is taking a very restrictive approach to awarding flexible retirement and early retirement on an unreduced basis, or which is a cost to the Council. The policy does however provide for each case to be considered on its merits and allows the Council to apply its discretion as appropriate. Trade Unions have requested anonymised data be provided, on a quarterly basis, in relation to the numbers of applications and whether or not these were approved. This will ensure transparency in the application of the policy.
5. The Trade Unions are also concerned that the Council is seeking to limit the approval of applications for VR from employees not at risk of redundancy, and that VR could 'become the exception rather than the rule' and would therefore have unacceptable implications for 'bumped' redundancies. Management have assured the Trade Unions that the Council has a successful track record in redeploying staff who are facing redundancy and will continue in this endeavour which includes exhausting opportunities for bumped redundancies. However, in light of the ongoing financial challenges the Council faces and the increasing pressure on services, there needs to be certainty that by approving a VR in a not 'at risk' area the Council is acting in the best financial and managerial interests.

There are some minor issues in relation to the retirement policy which remain subject to discussion with the Trade Unions. These relate to changes made to the policies initially agreed with Trade Unions as a result of late notification of revised guidance from the Local Government Pension Scheme in respect of the exercise of discretions. However, if Cabinet agree, these can be considered by the Strategic Director Corporate Services & Governance under delegated powers.

Alternative Options

6. No alternative options have been proposed other than those presented for Cabinet approval, as they are considered to be the best way of achieving the objective of the policies: i.e. assisting the Council to consider the retirement of pensionable employees and to manage redundancies as part of its workforce planning process in an effective, fair and consistent manner.

Implications of Recommended Option

7. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that there are no direct financial implications arising from this report. Where applications under this policy are received the financial implications will be considered on a case by case basis.
- b) **Human Resources Implications** – The objective of the retirement and redundancy policies is to allow the Council to consider the retirement of pensionable employees and manage redundancies as part of its workforce planning process in an effective, fair and consistent manner. In applying the policies, the Council reserves the right to determine how the options/discretions presented within the policy will be applied to each of its pensionable employees. The policies provide sufficient flexibility for the Council to make decisions which are in the best financial, managerial and operational interests. The policies form part of the Council's overall human resources policy framework, through which it aims to be an exemplary employer.
- c) **Property Implications** – there are no property implications arising from the recommendations within this report.

8. **Risk Management Implications** - The changes in the Council's Retirement Policy and Redundancy Policy statements as recommended in the report are not considered to introduce any new risk.

9. **Equality and Diversity Implications** – Each application submitted under the Retirement Policy is considered on a case by case basis. In doing so an application is assessed on its own facts, taking into account personal circumstances, financial and service delivery implications. Likewise, any application for voluntary redundancy is considered in the context of business objectives and the long-term delivery of the service. The Council has never received any legal challenges in connection with a retirement-related application, or an application for voluntary redundancy, where the challenge is based on a protected characteristic (race, gender, disability, sexual orientation, religion or belief, or age). However, extreme care will continue to be taken to ensure that there are no direct or indirect discrimination implications when considering each application under these policies.

Equality Impact Assessments have been completed in relation to both policies and are available within the Council's online papers.

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

11. **Health Implications** - There are no health implications.
12. **Sustainability Implications** - There are no sustainability implications.
13. **Human Rights Implications** – Under the Retirement Policy employees have a right to individual representation and a regulatory appeal mechanism (the LGPS Internal Disputes Review Procedure) is in place to ensure this.
14. **Area and Ward Implications** - There are no area and ward implications.
15. **Background Information** - None

Retirement Policy



1922/PS/2018

Links to Other Policies:

Redundancy Policy and Procedure [\[insert hyperlink to policy\]](#)

Effective date:

1st December 2018

Review Date:

Autumn 2021

Status:

This policy and procedure does not form part of any employee's contract of employment and the Council may amend it at any time.

HR and Workforce Development Policy and Guidance in Gateshead Council

Gateshead Council's HR and Workforce Development policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Legislation



EU Legislation



ACAS



CIPD Best Practice

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1.0 Aim

The Council regards its employees as essential to the successful delivery of excellent services to the public. The aim of this policy is to provide the Council with a framework which allows the consideration of early retirement applications as part of its workforce planning process in an effective, fair, and consistent manner.

2.0 Definition of Retirement

Within the context of this policy 'retirement' is defined as all circumstances where an employee with accrued benefits under the Local Government Pension Scheme (LGPS) wishes to retire (either fully or flexibly). It should be noted that this policy cannot override any statutory provisions which may be applicable in any individual circumstance.

3.0 Application of the Policy

The early retirement provisions within this policy apply to all employees who are aged 55 or over who are members of the LGPS and have the relevant qualifying service. Other provisions potentially apply to all employees including non-teaching employees in schools and some former employees.

Application of any option within this policy shall not be used as a substitute for early retirement on the grounds of permanent ill health.

4.0 Commitments

In situations where an employee meets the criteria for any of the options outlined within this policy

The Council will ensure that:

- Employees are treated in a fair and consistent manner.
- Communication between employees and their managers and trade unions is maintained throughout the procedure.
- Regulations and LGPS rules are adhered to.
- In cases of redundancy the Council's redundancy policy is adhered to.

Employees must ensure that they:

- Adhere to the procedures laid down within this policy.
- Provide accurate and timely information as required.

- Continue to perform their role in an effective manner, with satisfactory levels of conduct and performance.

5.0 Voluntary Retirement

- 5.1 Under LGPS Regulations 2013, it is possible for a member of the LGPS to retire at any age on or after their 55th birthday and draw their pension immediately. There is no requirement for the Council to give consent, but the pension paid will be reduced on an actuarial basis depending on the individual circumstances of the person retiring.
- 5.2 Provisions for the '85 year rule' are made in The Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014. Where these regulations apply, the member satisfies the 85 year rule if the sum of the following is 85 years or more:
- their age in whole years on the date of requesting payment of benefits; plus,
 - total scheme membership in whole years; and
 - in the case where the request for payment is made after local government employment ends, the period beginning with the end of that employment and ending with the date the request is made
- 5.3 The 85 year rule provides protection against actuarial reductions either in whole or part depending on the individual's personal circumstances.
- 5.4 The 85 year rule protection will not automatically apply where a member chooses to voluntarily retire between the age 55 and under the age of 60. However, the regulations provide discretion for the Council to 'switch the rule back on' and in doing so meet the strain on the fund cost.
- 5.5 Irrespective of the 85 year rule, there is further provision whereby the Council may agree to waive in whole or part the actuarial reduction that would otherwise apply as a result of early retirement.
- 5.6 In relation to paragraphs 5.4 and 5.5 above, any application for a reduction to be waived, or the 85 year rule to be switched on, will only be approved in exceptional circumstances or where there is little strain on the fund. Applications will be considered having regard to personal, financial and service delivery implications.
- 5.7 Applications to receive a pension as a result of voluntary retirement must be made to the Tyne and Wear Pension Fund 3 months prior to the proposed date of leaving by completing a CARE 65 form available from the Tyne & Wear

Pension Fund. The procedure for making an application for voluntary retirement where the employee is requesting that the 85 year rule be switched on, or requesting that a reduction is waived, is detailed in [Appendix 1](#).

6.0 Early Retirement on Redundancy Grounds (Compensation Payments)

- 6.1 Proposals involving early retirement on the grounds of redundancy will be considered where attempts to find alternative employment of a similar and appropriate type have been exhausted. The same benefits and entitlements will be paid regardless of whether the early retirement on the grounds of redundancy is 'voluntary' or 'compulsory'. For any proposals based on redundancy the Strategic Director, Corporate Services & Governance must confirm that a post is redundant and the post must be deleted from the establishment of the service.
- 6.2 Where it is confirmed that these circumstances are met, accrued pension benefits under the LGPS are payable immediately on an unreduced basis if the employee is aged 55 or over. If the employee has any Additional Pension Contributions (APCs) or Additional Regular Contributions (ARCs) relating to the job they are being made redundant from, the APCs/ARCs would also be released but on an actuarially reduced basis.
- 6.3 Further information about redundancy is provided in the Council's Redundancy Policy.

7.0 Early Retirement on Grounds of Efficiency

- 7.1 An active member of the LGPS who has attained age 55 and whose employment is terminated by mutual consent on grounds of business efficiency will be entitled to immediate payment of their retirement pension.
- 7.2 Regulations require that their 'main' scheme pension benefits will be paid in full and the Council will meet the strain on fund costs.
- 7.3 Any pension purchased by way of APCs/ARCs will be actuarially reduced. However, any additional pension awarded by the Council will not be actuarially reduced.
- 7.4 Where an employee's employment is terminated by mutual consent on grounds of business efficiency, the Council reserves the right to award additional pension within the scope of the LGPS Regulations 2013. Each case will be

considered on its own facts and when considering each case, the personal, financial and service delivery implications will be assessed.

- 7.5 In circumstances where any additional pension may be awarded, it is important to check the impact on the 'Annual Allowance' and 'Lifetime Allowance'. Employees are advised to seek their own financial advice on any implications before any decisions are made.

8.0 Flexible Retirement

- 8.1 Flexible retirement is seen as a pathway to full retirement for employees, while allowing for effective succession planning for the Council. As such, flexible retirement applications will be considered in that context. A scheme member who has attained age 55 can apply to draw their retirement pension whilst remaining in employment and building up further benefits. In accordance with the regulations, employees who are granted flexible retirement are required to draw all of their pre 2008 pension benefits; and can choose, with the Council's approval, whether to draw all, part, or none of their post 2008 pension benefits.

Applications for flexible retirement are subject to the following:

- there is a reduction in hours or grade which results in the sum of the revised salary and pension benefits arising from flexible retirement not exceeding current salary. Reductions in hours can only apply to the employee's substantive post and not to an acting up or secondment.
- reduced working arrangements are permanent - there will be no right to revert back to the original working hours.
- if an application is withdrawn, or it is turned down, a further application cannot be made for 12 months.
- employees who have flexibly retired may not subsequently apply for positions that would result in either an increase in hours or being paid at a higher grade.
- there is not an automatic entitlement to flexible retirement. An employee's application will be considered in relation to the human resource management, personal, financial and service delivery implications for the Council and it will only be granted in very exceptional circumstances or where there is little cost to the Council in the form of a strain on the fund.

The procedure for Flexible Retirement applications is at [Appendix 2](#)

- 8.2 Pension Benefits and Pay

From the start of the revised working arrangement an employee will be paid for their new contracted hours of work and receive their pension benefits. These benefits may be reduced because they are being taken early, unless the Council exercises its discretion to waive all or some of that reduction. In reaching a decision (on whether to waive all or some of the reduction) each case will be viewed on its individual merits, having regard to the financial, personal, human resource management and service delivery implications.

Employees will automatically become new members of the LGPS based on their reduced hours or reduced grade. Any employee may opt out of the LGPS in accordance with the rules of the Scheme.

8.3 Cost (strain on the fund)

The cost associated with flexible retirement is related to an employee's age and length of service. In certain cases there will be no cost because they may be taking reduced benefits. However, in other cases there will be a strain on the fund cost even when reduced benefits are being taken.

Only in very exceptional circumstances will an employee be awarded flexible retirement where there is a cost to the Council which cannot be met by applying an actuarial reduction.

9.0 Ill Health Retirement

9.1 If an employee is a member of the LGPS and has 2 years or more qualifying service, and their employment is terminated on the grounds of ill-health, a pension may be payable where the employee has been certified by Council's Physician (Independent Registered Medical Practitioner) as meeting one of the 3 tiers of Ill Health Retirement. Note that a tier 3 award is subject to regular review – see below. Each case will be considered by the Service Director Human Resources and Workforce Development with legal advice as necessary. The Service Director, Human Resources and Workforce Development will decide (on behalf of the Council as employer) whether to retire the employee on the grounds of ill health. In order to reach a fully informed decision, the employee's consent to disclosure of relevant medical evidence including GP or consultant reports may be required.

9.2 Ill health retirement criteria / tiers

The Council will make the decision whether to award ill health retirement benefits and if so, which tier should be awarded. The Council will need to take

account of evidence and the opinion of an IRMP. The criteria in the LGPS regulations that the employer must consider are whether:

- The employee's illness or infirmity of mind or body mean that they are **permanently incapable** of discharging efficiently the duties of their current employment, and;
- As a result of the ill health or infirmity of mind or body, the employee is not immediately capable of undertaking any gainful employment.

The LGPS Regulations explain the meaning of these terms.

'Permanently incapable' means that the person will, more likely than not, be incapable of discharging efficiently the duties of their employment because of ill health or infirmity of mind or body until, at the earliest, their 'normal pension age'.

'Gainful employment' means paid employment for not less than 30 hours in each week for a period of not less than 12 months. This means any job, not just one that has similar pay and conditions to the employee's current employment. Working fewer than 30 hours per week will not prevent anyone from being considered for ill health retirement criteria. Also, there is not a lower age limit to ill health retirement.

In accordance with the process set out at 9.1, once the Council decides whether the employee meets the criteria for ill health retirement, they consider the level of the benefit to award. The descriptions of 'Benefits Payable' set out below are only a guide, as the level of benefits payable will depend on the employee's individual circumstances. There are three tiers providing different benefits:

Qualifying criteria	Benefits payable
<p>Tier 1 Where the employee is unlikely to be capable of undertaking any gainful employment before their Normal Pension Age.</p> <p>Tier 2 Where the employee cannot do their job and although they are unlikely to be capable of undertaking gainful employment within three years of leaving their employment, it is likely that they will be capable of undertaking gainful employment before their Normal Pension Age.</p> <p>Tier 3 If the employee cannot do their current job, but evidence suggests it is likely that they will be capable of undertaking gainful employment within three years of leaving their employment, or before their Normal Pension Age if earlier.</p>	<p>Tier 1 Ill health benefits are based on the pension already built up in the employee's pension account at the date of leaving the scheme plus an amount equivalent to the amount of earned pension the employee would have accrued to normal pension age based on assumed pensionable pay as defined in LGPS regulations.</p> <p>Tier 2 Ill health benefits are based on the pension already built up in the employee's pension account at the date of leaving the scheme plus an amount equivalent to 25% of the amount of earned pension the employee would have accrued to normal pension age based on assumed pensionable pay as defined in LGPS regulations.</p> <p>Tier 3 Ill health benefits are based on the pension the employee has already built up in their pension account at the point of leaving. Payment of these benefits will be stopped after 3 years, or earlier if the employee is in gainful employment or becomes capable of such employment, provided they have not reached their Normal Pension Age by then. If the payment is stopped it will normally become payable again from their Normal Pension Age but there are provisions to allow it to be paid earlier. Details would be provided at the time.</p> <p>A tier 3 pension will be reviewed after 18 months, the result of which will mean the pension will either:</p> <ul style="list-style-type: none"> • Continue to be paid • Stop or • Increase as if the employee was awarded a tier 2 pension.

- 9.3 Former employees may apply for release of deferred benefits on the grounds of ill health and each case will be considered with regard to the pension regulations that apply in accordance with the date of leaving the scheme. Applications will be considered in accordance with the procedure set out at paragraph 9.1.
- 9.4 If an employee is refused ill-health retirement, is dissatisfied with the tier of benefits awarded, or a former employee is refused release of deferred benefits on medical grounds, they may appeal in accordance with the LGPS Appeals Procedure. Please contact HR Advice for further information.

10.0 Retirement Age

- 10.1 The Council does not have a default retirement age (DRA) and employees can remain in their post indefinitely provided they remain capable of carrying out their role to the standard expected by the Council.
- 10.2 An employee's normal retirement age for pension purposes is determined by their individual circumstances. For state pension purposes this is governed by their date of birth. For LGPS purposes this is similarly determined by their date of birth with the employee's normal retirement age being their state retirement age with a minimum age of 65.

11.0 Awarding of Additional Pension

- 11.1 Regulation 31 of the Local Government Pension Scheme Regulations 2013 includes provision for the Council to grant additional pension of up to £6,822 (current value at the date of this policy). The award of additional pension can be made:
- In respect of an active member; or
 - Within six months of an active member leaving employment by reason of redundancy or business efficiency.
- 11.2 In relation to active members, this provision may, in exceptional circumstances, be used as an aid to recruitment and/or retention of key members of staff, or for other reasons of business efficiency.
- 11.3 A lump sum compensation payment cannot be made under The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 if, in respect of the termination, the employee has been awarded additional pension under Regulation 31 of the LGPS Regulations 2013. As this policy makes provision

for compensation payments on redundancy, the Council will not award additional pension to employees leaving on redundancy grounds.

12.0 Repayment of Public Sector Exit Payments

The Government intends to introduce legislation (The Repayment of Public Sector Exit Payments Regulations 2016), whereby any former employee who earned at least £80,000 per annum and who returns to work anywhere in the public sector within a year of leaving, including under a contract for services, is required to repay a proportion of their exit payment. The repayment liability reduces proportionately over the subsequent 365 days.

13.0 Exit Payment Cap

The Government intends to introduce legislation capping exit payments, including redundancy payments and the cost to the employer of any strain on the pension fund. The proposed limit is £95,000. Further detail is awaited and this policy will be updated in accordance with the legislation when enacted. Please contact HR Advice for further information.

14.0 Former Employees Requesting Release of Pension Benefits

There are a number of circumstances where the Council may apply discretions to the early release of pension. Any discretion which is a cost to the Council will **not** normally be applied. Discretions which incur a cost will be applied only in exceptional circumstances.

14.1 Early Release of Deferred Benefits for employees who left on or after 1 April 2014

A former employee (who left on or after 1 April 2014) can choose to draw their pension at any time on reaching age 55. The pension will be actuarially reduced and the 85 year rule will not automatically apply if the employee is aged between 55 and 60.

14.2 However, the Council has the right to 'switch the 85 year rule back on' and / or waive the reduction in whole or part depending on the individual circumstances.

14.3 In these circumstances the former employee must notify the Council that they wish for either of the above discretions to be applied. On receipt of an application a report will be presented to Pensions & Pay Discretions Sub-

Committee. When considering applications, each case will be considered on its own merits, taking the financial implications for the Council and personal circumstances of the employee and any dependants into account.

14.4 Early Release of Deferred Benefits for Leavers and suspended Tier 3 benefits between 1st April 2008 and 31st March 2014

At or after age 55 a former employee can choose to draw their deferred benefits. Their pension may be actuarially reduced and if taken between age 50 and 60, the 85 year rule will not automatically apply.

However, the Council has a right to 'switch the 85 year rule back on' and/or waive, on compassionate grounds, an actuarial reduction that may apply to any deferred benefits that are paid before age 65. In these circumstances, an actuarial reduction may only be waived in full.

- 14.5 In these cases the former employee must notify the Council that they wish for either of the above discretions to be applied. On receipt of an application, a report will be prepared and presented to Pensions & Pay Discretions Sub-Committee and each case will be considered on its own merits, taking into account the personal circumstances of the employee and any dependants, and the financial implications for the Council.

14.6 Early Release of Deferred Benefits for Leavers between 1st April 1998 and 31st March 2008

At or after age 50 and before age 55 a former employee can request early release of their deferred benefits with the Council's consent.

At or after age 55 a former employee can choose to draw their pension without the Council's consent. The pension may be actuarially reduced, and if the benefits are drawn between age 55 and 60, the 85 year rule will not automatically apply.

However, the Council has a right to 'switch the 85 rule back on' and/or waive, on compassionate grounds, an actuarial reduction that may apply to any deferred benefits which are paid before age 65. In these circumstances, an actuarial reduction may only be waived in full.

- 14.7 In these cases the former employee must notify the Council that they wish for any of the above discretions to be applied. On receipt of an application, a report will be prepared and presented to Pensions & Pay Discretions Sub-Committee and each case will be considered on its own merits, taking into account the personal circumstances of the employee and any dependants,

and the financial implications for the Council. Where an applicant is aged between 50 and 55, consideration will be given for consent to the release of the deferred benefit and to the waiving of any reduction. Where an applicant is 55 or over consideration will be given to switching on the 85 year rule and/or waiving the actuarial of any reduction.

14.8 There are potentially significant tax implications (for both the applicant and the Council) in releasing deferred benefits before age 55. Any such cases will be discussed with the Tyne and Wear Pension Fund before a final decision is taken.

14.9 **Early Release of Deferred Benefits for Leavers before 1st April 1998**

At any time from age 50 to 65 a former employee can request early release of their deferred benefits and the Council can grant this but only on compassionate grounds. If the application is granted benefits will be released without actuarial reduction.

14.10 A report will be prepared for each application and be presented to Pensions & Pay Discretions Sub-Committee and each case will be considered on its own merits, taking into account the personal circumstances of the employee and any dependants, and the financial implications for the Council.

14.11 There are potentially significant tax implications (for both the applicant and the Council) in releasing deferred benefits before age 55. Any such cases will be discussed with the Tyne and Wear Pension Fund before a final decision is taken.

15.0 Employer Discretions

Other discretions available to the Council are detailed at [Appendix 4](#). Decisions in respect of discretions (i) to (v) of Appendix 4 are delegated to the Strategic Director, Corporate Services & Governance.

Cases requiring a determination under the remaining delegations will be considered by Pensions & Pay Discretions Sub-Committee as and when a case arises.

Appendix 1 - Procedure for Voluntary Retirement Applications

Under LGPS Regulations 2013, it is possible for a LGPS member to take voluntary retirement at any age on or after their 55th birthday and draw their pension immediately. There is no requirement for the Council to give consent but the pension paid will be reduced on an actuarial basis depending on the circumstances of the person retiring.

Employees aged 55 or over but who have not yet reached their state pension age should complete CARE form 65, available from the Tyne and Wear Pension Fund website, in these circumstances.

Employees over their state pension age should contact the Tyne and Wear Pension Fund directly who will advise on the procedure to be followed.

Redundancy/efficiency, ill health and flexible retirement applications are dealt with separately under the relevant Council policies.

Therefore, the following procedure is **only** to be used in respect of voluntary early retirement applications where there are financial implications for the Council, in the form of a 'strain on the fund'.

Such applications will involve the employee:

- Applying to have an 'actuarial reduction' waived; and /or,
- Applying to have the 85 year rule switched on.

Procedure

1. An eligible employee expresses an interest in early retirement to their Service Director. They do this by completing form ER1– part 1 only. An eligible employee is one who is (a) aged 55 or over, and (b) is currently paying pension contributions to the LGPS and has a minimum of two years' pensionable service or relevant qualifying service.
2. Applications will only be approved in exceptional circumstances, therefore the applicant must set out any relevant information which should be taken into account in support of their application.

3. The Service Director must complete part 2 of form ER1 and forward it to HR Advice.
4. HR Advice will send a copy of the ER1 to Corporate Resources who will obtain pension estimate figures from the Tyne and Wear Pension Fund. Corporate Resources will also complete the front page of Form ER2 and return it to HR Advice.
5. HR Advice will complete form ER3 which details estimated benefits and forward it to the employee via their Service Director. HR Advice will also complete section 5 of the ER2 form, which shows the costs and savings of that early retirement application and forward that to the relevant Service Director.
6. After considering their pension benefits, the employee should decide whether or not they wish to continue with their application. If they wish to proceed, the employee must notify their Service Director of this decision in writing.
7. A Service Director cannot approve an application where there is a strain on the fund. If the employee wishes to pursue their application, it will be referred to the Officer Panel which comprises officers from HR Advice and Corporate Resources. Factors to be considered will include: personal circumstances; service requirements; organisational context and financial implications.
8. The Officer Panel will examine each voluntary retirement case, consider the financial and other information including the exceptional circumstances provided by the employee, and make a recommendation to the Strategic Director, Corporate Services and Governance. This information will also be entered onto the Form ER2. The Panel will only recommend approval in very exceptional circumstances.
9. Applications, together with the recommendation from the Officer Panel, will be submitted to the Strategic Director, Corporate Services & Governance for decision.
10. In considering the recommendation, the Strategic Director, Corporate Services & Governance will, if necessary, consult with the Strategic Director Corporate Resources and the employee's Service Director and/or Strategic Director.
11. The Strategic Director, Corporate Services and Governance will inform the employee in writing of the outcome of their application, and their right of appeal.
12. Where an application is rejected, the employee has a right of appeal to the Pensions and Pay Discretions Sub Committee. Where an employee wishes to appeal against the decision to reject their application, they must, within 10

working days of receipt of the letter confirming the decision, submit their appeal, and any additional information to the Strategic Director, Corporate Services and Governance. The Pensions and Pay Sub-Committee will consider the employee's written submission.

13. Where applications for voluntary early retirement are approved, a formal offer will be made (ER4).
14. If the employee accepts the offer of voluntary retirement they must confirm the original date of retirement, or agree an alternative mutually acceptable retirement date with their Service Director.

Appendix 2 - Procedure for Flexible Retirement Applications

Applications for flexible retirement where there is no cost to the Council (strain on the fund) may be approved by Service Directors. In reaching a decision on whether or not to approve an application, Service Directors must take into account the implications for service delivery, the organisational context, the personal circumstances of the employee and any savings which could be achieved by reducing the hours of the post. Service Directors should be aware that there will be a strain on the fund if an employee flexibly retires between the age of 55 and 60 and meets the 85 year rule.

The following procedure must be followed where the employee is applying for flexible retirement on an unreduced basis (i.e. applying to have an actuarial reduction waived which results in strain on the fund costs).

1. An eligible employee expresses an interest in flexible retirement to the Service Director. They do this by completing form FR1 – part 1 only. An eligible employee is one who is (a) aged 55 or over, and (b) currently an active member of the LGPS
2. When considering applications for flexible retirement, the Council will take into account the personal circumstances of the applicant, service-delivery requirements and the financial implications in order to determine whether, or not, the application should be supported. If it is rejected, the employee has the right of appeal to the Pensions and Pay Discretions Sub-Committee of the Council. Applications will only be approved in exceptional circumstances or where there is little cost to the Council in the form of a strain on the fund, therefore the employee must set out any relevant information which should be taken into account in support of their application.
3. Where a Service Director decides an application cannot be supported for operational reasons they must inform the employee and give the reason(s) in writing. The employee may appeal in writing to the Strategic Director, Corporate Services & Governance if they are not satisfied with the decision.
4. The Service Director must complete part 2 of form FR1 and forward it to HR Advice.
5. HR Advice will send a copy of the FR1 to Corporate Resources who will obtain pension estimate figures from the Tyne and Wear Pension Fund. Corporate Resources will also complete the front page of Form FR2 and

return it to HR Advice.

6. HR Advice will complete form FR3 which details estimated benefits and forward it to the employee via their Service Director. HR Advice will also complete section 5 of the FR 2 form which shows the costs and savings of that early retirement application and forward that to the relevant Service Director.
7. After considering their pension benefits, the employee should decide whether or not they wish to continue with their application. If they wish to proceed, the employee must notify their Service Director of this decision in writing.
8. A Service Director cannot approve an application where there is a strain on the fund. If the employee wishes to pursue their application, it will be referred to the Officer Panel which comprises officers from HR Advice and Corporate Resources.
9. Officers from Human Resources and Finance and ICT will examine each flexible retirement case taking into account the personal circumstances; service requirements; organisational context and financial implications and make a recommendation to the Strategic Director, Corporate Services and Governance. This information will also be entered onto the Form FR2.
10. Applications, together with the recommendation from the Officer Panel, will be submitted to the Strategic Director, Corporate Services & Governance for decision.
11. The Strategic Director, Corporate Services & Governance will, if necessary, consult with the Strategic Director Corporate Resources and the employee's Service Director and/or Strategic Director.
12. The Strategic Director, Corporate Services and Governance will inform the employee in writing of the outcome of their application, and of their right of appeal.
13. Where an application is rejected, the employee has a right of appeal to the Pensions and Pay Discretions Sub Committee. Where an employee wishes to appeal against the decision to reject their application, they must, within 10 working days of receipt of the letter confirming the decision, submit a written request to the Strategic Director, Corporate Services and Governance. The Pensions and Pay Discretions Sub-Committee will consider the employee's written submission.

14. Where an application for flexible retirement is approved, a formal offer will be made (FR4).
15. If the employee accepts the offer of flexible retirement they must agree a mutually acceptable effective date with their Service Director.

Appendix 3 – LGPS Employer’s Discretions Policy

LGPS 2014 Scheme – reviewed September 2018

Discretion	Regulation	Policy
Determine rate of employees’ contributions	R9(1) & R9(3)	<p>The Council will set contribution rates based on a member’s contractual pay in each employment as at 1st April each year. However, if the member’s contractual pay changes during the year such that it falls into a different contribution band, the rate will be reassessed in the pay period when the change takes effect. Where the change has taken effect mid-month, the rate will be calculated based on a proportion of the old and new salaries. The rate will then be re-calculated in the following month based solely on the new salary. If changes to contractual pay are applied retrospectively, contributions will be collected or refunded as appropriate.</p> <p>If a member changes job during a pay period, each job will be assessed separately.</p> <p>If the member is a casual/zero hours employee they will automatically be placed on the lowest contribution band.</p>
Whether, how much, and in what circumstances to contribute to a shared cost APC scheme	R16(2)(e)* & R16(4)(d)*	The Council will not share the cost of APCs.
Whether to extend 30 day deadline for member to elect for a shared cost APC upon return from a period of absence from work with permission with no pensionable pay (otherwise than because of illness or injury, relevant child-related leave or	R16(16)	<p>If notification of the right to elect for a SCAPC is given after the return to work, the Council will give employees 30 days from the date of notification to make such an election. Notification will be deemed to have been provided from the date of any letter or e-mail sent to the employee.</p> <p>Any applications received after this deadline will be considered</p>

reserve forces service leave)		taking into account the facts of each case.
Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with a new employment	R22(8)(b)	Requests will be automatically accepted where it can be proven that the employee did not receive relevant notice informing them of their right to retain separate benefits and of the relevant deadline. Other applications will be considered on the facts of the case.
Whether to extend the 12 month option period for a member to elect that post 31 March 2014 deferred benefits should not be aggregated with an ongoing concurrent employment	R22(7)(b)	Requests will be automatically accepted where it can be proven that the employee did not receive relevant notice informing them of their right to retain separate benefits and of the relevant deadline. Other applications will be considered on the facts of the case.
Whether to extend the 12 month option period for a member (who did not become a member of the 2014 Scheme by virtue of TP5(1)) to elect that pre 1 April 2014 deferred benefits should be aggregated with a new employment.	TP10(6)	Requests will be automatically accepted where it can be proven that the employee did not receive relevant notice informing them of their right to aggregate pre 1 April 2014 deferred benefits and of the relevant deadline. Other applications will be considered on the facts of the case.
Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)	R30(6)* & TP11(2)	<p>An employee's application will be considered in relation to the human resource management, financial and service delivery implications for the Council. In considering an application:</p> <ul style="list-style-type: none"> • There must be a reduction in hours or grade in order that the revised salary and pension benefits arising from the flexible retirement do not exceed the current salary. Reductions in hours can only apply to the substantive post and not to a seconded post or other temporary post. • Reduced working arrangements are permanent so there is no right to revert back to the original working hours. • In accordance with the flexible working policy, if an application is withdrawn or it is turned down, another application cannot be made for 12 months, other than in exceptional circumstances. • Employees who have flexibly retired may not

		subsequently apply for positions that would result in either an increase in hours or being paid at a higher grade, unless exceptional circumstances apply.
Whether to waive, in whole or in part, actuarial reduction on benefits paid on flexible retirement	R30(8)*	Only in very exceptional circumstances will an employee be awarded flexible retirement where there is a cost to the Council which cannot be met by applying an actuarial reduction.
Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age other than on the grounds of flexible retirement (where the member only has post 31/3/14 membership)	R30(8)*	Each case will be considered on its own facts having regard to personal, financial and service delivery implications. Only in exceptional circumstances will an employee have their application approved.
Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60 (other than on the grounds of flexible retirement).	TPSch 2, para 1(2) & 1(1)(c)	Each case will be considered on its own facts having regard to personal, financial and service delivery implications. Only in exceptional circumstances will an employee have their application approved.
Whether to waive any actuarial reduction for a member voluntarily drawing benefits before normal pension age other than on the grounds of flexible retirement (where the member has both pre 1/4/14 and post 31/3/14 membership) a) on compassionate grounds (pre 1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was not in the Scheme before 1/10/06, b) on compassionate grounds (pre	TPSch 2, para 2(3)	Each case will be considered on its own facts having regard to personal, financial and service delivery implications. Only in exceptional circumstances will an employee have their application approved.

<p>1/4/14 membership) and in whole or in part on any grounds (post 31/3/14 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will not attain 60 between 1/4/16 and 31/3/20</p> <p>c) on compassionate grounds (pre 1/4/16 membership) and in whole or in part on any grounds (post 31/3/16 membership) if the member was in the Scheme before 1/10/06 and will be 60 by 31/3/16</p> <p>d) on compassionate grounds (pre 1/4/20 membership) and in whole or in part on any grounds (post 31/3/20 membership) if the member was in the Scheme before 1/10/06, will not be 60 by 31/3/16 and will attain 60 between 1/4/16 and 31/3/20</p>		
<p>Whether to grant additional pension to an active member or within 6 months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,675 p.a.)</p>	<p>R31*</p>	<p>In relation to active members, this provision may, in exceptional circumstances, be used as an aid to recruitment and/or retention of key members of staff, or for other reasons of business efficiency.</p> <p>There will be no award of additional pension to employees leaving on redundancy grounds.</p> <p>In respect of retirement on efficiency grounds, each case will be considered on its own facts considering the personal, financial and service delivery implications.</p>
<p>Extend normal time limit for acceptance of a transfer value beyond 12 months from joining the LGPS</p>	<p>R100(6)</p>	<p>Requests will be automatically accepted by the Council where it can be proven that the employee did not receive relevant notice informing them of their right to inward transfer and of the relevant deadlines. Other cases will be considered on their merits.</p>

		The TWPF must also agree to the transfer.
Discretions in relation to scheme members who ceased active membership on or after 01/04/08 and before 01/04/14		
Whether to “switch on” the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.	TPSch2, para(1)(2) & 1(1)(c)	Each case will be considered on its own facts having regard to personal, financial and service delivery implications. Only in exceptional circumstances will an employee have their application approved.
Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30 (member)	B30(5) TPSch 2, para 2(1)	Each case will be considered on its own merits, taking the financial implications for the Council and personal circumstances of the employee into account.
Whether to “switch on” the 85 year rule for a pensioner member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, para 1(2) & 1(1)(c)	Each case will be considered on its own facts having regard to personal, financial and service delivery implications. Only in exceptional circumstances will an employee have their application approved.
Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A	B30A(5)*	Each case will be considered on its own merits, taking the financial implications for the Council and personal circumstances of the employee into account.
Discretions in relation to scheme members who ceased active membership on or after 01/04/98 and before 01/04/08		
Grant application from a leaver for early payment of benefits on or after age 50 and before age 55	31(2)	Each case will be considered on its own merits, taking the financial implications for the Council and personal circumstances of the employee into account.
Whether to “switch on” the 85 year rule for a member with deferred benefits voluntarily drawing benefits on or after age 55 and before age 60.	TPSch 2, para 1(2) & 1(1)(f) and R60	Each case will be considered on its own facts having regard to personal, financial and service delivery implications. Only in exceptional circumstances will an employee have their application approved
Waive, on compassionate grounds, the actuarial reduction applied to benefits paid early.	31(5)	Each case will be considered on its own merits, taking the financial implications for the Council and personal circumstances of the employee into account
Discretions in relation to scheme members who ceased active membership before 01/04/98		
Grant application for early payment of	TL4 & L106(1) &	Each case will be considered on its own merits, taking the

deferred benefits on or after age 50 on compassionate grounds	D11(2)(c)	financial implications for the Council and personal circumstances of the employee into account
Discretions under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)		
To base redundancy payments on an actual weeks pay where this exceeds the statutory week's pay limit.	5	Redundancy payments will be based on contractual weekly pay where this exceeds the statutory maximum
To award lump sum compensation of up to 104 week's pay in cases of redundancy, termination of employment on efficiency grounds, or cessation of a joint appointment.	6	Compensation made in respect of voluntary and compulsory redundancies will be on the basis of applying a multiplier of 1.25 to the statutory redundancy matrix (giving a maximum of 37.5 weeks redundancy pay). No compensation will be paid in relation to employments ending on efficiency grounds.

Appendix 4 - Further Employer Discretions - Policy Statement

Each application in respect of the following discretions will be considered on its individual merits, taking into account the personal circumstances of the interested parties and the financial implications for the Council.

Decisions in respect of discretions (i) to (vii) below are delegated to the Strategic Director, Corporate Services & Governance.

Cases requiring a determination under the remaining delegations will be considered by Pensions & Pay Discretions Sub-Committee as and when a case arises.

Any discretion which is a cost to the Council will not normally be applied. Discretions which incur a cost will be applied only in exceptional circumstances.

Decisions delegated to the Strategic Director, Corporate Services & Governance:

i) **Shared Cost Additional Pension Contributions (SCAPC)** - where an employee has been on an authorised leave of absence with no pensionable pay, they can elect to buy back the lost pension by way of additional pension contributions (APC). Provided the election is made within 30 days of returning to work, regulations require that the Council shall pay 2/3rds of the cost of the APC.

If notification of the right to elect for a SCAPC is given after the return to work, the Council will give employees 30 days from the date of notification to make such an election. Notification will be deemed to have been provided from the date of any letter or e-mail sent to the employee. Any applications received after this deadline will be considered taking into account the facts of each case.

ii) **Employees wishing to pay APCs** in other circumstances may do so to purchase pension of up to £6,822 (current value). The Council has decided, under this policy, that it will not share the cost of any such arrangement.

iii) **Inward transfer of pension rights** from another registered pension scheme - the Council may allow, where a request for the inward transfer of pension rights from another registered pension scheme is made more than 12 months after the person first became an active member in an employment, that the transfer be accepted. The Tyne and Wear Pension Fund must also agree to such a request before the transfer is classed as fully agreed (Regulation 100 of the Administration Regulations). Requests will be automatically accepted by the Council where it can be proven that the employee did not receive relevant notice informing them of their right to inward

transfer and of the relevant deadlines. Applications received in other circumstances will be considered on their merits.

iv) **Non aggregation of pension benefits** post 31 March 2014 (or combinations of pre-April 2014 and post-March 2014 benefits) - the Council may grant a request by an employee not to aggregate their deferred benefits with their new LGPS employment (or ongoing concurrent LGPS employment) where the request is made more than 12 months after they commenced membership of the LGPS in the new employment (or more than 12 months after they ceased concurrent membership). Requests will be automatically accepted by the Council where it can be proven that the employee did not receive relevant notice informing them of their right to retain separate benefits and of the relevant deadline. Other applications will be considered on the facts of the case.

v) **Aggregation of pre April 2014 LGPS benefits** with a new LGPS employment - the Council may grant a request by an employee to aggregate their deferred benefits with their new LGPS employment where the request is made more than 12 months after they commenced membership of the LGPS in the new employment. Requests will be automatically accepted by the Council where it can be proven that the employee did not receive relevant notice informing them of their right to retain separate benefits and of the relevant deadline. Other applications will be considered on the facts of the case.

vi) **Contribution rates** - the Council will set contribution rates based on a member's contractual pay in each employment as at 1 April each year. However, if the member's contractual pay changes during the year such that it falls into a different contribution band, the rate will be reassessed in the pay period when the change takes effect. Where the change has taken effect mid-month, the rate will be calculated based on a proportion of the old and new salaries. The rate will then be recalculated the following month based solely on the new salary.

If changes to contractual pay are applied retrospectively, contributions will be collected or refunded as appropriate.

If an employee changes job at any time during a pay period, each job will be assessed separately.

If the member is a casual/zero hours employee they will automatically be placed on the lowest contribution band.

vii) **Effect of fees on pensionable pay** - considering each individual case on its merits, only in exceptional circumstances will the Council refuse consent to a member's final pensionable pay being calculated by reference to fees earned over a period of three consecutive years within the final ten years of his/her membership of the Scheme (Regulation 11 of the Benefits Regulations).

Cases to be considered by Pensions & Pay Discretions Sub-Committee as and when required:

The following discretions only apply where an Employer has awarded added years under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 or preceding regulations.

viii) Where additional service has been awarded to a retired member and the recipient subsequently enters a relevant employment, the employer must ensure that the aggregate of:

- a. The annual compensation, and
- b. The annual pension from the LGPS, and
- c. The annual rate of pay from the new employment

does not exceed the annual rate of pay from the employment in respect of which the added years were granted, as increased by inflation. If that position cannot be achieved by a reduction in the annual compensation, then the annual compensation must be suspended.

ix) Where the retired member who was awarded additional service subsequently ceases the **new** employment, and the sum in years of-

- a. his earlier extra service adjusted in accordance with paragraph (4) of regulation 9 if paragraph (3) of that regulation applies to him; and
- b. his total membership for the purpose of calculating under the Pension Regulations, on the relevant assumptions, his retirement pension on cessation of his new employment, exceeds the total membership which would have been used for the purpose of that calculation if he had held his terminated employment until his 65th birthday,

the Council must reduce the annual compensation by such amount as it considers appropriate (Regulation 19 of the Discretionary Compensation Regulations 2000).

x) When the recipient of the award dies the Council must decide how the compensation is apportioned if there is a joint entitlement to surviving spouse's short and long term annual compensation, (Regulation 21 of the Discretionary Compensation Regulations 2000).

xi) If, at the time of their death, the recipient was in a new pensionable employment, the Council must decide the extent to which any reduction will apply in calculating any short and long term annual compensation (Regulation 22 of the Discretionary Compensation Regulations 2000).

xii) The Council may direct that surviving spouse's additional compensation shall not cease on remarriage or cohabitation where award was made prior to 1st April 1998. Also, where in the past and under old regulations payment of a spouse's additional pension has ceased due to remarriage or cohabitation, the Council must decide if it is to be reinstated on cessation of that remarriage or cohabitation (Regulation 21 of Discretionary Compensation Regulations 2000).

xiii) Where children's pensions are not payable under the Scheme the Council shall determine how, and in what portions, any children's annual compensation shall be paid (Regulation 25 of Discretionary Compensation Regulations 2000).

Further Information

Gateshead Council recognises that from time to time employees may have questions or concerns relating to the content of this document. In certain situations employees' rights and obligations may change; in such circumstances the Council will abide by any statutory obligations.

The Council wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices. To demonstrate the Council's commitment to improving environmental and sustainable performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

Gateshead Council is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, subject to any eligibility criteria which may include length of service, grade, working pattern or other applicable national terms and conditions of service.

Inclusive Communications

It is our ambition to ensure that Council documents are readable, accessible and engaging for staff. In formatting this document, good practice principles around engagement and inclusive communications have been adhered to. If you require this document in an alternative format please contact HR and Workforce Development.

Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing the needs of the Council and any other legislative or good practice requirements.

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Redundancy Policy and Procedure



1922/PS/2018

Links to Other Policies:

Retirement Policy [\[hyperlink to policy will be inserted when published\]](#)

Teachers' Pension Scheme Members - Retirement/Redundancy Payments Policy

Redeployment Policy [\[insert hyperlink to policy\]](#)

Effective date:

1st December 2018

Review Date:

Autumn 2021

Status:

This policy and procedure does not form part of any employee's contract of employment and the Council may amend it at any time.

HR and Workforce Development Policy and Guidance in Gateshead Council

Gateshead Council's HR and Workforce Development policies take into account current legislation, rules, regulations and best practice guidance from a range of professional and public bodies, including the following:



UK Legislation



EU Legislation



ACAS



CIPD Best Practice

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Redundancy Policy Statement

1.0 Aim

Government austerity measures and increasing demand for services will inevitably lead to changes to the way services are delivered across the Council. To ensure the Council maintains its ability to deliver, new and innovative ways of working must be continually encouraged by the Council and embraced by its employees. Changes may ultimately have an impact on the employees of the Council; however, the Council is fully committed to maintaining job security for all its employees where possible. Where ultimately there may be a requirement to reduce the workforce, the Council will consider other options available through the HR Framework before the use of compulsory redundancy.

The purpose of this policy is to outline how employees will be treated if it unfortunately becomes necessary to propose redundancies. The policy relates to proposals in respect of both voluntary and compulsory redundancies.

2.0 Definition of Redundancy

In legal terms, redundancy occurs when an employee is dismissed because:

- the employer closes down the business or service; or
- the employer closes down the employee's workplace; or
- there is a diminishing need for employees to do work of a particular kind.

3.0 Scope of the Policy

This policy applies to all employees who have at least 12 months' continuous local government service, including employees with fixed term or temporary contracts. However, it does not apply to:

- a. Centrally employed members of the Teachers' Pension Scheme in relation to release of pension. Please refer to the Teachers' Pension Scheme Members - Retirement/Redundancy Payments Policy.
- b. Employees appointed by, or employed by, the governing body to work in a school. (The responsibility for redundancy matters in these instances lies with the governing body of the school.)

To qualify for a redundancy payment an employee will have to have at least 2 years' continuous local government service at the date of redundancy.

4.0 Commitments

Compulsory redundancies will only take effect when all other options have been explored and excluded, including redeployment within the Council and voluntary redundancy and voluntary early retirement.

4.1 The Council

In all cases of redundancy the Council will ensure that:

- The selection procedure is fair, consistent, objective, and non-discriminatory and in accordance with the Council's Equal Opportunities Policy and redundancy legislation and best practice.
- The selection criteria are clear, objective and precisely defined.
- No employee is treated less favourably or discriminated against in the application of the redundancy selection criteria.
- It uses its best endeavours to avoid compulsory redundancy, and will seek to retain skills and knowledge within the organisation wherever possible.
- It enters into consultations with trade unions, workplace representatives and individual employees as soon as the possibility of a reduction in the size of the workforce arises in order to discuss the problem and explore the options for avoiding, reducing or mitigating the consequences of redundancies.
- Where compulsory redundancy is unavoidable the situation will be handled in the most fair, consistent, and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by the employees concerned.

4.2 Employees

In all cases of redundancy the Council expects affected employees to:

- Continue to perform their current role or the role required of them.
- Make themselves available to enter into consultations with management with the aim of discussing the problem and exploring the options for avoiding, reducing or mitigating the consequences of redundancies.
- Undertake an offer of suitable alternative employment and be prepared to consider a wide range of alternative jobs in line with the Council's Redeployment Policy.

Redundancy Procedure

In order to minimise the impact of reductions in the workforce the following procedure will be applied. The Strategic Director, Corporate Services and Governance must be advised as soon as the potential for redundancies is identified.

1.0 Statutory Notification

Where potential redundancies have been identified, written details will be provided to recognised trade unions. Statutory consultation notices (section 188 letters) will be issued to trade unions, regarding proposed redundancies detailing:

- The reason for the proposals
- The numbers and descriptions of employees to be proposed as dismissed as redundant
- The total number of employees of that description employed by the Council at the establishment in question
- The proposed method of selecting the employees who may be dismissed*
- The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
- The proposed method of calculating the amount of any redundancy payments to be made.
- The number of agency workers working temporarily for and under the supervision and direction of the Council, including where they are working and the type of work they are carrying out.

* refer to 'Note on Application of Criteria and Weightings'

The Strategic Director, Corporate Services and Governance will inform the Secretary of State at the Department for Business, Innovation and Skills (BIS) on form HR1 of proposed redundancies in the following circumstances:

- If 20-99 employees at one establishment are being made redundant, at least 30 days' notice will be given before the first dismissal takes effect.
- If 100 employees at one establishment are being made redundant, at least 45 days' notice will be given before the first dismissal takes effect

The HR1 notice must be provided to the BIS before notice to terminate an employee's contract of employment is issued.

2.0 Consultation

Failure to consult appropriately with the relevant trade unions and all employees affected about proposed redundancies can lead to a complaint to an Employment Tribunal which may result in the payment of compensation to affected employees. It is important to note that consultations with all affected employees is essential, including those who are absent from work.

2.1 Timescales for Consultation

Management, supported by Human Resources will enter into consultations with trade unions, workplace representatives and / or individual employees as soon as the Council starts to consider potential redundancies. The purpose of the consultations is to establish whether the proposed changes can be achieved by means other than redundancy and if not, to try to minimise the number of compulsory redundancies.

The Council has a statutory obligation to:

- begin consultations at the earliest possible opportunity where the number of redundancies proposed is less than 20.
- begin the consultation process at least 30 days before the first dismissal takes place, where between 20 and 99 redundancies are proposed at one establishment over a period of 90 days or less.
- begin the consultation process at least 45 days before the first dismissal, where the number of redundancies proposed is 100 or more over a period of 90 days or less.
- In all cases, consultations will commence as soon as reasonably practicable and no redundancy notice of dismissal will be issued until at least 14 days after consultation begins.

Where there is the potential for large-scale redundancies the Council will endeavour to apply a 90 day consultation period.

Management will consult with the trade union representatives of those at risk of redundancy, and with those who are recognised to represent employees who may be affected by the measures taken in connection with those dismissals e.g. employees having to take on reallocated work.

2.2 Objectives of Consultation

The Council will consult employees and their representatives about:

- Avoiding dismissals
- Reducing the number of employees to be dismissed
- Mitigating the consequences of any dismissals.

Amongst other measures to avoid or minimise redundancies, consideration must be given to the following, subject to the Council's immediate strategic considerations:

- Restricting the recruitment of new employees other than where this is essential;
- Restricting and reviewing the use of subcontracted labour;
- Restricting the use temporary and casual employees;
- Reducing overtime and other employment costs;
- Covering the cost of the posts using other funding;
- Exploring opportunities to maximise trading or increase revenue;
- Return of secondees to their parent organisation;
- Redeploying the affected employees into other suitable Council vacancies, noting the ability to do this on a trial period basis;
- Inviting applications for consideration for early retirement and / or voluntary redundancy. Early retirement will be considered in line with the Council's Retirement Policy and is subject to ensuring that the balance of skills and experience within the remaining workforce is appropriate to the Council's future operating needs.

Consultation might also cover special arrangements for the treatment of apprentices. It is the responsibility of the Council to try to find alternative opportunities for apprentices to complete their apprenticeships within the same industry. Only as a last resort should apprentices be treated as part of the labour force for the purposes of redundancy selection.

Consultation must be undertaken with a view to reaching agreement with the appropriate representatives on these issues, even if employees to be made redundant are volunteers.

3.0 Voluntary Redundancy

Prior to making any compulsory redundancies the Council will consider whether any voluntary redundancies can be supported. Agreement to voluntary redundancy is subject to ensuring that the balance of skills and experience within the remaining workforce is appropriate to the Council's future operating needs.

Voluntary redundancy applications in ‘at risk’ areas:

The Council will write to all affected employees (i.e. those identified as at risk of redundancy) asking them if they wish to apply for voluntary redundancy and/or voluntary retirement. Where the number of applicants exceeds requirements, selection will be based on the criteria as set out in the section ‘Selecting for Redundancy’

Voluntary redundancy applications from employees not at risk of redundancy:

Where employees not at risk are interested in taking voluntary redundancy, they should speak to their manager to declare their interest. There are no guarantees that voluntary redundancy applications will be agreed, especially where there is a business need to retain people who have key skills in certain areas. However, where there is an opportunity for someone whose job is at risk to move into a job in another suitable area, others not in ‘at risk’ areas may be considered for voluntary redundancy.

Applications will only be approved where to do so would clearly support effective business planning and service delivery in the long-term. In addition, the cost to the Council will be a major consideration. In order to reach a decision on whether or not to support an application, consideration will be given to the viability of a bumped redundancy where appropriate. A bumped redundancy occurs when an employee whose role is not at risk of redundancy leaves on grounds of redundancy, and the resulting vacancy is filled by an employee whose role is redundant. This may be achieved by a sequence of moves rather than a single one.

Selecting for Voluntary Redundancy:

Where the number of volunteers in any given selection pool exceeds requirements, selection will be based on the following criteria:

- Capability
- Attendance Record
- Disciplinary Record

Further details regarding these criteria are set out in the [‘Note on Application of Criteria and Weightings’](#). The employee with the fewest points will be selected.

Where two or more employees are tied on the same points, the selection decision will be based on length of service with Gateshead Council. The employee with the longer length of service would be selected. The Council will discuss the reasons for non-selection with individuals.

The Council has the right to decline any application for voluntary redundancy. An application may be declined for the following reasons:

- The need to retain specialist knowledge and skills within the service
- The post is fixed term
- A bumped redundancy cannot be identified.

This is not an exhaustive list and there may be other factors affecting a decision at that time. The reasons for declining an application will be set out in writing.

4.0 Compulsory Redundancy

Where voluntary redundancy has not produced suitable or sufficient volunteers, the Council, in consultation with the trade unions, will need to select employees for redundancy.

A dismissal on the grounds of redundancy may be considered by an Employment Tribunal to be unfair if the procedure for selection for redundancy has been unfairly applied to the employee(s) concerned, or, if the way in which it has been carried out has been unreasonable e.g. without adequate warning or consultation with the appropriate representatives.

Before applying the redundancy selection criteria, it may be necessary to exempt certain employees from the possibility of being selected. This is because they possess, for example, specialist skills, qualifications or experience that are vital to the continuing viability of their group or service and the delivery of its services in the future. Discussion of these factors should take place with the trade unions at the outset where a redundancy situation is being proposed. In doing so, management must document why these skills, qualifications or experience are crucial to the ongoing viability of their service.

Following these discussions, and in the absence of appropriate volunteers, it may prove necessary to apply a redundancy selection process. This will be based on the agreed selection criteria as detailed in the ['Note on Application of Criteria and Weightings'](#), against which points will be allocated as appropriate for each employee on each occasion.

The total points allocated for the criteria will be used to place employees in a rank order with fewest points at the top and most points at the bottom. Selection for redundancy will be based upon fewest points.

Where two or more employees are tied on the same points, the selection decision will be based on length of service with Gateshead Council. The employee with the shorter length of service would be selected. If two employees have the exact same length of service, then a competitive interview will be held.

The relevant Service Manager, together with a representative of Human Resources, will apply the selection criteria. The results will be presented to the trade unions,

confidentially, for their information for use in supporting their members. Those selected for redundancy will be advised at a formal meeting at which their trade union or a work colleague can be present.

Those employees not selected for redundancy will be advised of this in writing.

5.0 Notice Periods

Employees will be given notice in accordance with their contract of employment.

6.0 Appeals Procedure

If an employee who is selected for redundancy considers that the agreed selection criteria have been unfairly applied in their case, they have the right to appeal to the Personnel Appeals Committee.

If an employee selected for redundancy is absent from work, dismissal will take place in their absence, with a right of appeal to the Personnel Appeals Committee.

Any employee who wishes to exercise their right of appeal against selection for redundancy must do so in writing, within 10 working days of receiving their redundancy notice. Appeals must be submitted to the Strategic Director, Corporate Services and Governance, clearly stating the reasons for the appeal and provide, where relevant, evidence to support their appeal.

The employee has the right to be accompanied at the appeal by a work colleague or trade union representative. Employees will be notified in writing within 10 days of the Personnel Appeal Committee's decision.

The decision of the Personnel Appeals Committee will be the final decision of the Council in the matter.

7.0 Assistance in finding other work

7.1 Suitable Alternative Work

The Council must attempt to seek alternative employment for employees who are in receipt of a notice of dismissal for redundancy. The Council will follow the procedure detailed in the Redeployment Policy when seeking alternative work for employees. Redeployment will only be sought for an employee during their notice period. No extension will be given beyond the date of dismissal.

Where the Strategic Director, Corporate Services and Governance is satisfied that a suitable alternative post has been offered to an employee who is selected for

redundancy and such alternative employment has been declined, the redundancy payment will be withheld.

Where alternative work cannot be found within the Council for an employee selected for redundancy, Economic Development may be able to assist in securing alternative employment outside the Council.

7.2 Trial Period

An employee who is in receipt of a redundancy notice of dismissal is entitled to a trial period in an alternative job. The Council will follow the procedure detailed in the Redeployment policy when an employee undertakes a trial period.

If an employee works beyond the end of the trial period, or an agreed extended period, any redundancy entitlement will be lost as the employee will be deemed to have accepted the new job.

If the Service Director ends a trial period for a reason connected with the suitability for the new job, the employee will receive a redundancy payment under their old contract of employment. If the dismissal is not connected with the redundancy e.g. misconduct, the employee may lose that entitlement.

7.3 Time off to look for new work / training

Subject to the Council's operational needs, all employees in receipt of a redundancy notice of dismissal will, as a minimum, be given paid time off work during their notice period to attend interviews or training opportunities. Requests for reasonable time off should be agreed with their line manager.

8.0 Advice and Guidance

The Council's Economic Development Service can provide advice and guidance to employees selected for redundancy on:

- how to find another job
- the completion of application forms
- attending interviews

The Council can also provide counselling to employees, prior to the expiry of their notice period to assist them in dealing with being selected for redundancy.

9.0 Redundancy Payments

All redundancy payments made by the Council will be in accordance with the Council policy in place at the time of dismissal and will be paid no sooner than 5 working days, and no later than 10 working days after the date of redundancy.

To be entitled to a redundancy payment an employee must have at least two years continuous local government service. All employees who receive redundancy payments will be given written notification of the way in which their redundancy payment has been calculated. The same benefits and entitlements will be offered regardless of whether the redundancy is 'voluntary' or 'compulsory'.

Redundancy payments are based on the statutory redundancy pay table and are subject to an employee's age and length of service. For each complete year of service, up to a maximum of 20, employees are entitled to:

- for each year of service under 22 years old – ½ a week's pay
- for each year of service at age 22 but under 41 - 1 week's pay
- for each year of service at age 41 or over – 1.5 weeks' pay.

The Council applies a multiplier of 1.25 times the number of weeks' pay given in the statutory redundancy pay table, giving a maximum of 37.5 weeks' pay.

This provides for a discretionary compensation payment based on up to 37.5 weeks statutory redundancy pay. The Council will exercise its power to use actual pay in the calculation of weekly pay and the discretionary compensation will be inclusive of any statutory redundancy payment. A redundancy pay table is included in this document.

Employees aged over 65 will qualify for a redundancy payment if the reason for their dismissal is redundancy.

9.1 Calculation of a week's pay

A week's pay is that which the employee is entitled to under the terms of their contract. This may include implied terms that have been established via regular payments and by custom and practice. As such it does not just include terms (payment entitlements) written into the employee's contract of employment. It will, for example, include those payments received where the employee has worked the same pattern over a period of at least 12 weeks prior to the termination date. For the avoidance of doubt, it will not include any employer's contributions to the Pension Fund.

The calculation date is the date on which the employment is terminated.

If an employee's pay varies (such as the regular receipt of lettings allowances or additional hours), the amount of a week's contractual pay is averaged over the 12 weeks prior to the calculation date.

9.2 Statutory Maternity and Adoption Pay

Once an employee has qualified for statutory maternity pay she will be eligible to be paid for the full 39 week period even if she is made redundant during her maternity leave. For example, if the qualifying week begins on 1st January, and the woman is dismissed after this date she will still be entitled to statutory maternity pay even if she was not planning to start her maternity leave until closer to her expected date of childbirth.

If an employee is on maternity or adoption leave when they are made redundant they will not be required to refund the monies paid, or such part thereof.

9.3 Pension

Providing LGPS rules are met, such as having sufficient LGPS membership, any employee aged 55 or over who volunteers or is selected for redundancy, will be entitled to early release of their pension benefits as from the date of their termination.

10.0 Multiple Contracts

Where an employee has multiple contracts with the Council at the point that the redundancy notice of dismissal is issued, the start date in the contract that they are being made redundant from will be used to calculate their redundancy payment. Where an employee has had multiple contracts but only has one contract of employment at the time the redundancy notice of dismissal is issued, then their start date in their very first contract of employment with the Council is used for calculating their redundancy payment where they have continuous service, and taking into account any previous continuous local government service.

11.0 Note on Application of Criteria and Weightings

In most cases where a redundancy situation has been proposed, volunteers will be sought in the first instance. However, if there are insufficient volunteers or, if there is a need to retain specialist skills or experience, the following criteria will be used to select employees to be made redundant.

A reference period is shown below for each of the criteria. The effective date (where the reference period starts from) will be the date the redundancy situation is formally notified to the trade unions and the Section 188 letter is issued i.e. the date of the s188 notice. This date can only be altered where an employee has been absent due to maternity, adoption, additional paternity leave, other statutory leave, or a career

break e.g. where an employee has been on maternity leave for 6 months then their qualifying period goes back a further 6 months. The reference period cannot be altered because of any delay in the process or due to any other circumstances.

Capability (Generic competencies, knowledge, qualifications, skills & experience)

This criterion will assess whether or not an employee is fulfilling the requirements of the job.

The Council's policy defines capability as:

... the ability an employee has to perform his/her duties to a standard that is acceptable to the Council for the effective and efficient delivery of its services. In the normal course of work employees meet and may exceed these standards.

Any formal Improvement Notes issued for reasons of capability or negligence under the capability procedure will be reflected in this criterion. This is to avoid double counting under criterion (d) Disciplinary Record.

The Service Manager will allocate an overall score for this criterion.

The score will be one of the following:

- | | |
|----------------------------------------------------------------------------------------------------------------------------|-----------|
| ◆ Meets overall requirements of the job | 20 points |
| ◆ Does not meet all requirements of the job and is subject to an Improvement Note under the Council's Capability Procedure | 15 points |
| ◆ Subject to a Final Improvement Note | 10 points |

Length of Service

The period of continuous service with Gateshead Council measured from employment start date to effective date is used to calculate the employee's length of service, not just the service in their current job. However, where an employee has multiple contracts with the Council at the point of redundancy, the start date in the contract that they are being made redundant from is used to calculate their continuous service. Where an employee has had multiple contracts but only has one contract at the time of redundancy, then their start date in their very first contract is used for calculating their length of service, where this is continuous service.

For employees who have taken a career break of 12 months or less, the time spent on their career break will count as part of their continuous service. For employees who have taken a career break of over 12 months their contract of employment ended at the commencement of their career break. Therefore, their continuous

service start date will be effective from the first day they returned to work after their career break.

Employees will be allocated one point for each full year of continuous service with Gateshead Council up to a maximum of 20 years (20 points).

For employees who have transferred to the Council under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE), continuity of service is preserved and service with their previous employer will be taken into account.

Attendance record

An absence is classified as any absence due to sickness, whether self-certified or covered by a medical certificate (fit note).

Before selecting on the basis of attendance, it is essential that the reasons for and extent of any absences be identified. Any absences which directly relate to disability, pregnancy/maternity or industrial disease, industrial accident or industrial assault will be excluded from consideration.

Absences due to hospital appointments or special leave and recorded as such will not be counted. Where the employee is admitted to hospital and is away from work for more than a day this will be counted as an absence.

All types of authorised absence such as annual leave, maternity leave, paternity leave, etc. will not be counted.

Points will be awarded over a 36-month qualifying period measured prior to the effective date. For employees who have taken a career break of 12 months or less during the 36-month qualifying period, the assessment period will extend beyond the 36-month qualifying period, equal to the length of the career break. For example, if an employee has taken a six-month career break, the 36-month qualifying period will be extended by a further six months.

This criterion will look to take into account the frequency and total duration of any absences. That is, a score will be allocated for the number of absences and a separate score for the total duration of those absences. A combined score will then be produced:

Number of occasions

Zero absences	= 10 points
1 absence	= 9 points
2 absences	= 7 points
3 absences	= 5 points
4 absences	= 3 points

5 absences	= 2 points
6 absences	= 1 points
7+ absences	= 0 points

Total number of days

0 days	= 10 points
More than 0 and up to 5 days	= 9 points
More than 5 and up to 10 days	= 7 points
More than 10 and up to 25 days	= 5 points
More than 25 days and up to 50 days	= 3 points
More than 50 days and up to 75 days	= 2 points
More than 75 days	= 0 points

Absences after the effective date will not be taken into account.

Absences of ½ day will be counted as one occasion.

Absence for part-time employees will be converted to the full-time equivalent to ensure fair and equitable scoring for attendance.

Disciplinary record

Formal warnings issued in accordance with the Council’s disciplinary procedure will be taken into account here. These will include warnings issued for misconduct but **not** for concerns connected with an employee’s capability (improvement notes).

Formal warnings issued for short-term persistent sickness absences will also not be included as this performance issue has already been considered in the ‘attendance’ criteria.

Points will be awarded with reference to a 24-month qualifying period measured prior to the effective date as follows:

- No warnings = 20 points
- Written warning = 15 points
- Final written warning issued within the period of 12-24 months prior to the effective date = 10 points
- Final written warning issued within the last 12 months prior to the effective date = 5 points
- Redeployment with a final written warning as an alternative to dismissal = 0 points

Further Information

Gateshead Council recognises that from time to time employees may have questions or concerns relating to the content of this document. In certain situations employees' rights and obligations may change; in such circumstances the Council will abide by any statutory obligations.

The Council wishes to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees are encouraged to seek clarification on any issues with the appropriate Line Manager in the first instance.

Sustainability

Improving our environmental performance and doing things in a more sustainable way should be seen as integral to our core business practices. To demonstrate the Council's commitment to improving environmental and sustainable performance, please be mindful if printing this document – keeping paper usage to a minimum (print only version), printing on both sides, and recycling.

Equality Statement

Gateshead Council is an equal opportunities employer where all employees are treated with dignity and respect. We are fully committed to equality, diversity and human rights and to ensuring our culture, working environment, policies, processes and practices are free from bias. This policy applies to all employees regardless of protected characteristics, subject to any eligibility criteria which may include length of service, grade, working pattern or other applicable national terms and conditions of service.

Inclusive Communications

It is our ambition to ensure that Council documents are readable, accessible and engaging for staff. In formatting this document, good practice principles around engagement and inclusive communications have been adhered to. If you require this document in an alternative format please contact HR and Workforce Development.

Review and Monitoring

This policy will be reviewed every three years or sooner where applicable to reflect changing the needs of the Council and any other legislative or good practice requirements.

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TITLE OF REPORT: Gambling Statement of Principles 2019 - 2022

REPORT OF: Tony Alder, Acting Strategic Director, Communities and Environment

Purpose of the Report

1. The purpose of this report is for Cabinet to approve and recommend to Council a Statement of Principles for 2019 – 2022 in accordance with the Gambling Act 2005.

Background

2. Under the Gambling Act 2005 licensing authorities are required to prepare and publish every three years a Statement of Principles that they propose to apply when exercising their functions.
3. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Councils perform. These objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling;
4. On the 17 July 2018 Cabinet gave approval for a widespread public consultation on a draft revised Statement of Principles. The consultation took place over a 12 week period between July and October 2018.
5. The responses to the consultation were considered by the Communities and Place Overview and Scrutiny Committee on 29 October 2018 and advice was given as to how the draft statement should be amended. Notes from the meeting are attached in Appendix 2.
6. An Executive Summary of the Statement of Principles is attached in Appendix 3. Full details of the statement can be viewed online within the agenda folder for this meeting and hard copies are available in the Members' room.

Proposal

7. Cabinet is asked to recommend to Council the amended Statement of Principles.

Recommendations

8. Cabinet is asked to recommend the Council that the amended Gambling Statement of Principles, as set out in appendix 4, be adopted and published in accordance with the requirements of the Gambling Act 2005.

For the following reason:

To ensure that the Council's functions under the Gambling Act 2005 can be discharged effectively.

CONTACT: Elaine Rudman ext: 3911

Policy Context

1. The adopting of a Gambling Statement of Principles will allow the Council to carry out its duties as a Licensing Authority under the Gambling Act 2005 and in accordance with guidance issued to local authorities by the Gambling Commission September 2015 (updated 2016). The Statement of Principles supports the overall vision for Gateshead as set out in Council policy objectives including 'Thrive'.

Background

2. The Gambling Act 2005 was implemented in September 2007. It transferred the responsibility for the licensing of gambling premises from Magistrates to local authorities and introduced for the first time, a unified regulator for gambling, the Gambling Commission, replacing the Gaming Board for Great Britain.
3. Under the Act, the Council is responsible for issuing premises licences for premises such as casinos, bingo halls, betting offices, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs and other alcohol licensed premises.
4. The Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Councils perform. These objectives are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way; and
 - protecting children and other vulnerable persons from being harmed or exploited by gambling;
5. Licensing authorities are required to prepare and publish, every three years, a Statement of the Principles that they propose to apply when exercising their functions. In preparing such a statement, licensing authorities must follow the procedure set out in the Act as well as the accompanying guidance. The first statement was published in January 2007, with subsequent statements published in January 2010, January 2013 and January 2016.

Consultation

6. The Statement of Gambling Principles has been produced following a wide consultation process. A draft statement was produced in accordance with the requirements of the guidance, in consultation with all relevant groups and services within the Council and was circulated for public consultation during a 12 week period between 30 July and 19 October 2018.
7. Seven responses to the consultation were received, and the Communities and Place Overview and Scrutiny Committee considered these on 29 October 2018. The Committee gave advice for amendment to the draft statement and guidance to incorporate some of the feedback received from the consultees. Notes from the Communities and Place Overview and Scrutiny Meeting are attached in Appendix 2.

8. The draft statement has been revised in accordance with the advice of the Communities and Place Overview and Scrutiny Committee.
9. An Executive Summary of the Statement of Gambling Principles is attached at Appendix 3.

Alternative Options

10. No alternative options are considered appropriate as the Licensing Authority has a statutory duty under the Gambling Act 2005 to prepare and publish a statement of its principles at this time.

Implications of Recommended Option

11. 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 resources implications from the recommended options.
 - c) **Property Implications** - There are no property implications from the recommended options
12. **Risk Management Implications** - There are no risk management implications from the recommended options.
 13. **Equality and Diversity Implications** - an Equality Impact Assessment Initial Screening pro-forma has been completed and indicates that the policy has a neutral impact.
 14. **Crime and Disorder Implications** – There are no crime and disorder implications from the recommended option.
 15. **Health Implications** – The revised policy recognises that gambling related harm is a public health issue and places expectations on operators of gambling premises in this respect.
 16. **Sustainability Implications** - There are no sustainability implications from the recommended options
 17. **Human Rights Implications** - There are no human rights implications from the recommended options
 18. **Area and Ward Implications** - This report affects all wards equally.
 19. **Background Information**

The following documents have been considered in preparation of the report:

- Gambling Act 2005

- Guidance to Licensing Authorities 5th Edition
Gambling Commission (September 2015, revised 2016)
- Briefing Paper – Gambling related harm as a public health issues
Gambling Commission

GATESHEAD METROPOLITAN BOROUGH COUNCIL
COMMUNITIES AND PLACE OVERVIEW AND SCRUTINY COMMITTEE
MEETING

Monday, 29 October 2018

- PRESENT:** Councillor N Weatherley (Chair)
- Councillor(s): T Graham, D Burnett, B Clelland, S Dickie, K Dodds, A Geddes, F Geddes, H Haran, S Hawkins, H Kelly, J McClurey, K McClurey, J Simpson, J Turnbull and A Wheeler
- IN ATTENDANCE:** Councillor(s): J Adams, M Brain, Councillor M Henry, Councillor L Green, I Patterson
- APOLOGIES:** Councillor(s): M Hood, A Douglas

CPL14 CONSULTATION RESPONSES - STATEMENT OF GAMBLING PRINCIPLES

The Committee received a report on the Consultation Responses which have been received as a result of the consultation on the Statement of Gambling Principles for 2019 – 2022. The Council is required to publish a Statement of Gambling Principles every three years. The Statement sets out Gateshead Council's policy regarding premises and activities licensed or regulated under the Gambling Act 2005.

The Policy was drawn up in consultation with all relevant groups and services within the Council and a widespread public consultation took place between 30 July and 19 October 2018. The views of the Communities and Place Overview and Scrutiny Committee were sought on the responses and proposed amendments as a result of the responses.

The Committee were asked to consider the following

7 responses were received:

1. Councillor Brenda Clelland

Councillor Clelland questioned whether the reference to 'having had high blood pressure', referred to in section 4.1 Prevalence of Gambling and Gambling Harm in Gateshead_was correct;

For consideration:

Gerald Tompkins, Consultant in Public Health, responded as follows – 'Yes, a history of high blood pressure has been identified as a risk factor, and yes I'd agree it does seem odd. However, we also know there are higher rates of smoking and alcohol consumption amongst problem gamblers, both of which are associated with high blood pressure. There is also an issue of problem gambling among those who are economically inactive and it would be no surprise to find higher prevalence of high blood pressure in this group

which includes the long-term sick; and there is of course greater levels of stress in this population, and stress is also linked to hypertension. High blood pressure therefore cuts across a number of the other risk factors.

Nevertheless. I'll look again at the wording of this section, as it might prove a distraction from the focus on other factors.'

Proposed new wording:

Replace:

'Factors associated with problem gambling include:

- being male
- being from Black/Black British, Asian/Asian British or other non-White backgrounds
- having low mental wellbeing
- having ever had high blood pressure.'

with

'The majority of problem gamblers are men, and the groups where the evidence base for vulnerability to gambling harm is strongest include the following:

- ethnic groups
- youth
- people with low IQ
- substance abuse/misuse
- poor mental health.

source: Gambling-related harm as a public health issue: Briefing paper for Local Authorities and local Public Health providers (Gambling Commission, February 2018).'

2. Councillor Neil Weatherley

Councillor Weatherley confirmed that he was content with the changes included in the draft Statement of Principles.

For consideration:

Agree

3. Jazz Chamley, Tyneside Services Manager, Gateshead Evolve

Ms Chamley confirmed that Evolve do not currently provide gambling treatment services in Gateshead therefore it was not possible to comment on the draft Statement of Principles

For consideration:

Not applicable

4. Rob Burkitt, Lead – Shared Regulation and Better Regulation, Gambling Commission

Rob Burkitt confirmed that he was happy with the changes included in the draft Statement of Principles

For consideration:

Agree

5. Catherine Sweet, Head of Marketing and Communications, Gamcare

Gamcare sent the following generic response to all licensing authorities who consulted with the organisation.

'The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.

- A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/
- Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, are likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.
- A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.
- Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?
- Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.
- Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons

who might be harmed or exploited by gambling.

- Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if they are not legally allowed to do so.

We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact mike.kenward@gamcare.org.uk

For consideration:

Gateshead Council is already committed to mapping risk relating to gambling-related harm and this is reflected in the draft Statement of Principles.

Inspections undertaken of all gambling premises in the borough ensure that local risk assessments, staff training programmes, staffing levels, layout of premises and promotional materials are regularly reviewed.

No further change to the proposed Statement of Principles is necessary in response to this consultation response.

6. Gosschalks Solicitors, on behalf of the Association of British Bookmakers

In addition to a substantial generic response, the Association of British Bookmakers has made the following specific comments:

- Paragraph 4.1 is headed 'Prevalence of Gambling and Gambling Harm in Gateshead' and then indicates that there is no local data currently available on the prevalence of gambling in Gateshead. Instead, this section seeks to extrapolate figures from the Natcen Social Research 'Gambling Behaviour in Great Britain in 2015'. We respectfully submit that if figures are to be extrapolated, they should be extrapolated from more recent figures based on England alone. The Gambling Commission, in association with NHS Digital has published figures (on the Gambling Commission website) from the Health Survey England 2016 and if the national lottery is excluded, that the figure is reduced to 42% of people in England. These figures also show that 0.7% of people in England identified as problem gamblers. On the basis that more recent and more local figures are available, this paragraph should be amended to reflect this.
- Paragraph 4.7 contains a list of 3 bullet points detailing matters that the Licensing Authority expects local risk assessments to consider as a minimum. The second bullet point refers to areas of 'high deprivation'. This bullet point should be deleted. The relative affluence of an area can have no bearing on any risk to the licensing objectives unless the Licensing Authority has pre-determined that persons within the area are automatically vulnerable or more likely to commit crime as a result

of gambling. We are certain that this pre-determination has not been made.

- Paragraph 7.10 requires that licensees have a full understanding of the principles of mental capacity set out in the Mental Capacity Act 2005. This paragraph should be deleted and replaced with a paragraph that requires that gambling operators ensure staff receive training to ensure that those staff are able to recognise behavioural signs of vulnerability.

For consideration

With respect to Paragraph 4.1 replace:

‘This suggests 63% of adults (aged 16+) had gambled in the previous year, or 45% if we exclude the National Lottery – this is equivalent to 75,400 people. The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be problem gamblers. Nationally, it is estimated less than 1% of the population is a problem gambler, and this equates to just over 1000 people locally, most of whom (more than 90%) will be men.’

with

‘This suggests 56% of adults (aged 16+) had gambled in the previous year, or 42% if we exclude the National Lottery draws – this is equivalent to 70,200 people. The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be problem gamblers. Nationally, it is estimated less than 1% of the population is a problem gambler, and this equates to nearly 1200 people locally, most of whom (around 85%) will be men; additionally there will be about 1800 local people who are at moderate risk of gambling-related harm.’

With respect to Paragraph 4.7, ‘areas of high deprivation’ can be removed given the requirement to consider vulnerability, which we should base on the list of risk factors, all of which we can map and which will have distribution very similar to deprivation.

With respect to Paragraph 7.10 it is not felt that the ABB proposal is sufficient and that staff need both an understanding of the risk factors and what they should do if someone is vulnerable. It is recommended that the Statement of Principles is not amended.

7. Tim Briton, Legal and Democratic Services

Tim Briton responded as follows:

The proposed amendments help to update and clarify the Statement of Principles, and are supported by Legal Services.

I note that the Gambling Commission have suggested that the Council does not have the ability to control the number of betting machines in premises or the nature of those machines. This is addressed by section 181(1)(a) of the Act. There are other Councils that also make reference to this power in their

Statements of Principles, eg eg Tamworth, Spelthorne and Leeds. I would propose not making this amendment to the Statement of Principles.’

For consideration

Rob Burkitt, Lead – Shared Regulation and Better Regulation, Gambling Commission has clarified that Section 181(1)(a) of the Gambling Act 2005 allows licensing authorities to limit self-service betting terminals rather than fixed odds betting terminals which are actually Category B gaming machines. On that basis the proposed change to the Statement of Principles should remain.

RESOLVED - That the Committee agreed to the proposals being taken to Cabinet for incorporation into the Statement of Gambling Principles for 2019 – 2022.

Draft Statement of Gambling Principles 2019 - 2022

Executive Summary

Gateshead Council has a statutory duty to prepare publish, every three years, a Statement of the Principles that will be applied when exercising its functions under the Gambling Act 2005.

This Statement of Principles provides information and guidance to applicants, responsible authorities and interested parties on the overall approach that Gateshead Council will take to applications, compliance and enforcement under the Gambling Act 2005.

It sets out what this Licensing Authority expects of the people that it authorises to carry out Gambling activities in the Borough.

The Statement of Principles seeks to achieve the three licensing objectives of the Gambling Act 2005, namely –

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
- ensuring that gambling is conducted in a fair and open way; and
- protecting children and other vulnerable persons from being harmed or exploited by gambling;

and sets out the issues that are of particular relevance or concern within Gateshead and the approaches that the Licensing Authority would expect responsible licensees to take into account in order to promote these objectives.



GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

18 Jan 2019 – 17 Jan 2022

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1 Introduction and Consultation

- 1.1 Gateshead is a constantly changing borough, combining an exciting future with a fascinating heritage. It is, always has been, and probably always will be, an area of contrasts. Half of the borough is rural in comparison with a large urban centre with significant business and residential areas. It includes areas of attractive countryside, areas with a legacy from our industrial past and regeneration and cultural initiatives that have captured the nation's attention. A local economy that was once heavily reliant on industry is now becoming more and more diverse whilst entrepreneurship within the borough is on the increase.
- 1.2 In preparing this statement the Council consulted with and considered the views of a wide range of people and organisations.
- 1.3 The licensing authority has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities (5th edition) issued by the Gambling Commission and the responses from those consulted on the statement.
- 1.4 A full list of comments made in response to the consultation and the consideration by the Council of those comments is available on request to the Trading Standards, Licensing and Enforcement Manager whose details are listed below and also via the Council's website at www.gateshead.gov.uk
- 1.5 The policy was approved at a meeting of the Full Council on (*to be inserted*).

2. Strategic Context

- 2.1 Gateshead Council's 5 year corporate plan agreed in March 2018 includes the following pledges:
 - putting people and families at the heart of everything we do
 - tackling inequality so people have a fair chance
 - supporting our communities to support themselves and each other
 - investing in our economy to provide sustainable opportunities for employment, innovation and growth across the borough
 - working together and fighting for a better future for Gateshead
- 2.2 Gateshead Strategic Partnership's vision for Gateshead as described in Vision 2030 is '*local people realising their full potential, enjoying the best quality of life in a healthy, equal, safe, prosperous and sustainable Gateshead*'. This Statement of Principles plays an important role in realising this vision.

3 Legal Context

- 3.1 This Statement of Principles is intended to meet the Council's obligations under Section 349 of the Gambling Act 2005 (referred to in this Statement as "the Act").
- 3.2 Except for those matters specified in the Act which require the decision of the full Council, the functions of the Licensing Authority under the Gambling Act will be delegated to the Licensing Committee which may delegate some or all of its functions to sub committees and officers.
- 3.3 In carrying out its licensing functions under the Act, particularly with regard to premises licences, the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- in accordance with any relevant Codes of Practice issued by the Gambling Commission
 - in accordance with any relevant Guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives, interpreted in accordance with the Codes of Practice and Guidance and,
 - in accordance with this Statement of Principles in so far as it is consistent with the Codes of Practice, the Guidance and the licensing objectives
- 3.4 There are 3 licensing objectives which are central to the regulatory regime created by the Act. These are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime*
 - ensuring that gambling is conducted in a fair and open way*
 - protecting children and other vulnerable persons from being harmed or exploited by gambling*
- 3.5 The Act provides for 3 categories of licence:
- operating licences
 - personal licences
 - premises licences
- 3.6 The Licensing Authority is responsible for issuing premises licences. The Gambling Commission is responsible for issuing operating and personal licences.

4 Local Context

Prevalence of Gambling and Gambling Harm in Gateshead

- 4.1 No local data is currently available on the prevalence of gambling in Gateshead. However, there is national data¹. This suggests 56% of adults (aged 16+) had gambled in the previous year, or 42% if we exclude the National Lottery draws – this is equivalent to 70,200 people. The great majority of these will be non-problem or low-risk gamblers, but a small proportion will be at moderate risk or be problem gamblers. Nationally, it is estimated that up to 1% of the population is a problem gambler, and this could equate to up to 1200 people locally, most of whom (around 85%) will be men; additionally there could be about 1800 local people who are at moderate risk of gambling-related harm.

The majority of problem gamblers are men, and the groups where the evidence base for vulnerability to gambling harm is strongest include the following:

- some ethnic groups
- youth
- substance abuse/misuse
- poor mental health

[source: Gambling-related harm as a public health issue: Briefing paper for Local Authorities and local Public Health providers (Gambling Commission, February 2018)]

- 4.2 Gateshead Council acknowledges that problem gamblers are more likely than other people to experience the following harms:
- **financial harms:** overdue utility bills; borrowing from family friends and loan sharks; debts; pawning or selling possessions; eviction or repossession; defaults; committing illegal acts like fraud, theft, embezzlement to finance gambling; bankruptcy etc
 - **family harms:** preoccupied with gambling so normal family life becomes difficult; increased arguments over money and debts; emotional and physical abuse, neglect and violence towards spouse /partner and/or children; relationship problems and separation/divorce
 - **health harms:** low self esteem; stress-related disorders; anxious, worried or mood swings; poor sleep and appetite; substance misuse; depression, suicidal ideas and attempts; etc
 - **school/college/work harms:** poor school, college or work performance; increased absenteeism; expulsion dismissal

¹ Health Survey England 2016

- 4.3 Gateshead Council is committed to developing an improved understanding of the prevalence of gambling and gambling harm in the borough so that applicants, licensees and Members of the Licensing Committee have access to the best information available. The outcome of research projects and best practice from across the UK will be considered as it becomes available and adopted as a means of gathering and presenting relevant data where appropriate.

Local Licensing Guidance

- 4.4 In addition to having an understanding of the prevalence of gambling and gambling harm in Gateshead, it is important for applicants and licensees to have an understanding of the different localities within the Borough, their different characters and challenges, both of which can change over time depending on a range of factors. From time to time the Council may therefore publish and update local licensing guidance documents on its website. The Council will draw on the expertise and knowledge of all those who can contribute to the development of this guidance.
- 4.5 This guidance will seek to include a wide range of information that is relevant to those who seek to and currently carry on licensable activities within an area, for instance –
- the physical environment (including the proximity of sensitive premises)
 - existing licensed premises
 - relevant health data
 - crime and/or disorder hotspots
 - known areas of congregation
 - local initiatives
 - local concerns about the promotion of the licensing objectives (including from Ward Members, community leaders, GPs, schools, etc)
- 4.6 The local licensing guidance will be presented to the Council's Licensing Committee from time to time.
- 4.7 The Council will expect that applicants and licensees have regard to the local licensing guidance when considering their activities and any appropriate control measures.

Local Risk Assessments

- 4.8 It is a requirement under section 10 of the Licence Conditions and Codes of Practice (LCCP) that licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy. The LCCP also states that licensees must review (and update as necessary) their local risk assessments –
- To take account of significant changes in local circumstances, including those identified in this policy
 - When there are significant changes at a licensee’s premises that may affect their mitigation of local risks
 - When applying for a variation of a premises licence; and
 - In any case, undertake a local risk assessment when applying for a new premises licence.
- 4.9 The licensing authority will expect the local risk assessment to consider as a minimum –
- Whether the premises is in an area with high levels of crime and/or disorder
 - The demographics of the area in respect of vulnerable groups of people including those with gambling dependencies
- 4.10 The risk assessment may also include:
- Location of services and amenities for children in the area such as schools, playgrounds, leisure facilities and other areas where children may gather
 - Procedures in place to ensure staff are adequately trained in how to monitor and deal with customers suspected of excessive gambling (including brief intervention training for staff), vulnerable persons or children and also details and regularity of training given
 - Details of supervisory and management procedures in place including number of staff available and their designated duties and responsibilities
 - Details of any consideration given to the need for CCTV in the premises and if installed how the system will be operated and

monitored and what coverage it is designed to give in the premises

- Details of the signage and documents relating to games rules, gambling care providers and other relevant information including a consideration of whether information needs to be provided in another language that may be prevalent in the locality.

4.11 Such information may be used to inform the decision the Authority makes about whether to grant a licence, to grant a licence with added conditions, or to refuse the application.

4.12 It is expected that the risk assessment will be made available to officers upon inspection of the premises.

Gateshead Community Safety Board

4.13 Gateshead has a Community Safety Board where partners work together to tackle issues associated with crime and disorder, devising local approaches to deal with these issues, including any in respect of gambling. The Community Safety Board will engage with those carrying out gambling activities where any such issues arise.

5 The Gambling Commission

5.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted fairly and openly; and by protecting children and vulnerable people.

5.2 The Commission provides independent advice to the government about the manner in which gambling is carried out, the effects of gambling, and the regulation of gambling generally.

5.3 The Commission has issued Guidance under Section 25 regarding the manner in which local authorities exercise their licensing functions under the Act and, in particular, the principles to be applied by local authorities.

5.4 The Commission also issues codes of practice under Section 24 of the Act about the manner in which facilities for gambling are provided.

5.5 The Gambling Commission can be contacted at:
www.gamblingcommission.gov.uk

6 Authorised Activities

6.1 'Gambling' is defined in the Act as either gaming, betting, or taking part in a lottery.

- 6.2 'Gaming' means playing a game of chance for a prize
- 6.3 'Betting' means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
- 6.4 a 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance
- 6.5 The Licensing Authority is responsible for:
- issuing of premises licences where gambling activities are to take place by issuing Premises licences;
 - issuing Provisional Statements;
 - regulating members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits;
 - issuing Club Machine Permits to Commercial Clubs;
 - granting permits for the use of specific lower stake gaming machines at unlicensed Family Entertainment Centres;
 - receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines; issuing Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003 where there are more than two machines;
 - registering small society lotteries below prescribed thresholds;
 - issuing Prize Gaming Permits;
 - receiving and endorsing Temporary Use Notices;
 - receiving Occasional Use Notices;
 - providing information to the Gambling Commission regarding details of licenses issued; and
 - maintaining registers of the permits and licences that are issued under these functions.

Spread betting is regulated by The Financial Services Authority, the National Lottery is regulated by The National Lottery Commission and Remote Gambling is dealt with by the Gambling Commission.

7 General Statement of Principles

- 7.1 This statement of principles provides information and guidance to applicants, responsible authorities and interested parties on the overall approach that Gateshead Council will take to applications, compliance and enforcement under the Gambling Act 2005.

- 7.2 The Licensing Authority will not seek to use the Act to resolve matters more readily dealt with under other legislation. To ensure the licensing objectives are met the Licensing Authority will establish a close working relationship with the Police and other responsible authorities and the Gambling Commission and make every effort to work in co-operation and partnership with local businesses and residents.
- 7.3 Nothing in this Statement of Principles will undermine the right of any person to apply under the Act for a permission and have the application considered in its own merits, or, override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 7.4 The starting point in determining applications will be to grant the application with only mandatory and default conditions so long as this can be achieved in a manner which is:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - consistent with the licensing objectives
 - in accordance with this Statement of Principles

and that additional conditions will only be imposed where it is considered that the mandatory and default conditions need to be supplemented in order to uphold the licensing objectives.

- 7.5 Moral objections to gambling are not a valid reason to reject applications for premises licences.
- 7.6 The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. The licensing authority will consider in the light of relevant representations whether exceptions should be made in any particular case.
- 7.7 This statement of principles is shaped by the local circumstances and the local risks present in Gateshead. It will remain responsive to emerging risks and may be reviewed at any time but at least every three years.
- 7.8 This statement places an expectation on operators to understand the local environment in Gateshead and reflect that awareness in their procedures and policies so that they can mitigate any local risks which may undermine the licensing objectives.
- 7.9 In all cases, it is expected that licensees will ensure that there are adequate numbers of staff at premises to uphold licensing objectives. It is also expected that all licensees will have adequate means for keeping

records of incidents that may undermine the licensing objectives; and that any such incidents will be reported to the relevant authority.

- 7.10 Licensees are expected to have a full understanding the principles of mental capacity set out in the Mental Capacity Act 2005, and to act according to those principles.

8 Licensing Objective: Preventing gambling from being a source of crime or disorder

- 8.1 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and maintains rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling.
- 8.2 Anyone applying to the Licensing Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore, the Licensing Authority will not generally be concerned with the suitability of an applicant and where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission.
- 8.3 If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with crime, the Licensing Authority will, in consultation with the police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. If representations are made or the Authority considers it necessary to impose or exclude a condition on the licence then a hearing will be held and specific conditions may then be imposed. This could include, but is not limited to, a requirement for door supervisors.
- 8.4 As far as disorder is concerned, it should be noted that nuisance is not a relevant consideration. There are already powers in existing anti-social behaviour and licensing legislation to deal with measures designed to prevent nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Licensing Authority does not therefore intend to use the Act to deal with general nuisance issues, for example, parking problems, which can be dealt by other means.
- 8.5 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance, and it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it. Another factor which could be taken into account is how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

8.6 When making decisions in this regard the Licensing Authority will give particular weight to any representations made by the police.

9 Licensing Objective: Ensuring gambling is conducted in a fair and open way

9.1 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the operating and personal licensing regime.

9.2 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances require conditions of licence relating to the suitability of the environment in which betting takes place.

10 Licensing Objective: Protecting children and other vulnerable people from being harmed or exploited by gambling

10.1 The intention of the Act is that children and young persons generally should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.

10.2 In practice, where either a representation has been made, or the Licensing Authority has decided to make a representation because it wishes to see such restrictions imposed, or is minded to impose or exclude a condition, steps will be taken to prevent children from taking part in, or being in close proximity to, gambling, especially with regard to premises situated in areas where there may be a high rate of reported truancy.

10.3 There may also be restrictions so that gambling products are not aimed at children or displayed in such a way that makes them particularly attractive to children.

10.4 When considering whether to grant a premises licence or permit following the receipt of a representation, the Licensing Authority will consider whether any measures are necessary to protect children or vulnerable people, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.

10.5 Applicants seeking premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate

- 10.6 In seeking to protect vulnerable people the Licensing Authority will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to intellectual disability, an addiction or mental ill health.
- 10.7 In seeking to protect children and other vulnerable people from being harmed or exploited by gambling, the licensing authority considers gambling related harm to include a consideration of the potential harm or neglect caused to them by family members and carers who are problem gamblers.
- 10.7 The Licensing Authority recognises that financial abuse is a category of abuse under the Care Act 2014, and expects licensees to understand the need to protect those who are at risk of such abuse through their activities. Gateshead Council's Safeguarding Adults team work closely with Northumbria Police where appropriate to assist in the safeguarding of such individuals.
- 10.8 The Licensing Authority will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance its considerations against the overall principle of aiming to permit the use of premises for gambling.

11 Meeting the licensing objectives

- 11.1 The following list sets out some of the measures that applicants may wish to put in place and which existing licensees may wish to keep under review in respect of their premises. It is not intended to be exhaustive, or mandatory, but applicants are expected to carefully consider the measures that will be appropriate to their individual application in order to promote the licensing objectives.
- CCTV;
 - location of entrance;
 - physical security measures on the premises;
 - supervision of entrances/machine areas;
 - physical separation of areas;
 - notices and signage displayed externally stating access to the premises is restricted to persons 18 years of age and over;
 - notices displayed internally stating use of gaming machines is restricted to persons 18 years of age and over;
 - notice specifying opening hours;

- display of posters and information leaflets for organisations set up to assist people wishing to seek help and advice regarding gambling related issues such as GamCare.
- Consideration of the layout of exterior areas to deter the congregation of young people

11.2 Further considerations in respect of the conduct of the licensable activities are set out in paragraph 26.2 below.

12 Premises Licences

12.1 A premises licence can authorise the provision of facilities at the following :

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

12.2 Premises can be 'any place' but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are different parts of the building and those parts can be genuinely regarded as being separate 'premises'.

Where the owner of premises intends to apply to the licensing authority for more than one premises licence within the same building they should contact this licensing authority in the first instance so that individual circumstances can be considered. The location of the premises and the suitability of the division will be important considerations.

Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. It is not considered that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.

12.3 Where the Licensing Authority has concerns about the use of premises for gambling these will generally be addressed through licence conditions.

12.4 Other than an application for a betting premises licence in respect of a track, the Licensing Authority is not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

- 12.5 When considering applications for premises licences this Licensing Authority will not take into consideration either the expected 'demand' for facilities or the likelihood of planning permission being granted.
- 12.6 The Licensing Authority will maintain a register of premises licences issued and will ensure that the register is open for public inspection at all reasonable times.
- 12.7 A licence to use premises for gambling will only be issued where this licensing authority is satisfied that the premises in question are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If this is not the case eg if construction is not yet complete, or if they need an alteration, or if the applicant does not yet have a right to occupy them, then the person can apply to the licensing authority for a provisional statement. (See the section headed "Provisional Statements" below).

13 Responsible Authorities

- 13.1 These are generally public bodies that must be notified of all applications and who are entitled to make representations to the Licensing Authority if they are relevant to the licensing objectives.
- 13.2 Section 157 of the Act defines those authorities as:
- The licensing authority in whose area the premises is situated
 - The Gambling Commission
 - The Chief Officer of Police for a police area in which the premises is situated
 - The Fire and Rescue Authority for an area in which the premises is situated
 - The local planning authority for an area in which the premises is situated
 - The authority which has functions in respect of minimising or preventing the risk of pollution of the environment or of harm to human health in an area in which the premises is situated ie the Environmental Health Authority
 - The body, designated in writing by the Licensing Authority for an area in which the premises is situated, as competent to advise the authority about the protection of children from harm
 - Her Majesty's Revenue and Customs
 - Any other person prescribed for the purposes of this section by regulations made by the Secretary of State
- 13.3 The principles that the licensing authority has applied in exercising its powers under Section 157(h) of the Act to designate in writing, a body which is competent to advise the authority about the protection of children from harm are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons rather than any particular vested interest group
- 13.4 In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this Authority designates the Local Safeguarding Children Board for this purpose.
- 13.5 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.gateshead.gov.uk
- 13.6 Any concerns expressed by a responsible authority in relation to their own functions cannot be taken into account unless they are relevant to the application itself and the licensing objectives. In this regard the Licensing Authority may disregard representations that it thinks are irrelevant i.e.
- there are too many gambling premises in the locality
 - the premises are likely to be a fire risk
 - the location of the premises is likely to lead to traffic congestion
 - the premises will cause crowds to congregate in one area causing noise and nuisance
- 13.7 Each representation will, however, be considered on its own individual merits.

14 Interested Parties

- 14.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence.
- 14.2 An interested party is someone who:
- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
 - has business interests that might be affected by the authorised activities, or
 - represents persons in either of the two groups above
- 14.3 In determining whether someone lives sufficiently close to a particular premises so as to be affected, the Licensing Authority will take into account, among other things:
- the size of the premises
 - the nature of the premises

- the distance of the premises from the person making the representation
- the potential impact of the premises

14.4 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:

- the size of the premises
- the nature of the premises
- the catchment area of the premises, and
- whether the person making the representation has business interests in the catchment area that might be affected

14.5 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area the Licensing Authority would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

14.6 Interested parties (and applicants/licensees) are entitled to be represented at hearings. Ward members, residents associations and community partnerships are able to make representation on behalf of interested parties if they clearly specify the individual or group of persons that they are representing and demonstrate that the individual or group of individuals falls within the definition of an “interested party” as above.

14.7 The Licensing Authority may, in certain circumstances, disregard a representation if it thinks it is frivolous or vexatious or that it will certainly not influence the authority’s determination of the application. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision the Licensing Authority will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises a ‘relevant’ issue or not, or
- whether it raises issues specifically to do with the premises which are the subject of the application

15 Conditions of licence

15.1 The Authority may impose conditions or exclude conditions on a premises licence under s169 of the Act if it considers it necessary to do so. Such decisions will normally follow a hearing of the relevant application after representations have been received or the authority has notified the applicant that it is minded to impose or exclude such conditions. All parties may agree that a hearing is not necessary.

15.2 Conditions imposed by the Licensing Authority may be general in nature by applying to all licences, or those of a particular type, or they may be

specific to a particular licence. Additional conditions will only be imposed where it is considered that the mandatory and default conditions need to be supplemented in order to uphold the licensing objectives.

- 15.3 The Licensing Authority will not impose conditions that limit the use of premises for gambling unless it is deemed to be necessary as a result of the requirement to act in accordance with the Gambling Commission's guidance, any codes of practice issued by the Commission, this Statement of Principles or in a way that is reasonably consistent with the licensing objectives.
- 15.4 Any conditions imposed by the Licensing Authority will be proportionate to the circumstances they are intended to address. In particular, the Licensing Authority will ensure that any conditions are:
- relevant to the need to make the premises suitable as a gambling facility
 - directly related to the premises and the type of licence applied for
 - fairly and reasonably related to the scale and type of premises
 - reasonable in all other respects
- 15.5 Examples of some conditions and restrictions which are likely to be attached in certain circumstances include those relating to opening hours, age limits, or keeping children and other vulnerable people away from gaming machines.
- 15.6 The Licensing Authority will not consider imposing conditions:
- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission
 - relating to gaming machine categories or method of operation
 - which specify that membership of a club or other body is required
 - in relation to stakes, fees, winnings or prizes
- 15.7 Duplication with other statutory or regulatory regimes will be avoided as far as possible. Each case will be assessed on its own individual merits.

16 Casinos

- 16.1 There are no casinos in Gateshead and in order for there to be any there would need to be a change in National legislation. If that should happen during the currency of this Statement of Principles a further amendment will be issued.

17 Bingo

- 17.1 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.

- 17.2 Commercial bingo halls will require a bingo premises licence from the Licensing Authority.
- 17.3 Amusement arcades providing prize bingo will require a prize gaming permit from the Licensing Authority.
- 17.4 In each of the above cases it is important that where children are allowed to enter premises licensed for bingo, in whatever form, they are not allowed to participate in any bingo game. When considering applications of this type the Licensing Authority will therefore take into account, among other things, the location of the games or machines, access to those areas, general supervision of the premises and the display of appropriate notices.
- 17.5 A limited number of gaming machines may also be made available at bingo-licensed premises.
- 17.6 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.

18 Betting

- 18.1 Anyone wishing to operate a betting office will require a betting premises licence from the Licensing Authority. Children and young persons will not be able to enter premises with a betting premises licence.
- 18.2 Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 18.3 Each application will be considered on its own individual merits.

19 Tracks

- 19.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 19.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Licensing Authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.

19.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.

19.4 When considering whether to exercise its power to restrict the number of betting machines at a track the Licensing Authority will consider the circumstances of each individual application and, among other things will consider the potential space for the number of machines requested, the ability of track staff to supervise the machines, especially if they are scattered around the site, and the ability of the track operator to prevent children and young persons and vulnerable people betting on the machines.

20 Travelling Fairs

20.1 The Gambling Act defines a travelling fair as wholly or principally providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.

20.2 Gateshead Council as a licensing authority is responsible for deciding whether, where gaming machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

20.3 It is noted that the 27 day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

21 Provisional Statements

21.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

21.2 The Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she expects to be constructed or altered, or to acquire a right to occupy.

21.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is

obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

- 21.4 However, in contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 21.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.
- 21.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances ; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

22 Lotteries

- 22.1 Promoting or facilitating a lottery is unlawful unless it is run in accordance with an operating licence issued by the Gambling Commission or it is an 'exempt' lottery as defined by the Act.
- 22.2 One of those exemptions is in respect of what are termed "small societies lotteries" and the Licensing Authority is responsible for registering these 'small' lotteries.
- 22.3 A society will be allowed to register with the Licensing Authority if it is a 'non-commercial' lottery, in other words, it is established and conducted:
- for charitable purposes ;

- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity ; or
- for any other non-commercial purpose other than for private gain.

22.4 The society must have been established for one of the permitted purposes and the proceeds of any lottery must be devoted to those purposes.

22.5 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority.

22.6 Societies wishing to run a small society lottery should complete the prescribed form that is available from the Licensing Authority, and return it to the Licensing Authority together with the relevant fee. The applicant will then be notified when the application has been registered.

22.7 The Licensing Authority will maintain a register of small societies lotteries that it has registered and will notify the Gambling Commission as soon as practicable of certain prescribed information about the society and the lottery.

23 Temporary Use Notices

23.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Suitable premises might include hotels, conference centres and sporting venues.

23.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence.

23.3 At the time of writing, relevant regulations made under the Gambling Act 2005 state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner eg poker tournaments.

23.4 A set of premises cannot be the subject of temporary use notification for more than 21 days in a period of 12 months. This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises eg an exhibition centre with several exhibition halls.

24 Occasional Use Notices

24.1 Occasional use notices provide permission for betting on a track on eight days or less in a calendar year without the need for a full premises licence.

24.2 Persons wishing to make use of the occasional use notice procedure should complete the appropriate form and return it to the Licensing Authority and the police.

24.3 This licensing authority will ensure that the statutory limit of eight days in a calendar year is not exceeded and will keep a record of the number of notices served in relation to each track.

GAMING AND GAMING MACHINE PERMITS

25 Introduction

25.1 A gaming machine can cover all types of gambling activity that can take place on a machine, including betting on 'virtual' events.

25.2 The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

25.3 Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including:

- casinos
- bingo premises
- betting premises, (including tracks)
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player's skill. However, any element of 'chance' imparted by the action of the machine would cause it to be a gaming machine.

The Licensing Authority will, where appropriate, seek to encourage permit and premises licence holders to adopt any codes of practice that may be introduced by the amusement industry from time to time.

As part of Gateshead Council's licensing function under the Gambling Act 2005 the licensing authority has responsibility for the issue of permits for licensed premises and club gaming machines, club gaming, gaming machines in unlicensed Family Entertainment Centres ("FECs") and for prize gaming.

Licensed premises, clubs and FECs are unlike other types of gambling premises in that gambling is not necessarily the main focus of the business or the main reason why people patronise the premises. For

this reason, it is considered appropriate for this Statement of Principles to set out more detail about the principles and expectations of applicants in respect of the issue of permits.

This section relates to the exercise of the Licensing Authority's functions in respect of FEC permits, licensed premises gaming machine permits ("LP") and prize gaming permits (together referred to as "Permits") and is intended to enable persons who are considering making an application to the Licensing Authority for a Permit to understand the measures that the Licensing Authority will expect applicants to have addressed when making an application. These measures will be applied by the Licensing Authority in determining whether an application for a Permit should be granted.

26 General principles

26.1 Where the Licensing Authority receives an application for a Permit, in order for the application to be duly considered the Authority should receive the following –

- (1) The prescribed application notice completed in full clearly and legibly
- (2) The prescribed fee
- (3) Proof of the applicant's identity (and where the applicant is an individual, his / her age)
- (4) Proof of the applicant's right to occupy the premises for which the Permit is sought
- (5) (Where the applicant is an individual) a basic criminal record check no more than three calendar months old
- (6) Insurance certificate (or a certified copy duly stamped and signed by a solicitor / commissioner for oaths or notary public) confirming the availability of public liability insurance covering the proposed activity
- (7) A standard scale plan of the premises for which the Permit is sought showing –
 - (a) the boundary of the premises including any internal and external walls, entrances, exits, doorways and windows, and indicating the points of access available to the public
 - (b) the location of any fixed or temporary structures in the premises, including columns, stages, balconies and stairs

- (c) the location of any counters, booths, offices or other locations from which staff may monitor the activities of persons on the premises
- (d) the location of any public toilets within the boundary of the premises
- (e) the location of fire extinguishers and smoke detectors
- (f) the location of any ATM machines or other cash machines or change machines or other facilities by which persons may obtain monies to participate in the activities to be permitted under the Permit
- (g) the proposed location of the machines for which the Permit is sought, and any other gaming machines, specifying the nature of each machine
- (h) the location of any prize gaming paraphernalia including tables, seats, screens and prizes

26.2 The Licensing Authority will also expect the applicant to demonstrate effective policy and procedure for the protection of children and other vulnerable people from being harmed or exploited by gambling.

Applicants may wish to address the following issues, which are not an exhaustive list, and which may be more or less relevant depending on individual circumstances –

- (1) training for staff to seek appropriate proof of age and identity
- (2) maintenance of contact details for local schools, education authorities and the Gateshead Safeguarding Adults Board.
- (3) policy and procedure for liaison with appropriate responsible bodies including Northumbria Police, Tyne & Wear Fire and Rescue Service, and local community representatives and Neighbourhood Watch / Pubwatch
- (4) maintenance of records of local school term times
- (5) training in the reporting of truant children to appropriate bodies
- (6) training in dealing with the problems associated with the attendance or attempted attendance of truant children
- (7) policy and procedure to address any problems that may arise from increased numbers of children during non-term time, including to ensure that sufficient competent staff are on duty

- (8) maintenance of a register of incidents including refusals, attendance of truant children, excessive gambling by children and other vulnerable people, and anti-social behaviour, and training to be able to identify such incidents
- (9) policy and procedure to address such incidents including referral to management, consideration of response to patterns of incidents, and reporting incidents to relevant bodies
- (10) policy and procedure for the display of appropriate signage in relation to bodies offering assistance and advice, for instance GamCare and Child Line
- (11) training to ensure that all young children are accompanied by a responsible adult
- (12) policy and procedure to deal with attendance by unaccompanied young children
- (13) policy and procedure to regularly obtain enhanced criminal record checks for all staff working in the proximity of children
- (14) maintenance of staffing records including the names, dates of birth, National Insurance numbers and current addresses of all persons working in the proximity of children, and recording who is on duty at all times when the premises are open to the public
- (15) Training of staff to recognise vulnerability to gambling harm

Not all of these issues will be relevant to all premises; however this list is intended to be indicative of the issues gambling operators may need to consider. Equally, there may be issues that are relevant to particular premises that are not referred to above.

27 Family Entertainment Centre Gaming Machine Permits

- 27.1 FECs that require permits are defined in the Act as premises that are permitted to provide Category D gaming machines, but which do not have a Family Entertainment Centre Premises Licence.
- 27.2 The fact that a family entertainment centre is 'unlicensed' does not mean that it is unregulated. Rather, a premises licence is not required to operate as a FEC. Such FECs still require permits in order to provide Category D gaming machines.
- 27.3 Any premises wishing to provide any gaming machines outside Category D cannot qualify for a FEC Permit.

27.4 FECs will generally cater for families, including unaccompanied children and young people. Within the Borough it is anticipated that UFECs will generally be located at transport service centres, however this does not preclude FECs being located in other areas, and each application will be dealt with on its own merits.

27.5 The Licensing Authority will only grant a permit to a FEC where it is satisfied that the premises will be operated as a bona fide FEC.

In addition to the documents set out above, it is this Licensing Authority's policy that applicants for a FEC permit must provide the Licensing Authority with evidence that the machines that are to be provided under the permit are to be supplied by a person holding a valid Gaming Machine Technical Operating Licence issued by the Gambling Commission.

27.6 Where the Licensing Authority receives an application for a FEC permit, it will either be approved or refused by a Licensing Officer having due consideration to the relevant circumstances.

27.7 The Licensing Authority will only grant an application following consultation with the Chief Officer of Police for the area in which the premises are situated, and will take into account any representations made.

27.8 As above, if an application is refused then the applicant may request that decision to be reviewed at a hearing by the Sub Committee.

28 Prize Gaming Permits

28.1 The Act defines 'prize gaming' as gaming where the nature and size of the prize that can be won is not determined by –

- the number of people participating in the gaming or
- the amount of money paid to participate or amount of money raised by the gaming.

28.2 For instance, 'prize gaming' may include bingo where participants pay a fixed amount to have the opportunity to win a fixed prize (regardless of the number of other participants); however this would not constitute 'prize gaming' if the size of the prize varied depending on how many people participated in that particular game.

28.3 A prize gaming permit will authorise the provision of facilities for prize gaming at specified premises.

28.4 The Act requires prize gaming providers to comply with the following –

- Limits on participation fees as set by Regulations from time to time;

- All chances to participate in the gaming must be acquired or allocated on the day and in the place which the gaming is taking place;
 - The game must be played entirely on that day;
 - The result of the game must be made public in the premises as soon as reasonably practicable and in any event on the day that the game is played;
 - The prize for which the game is played must not exceed the prescribed amount (if a monetary prize) or prescribed value (if a non-monetary prize) set out in Regulations from time to time; and
 - Participation in the gaming must not entitle the participant to take part in any other gambling.
- 28.5 Where the Licensing Authority receives an application for a prize gaming permit, it will either be approved or refused by a Licensing Officer having due consideration to the relevant circumstances.
- 28.6 The Licensing Authority will only grant an application following consultation with the Chief Officer of Police for the area in which the premises are situated, and will take into account any representations made.
- 28.7 As above, if an application is refused then the applicant may request that decision to be reviewed at a hearing by the Sub Committee.

29 Licensed Premises Gaming Machine Permits

- 29.1 Premises licensed under the Licensing Act 2003 for on-premises sale of alcohol (not being Clubs as referred to in section 29 below) are entitled to provide equal chance gaming and gaming machines subject to certain conditions as follows –

Gaming machines

- 29.2 LPs are automatically entitled to operate two Category C / D machines. *Gaming machines are considered to be ‘adult entertainment’ for the purposes of the Licensing Act. This automatic entitlement under the Gambling Act does not exempt permit holders from their requirement to set out in their operating schedule under the Licensing Act that they intend to provide ‘adult entertainment’ at the premises.*

- 29.3 The Act does not limit the number of machines that LPs may have under gaming machine permits, however it is this Licensing Authority's policy that generally the number of machines that a LP is automatically entitled to should be sufficient. This does not preclude further machines being permitted where it is considered appropriate; particular consideration will be given to whether operators are complying with the Gambling Commission Code of Practice in terms of supervision; *however it is the general view of this Licensing Authority that there should be no more than four such machines in operation on LPs.* Each case will be determined on its merits.
- 29.4 There are no requirements for such permits to be renewed, as they are of indefinite duration. The permit will continue as long as it the premises licence remains in existence, the premises licence holder continues to hold the licence, and the permit has not been surrendered, cancelled or forfeited.
- 29.5 Permits are not transferable. If the premises licence holder changes then the new licence holder must apply for a new permit.
- 29.6 Where the Licensing Authority receives an application for a gaming machine permit from premises licensed under the Licensing Act 2003, it will either be approved or refused by a Licensing Officer having due consideration to the relevant circumstances.
- 29.7 Applicants and permit holders should be aware of the Gambling Commission's Code of Practice for Gaming Machines in Clubs and Premises with an Alcohol Licence issued in August 2014. It is expected that they will comply with the provisions of the Code, and this will be monitored through inspections and test purchasing as appropriate.
- 29.8 As above, if an application is refused then the applicant may request that decision to be reviewed at a hearing by the Sub Committee.

Exemption - Equal chance gaming

- 29.8 LPs may provide equal chance gaming where the following conditions are satisfied –
- the limits on the prizes and amounts staked that are prescribed by the Secretary of State must be adhered to;
 - there must be no fee charged to participate in the gaming, nor any monies taken from the monies staked or won;
 - children and young people must not be permitted to participate in the gaming; and
 - any game played at one pub must not be linked to a game played at any other pub.

- 29.9 This is not an absolute entitlement – it may be lost if high turnover bingo is played during a high turnover period. This means that if during a period of seven days the combined total of stakes or prizes for bingo played at the LP is more than an amount prescribed by the Secretary of State (currently £2,000), a ‘high turnover period’ is deemed to have begun from the start of that seven day period. If, during that high turnover period, the combined total of stakes or prizes for bingo played at the LP exceeds the prescribed amount again, then ‘high turnover bingo’ is deemed to have taken place, and the entitlement is lost.
- 29.10 If this happens and the LP fails to notify the Gambling Commission then an offence under the Act is committed.
- 29.11 Also, the Licensing Authority may withdraw the entitlement of a LP to hold equal chance gaming if it is considered that –
- an offence under the Act has been committed at the LP (for instance as above);
 - the LP is (or will be) solely or mainly used for gaming;
 - if equal chance gaming is permitted to be held it would be inconsistent with the licensing objectives as above; or
 - gaming has taken place in breach of a condition of section 284 of the Act.
- 29.12 Where this is the case, the Licensing Authority may remove the LP’s entitlement to provide equal chance gaming. However, the Licensing Authority will only do so where it has given the premises licence holder at least 21 days notice of its intention to consider doing so. The Licensing Authority will take into account any representations made by the premises licence holder in making its determination. If the Licensing Officer determines that this entitlement to provide equal chance gaming should be removed, the applicant may request that the matter be considered at a hearing by the Sub Committee.
- 29.13 If an order is made by the Licensing Authority preventing equal chance gaming from being provided, that order will be provided to the premises licence holder with the Licensing Authority’s reasons for reaching that decision. The order may be appealed to the Magistrates Court within 21 days of receipt of notification of the decision.

30 Clubs - Gaming and Gaming Machine Permits

- 30.1 Members Clubs and Miners’ Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming permit. The Club Gaming permit will enable the premises to provide gaming machines, equal chance gaming machines and games of chance.

30.2 Members Clubs, Miners' Welfare Institutes *and* Commercial Clubs may apply for a Club Machine permit. A Club Machine permit will enable the premises to provide gaming machines.

30.3 This licensing authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or Police.

31 Exchange of information

31.1 Subject to the provisions of the Data Protection Act 1998 the Licensing Authority will share any information it receives, through the application process with the Gambling Commission and other persons or bodies with functions under the Act as set out in Schedule 6. In doing so the Licensing Authority will have regard to the Act itself, any guidance issued by the Commission from time to time and any Regulations issued by the Secretary of State.

32 Public register

32.1 The Licensing Authority keeps a public register which lists all small society lotteries, adult gaming centre licensed premises, betting premises, bingo premises, clubs with machine permits, licensed premises with gaming machine permits, and notifications of intent received by the Licensing Authority. This register can be accessed online via Gateshead Council's website.

33 Enforcement

33.1 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises.

33.2 In general, the Gambling Commission will take the lead role on the investigation and, where appropriate, the prosecution of illegal gambling and is the enforcement body for operating and personal licences.

- 33.3 The Licensing Authority will work with the Commission, the police and other enforcing authorities to provide for the targeting of agreed problem or high-risk premises. A lighter touch will be applied to those premises that are shown to be well managed and maintained.
- 33.4 The overall aim is to permit the use of premises for gambling. With that in mind it is intended that action will generally be taken against 'problem' premises through the review process.
- 33.5 Licensees should be aware that this Authority will monitor compliance. This may include test purchasing and inspections as appropriate to evaluate the effectiveness of control measures.
- 33.6 In cases where more formal action is considered to be appropriate, the key principles of consistency, transparency and proportionality will be observed in accordance with the Gambling Commission's Guidance to Licensing Authorities and the Development and Public Protection Policy Enforcement Policy which can be found on the Council website at www.gateshead.gov.uk.

Statutory Regulators Code

- 33.7 This Authority will have regard to the Statutory Regulators Code which came into force in April 2014. We support the principle of better regulation to promote efficient, proportionate and effective approaches to enforcement and inspection that improve regulatory outcomes without imposing unnecessary burdens on business. This Authority acknowledges the Primary Authority Scheme. This scheme allows businesses to be involved in their own regulation. It enables them to form a statutory partnership with one local authority, which then provides robust and reliable advice for other local regulators to take into account when carrying out inspections or addressing noncompliance. Where there is a Primary Authority Arrangement in place between a business operator and a local authority no enforcement action will be taken before consultation with the Primary Authority. Arrangements currently exist between:

- William Hill - City of Westminster
- Ladbrokes Coral Group - Milton Keynes
- Welcome Break - Reading
- Paddy Power - Reading
- MOTO - Reading

Further information on the scheme and an up to date list of arrangements can be accessed at:

<https://primaryauthorityregister.info/par/index.php/home>.

34 Exercise of functions

34.1 The Licensing Authority's licensing functions under the Act will be carried out by the Licensing Committee, supported by a number of sub-committees and by officers acting under the delegated authority of the committee.

34.2 Where there are no areas of contention it is considered that many of the functions will be largely administrative. In the interests of efficiency and effectiveness these will, for the most part, be carried out by officers.

34.3 Where there are relevant representations in respect of an application the matter will be determined by the Licensing Committee or one of its sub-committees, as will any application for the review of a licence.

34.4 The licensing authority, when carrying out its functions with respect to premises licences under the Act shall aim to permit the use of premises for gambling in so far as it thinks it

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Principles.

34.5 The principles that will be applied by this authority in exercising its functions with respect to the inspection of premises and in exercising its powers to institute criminal proceedings in respect of specified offences are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to:

- be proportionate, accountable, consistent, transparent and targeted
- avoid duplication with other regulatory regimes so far as possible

34.6 Under the Gambling Act, certain functions are reserved to the full Council, ie setting of this Statement of Principles, and determining whether or not to have casinos. The full Council will also determine any fees charged by the Council which are not prescribed by the Secretary of State.

34.7 The following applications will be dealt with by officers where there are no representations, and by the Sub Committee if representations are made and not withdrawn:

- application for a premises licence

- application to vary an existing premises licence
- application to transfer a premises licence
- application for a provisional statement
- application for club gaming/club machine permit

34.8 The following matters will be dealt with by the Sub Committee:

- review of premises licence
- cancellation of club gaming/club machine permit
- decision whether to serve counter notice to temporary use notice
- decision whether to disapply sections 279/282(1) for a specified premises holding a licence under the Licensing Act permitting sale/supply of alcohol for consumption on the premises
- refusal to register a small lottery
- revocation of a small lottery registration
- hearing following Licensing Officer's refusal to grant a gaming machine permit / prize gaming permit

All other functions shall be delegated to officers save where they may not be under the Act or the Council's Constitution. Any matter that can be dealt with by Sub Committee or the full Licensing Committee, where it is considered to be appropriate to do so in the individual circumstances.

All applications will be considered with on their own merits.

35 Reviews

35.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Principles.

35.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

35.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any

reason which it thinks is appropriate. The licensing authority may initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

- 35.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority will carry out the review as soon as possible after the 28 day period for making representations has passed.

- 35.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- add, remove or amend a licence condition imposed by the licensing authority;
- exclude a default condition imposed by the Secretary of State (eg opening hours) or remove or amend such an exclusion
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in 33.1 above as well as any relevant representations.

- 35.6 Once the review has been completed, the licensing authority will, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if not the Licensing Authority)
- the Gambling Commission
- any person who made representations
- the chief officer of police
- Her Majesty's Revenue and Customs

- 35.7 To date there have not been any reviews in the Borough.

36 Appeals

- 36.1 Where an applicant, licence holder or person who has made a representation is aggrieved by a decision of the Licensing Authority, there is a right of appeal. In certain circumstances there is also a right for the Gambling Commission to appeal against decisions of the Licensing Authority. The appeal must be lodged with the Magistrates'

Court within 21 days from the date on which the aggrieved person was notified of the Authority's decision. The appeal must be lodged in the Magistrates' Court where the premises are situated.

- 36.2 Generally a decision will not have effect until the time for bringing an appeal has passed, or if an appeal is brought, until it is determined or abandoned. However the Licensing Authority can decide that its decision should have effect immediately, and this will be considered on each occasion having due regard to the individual circumstances and in particular any immediate risk to public safety.

37 Complaints about premises / activities

- 37.1 The Licensing Authority will investigate complaints about licensed premises and activities taking place at unlicensed premises. Where appropriate, complainants will in the first instance be encouraged to raise the complaint directly with the licensee or business concerned. In the case of a valid complaint, the Licensing Authority will initially endeavour to seek resolution through informal means.
- 37.2 All complaints must in the first instance be addressed to the Environmental Health Licensing and Enforcement Manager, Development & Public Protection, Gateshead Council, Civic Centre, Regent Street, Gateshead, Tyne & Wear, NE8 1HH.
- 37.3 The Licensing Authority will only investigate complaints under this Policy where they relate to one or more of the licensing objectives.
- 37.4 Where appropriate, the Licensing Authority may pass any complaint on for investigation by any other statutory agency under whose enforcement responsibility the complaint falls.

38 Fees

- 38.1 The Department of Culture, Media and Sport (DCMS) published the Gambling (Premises Licence Fees) Regulations 2007 on 21 February 2007. The Regulations provide for Licensing Authorities to determine the fees, subject to maximum fees prescribed in the Regulations. The Regulations provide for licensing authorities to determine separate fees for different types of activities associated with licences (eg application for a licence; application to vary a licence etc) and the annual fees payable in respect of a licence. The Regulations also provide for Licensing Authorities to determine separate fees for different classes of premises licence (eg those relating to bingo halls, betting shops etc) prescribing the maximum fees chargeable for each type of gambling premises.
- 38.2 Under Section 212(2)(d) of the Gambling Act 2005, in determining fees, Licensing Authorities must aim to ensure that the income from the fees as nearly as possible equates to the cost of providing the service to

which the fee relates. Fees will include the cost of administration (including hearings and appeals), inspection and enforcement associated with the regime (direct and indirect costs, including a full proportional share of overhead costs, insurance, depreciation and cost of capital charge). The fees are reviewed annually.

- 38.3 The current Gambling Act fees can be found on the Council website at www.gateshead.gov.uk.

39 Contact details

Should you have any comments as regards this policy statement please send them via email or letter to the following contact :

Trading Standards, Licensing and Enforcement Manager
Development, Transport and Public Protection
Gateshead Council
Civic Centre
Regent Street
Gateshead
Tyne & Wear
NE8 1HH

Telephone : 0191 4334741

Email : licensing@gateshead.gov.uk

This Statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so

The Council reserves the right to amend this Statement should it be necessary to do so following Regulations issued by the Secretary of State or further Guidance from the Gambling Commission.

TITLE OF REPORT: Capital Programme and Prudential Indicators 2018/19
 – Second Quarter Review

REPORT OF: Darren Collins, Strategic Director, Corporate Resources

Purpose of the Report

1. This report sets out the latest position on the 2018/19 capital programme and Prudential Indicators at the end of the first quarter to 30 September 2018. The report assesses reasons for the variances from the approved programme and details the proposed financing of the capital programme. In addition, the report considers the impact of CIPFA's Prudential Code on the capital programme and the monitoring of performance against the statutory Prudential Indicators.

Background

2. The original budget for the capital programme for 2018/19, as agreed by Council on 22 February 2018, totalled £102.862m, which was increased to £107.763m at the first quarter review to accommodate brought forward balances. The second quarter review of progress of schemes has resulted in a revised estimate for total capital expenditure of £94.975m.
3. The proposed reduction of the capital programme at the second quarter comprises of the following movements:

	£m
Increased borrowing/external funding/contributions	7.364
Re-profiling of capital expenditure to future years	(19.802)
Reduction of planned expenditure	(0.349)
Total Variance	<u>(12.787)</u>

4. A total of £7.364m increased capital expenditure primarily relates to the following schemes:
 - The final value of the grant to support the development at Follingsby Enterprise Zone is £11.9m, an increase of £3.4m from quarter1. It is anticipated the full grant will be paid to the developer by the end of 2018/19 and all capital financing costs of the scheme will be met by NELEP.
 - An £1.6m increase in relation to the Highrise Energy Infrastructure for Gateshead Housing Tenants (HEIGHTs) and Regent Court energy efficiency and improvement works, due to additional works including asbestos removal and fire safety improvements.
5. Planned investment has been re-profiled to 2019/20 on several schemes, amounting to £19.802m reductions This includes:
 - Basic Need grant funding earmarked to the new Gibside School as the details of the scheme are still to be finalised and approved - £5.2m;
 - Gateshead Quays development, to reflect the revised project timelines - £4.1m;
 - Baltic Quarter Spec Office Build project, as a result of additional approvals required for the final business case - £3.8m;

- Winlaton Assisted Living HRA project. Works have now commenced and the completion dates for all sites are now 2019/20 - £1.6m;
 - Loan to Gateshead Trading Company for Lyndhurst housing scheme to reflect updated cashflows - £0.7m;
 - Eastwood Centre of Excellence project as the scheme details are to be finalised and approved - £0.5m; and
 - Loan to Keelman Homes in relation to the Lyndhurst housing development, now due in 2019/20 when properties are complete - £0.5m
6. The other changes primarily relate to minor amendments to realign the schemes within the programme.

Proposal

7. The report identifies planned capital expenditure of £94.975m for the 2018/19 financial year. The expected resources required to fund the 2018/19 capital programme are as follows:

	£m
Prudential Borrowing	45.895
Projected Capital Receipts	0.500
Capital Grants and Contributions	19.219
Major Repairs Reserve (HRA)	23.633
Right to Buy Receipts (HRA)	5.728
Total Capital Programme	94.975

8. CIPFA's Prudential Code advises the regular monitoring of performance against the prudential indicators which regulate borrowing and investment. Targets and limits for the prudential indicators for 2018/19 were agreed at Council on 22 February 2018 and borrowing and investment levels have remained within these limits.

Recommendations

9. Cabinet is asked to:
- (i) Recommend to Council that all variations to the 2018/19 Capital Programme as detailed in Appendix 2 are agreed as the revised programme.
 - (ii) Recommend to Council the financing of the revised programme.
 - (iii) Confirm to Council that the capital expenditure and capital financing requirement indicators have been revised in line with the revised budget and that none of the approved Prudential Indicators set for 2018/19 have been breached.

For the following reasons:

- (i) To ensure the optimum use of the Council's capital resources in 2018/19.
- (ii) To accommodate changes to the Council's in-year capital expenditure plans.
- (iii) To ensure performance has been assessed against the approved Prudential Limits.

CONTACT: Jane Wright

extension 3617

PLAN REF: 281

Policy Context

1. The proposals within this report are consistent with the objectives contained within the Council's corporate Capital Strategy and will contribute to achieving the objectives and priority outcomes set out in Vision 2030 and the Council's Thrive Agenda.

Background

2. The original budget for the capital programme for 2018/19, as agreed by Council on 22 February 2018, totalled £102.862m, which increased to £107.763m at the first quarter review
3. The second review has reprofiled the capital programme to reflect in year progress within capital schemes, resulting in an revised estimate of £94.975m.
4. The £12.797m reduction is due to updated programme timelines for a number of schemes. All variations in the programme during the second quarter are detailed in Appendix 2.
5. Appendix 3 summarises the original budget and actual year end payments by Corporate Priority. The budget, projected year end payments and comments on the progress of each scheme are detailed in Appendix 4.
6. The Prudential Code sets out a range of Prudential Indicators that were agreed by the Council on 22 February 2018. Performance against the indicators for 2018/19 is set out in Appendix 5.

Consultation

7. The Leader of the Council has been consulted on this report.

Alternative Options

8. The proposed financing arrangements are the best available in order to ensure the optimum use of the Council's capital resources in 2018/19.

Implications of Recommended Option

9. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms that the financial implications are as set out in the report.
 - b) **Human Resources Implications** – There are no human resources implications arising from this report.
 - c) **Property Implications** - There are no direct property implications arising from this report. Capital investment optimises the use of property assets to support the delivery of corporate priorities. The property implications of individual schemes will be considered and reported separately.

10. **Risk Management Implication** - Risks are assessed as part of the process of monitoring the programme and in respect of treasury management. The Cabinet will continue to receive quarterly reports for recommendation of any issues to Council, together with any necessary action to ensure expenditure is managed within available resources.
11. **Equality and Diversity Implications** - There are no equality and diversity implications arising from this report.
12. **Crime and Disorder Implications** - There are no direct crime and disorder implications arising from this report.
13. **Health Implications** - There are no health implications arising from this report.
14. **Sustainability Implications** - The works will help to make the environment more attractive and reduce health and safety hazards.
15. **Human Rights Implications** - There are no direct human rights implications arising from this report.
16. **Area and Ward Implications** - Capital schemes will provide improvements in wards across the borough.
17. **Background Information**
 - i. Report for Cabinet, 20 February 2018 (Council 22 February 2018) - Capital Programme 2018/19 to 2022/23; and
 - ii. Report for Cabinet, 17 July 2018 (Council 19 July 2018) – Capital Programme and Prudential Indicators 2018/19 – First Quarter Review.

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Reason for Movement	Portfolio	Group	Project Title	Variance (£'000)
INCREASES				
Other Increases	Communities and Volunteering	CAE	Bereavement Services	57
	Communities and Volunteering	CAE	Birtley Crematorium Cremator Replacement	100
	Culture, Sport and Leisure	CRS	Replacement of Pool Filter Media at Gateshead Leisure Centre	4
	Culture, Sport and Leisure	CRS	Cleveland Hall	125
	Environment and Transport	CAE	Battery Storage	18
	Environment and Transport	CAE	Energy Network Extension - Gateshead Leisure Centre	41
	Environment and Transport	CAE	Traffic Signal Renewal - Borough Wide	50
	Housing	CAE	Replacement of Communal Electrics	190
	Housing	CAE	Equality Act Works	55
	Housing	CAE	External Wall Insulation Works to Non-Traditional Properties	374
	Housing	CAE	HEIGHTS & Regent Court Improvement Works	1,570
	Housing	CAE	Barley Mow Village Hall	84
	Housing	CAE	Warwick Court Water Pressure Upgrade	15
	Housing	CAE	New Build - Bute Road	200
	Resources, Management and Reputation	CAE	ADZ Investment – BQ Emerging Technology Centre (PROTO)	511
	Resources, Management and Reputation	CAE	Follingsby	3,368
	Resources, Management and Reputation	CAE	Coatsworth Road Regeneration - THI	17
	Resources, Management and Reputation	CS&G	Registrars Internal and External Public Spaces	12
	Resources, Management and Reputation	CS&G	Non Operational Portfolio - Strategic Investment Plan	573
	Total Other Increases			
TOTAL INCREASES				7,364

Reason for Movement	Portfolio	Group	Project Title	Variance (£'000)
REDUCTIONS				
Other Reductions	Environment and Transport	CAE	Local Transport Plan - Integrated Transport	(313)
	Housing	CAE	Multi Storey Improvements	(36)
Total Other Reductions				(349)
Re-profiling to Future Years	Communities and Volunteering	CAE	Birtley Cemetery Extension	(130)
	Communities and Volunteering	CAE	Saltwell Cemetery Extension	(180)
	Culture, Sport and Leisure	CWL	Replacement of flooring within Gateshead Stadium Sports Hall	(285)
	Culture, Sport and Leisure	CAE	Library Service Review	(170)
	Children and Young People	CWL	School Capacity Improvements	(5,167)
	Children and Young People	CWL	Schools Healthy Pupils Capital Fund	(106)
	Health and Wellbeing	CWL	Eastwood - Centre of Excellence	(516)
	Economy	CRS	Digital Gateshead	(120)
	Economy	CRS	Land of Oak & Iron	(33)
	Environment and Transport	CAE	Team Valley Flood Alleviation	(50)
	Environment and Transport	CAE	Flood Alleviation Investment	(232)
	Environment and Transport	CAE	Crowley Dam Repair and Conservation	(144)
	Housing	CAE	Loan to Keelman Homes - Lyndhurst	(500)
	Housing	CAE	Loan to Gateshead Trading Company - Lyndhurst House Building	(735)
	Housing	CAE	Estate Regeneration	(421)
	Housing	CAE	New Build - Winlaton Assisted Living	(1,590)
	Housing	CAE	New Build - Seymour Street	(200)
	Resources, Management and Reputation	CAE	Civic Centre Workspace Strategy	(301)
	Resources, Management and Reputation	CAE	ADZ Investment – Baltic Quarter Spec Build	(3,797)
	Resources, Management and Reputation	CAE	ADZ Investment - Gateshead Quays	(4,117)
	Resources, Management and Reputation	CAE	High Street South Regeneration	(225)
	Resources, Management and Reputation	CAE	Housing JV - Brandling	(300)
	Resources, Management and Reputation	CAE	Metrogreen	(318)
Resources, Management and Reputation	CS&G	Legal Case Management System	(45)	
Resources, Management and Reputation	CRS	Technology Plan: Infrastructure	(110)	
Resources, Management and Reputation	CRS	Technology Plan: Transformation Through Technology	(10)	
Total Re-profiling to Future Years				(19,802)
TOTAL REDUCTIONS				(20,151)
TOTAL VARIANCE				(12,787)

APPENDIX 3

Portfolio	Approved Budget Revised Q1 2018/19	Revised Forecast Q2 30 Sept 2018	Variance	Actual Spend at 30 Sept 2018
COMMUNITIES				
Communities and Volunteering	593	440	(152)	224
Culture, Sport and Leisure	2,127	1,801	(326)	77
Total Communities	2,720	2,241	(478)	301
PEOPLE				
Children and Young People	9,038	3,765	(5,273)	1,897
Health and Wellbeing	5,551	5,035	(516)	388
Total People	14,589	8,800	(5,789)	2,285
PLACE AND ECONOMY				
Economy	1,383	1,230	(153)	475
Environment and Transport	15,282	14,652	(630)	3,964
Housing	39,929	38,935	(994)	13,711
Total Place and Economy	56,594	54,817	(1,777)	18,150
RESOURCES, MANAGEMENT AND REPUTATION				
Resources, Management and Reputation	33,860	29,117	(4,743)	9,794
Total Resources, Management and Reputation	33,860	29,117	(4,743)	9,794
Total Capital Investment	107,763	94,975	(12,787)	30,530

Portfolio	Group	Project Title	Approved 2018/19 Allocation Revised Q1 £'000	Revised Q2 Allocation £'000	Comments
COMMUNITIES					
Communities and Volunteering	CAE	Bereavement Services	23	80	Other Increases
	CAE	Birtley Crematorium Cremator Replacement	0	100	Other Increases
	CAE	Birtley Cemetery Extension	140	10	Re-profiling to Future Years
	CAE	Public Realm Improvement	50	50	
	CAE	Replacement Bins	125	125	
	CAE	Saltwell Cemetery Extension	181	1	Re-profiling to Future Years
	CAE	Trade Waste Service Expansion	74	74	
Total Communities and Volunteering			593	440	
Culture, Sport and Leisure Page 164	CRS	Blaydon Leisure Centre Outdoor Sports Provision	750	750	
	CRS	GIS Centre Outdoor Sports Provision	706	706	
	CRS	Replacement of flooring within Gateshead Stadium Sports Hall	285	0	Re-profiling to Future Years
	CRS	Replacement of Lift within Gateshead Stadium	63	63	
	CRS	Replacement of Pool Filter Media at Gateshead Leisure Centre	28	32	Other Increases
	CRS	OnCourse Management System	25	25	
	CRS	Library Service Review	270	100	Re-profiling to Future Years
	CRS	Cleveland Hall	0	125	Other Increases
Total Culture, Sport and Leisure			2,127	1,801	
PEOPLE					
Children and Young People	CWL	School Capacity Improvements	6,367	1,200	Re-profiling to Future Years
	CWL	School Condition Investment	2,096	2,096	
	CWL	Schools Healthy Pupils Capital Fund	116	10	Re-profiling to Future Years
	CWL	Schools Devolved Formula Funding	459	459	
Total Children and Young People			9,038	3,765	
Health and Wellbeing	CS&G	Prince Consort Road	3,000	3,000	
	CWL	Telecare Equipment	75	75	
	CWL	Disabled Facilities Grants (DFGs)	1,750	1,750	
	CWL	Eastwood - Centre of Excellence	616	100	Re-profiling to Future Years
	CAE	Falls Prevention	110	110	
Total Health and Wellbeing			5,551	5,035	
PLACE AND ECONOMY					
Economy	CRS	Digital Gateshead	651	531	Re-profiling to Future Years

Portfolio	Group	Project Title	Approved 2018/19 Allocation Revised Q1 £'000	Revised Q2 Allocation £'000	Comments
	CAE	Business Centre Portfolio	315	315	
	CRS	Broadband Delivery UK	345	345	
	CRS	Land of Oak & Iron	72	39	Re-profiling to Future Years
Total Economy			1,383	1,230	

Portfolio	Group	Project Title	Approved 2018/19 Allocation Revised Q1 £'000	Revised Q2 Allocation £'000	Comments
Environment and Transport	CAE	Team Valley Flood Alleviation	100	50	Re-profiling to Future Years
	CAE	Battery Storage	45	63	Other Increases
	CAE	Energy Network Extension - Gateshead Leisure Centre	340	381	Other Increases
	CAE	Energy Network Extension - Trinity Square	0	0	
	CAE	Gateshead Town Centre District Energy Network	300	300	
	CAE	Gateshead Millennium Bridge Strategic Maintenance	60	60	
	CAE	Street Lighting Column Replacement	1,200	1,200	
	CAE	Street Lighting LED Replacement - Phase 4	790	790	
	CAE	Street Lighting Phase 3 LED Lanterns	142	142	
	CAE	Environmental Enforcement Team	45	45	
	CAE	Heworth Roundabout Upgrade	3,233	3,233	
	CAE	Local Transport Plan - Integrated Transport	3,151	2,838	Other Reductions
	CAE	Local Transport Plan - Planned Maintenance	3,781	3,781	
	CAE	Scotswood Bridge Comb Joint Replacement	310	310	
	CAE	Traffic Signal Renewal - Borough Wide	500	550	Other Increases
	CAE	Flood Alleviation Investment	737	505	Re-profiling to Future Years
	CAE	Chase Park Restoration	4	4	
	CAE	Salix Energy Efficiency Works	374	374	
	CAE	Crowley Dam Repair and Conservation	170	26	Re-profiling to Future Years
	Total Environment and Transport			15,282	14,652
Housing	CAE	Empty Property Programme 2015/18	31	31	
	CAE	Loan to Keelman Homes - Bleach Green Affordable Housing	500	500	
	CAE	Loan to Keelman Homes - Lyndhurst	500	0	Re-profiling to Future Years
	CAE	Loan to Keelman Homes -Empty Properties	1,900	1,900	
	CAE	Loan to Gateshead Trading Company - Lyndhurst House Building	3,929	3,194	Re-profiling to Future Years
	CAE	Loan to Gateshead Trading Company - Derwentside House Building	1,399	1,399	
	HRA	Aids and Adaptations	1,500	1,500	
	HRA	Estate Regeneration	538	117	Re-profiling to Future Years
	HRA	Fire Safety Works - General	100	100	
	HRA	Lift Replacement / Refurbishment	925	925	
	HRA	New Build - Winlaton Assisted Living	2,590	1,000	Re-profiling to Future Years
	HRA	New Build - Seymour Street	1,200	1,000	Re-profiling to Future Years
	HRA	Programme Management	550	550	

Portfolio	Group	Project Title	Approved 2018/19 Allocation Revised Q1 £'000	Revised Q2 Allocation £'000	Comments
Page 167	HRA	Replacement of Communal Electrics	360	550	Other Increases
	HRA	Strategic Maintenance	2,000	2,000	
	HRA	Warden Call	250	250	
	HRA	Window Replacement and Door Entry System Upgrade	951	951	
	HRA	Equality Act Works	425	480	Other Increases
	HRA	External Wall Insulation Works to Non-Traditional Properties	646	1,020	Other Increases
	HRA	T-Fall Insulation	100	100	
	HRA	Back Boiler Renewal and Replacement	1,000	1,000	
	HRA	Decent Homes - Investment Programme	6,750	6,750	
	HRA	Timber Replacements	100	100	
	HRA	Stock Project Management	400	400	
	HRA	HEIGHTS & Regent Court Improvement Works	10,649	12,219	Other Increases
	HRA	Barley Mow Village Hall	0	84	Other Increases
	HRA	Fire Safety Works - Smoke Detection	400	400	
	HRA	Multi Storey Improvements	36	0	Other Reductions
	HRA	Multi Storey Service (Bensham Court Chute)	200	200	
	HRA	Warwick Court Water Pressure Upgrade	0	15	Other Increases
	HRA	New Build - Bute Road	0	200	Other Increases
Total Housing			39,929	38,935	
RESOURCES, MANAGEMENT AND REPUTATION					
Resources, Management and Reputation	CAE	Civic Centre Workspace Strategy	501	200	Re-profiling to Future Years
	CAE	Health & Safety	667	667	
	CRS	Strategic Maintenance	1,084	1,084	
	CAE	ADZ Investment – BQ Emerging Technology Centre (PROTO)	944	1,455	Other Increases
	CAE	ADZ Investment – Baltic Quarter Spec Build	5,316	1,519	Re-profiling to Future Years
	CAE	ADZ Investment - Gateshead Quays	6,311	2,194	Re-profiling to Future Years
	CAE	Baltic Quarter - Food and Beverage Café	280	280	
	CAE	Follingsby	8,500	11,868	Other Increases
	CAE	GRP Public Art - Birtley	41	41	
	CAE	High Street South Regeneration	450	225	Re-profiling to Future Years
	CAE	Housing JV - Bensham & Saltwell	0	0	
	CAE	Housing JV - Brandling	350	50	Re-profiling to Future Years
	CAE	Major Projects - Project Management Costs	240	240	

Portfolio	Group	Project Title	Approved 2018/19 Allocation Revised Q1 £'000	Revised Q2 Allocation £'000	Comments
	CAE	Metrogreen	478	160	Re-profiling to Future Years
	CAE	Urban Core - Exemplar Neighbourhood	340	340	
	CS&G	Registrars Internal and External Public Spaces	43	55	Other Increases
	CS&G	Non Operational Portfolio - Strategic Investment Plan	584	1,157	Other Increases
	CS&G	Legal Case Management System	95	50	Re-profiling to Future Years
	CAE	Coatsworth Road Regeneration - THI	363	380	Other Increases
	CRS	Technology Plan: Infrastructure	3,293	3,183	Re-profiling to Future Years
	CRS	Technology Plan: Transformation Through Technology	451	441	Re-profiling to Future Years
	CRS	Services To Schools - IT Solution	25	25	
	CAE	Replacement of Fleet and Horticultural Equipment	2,675	2,675	
	CAE	Development Site Preparation Works	830	830	
	Total Resources, Management and Reputation		33,860	29,118	
Total Capital Investment			107,763	94,975	

PRUDENTIAL INDICATORS 2018/19

The 2018/19 Prudential Indicators were agreed by Council on 22 February 2018 (column 1). This is now compared with the 2018/19 actual position as at the end of the first quarter, 30 September 2018 (column 2).

Certain Treasury Management indicators must be monitored throughout the year on a regular basis in order to avoid breaching agreed limits. The capital expenditure and capital financing requirement indicators have been revised in line with the revised budget and none of the other approved Prudential Indicators set for 2018/19 have been breached.

Capital Expenditure		
	2018/19 £000 Reported Indicator	2018/19 £000 Projection for the Year at Q2
Non-HRA	74,582	63,064
HRA	28,280	31,911
Total	102,862	94,975
To reflect the reported capital monitoring agreed by Council during the year		

Ratio of Financing Costs to Net Revenue Stream		
	2018/19 Reported Indicator	2018/19 Projection for the Year at Q2
Non-HRA	15.41%	N/A
HRA	45.60%	N/A

Capital Financing Requirement		
	2018/19 £000 Reported Indicator	2018/19 £000 Projection for the Year at Q2
Non-HRA	377,862	353,893
HRA	345,505	345,505

Authorised Limit for External Debt	
	2018/19 £000 Reported Indicator
Borrowing	875,000
Other Long Term Liabilities	0
Total	875,000
Maximum YTD 30/09/2018 £655.341m	

Operational Boundary for External Debt	
	2018/19 £000 Reported Indicator
Borrowing	850,000
Other Long Term Liabilities	0
Total	850,000
Maximum YTD 30/09/2018 £655.341m.	

The Council's actual external debt at 30 September 2018 was £641.915m. It should be noted that actual external debt is not directly comparable to the Authorised Limit and Operational Boundary, since the actual external debt reflects the position at one point in time.

Estimated Incremental Impact on Council Tax and Housing Rents

This indicator is set at the time the Council's budget is set. Therefore, there is no requirement for this Indicator to be monitored on a quarterly or annual basis.

Adherence to CIPFA code on Treasury Management

The Council has adopted the CIPFA Code of Practice for Treasury Management in the Public Services.

Upper / Lower Limits for Maturity Structure of Fixed Rate Borrowing

	2018/19 £000 Reported Indicator		2018/19 £000 Actual Position	
	Upper Limit	Lower Limit	Actual Percentage	Maximum YTD
Under 12 months	30%	0%	2.55%	4.46%
12 months to 24 months	30%	0%	13.14%	13.14%
24 months to 5 years	40%	0%	10.47%	17.08%
5 years to 10 years	40%	0%	9.57%	9.57%
10 years to 20 years	40%	0%	10.86%	10.86%
20 years to 30 years	40%	0%	1.21%	1.21%
30 years to 40 years	50%	0%	21.75%	21.75%
40 years to 50 years	50%	0%	27.32%	28.57%
50 years and above	30%	0%	0.00%	0.00%
All within agreed limits.				

Upper / Lower Limits for Maturity Structure of Variable Rate Borrowing

	2018/19 £000 Reported Indicator		2018/19 £000 Actual Position	
	Upper Limit	Lower Limit	Actual Percentage	Maximum YTD
Under 12 months	30%	0%	3.12%	4.61%
12 months to 24 months	15%	0%	0.00%	0.00%
24 months to 5 years	15%	0%	0.00%	0.00%
5 years to 10 years	15%	0%	0.00%	0.00%
10 years to 20 years	15%	0%	0.00%	0.00%
20 years to 30 years	15%	0%	0.00%	0.00%
30 years to 40 years	15%	0%	0.00%	0.00%
40 years to 50 years	15%	0%	0.00%	0.00%
50 years and above	15%	0%	0.00%	0.00%
All within agreed limits.				

On 8 March 2007, Council agreed to the placing of investments for periods of longer than 364 days in order to maximise investment income before forecasted cuts in interest rates. An upper limit was set and agreed as a new Prudential Indicator.

<i>Upper Limit on amounts invested beyond 364 days</i>			
	2018/19 £000 Reported Indicator	2018/19 £000 Actual Position	2018/19 £000 Maximum YTD
Investments	15,000	5,000	5,000

Title of report: Capital Strategy 2018/19 to 2023/24

Report of: Darren Collins – Strategic Director, Corporate Resources

Purpose of the Report

1. Cabinet is asked to recommend that Council approve the attached Capital Strategy for 2018/19 to 2023/24 to support the framework used to set and monitor the Capital Programme

Background

2. In December 2017 the Chartered Institute of Public Finance (CIPFA) revised the Prudential Code for Capital and the Code of Practice on Treasury Management to align these documents to the revised MHCLG Guidance on Local Government Investments.
3. The revised guidance emphasises the need to ensure capital expenditure is prudent, affordable and sustainable, with greater emphasis placed on the assessment and management of the long-term implications of capital expenditure on the revenue budget and the delivery of the Council's policy objectives.
4. All Councils are required to have a Capital Strategy in place which is approved by full Council. This supports decision making and ensures Councils have a robust approval, reporting and monitoring framework in place which clearly links capital expenditure to the wider Council objectives and impact on the revenue budget.

Proposals

5. Cabinet is asked to recommend that Council approve the Capital Strategy attached at Appendix 2, to ensure that the Council fully complies with the requirements of good financial practice in capital accounting.

Recommendation

6. Cabinet is asked to agree the Capital Strategy as attached at Appendix 2 and recommend the Strategy for approval to Council.

Policy Context

1. The proposals in this report are consistent with the Council's Thrive Agenda and the Medium Term Financial Strategy, in particular they ensure that effective use is made of the Council's resources to ensure a sustainable financial position.

Background

2. Part 1 of the Local Government Act 2003 specifies the powers of a local authority to borrow for any purpose relevant to its functions under any enactment or for the purposes of the prudent management of its financial affairs. Borrowing is linked to the CIPFA Prudential Code for Capital which sets out a range of prudential and treasury indicators that must be calculated to ensure borrowing is affordable, prudent and sustainable.
3. In addition, the revised Prudential Code requires all Councils to have in place a Capital Strategy which has been approved by full Council. To ensure Councils have a robust, approval, reporting and monitoring framework in place which clearly links capital expenditure to the wider Council objectives and impact on the revenue budget all Council are required to have a Capital Strategy in place which is approved by full Council.
4. The Prudential Code also refers to the need for a clear and integrated treasury strategy which, by the application of set prudential and treasury management financial indicators enables the Council to assess and monitor the prudence, affordability and sustainability of the capital programme.
5. CIPFA has produced the Prudential Code, which represents best practice, adopting the attached Capital Strategy will ensure the Council fully complies with the Code and this contributes towards achieving good practice.

Capital Strategy

6. The Capital Strategy for 2018/19 to 2023/24 is attached at Appendix 2. This covers the specific capital investment activities included with the 2018/19 – 2022/23 Capital Programme and the framework in place for the annual review of the five-year rolling programme.
7. The Capital Strategy ensures all decisions on capital investment support the Council Thrive Agenda and one of the four financial principles included within the Medium Term Financial Strategy (MTFS) and sets out the decision-making, monitoring and reporting framework for capital expenditure.
8. In compliance with the Prudential Code, the Capital Strategy also sets out the Council's approach to the following areas:
 - Use of the capitalisation flexibility
 - The impact of the ongoing costs of capital expenditure on the revenue budget and if any reliance is place on investment returns to balance the revenue budget
 - Assessment of risks associated with the Capital Programme
 - Any restriction around borrowing
 - Long term projections around borrowing and the repayment of debt
 - The Council's approach to commercial investments
 - Use of independent external advice to support decision-making
 - How other long-term liabilities, such as equity investments and financial guarantees are identified and monitored.

- The level of knowledge and skills available within the Council to support informed decision-making.

Consultation

9. The Leader of the Council has been consulted on this report.

Alternative Options

10. There are no alternative options, as the Capital Strategy reports recommended for approval are required in order to comply with CIPFA's Prudential Code for Capital.

Implications of recommended options

11. **Resources:**

a) Financial Implications - The Strategic Director, Corporate Resources confirms that there are no additional financial implications associated with this report.

b) Human Resources Implications - There are no human resources implications arising from this report.

c) Property Implications – There are no property implications arising from this report.

12. **Risk Management Implications**

There are no risk management implications arising from this report.

13. **Equality and Diversity Implications**

There are no equality and diversity implications arising from this report.

14. **Crime and Disorder Implications**

There are no crime and disorder implications arising from this report.

15. **Sustainability Implications**

There are no sustainability implications arising from this report.

16. **Human Rights Implications**

There are no human rights implications arising from this report.

17. **Area and Ward Implications**

There are no direct area and ward implications arising from this report.

18. **Background Information:**

The following documents have been used in preparation of the report:

- Local Government Act 2003
- CLG Guidance on Local Government Investments
- CIPFA's Prudential Code for Capital
- CIPFA's Code of Practice on Treasury Management

Capital Strategy
2018/19 – 2023/24

1. Introduction

- 1.1 The Capital Strategy outlines the principles and framework that shape the Council's capital programme. The aim is to deliver an affordable, sustainable and prudent capital programme which contributes to the achievement of the Council's strategic approach to making Gateshead a place where everyone thrives.

2. Objectives of the Capital Strategy

- 2.1 Capital expenditure represents significant investment of the Council's finance, £307m in the five years between 2018/19 – 2022/23, in either new assets or the enhancement of existing assets to support the provision and development of Council services or the wider economic and housing regeneration within the borough.
- 2.2 The efficient and effective use of capital resources, including sound asset management supports the Council in the achievement of its medium and long-term aims and objectives. The Capital Strategy together with the Medium Term Financial Strategy (MTFS), Corporate Asset Strategy and Management Plan and Treasury Management Strategy will ensure efficient and effective capital planning and management of capital resources.
- 2.3 The Capital Strategy determines the Council's approach to capital investment, to:
- Ensure efficient use of limited resources and assets which are directed towards the Council's priority areas to support the achievement of the Council's strategic approach of making Gateshead a place where everyone thrives; and
 - Provide a framework to support capital decision making and the management and monitoring of the capital programme to ensure the capital programme remains affordable, sustainable and prudent over the long term.

3. The Capital Planning Framework

3.1 Financial Planning

- 3.1.1 Investments within the capital programme are aligned to the Council's strategic approach of Making Gateshead a Place Where Everyone Thrives:
- Put people and families at the heart of everything we do
 - Tackle inequality so people have a fair chance
 - Support our communities to support themselves and each other
 - Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the borough
 - Work together and fight for a better future for Gateshead
- 3.1.2 In addition to supporting the Council's Thrive agenda investment within the 2019/20 – 2023/24 capital programme will be aligned to the four key financial themes specified in the Council's MTFS:
- Maximising economic growth;
 - Driving income generation;
 - Reduces demand for services; and
 - Driving efficiencies and savings.
- 3.1.3 The development of the capital programme has clear links to the Council's MTFS and the revenue budget. To ensure the capital programme is affordable, sustainable and prudent over the long term, the whole life capital and revenue implications of each capital project is considered when the capital bid is being assessed to ensure the impact is incorporated into

the Council's financial plans. The revenue implications, including the long term running costs associated with the assets and any additional income or revenue savings generated by the asset.

- 3.1.4 To ensure the financial implications of the capital programme are considered as part of the wider financial context of the Council the capital programme is set for five years and the all costs, income and savings linked to the capital programme are incorporated within the five-year MTFS. The MTFS is reviewed and updated annually to ensure the estimates and assumptions remain up to date, relevant and reflect any changes that have occurred in the preceding year. All changes within the capital programme are factored into the annual review.

3.2 Supporting Plans

- 3.2.1 A number of statutory plans and other strategies are prepared to inform service delivery arrangements and identify the Council's priorities. These complement the Capital Strategy by reflecting the importance of capital investment within different policy contexts and provide a guide as to the areas where capital expenditure may be required. These include:

- **The Medium Term Financial Strategy (MTFS)** – which is a key part of the Council's Policy, service Planning and Performance Management framework and aims to ensure all revenue resources are directed towards the achievement of Vision 2030.
- **The Corporate Asset Strategy and Management Plan** - which details existing asset management arrangements and outcomes and planned action to improve asset use.
- **The Schools Asset Management Plan** - which contains key data to enable investment appraisals, and the approach to balancing initial capital investments against running costs, to enable the most appropriate decisions to be taken when evaluating identified problems and establishing long-term strategies.
- **The Local Transport Plan** - which reflects a joint approach to transport needs in Tyne and Wear. It also addresses needs specific to Gateshead. Capital needs and the approach to investment are shaped by an indicative breakdown between maintenance and integrated transport themes.
- **The Highways Asset Management Plan** – which aims to facilitate the development and improvement of the way in which highway maintenance and management functions are carried out. This will assist in the optimal allocation of resources.
- **The Housing Strategy** – which sets out the long-term vision for housing. The aim of the strategy is to ensure Gateshead continues to provide good quality affordable homes and housing services that meet the needs and aspirations of the local people.
- **The Housing Revenue Account (HRA)** – which includes a 30-year business plan as part of self-financing which considers the required capital investment to maintain decency in the Council's housing stock. With the lifting of the debt cap greater investment in Council Housing may be possible, providing the business models are financial viable and affordable within the HRA.
- **The Local Plan** - which sets out the spatial planning framework to deliver economic prosperity and healthy, sustainable communities through economic and housing regeneration and new developments.

3.3 Qualifying Capital Expenditure

- 3.3.1 The definition of capital expenditure under the Local Government Act 2003 is

'expenditure that results in the acquisition of, or construction of, or the addition of subsequent costs to assets (tangible or intangible) in accordance with proper practices'

- 3.3.2 To meet the definition of capital, expenditure will only be classified as capital expenditure if the expenditure is directly attributable to an asset and:
- Results in the acquisition, construction or improvement of an asset;
 - Is separately identified and measurable; and
 - Results in a measurable benefit to the Council for a period in excess of 12 months.

- 3.3.3 In addition, the Local Government Act 2003 allows the following type of expenditure to be classified as capital expenditure:

‘the giving of a loan, grant or other financial assistance to any person, whether for us by that person or by a third party, towards expenditure which would, if incurred by the authority be capital expenditure’

- 3.4.4 Therefore a loan to a third party for a specific scheme which would result in capital expenditure if incurred by the Council will be classified as capital expenditure and assessed alongside other capital bids for inclusion within the capital programme.

- 3.4.5 The Council’s Capitalisation Policy is audited annual as part of the Final Accounts process and the most recent audited Capitalisation Policy is attached as Appendix 1.

- 3.4.6 Any loans, grants or other financial assistance to third parties will not be classified as capital expenditure if the investment is entered into primarily to generate a yield for the Council and fails to meet the criteria detailed above. Transactions entered into solely for financial benefit will be treated as a financial investment and will be assessed using the investment framework included in the Treasury Management Strategy and will be funded from the Council cash balances rather than through capital financing arrangements.

3.5 Investment for Commercial Return

- 3.5.1 To date the Council have not entered any non-treasury financial investments which are purely to generate a commercial return. The Council owns a portfolio of tenanted non-residential properties (TNRP), which generate a revenue return to the Council however, these properties have been held for a significant number of years and support wider corporate priorities.
- 3.5.2 In 2018/19 the Council is entering into a Limited Liability Partnership (LLP) with Public Sector plc (PSP) to operate the TNRP portfolio for 10 years. This will generate a guaranteed rental income and minimise the risk of market fluctuations in rental income to the Council. Any Council investment in the partnership will be assessed on a case by case basis in line with all other proposed capital investment. The performance of the partnership will be monitored using Key Performance Indicators set by the Council and reported to Cabinet annually.
- 3.5.3 There are currently no plans to consider entering into a non-treasury financial investment solely or primarily to obtain a revenue return, however if an opportunity to do so arose the long term financial impact and the risks inherent to the scheme would be assessed as part of the due diligence process. Where the size of the investment or the risk of the investment required external advice, this will be obtained. Any potential investment entered into for a commercial return will require prior Cabinet approval.

3.6 Other Long-Term Liabilities

- 3.6.1 The Council has entered a number of other long-term liabilities, including the investment in Newcastle Airport. A register of investments is maintained by the Treasury Management Team and will be reported to Cabinet with the Treasury Policy report in February. An annual review of the value of these long-term liabilities is undertaken and any changes in value will be incorporated into future financial planning.

3.7 Risk Management

- 3.7.1** Risk management is a key feature in the management of the Council's capital programme from the initial planning stage through to project delivery. The opportunities and the risks which could impact on the Council's plans and performance are considered when each capital bid is considered for inclusion in the Capital Programme.
- 3.7.2** The overall impact of the capital programme is assessed, monitored and restricted by both the long-term affordability and sustainability of revenue implications arising from the capital programme and the prudent provision of borrowing to fund the capital programme as assessed and monitored using the prudential indicators as approved by Council as part of the revenue budget process.
- 3.7.3** In addition, the key risks of the capital programme are identified and included within the Revenue Budget and MTFs alongside other financial risks to the Council.

4. Setting the Capital Programme

4.1 Annual Review

- 4.1.1** The capital programme is set for five years and reviewed annually alongside the revenue budget to ensure existing schemes are still required and continue to meet the agreed capital programme priorities and to allow for new schemes to be incorporated into the programme. Additional schemes are added to the programme in the event that additional resources are confirmed, such as capital receipts or additional external funding, and when it can be demonstrated that the scheme is a high priority for the Council.
- 4.1.2** Depending on the type of scheme being proposed, it may also be appropriate to consider alternative methods of delivering the project and achieving the desired outcomes rather than using the resources outlined above. This may include exploring the opportunities to work in partnership with other stakeholders to deliver capital schemes.
- 4.1.3** The Council operate a two-stage bidding process for new capital schemes. The first outline bid includes a summary of the scheme, indicative costs, timing and outcomes and which of the Council priorities it meets.
- 4.1.4** During the second stage of the process project managers are required to complete a more detailed business case which includes a full business model, working with their Business Partners, including total projected costs and income over the life of the scheme.
- 4.1.5** Once the second stage bids are received they are assessed for inclusion within the capital programme. This assessment will review:
- whole life costs of the scheme;
 - project timescales and estimated cashflows;
 - projected outcomes, both financial and non-financial; and
 - achievement of corporate priorities.
- 4.1.6** The potential costs associated with the new schemes and any changes to existing schemes are factored into the revised Capital Financing Requirement to assess the impact on the revenue budget and to inform decision making.

4.2 Timetable and approvals

4.2.1 The capital programme is reviewed and approved annually and follows the timetable set out below:

September	First stage Capital Programme project proposals invited for any potential capital scheme for the next five year period.
October	Receipt of completed templates for assessment for inclusion in the second stage of the application process.
November	Completed stage two application returned for assessment and inclusion in the draft five-year capital programme for consultation
December - January	Consultation with Officers and Councillors on the draft capital programme
February	Five-year capital programme taken to Council for approval.

4.2.1 During the year additional capital schemes may be brought to Cabinet for approval, either as a separate Cabinet report or as part of the quarterly capital report depending on the value of the scheme, in line with approved delegations. For all additional schemes, the same assessment will be undertaken as capital scheme incorporated into the Capital Programme as part of the annual review.

5. Capital Financing

5.1 Funding Sources

5.1.1 Capital expenditure can be funded from a number of different sources, but the sources of capital funding primarily available to the Council are:

- Prudential borrowing;
- External grants or contributions;
- Capital receipts arising from the sale of assets; and
- Contribution from revenue resources.

5.2 Prudential Borrowing

5.2.1 The Prudential System of Local Government Capital Finance has operated since April 2004, which allows local authorities to invest as long as their capital spending plans are affordable, prudent and sustainable. The Code of Practice was refreshed in 2017 and places greater emphasis on assessment of the long-term impact of the capital programme on the wider financial context and the approach to the risk management of the capital programme.

5.2.2 The level of prudential borrowing which can be supported is dependent on the availability of revenue resources required to fund the associated costs of borrowing. The affordability issue is addressed in the principles underpinning the Council's MTFs and is controlled through Prudential Indicators agreed annually by Council as part of the revenue budget process. These indicators are monitored and reported monthly to Treasury Management Strategy Group and quarterly to Cabinet and Council to ensure the capital programme remains affordable and within the levels agreed. Any breaches of the indicators must be reported to Cabinet at the first opportunity and the report must include reasons for the breach and the actions that have been taken to correct the breach.

5.2.3 In order for borrowing to be considered prudent, affordable and sustainable there must be an identifiable, long-term source of revenue funding to meet the costs of borrowing. Ideally this will come from revenue savings or from additional income generated directly from the capital project.

5.2.4 Where capital expenditure relates to a loan to a third party the loan repayments are linked to the Council's underlying borrowing requirement. Loan repayments are monitored to ensure payments remain in line with the loan agreement.

5.2.5 The Council is required to make provision each year for the principal repayment of borrowing, known as Minimum Revenue Provision (MRP). The annual MRP charge to revenue is calculated by aligning the repayment of debt to the useful life of the asset to which it relates. The MRP Policy forms part of the revenue budget report approved by Cabinet and Council annually and the current policy is attached as Appendix 2 for information

5.3 External Funding

5.3.1 The reduction of Government grants to support the capital programme has resulted in the increased reliance on borrowing to fund the capital programme in recent years. To reduce the level of prudential borrowing it is essential that external funding possibilities are explored when developing capital project proposals. It is important that financial implications are considered throughout the bidding process in order to ensure that the potential benefits and risks to the Council are fully understood prior to accepting any external funding.

5.3.2 The Council will need to take an increasingly proactive approach to applying for capital grants. The optimisation of funding from external sources will be essential if the Council is to deliver in its objective to support and accelerate economic growth with the borough.

5.4 Capital Receipts

5.4.1 In general, capital receipts from the sale of Council assets are treated corporately, although there may be circumstances where a capital receipt must be used to fund a specific scheme, for example capital receipts from the sale of HRA assets.

5.4.2 It is estimated that there is the potential to generate c.£18m in capital receipt over the MTFS period. As uncertainty remains around the level of capital receipts which will be achieved and to ensure a prudent approach to the calculations of the funding requirement of the capital programme a total of £6m capital receipts are included within the MTFS estimates, with this figure subject to ongoing review.

5.4.3 Capital receipts can be used to:

- Finance in-year capital expenditure;
- Repay borrowing entered into to fund capital expenditure; and
- Until 31 March 2022 fund the up-front revenue costs of service reform and transformation which generates ongoing revenue savings through budget flexibility.

5.4.4 Any proposed use of capital receipts to support budget flexibility will be reported as part of the revenue and capital budget reports with any in-year amendments reported to full Council during the year. Where capital receipts are used to fund budget flexibility the Capital Financing Requirements and associated prudential indicators will be updated to reflect the impact of this decision on the revenue budget and the MTFS.

5.5 Contribution from Revenue Resources

5.5.1 The use of revenue contributions towards the funding of the capital programme is an alternative source of funding, however due to the pressure on the Council's revenue budget the availability of revenue funding for capital expenditure purposes is limited. Capital expenditure relating to the HRA is currently supported by a revenue contribution; this is assessed annually to ensure it remains affordable and is unlikely to be available over the longer term.

6. Monitoring the Capital Programme

6.1 The 5-year capital rolling programme is approved in February of each year and progress is monitored and reported throughout the year with amendments to schemes and new schemes added through the formal approval process.

6.2 Project Management and Monitoring

6.2.1 Project managers are responsible for the proper and effective control and monitoring of their projects, including financial monitoring. Project managers must ensure that:

- Only capital expenditure is charged to the capital project;
- Capital expenditure must be properly attributed to the specific project;
- Capital expenditure is within the agreed budget, and approval is sought regarding any unavoidable variations;
- Realistic expenditure profiles are determined and regularly reviewed to identify potential slippage;
- Project monitoring returns are completed each quarter and submitted to the Capital Team within Corporate Finance.
- The projected outcomes of the scheme have been achieved.

6.2.2 For higher risk capital projects, a specific project group will be established to manage the delivery of the project. This will be a multi-disciplinary team and will usually include the project manager and, as a minimum, representatives from the Capital Team, Property Services and Design Services. In these cases, external advice may also be used to ensure all risks have been identified, assessed and are at a level that is acceptable to the Council. Monitoring of the scheme will continue throughout the project to ensure risk continues to be effectively managed.

6.3 Capital Programme Reporting

6.3.1 Each quarterly report will confirm the latest programme, expenditure to date, forecast outturn and the projected financing position. The report also outlines any proposed amendments for Cabinet to consider and approve, providing reasons for any forecast underspends, overspends, potential slippage or new schemes requested for inclusion in the capital programme

6.3.2 The Capital Programme position is formally reported to Cabinet and Council each quarter throughout the year. In advance of reporting to Cabinet, the Capital Programme is discussed by SMG Projects, Corporate Management Team and scheme variances are presented to Group Management Teams.

6.3.3 Cabinet may approve changes to the Capital Programme each quarter including the addition of new schemes during the year, or amendments to existing schemes. Additional schemes may be added when:

- additional external funding is received;
- where there is an urgent health and safety issue has been identified
- where it can be demonstrated that additional capital investment will generate significant revenue savings
- Where additional schemes which support the Council's priorities have been identified and require immediate action.

6.3.4 Revisions to existing schemes may become necessary if a scheme becomes materially different from the original project proposal. This may be as a result of the need to incur

additional expenditure to meet unavoidable issues, changes in project delivery timescales, the receipt of additional funding or the need to withdraw a scheme.

- 6.3.5 All variations to the Capital Programme must be approved by Cabinet prior to incurring any additional expenditure as it may be necessary to re-prioritise existing schemes within the Capital Programme to accommodate variations.

7. Treasury Management, borrowing and debt

- 7.1 As defined by CIPFA in the Treasury Management Code of Practice, Treasury Management is:

'the management of the organisation's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associates with the activities; and the pursuit of optimum performance consistent with those risk.'

- 7.2 The Treasury Management Strategy specifies how the Council manages its treasury management activities and includes the Council's Borrowing and Investments Strategies as well as specifying the Council's risk appetite in relation to borrowing and investments.
- 7.3 The Borrowing Strategy outlines the different borrowing options available to fund the capital financing requirement and how the risks around borrowing will be managed. The prudential framework and indicators, which are set annually, ensure the capital programme remains affordable, sustainable and prudent include by setting maximum levels of overall borrowing, interest rates exposure and the total borrowing maturity exposure per period. To ensure the revenue implications of the capital programme are fully integrated within the Council's revenue budget the Prudential and Treasury Management Indicators are approved as part of the revenue budget by Cabinet and Council February each year. The 2018/19 – 2022/23 prudential and Treasury Management Indicators and are included as Appendix 3 for information.
- 7.4 The Treasury Management Investment Strategy specifies the Council's approach to specified and non-specified treasury management investments and non-treasury financial investments. Non-treasury financial investments are investments entered into either directly or through investment in a third party primarily to generate a financial yield and are not capital expenditure.
- ## **8 Knowledge and Skills**
- 8.1 Officers and Councillors involved in the decision-making process are required to have an appropriate level of skill and knowledge or access to these to make informed decisions.
- 8.2 The officers from Corporate Finance, involved in the day to day management of the Capital and Treasury Management Teams are Consultative Committee of Accountancy Bodies (CCAB) qualified accountants. Link Asset Services provide external advice and support on treasury management issues and are also available to provide advice on capital accounting issues.
- 8.3 For individual capital schemes which are more complex and potentially higher risk, external advice will be sought to assist with the due diligence process. Where external advice is taken, the outcome of the advice will be included within reports to Senior Officers and Councillors as part of the decision-making process.

- 8.4 Treasury management and capital training is available to Officers and Councillors and can include both formal training delivered by external advisor and in-house presentation around specific issues.

APPENDIX 1

GATESHEAD COUNCIL - CAPITALISATION POLICY

All capital expenditure on the acquisition, creation or enhancement of a non current asset is capitalised on an accruals basis.

Expenditure on the acquisition of a non current asset, or expenditure that adds to, and not merely maintains, the value of a non current asset is capitalised and classed as a non current asset. However, this is provided that the non current asset yields benefits to the Council and the services it provides for a period of more than one year.

Expenditure that should be capitalised will include expenditure on the:

- Acquisition, reclamation, enhancement or laying out of land;
- Acquisition, construction, preparation, enhancement or replacement of roads, buildings and other structures;
- Acquisition, installation or replacement of plant, machinery and vehicles;
- Replacement of a component of a non current asset that has been treated separately for depreciation purposes and depreciated over its individual useful life.

In this context, enhancement means the carrying out of works that are intended to:

- Lengthen substantially the useful life of the asset; or
- Increase substantially the open market value of the asset;
- Increase substantially the extent to which the asset can or will be used for the purposes of the Council.

The Council capitalises expenditure on developing and implementing computer software and licenses as an intangible asset, provided that the expected life exceeds one year.

The Council also capitalises Project Management costs where this is directly linked to the delivery of a major project included within the Capital Programme.

All capital expenditure creating or enhancing a non current asset (see definitions above) will be recorded in the Council's Asset Register where the asset can be identified. Some expenditure may also relate to assets owned by a third party rather than the Council and this is capitalised as Revenue Funded from Capital under Statute (REFCUS) in accordance with accounting regulations.

The Council's de-minimis level for valuation purposes is £40,000 and £10,000 for individual items of capital expenditure, with the exception of certain external funding regimes where different levels of capitalisation are specified.

All expenditure is capitalised through the capital accounts and financed at the year-end, as long as the scheme has been approved through the Council's capital programme. This includes programmes of spending such as purchase of fleet vehicles, ICT equipment, strategic maintenance or health and safety schemes, where individual project spend could be less than the current de-minimis level.

APPENDIX 2

MINIMUM REVENUE PROVISION (MRP) STATEMENT 2018/19

The Minimum Revenue Provision (MRP) is the charge made to the revenue account to reflect the repayment of borrowing where the Council has a positive Capital Financing Requirement (CFR). This is the mechanism by which council tax payers fund capital expenditure that has been supported by borrowing.

In accordance with regulations and statutory guidance issued by the Secretary of State under section 21 (1A) of the Local Government Act 2003, the Council is required to calculate an amount of MRP each year which is considered to be prudent. The guidance includes four options with the broad aim of a prudent provision being to ensure that debt is repaid over a period that is reasonably commensurate with the period where the capital expenditure is expected to provide benefits.

The legislation requires the Council to prepare a statement of its policy on making MRP before the start of each financial year.

Supported Borrowing MRP

From 2017/18 MRP relating to capital expenditure financed from borrowing taken before 1 April 2008 is calculated at a fixed 2% of the opening CFR relating to capital expenditure incurred prior to 1 April 2008. This will make provision to fully repay the borrowing over a 50 year term.

Unsupported or Prudential Borrowing MRP

MRP relating to capital expenditure financed from borrowing taken after 1 April 2008 will be calculated using the Asset Life method. This makes provision over the estimated life of the asset for which the borrowing is undertaken.

The MRP will normally commence in the financial year following the one in which the expenditure is incurred, but in accordance with the guidance an additional MRP holiday can be taken until the period in which the asset becomes operational, particularly in the case of complex major projects.

The estimated useful life is aligned to the Council's asset register where possible, however the Council does have the flexibility to assign an alternative life to capital expenditure, provided this satisfies the requirement to make a prudent provision and is considered to reasonably reflect the anticipated period of the benefits arising from the investment.

If no life can reasonably be attributed to an asset, such as freehold land, the life is taken to be a maximum of 50 years. However, in the case of freehold land on which a building or other structure is constructed, the life of the land may be treated as equal to that of the structure where this exceeds 50 years. The estimated life of the asset is determined in the year that MRP commences and is not usually subject to further revision.

Where borrowing is used to meet expenditure which is treated as capital expenditure by virtue of a capitalisation direction, the life is set at a maximum of 20 years in accordance with the statutory guidance.

For assets with an expected life of less than 25 years, MRP is calculated using the Equal Instalment method. This makes a fixed provision each year over the life of the asset.

For assets with an expected life in excess of 25 years, primarily major projects and construction works to significant value assets, MRP is calculated using the Annuity method. This approach is used where the flow of benefits from an asset is expected to increase over time, as the MRP is lower in

earlier years and increases over the lifetime of the asset. The MRP is the principal element for the year of the annuity required to repay the capital investment in the asset that has been funded using borrowing.

Housing Revenue Account MRP

In managing the HRA debt and considering the HRA business plan there is no mandatory requirement to make provision in the HRA for annual MRP payments. The provision to repay debt within the HRA is balanced with the need for investment in the stock and any voluntary provision to repay debt will be determined when closing the HRA subject to affordability considerations.

PFI Assets and assets held as Finance Leases

For assets accounted for as on-balance sheet relating to PFI contracts and finance leases the MRP charge is based upon the annual principal payment specified within the financial model. No additional charges are included above those within the contract.

Long-Term Capital Loans

The Council has provided capital loans within the Capital Programme to facilitate additional development within Gateshead, particularly relating to affordable housing. The annual repayments of the principal amounts are treated as capital receipts and set aside to reduce the Council's underlying need to borrow, rather than making a revenue MRP charge.

Voluntary Provision

In accordance with the guidance, the Strategic Director, Corporate Resources has the discretion to make additional voluntary provision, subject to affordability considerations, which can result in reductions to the MRP charge for future years.

APPENDIX 3

PRUDENTIAL AND TREASURY INDICATORS

1. The actual capital expenditure that was incurred in 2016/17 and the estimates of capital expenditure to be incurred for the current and future years that are recommended for approval are: -

	2016/17 £000 Actual	2017/18 £000 Estimate	2018/19 £000 Estimate	2019/20 £000 Estimate	2020/21 £000 Estimate	2021/22 £000 Estimate	2022/23 £000 Estimate
Non-HRA	45,914	58,514	75,382	62,427	37,055	27,738	14,325
HRA	19,147	31,352	28,280	15,110	15,590	15,840	15,845
Total	65,061	89,866	103,662	77,537	52,645	43,578	30,170

2. Estimates of the ratio of financing costs to net revenue stream for the current and future years, and the actual figures for 2016/17 are: -

	2016/17 Actual	2017/18 Estimate	2018/19 Estimate	2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	2022/23 Estimate
Non-HRA	12.82%	14.89%	15.41%	18.57%	19.75%	20.14%	20.58%
HRA	43.44%	42.53%	45.60%	36.35%	34.79%	32.98%	33.95%

The estimates of financing costs include current commitments and the proposals in this budget report.

3. The actual Capital Financing Requirement at 31 March 2017 and estimates of the end of year Capital Financing Requirement (excluding PFI) for the Council for the current and future years are: -

	31/03/17 £000 Actual	31/03/18 £000 Estimate	31/03/19 £000 Estimate	31/03/20 £000 Estimate	31/03/21 £000 Estimate	31/03/22 £000 Estimate	31/03/23 £000 Estimate
Non-HRA	286,124	301,792	328,351	387,240	418,707	430,427	434,410
HRA	345,505	345,505	345,505	345,505	345,505	345,505	345,505
Total	647,297	673,856	732,745	764,212	775,932	779,915	794,664

4. The Capital Financing Requirement measures the Council's underlying need to borrow for a capital purpose. In accordance with best professional practice, the Council does not associate borrowing with particular items or types of expenditure. The Council has an integrated Treasury Management Strategy and has adopted the CIPFA Code of Practice for Treasury Management in the Public Services. The Council has, at any point in time, a number of cash flows both positive and negative, and manages its treasury position in terms of its borrowing and investments in accordance with its approved treasury management strategy and practices. In day to day cash management, no distinction can be made between revenue cash and capital cash. External borrowing arises as a consequence of all the financial transactions of the Council and not simply those arising from capital spending. In contrast, the Capital Financing Requirement reflects the Council's underlying need to borrow for a capital purpose.

5. CIPFA's Prudential Code for Capital Finance in Local Authorities includes the following as a key indicator of prudence: -

"In order to ensure that over the medium-term debt will only be for a capital purpose, the local authority should ensure that debt does not, except in the short term, exceed the total of Capital Financing Requirement in the preceding year plus the estimates of any additional Capital Financing Requirement for the current and next two financial years."

The Strategic Director, Corporate Resources reports that the Council had no difficulty meeting this requirement in 2016/17, nor are any difficulties envisaged for the current or future years. This view takes into account current commitments, existing plans, and the proposals in this budget report.

The following table shows the actual external debt against the underlying capital borrowing need (the Capital Financing Requirement), highlighting any over or under borrowing.

	31/03/17 £000 Actual	31/03/18 £000 Estimate	31/03/19 £000 Estimate	31/03/20 £000 Estimate	31/03/21 £000 Estimate	31/03/22 £000 Estimate	31/03/23 £000 Estimate
Actual gross debt at 31 March	610,189	666,341	725,230	756,697	768,417	772,400	786,917
Capital Financing Requirement	647,297	673,856	732,745	764,212	775,932	779,915	794,664
Under / (over) borrowing	37,108	7,515	7,515	7,515	7,515	7,515	7,747

6. In respect of its external debt, it is recommended that the Council approves the following Authorised Limits for its total external debt gross of investments for the next five financial years, and agrees the continuation of the previously agreed limit for the current year since no change to this is necessary. These limits separately identify borrowing from other long-term liabilities. The Council is asked to approve these limits and to delegate authority to the Strategic Director, Corporate Resources within the total limit for any individual year, to effect movement between the separately agreed limits for borrowing and other long-term liabilities, in accordance with option appraisal and best value for money for the Council. Any such changes made will be reported to the Council at its next meeting following the change.

Authorised Limit for External Debt					
	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000
Borrowing	875,000	905,000	910,000	910,000	925,000

7. The Strategic Director, Corporate Resources reports that these Authorised Limits are consistent with the Council's current commitments, existing plans and the proposals in this budget report for capital expenditure and financing and with

its approved treasury management policy statement and practices. The Strategic Director, Corporate Resources confirms that they are based on the estimate of most likely, prudent but not worst-case scenario, with sufficient headroom over and above this to allow for operational management, for example unusual cash movements. Risk analysis and risk management strategies have been taken into account, as have plans for capital expenditure, estimates of the Capital Financing Requirement and estimates of cash flow requirements for all purposes. These limits include amounts in relation to The Gateshead Housing Company.

8. The Council is also asked to approve the following Operational Boundary for external debt for the same time period. The proposed Operational Boundary for external debt is based on the same estimates as the Authorised Limit, but reflects directly the Strategic Director, Corporate Resources estimate of the most likely, prudent but not worst-case scenario, without the additional headroom included within the Authorised Limit to allow, for example, for unusual cash movements, and equates to the maximum of external debt projected by this estimate. The Operational Boundary represents a key management tool for in year monitoring by the Strategic Director, Corporate Resources. Within the Operational Boundary, figures for borrowing and other long-term liabilities are separately identified. The Council is also asked to delegate authority to the Strategic Director, Corporate Resources within the total Operational Boundary for any individual year, to effect movement between the separately agreed figures for borrowing and other long-term liabilities, in a similar fashion to the Authorised Limit. Any such changes will be reported to the Council at its next meeting following the change. These limits include amounts in relation to The Gateshead Housing Company.

<i>Operational Boundary for External Debt</i>					
	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000
Borrowing	850,000	880,000	885,000	885,000	900,000

9. The Council's actual external debt at 31 March 2017 was £610.189m comprising £610.189m borrowing and no other long-term liabilities. It should be noted that actual external debt is not directly comparable to the Authorised Limit and Operational Boundary, since the actual external debt reflects the position at one point in time.
10. In taking its decisions on this budget report, the Council is asked to note that the Authorised Limit determined for 2018/19 (see paragraph 6 above) will be the statutory limit determined under Section 3(1) of the Local Government Act 2003.
11. The Council shall ensure that the revenue implications of capital finance, including financing costs, are properly taken into account within option appraisal processes, the capital programme and the medium-term forecast. In assessing affordability, the Council will consider the council tax implications of its capital programme, borrowing and investment decisions.
12. The Council has adopted the CIPFA Code of Practice for Treasury Management in the Public Services (2017), which requires key Treasury

Management indicators.

13. The purpose of these indicators is to contain the activity of the treasury function within certain limits, thereby reducing the risk or likelihood of an adverse movement in interest rates or borrowing decisions impacting negatively on the Council's overall financial position. However, if these indicators were set to be too restrictive, they will impair the opportunities to reduce costs.
14. It is recommended that the Council sets upper and lower limits for the maturity structure of its fixed and variable rate borrowings as follows: -

Upper and Lower Limits for the Maturity Structure of Fixed Rate Borrowings		
	Upper Limit	Lower Limit
Under 12 months	30%	0%
12 months and within 24 months	30%	0%
24 months and within 5 years	40%	0%
5 years and within 10 years	40%	0%
10 years and within 20 years	40%	0%
20 years and within 30 years	40%	0%
30 years and within 40 years	50%	0%
40 years and within 50 years	50%	0%
50 years and above	30%	0%

Upper and Lower Limits for the Maturity Structure of Variable Rate Borrowings		
	Upper Limit	Lower Limit
Under 12 months	30%	0%
12 months and within 24 months	15%	0%
24 months and within 5 years	15%	0%
5 years and within 10 years	15%	0%
10 years and within 20 years	15%	0%
20 years and within 30 years	15%	0%
30 years and within 40 years	15%	0%
40 years and within 50 years	15%	0%
50 years and above	15%	0%

15. It is recommended that the Council sets an upper limit on its principal sums invested for periods longer than 365 days for 2018/19, 2019/20, 2020/21, 2021/22 and 2022/23 as follows: -

Upper Limit on amounts invested beyond 365 days					
	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000

TITLE OF REPORT: Local Council Tax Support Scheme for 2019/20

REPORT OF: Darren Collins, Strategic Director, Corporate Resources

Purpose of the Report

1. Cabinet is requested to recommend to Council a Local Council Tax Support Scheme for the year 2019/20.

Background

- 2 The Local Government Finance Act 2012, paragraph 5 of Schedule 1A, established a framework for Local Council Tax Support that requires the Council for each financial year, to revise its scheme, or replace it with another scheme and to do so before 11 March in the financial year preceding that for which the revision or replacement scheme is to have effect. The deadline in previous years has been 31 January but this was amended following the Government's independent review of Local Council Tax Support Schemes published in January 2018.
- 3 The Council is provided with funding to deliver its own Local Council Tax Support scheme although this grant is no longer separately identifiable having been subsumed within the council's overall finance settlement figure that continues to reduce year on year. The regulations require that pensioner households must be protected from the impact of the local scheme and therefore any shortfall in funding will fall to working age households or the council itself.
- 4 When designing a scheme the Council additionally must also consider its responsibilities under:
 - The Child Poverty Act 2010
 - The Disabled Persons (Services, Consultation and Representation) Act 1986, and Chronically Sick and Disabled Persons Act 1970
 - The Housing Act 1996 which gives local authorities a duty to prevent homelessness with special regard to vulnerable groups
- 5 Under legislation, the Council's own Local Council Tax Support scheme must be approved each year by Council by 11 March at the latest. The proposed council tax support scheme within this report is therefore a scheme for 2019/20.

Proposal

- 6 The proposed Local Council Tax Support scheme for Gateshead has been established with due regard to the Council's statutory obligations and in order to support those claimants most in need of financial assistance, consistent with the Council's priorities and policies.

7 Apart from some minor underlying adjustments to the scheme calculations to bring the scheme in line with the Government's Housing Benefit and Universal Credit scheme, the proposed scheme for 2019/20 will remain the same as the scheme that was in place in previous years from 2013/14 and this will retain the same provision for pensioners and the original 8 underlying principles outlined below:

- Protection should be given to certain groups – all working age claimants to pay at least 8.5% of their council tax liability
- The scheme should encourage people to work
- Everyone in the household should contribute
- Capital or Savings threshold should be maintained at £16,000
- War Pensions should be disregarded
- Minimum level of support should be £1 (per week)
- Child benefit should be disregarded as income.
- A discretionary fund should be maintained.

8 The proposed scheme therefore retains the minimum contribution of all working age claimants at 8.5% of their Council Tax liability and does not recommend an increase to this figure.

Recommendations

9 Cabinet is requested to recommend that Council:

- (i) approve the proposed scheme as set out in paragraphs 7 and 8 of the report; and
- (ii) delegate powers to the Strategic Director, Corporate Resources, to provide regulations to give effect to the scheme.

For the following reasons:

- (i) To meet the statutory requirements of the Local Government Finance Act 2012 in relation the establishment of a framework for Localised Council Tax Support
- (ii) To mitigate the impact of budget cuts and other Welfare Reform changes on Council Tax support claimants
- (iii) To mitigate the impact of funding reductions on Council finances
- (iv) To support the Council's "Thrive" policy priority.

APPENDIX 1

Policy Context

1. The proposals in this report are consistent with Council priorities and in particular ensuring that effective use is made of Council resources to support the framework for “making Gateshead a place where everyone thrives”.

Background

2. The Welfare Reform Act 2012 included the abolition of the Council Tax Benefit scheme with effect from 1 April 2013.

The Act created the need for each billing authority in England to develop a scheme that ‘states the classes of person who are to be entitled to a reduction under the scheme’. The Council must, before developing a scheme, consult any major precepting authority which has power to issue a precept, publish a draft scheme in such a manner as it sees fit, and then consult such other persons as it considers are likely to have an interest in the operation of the scheme.

3. The Council scheme, since 2013 has been based on 8 underlying principles:
 - **Principle 1 – Protection should be given to certain groups** – All working age claimants to pay at least 8.5% of their council tax liability. The council will support through the local scheme the remaining amount up to 91.5%.
 - **Principle 2 – The scheme should encourage people to work** – The earnings taper will not be increased and the earnings disregard will not be decreased.
 - **Principle 3a – Everyone in the household should contribute: Non-Dependants** - Non dependant deductions will increase in line with government recommendations and be on a sliding scale according to income.
 - **Principle 3b – Everyone in the household should contribute: Second Adult Rebate** – there will be no second adult rebate.
 - **Principle 4 – Benefit should not be paid to those with relatively large capital or savings** – The level of savings a claimant can have will be £16,000. A tariff will be applied for savings held between £6,000 and £16,000.
 - **Principle 5 – War pensions should not be included as income** – In recognition of the sacrifices made by war pensioners, war pension income will be excluded as income.
 - **Principle 6 – There should be a minimum level of support** – The minimum award of council tax support will remain at £1 per week.
 - **Principle 7 – Child benefit will not be included as income** – All child benefit income will continue to be disregarded in the calculation.

- **Principle 8 – Establishment of a discretionary fund** – A discretionary fund will allow for additional support to be provided to the most vulnerable in exceptional circumstances.

Proposal

4. The proposed scheme for 2019/20 will retain the same 8 underlying principles and remain the same as the scheme in place in previous years apart from some very minor adjustments to the underlying entitlement calculation to reflect changes to the Government's Housing Benefit and Universal Credit schemes.

Consultation

5. Where the proposed scheme for a year remains the same as in previous years, no formal consultation is required to be undertaken.

Alternative Options

Alternative options could involve the adoption of a scheme which offers less support by increasing the minimum contribution or more support to residents by increasing at a greater rate the Council's commitment of resources.

Implications of Recommended Option

6. **Resources:**

- a) **Financial Implications** – The proposed approach enables the Council to operate a support scheme within the funding available and to mitigate the impact on working age claimants by utilising council resources.

Adopting the scheme means that approximately 12,270 council tax payers will continue to pay no more than 8.5% of their council tax (around £110 per year/£2.12 per week).

The full impact on the Collection Fund continues to be monitored and the behaviour of those claimants who are required to pay has been analysed during the current and previous years. Collection from this client group has exceeded previous assumptions in the first four years of the scheme and continues to do so in 2018/19.

A discretionary fund of £25,000 is available to be used to support the most vulnerable claimants with exceptional circumstances.

The removal of the ring-fence within the Government funding calculation means that Government funding for this area has been significantly reduced. The best estimate of the Council's overall subsidy in relation to the scheme is approximately £7 million.

- b) **Human Resources Implications** – There are no human resources implications directly arising from this report

- c) **Property Implications** - There are no property implications directly arising from this report
7. **Risk Management Implication** - Retaining a scheme based on the same principles eliminates the risk of a local scheme not being supported from a technology perspective.
8. **Equality and Diversity Implications** - A Comprehensive Impact Assessment has been carried out.
9. **Crime and Disorder Implications** – No impact.
10. **Health Implications** – Financial concerns arising from the Governments Welfare Reforms may adversely affect the mental and physical health of some residents.
11. **Sustainability Implications** - There are no sustainability implications arising from this report.
12. **Human Rights Implications** – There are no Human Rights implications arising from this report.
13. **Ward Implications** – This scheme affects all current and future working age benefit recipients across Wards within the borough.

Background Information

Welfare Reform Act 2012
Local Government Finance Bill
Communities and Local Government - Statement of intent
Communities and Local Government - Vulnerable people –key local authority duties
Welfare Reform and Work Bill 2015
Comprehensive Impact Assessment

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TITLE OF REPORT: **Budget Consultation 2019-2020**

REPORT OF: **Sheena Ramsey, Chief Executive**

Purpose of the Report

1. To seek Cabinet approval to consult on the Council’s budget framework and proposals as part of the budget setting process for 2019-20.

Background

2. The Council is operating in an ever-changing policy landscape, both nationally and locally. The levels of uncertainty and the impact of government decisions are significant e.g. Universal Credit, homelessness, mental health, as well as the potential economic impact of Brexit. The challenging local context of austerity and increasing demand on council services, has compelled the Council to refocus on what matters most.
3. A new strategic approach Making Gateshead a Place Where Everyone Thrives was agreed in March 2018. The approach provides a framework to demonstrate how the Council will work and make decisions which will be policy and priority led. The approach is aligned to the timeframe of the Council’s Medium Term Financial Strategy and is predicated on the following pledges:
 - Put people and families at the heart of everything that we do
 - Tackle inequality so people have a fair chance
 - Support our communities to support themselves and each other
 - Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the borough
 - Work together and fight for a better future for Gateshead
4. The Council recognises there are huge financial pressures on not just council resources, but those of partners, local businesses and residents. To deliver on the new strategic approach over the next five years, the Council will need to be resolute in its determination to make Gateshead a place where everyone thrives.
5. The Medium Term Financial Strategy (MTFS) 2019-2024 agreed in July 2018, estimates the Council has a funding gap of £77m over the next five years, with at least £42.7m to be found in the next two years (£29.2m in 2019/20 and £13.5m in 2020/21). Thus, the funding estimated to be received from Government and from

council tax and business rate payers over the next five years is not sufficient to cover current level of spend plus new budget pressures.

6. By 2019/20 the Council's core grant funding will have reduced by approximately 52% from 2010. This equates to over a £400 per head reduction and over a £900 per dwelling reduction in Government funding over the period.
7. In order to strengthen the Council's financial position to deliver on the new strategic approach, there needs to be consideration of other ways to generate income and be self-sufficient including changes in local taxation, fees and charges and trading activities as well as prioritising and supporting economic growth within the borough. The Council will also seek to address and manage the huge pressures created by increasing demand for council services along with the identification of efficiencies and savings.
8. With this in mind, the budget proposals are a combination of efficiencies, cost reductions and income generation and proposals where the Council would like to work differently, with partners and others, to achieve the right outcome for those people and families who require more support than others. The budget framework and proposals are attached at Appendix 2.

Proposal

9. It is proposed that the Council consults on the budget proposals from 20 November 2018. The budget consultation will close on Friday, 11 January 2019 to enable evaluation of the responses to inform the Council's Budget 2019/20, which will be presented to Cabinet on 19 February 2019. Comments on the budget proposals can be made via email to Budgetconsultation@gateshead.gov.uk

Recommendations

10. Cabinet is asked to approve the consultation on the budget proposals for the period 2019/20 contained within this report.

For the following reason:

To ensure the Council is well placed to respond to the needs of the borough, whilst addressing the financial challenge placed on the Council and the residents of the borough.

CONTACT: Sheena Ramsey

extension: 2050

Policy Context

11. Making Gateshead a Place Where Everyone Thrives sets the major policy directions for the Council, redressing the imbalance of inequality, championing fairness and social justice. This approach determines future budget proposals and the development of Business Plans for each of the Council's Services.
12. Full Council is responsible for approving a budget following recommendations from Cabinet, in line with the budget and policy framework outlined within Gateshead Council's constitution.

Background

13. The Medium Term Financial Strategy 2019-2024 agreed in July 2018, estimates the Council has a funding gap of £77m over the next five years, with at least £42.7m to be found in the next two years (£29.2m in 2019/20 and £13.5m in 2019/20). The funding estimated to be received from Government and from council tax and business rate payers over the next five years will not be sufficient to cover current level of spend plus new budget pressures.
14. By 2019/20 the Council's core grant funding will have reduced by approximately 52% from 2010. This equates to over a £400 per head reduction and over a £900 per dwelling reduction in Government funding over the period.
15. Central Government's continued commitment to reduce the overall levels of public debt and move local government towards being more self-sufficient would indicate significant reductions in grant funding are likely to continue over the medium term. The likely continuing requirement and scale of budget savings, over and above the £157m already taken from budgets since 2010, represents an increasing challenge for the Council.
16. The Joint Strategic Needs Assessment demonstrates the levels of inequality Gateshead residents are experiencing. There are increasing numbers attending foodbanks, high numbers of looked after children, and poor health outcomes for men and women compared to other areas of the country.

Consultation

17. Consultation will be ongoing until such time as when the Council's Budget is agreed in February 2019.

Alternative Options

18. Local authorities are legally obliged to set a balanced budget each year and to ensure they have sufficient reserves to cover any unexpected events. Therefore, to legally balance the budget the Council must make spending plans affordable by matching it to the estimated funding available over that time.
19. Other options to close the budget gap will also be considered within the four themes of the Medium Term Financial Strategy of efficiencies and savings, managing demand, economic growth and income generation when the budget is set alongside potential increases in Council Tax.

Implications of Recommended Option

20. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms the Council will deliver a balanced budget consistent with legislation that is driven by council policy and which achieves priority outcomes. To achieve this, the Council must close an estimated financial gap of £29.2m for 2019/20 that is identified within the Medium Term Financial Strategy. The budget savings options have been generated by a focus on the MTFS themes of efficiencies/savings, managing demand, economic growth and income generation. Alongside the savings position the Council will seek to close the financial gap through consideration of other funding options identified within the MTFS. These other funding options include growth in council tax and business rates funding and consideration of a council tax increase as well as a full review of the cost pressures within MTFS assumptions and the optimum deployment of available reserves.

Within the 2018/19 settlement the Government provided some details of indicative funding up to 2019/20 which gives a high-level indication of revenue support grant funding. However significant uncertainty still exists in respect of likely funding levels in relation to other grants over the period as well as instability that arises from the volatility of business rates funding. The Council's financial settlement will not be known until the provisional settlement is announced on 6 December 2018 with final confirmation in January 2019 at which point assumptions around Council funding levels for 2019- 2020 will be clarified.

The funding estimated to be received from Government and from council tax and business rate payers over the next five years is not sufficient to cover current level of spend plus new budget pressures. Although there exists a great deal of uncertainty, overall it is estimated that the Council

will need to close a funding gap of £77m over the five financial years 2019/20 to 2023/24. This represents an extremely challenging position for the Council and in order to strengthen our financial stability the Council will have to continue to prioritise additional ways to generate income and be self-sufficient including changes in local taxation, fees and charges and trading activities as well as prioritising and supporting economic growth within the borough.

- b) **Human Resources Implications** – The HR implications are included in Appendix 2 to this report.
 - c) **Property Implications** – The Council will continue to implement its Asset Management Strategy and seek to reduce the costs associated with buildings and property.
21. **Risk Management Implication** – The risk management implications of each draft proposal will be assessed as part of future reports.
 22. **Equality and Diversity Implications** – During the period of consultation, draft equality impact assessments will be prepared to identify potential significant impact against the protected characteristics, as identified in the Equality Act 2010. This impact will be assessed to inform the Budget and Council Tax Level 2019/20 report that is prepared for Cabinet in February 2019.
 23. **Crime and Disorder Implications** – The Council has a legal duty under Section 17 of the Crime and Disorder Act 1998 to carry out all its various functions with “due regard to the need to prevent crime and disorder in its area”. Individual proposals will be assessed as to their impact on crime and disorder and should any specific impact be identified these will be highlighted in the report to Cabinet in February 2019.
 24. **Health Implications** – There are a number of draft proposals that could impact on the Council’s ability to improve the health and wellbeing of Gateshead’s residents. This impact will be assessed to inform the Budget and Council Tax Level 2019/2020 report that is prepared for Cabinet in February 2019.
 25. **Sustainability Implications** - The draft proposals put forward could impact on activities that support operational and financial sustainability. There is a need to balance short term budgetary requirements with the achievement of medium term financial sustainability.
 26. **Human Rights Implications** – The implications of the Human Rights Act must be considered in any decision that involves a change of policy or function, or a service change that arises from the choices. These will be identified, where necessary, in the Equality Impact Assessments.

27. **Area and Ward Implications** - The budget proposals apply to all Areas and Wards.

Background Information:

Making Gateshead a Place Where Everyone Thrives

Joint Strategic Needs Assessment

Residents' Survey 2018 & Consultations

Medium Term Financial Strategy 2019/20 – 2023/24

Workforce Strategy

Corporate Asset Management Strategy and Plan

Budget Framework and Proposals 2019/2020

Introduction

The Council, along with other local authorities, has faced unprecedented reductions in Government funding since the Comprehensive Spending Review in 2010. In addition, service pressures and increasing demand for services, particularly from the most vulnerable, has meant that the Council has had to make significant budget savings in response to the Government's austerity measures.

Gateshead Council sets a budget each year and must decide how to assign money to the wide range of vital services it provides to the people of Gateshead. Increasingly the budget setting process involves some very hard decisions, trying to balance the needs, as well as the wants and aspirations, of the community.

This report and its appendices explains the context the Council is working in, our strategic approach and sets out our budget framework and proposals for consultation for 2019/20.

Context

Gateshead is a fantastic place with amazing people. A vibrant place where residents have a strong sense of community and local pride and where people really care for each other.

The Council wants the best possible outcomes for the people of Gateshead and has always been ambitious with a reputation for innovation and vision with economic regeneration, culture and art firmly putting Gateshead on the map. Achievements however sit alongside significant levels of poverty and inequality and this cannot be ignored. The Council is clear that if the inequality gap is narrowed people will live longer, healthier and happier lives. The Council is focussed on fairness and always standing up for the most vulnerable and those in need.

In Gateshead today

- 29,000 people of working age are not in work
- one in five of our children live in poverty
- over 7,500 people need social care help
- over 5,000 people rely on foodbanks
- nearly 10,000 are not able to work due to long term sickness
- 12% of Gateshead households are fuel poor
- weekly wages are well below the England average
- 25% of people in Gateshead live in the 20% most deprived areas in England
- average earnings are still well below the national average

- over 10,000 people struggle to heat their homes
- over 3,000 people need support and advice to prevent or deal with homelessness

Changing context

The context the Council is working in has significantly changed. There have been 10 years of austerity and major government policy changes including Welfare Reform, Housing Reforms, National Living Wage, duties through the Care Act and changes to the education system which have forced speedy and sometimes counterproductive change.

We know that the radical changes in Government policies have negatively and disproportionately impacted on the people of Gateshead in the past 10 years. As a result of welfare reform, it is estimated that £70m per year will be lost from Gateshead residents, money that could be spent in Gateshead's economy.

Benefits have been frozen at a time when costs for fuel and food are going up and the benefits cap has meant that some families are now £100 a week worse off. The changes to Child Benefit and Child Tax credit support, which is now limited to the first two children, has resulted in a potential loss of at least £54 pound per month for larger families. We also know that over 1,600 council tenants are affected by the underoccupancy charge which means they have lost income of £1million due to reductions to housing benefit.

Universal Credit

The roll out of Universal Credit (UC) in Gateshead last year, where several existing benefits have been merged in to one, has a detrimental effect on individuals and families, particularly some of the most vulnerable members of our community. Benefits are paid in arrears and the first payment can take up to five weeks to be paid. Average rent arrears for council tenants receiving UC have almost doubled. This has meant that more families are experiencing hardship than ever before. Many more are accessing food banks and many children are going to school hungry. With one in five children in Gateshead now living in poverty this can have a devastating effect on their future life chances.

“It's hitting the people that can least afford it the hardest” a qualitative study looking at the impact of the roll out of Universal Credit in Gateshead concludes that there are profoundly detrimental effects on claimants, in particular those, with vulnerabilities, disabilities and health conditions. The findings also suggest that the human and financial costs to the wider health and care system will be significant.

Demand

Demand for all services is high including services that help to keep the place looking clean, tidy and attractive. In a recent survey, residents have told us that these services are important to them.

Nationally and locally demand for services that support the most vulnerable in our communities continues to increase. The number of children with protection plans and the numbers of looked after children are increasing month on month. As our population ages we are seeing an increase in the number of older people needing support to live independently at home, particularly when discharged from hospital.

Cumulative impact

Sustained year on year pressures upon resources have had a cumulative impact on society and their relationships with all public services. Many of those pulling heavily on services from the Council and other agencies will have exhibited earlier signals such as debt, loss of job, bereavement, mental health problems etc. Faced with stark choices, maintaining the capacity for statutory functions and interventions has seen the erosion of opportunities to respond to earlier signals of likely future need. This carries significant risks to citizens, communities and to services and is a situation in which many public services across the country have found themselves.

This creates a tension between short term budget savings and medium/long term approaches to reducing demand through achieving better outcomes by working with people and communities. This tension cannot be resolved solely through a particular application of the Council's budget as it requires collaboration with communities and other organisations. Unlike services, which become weaker and more strained as they are pulled upon more and more, communities and partnerships strengthen with use and involvement. Using our resources to enable others is critical to exploring the abundant potential of our relationships with people and partners and forms a key element of Gateshead's reformative approach.

Work is already underway with partners to understand more about those people with significant Council Tax debts and to work with them to address the underlying causes of the debts. Whilst addressing predictable issues around debt management, income maximisation and benefits claims, it also seeks to tackle mental health, loneliness and skills. By working with such partners as DWP, North-East Counselling and Citizen's Advice as if it were a single system of wellbeing, we have already demonstrated improved outcomes for people which have the potential to reduce future demand significantly. It is intended to expand this people-centred approach into working with the homeless and ultimately working with an entire community on this proactive basis.

If this works by reducing costs, demand and outcomes, it has the potential to revolutionise our approach to services and partnership.

Financial challenges

Gateshead has seen the Council's core grant funding from government reduce by 52% between 2010-18 which now means we have a reduction of £400 per person or £900 per household to spend on services. This comes at a time when demand for services and the cost to provide these services has never been higher.

The funding estimated to be received from Government and from council tax and business rate payers over the next five years is not sufficient to cover current level of spend plus new budget pressures.

The funding gap over the medium term can be further analysed to identify separately increasing demand and cost pressures on expenditure (+£64m) at the same time as the impact of reductions in funding on income (-£13m).

A report by the University of Cambridge, published in October 2018, has concluded that English councils have faced an average budget cut of 24%. Gateshead is one of only seven councils where cuts exceeded 40%. Gateshead has seen a 52% reduction in core government grants. The research found that councils that were most reliant on government grants, with lower property values and fewer other funding sources, have been hardest hit. The research also concluded that austerity has not hit all areas equally, and that southern England has experienced 'relatively minor' service cuts.

Central Government's continued commitment to reduce the overall levels of public debt and move local government towards being more self-sufficient would indicate significant reductions in grant funding are likely to continue over the medium term.

Uncertainty still lies ahead both locally and nationally with the impact of Universal Credit, implications of Brexit, Business Rate retention and Funding Formula changes. There is great uncertainty in relation to the level of funding beyond 2020 due to the changes in the Local Government finance system resulting in greater risks in relation to the localisation of business rates and the local council tax scheme.

The chancellor announced in his budget in October a number of provisions for local government. These may have an impact on our finances but we will not know the true picture until we get our finance settlement in December, only two months before we have to set our budget by law. Receiving the settlement so late in the year makes it incredibly difficult to plan.

An increasing financial challenge is to balance short term budgetary requirements with the achievement of medium term financial sustainability.

Our approach – Making Gateshead a Place Where Everyone Thrives

Gateshead Council wants the best possible outcomes for the people of Gateshead. We want to make sure we listen and understand what matters most to local people whilst always standing up for the most vulnerable and those in need.

We want Gateshead to be a place where everyone thrives. If we are to achieve this we need to take a fresh look at the way we spend the money, the way we work with partner organisations, businesses and how we work with our local people and communities.

Making Gateshead a Place Where Everyone Thrives sets the major policy directions for the Council, redressing the imbalance of inequality, championing fairness and social justice

To help us achieve this we have developed FIVE pledges to help and guide us when we make decisions.

We pledge to:

- Put people and families at the heart of everything we do
- Tackle inequality so people have a fair chance
- Support our communities to support themselves and each other
- Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the borough
- Work together and fight for a better future for Gateshead

The Council recognises there are huge financial pressures on not just council resources, but those of partners, local businesses and residents. To deliver on the new strategic approach over the next five years, the Council will need to be resolute in its determination to make Gateshead a place where everyone thrives. This means the Council's decision-making will be policy and priority led and driven.

Support for our new approach

Last year the Council launched Making Gateshead a Place Where Everyone Thrives and the overall response has been very positive with a high level of support for the new approach. Our recent residents survey showed that 88% of respondents supported the approach and agreed with our pledges.

Partner organisations appreciate that the issues the Council faces are shared issues and are keen to work with us to improve outcomes for local people and reduce inequality.

Employees have actively embraced the new strategic approach with 70% of employees understanding how their role contributes to the agenda. We have a committed and dedicated workforce who are proud to work for the Council and feel they have the freedom to work in different ways to get the best results for local people.

The Council is using its funds and targeting its resources to support the most vulnerable in Gateshead, a few examples include:

- We have supported over 2,500 children to receive meals during the summer holidays
- We have increased the distribution of surplus food to communities across the borough
- We are developing an initiative to assist residents to switch energy supplier and reduce outgoings
- We have topped up Discretionary Housing Payments by £450,000 a year to support those in greatest need.
- We have paid for three additional welfare benefit advisors working at Citizens Advice who have successfully claimed £864,000 on behalf of 330 residents.
- We are refunding schools which are providing free school meals at their discretion to children whose parents are awaiting Universal Credit payments.
- We are providing digital and online support to residents needing to set up email addresses in order to claim Universal Credit.
- We have put in place Alternative Payment Arrangements for 892 Gateshead Housing Company tenants.
- We are giving vulnerable new arrivals to Gateshead employment skills and financial inclusion support.
- We are supporting young people age 16-29 into jobs, apprenticeships and work experience.

The Council's Medium Term Financial Strategy

The Council's Medium Term Financial Strategy (MTFS) provides the budgetary framework to support how the Council will achieve its ongoing transformation programme over the next five years.

The approach to closing the financial gap cannot be based solely on budget savings, efficiencies and service reductions. There are other factors that the Council will need to take into account, including the local government finance settlement expected in

December 2018, local growth in council tax base and business rates, increased income from investments or trading activities and effective demand management which reduces the estimated costs included in the MTFs.

Staying the same is not an option. The Council is required to change to deliver its priority outcomes within the limited funding available. The Council response to the challenging financial context is to focus on delivery of the five-year financial strategy with a focus on four areas to help achieve long term financial stability;

Economic Growth

The ambition is to deliver economic growth hand-in-hand with reducing inequality and poverty. The emphasis is on both outcomes as well as opportunities, so involves both influencing and shaping the nature of opportunities that exist in the economy and society and ensuring local people have fair access to these. We want to ***“Invest in our economy to provide sustainable opportunities for employment, innovation and growth across the borough”***

The Council aims to promote a strong and sustainable local economy leading to wellbeing and prosperity for residents, communities and businesses. This will be supported by a planned approach to investment to boost local economic and housing growth such as improving local infrastructure and wider transport links. Success in this area will enable the Council to have a stronger medium and long term financial position and allow redirection of resource to activities which protect the most vulnerable.

Targeted intervention through various initiatives aimed at attracting more and better paid jobs and improving skills can boost the proportion of working age residents and foster an inclusive economy in which more people are in good jobs.

From a financial perspective the Council will look to invest resources to generate economic growth that will result in increased Business Rates and Council Tax income to the Council. This will enable the Council to become more financially self-sufficient and help close the funding gap.

The Council's strategic ambitions for economic growth will help to create and sustain thriving communities and a more prosperous economy through developments like Gateshead Quays, the provision of new homes including council homes, jobs growth for example through the development at Baltic Quarter and the expansion of Follingsby Industrial Estate. This in turn will attract more private, public and social investment in the borough.

Managing Demand

Like many other local authorities, a significant challenge facing the Council is increasing demands and expectations for services at a time when funding sources are significantly reducing.

In order to manage cost pressures over the medium term it is vital that plans are made to manage this demand and either reduce or stop it.

A particular area facing this pressure is in both children's and adult's social care where costs are increasing and vastly outstrip available budgets.

Other areas of demand include demands for online services, welfare and hardship support, access to public health services. We want to ***"Put people and families at the heart of everything we do"*** and ***"Help our communities to support themselves and each other"*** by implementing digital strategies, close working with partners and volunteers to align priorities and encouraging and supporting local people, partner organisations, businesses and local communities to play a more active role in achieving priority outcomes for Gateshead.

The Council is currently working in a range of areas to help manage demand particularly in children's and adults social care including:

- Different service models focused on early intervention, prevention and enablement for independence to help keep people in their own home for as long as possible.
- New ways of working including promoting the use of assistive technology
- Working closely with health service partners to maximise use of resources in Gateshead
- Reviews on existing packages of care to ensure best outcome for individuals and provision is value for money
- Reducing the number of looked after children being cared for outside of the borough by increasing local provision for children

Income Generation

The Council aims to strengthen the medium and long term financial position of the Council through replacing government funding through increasing income sources such as increased areas of trading to generate a surplus for re-investment in priority services. This will involve a more driven commercial approach to traded service delivery and fees and charges but built upon key council principles and priorities. The Council benefits from its existing strong in house traded services and the intention will be to use this platform to expand into new markets to generate increased income.

The Council will actively seek to maximise investment opportunities after consideration of risk and financial pay back whilst continuing to seek out and securing external funding.

The Council is currently working in a range of areas to help generate income including:

- Reviewing fees and charges annually. This includes consideration of inflation and pay uplift impacts alongside competitor rates and policies in respect of discounts and concessions. The challenging budget position may mean consideration of new fees and charges where a service is currently provided free of charge
- Exploring external funding opportunities
- Developing commercial trading opportunities where appropriate to increase income
- Increasing income from a range of areas including:
 - District Energy Scheme
 - Increased income from Leisure and Events
 - Increased income from services including building cleaning, legal, finance, IT and council owned property

Efficiencies & Savings

The scale of the budget challenge means that the Council will still face further significant cost reductions through efficiencies and different methods of service provision and reductions in service provision.

The scope of this will require a realignment of budgets to Council spending priorities. This in turn may result in ceasing existing activities, scaling down activities or services, renegotiation of contracts or Service Level Agreements.

Despite already achieving considerable budget savings to date the Council will continue to drive efficiencies through changes to the way the Council works, for example, through exploiting new technology, consolidation of buildings and services, reducing complex processes.

The Council will also actively look to streamline its processes in order to support effective decision making and make the best use of available capacity.

Opportunities for working in collaboration and partnership and different ways of working will be identified and developed where this will support the delivery of the Council's outcomes and improve service efficiency and delivery.

The Council will ensure that reducing resources are used to maximum effect, and continuously strive to find efficiencies and achieve value for money. However the

impact of continuing significant reductions in funding and increases in demand will have an inevitable impact on both the nature and scope of services that the Council is able to deliver. We want to “**Work together and fight for a better future for Gateshead**”.

The Council is working in a range of areas to drive efficiencies and savings including:

- Reviewing and recommissioning Public Health services
- Implementing our Digital strategy which cuts across all four themes of the MTFs to provide cheaper to deliver but high quality digital services, to those that can access them, whilst improving the customer experience and helping us to reduce costs.
- Working to improve customer experience across the whole of the Council including customer contact, customer care and customer service
- Streamlining processes and reducing bureaucracy across the whole of the council and making the best use of new technology.

The Council’s draft budget proposals

Taking into account the Council’s strategic approach “Making Gateshead A Place Where Everyone Thrives”, and the challenging financial gap facing the Council in 2019/20, the following draft budget proposals are being put forward as contributions towards closing that gap.

The budget proposals are a combination of efficiencies and cost reductions, income generation and proposals where the Council would like to work differently, with partners and others, to achieve the right outcomes for those people and families who require more support than others, to help them to thrive.

In accordance with our duties under the Equality Act, due regard has been taken to understand the potential impact of the proposals on groups of people who share a protected characteristic. The Impact Assessments will be made available on the Council’s website throughout the consultation period. To access the Impact Assessments for the proposals please see our website www.gateshead.gov.uk/budget.

The Council recognises the potential negative health impact of policy changes alongside reductions in spending and is committed to undertake a health impact assessment on all the budget proposals. This will help the Council to identify any risk and mitigation.

Consultation

Consultation enables us to better understand and consider the needs and expectations of all residents in Gateshead. Consultation will be undertaken in relation to all proposals and will involve identification and ongoing assessment as to the impact, if any, of each proposal to inform decision making.

Depending on the type of proposal under consideration consultation may involve some or all of the following stakeholders:-

- individual service users and their families,
- representative groups/community interest groups and other stakeholders
- Gateshead Council partners
- other statutory agencies
- voluntary and community organisations

The nature of the consultation will be determined by, and proportionate to, the proposal under consideration and the form and scope may differ between proposals.

The initial proposals presented in this document are in many cases capable of being increased or decreased and decisions on this will be informed by the results of the consultation and the overall requirement for savings that will be confirmed when the Council receives further funding information from government.

Comments on the draft budget proposals can be forwarded by email to BudgetConsultation@gateshead.gov.uk

DIFFERENT FORMATS

If you require this information in a different format – large print, Braille, on audio/CD/MP3 please contact Jane Bench on telephone 0191 433 2058 or email BudgetConsultation@gateshead.co.uk

Implications of the draft budget proposals on employees

There are a number of proposals put forward for consultation that will, if agreed, have an impact on the Council's workforce. Where applicable these are expressed as FTEs (full-time equivalents). This means posts totalling this FTE figure would have to be deleted permanently from the Council's employee establishment to make the identified saving from staffing budgets.

In accordance with the statutory redundancy process as set out under section 188, Trade Union and Labour Relations (Consolidation) Act 1992, consultation must be undertaken with the appropriate trade union representatives of employees who may

be affected by any of the proposals. The Council's Redundancy Policy allows for a consultation period of 90 days which has been factored into the proposed timetable to enable full and constructive consideration to be given to: how redundancies might be avoided; how the number of redundancies might be reduced; and mitigating the consequences of any redundancies.

In order to minimise the number of compulsory redundancies, applications for voluntary redundancy will be considered in areas not at risk of redundancy. The Council continues to offer an enhanced Redundancy Payment Scheme available on application to employees at risk of redundancy, or whose post might provide an employment opportunity for an employee otherwise at risk themselves (i.e. a 'bumped redundancy') or an efficiency saving.

In addition, employees will be encouraged to consider whether a reduction in hours might be appropriate for them, thereby enabling savings to be made from staffing budgets which are not dependent on redundancies.

While voluntary redundancy or reduced hours arrangements might not be available to all employees due to the particular needs of the service, managers will be asked to consider constructively such applications from employees.

Where compulsory redundancies are implemented, all reasonable efforts will be made to secure alternative employment within the Council (either on a permanent or temporary basis) for those employees affected.

A range of support measures are also in place to offer employees at risk or on notice of redundancy guidance and advice on matters such as: where to seek external job opportunities; preparing job applications and for interviews; how to become self-employed or start a new business; where to access other support and how to manage finances.

EFFICIENCIES, SAVINGS AND CUTS

Cutting services and also continuing to drive efficiencies and savings through changes to the way the Council works, for example through exploiting new technology, consolidation of buildings and services and reducing complex processes

Ref	Name of proposal	2018/19 Net Budget £000	2019/20 Proposal amount £000	Description	Workforce implications FTEs
1	<p>Commissioning and Neighbourhoods – Gateshead Fund</p> <p>We propose to reduce the financial contribution relating to the Gateshead Fund</p> <p>Contact: Tony Alder, Acting Strategic Director, Communities and Environment</p>	1,026	100	<p>The proposal is to reduce the Gateshead Fund from £300,000 to £200,000.</p> <p>The fund is currently split between the main grants programme available to community and voluntary organisations and the Local Community Fund.</p> <p>This reduction in the Gateshead Fund could impact on the Council's aspiration to help build capacity and sustainability within the community and voluntary sector, reducing its ability to support the Council's Thrive agenda and help reduce demand for services.</p>	0
2	<p>Commissioning and Neighbourhoods - CVS contract</p> <p>We propose to reduce funding to the community and voluntary sector contract by 10%</p> <p>Contact: Tony Alder, Acting Strategic Director, Communities and Environment</p>	1,026	16	<p>The Council has a contract with Newcastle CVS to provide a range of support and development services to the Borough's voluntary and community sector, to complement the support provided in the Council.</p> <p>The contract sum tapers over its 3-year lifespan. This saving would require an acceleration of the taper and should have minimal impact on the contract delivery outcomes.</p>	0
3	<p>Commissioning and Neighbourhoods - service reduction</p> <p>We propose to reduce the staffing establishment.</p> <p>Contact: Tony Alder, Acting Strategic Director, Communities and Environment</p>	1,026	89	<p>Reduction in the workforce of Commissioning and Neighbourhoods service. The proposed staffing changes would be within the Neighbourhood Management and Volunteering team.</p>	2

4	<p>Development, Transport and Public Protection</p> <p>We propose the following;</p> <ul style="list-style-type: none"> • Service restructure of the Development, Transport and Public Protection service • Increased income from planning consultancy and other Work <p>Contact: Anneliese Hutchinson, Service Director Development, Transport and Public Protection</p>	3,270	404	<p>A combination of income generation activities, alternative funding strategies and reduction in staffing. More specifically this proposal would mean</p> <ul style="list-style-type: none"> • a reduction in the staffing establishment of this service • charging for specialist consultancy advice to other organisations and to recharge professional advice to capital schemes. • reclaiming full cost of events • maximisation of alternative funding sources. 	7
5	<p>Economic Development</p> <p>We propose to reduce the staffing establishment of this service.</p> <p>Contact: Andrew Marshall, Service Director Economic Development</p>	851	170	<p>This proposal would result in a 34% reduction in the core Economic Development service and would mean stopping our dedicated work to develop the Tech and Digital sector and the Retail, Hospitality and Care sector. It would also significantly reduce the Council's ability to influence and secure investment from strategic funding streams and undertake the research and analysis necessary for all the service's work.</p> <p>There is scope to mitigate the impact of this proposal in part or in whole by temporary funding from the Economic Growth reserve.</p>	4
6	<p>Street Scene – Clean Tyne Partnership</p> <p>We propose to cease Clean Tyne Partnership involvement</p> <p>Contact: Colin Huntington, Service Director Street Scene</p>	17	17	<p>Withdraw from the current partnership with Newcastle Council, North Tyneside Council and the Port of Tyne Authority. Gateshead Council is the lead partner.</p> <p>This could impact on the viability of the Clean Tyne project which uses specialist river clearing vessels to remove debris from the River Tyne.</p>	0
7	<p>Street Scene - Pest Control</p> <p>We propose to cease the Pest Control Service.</p> <p>Contact: Colin Huntington, Service Director Street Scene</p>	120	120	<p>This proposal would cease the Pest Control service, which is not statutory.</p> <p>Private sector provision is anticipated to meet the demand from residents and the Gateshead Housing Company.</p>	3

8	<p>Street Scene - Bowls and Football Pitches</p> <p>We propose to cease maintenance of Bowls and Football Pitches</p> <p>Contact: Colin Huntington, Service Director Street Scene</p>	246	246	<p>This proposal would cease the maintenance service of all bowling greens and football pitches in the Borough.</p>	9
9	<p>Street Scene – reduced service provision</p> <p>We propose to reduce service provision in these areas</p> <ul style="list-style-type: none"> • Street Lights Repairs, Cleaning and Testing • Signs, Fencing and Guardrail • Inspections, Patching, Repairs • Street Cleansing - Reduction in Repairs & Maintenance Vehicles/ Plant General Budget <p>Contact: Colin Huntington, Service Director Street Scene</p>	13,149	1,037	<p>This proposal would reduce current levels of service provision by reducing the staffing establishment;</p> <ul style="list-style-type: none"> • 25% reduction in street light repairs, cleaning and testing • 50% reduction in signs, fencing and guardrails • 60% reduction in inspections, patching and repairs <p>Part of this proposal would reduce budget for repairs and maintenance of vehicles and the plant general budget for street cleansing. This would have no impact on front line service delivery.</p>	11.5
10	<p>Efficiencies in Commissioning and Quality Assurance service</p> <p>We propose to:</p> <ul style="list-style-type: none"> • reduce the staffing establishment of the commissioning function • make efficiencies relating to the Gateshead Equipment Service • remodel provision of information and advice services • cease three contracts with Mental Health Matters • make reductions in supplies budgets <p>Contact: Dr Lynn Wilson, Service Director, Commissioning and Quality Assurance</p>	2,527	529	<p>Part of this proposal would be achieved through the deletion of posts from the establishment.</p> <p>The service will continue to explore opportunities to provide greater efficiencies relating to delivery of its functions, including achieving improved economies of scale across the council and with partners.</p> <p>Mitigating the impact of the Mental Health Contracts requires discussion with health colleagues.</p>	4

11	<p>Reduction in staffing establishment of the Early Help service</p> <p>We propose to reduce the number of management and family intervention worker posts.</p> <p>Contact: Val Hall, Service Director Early Help</p>	2,880	407	This proposal would be achieved through the deletion of posts.	10
12	<p>Reduction in staffing establishment of the Learning and Schools service</p> <p>We propose to explore options to reduce the staffing revenue budgets.</p> <p>Contact: Steve Horne, Service Director Learning and Schools</p>	487	75	This proposal may be achieved through deletion of posts and maximisation of alternative funding sources.	1
Page 221	<p>Reduction in staffing establishment of the Public Health service</p> <p>We propose to delete a Public Health Consultant post which is currently vacant.</p> <p>Contact: Alice Wiseman, Director of Public Health</p>	718	75	This proposed saving will not directly impact on service delivery to the public. However, it will reduce the senior capacity to lead work across the Council and in partnership with the NHS and local communities to improve and protect the health of the local population and tackle health inequalities.	1
14	<p>Reduction in staffing establishment of the Children and Families service</p> <p>We propose to review the current service provision undertaken within this service.</p> <p>Contact: Elaine Devaney, Service Director Children and Families</p>	1,987	400	<p>This proposal would affect the following functions within this service:</p> <ul style="list-style-type: none"> • Business Support • Fostering • Family Group conferences and Contact • Support for children in alternative education or not in education 	11.30

15	<p>Reduction in Disability Related Expenditure (DRE)</p> <p>We propose to reduce the standard allowance available from £15 to £10.</p> <p>Contact: Steph Downey, Service Director Adult Social Care</p>	(3,379)	214	<p>The amount an individual contributes towards the cost of their care package is determined via a financial assessment, within this assessment an allowance is given for DRE. At the £10 level, it is anticipated the financial impact will be minimised and the charging policy has the provision for individual assessments if required.</p>	0
16	<p>Reduction in staffing establishment and supplies for the Adult Social Care service</p> <p>We propose to delete posts and reduced hours for the Provider Services. There would also be a reduction in Provider non-staffing budgets.</p> <p>Contact: Steph Downey, Service Director Adult Social Care</p>	8,873	528	<p>The reduction to the staffing establishment is anticipated through vacant post(s) and voluntary redundancies.</p> <p>There should be no impact on frontline delivery.</p>	11.25
17	<p>Review of service operating model for Financial Management and Internal Audit functions</p> <p>We propose to further consider streamlining of financial processes and procedures, as well as exploring options for income generation.</p> <p>Contact: Keith Purvis, Service Director, Corporate Finance</p>	1,640	159	<p>The service will explore opportunities to provide greater efficiencies relating to the financial systems and controls currently in place.</p> <p>The reduction to the staffing establishment is anticipated through vacant post(s) and voluntary redundancies.</p>	3.71
18	<p>Civic Centre catering</p> <p>We propose to explore options to reduce the overhead costs of providing this service.</p> <p>Contact: Lindsay Murray, Service Director Trading and Commercialisation</p>	(1)	20	<p>This proposal will review the current service provision, including staffing levels and potential for increasing prices.</p>	3

19	<p>Review of Facilities Management and Building Maintenance</p> <p>This proposal would consider:</p> <ul style="list-style-type: none"> • Review of Facilities Support Officer structure • Services to Schools – development of service packages • Trading of FM compliance • Building maintenance services to public buildings and schools <p>Contact: Lindsay Murray, Service Director Trading and Commercialisation</p>	2,486	533	<p>This proposal would primarily be achieved through a reduction of posts within the FM function. However, work will be undertaken to maximise buy-back from schools for the Council's services and development of additional trading with current clients and expansion into more external trade.</p> <p>With regard to building maintenance, it is proposed to reduce the current cyclical maintenance programme and extend cycles of maintenance, using a risk-based approach.</p>	10
20	<p>Cost reduction and income generation across the Library Service</p> <p>We propose to review all resource budgets and explore different ways of working.</p> <p>Contact: Lindsay Murray, Service Director Trading and Commercialisation</p>	1,713	123	<p>This proposal would mean a review budgets for employee training, book fund, supplies and services, mobile library and a review of opening hours.</p>	0
21	<p>Reduced financial support to commissioned organisations</p> <p>We propose to reduce contributions given to Tyne and Wear Archives and Museums, BALTIC Centre for Contemporary Art, Sage Gateshead and the NewcastleGateshead Initiative.</p> <p>Contact: Lindsay Murray, Service Director Trading and Commercialisation</p>	772	150	<p>This proposal relates to further reductions in the contributions the Council makes to these cultural organisations.</p>	0

22	<p>Reduction in staffing and non-staffing budgets</p> <p>We propose a range of reductions in staffing and non-staffing in Corporate Services Governance and Policy and Communications.</p> <p>Contact: Mike Barker, Strategic Director Corporate Services & Governance Marisa Jobling, Service Director Policy & Communications</p>	5,275	1,051	<p>This proposal would explore options relating to:</p> <ul style="list-style-type: none"> • reducing staffing establishments • reducing supplies budgets • removing the Komatsu Youth Exchange • reviewing systems support • use of the Civic Centre space by partners • a review of cross council advertising • implementation of the workforce plan • economies of scale through partner working with Gateshead Housing Company (GHC) • a review of Print Point and Graphic Print Design 	2.64
23	<p>Organisational review of Customer and Financial Services and savings from renewal of system contracts and non-staffing budgets</p> <p>We propose to undertake a review across the service following service redesign, system development and increased employee/customer self-service.</p> <p>Contact: John Jopling, Service Director Customer and Financial Services</p>	3,279	271	<p>This proposal would mean further development of key systems together with increased employee self-service and customer contact channel shift.</p> <p>The reduction to the staffing establishment is anticipated through vacant post(s) and voluntary redundancies.</p>	9
Income 24	<p>Increase income in Customer & Financial Services</p> <p>Contact: John Jopling, Service Director Customer and Financial Services</p>	(1,768)	370	<p>This proposal would increase income from a number of different areas across the service.</p> <p>Part of this proposal relates to increased income from additional charges to Direct Payment clients for Payroll and HR support and advice.</p>	0

Income 25	<p>Increased income in Adult Social Care service</p> <p>We propose to increase income by</p> <ul style="list-style-type: none"> • Introducing an accommodation charge for aftercare services • Increase day services charge • Introduce charging for Guidepost • Increase charges for meals in day centres and promoting independence centres <p>Contact: Steph Downey, Service Director Adult Social Care</p>	(198)	138	<p>This proposal would increase income across the Adult Social Care service by;</p> <ul style="list-style-type: none"> • Introducing an accommodation charge for aftercare for people kept in hospital under the Mental Health Act (S117) <p>We would look to recover the accommodation element of the support package. The accommodation element would become chargeable but to the extent someone is able to pay and where they are unable the cost would become a social care cost. The decision would be implemented at the point of care provision for any “new” s117 clients.</p> <ul style="list-style-type: none"> • Increase day services charge <p>Increasing the day service charge per day from £14.60 to £25.00 which is below the majority of market costs. This charge is means tested.</p> <ul style="list-style-type: none"> • Introduce charging for Guidepost <p>Introducing a charge for this drop-in service for learning disability clients. There may be a risk of a reduction in people using the service who may end up in more costly provision in the future.</p> <ul style="list-style-type: none"> • Increase charge for meals in day centres and promoting independence centres <p>Increasing the charge for meals from £3.60 to £4.00. This charge is not means tested. The rate is comparable with other local authorities in the area.</p>	0
26	<p>Increased income in Trading and Commercialisation Service</p> <p>We propose to undertake a review of Culture and Events.</p> <p>Contact: Lindsay Murray, Service Director Trading and Commercialisation</p>	554	56	<p>This proposal would mean maximisation of use of assets, an increased focus on income generation and a review of the service.</p>	3

27	<p>Removal of contribution to Child and Adolescent Mental Health Service</p> <p>We propose to remove the Council's contribution towards provision of this service.</p> <p>Contact: Elaine Devaney, Service Director Children and Families</p>	190	190	This proposal would mean the Council no longer making a financial contribution in support of the NewcastleGateshead CCG fulfilling their statutory responsibility relating to the provision of mental health services for children and young people in Gateshead.	0
28	<p>Management Delaying</p> <p>Contact: Sheena Ramsey, Chief Executive</p>	N/A	250	Review of Council organisational structure	TBC

TITLE OF REPORT: Revenue Budget - Second Quarter Review 2018/19

REPORT OF: Darren Collins, Strategic Director, Corporate Resources

Purpose of the Report

1. This report sets out the latest monitoring position on the 2018/19 revenue budget at the end of the second quarter to 30 September 2018. Cabinet is asked to note the contents of the report and recommend the approval of an administrative virement.

Background

2. Cabinet receives quarterly reports on the agreed revenue budget so that any variances can be identified and addressed. This report sets out the revenue monitoring position at 30 September 2018.
3. Council agreed the original revenue budget for 2018/19 on 22 February 2018. This was set at £203.466m.
4. The projected outturn for 2018/19 at 30 June 2018 was an over spend of £7.922m. This included planned use of £3.371m of reserves, plus £1.337m from the Strategic Revenue Investment reserve and this was reported to Cabinet on 17 July 2018. The Cabinet report identified that management would continue to seek to deliver the outturn within the original estimate.

Proposal

5. Without any further action the projected outturn for 2018/19 at 30 September 2018 is £208.655m compared to the estimate of £203.466m, an over spend of £5.189m. The projection for the year includes the planned use of £4.582m reserves, plus £1.337m from the Strategic Revenue Investment reserve.
6. Active management by Corporate Management Team and the wider Leadership Team of the Council will continue to ensure that spending for the year remains contained within the current estimate. No change in the total revenue budget is therefore recommended in this report. The overall budget position will continue to be subject to close review as services change to deliver the Council's Thrive policy priorities.
7. Key budget variances, although lower than in the first quarter, have continued in the second quarter in respect of Social Care. Action plans to address the areas of over spend will remain under review. The agreed savings for 2018/19 will continue to be actively monitored to facilitate delivery of the agreed budget.

8. It is important that effective budget monitoring and action planning is in place to ensure that spending in 2018/19 is contained within approved budgets as this will contribute to a sustainable financial position for the Council. Any over spend at the end of the financial year will result in the 2018/19 funding gap being increased and reserve levels being reduced which will impact on the financial plans of the Council.
9. In relation to the management of the budget the following administrative budget virement is required in order to align budgets with responsibility for service delivery:
 - £0.628m from Social Work – Children & Families to Early Help & Education to realign budgets following a service restructure.

Recommendations

10. It is requested that Cabinet:
 - (i) notes the Council's revenue expenditure position at 30 September 2018, as set out in Appendix 1.
 - (ii) approves the administrative virement outlined in Paragraph 9.

For the following reason:

- To contribute to sound financial management and the long-term financial sustainability of the Council.

APPENDIX 1

Policy Context

1. This report meets the standards required to comply with the Accounts and Audit Regulations 2015. It is also consistent with Vision 2030 and the Council's objectives of making Gateshead a place where everyone thrives by ensuring a sustainable financial position for the long term.

Background

2. The Accounts and Audit Regulations 2015, which represent financial management good practice, recommend that councillors should receive regular reports on performance against revenue and capital budgets. The frequency of the reports is determined following a risk assessment of the budget, and Cabinet currently receives a report on a quarterly basis.
3. This report sets out the latest position on the 2018/19 revenue budget as at 30 September 2018 and projects spending and income to the end of the financial year.
4. Council agrees the revenue budget and it also approves variations and revisions to this budget.
5. Council agreed the original revenue budget for 2018/19 on 22 February 2018. This was set at £203.466m.
6. Appendix 2 details the proposed revised budget for 2018/19 compared to an assessment of the projected outturn for the year. Without any further action the projected outturn for 2018/19 at 30 September 2018 is £208.655m compared to the budget of £203.466m, this therefore results in a projected over spend of £5.189m.
7. At the end of the second quarter of the year, the projected use of reserves is £4.582m, plus £1.337m from the Strategic Revenue Investment reserve.
8. Additional funding of £240m for adult social care has been announced by the Department of Health and Social Care. This funding is to help councils alleviate winter pressures on the NHS by getting patients home quicker and freeing up hospital beds across England. Gateshead have been allocated £1.133m of the funding available but as detailed guidance and conditions have not been made available to date this has not been included in the overall outturn position in this report.

Variations

9. The main variances on a group basis are set out below.

Care, Wellbeing and Learning

10. The projected over spend of £4.945m on Social Work - Children and Families relates mainly to placement expenditure and higher than expected employee costs. Action planning is continuing in this area.

11. The projected over spend of £1.061m on Early Help and Education relates to higher than expected direct payments and employee costs. There are also £0.403m of 2017/18 savings remaining to be allocated. Specific action planning is continuing to address the over spend.
12. The projected over spend of £2.761m on Adult Social Care relates to service pressures and savings yet to be delivered. Action is being taken to reduce demand and package costs.

Communities and Environment

13. The projected under spend of £0.174m on Development, Transport and Public Protection relates to reduced employee costs as a result of vacant posts offset by unachieved income from bus lane enforcement.
14. The projected under spend of £0.433m on Street Scene relates to an over achievement of fleet income offset by over spends on highway repair costs.

Corporate Services & Government

15. The projected under spend of £0.173m on Legal & Democratic Services relates to reduced employee costs and an over achievement of income for data protection services and conveyancing.
16. The projected over spend of £0.183m on Property & Corporate Asset Management is as a result of higher than anticipated repairs and maintenance costs and reduced rental income partially offset by additional income from Trinity Square.
17. The projected over spend of £0.103m on Corporate Commissioning and Procurement relates to an underachievement of print unit income.

Corporate Resources

18. The projected under spend of £0.213m on Customer & Financial Services relates to an over achievement of income for fees and charges.
19. The projected over spend of £0.168m on Housing Benefits relates to an increase to the bad debt provision to offset the potential non-recovery of bad debt overpayments.
20. The projected under spend of £0.204m on IT Services relates to reduced employee costs and an under spend on general IT costs.
21. The projected over spend of £0.649m on Trading and Commercialisation relates mainly to an underachievement of income and over spends on employee costs within Leisure Services.

Virements

22. The virement of £0.628m is required from Social Work – Children & Families to Early Help & Education to realign budgets to the Service with the responsibility for service delivery.

Summary

23. The projected over spend as at 30 September 2018 of £5.189m is after the application of reserves in line with the usage agreed as part of 2018/19 budget.
24. For all projected over spends, regular monitoring will continue to take place with action plans being monitored with the aim of containing spending within the original budget. Plans will be incorporated into the internal monthly revenue monitoring timetable with regular updates to Corporate Management Team and with updates to Cabinet.

Balance Sheet Management

25. Balance Sheet control accounts, which cover the Council's assets and liabilities, are reconciled on a quarterly basis. In addition, a number of key Balance Sheet control accounts are now reconciled on a monthly basis as part of the revenue monitoring process. This is part of a proactive approach to Balance Sheet management which should ensure the early identification of issues that may impact on the Council's financial position.
26. Key control accounts are assessed based on experience from previous years, materiality and reliance on third party data. Those key control accounts reconciled as at 30 September 2018 are operating satisfactorily.

Consultation

27. The Leader of the Council has been consulted on this report.

Alternative Options

28. There are no alternative options proposed.

Implications of Recommended Option

29. Resources

- a. **Financial Implications** – The Strategic Director, Corporate Resources confirms these are as set out in the report.
- b. **Human Resource Implications** – There are no direct Human Resource implications as a consequence of this report.
- c. **Property Implications** – There are no direct property implications as a consequence of this report.

30. Risk Management Implication

Regular budget monitoring and the associated action planning that arise from this activity assists in reducing the risk of the Council overspending its agreed budget.

This enables effective financial planning which allows the Council to deploy resources in line with priorities.

31. **Equality and Diversity Implications** - Nil.
32. **Crime and Disorder Implications** - Nil.
33. **Health Implications** - Nil
34. **Sustainability Implications** – Regular budget monitoring and allocated actions contributes to the financial sustainability of the Council.
35. **Human Rights Implications** - Nil.
36. **Area and Ward Implications** - Revenue spending supports the delivery of services across the whole of Gateshead.

Appendix 2 - Revenue Monitoring Summary 2018/19

Service	Revised Budget £'000	Projected Outturn £'000	Variance £'000
<u>Care, Wellbeing & Learning</u>			
Social Work - Children & Families	22,740	27,685	4,945
Early Help & Education	6,406	7,467	1,061
Commissioning & Quality Assurance	7,167	7,089	(78)
Learning & Schools	636	672	36
Adult Social Care	62,611	65,372	2,761
Public Health	16,516	16,516	0
<u>Communities & Environment</u>			
Housing General Fund	492	495	3
Development, Transport & Public Protection	3,751	3,577	(174)
Council Housing, Design & Technical Services	(955)	(944)	11
Commissioning & Neighbourhoods	4,946	4,964	18
Street Scene	13,765	13,332	(433)
Economic Development	883	978	95
<u>Office of the Chief Executive</u>			
Policy, Performance & Communications	1,681	1,591	(90)
<u>Corporate Services & Governance</u>			
Legal & Democratic Services	4,003	3,830	(173)
Property & Corporate Asset Management	(1,454)	(1,271)	183
Human Resources & Workforce Development	1,622	1,576	(46)
Corporate Commissioning & Procurement	203	306	103
<u>Corporate Resources</u>			
Corporate Finance	1,640	1,599	(41)
Customer & Financial Services	3,326	3,113	(213)
Housing Benefits	0	168	168
IT Services	3,149	2,945	(204)
Trading & Commercialisation	8,435	9,084	649
Other Services & Contingencies	4,325	2,335	(1,990)
Capital Financing Costs	31,518	30,477	(1,041)
Traded & Investment Income	(3,186)	(3,547)	(361)
Expenditure Passed outside the General Fund	(1,980)	(1,980)	0
Levies	11,226	11,226	0
NET BUDGET	203,466	208,655	5,189
<u>Financed By</u>			
Settlement Funding Assessment (SFA)	(75,578)	(75,578)	0
Other Grants	(20,208)	(20,208)	0
Public Health	(16,516)	(16,516)	0
Council Tax	(86,798)	(86,798)	0
Collection Fund (Council Tax)	(3,029)	(3,029)	0
Earmarked Reserves	(1,337)	(1,337)	0
TOTAL FUNDING	(203,466)	(203,466)	0
PROJECTED (UNDER) / OVER SPEND	0	5,189	5,189

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TITLE OF REPORT: Safeguarding Children Unit Annual Report and the Local Authority Designated Officer (LADO) Annual Report 2017/18

REPORT OF: Caroline O'Neill, Strategic Director of Care Wellbeing and Learning

Purpose of the Report

1. This report seeks Cabinet approval and endorsement of the Safeguarding Children Unit Annual Report and the Local Authority Designated Officer (LADO) Annual Report 2017/18 in respect of managing allegations against adults who work with children.

Background

2. These annual reports have been produced to meet statutory requirements and are presented together to illustrate the breadth of the work and activity undertaken within the Children's Safeguarding Children unit, within which the role of the Local Authority Designated Officer sits.
3. The annual reports provide a look back at key activity in 2017/18, updating on progress from previous years actions and setting out plans for progress in the current year.

Proposal

4. A summary of the key issues from each document is outlined below.
5. **Independent Reviewing Officers Annual Report**

The Statutory Guidance for Independent Reviewing Officers (IRO) (2010) sets a clear framework for the production of an annual report for members, senior officers and partners in relation to their work. The Safeguarding Children Unit annual report 2017/18 outlines the performance of the service, the context and requirements within which it operates, the effectiveness and impact of the service and planned developments in 2018/19.

The service continues to meet its core business of ensuring Child Protection (CP) and Looked After Children (LAC) reviews are held in a timely manner with both figures in 2017/18 being above national average and statistical neighbours. 99.5% of LAC and 100% of CP reviews were held within statutory timescales.

The report sets out over the year progress was made in the following areas:

- A review was completed and implemented in relation to the service structure which dealt with previous capacity issues resulting in reduced caseloads which are now more in line with nationally prescribed expected levels
- Work has been undertaken to start to enhance the effectiveness of the role of the IRO through improved evidence of challenge through dispute resolution process, involving the IRO team in routine and adhoc practice audits and performance clinics to shape practice discussions, including multi-agency audits such as those into Health Assessments in Care Planning
- The Voice of the Child has been enhanced through increasing visits direct to young people and moving of the Children's Rights Officer into the Quality Assurance service to improve working links

All the above has continued to be worked on during 2018/19 and the following overall priorities were identified:

- Priority 1 - Ensuring effectiveness of IRO Role
- Priority 2 - Ensuring staff are suitably skilled, qualified and have the capacity to perform the duties of the role effectively
- Priority 3 - Ensuring the voice of the child is heard, listened to and acted upon:

The report includes a comprehensive action plan for how the unit is implementing these priorities.

6. Local Authority Designated Officer (LADO) Annual Report 2017/18 in respect of managing allegations against adults who work with children.

It remains a requirement of Working Together 2018 that Local Authorities should have a designated officer (LADO) whose role is to oversee the safe and effective management of allegations against individuals who work with children, whether they are employed or working in a voluntary capacity and to ensure that allegations against people who work with children are not dealt with in isolation.

The Local Authority Designated Officer (LADO) Annual Report 2017/18 sets out the referral data for allegations against professionals and non-professionals working with children, provides profiling analysis of allegations made in Gateshead and an update of the interventions and development work completed since the previous report.

The report sets out a 43% increase in LADO enquiries compared to 2016-2017. The increase is seen as a positive, and improved awareness of the role of the LADO by partner agencies requesting advice on issues.

In addition to core business of managing LADO enquiries and cases the LADO has also been involved running training sessions and awareness raising activities, chaired child protection conferences as part of their IRO role and responded to a number of Freedom of Information (FOI) requests.

Recommendations

17. It is recommended that Cabinet endorses the following reports:

- (i) Safeguarding Children Unit Annual Report 2017/18
- (ii) Local Authority Designated Officer (LADO) Annual Report 2017/18

For the following reasons:

- (i) To ensure the Council is meeting its statutory duties.
- (ii) To continue to ensure that the needs of children, young people and families continue to be met.

CONTACT: Jon Gaines

extension: 3484

APPENDIX 1

Policy Context

1. The reports demonstrate work undertaken within the service to support the Council's Thrive agenda, by ensuring we protect the vulnerable members of our society by ensuring safeguarding services are meeting statutory requirements.

The reports are produced to meet statutory requirements. The Independent Reviewing Officers Handbook (2010) sets a clear framework for the production of an annual report for members, senior officers and partners in relation to their work. In addition it remains a requirement of Working Together 2018 that Local Authorities should have a designated officer (LADO) whose role is to oversee and report on the safe and effective management of allegations against individuals who work with children, whether they are employed or working in a voluntary capacity and to ensure that allegations against people who work with children are not dealt with in isolation.

Background

2. The Council and its partners remain engaged in the delivery of a wide range of activity to protect children and young people. There is a statutory duty to publish annual reports of the activities of the Safeguarding Children Unit and LADO. All such reports are presented here for endorsement.

Consultation

3. Reports have been shared with the Cabinet Members for Children and Young People and the Local Safeguarding Children's Board via its Executive for information.

Alternative Options

4. The Council must produce these annual reports for consideration, therefore no alternatives to these reports are being presented.

Implications of Recommended Option

5. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no financial implications as a result of these reports.
 - b) **Human Resources Implications** – There are no specific implications arising from these reports.
 - c) **Property Implications** - There are no specific implications arising from these reports.
6. **Risk Management Implication** - The production and reporting of activity via the annual reports form part of control measures for Care, Wellbeing and Learning and partners via the LSCB to ensure the council is meeting statutory obligations.
7. **Equality and Diversity Implications** – There are no specific implications arising from these reports.

8. **Crime and Disorder Implications** – There are no specific implications arising from these reports.
9. **Health Implications** – There are no specific implications arising from these reports.
10. **Sustainability Implications** - There are no specific implications arising from these reports.
11. **Human Rights Implications** - Independent advocacy is also used during the safeguarding process to ensure service users have an independent voice where appropriate.
12. **Area and Ward Implications** – Services cover the whole Gateshead area, so there are no specific ward implications.

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Safeguarding Children Unit (SCU)

2017/18

The Contribution of Independent Reviewing Officers' and Child Protection Chairs to Quality Assuring and Improving Services for Looked After Children in Gateshead



Care, Wellbeing and Learning

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Foreword by Cabinet Member and Strategic Director

It gives us immense pleasure to introduce Gateshead Council's 2017/18 Safeguarding Children Unit (SCU) annual report. As Lead Member for Children and Young People in Gateshead and Strategic Director of Care, Wellbeing and Learning we are deeply committed to ensuring the services provided to our most vulnerable children and young people are effective, ensuring we are meeting our statutory duties and keeping children safe.

The Safeguarding Children Unit is responsible for the convening and chairing Child Protection (CP) and Looked After Children (LAC) statutory reviews. The annual report 2017/18 outlines the performance of the service, the context and requirements within which it operates, the effectiveness and impact of the service and planned developments in 2018/19.

The report highlights how the service continues to meet its core business of ensuring CP and LAC reviews are held in a timely manner with both figures in 2017/18 being above national average. In addition, it sets out the progress that has been made in a number of key areas previously identified for development.

Moving forward the SCU has identified 3 key priority areas which have been endorsed by Portfolio holders and the LSCB, for development during the course of this year and beyond. The report includes a comprehensive action plan for how the unit will seek to implementing these priorities, which are:

- Priority 1 - Ensuring the effectiveness of IRO Role
- Priority 2 - Ensuring staff are suitably skilled, qualified and have the capacity to perform the duties of the role effectively
- Priority 3 - Ensuring the voice of the child is heard, listened to and acted upon

We are proud of the work carried out by the staff in the Safeguarding Children Unit, in partnership with all partners, to ensure the services we provide to our most vulnerable children and young people are keeping them safe and achieving the best possible outcomes.

Councillor Gary Haley
Cabinet Member for Children and Young People

Caroline O'Neill
Strategic Director of Care, Wellbeing and Learning

1. Introduction / Purpose of the service and legal context

Purpose of the report

The statutory guidance for the Independent Reviewing Officers (the IRO Handbook) specifies that the manager of the IRO Service 'should be responsible for the production of an annual report for the scrutiny of members of the corporate parenting board'.

This report has been prepared in accordance with the requirements set out in the Statutory Guidance for Independent Reviewing Officers (2010) and will be reported to Cabinet, the Corporate Parenting Overview and Scrutiny Committee and the Local Safeguarding Children's Board.

The Annual IRO report is produced by the Children's Safeguarding Unit which sits within the Quality Assurance function of Care Wellbeing and Learning. The report provides quantitative and qualitative evidence relating to the IRO Service in Gateshead Local Authority. The report identifies good practice, as well as highlighting areas for further development in relation to the IRO function. In addition, the report provides an overview of the other activities and functions of the Children's Safeguarding Unit, including information on the performance of the unit in a range of responsibilities.

The report covers the period 1 April 2017 to 31 March 2018 and should be read in conjunction with: Annual Report – Local Authority Designated Officer 2017/18.

National Context

The Independent Reviewing Officers (IRO) Service is set within the framework of the updated IRO Handbook, Department for Children, Schools and Families (2010) and is linked to revised Care Planning Regulations and Guidance which were introduced in April 2011.

Local Authorities are 'corporate parents' for the children and young people they are looking after, and effective care planning is essential for the children's wellbeing and the best possible outcomes. Independent Reviewing Officers (IROs) were nationally introduced to represent the interests of looked after children, monitor the way local authorities implement their plans, and ensure that the wishes and feelings of children are fully considered.

Their role was strengthened through the introduction of statutory guidance in April 2011. The IRO has a key role in relation to the improvement of care planning for Looked After Children (LAC) and for challenging drift and delay in the implementation of care plans including the regular monitoring of the care plan in between reviews.

In November 2011, the Family Justice Review reported that 'the work of the IROs and their impact needs to be more clearly seen and understood'. If a dispute between an IRO and the local authority cannot be resolved locally, ultimately the IRO can refer the case to the Children and Family Court Advisory and Support Service (CAFCASS).

The Legal and Statutory Context

Section 118 of the Adoption and Children Act 2002 introduced the statutory role of the IRO, with responsibility for the process of reviewing children in care cases. Under this and the subsequent Review of Children's Cases (Amendment) (England) Regulations 2004, Local Authorities are required by regulation to:

- Appoint IROs to review all looked after children's cases
- Monitor the authority's function in respect of the review
- Refer a case to the Children and Families Court Advisory and Support Service (CAFCASS), if the failure to implement the care plan might be considered to breach the child's human rights. (The Dispute Resolution Process)

All children in care, including those in adoptive placements prior to an Adoption Order being made, are covered by these regulations.

The Children and Young Persons Act 2008 and the subsequent 'Care Planning Placement and Review Regulations' developed the role of the IRO and introduced additional statutory requirements. The Regulations supported by specific guidance on the role of the IRO came into force on 1 April 2011. The new duties and responsibilities for IROs include:

- Additional visits to the child outside of their reviews
- Visits to children's placements if the looked after review was not held there
- Additional meetings with other key professionals, including the social worker and the children's guardian
- Track the planning and decision making more closely ensuring positive outcomes for the child.
- Reading court bundles and potentially attending court.

The Out of Authority Placement of Looked After Children Supplement to The Children Act 1989 Volume 2: Care planning, placement and case review guidance July 2014 states that the Independent Reviewing Officer (IRO) must be consulted before any final decision is made about making an out of authority placement, whether distant or not, to enable the IRO to discuss the proposed arrangements with the child.

The child's wishes and feelings should be taken into account, and where appropriate, the child's relatives or parents should be consulted. (The Children's Homes and Looked after Children Miscellaneous Amendments) (England) Regulations 2013 – Part 3:7).

The National Children's Bureau research entitled 'The Role of the Independent Reviewing Officers (IROs) in England' (March 2014) provides a wealth of information and findings with regard to the efficiency of IRO services and outlines a number of important recommendations at a National Level, Local Authority Level, and IRO Service Level, which are considered in this report. The foreword was written by Mr. Justice Peter Jackson; in it he makes the following comment:

"The Independent Reviewing Officer must be the visible embodiment of our commitment to meet our legal obligations to this special group of children. The health and effectiveness of the IRO Service is a direct reflection of whether we are meeting that commitment, or we are failing."

2. The Safeguarding Children Unit (SCU) in Gateshead

The Safeguarding Children Unit (SCU) is committed to achieving the best outcomes for all children and young people in Gateshead, particularly the most vulnerable, such as those children who are looked after and those subject to Child Protection plans through an ethos of continuous improvement in safeguarding performance and service delivery.

The SCU has an independent role to ensure that all children, whatever their religious or cultural background, receive a high quality and consistent care and safeguards in response to abuse or neglect.

The SCU is responsible for the following functions:

- The convening and chairing of Child Protection Conferences
- The convening and chairing of reviews for Looked After Children
- The convening and chairing of reviews for children placed for adoption
- The convening and chairing of Secure Accommodation Reviews
- The provision of independent oversight of all CP and LAC cases between reviews and conferences
- The convening and chairing of reviews of Foster Carers
- The Monitoring and reviewing all Private Fostering arrangements
- Provision of the role of the Local Authority Designated Officer (LADO) in respect to allegations against staff who work with children
- Contributing to single and multi-agency practice development

The SCU has additional responsibilities to the Local Safeguarding Children's Board (LSCB) in terms of contributing to case reviews, performance monitoring, audit and quality assurance, children's participation and training.

3. Staffing Profile of the Safeguarding Children Unit

The Independent Reviewing Officer in Gateshead.

To fulfil their challenge role IROs must have an appropriate level of experience and authority. In Gateshead all IROs are qualified, registered and experienced social workers.

All the IROs have extensive experience of communicating and working with children and young people, including three who have worked in residential care and all have knowledge about what contributes to good quality practice in safeguarding and promoting the welfare of children, including an understanding of the relevant legal processes. Four IROs are experienced children's social work team managers. A number of our IROs have been working for Gateshead for many years and they are very familiar with the organisation and the services provided, however during the course of the year staff who have worked in other authorities have joined the team which has provided an opportunity to learn from practice in other areas.

Current Staffing Structure

Responsibility for the activity and development of the Unit lies with the Service Manager Quality Assurance, who reports directly to the Service Director of Joint Commissioning, Performance and Quality. For independence the line management of the SCU is removed from operational Children's Social Care, which strengthens its independence and supports its role of challenge, however being part of the Care, Wellbeing and Learning Group maintains collaborative links with social work services.

The Service Manager for Quality Assurance is a member of the LSCB, ensuring the Safeguarding Unit is represented and well placed to provide quality assurance of inter-agency working and again supports its independence.

The staffing structure includes:

- Service Manager Quality Assurance
- 1 fte Principal IRO - responsible for the allocation of work, support and clinical supervision of the IROs.
- 1 fte Operational Team Manager responsible for overseeing business processes within the SCU and operational matters
- 9.1 fte (12 actual persons) Independent Reviewing Officers
- Local Authority Designated Officer (LADO) (carries a small CP and LAC caseload)
- IRO for Foster Carer Reviews

The staff team have backgrounds in working with children who have suffered significant harm from abuse and neglect and children with attachment difficulties, both as looked after children and children subject to child protection plans and child in need plans living in the community, including working with disabled children, care leavers and young people who have offended. IROs have developed working partnerships with the Jewish community, voluntary sector, internal and external partners, and ethnic groups, including the use of interpreters for both meetings and the translation of documents.

The team is supported by: 1 fte Business Support Co-Ordinator, 6 fte Senior Safeguarding Clerks who minute Child Protection Conferences and 2.3 fte Operational Support Assistants

In early 2017 the SCU had a number of challenges in recruiting and retaining its full complement of IRO's. In February 2017, as a result of these challenges, the Chief Executive of the council requested a full review of the service to consider staffing and capacity issues, the review resulted in agreement to increase IRO capacity to address capacity issues within the team and ensure IRO's are able to fulfill all roles and responsibilities in line with the IRO Handbook. This represents significant investment within the SCU and demonstrates Gateshead's commitment to achieving best outcomes for vulnerable children.

4. Review of progress with 2017/18 plan

Completion of the SCU Review

This was completed by June 2017 and presented to Senior Managers. Previously temporary IRO posts were made permanent and additional agreement was given for the creation of a further permanent IRO posts to reduce caseloads.

As part of the recruitment process for new staff, members of One Voice (our children in care council) were invited to participate in the interview process for the appointment of new IRO's which they did wholeheartedly and with much enthusiasm. These young people were noted to be extremely astute and ensured that the right people for the posts were appointed, and this has been carried forward into other interviews during the year. And will be used in any future recruitment of SCU staff.

This is significant investment within the SCU has brought caseloads down more in line with government guidelines, enabling the IRO's to fulfill all their duties and responsibilities in line with the IRO Handbook.

Effectiveness of the IRO role:

As discussed previously there has been significant investment in the SCU in terms of additional staff. Caseloads have seen a corresponding decrease allowing the IROs to fulfill all the duties and responsibilities associated with their role.

The use and evidence of challenge is a critical function of the IRO team. To support this the recording of the Dispute Resolution process has been streamlined on the Care First system in order that IROs are clear about where to record their use of challenge. This facility allows for notifications to be sent to the relevant Social Worker, Team Manager or Service Manager. It will allow for reports to be run to identify the extent of IRO activity on Care First. Audit of IRO activity is essential in understanding variability in practice and the extent to which the IRO 'footprint' is evidenced. In addition, these alerts need to be addressed by Senior Managers where they have not been appropriately responded to.

This new recording method has highlighted that work remains and is ongoing to ensure consistency of practice between individual IROs and thresholds for challenges. This will be important moving forwards to ensure work is appropriately and consistently evidenced.

An additional case tracking assessment tool has been introduced on the Care First system to prompt IROs to track cases in between reviews, if they have not already done so. This will serve as a reminder to IROs to check whether recommendations have been followed thereby increasing the oversight and scrutiny of care plans and avoid unnecessary drift and delay for children.

Audit work has been undertaken focusing on child protection plans lasting two years or more. A Designated Review Process for CP cases lasting 15 months or more has been introduced which will provide an opportunity to scrutinise the efficacy of the child protection plan and identify any obstacles to its successful implementation.

Interface meetings between the IROs and Team Managers have continued to take place and have provided good opportunities for improved communication, and the Principal IRO attends monthly

performance clinics chaired by the Director of Children and Families with Children's Social Care managers to feedback on practice issues.

Training, Development and Learning:

Additional and new staff coming into the unit has had the benefit of IROs being able to share their good practice and discuss different ways of working. There is a culture of continuous learning and this is being built upon with IROs peer observations and discussions.

All IROs have been involved in the development of new Child Protection and Looked After Children's Care Plans. All have had training focusing on outcome based care planning. In addition, all IROs have attended recent Safeguarding learning events in response to case reviews.

The LADO attended the National LADO conference in Doncaster in May 2018. The learning from this event will be taken forward through the LADO annual report.

Through the regional IRO Manager's Group, a regional IRO Conference has been planned for October 2018 to which all the IROs from our neighbouring 6 authorities have been invited – Northumberland, North and South Tyneside, Newcastle and Sunderland. At the conference there will be a number of speakers from the judiciary, CAF/CASS, NAIRO, Ofsted, the Children's Safeguarding Network and the Children In Care Council. There will be afternoon workshops to encourage inter-authority communication and the sharing of good practice. It is intended that these workshops will identify priorities for IROs for the forthcoming year. The Regional IRO work plan will be expanded to include all 12 North Eastern Local Authorities in the coming year and will be accountable to and overseen by the Children's Safeguarding Network.

Voice of the Child:

With significant investment in the SCU this year, this has enabled more Looked After children to receive visits from their IRO in between their review meetings, should they wish. As such IROs are more in tune with the wishes and feelings of children prior to their reviews and more alive to the issues they are facing.

The IROs work closely with the Children's Rights Officers in terms of advocacy. The take up of advocates remains low in Gateshead for both Looked After Children and children who are the subject of Child Protection plans. Consideration is being given in the coming year whether the use of an advocate should be an opt-out policy rather than an opt-in.

Ensuring Safeguarding Processes are fit for purpose:

The Designated Review process mentioned earlier was approved and implemented, providing an opportunity to scrutinize the efficacy of the child protection plan and identify any obstacles to its successful implementation in longer term cases.

In response to the findings from 'Polly's Story' (a deep dive case review) the LSCB professionals escalation process has been re-launched. Conference chairs routinely remind conference members of the escalation process, should they not agree with the outcome from a child protection conference thereby ensuring more robust procedures are in place for safeguarding purposes.

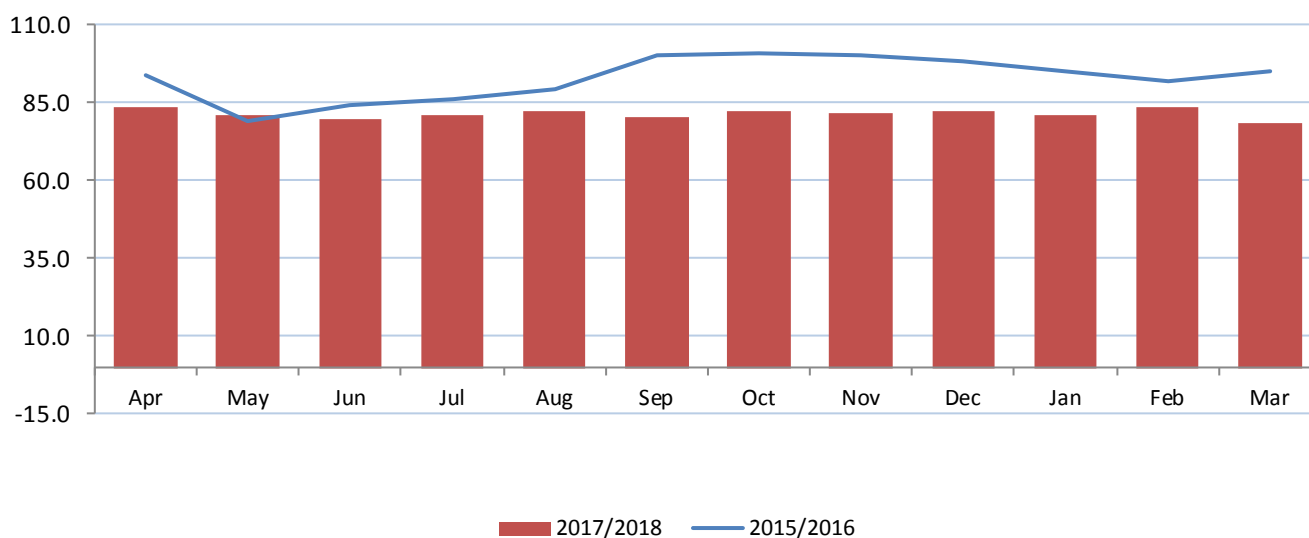
5. Core business activity of the Safeguarding Children Unit

IRO caseloads

The IRO Handbook suggests that an IRO caseload should be between 50 to 70 Looked after Children. This represents good practice and ensures the delivery of the full range of functions which are set out in the handbook and the provision of a quality service.

Based on the number of LAC at the end of March 2018 the average number of LAC cases per IRO stood at 48.5. Based on the number of CP at the end of March 2018, the average number of LAC cases per IRO stood at 36.4. Taking into account double protection cases, this equates to around 82 cases per IRO. This is 13% lower than last year, when the average caseload stood at 95.

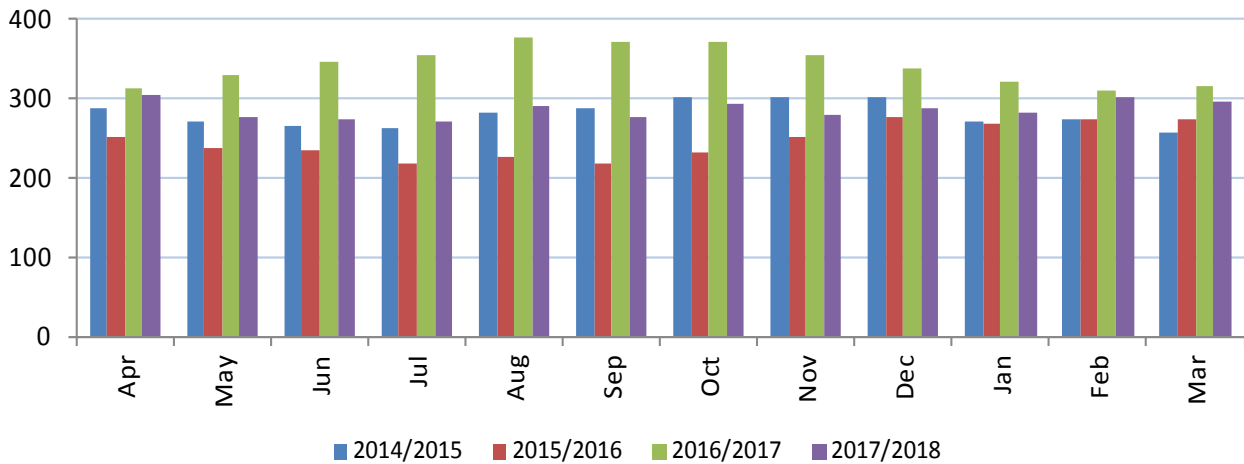
Average IRO Caseload (LAC & CP cases only)



The size of caseload alone does not indicate the overall workload for each individual IRO as individual roles and responsibilities vary within the team as described throughout this report, including training, Private Fostering, Complex Abuse meetings, Secure Reviews, ICS / Carefirst developments, together with input into audits and case reviews.

Child Protection – numbers and review activity

CP Numbers

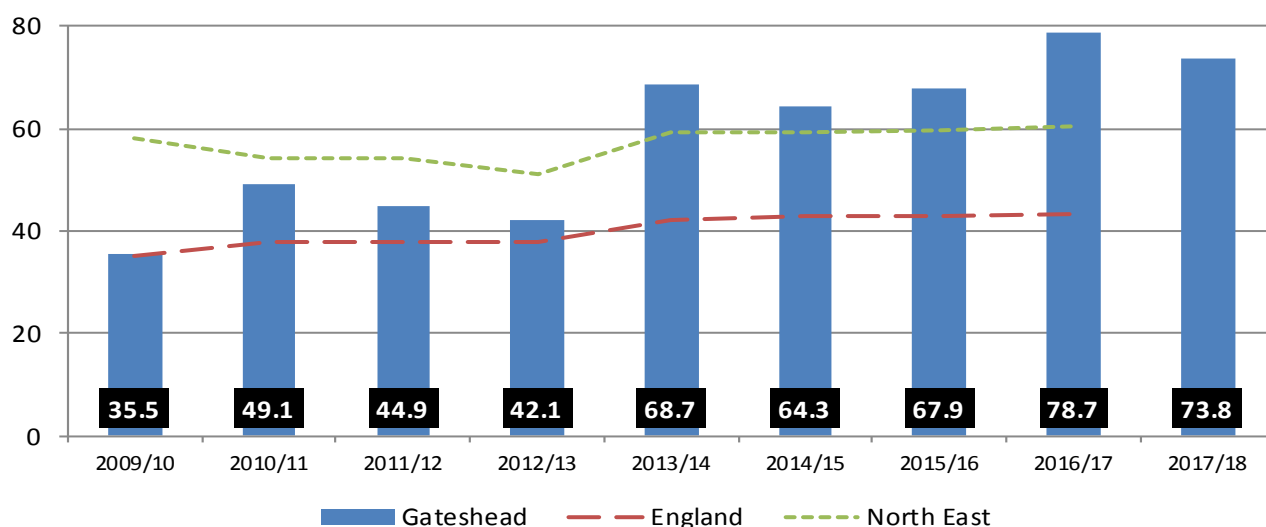


The chart above shows the number of children who were subject to a child protection plan at the end of each month for the last four years, and whilst this figure has decreased to 295 at the end of March 2018, this figure is still 8.1% higher than the March 2016 figure of 273. During the year despite the relatively stable headline figure for looked after children, the SCU has seen the impact of increasing complexity of families coming into the child protection conference process.

During the period, 417 initial child protection conferences were held and 354 children became subject to a child protection plan. These figures are lower than in 2016-17, when there were 455 initial child protection conferences and 397 children became subject to a child protection plan.

Rates per 10,000 are used as a method of benchmarking local authorities CPP and LAC numbers against each other, using a more comparable method than simply comparing actual numbers. Figures are expressed as a ratio and are calculated by dividing the local authorities' actual numbers by its total 0-17 child population estimate, sourced from the Office of National Statistics (ONS).

Child Protection Plan numbers per 10,000



The chart above shows that whilst Gateshead’s CP rate per 10,000 was lower than last year, Gateshead is notably higher than the England and regional average.

CP Reviews held within timescale

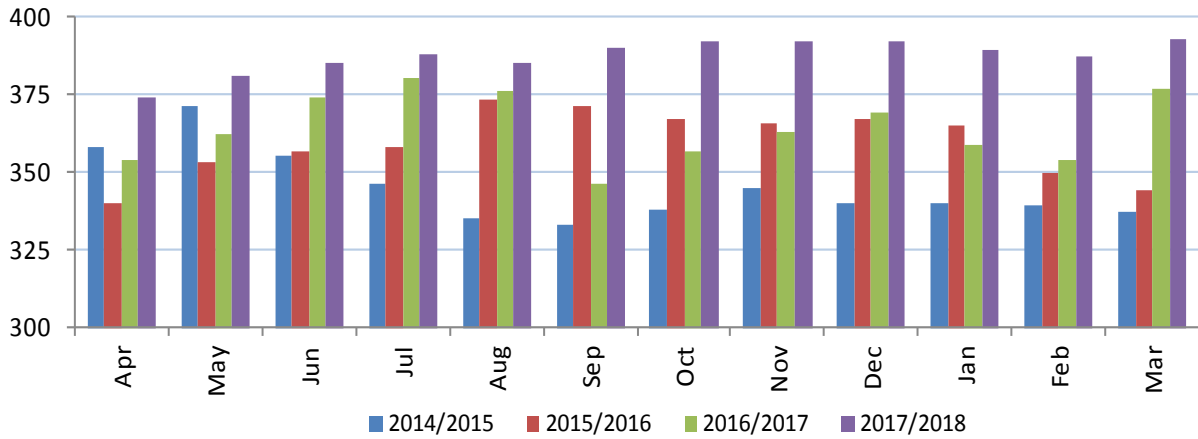
Rigorous monitoring process ensured that 100% of children had their CP reviews held within timescale which is above both the national, North East and statistical neighbour averages.

Looked After Children – numbers and review activity

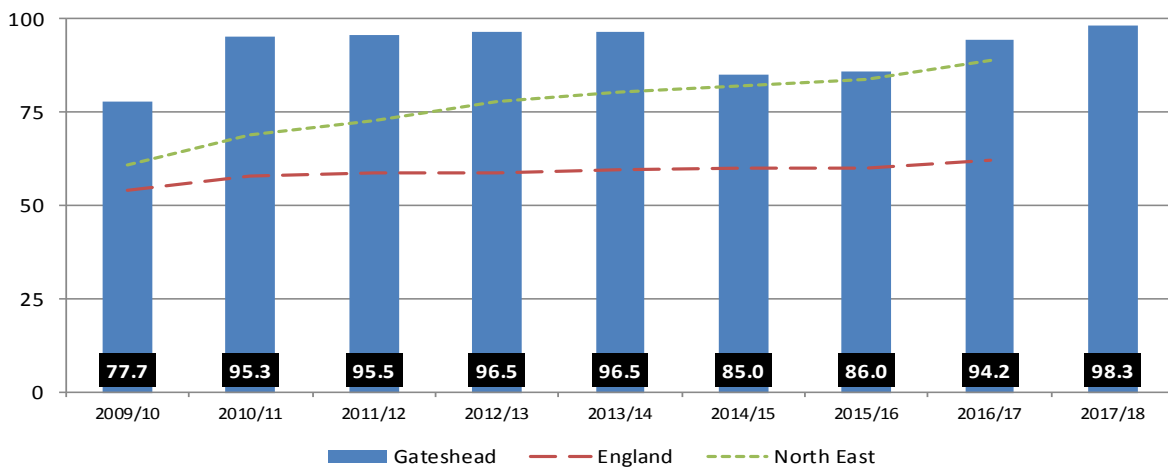
At the end of March 2018 there were 393 looked after children. This equates to 98.3 per 10,000 children and is higher than the number of looked after children at the same time last year (380/95 per 10,000). During 2017-2018 the number of children becoming looked after fell slightly compared to previous years, however, so did the numbers of children leaving care, which resulted in an

overall increase of the LAC figure.

LAC Numbers



Looked After Children numbers per 10,000



Gateshead continues to have higher numbers of looked after children compared with the regional rate of 92, and Gateshead’s statistical neighbors’ rate of 89.2. It is also significantly higher than the national rate of 62 per 10,000 (SSDA903 2016-2017).

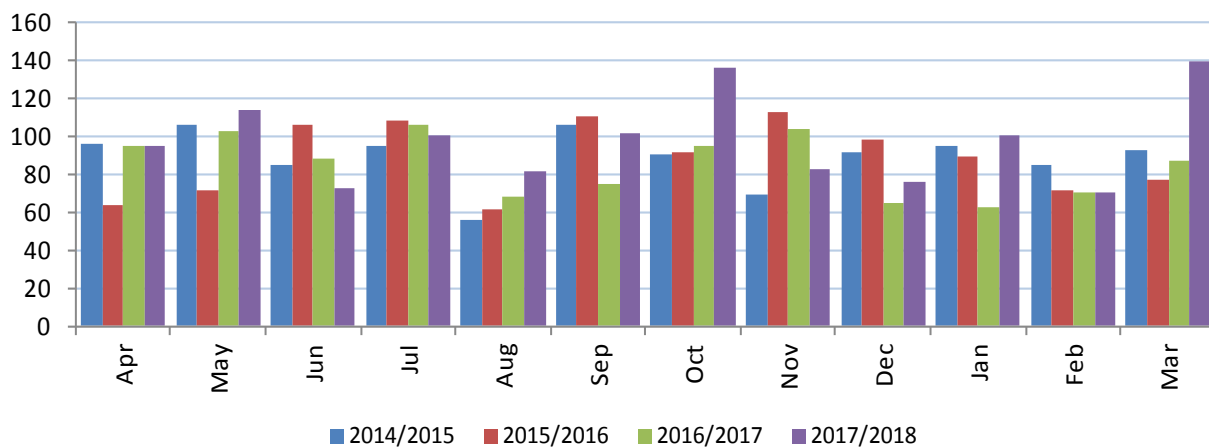
The chart above also shows Gateshead has historically had higher numbers of looked after children than the regional and national average. The gap between Gateshead and the national average remains significant, and in the past year Gateshead’s looked after population has once again risen above the regional average for the North East

LAC Reviews held within timescale

99.5% of Looked after children had their reviews held within timescale which is above the national average of 91%; of the 376 eligible Looked After children at the end of March 2018, there were two siblings that had a review out of date due to adverse weather conditions.

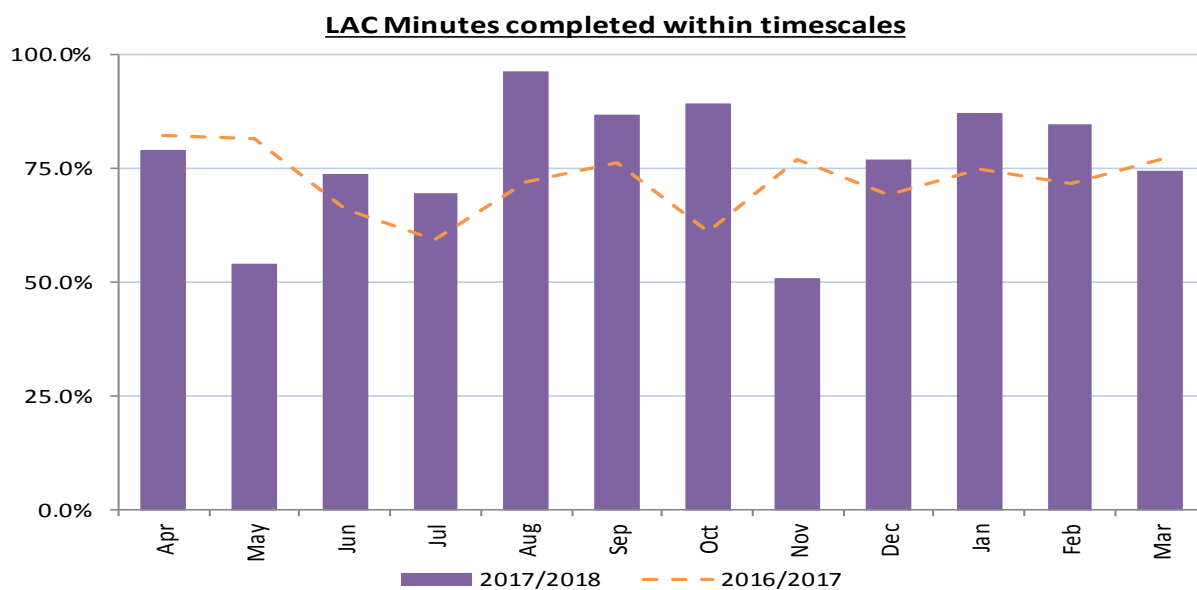
Work is ongoing to ensure that children and young people are sufficiently engaged in their LAC reviews. The number of reviews held in 2017-18 is higher than the number held during 2016-17, most notably due to spikes in reviews held in October 2017 and March 2018. The chart below illustrates the distribution of reviews over the course of the year.

LAC Review Meetings



During April 2017 to March 2018, 75.6% of LAC minutes were completed within the locally set target of

20 working day timescale by the IROs (844/1115 meetings whose target completion date was within the period). This represents a small increase in performance compared to last year's figure of 72%. Overall, there were 10% more meetings held during 2016 – 2017 (1173 meetings held compared to 1061).



Inclusion of Personal Educational Plans (PEPS) in Care Planning

Promoting the educational achievement of Looked after Children is a key priority for IROs. All looked after children must have a care plan, of which the PEP is an integral part.

The IRO should ensure that:

- The PEP's effectiveness is scrutinised in sufficient detail as part of the statutory review and at other times if necessary.
- Where a child has special educational needs, the IRO should ensure that the PEP review is linked with any review of those needs.
- The IRO should raise any unresolved concerns about a child's PEP or education provision with social workers and the Virtual School Head. However, some PEPs continue not to be updated/completed, which continues to be challenged by IROs with members of the care team.

The majority of children and young people who are LAC remain in their current schools when accommodated only transferring to more local schools if they are matched on a long-term basis with their foster carers and where this meets the needs of the child. This promotes improved educational outcomes as well as placement stability.

Inclusion of Health Assessments in Care Planning

The number of children who have been looked after for 12 months or more has increased from 250 in 2016-17 to 269 in 2017-18. Of these, 265 (98.5%) had up to date health assessments, 262 (97.4%) had up to date dental checks and 253 (94.1%) had up to date immunisations.

The health plan or report from the most recent health assessment should be provided to the IRO at

least three working days before the LAC review. Depending on the age and understanding of the child, the IRO may decide it is appropriate to discuss with the child whether s/he is happy for this information to be shared at the review.

The IRO will ensure consideration is given at the review to both the physical and emotional health of the child, including an update on any significant health issues or ongoing treatment. The IRO must be satisfied that any actions identified in the health plan are being implemented within an agreed timescale that will meet the needs of the child. In addition, the IRO will monitor with the child /young person and his/her carer when dental checks and optician appointments have taken place.

During the year a joint qualitative audit was undertaken with the health services for Looked After Children to consider the detail of health assessments and information presented to LAC reviews.

The most notable finding was that health information from IHAs is not always available or considered at the time of the first LAC review although it is noted that a lot of the issues are being captured from 'other sources'.

The statutory guidance 'Promoting the health and wellbeing of looked after children' (DFE, DOH 2015) states that the health plan should be available for the first statutory review by the IRO of the child's care plan. It is acknowledged that this is a very challenging timeframe and has historically been impacted upon by the overall poor timeframes of the IHA. Multi agency collaboration has seen a recent improvement on the timeframes for IHAs in Gateshead. This issue is monitored and reviewed by the LAC Corporate Parenting Be Healthy Workstream, which has IRO representation.

Recommendations were made in relation to Looked After Children's Reviews following the initial meeting. These included that the most recent health action plans should always be made available and reviewed at LAC review meetings to ensure that when health actions are achieved health outcomes are clearly recorded and outstanding health needs are identified and progressed. (*Health assessments are completed 6 monthly for under 5's and annually thereafter*). That the views of children related to their health needs (age appropriate) should be available on the health summaries and documented within LAC review minutes. It is important that the processes within both Children's Services, the Safeguarding Children Unit and the LAC health team ensure that health assessments are available and shared to support these recommendations.

Placement stability

Ensuring LAC have safe and stable places to live is a priority for Gateshead and IROs work to ensure placements are appropriate for the child to remove the need for unnecessary moves. Placement stability in Gateshead is good, during the period of April 2017 to March 2018 there were 24 (6.1%) Looked after children who had had 3 or more placements and 82.5% of LAC were in long-term stable placements. Both figures compare favorably to comparator averages.

Foster Carer Reviews

There is an identified Independent Reviewing Officer responsible for reviewing foster carers on an annual basis and reporting to the Fostering Panel. The current IRO was appointed, on a permanent basis, to the post in November 2017. He has extensive experience within the field of fostering and social work management enabling him to successfully complete his role within this field.

This IRO provides an independent and consistent review for foster carers and links well with the supervisory Social Workers in the Local Authority fostering team to ensure foster carers are supported in providing the right care for the children they look after.

The number of foster carer reviews has remained fairly consistent over the past few years, and reflects the number of carers provided by the local authority. There are regular meetings with the Fostering team and LAC Service Manager to feedback any themes and patterns from the reviews and also to highlight any learning or training opportunities.

Some patterns and themes to be highlighted this year include: the challenges brought from recruitment and retention of foster carers, the numbers of children with complex and challenging behaviors who remain accommodated with Local Authority foster carers being a testament to their skills and experience, the high regard that carers have for the training opportunities and the support offered by the fostering service, the placement stability within Gateshead which continues to be consistently high compared to national figures. Foster carers have also highlighted the wait for children's mental health services where children have complex needs and are not yet in permanent placements. This highlighted need has been escalated to the relevant agencies.

Local Authority Designated Officer

In Gateshead there is a full time LADO who deals exclusively with allegations made against professionals who work with children. This ensures a consistent link to partner agencies and colleagues within the Local Authority. In addition the LADO delivers training to businesses and partner agencies to enhance local knowledge of procedures and processes to safeguard both children and staff from allegations.

The staff member undertaking the LADO function holds a small caseload of child protection and Looked After Children, ensuring he is familiar and up to date with child protection processes.

More information relating to allegations activity over the latest year is available in the separate Annual Report – Local Authority Designated Officer 2017/18.

6. Challenge and Quality Assurance

Management Oversight and Dispute Resolution Process

Gateshead, as a Local Authority is accountable for all children and young people in their care and needs to ensure that timely decisions based on clear assessments of their needs have been completed, and drift has been avoided.

The Dispute Resolution Procedure ensures any issues of practice and standards identified by the IROs are resolved. It identifies the issues and standards, which the IRO will bring to the attention of staff and managers. It identifies the level of management that the issues will be raised with initially and the different stages thereafter. The protocol acts as a check and balance of the tasks that need to be done.

Where all other methods of resolving a problem have proved unsuccessful, the IRO should use

his/her power to refer a case to CAFCASS so that legal proceedings can be brought – this may be for further family proceedings (e.g. for discharge of a Care Order for contact), a freestanding application under the Human Rights Act or an application for judicial review. While the types of situations which lead to such a referral are not defined, it is anticipated that they will involve significant failure to meet a child's needs.

Gateshead's IROs have not had to refer any cases to CAFCASS as issues have been resolved locally with senior managers. However, there is a clear dispute resolution procedure in place should this be necessary, which is evidenced by the completion of alert forms on Carefirst. IROs also have access to independent legal advice if it is required.

During this reporting period, there have been no recorded reasons to progress to a Dispute Resolution Process with senior managers.

IROs have positive professional relationships with the Safeguarding and Care Planning and LAC teams. As a result, where issues have arisen, informal discussions have taken place between the IRO, social worker and their team manager to resolve issues on a daily basis. Examples of these include:

- Quality of reports presented to meetings is addressed with Team Managers- following the challenge the Care Plans were individualised satisfactorily.
- Reports not being presented in a timely manner prior to meetings by workers.
- Reports not being shared with parents in a timely manner.
- Where there have been disagreements between young people and their social workers, the use of advocates or the involvement of the Children's Rights Officer has been actively sought.

IROs have continued to highlight examples of good practice which include:

- A number of examples of Social Workers from the Safeguarding teams who clearly knew the family they were working with and the issues they faced very well and were confident to challenge parents in conference appropriately, openly and honestly.
- Social workers' reports and updated care plans completed within time scale and of a high standard.
- Ensuring the voice of the child is heard.
- Updating and sharing information with the allocated IRO in order to plan effective, timely review meetings.
- Good quality direct work with children in child protection and looked after children.

The system to record challenges made by the IRO has been streamlined. IROs have made improvements in relation to leaving their footprint on the child's file in terms of their lived experiences, wishes and views however it is recognized that there remains further work to complete in this respect in terms of consistency and threshold.

IROs are aware that they have individual responsibility for the quality of their practice. They do not work in isolation and a supportive culture has been created in the Safeguarding Children Unit which encourages them to operate effectively. They regularly discuss difficult cases with their colleagues, the Principal IRO, the Service Director and the Service Manager Looked after Children. The Service Manager for Children's Commissioning and Performance has attended team meetings to drive forward improvements in performance.

Engagement with Services

A key part of the role for IROs is developing trusting relationships with the children for whom they are reviewing officers. The SCU works hard to maintain the stability of those relationships for our children and young people to ensure that IROs can be genuine advocates for them, ensuring that the decisions made during the care planning process are made in children's best interests.

With caseloads on a downward trajectory due to increased staffing, more looked after children receive visits from their IROs, should they so wish.

IROs are now routinely invited to Decision Making Meetings and asked for their views in informing the care planning process. This can often involve robust discussions in order that the best outcomes are reached for the child

Summary of IRO key performance indicator outturns

The Safeguarding Children Unit has continued to provide effective and timely services across the full spectrum of its responsibilities. It has, through the Annual report and work plan identified areas for improvement and has endeavored to drive forward improvement both in terms of its own performance and the outcomes achieved across Children's and Families Services and the wider Children's partnership. The volume of business addressed by the unit has remained high and this has meant that progress across the priorities has been variable.

The LADO service has remained strong, providing an effective response to an increasing number of enquires and referrals. The LADO has endeavored to raise awareness across the children's workforce of the need for robust safeguarding procedures and the importance of all parties taking a shared approach to keeping children safe.

There needs to be continued improvement in ensuring the participation of children in child protection conferences and at their Looked After Children reviews. We need to improve the use of MOMO over the forthcoming year and have further discussion regarding the use of advocacy for children. This is a priority moving forward.

There are also strong links between the Unit and One Voice which provides the opportunity for children's views to inform the development of services for looked after children. It also provides a forum in which to seek feedback on the effectiveness of the IRO service.

Retaining experienced IRO staff has again been challenging however the increased capacity in the team it is anticipated that this will have a positive impact upon caseloads and the ability of the IRO's as a staff team to scrutinise care plans, reduce drift and delay and improve outcomes for children.

As such, the Safeguarding Children Unit continues to operate from a strong base, but recognises the need to further strengthen its practice and processes. The action plan which follows demonstrates this awareness and will lead to further improvement.

Case Studies – evidence of impact of the role of the IRO

Case Study 1

LP is a young woman in a foster placement with her baby.

Her Pathway plan for moving on independently was considered by the IRO in her Looked After Review and approved. However, LP was very concerned that she would be allocated a flat in her chosen area and had been told as such by the social worker in liaison with the Housing company. LP was clear she wanted a house for her and her baby. She wanted to avoid further moves and upheaval.

The IRO discussed the situation with a representative from the Housing company, making representation for LP and the very good reasons why she required a different property. The IRO was advised that LP could bid for a property in her own right. This information was passed on by the IRO to LP and the Social Worker. LP is now living in her own house, complete with garden and has no plans to move again.

Case Study 2

AP is a young man aged 15 years in a residential placement out of borough. He has been a looked after child for 4 years. He has had 5 social workers and 1 IRO. His IRO visits him regularly in between his reviews and he will telephone to discuss difficult days or decisions with her.

AP has challenging behaviours and his placement recently threatened to give notice. The IRO met with the Director of Children's Services, the Service Manager for Looked After Children and the care provider to discuss the difficulties within the placement and their contractual obligations. The IRO was well placed to give a thorough overview of the history and to represent AM's wishes and feelings.

In addition the IRO arranged, following discussion with the Care team, an opportunity for AM to meet with his previous foster carer, with whom he had a significant attachment, in order for AM to gain closure as the placement had ended on a less than positive note. This will hopefully enable AM to move forward more positively.

Case Study 3

IROs are very good at identifying talents and strengths in our children and young people who are looked after. Exploiting children's talents promotes feelings of mastery and control in their lives, increasing and improving resilience.

One IRO has supported a young woman who has a talent for play writing and acting. The IRO pushed for a place at the Live Theatre for her and offered to meet with her and walk in with her.

Another IRO is working with a young man who is incredibly talented at football. She requested that the Local Authority fund buying his football boots and celebration tie. He has since won Player of the Year at his club.

Another IRO challenged the school when a young man who is looked after was unable to go on a trip to a football academy due to the cost. The IRO liaised with REALAC and the Director of Education to request that the school fund the trip with the Pupil Premium. afforded to all Looked After Children.

Case Study 4

A fundamental role of the IROs is to identify drift and delay in a child's care plan.

One IRO contacted the Director of Children's Services to challenge the delay in initiating care proceedings for a young person in local authority care on a voluntary basis. This escalation proved necessary following previous alerts and emails not being responded to.

Another IRO liaised with health professionals for a child placed in an adoptive placement whose adoptive parents were informed they would have to wait for four months for Speech and Language intervention. The Looked After Health Nurse has informed the family that she has secured an appointment within three weeks' time.

One IRO identified delay in progressing planning for a young person in moving to a residential placement. The plan was not progressing despite this being the aim. In discussion with the Team Manager, it was acknowledged that the case had drifted. New dates were set and the young person is now in her long-term placement.

Another IRO learnt that a Looked After Child was not being given his full entitlement to leaving care services as there was a dispute between the teams as to his eligibility. The IRO alerted the Service Manager and ensured this young person receives continued help and support post 18 years.

Voice of the child (Engagement of children and young people including advocacy)

The 393 open LAC cases at the end of March 2018 accounted for 917 LAC reviews undertaken during the year. 60 children were under 4 years old. 120 children attended their reviews and were able to express their views directly. For the remaining children and young people who were not present at their LAC reviews, they gave their views indirectly, either through consultation forms or an 'advocate'. Advocates speaking for children have continued to include family members, trusted teachers or carers. Not all children choose to use a formal advocate.

In most cases IROs have offered children and young people a discussion in private prior to their review, subject to age and understanding. A formal pre-meeting has not taken place in some cases, for example, where the young person chooses not to meet his/her IRO prior to the review because his/her placement remains stable, there have been no significant changes planned for the foreseeable future and the IRO and child/young person have already established a relationship or a young person chooses not to talk to his/her IRO. This is in addition to a visit by the IRO in between reviews.

Special efforts are required to accommodate the individual needs of Disabled children and young people in their LAC reviews. Parents, residential care staff, the involvement worker and Children with Disability Team members all work hard to ensure that the views of Disabled children and young people are known and reflected in the reviews.

The reviews are intended to be participative, providing an opportunity particularly for the child/young person to contribute, according to age and understanding. They are also intended for the participation of parents, carers and others involved in implementing the child/young person's care plan and in planning for the future.

The Senior Clerk who has responsibility for arranging LAC reviews ensures a letter is sent to the child young person informing him/her of the name of his/her IRO. In addition, IROs give each child at his/her LAC review a card, which contains their contact details and how to obtain an advocate or independent visitor, if identified to be appropriate.

Advocacy

The SCU is committed to promoting independent advocacy for children and young people. Gateshead Borough Council continues to have a contract with Action for Children which provides an independent and confidential service. The unit has a responsibility in ensuring that children and young people who are subject to Child Protection Plans and those looked after are aware of the Advocacy Service and how to access it. All children and young people who become looked after are provided with details of the role of advocates, how they can provide support and how they can be accessed.

The IROs work closely with the Children's Rights Officer and the Inclusion Officer to ensure the voice of the child is heard and to offer an advocacy role within the LAC process.

7. Key priorities for 2018/2019 – action plan

Priority 1 - Ensuring effectiveness of IRO Role				
Objective	Action	Timescale	Lead	Update
1.1 To ensure challenge thresholds are consistent and applied uniformly by individual IROs	Development day is planned for all IRO's to agree challenge thresholds and apply a uniform approach.	January 2019	Principal IRO and Service Manager	
	Peer observations to take place	November 2018	IRO staff	
1.2 To ensure challenge is responded to by workers and Managers and where this does not occur, that escalation is driven forward by the IRO and the service manager	Performance data regarding IRO challenge will be captured on a weekly basis and discussed with Senior Managers at regular monthly meetings. Alerts/Drift and delay assessments will be discussed within supervision.	November 2018	Performance team/Principal IRO/IRO staff team	
1.3 To ensure that IRO challenge, advice and support to operational Social Work teams is appropriately recorded and captured	Performance data regarding IRO challenge will be captured on a weekly basis and shared with the IRO staff team. Regular audits to take place to evaluate the IRO footprint on a child's file. Sharing of file audit outcomes to take place within supervision and team meetings.	October 2018	Performance team/Principal IRO/IRO staff team	
1.4 Ensure themes from challenge advice and support is reported regularly to staff across the group and partnerships to identify areas for development thereby driving good practice and improvements	Themes will be drawn from audits and performance data and discussed with Senior Managers on a monthly as part of CCMT basis to feed into training, policy and procedures. The Principal IRO will continue to be responsible for chairing the Policy and Procedures group for the LSCB.	November 2018	Principal IRO	

Priority 1 - Ensuring effectiveness of IRO Role				
Objective	Action	Timescale	Lead	Update
1.5 To ensure all plans developed by the service are of consistently good quality	<p>File audits will identify any learning needs in terms of the formulation of robust plans and planning.</p> <p>Regular supervision will identify training needs. Peer observation and observation by Principal IRO will ensure good practice is shared and learning needs identified.</p> <p>Good practice guidance for construction of plans to be drafted and developed in conjunction with Children and Families Service</p>	November 2018	<p>Principal IRO/Team Mangers</p> <p>IRO staff team/Principal IRO</p> <p>IRO staff</p>	
1.6 Ensure IROs provide rigor in their role and are effective in ensuring plans progress, avoid drift and delay, and meet children's needs	<p>Regular supervision will take place and performance information scrutinized to ensure effective challenge is taking place.</p> <p>File audits will ensure the IRO footprint is in evidence on a child's file.</p> <p>Evaluation sheets will be used to collate the views of professionals, children and parents/carers of IRO performance in child protection and LAC meetings. These will provide learning and reflective supervision.</p>	<p>October 2018</p> <p>October 2018</p> <p>January 2019</p>	Principal IRO	
1.7 To ensure that drift or delay in cases is highlighted by the IRO and escalated immediately to Senior Managers	<p>Performance information will be scrutinized to ensure any drift and delay is recorded and challenged. This information will be given to Children's Services managers at monthly meetings.</p> <p>IRO's are fully aware of their roles and responsibilities and that drift should be escalated to the Director appropriately.</p>	October 2018	IRO staff/Principal IRO	






Priority 2 - Ensuring staff are suitably skilled, qualified and have the capacity to perform the duties of the role effectively				
Objective	Action	Timescale	Lead	Update
2.1 Ensuring that the re-structure of the Quality Assurance function of the Quality Assurance and Commissioning Service meets the needs of the SCU in improving performance, driving standards and ensuring consistency and quality of practice	Service Manager to present proposed restructure to Senior Managers, Finance department and Human Resources. A proposed structure has been devised which will ensure a full time Service Manager for the unit and 2 full time Practice Supervisors ensuring a coherent service and enabling consistent performance which can be scrutinized to improve outcomes for children	December 2018	Service Manager Quality Assurance	
2.2 Ensuring SCU staff continuously improve and develop, and use an evidenced based approach to their work	Relevant training opportunities will be available and sourced for the IRO staff team ensuring a systemic evidence base. Training is considered within supervision.	January 2019	Principal IRO	







Priority 3 - Ensuring the voice of the child is heard, listened to and acted upon:				
Objective	Action	Timescale	Lead	Update
3.1 Ensure every child receives a visit from their IRO, where they want one. And this is recorded clearly within the child's electronic record	<p>Ensure all IRO posts are successfully filled with experienced workers to ensure caseloads are in line with government guidelines.</p> <p>Performance data will be scrutinized to ensure children receive a visit from their IRO should they so wish. If they do not wish to receive a visit the reasons for this will be recorded and respected.</p>	January 2019	<p>Principal IRO/Service Manger QA</p> <p>Principal IRO/IRO staff</p>	
3.2 Ensure every child has the opportunity to have an advocate; to consider the use of advocates as an opt-out policy for children in the Child Protection arena	Further discussion to take place with Children's Rights Officer, Commissioning team and Senior Managers in Children's Services.	January 2019	Principal IRO/Children's Rights Officer/Senior Managers Children's services	
3.3 That children's participation in their Looked After Reviews and Child Protection Conferences is strong and that their wishes and feelings are carefully considered within the care planning process.	<p>Performance data will be used effectively to cross reference where children most attend their meetings. This information will be used to effectively improve children's participation in LAC reviews.</p> <p>Every child will be offered a visit from their IRO before their LAC meeting, encouraged to attend their LAC meeting and their wishes and feelings shared and recorded.</p> <p>Advocates will be considered as an 'opt-out' policy for children within the child protection process.</p> <p>The use of MOMO will be further supported and encouraged with iPads issued to all IRO's.</p> <p>Children's participation within the Child Protection process will be recorded within the minutes of conferences. .</p>	January 2019	Principal IRO/IRO staff	

Priority 3 - Ensuring the voice of the child is heard, listened to and acted upon:

Objective	Action	Timescale	Lead	Update
<p>3.4 Work closely with the Children’s Rights Officer as critical friends to ensure the voices of our children are strong, loud and clear in all the work of the unit</p>	<p>Looked After Children and/or Care Leavers will be included on interview panels for new IRO’s and any/all subsequent posts.</p> <p>One Voice will be invited to attend the IRO regional conference to showcase some of their work.</p> <p>The Children’s Rights Officer and Inclusion Officer will move from their current place within Early Help to be line managed within the Quality Assurance team in order to forge stronger and closer ties.</p>	<p>December 2018</p>	<p>Principal IRO/Service Manager QA/Children’s Rights Officer</p>	

Appendix 1 - GATESHEAD IRO KEY PERFORMANCE MEASURES

No.	Performance measure	April-March 2016-2017	% April-March 2016-2017	April-March 2017-2018	% April-March 2017-2018	Progress since last year	RAG rating	Commentary
1	Percentage of child protection cases which were reviewed within required timescales	242/242	100.0%	210/210	100.0%		RAG	Of the 210 children who have required reviews in between April and March 2018, who have been CP for at least three months and are currently CP, all have received their reviews within timescale.
2	Looked after children cases which were reviewed within required timescales	322/326	98.8%	374/376	99.5%		RAG	99.5% of Looked after children had their reviews held within timescale which is above the national average of 91%; of the 376 eligible Looked After children at the end of March 2018, there were two siblings that had a review out of date due to adverse weather.
3	% of IRO's appointed within 5 days of child becoming LAC (must be appointed prior to the first review)	151/201	75.1%	131/177	74%		RAG	Of the 177 children who have become LAC in the last 12 months, 131 were assigned an IRO within 5 working days (74%).
4	% of LAC review minutes completed within 20 days	751/1019	72.2%	844/1115	75.6%		RAG	During April 2017 to March 2018, 75.6% of minutes were completed within the 20 working day timescale by the IROs (844/1115 Meetings). This represents an increase in performance compared to 2016-2017.
5	% of children and young people looked after for 3 years or less who have the same IRO throughout	145/184	81.0%	206/242	85.1%		RAG	206 out of 242 LAC who have been looked after for three years or less have had the same IRO as a meeting chair in 85.1% of their reviews.

No.	Performance measure	April - March 2016-2017	% April - March 2016-2017	April - March 2017-2018	% April - March 2017-2018	Progress since last year	RAG rating	Commentary
6	Proportion of ICPCs held within 15 days of S47 starting	447/455	98.2%	402/417	96.4%			15 ICPCs were held out of timescale between April 2017 and March 2018. Performance in this measure still remains high when compared with national figure (78.3%).
7	Proportion of outline CP plans distributed within 1 day of review (conferences)	624/625	99.8%	499/499	100%			All plans were distributed within timescale during 2017-2018.
8	Proportion of CP minutes distributed within 20 working days of conference (conferences)	736/790	93.5%	689/698	98.7%			During April 2017 to March 2018, 689 child protection minutes were distributed within the 20 working day timescale (98.7%). This represents an increase in performance compared to last year, which has been aided by consistent weekly monitoring and supervision.
9	LAC/CP cases with an assigned IRO	LAC 357/357 CP 313/313 LAC/CP 19/19	100% 100% 100%	LAC 393/393 CP 295/295 LAC/CP 14/14	100% 100% 100%	  		All cases had an IRO allocated on 31/03/2018.



Local Authority Designated Officer (LADO) Annual Report

2017/18

Report in respect of managing allegations against adults who work with children



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Foreword by Cabinet Member and Strategic Director

We are pleased to introduce Gateshead Council's 2017/18 Local Authority Designated Officer (LADO) annual report, in respect of managing allegations against adults who work with children. As Lead Member for Children and Young People in Gateshead and Strategic Director of Care, Wellbeing and Learning we are deeply committed to ensuring the services provided to our most vulnerable children and young people are effective, ensuring we are meeting our statutory duties and keeping children safe.

Working Together 2018 retained a requirement for Local Authorities to have a designated officer (LADO) whose role is to oversee the safe and effective management of allegations against individuals who work with children.

The Local Authority Designated Officer (LADO) Annual Report 2017/18 sets out the referral data for allegations against professionals and non-professionals working with children, provides profiling analysis of allegations made in Gateshead and an update of the interventions and development work completed since the previous report.

The report highlights a 43% increase in LADO enquiries this year. However the Council, and its partners, through the LSCB, see this as a positive result of improved awareness of the role of the LADO by partner agencies.

The report also highlights the broad remit of the LADO demonstrating their involvement in training sessions and awareness raising activities, chairing child protection conferences and responding to FOI requests.

The requirement of retaining the role of the LADO in Working Together highlights the important work this role plays in multi-agency safeguarding, acting as a link between agencies, to ensure those who work with and may pose a risk to children are identified and effectively managed. We are proud of the work the LADO in Gateshead plays in working with all partners to protect some of our most vulnerable children and young people.

Councillor Gary Haley
Cabinet Member for Children and Young People

Caroline O'Neill
Strategic Director of Care, Wellbeing and Learning

1. Introduction

This report sets out the referral data for allegations against professionals and non-professionals working with children for the period 1st April 2017 to 31st March 2018. The report provides profiling analysis of allegations made in Gateshead and an update of the interventions and development work completed since the previous report.

2. Local Authority Designated Officer Function

Chapter 2 of Working Together to Safeguard Children 2018 and outlines the roles and responsibilities by organisations providing services for children as detailed in Section 11 Children Act 2004.

It remains a requirement that Local Authorities should have a designated officer or team of officers whose role is to oversee the safe and effective management of allegations against individuals who work with children, whether they are employed or working in a voluntary capacity and to ensure that allegations against people who work with children are not dealt with in isolation.

The Gateshead LSCB Inter Agency Child Protection Procedures should be applied in all situations in response to allegations against people who work with children. An electronic referral form can be accessed by clicking on *local information* of section 10 in the contents page. An allegation may relate to a person who works with children who has:

- *Behaved in a way that has harmed a child, or may have harmed a child;*
- *Possibly committed a criminal offence against or related to a child; or*
- *Behaved towards a child or children in a way that indicates they may pose a risk of harm to children.*

All employers of child care staff and volunteers have access to services provided by the LADO. The LADO role is to provide advice and guidance to employers and voluntary organisations, liaising with the police and other relevant agencies and professional bodies in responding to allegations or complaints.

The LADO monitors the process of organisations response to allegations to ensure the thresholds are applied evenly and the outcomes are proportionate.

Part 4 of Keeping Children Safe in Education (2018) provides further guidance for employers in responding to allegations against a person working with children. The guidance is reflected in the Gateshead LSCB Child Protection Procedures about how organisations should respond as the procedure is equally applicable to non-educational organisations.

Keeping Children Safe in Education (2018) states the following definitions should be used when determining the outcome of an allegation:

- **Substantiated:** there is sufficient evidence to prove the allegation;
- **Malicious:** there is sufficient evidence to disprove the allegation and there has been a deliberate act to deceive;
- **False:** there is sufficient evidence to disprove the allegation;
- **Unsubstantiated:** there is insufficient evidence to either prove or disprove the allegation. The term, therefore, does not imply guilt or innocence.
- **Unfounded:** No proper basis on which the allegations is made. The referrer may have misinterpreted the incident, did not have knowledge of all the circumstances or was mistaken what he/she saw.

While the above outcome definitions are listed in Keeping Children Safe in Education (2018) the definitions are used to record outcomes against professionals or volunteers working in all sectors providing services for children in Gateshead.

Management response to employees in which an allegation has been substantiated range from management advice and support to the individual being dismissed or found guilty of a criminal offence in which case a referral to the Disclosure and Barring Unit and professional organisations is submitted.

3. Breakdown of allegations for the period 1st April 2017 to 31st March 2018

The Local Authority Designated Officer (LADO) has management oversight of all individual cases where allegations are made against people who work with children either in employment or as a volunteer. All employers of child care staff and volunteers have access to services provided by the LADO. The LADO role is to provide advice and guidance to employers and voluntary organisations, liaising with the police and other relevant agencies and professional bodies. The LADO monitors the process of organisations response to allegations to ensure the thresholds are applied evenly and the outcomes are proportionate.

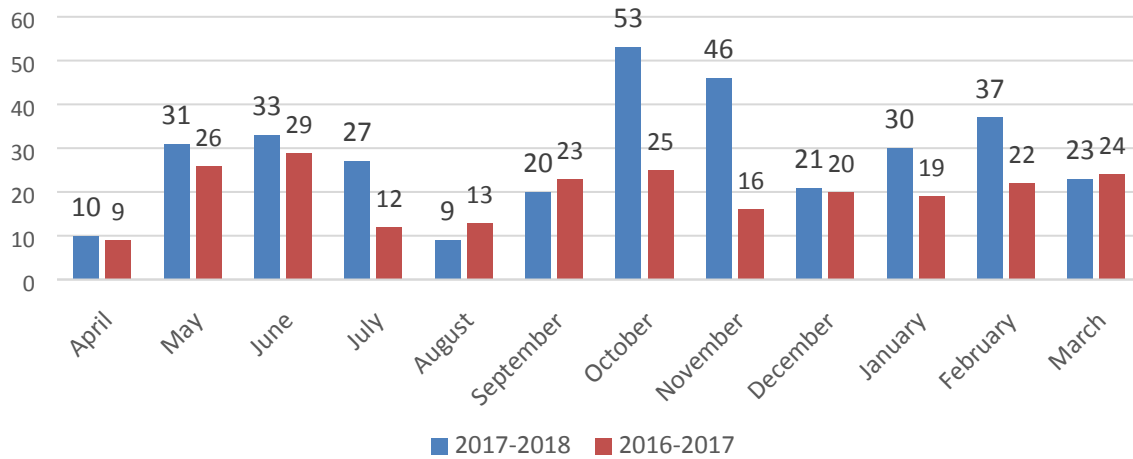
Organisations will contact the LADO to discuss issue of concern that do not meet the threshold for strategy process but require consideration within the LADO process and are then dealt with by the employer with LADO monitoring of process and outcome.

Referrals and consultations are received from the main statutory agencies and voluntary organisations. The main source of referrals for this reporting period has been education, Gateshead Children's Services and the police. Contacts have been received by voluntary agencies including the football association, scout association and the sea cadets.

Between 1st April 2017 and 31st March 2018, there were 340 LADO enquiries. This is 43% increase compared to 2016-2017, when 238 enquiries were captured.

The increase in enquiries by organisations requesting advice on issues that while not meeting the LADO threshold, demonstrates organisations are familiar with the responding to allegations process and the function of the Local Authority Designated Officer to provide advice and guidance to organisations both voluntary and statutory.

Enquiries by month



The increase in contacts by agencies is reflective of improving the data collection of all issues agencies may request guidance from the LADO service but do not meet the threshold of requiring a more detailed strategy meeting/discussion process.

The agencies reflected in the enquires continue to be the main statutory agencies and established larger voluntary organisations such as the Scout Association, sport and athletic Associations and Children’s Charities.

Children’s services from Gateshead and other local authorities make contact with the LADO to discuss child protection cases where parents or adults in the family may be employed by agencies working with children or adults. Consideration is required whether a disclosure should be made to an employer which will require consultation with services to ensure disclosures are appropriate and proportionate. The consultation will take into account the nature of the allegation, potential risk to either children or adults in the professional role and if a police investigation is taking place.

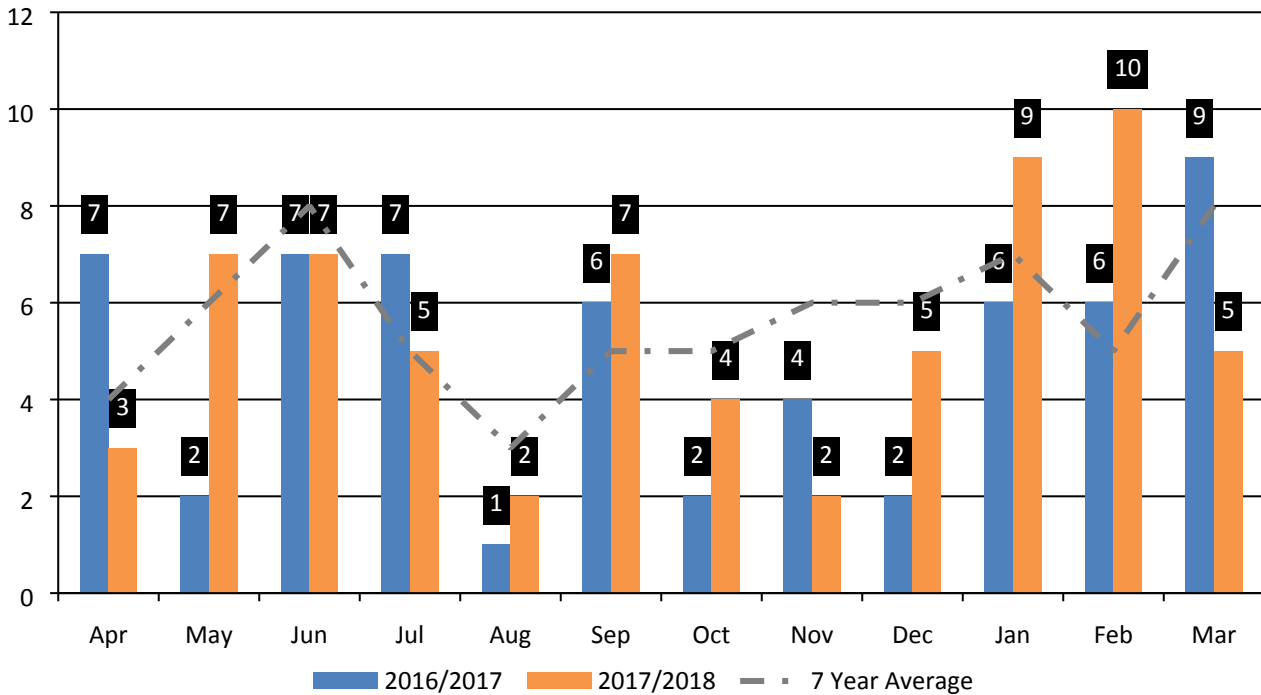
Although the enquiry may not meet the threshold for LADO strategy discussion or meeting, a record is kept of the enquiry and the action taken should a future concern be expressed suggesting a pattern of behaviour requiring more detailed examination.

The database of the LADO contacts and Carefirst are checked as part of the consultation process to allow for any previous agency involvement to be taken into account.

The outcome of the contacts are predominately recorded as LADO advice with those referrals outlined below being considered as more complex and requiring the structure of the multi-agency decision making process.

In the same period, of all the contacts and enquiries there were 64 referrals which were considered as requiring more detailed multi-agency consultation. This is slightly more than the figure of 59 reported last year and remains largely in-line with the 6 year average (as shown below).

Number of LADO Referrals by Month (Gateshead)



The single largest proportion of referrals made involved professionals in schools/colleges (30/64 – 46.9%). This includes teachers (15 allegations), nursery staff (4), head teachers (3), teaching assistants (3) and other school staff including lunchtime supervisors and technicians (5).

Education has the highest area of referrals compared to other sectors providing services for children reflecting the size of the workforce and stringent reporting procedures. All establishments are required to have safeguarding policies in place to ensure designated safeguarding staff, senior management, Governors and non-teaching staff are aware of their role and responsibility to safeguard children.

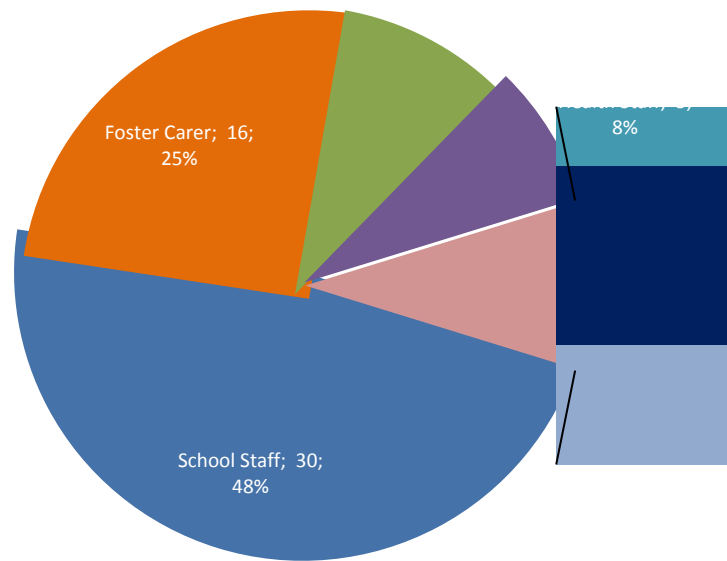
Referrals against teachers/education staff have varied over time – with a high number of 44 being reported in 2013/2014 – however, the 2017/2018 figure appears to be largely in line with numbers reported last year, although as a percentage it is at its lowest since 2014/2015.

- 31 out of 65 in 2011/12 (47.7%)
- 34 out of 56 in 2012/13 (60.7%)
- 44 out of 71 in 2013/14 (61.9%)
- 27 out of 62 in 2014/15 (43.5%)
- 31 out of 64 in 2015/16 (48.4%)
- 32 out of 59 in 2016/17 (54.2%)
- 30 out of 64 in 2017/2018 (46.9%)

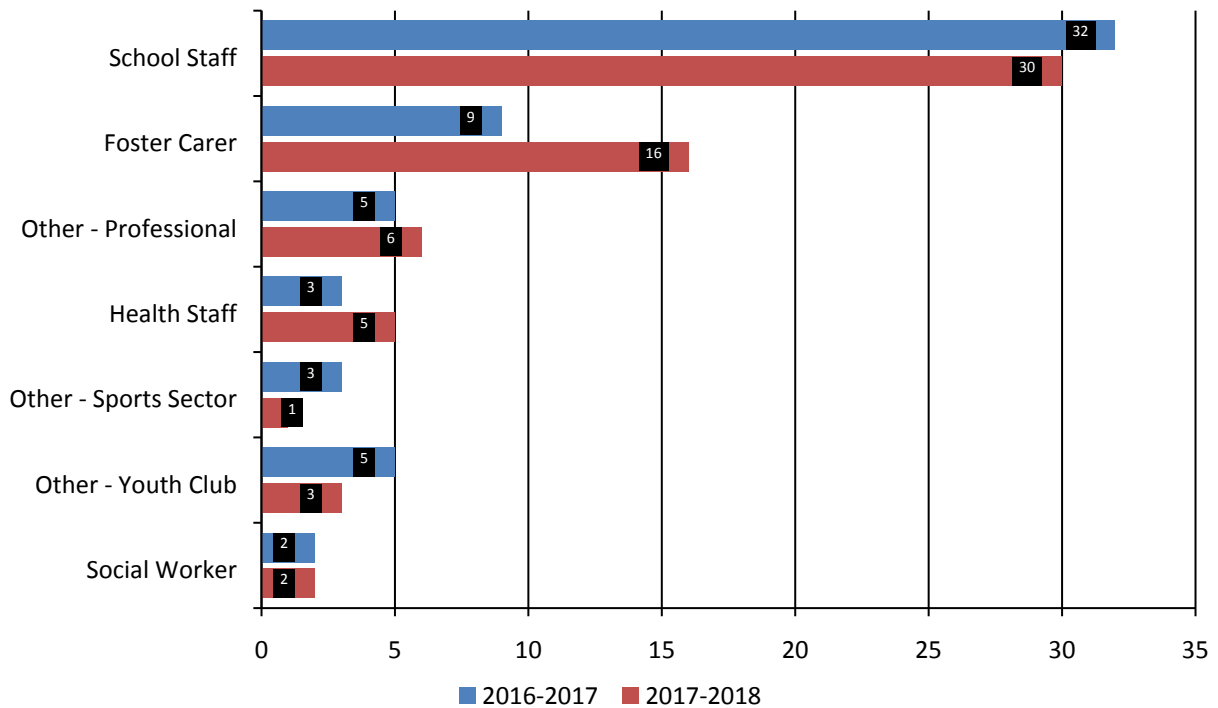
26 of the 30 allegations in the education sector are against teachers and education staff in school settings which would be expected as this is the area where children are in contact with professionals for the greater period of time compared to other activities which take place out of school and mirrors national data.

The other referrals which were made are represented in the chart below.

Referrals by Role 2017/2018



Roles

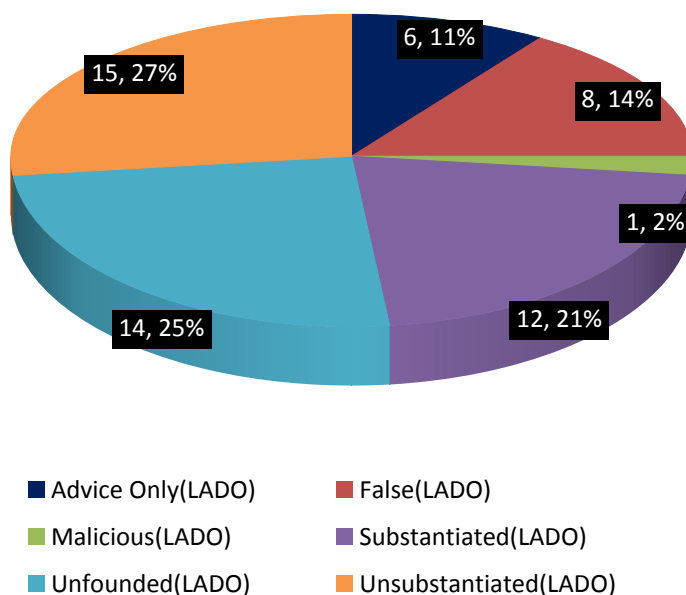


The chart below shows 22 of the referrals made during 2017-2018 had an abuse category of 'physical abuse' (34.4%), 21 were 'sexual abuse' (32.8%), 10 were 'emotional abuse' (15.6%) and 4 fell under the category of 'neglect' (6.3%). In 7 cases there was another category was disclosed at the referral – these cases tended to be raising concerns about conduct of individuals without any specified abuse however the nature of the concerns warranted a multi-agency decision making process.

Primary Category of Abuse	2015-2016		2017-2018	
	No	%	No	%
Physical Abuse	37	62.7%	22	34.4%
Sexual Abuse	12	20.3%	21	31.8%
Emotional Abuse	3	5.1%	10	15.2%
Neglect	4	6.8%	4	6.1%
Other	3	5.1%	7	10.6%
Total	59		64	

4. Concluded cases

**Allegations by Outcome between
1st April 2017 and 31st March 2018**



Substantiated: Where on the balance of probability abuse or harm is confirmed.

Unsubstantiated: Insufficient identifiable evidence to prove or disprove the allegation.

Unfounded: No proper basis on which the allegations is made. The referrer may have misinterpreted the incident, did not have knowledge of all the circumstances or was mistaken what he/she saw.

False: An unfounded allegation which has been made with the deliberate intention to deceive. Some parts may have been fabricated around an actual incident.

Malicious: Deliberate intent to cause harm to the person who is the subject of the allegation. Evidence will be required to prove the intention to cause harm.

Of the 56 cases concluded during the year, 6 resulted in advice only (10.7%), 14 of those cases were unfounded (25%), 12 were substantiated (21.4%), 15 were unsubstantiated (26.8%), 8 were false (14.3%) and 1 was malicious (1.8%).

The number of referrals against foster carers has increased during this reporting period. The number includes local authority foster carers and independent fostering agencies.

The referrals have been from young people who have been with carers on a long term basis for a number of years. Incidents of extreme challenging behaviour and carers struggling in behaviour management is considered a factor for the increase. Each referral is considered as a strategy discussion with the team manager, social worker

and police to agree the initial response. Depending on the nature of the allegation it may be necessary to remove the child and other children in placement to an alternative placement. The decision to remove children from their placement is a significant action and depending on the allegation may not be in the child's best interest.

Of the 16 allegations responded to regarding foster carers during this period:

- 5 were recorded as physical abuse with the outcomes of 1 false, 1 unsubstantiated and 3 substantiated.
- The outcomes for the unsubstantiated and substantiated were additional training and support. One of the substantiated concluded with the carer being de registered and referred to the Disclosure and Barring Service for consideration.
- 4 were recorded as emotional abuse with the outcomes of 1 unfounded, 2 unsubstantiated and 1 substantiated with the carer being subject of a standard of care meeting and additional training.
- 2 were recorded as neglect with the outcome malicious
- 5 were recorded as sexual with the outcomes of 2 advice only and 2 as unsubstantiated and 1 is a continuing police investigation.

Both of the malicious outcomes were based on referrals received from adults in which evidence showed their action was intended to cause harm to the individual.

Standards of care meetings take place where necessary and is viewed as resembling a disciplinary and capability procedure.

The fostering service will provide a report which clearly outlines the practice concerns. The carer attends the standards of care meeting and has access to independent support and legal advice. The process will determine the carer's continued suitability to foster and the final outcome is shared with the LADO.

The process is also reflected in the annual foster care review chaired by an independent reviewing officer who will make recommendations as required to promote the carers fostering role.

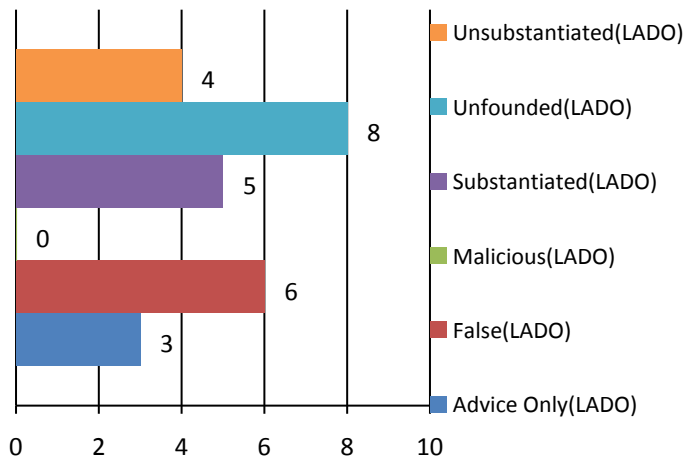
The young person is supported by their social worker and a behaviour management plan and risk assessment will be updated to support the young person and carer through a care team meeting which will be reflected on by the independent reviewing officer at the looked after review.

When looking specifically at outcomes in respect of the 26 cases where the member of staff about whom the allegation had been made worked in the education sector,

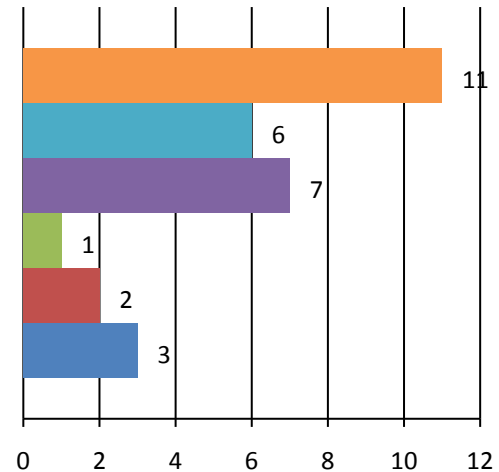
- 5 cases were found to be substantiated (19.2%),
- 8 were unfounded (30.8%),
- 4 were unsubstantiated (15.4%),
- 6 were false (23.1%) and
- 3 resulted in advice only (10.7%).

The education sector consists of early years, primary, secondary, academies and further education. Of the substantiated 2 written warnings were issued with the remainder receiving management advice. The 5 substantiated cases related to teaching staff and 1 driver. The categories were 3 sexual, 1 emotional and 1 physical. 2 of the allegations relating to the sexual abuse concluded in dismissal and referral to the Disclosure and Barring Service. One staff member received a written warning in response to professional conduct following an internal disciplinary process following complaint about professional conduct on two occasions which were recorded as sexual abuse and emotional abuse.

Outcomes for School Staff



Outcomes for other professionals



The below tables show the outcomes of closed cases including the category of alleged abused. Whilst 30% of physical abuse referrals were found to be substantiated in 2016-2017, this dropped to 3 cases (13%) in 2017-2018.

	2016-2017										
	Emotional Abuse		Neglect		Physical Abuse		Sexual Abuse		Other		Total
	No	%	No	%	No	%	No	%	No	%	
Advice Only(LADO)							1	20.0%			1
False(LADO)					2	6.1%					2
Malicious(LADO)			2	66.7%	1	3.0%			1	50.0%	4
Substantiated(LADO)	2	66.7%			10	30.3%			1	50.0%	12
Unfounded(LADO)			1	33.3%	13	39.4%	2	40.0%			16
Unsubstantiated(LADO)	1	33.3%			7	21.2%	2	40.0%			10
Total	3		3		33		5		2		45

	2017-2018										
	Emotional Abuse		Neglect		Physical Abuse		Sexual Abuse		Other		Total
	No	%	No	%	No	%	No	%	No	%	
Advice Only(LADO)			1	25.0%			3	18.8%	2	40.0%	6
False(LADO)			1	25.0%	6	26.1%	1	6.3%			8
Malicious(LADO)	1	12.5%									1
Substantiated(LADO)	4	50.0%	1	25.0%	3	13.0%	4	25.0%			12
Unfounded(LADO)					8	34.8%	4	25.0%	2	40.0%	14
Unsubstantiated(LADO)	3	37.5%	1	25.0%	6	26.1%	4	25.0%	1	20.0%	15
Total	8		4		23		16		5		56

Of the 30 education referrals in 2017-2018, 13 were under the category of physical abuse (43.3%). The outcomes of these cases were as follows:

- 5 were false, 5 were unfounded, 2 were unsubstantiated and 1 was substantiated.

11 of the education referrals were under the category of sexual abuse (36.7%). The outcomes of these cases were as follows:

- 3 cases are still ongoing, 1 was advice only, 3 were unfounded, 1 was unsubstantiated and 3 were substantiated.

2 of the education referrals were under the category of emotional abuse (6.7%). The outcomes of these cases were as follows:

- 1 was unsubstantiated and 1 was substantiated.

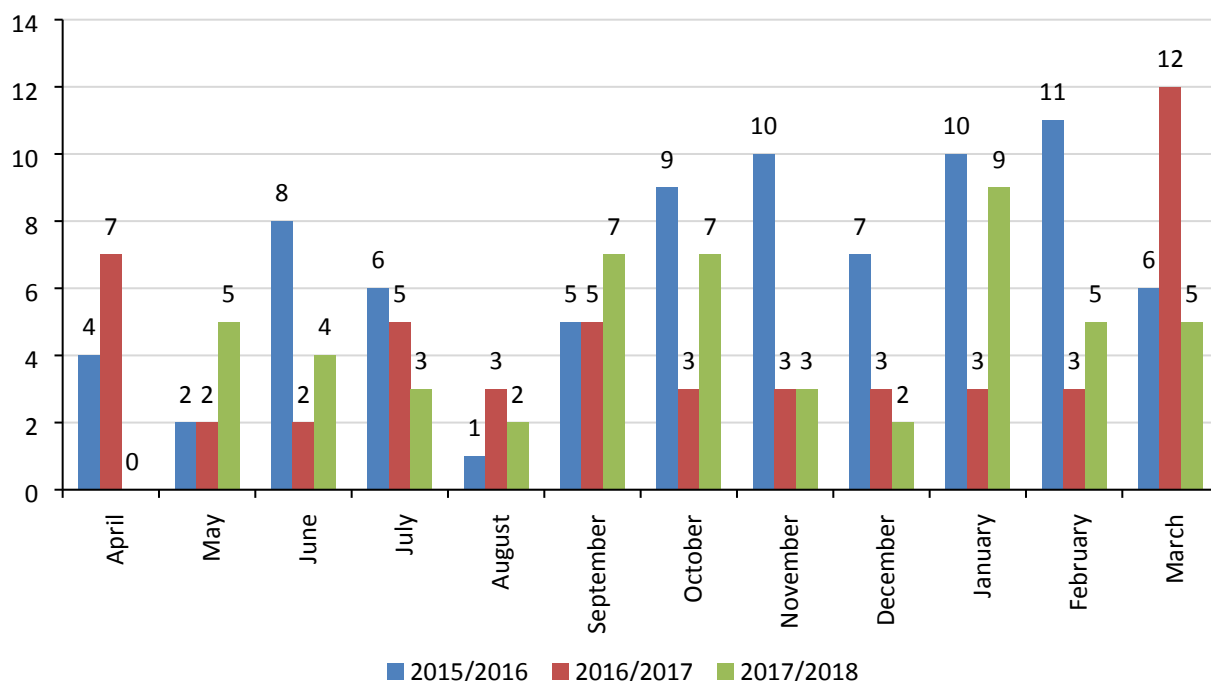
2 of the education referrals were under the category of neglect (6.7%). The outcomes of these cases were as follows:

- 1 was advice only and 1 was false.

2 of the education referrals were under a category of 'other' (6.7%).

- The outcomes of these cases were both advice only.

Strategy Meetings



The above graph shows that there were a similar amount of strategy meetings held in 2017-2018 to those held in 2016-2017 (52 meetings held in respect of 40 individuals this year, compared to 51 meetings held in respect of 32 individuals).

Of the 56 cases resolved during the period, 26 were completed within 1 month (45.6%), 6 were completed between 1 and 2 months (10.7%), 19 were completed between 3 months and 5 months (33.9%), and 5 were completed between 6 months and 12 months (8.9%).

At 31st March 2018, there were 9 cases ongoing. Of these, 2 had been open for less than 1 month, and 7 had been open for 1 – 3 months.

Cases concluded in the time frame of 1-3 months allows professionals and volunteers to be managed appropriately by the agency. Children/young people are supported through the process to ensure appropriate information is shared about how the investigation is conducted and concluded.

Cases that go beyond the 3 month period are low and due to pending outcomes of police enquiries and potential court cases. These cases are regularly reviewed either through the strategy meeting process or direct updates from the investigating officer.

In all cases individuals subject to a police investigation are supported by the employer who provide a named point of contact within the organisation with human resource review of the employee's circumstances. The employee is advised to seek union or alternative independent support while investigations are taking place in addition to having access to occupational health services if required.

The LADO will have direct contact with individuals who are self employed to discuss the LADO process, confirm they have notified a professional body such as British Gymnastics and confirm the individual will not be undertaking any activity either paid or voluntary pending the outcome of the police investigation.

Consideration will also be given to whether the individual has contact with children in their family which would be responded to in consultation with Children Services. In all other cases it is the responsibility of the employer to advise the employee of the LADO process and outcomes.

Once the police have concluded the investigation, if no further action is to be taken the LADO will convene a review strategy meeting to consider the police information and determine an overall outcome to the complaint to inform the organisation's internal process to the required action ranging from management advice/training to dismissal.

5. LADO Developmental Activity 2017-2018

People in positions of trust, who abuse children & young people conference

A number of speakers presented to professionals nationally represented from agencies including police, local authorities and health.

The presentations considered topics including working with perpetrators in positions of trust, operation Yew Tree and human exploitation.

The presentations and workshops gave the opportunity to consider the behaviour of perpetrators in positions of trust, grooming behaviour, safer recruitment and working with organisations to ensure they have robust procedures in place.

5th National LADO Conference March 2018

The 5th National LADO conference was held in Doncaster with attendance including, Hartlepool, Middlesbrough, Sunderland, South Tyneside, Newcastle and Gateshead representing the North East region.

A variety of key note speakers gave presentations covering a wide range of experience in specialist areas from organisations including Disclosure and Barring Service, Marcus Erooga–Editor of ‘Protecting Children and Adults from Abuse After Savile’ The information shared by the presentations and work shops throughout the day were reflective of the day to day work carried out by LADO’s in responding to allegations, providing advice and guidance to organisations and training delivery.

Regional meetings continue to take place on a quarterly basis to consider local issues and practice.

6. Training

During the course of the year LADO has delivered or co-delivered the following training to professionals/volunteers providing services to children:

- 10/5/2017 Staff training at early years setting – role of the LADO and responding to allegations or concerns .
- 24/5/2017 Staff briefing to local primary school - role of the LADO and responding to allegations or concerns.
- 13/7/2017 North East Ambulance Service training - role of the LADO and responding to allegations or concerns.
- 2/9/2017 British Gymnastics conference for club safeguarding volunteers - role of the LADO and responding to allegations or concerns.
- 6/2/2018 Child Protection Conference course
- 21/2/2018 Tyne and Wear Sport: purpose is to offer strategic leadership and operational support to those who run sport in Tyne & Wear – Briefing role of the LADO and develop links with main sport providers.
- 21/3/2018 Briefing to Gateshead commissioning contract team responsible for residential providers on the role of the LADO.

7. Additional Responsibilities

During this reporting period the LADO/IRO has chaired 6 initial child protection conferences and 40 child protection review conferences and holds a small looked after children case load.

During the reporting period the LADO has responded to eight Freedom of Information requests in relation to professionals and volunteers working with children.


- Buzzfeed UK
- Independent research x 2
- NSPCC x 2
- Data news
- The Times newspaper
- BBC

The LADO/IRO is also a panel member or chair for secure accommodation reviews Section 25 of the Children Act 1989.

8. Recommendations

The LADO to continue to contribute to training of managing allegations and promote awareness of procedures for managing allegations with partner agencies.

The LADO to continue to strengthen links with key LSCB partner agencies and private sector employers and organisations to ensure there is a continued awareness about the thresholds and process for managing allegations.



Nicholas Leon
Local Authority Designated Officer, Safeguarding Children Unit

TITLE OF REPORT: Safeguarding Boards update

REPORT OF: Caroline O'Neill, Strategic Director, Care, Wellbeing and Learning

Purpose of the Report

1. The purpose of this report is to present the Gateshead Safeguarding Adult's Board (SAB) and Local Safeguarding Children's Board (LSCB) Annual Reports for endorsement by Cabinet.

Background

2. The Local Safeguarding Children's Board and Safeguarding Adults Board continue to provide leadership, accountability and vision for safeguarding in Gateshead. Both Boards have a strong commitment from partners to working together, holding each other to account and seeking to learn and improve together.

Gateshead Local Safeguarding Children's Board Annual Report 2017/18

3. The LSCB Annual Report 2017-2018 details developments for both the LSCB itself and its partner agencies, of which Gateshead Council is one, in relation to safeguarding and promoting the welfare of children in the borough. Key areas include work to understand high levels of Permanent Exclusions, work to improve links with our schools and ongoing work to raise awareness of Child Sexual Exploitation and other forms of abuse. The report also contains an analysis of data. (Numbers of children on child protection plans have decreased slightly., numbers of children in care have increased slightly. The timeliness of assessments and conferences remains high)
4. The LSCB Business Plan 2018-2019 sets the strategic direction for the LSCB and reinforces the specific role of the LSCB to lead, challenge and support learning and focuses on the specific role and remit of the Board. The action plan for 2018-2019 supports those three key priorities of leadership, challenge and learning and also focuses on the five key thematic priority areas Voice of the child, Communication & engagement with the frontline (including schools), Early Help & Early Intervention, Mental health & Emotional Wellbeing, Child Sexual Exploitation & Missing. The LSCB will also be continuing to prepare for the implementation of new legislation and guidance around statutory strategic arrangements for safeguarding (including the removal of the requirement for local authorities to ensure that there is a LSCB and a new requirement for a new strategic partnership between the local authority, police and CCG).

Gateshead Safeguarding Adults Board Annual Report 2017/18 and Strategic Plan 2016/19 Refresh

5. The SAB 2017/18 Annual Report highlights progress throughout the year. The report also articulates how partner governance arrangements ensure members are accountable for Safeguarding Adults. The SAB has streamlined the way in which it operates, to seek to get the most out of the contributions of senior partners from all agencies. This includes the establishment of an Executive Group whose role is to monitor the effectiveness of the Board and its sub groups and to report directly to the Board on any emerging themes, risks areas of good practice and learning.
6. Key areas of work in 2017/18 include the development of a performance dashboard, the development of practice guidance for adult sexual exploitation, the implementation of a community and engagement strategy, improved links with the voluntary and community sector, maintaining compliance with Deprivation of Liberty Safeguards and a revised approach for responding to statutory Safeguarding Adult Reviews. During 2017/18 the Safeguarding Adults Board continued to explore opportunities for working collaboratively at a regional level.
7. The revised Strategic Plan 2016/19 (2018 refresh) sets out how the Safeguarding Adults Board will achieve its five Strategic Priorities which are:
 - Quality Assurance
 - Prevention
 - Community Engagement and Communication
 - Improved Operational Practice
 - Implementing Mental Capacity Act / Deprivation of Liberty Safeguards
8. The Strategic Plan includes key challenges to be addressed over the three year period. 2018/19 is the final year of the three year Strategic Plan and is supported by a Business Plan for 2018/19, which helps to reprioritise the work of the Board to ensure that the Strategic Priorities are addressed.
9. The Safeguarding Adults Board will be implementing a programme of consultation and engagement over the coming months in preparation for the new three-year strategy which will commence in April 2019.

Proposal

10. Cabinet is asked to endorse the respective Annual Reports and 2018/19 Plans for both the Local Safeguarding Children's Board and Safeguarding Adults Board.

Recommendations

11. It is recommended that the Annual Reports and Strategic Plans be endorsed.

For the following reason:

To ensure that statutory duties of the Gateshead Local Safeguarding Children's Board and Gateshead Safeguarding Adults Board are met

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extension: 2353

Policy Context

1. The proposals support Vision 2030 and the Council's strategic approach of Making Gateshead a Place Where Everyone Thrives, ensuring that children, young people and vulnerable adults are safe and supported.
2. The Care Act 2014 enshrined in law the principles of Safeguarding Adults and the Safeguarding Adults Board became a statutory body in April 2015. The Care Act states that a Safeguarding Adults Board must:
 - publish a strategic plan for each financial year. This plan could cover 3 – 5 years in order to enable the Board to plan ahead as long as it is reviewed and updated annually
 - publish an annual report which details how the Board and its members achieved the objectives as identified within the strategic plan
3. Chapter 3 of Working Together to Safeguard Children (2015) and Regulation 4 of the Local Safeguarding Children Board Regulations (2006) set out the statutory objectives and functions of LSCBs as contained in the Children Act 2004. As set out in Working Together to Safeguard Children (2015), every Local Safeguarding Children Board is required to produce and publish an annual report on the effectiveness of safeguarding in the local area (s.14A Children Act 2004). The annual report sets out the arrangements to safeguard and promote the welfare of children in Gateshead and provides an assessment of those arrangements. The report also sets out how the LSCB discharges its statutory functions.

Background

4. It has been a year of change throughout many of the partner organisations that make up the LSCB and SAB and a number of changes to Board representatives. Despite this, along with ongoing public sector austerity measures, the two Annual Reports illustrate that considerable progress has been made. Neither of the Boards were subject to external inspections during 2017/18. There was one new Safeguarding Adult Review commissioned and no Children's Serious Case Reviews. Nevertheless, a number of emerging local and national issues meant that the two Boards were extremely busy.
5. The LSCB and SAB have launched a new website which contains detailed information about Safeguarding in Gateshead. This includes information about the Boards, policies and procedures, training and information and advice for practitioners and members of the public www.gatesheadsafeguarding.org.uk.

Consultation

6. The LSCB and SAB Boards and Sub-Groups were fully engaged and consulted with during the production of the Annual Reports and Strategic Plan / Business Plan.
7. The Cabinet Members for Children and Young People and Adult Social Care have been consulted.

Alternative Options

8. There are no alternative options available to the Council.

Implications of Recommended Option

9. Resources:

- a) **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no specific financial implications arising directly from this report.
 - b) **Human Resources Implications** – There are no specific human resource implications arising from this report.
 - c) **Property Implications** – There are no specific property implications arising from this report.
10. **Risk Management Implications** – The production of the Safeguarding Annual reports and Strategic Plans / Business Plans provides control measures for risk management
 11. **Equality and Diversity Implications** – Safeguarding activity makes a major contribution to protecting vulnerable adults from harassment, abuse and discrimination. The Council has a duty under the s149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct and to advance equality of opportunity and foster good relations.
 12. **Crime and Disorder Implications** – The wider safeguarding agenda is an integral part of the Council's work to create a Safer Gateshead. There is a close connection between community safety, MARAC, MAPPA, the protection of adults with needs for care and support and the safeguarding children agenda.
 13. **Health Implications** – The priorities and subsequent actions identified within each of the annual plans support the mental health and wellbeing of Gateshead residents.
 14. **Sustainability Implications** – There are no direct sustainability issues within this report.
 15. **Human Rights Implications** – Account is taken of Article 8 Right to respect for private and family life when considering Safeguarding activity. Independent advocacy is also used during the safeguarding process to ensure service users have an independent voice.
 16. **Area and Ward Implications** – Safeguarding cover all areas and wards throughout Gateshead.



Gateshead
local safeguarding
children board

Gateshead LSCB

Annual Report

2017-2018



LSCB ANNUAL REPORT 2017-2018

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1. INTRODUCTION AND WELCOME

Foreword – Sir Paul Ennals, LSCB Independent Chair



It has been a privilege to chair the Gateshead LSCB for a second year. The Board brings together all partners who are working across Gateshead to keep children safe; the partnership has the confidence to challenge each other, whilst all seeking to support each other – “high support, high challenge”. I have been pleased to see the strong relationships which have been forged across the services, at the front line as well as amongst senior partners.

This year we have welcomed a new business Manager, Saira Park, who has had a great impact on all aspects of our work. Supported by Gemma Crawley, she has driven the work of the board with great energy, enthusiasm and commitment.

This year we have done more to work in collaboration with colleagues in other boards across the region. The issues facing each Board are broadly similar, and there is much to be gained from working together. We now work especially closely with the areas South of Tyne, and during this coming year we plan to strengthen our links North of Tyne. Next year we will respond to the new Government legislation by changing our structure fundamentally; partners have been working closely to ensure that our new arrangements will be just as effective as our current ones.

The children of Gateshead can be grateful for the commitment of the many partner agencies who work hard and effectively to keep them safe.

A handwritten signature in black ink, reading "Paul Ennals". The signature is written in a cursive style and is positioned above a long, horizontal, slightly wavy line that serves as a decorative underline.

2. SUMMARY OF PROGRESS

2.1 Purpose of report

As set out in *Working Together to Safeguard Children* (2015), every Local Safeguarding Children Board (LSCB) is required to produce and publish an annual report on the effectiveness of safeguarding in the local area. This report sets out the arrangements to safeguard and promote the welfare of children in Gateshead and provides an assessment of those arrangements. The report also sets out how we discharge our statutory functions.

2.2 Overall LSCB progress

Once again, 2017-2018 has been a busy year for us. Although we did not undertake any statutory Serious Case Reviews (SCRs), our “business as usual” and a number of new emerging issues nationally and locally have meant that our meetings have been busier than ever. Considerable work has also been undertaken between meetings by our sub groups, task and finish groups and highly committed members.

2.3 Progress against last year’s objectives

Our Business Plan was monitored at every meeting of the LSCB Executive. By year end most of our priorities were signed off or due to be signed off imminently. The only exceptions are as follows: The redesign of Early Help is ongoing to enable active involvement of partner agencies; the review of “Thresholds/Indicators of Need” document from Children’s Social Care in ongoing and updates will be completed once the Early Help offer is finalised; and the work around the national Child Protection – Information System has now been completed.

In terms of **Leadership** we strengthened our links with our local communities and other partnerships to improve the visibility of the LSCB and ensure that safeguarding children was still a priority for groups with an adult or community focus. We also continued with work to engage children and young people with the work of the Board.

We **challenged** our partner agencies to provide us with details of their own internal single-agency scrutiny and audit. We were not asking agencies to do additional audit work but wanted to make sure that we knew what audits were already taking place, what they were showing and whether they made a difference, in order to reassure the Board that there were no significant issues picked up in term of practice, and to ensure that agencies were robust in their own arrangements for identifying any issues. Overall, the findings identified no specific concerns about single agency practice and indeed some high quality single agency and joint working was demonstrated. In terms of areas for development, Children’s Social Care identified that in 53% of the cases audited “visits” were not in timescale (this was across all cases including Child Protection, Child in Need and Looked After Children). This figure improved to 80% as a result of the actions undertaken following the audit. The voice of the child is heard and acted upon; however this is not always evidenced as well as it could be through recording. Inconsistencies were noted in the planning process and areas for improvement identified. Some very good work was noted in all of the Children’s Social Care audits however. Gateshead Health NHS Foundation Trust identified that there was limited evidence in hospital records of paediatric engagement with child protection conferences. Invitations were only received a few days before the meeting, making paediatric attendance more difficult due to clinical commitments. Processes were introduced to address this and plans put in place to re-audit and determine if improvements had been made. The LSCB Executive will continue to monitor single agency audits on behalf of the Board in 2018-2019.

2.4 Board effectiveness

We challenged ourselves as a Board through our new Effectiveness Framework. Our benchmarking exercise showed us that there were no significant areas of concern but we needed to evidence further the impact of our work. Work in this particular area will continue into 2018-2019 as we review our arrangements in light of the Government's review of LSCBs and new legislation. We also reviewed our mini peer review proposal from previous years and looked at more effective ways of challenging each other.

We continue to collaborate with LSCBs across the region regarding future safeguarding arrangements. The final shape of arrangements across all 6 areas will be determined by how much agreement can be reached on integrating the safeguarding processes and how we can coordinate delivery around some specific safeguarding issues

The LSCB Business Managers across the 6 areas have produced a workplan for developing integrated tools and further integration of processes – performance datasets, QA frameworks, policies & procedures, training, practice review arrangements, and CDOP arrangements are being considered, in light of new statutory guidance.

In terms of **Learning**, we considered the national review of LSCBs and proposed changes to legislation and statutory guidance. We also reviewed cases in a multi-agency setting where there were lessons to be learned and took this learning forward.

We are satisfied that we have highly effective partnership arrangements in Gateshead which are built on trust and honesty. Agencies have the confidence to challenge each other due to robust working relationships.

The LSCB Business Manager's role is crucial to the work of the Board to ensure compliance with statutory requirements and drive delivery of the Board's Business Plan. The Business Manager provides a link between the Board, sub groups and other partnerships. The LSCB Chair also chairs the SAB and this further strengthens joint working and the transition agenda.

As a Board, we are confident that we have effective training that responds well to LSCB priorities. Despite increasing pressures on partner agency staff we have a skilled pool of trainers who deliver a lot of our sessions "in house", but we also have the resources to commission specialist sessions when appropriate. We continue to carry out work to ensure that our training has an impact on frontline staff to ensure that the sessions lead to improved outcomes and provide the Board with best value for money.

We acknowledge that we need to do more to hear the voice of the child as a Board. Our partner agencies undertake a lot of work to listen to and act on the voice of children accessing their services and there is some work for us to do to join this up better across the partnership and to see more meaningful outcomes from this. We also need to carry out more work to capture the voice of children who aren't part of groups such as school councils, the Youth Assembly, One Voice, Police Cadets etc. We will take this work forward into 2018-2019.

2.5 Summary of sub group progress

At year end we had seven sub groups, one of which is shared with the Safeguarding Adults Board (SAB). They are:

- Gateshead Local Child Death Review Group

- Joint LSCB & SAB Strategic Exploitation Group
- Learning & Improvement Sub Group
- Licensing Sub Group
- Performance Management Sub Group
- Policy & Procedures Sub Group
- Training Sub Group

The LSCB Missing, Sexually Exploited and Trafficked Sub Group (MSET) also reports into the Strategic Exploitation Group having previously reported directly to the Board.

An **Education Reference Group** has been established to strengthen the engagement of schools in the work of the LSCB.

The group includes wide representation from primary and secondary schools, and from all parts of the borough; feedback has been positive, and several key issues such as CSE, early help and training have been discussed. The reference group provides a means whereby school concerns can be brought to the board, issues discussed within the Board can be brought to the attention of schools, and schools can increase the level and quality of their multi-agency working.

Some successful workshops have been held in several schools, to examine the impact of the development of early help on thresholds, and there is evidence of some excellent work amongst many senior leadership teams in schools. Head teachers endorsed the positive feedback from these workshops. As all agencies respond to the continued budget challenges, it becomes ever more important that our responses to vulnerable children are jointly planned and delivered, and the early evidence of the Education Reference Group suggests real progress is being achieved.

Throughout the year our sub groups continued to work towards their own work plans and towards one or more of our priorities of **Leadership, Challenge** and **Learning** and specific details of this are found in the sub group reports in Appendix 4.

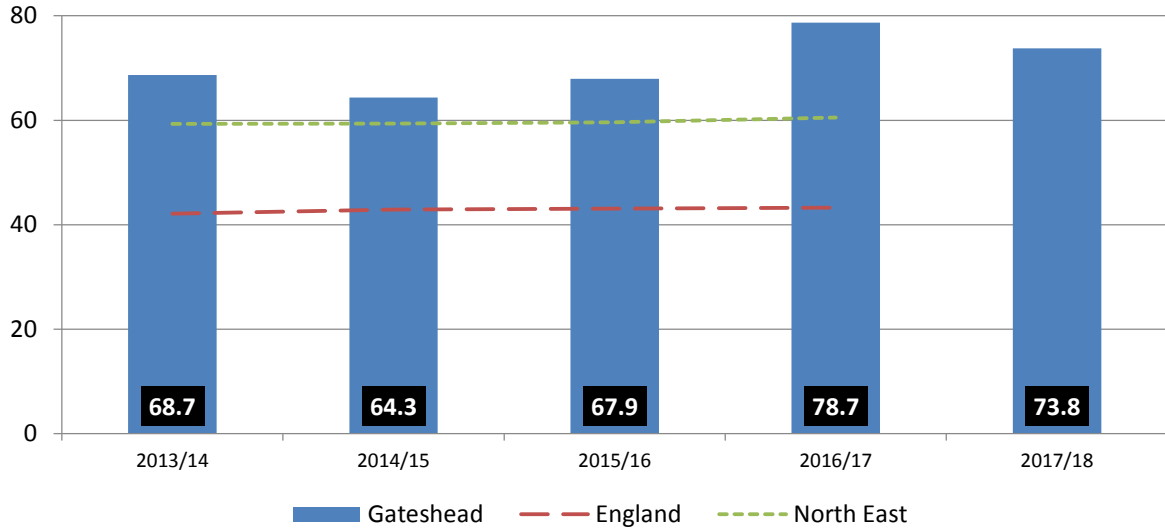
3. PERFORMANCE DATA AND INFORMATION

3.1 Performance Data

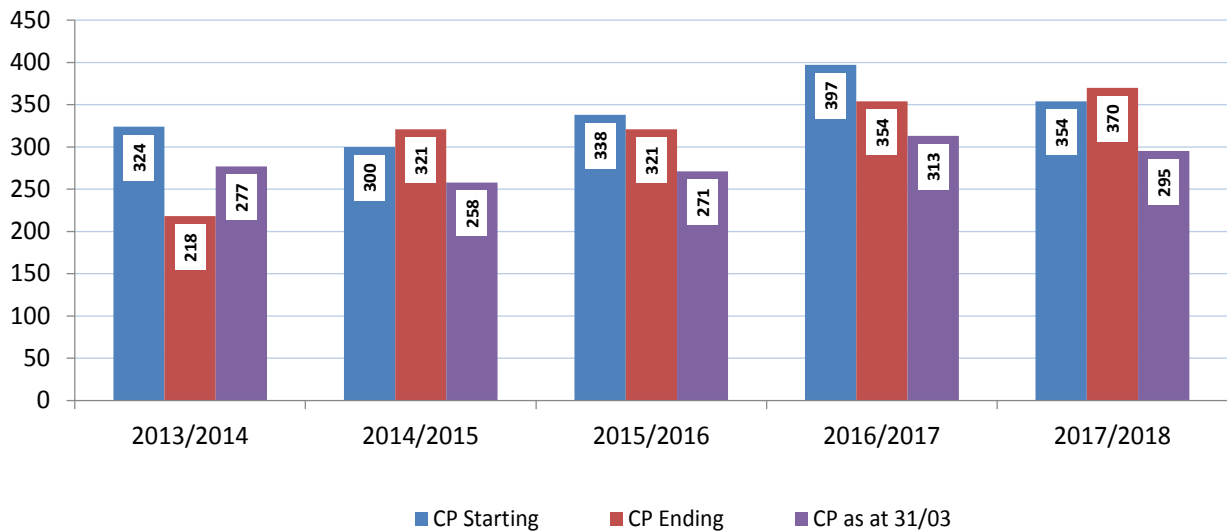
The LSCB Performance Management Sub Group monitors performance information on behalf of the LSCB and reports regularly to the Board against an agreed data set/performance dash board linked to priority areas.

At year end there were **295** children from Gateshead subject to a Child Protection Plan, which is a rate of 73.8 per 10,000, and higher than the England rate of 43.3 per 10,000 reported in 2016-2017. It is also 18% higher than the North East rate of 60.5 but a decrease of 4.9 per 10,000 on the previous year in Gateshead.

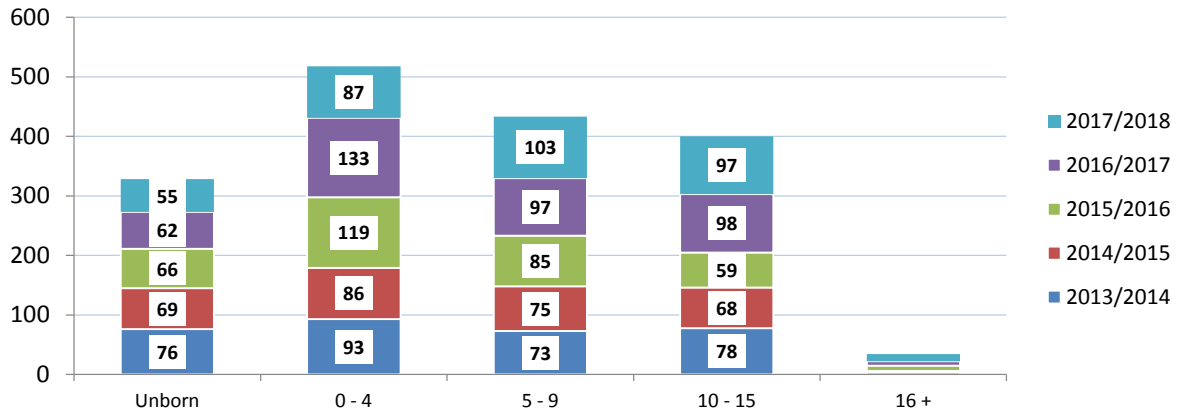
Child Protection Plan numbers per 10,000



Child Protection Numbers

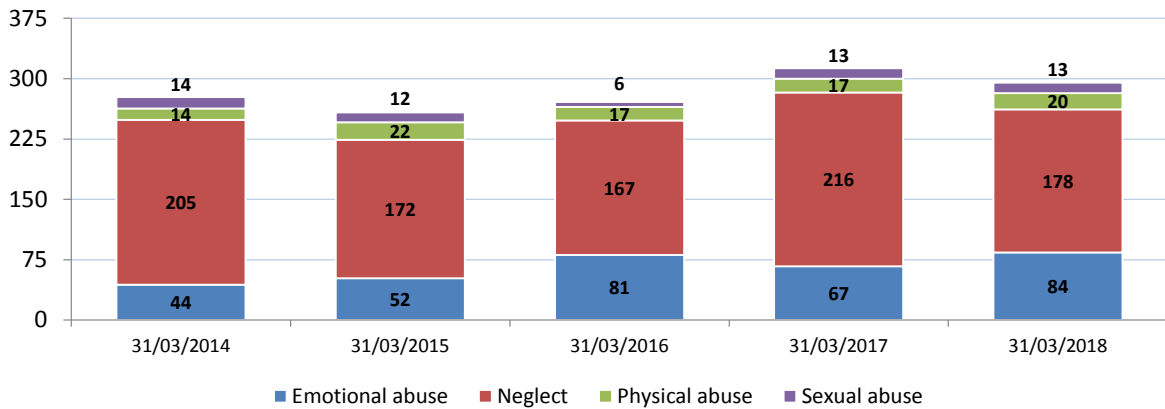


Age of Children when placed on a Child Protection Plan (Apr-Mar)

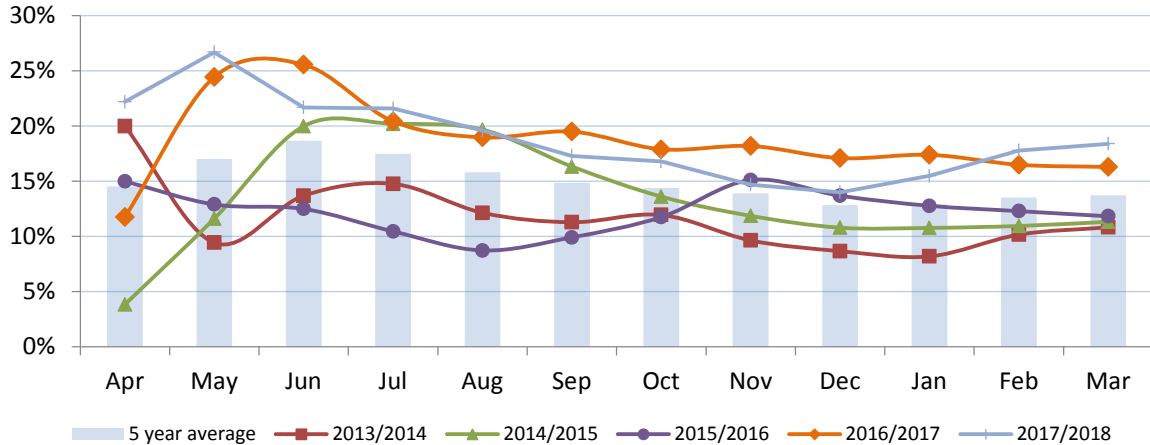


The category of neglect remains the highest at 60.3% of all plans. The numbers of plans lasting over 2 years remains low.

Child Protection Category at month end



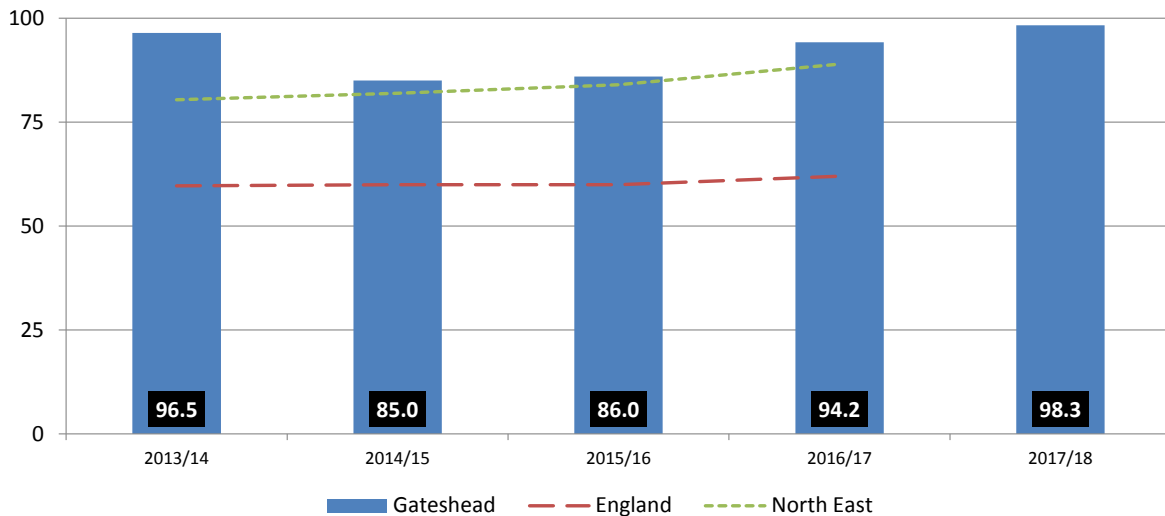
Performance Indicator: Percentage of children becoming the subject of Child Protection Plan for a 2nd or subsequent time



There was an increase noted in the numbers of children who became subject to a plan for a second or subsequent time (65 of 354 plans that started in 2017-2018 or 18.4%) and work is underway to understand this. The figure has increased in the first quarter of 2017-2018 and there are currently 23 children subject to a second or subsequent plan (27.7%). This indicator will continue to be monitored closely, although the 23 children involved does include two sibling groups of 4 and one sibling group of 3, which may help to account for the higher figure.

This reporting period also saw an increase in the number of children who are Looked After by Gateshead Council. At year end the rate showed a 4.4% increase from the previous year end and is 36.9% higher than the latest England rate and 9.5% higher than the North East rate. The Looked After Children performance information indicates good placement stability and timely performance planning. This data and information on outcomes is monitored regularly by Gateshead Council Children’s Social Care Performance Clinic, the Corporate Parenting Partnership, the Looked After Children Overview and Scrutiny Committee and a number of other partner agency forums. The LSCB established a task & finish group to examine ways of safely reducing this figure.

Looked After Children numbers per 10,000



Other data to note included:

- Child Concern Notifications and contacts to Children's Social Care decreased from previous years by less than 1%; the number of referrals also decreased by around 3.5%.
- A high number of assessments undertaken by Children's Social Care identified mental health (37.7%) and domestic abuse (37.1%) as a factor. Other common factors included alcohol or drug misuse, socially unacceptable behaviour, neglect and emotional abuse. Whilst the numbers of cases where domestic abuse is a factor is high it is much lower than the England average of 2016-2017 (48.2%) whereas the socially unacceptable behaviour rate (19%) is much higher (7.1%).
- There was a 2.5% increase in Child In Need (CIN) Assessments being completed in 2017-2018 compared to 2016-2017, and there was also an increase in CIN assessments being authorised within timescales. The % of CIN assessments completed in timescales (88.3%) is higher than the latest reported national average (82.9%) and regional average (83.1%). There was a 14.3% decrease in Section 47 investigations but a higher percentage of these progressed to Initial Child Protection Conference (ICPC). Of those cases going to ICPC, 84.8% went on to require a Child Protection Plan, which indicates multi-agency agreement on the way to progress these cases
- 96.4% of ICPCs were held within the 15 day timescale (well above the regional average of 86.3% and national average of 78.3%). Attendance and contribution to CP conferences is monitored and remains strong overall, particularly for some partners e.g. Police. Work is ongoing to improve the contribution of some agencies to the process e.g. GPs. and also ensure sustained improvement against timescales for distribution of minutes

3.2 Summary of thematic information

3.2.1 Missing children

The LSCB Missing, Sexually Exploited and Trafficked Sub Group (MSET) monitors and coordinates multi-agency activity for children who are reported missing from home or care.

In total, there were **841 episodes** in 2017-2018 where a young person from Gateshead was reported missing or absent to police. **493 (58.6%) of these episodes were children/young people looked after by Gateshead Council**. These figures differ slightly from those presented by Northumbria Police – they state that there were 439 “missing” episodes involving under 18s in Gateshead and 331 “absent” episodes. This equates to 770 episodes in total, 417 of which were Looked After Children. However these figures only include young people reported missing from a Gateshead address and do not include Gateshead looked after children placed elsewhere in the Northumbria area or further afield whereas the LSCB data for MSET does. There are also a small number of young people placed into private children's homes in Gateshead by other local authorities who are included in the police figures (e.g. Fairways, Caxton House and Church Rise). There were 862 missing/absent episodes in 2016-2017 (of which 541 or 63% related to Looked After Children) therefore this represents a **2.4% decrease year on year** on the total episodes and an **8.9% decrease in missing from care episodes**.

All children who are missing or absent on two or more occasions in a six month period or for a single episode lasting more than 24 hours are offered an Independent Return Home Interview. This differs from a police Safe and Well Check (which all missing people receive on return) and is carried out by skilled and experienced youth workers to determine underlying

reasons for the missing episode and wider risks and vulnerability factors. The interviews are also used to identify broader trends, including “CSE hotspots” and there are clear links into MSET meetings and intelligence sharing with police.

In total there were **280** requests for a return interview in 2017-2018 (as the 841 missing episodes relate to a smaller number of individuals as a small cohort of young people were reported missing more than once). 154 interviews were carried out (55%), 86 young people refused (31%) and 40 interviews were no longer required or not appropriate (14%).

This 60% completion rate is significantly higher than in other LSCB areas where external services are commissioned to provide the service and reflects the specialist skills and local knowledge that the youth workers have whilst also retaining independence from the case. The youth workers also have links in to other services which means that appropriate support can then be put in place for young people when required.

3.2.1 Child Sexual Exploitation (CSE)

The MSET sub group of the LSCB also has oversight of cases where there are concerns about sexual exploitation. There were **79 cases** discussed at MSET due to concerns about them in 2017-2018, 20 of which were discussed on more than one occasion. This is a **68% increase** from 2016-2017 when there were 47 cases discussed (27 of those were discussed more than once).

It is not possible to separate how many of those cases were discussed due to missing episodes and how many due to CSE due to the overlap between the two, but a CSE risk assessment was carried out for each case that was discussed and disruption plans put in place. It is thought that this increase represents improved awareness rather than increased incidence of sexual exploitation. More detail on the work of the MSET is set out in Appendix 4. It is not possible to provide case studies on how the work of the group improved outcomes as they may lead to young people being identified.

The LSCB Business Manager is reviewing how CSE is recorded on the Social Care System and is working with the management information team to improve the way CSE is recorded to ensure data is accurate and up-to-date. This review is also looking at the way risk assessments are recorded, how we can improve the quality of risk assessments and how they inform care planning.

3.2.2 Private Fostering

Gateshead LSCB receives an annual report on Private Fostering from Children’s Social Care to update members on the number of arrangements in the borough and to raise local and national issues. The 2017 report set out that at the time of the report there were no children subject to private fostering arrangements in Gateshead. Reporting rates are likely to be an under-estimate. Professionals have a legal duty to report possible cases of private fostering to the local authority. A recent Ofsted thematic inspection noted the national under-reporting, and recommended that authorities focus on awareness amongst relevant professionals rather than seeking to increase public awareness. An action plan was put in place to raise awareness and encourage professionals to report private fostering arrangements, this included sending information to all schools and a webpage on the new website.

3.2.3 Child Deaths

The Gateshead LSCB Child Death Review Sub Group reviews the death of every child in the borough and reports into the sub regional Child Death Overview Panel (CDOP) which is shared with Sunderland and South Tyneside LSCBs. More information on the work of the sub group and CDOP is set out in Appendix 4.

In 2017-2018 the LSCB was notified of the deaths of **11** children from Gateshead. There were no significant safeguarding issues in any of the deaths. Detailed information is not presented in this report so that the young people cannot be identified but it should be noted that the majority of deaths were premature babies or babies born with life limiting conditions who died within a short period of their birth.

3.2.5 Allegations against those working with children

There are clear statutory processes in place for responding to allegations made against those working with children. The Local Authority Designated Officer (LADO) is a key role in this process.

From 1 April 2017 to 31 March 2018 there were a total of 340 contacts and enquiries to the LADO, and 67 referrals, making a total of 407 LADO enquiries where there were concerns about someone working with children. 57 of the 67 referrals were progressed. Referrals to the LADO were received from statutory and non-statutory organisations. Police, education and social care remain the main source of referrals in addition to Ofsted and other local authorities.

The most common category of abuse recorded for those cases which went to strategy meeting/discussion was physical abuse (38.6%). A number of the allegations were found to be false or malicious (14%); the remainder were recorded as “unfounded” (22.8%), “substantiated” (24.6%) and unsubstantiated (26.3%). The remainder of the cases are currently ongoing. An outcome is defined as substantiated where on the balance of probability abuse or harm is confirmed and unsubstantiated where there is insufficient identifiable evidence to prove or disprove the allegation. Employees subject to investigations that concluded either substantiated or unsubstantiated predominately received management advice with additional training. 0 employees were issued with written warnings and 0 received final written warnings. 7 employees were dismissed, 6 employees had referrals to the Disclosure and Barring Service for consideration, 2 employees had professional organisational referrals and 2 employees had a standard of care meeting. Please note that some employees could have multiple ‘outcomes’.

The LADO will continue to provide advice and guidance to employers and voluntary organisations in 2018-2019 and continue to liaise with the police and other relevant agencies and professional bodies in responding to allegations or complaints.

3.2.6 Pupil Exclusions

The increasing numbers of pupils being excluded from schools is a national issue. However, within Gateshead the rates of exclusions would appear to be even greater than the national average over recent years. This issue was identified by the Local Safeguarding Children Board (LSCB) and officers were asked to carry out research to identify why exclusions were increasing at such a rate and more importantly how could this be halted and reversed. This work was led by Service Manager for Education Support Service and a report presented to LSCB in the spring 2017. The report identified a number of factors were likely to be driving up exclusions. A key outcome was that a range of children’s services, health and school professionals would need to try to address the issue by working more closely together. As a

consequence, a conference was organised to bring services together to discuss the issue and agree a way forward. The conference was led by the LSCB chair.

Following the LSCB “Reducing Permanent Exclusions” conference in the summer of 2017, a joint action plan was devised and agreed with partners. Actions started to be implemented from September 2017 and are being monitored and evaluated by a group consisting of partners from the original LSCB conference. In addition to the LSCB receiving regular updates, The Council’s Families OSC has asked for a regular update on the impact of the action plan.

Although it is relatively early days in regard to the plan, there are some promising figures to date.

	Numbers of Permanent Exclusions		% change
	16/17	17/18	
Autumn Term	34	29	-15%
Spring Term	19	15	-11%

Compared to last year, by the end of the Spring Term 2018 there has been nine fewer permanent exclusions.

4. SUMMARY OF LEARNING FROM INSPECTIONS AND REVIEWS

Gateshead LSCB was not subject to a Joint Targeted Inspection in 2017-2018 by Ofsted, the Care Quality Commission (CQC), Her Majesty’s Inspector of Constabulary (HMIC) and Her Majesty’s Inspector of Prisons (HMIP).

4.1 Inspections of partner agencies in 2017-2018

A number of Board partner agencies were inspected or had recent inspections published in 2017-2018:

Northumbria Police – PEEL

Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) visited Northumbria Police between the 8th and 9th January in order to undertake an inspection of the organisation’s child protection arrangements. The inspection, part of a national programme of thematic inspections of all forces in England and Wales, sought to examine all aspects of response of all the organisation, including leadership, governance, partnerships, initial contact, investigations, decision making, management of those who pose a risk to children and the detention of children and young persons.

HMICFRS found a clear commitment to protecting children and recognised examples of good work across the organisation, with good engagement with partner agencies across the six local authorities.

Inspectors also identified areas for improvement to ensure the service provided to children in need of help and protection is of a consistently high quality. Seven recommendations have been made. HMICFRS found positive professional relationships and collaboration with external partners at both strategic and practitioner levels.

Gateshead Council: Ofsted Focused Visit – Care Leavers

Ofsted undertook a focused visit of Gateshead’s Children’s Services in March 2018, looking at the Council’s arrangements for care leavers. The inspectors considered a range of

evidence, including discussions with care leavers, social workers, personal advisers and senior managers. They also looked at performance management and quality assurance information and children's case records. No areas of serious safeguarding concern were identified. An action plan has been developed, progress against which is monitored by the Council's Corporate Parenting Overview and Scrutiny Sub Committee, with updates to the LSCB.

Clinical Commissioning Group

NHS England has a statutory duty to undertake an annual assessment of CCGs. This is done under the auspices of the Improvement and Assessment Framework (IAF), with the overall assessment derived from CCGs' performance against the IAF indicators, including an assessment of CCG leadership and financial management.

Newcastle Gateshead CCG received a rating of Outstanding for 2017/18.

During 2017/18 a total of **7 GP practices** have been inspected by CQC – all received a rating of **Good**.

Newcastle Gateshead CCG also had their annual internal assurance audit - a risk based audit of safeguarding arrangements; for which they received Substantial Assurance which is the highest grade of assurance.

Northumberland, Tyne and Wear NHS Foundation Trust

A team of inspectors visited Northumberland Tyne and Wear NHS Foundation Trust in April (and May). It was rated Good for safety, and Outstanding for caring, effectiveness, responsiveness and well-led. Overall, the trust rating has remained Outstanding - the same rating that it achieved when it was last inspected, in June 2016.

For safety, inspectors rated 14 of the 15 core services as Good and one as Requires Improvement. The rating of safety had improved from requires improvement to good in child and adolescent mental health wards, but the rating had gone down in the safe domain from good to requires improvement in acute wards for adults of working age and psychiatric intensive care units.

The organisation improved its rating for caring, moving from Good to Outstanding. The trust ratings for being responsiveness and effective remained at Outstanding. Patients had access to a range of activities, including during evenings and weekends – and with child and adolescent mental health wards, patients had good access to education provision. The trust was working with commissioners and staff to design specialist community-based services to ensure the right care and treatment could be provided in the community and to prevent hospital admissions.

During the inspection, it was noted that the trust had carried out a significant organisational restructure in October 2017, and engaged extensively with staff during this time, introducing cohesive new structures and governance arrangements.

The quality of performance data was outstanding. Staff at all levels had access to a wide range of data which was used to actively inform and shape how services were delivered and how care was provided. Inspectors noted that there was evidence of significant positive impact on patients as a result. CQC found some areas of outstanding practice.

Schools

A number of our **schools** were inspected by Ofsted in 2017-2018 and, once again, no safeguarding concerns were identified. Overall 38.3% of our schools are outstanding, which is higher than the national average of 19%.

Of 70 primary, junior, infant and nursery schools (including primary special schools), 40% are outstanding, 57% are good and 7% require improvement. Of 10 secondary schools and academies 30% are outstanding, 10% are good, 30% require improvement and 30% are inadequate. 50% of the total number of special schools are outstanding and the others are good. The PRU has recently academized and has not yet been inspected.

4.2 Learning from reviews in 2017-2018

The LSCB Learning and Improvement Sub Group manages learning from Serious Case Reviews (SCRs) and other reviews on behalf of the Board. There have been no SCRs initiated or published by Gateshead LSCB in the past 12 months. In 2017-2018, two Serious Incident Notifications were submitted to Ofsted/Department for Education.

It was agreed that the criteria for a SCR was met for one of the cases and the National Panel agreed with this decision. The SCR will be carried out during 2018-2019. Although the criteria for SCR for the other case was not met, it was agreed that there was additional learning and work should be carried out to learn lessons from this case and apply them to future practice – see appendix 2 for a summary.

Durham LSCB will be carrying out a SCR of a case that was previously open to Gateshead. Durham initially felt that the case did not meet the criteria for SCR, however the national panel requested the decision to be reviewed and a SCR is now being commissioned. The review should be completed by October 2018.

Despite the fact that no formal reviews were required in 2017-2018 the sub group worked within the Board's Learning & Improvement Framework to drive forward multi-agency learning and changes to practice.

The sub group carried out detailed reviews of the cases of 6 children and young people where potential lessons were identified.

The group also continued to build on the learning from a case first discussed in 2016-2017 and received a single agency management report on the learning. These reviews have led to a number of changes in practice including an increased emphasis on challenge/escalation and changes to procedures when children are returned home from care, and holding Initial Child Protection Conferences for a small number of complex cases where the child is Looked After under section 20. The learning from these cases has also led to the delivery of additional training on disguised compliance and working with hostile families. All of the reviews identified numerous examples of good practice as well as areas where things could have been done differently.

The sub group also considered a diverse range of SCRs from other areas to ensure that any relevant learning is disseminated and applied to practice in Gateshead. More detail on the work of the Learning and Improvement Sub Group is set out in Appendix 2 and 4 of this report.

5. HOW SAFE ARE CHILDREN IN GATESHEAD?

It is never possible to say categorically that all children are safe. However, external scrutiny of our services within Gateshead suggests that our services are at least as good as most other areas, and in many cases better. This is no mean achievement, since the authority scores highly on most deprivation indices, and all the public services have faced very severe reductions in funding.

We know that Gateshead **schools** are more likely than most to be rated outstanding, and that no schools in the area have been identified by Ofsted as having weaknesses relating to safeguarding. However, several schools have been rated inadequate or requires improvement during the course of this year. Good schools are normally safe schools, and schools play a vital role in helping children learn how to keep themselves safe, as well as providing us with a great opportunity to check on how children are doing.

We know too that many of the **child health** indicators in Gateshead are worrying; our rates of child poverty, smoking in children, under 16 conceptions, smoking amongst expectant mothers, obesity, and hospital admissions for injuries and for self-harm, all remain high.

The **safeguarding data** presents a mixed picture. We saw a small decrease in contacts and referrals, though the overall rates are still higher than we should be receiving; there is more work to be done in further improving our multi-agency front door. Numbers of children on child protection plans have also decreased slightly, from the previous record numbers of last year. Numbers of children in care have increases slightly. The timeliness of assessments and conferences remains high. We have been analysing these data changes with some care; as we strengthen our early help services, we must hope to see a reduction in the numbers of children that require child protection plans or being looked after.

External inspections paint a broadly positive picture of the quality of services operating across Gateshead; the hospital trusts, the CCG, the mental health trust and the police have all been subject to inspection with broadly positive outcomes. Just as importantly, where issues have been presented, partners have responded vigorously to the challenges presented to them, and the partnership itself has been strengthened through the process.

In the year ahead all LSCBs will be facing change, as the government's new legislation comes into force. Partners across Gateshead have been discussing the options, and we are confident we will have a robust and effective set of processes in place to respond to the new changes.

All partners are facing changes – reorganisations, budget reductions, changes of focus. Change brings the risk that the eye might veer off the ball of child protection. Gateshead LSCB is committed to ensuring that all partners stay focussed, and that we continue to work effectively together to keep the children of Gateshead safe.

APPENDIX 1 – SUMMARY OF STATUTORY ARRANGEMENTS

Legal duties and general summary

Chapter 3 of *Working Together to Safeguard Children (2015)* and *Regulation 4 of the Local Safeguarding Children Board Regulations (2006)* set out the statutory objectives and functions of LSCBs. Gateshead LSCB was judged to meet statutory requirements in the 2015-2016 Ofsted inspection and compliance is monitored by both the Board and LSCB Executive as well as the Independent Chair and Business Manager.

Policies and Procedures – the LSCB has web-based multi-agency child protection procedures which set out actions to take where there are concerns about a child, thresholds for intervention, guidance on recruitment and supervision, investigation of allegations, management of private fostering arrangements and cross border working (in line with 1(a) of Regulation 5). This is managed by the Policy and Procedures Sub Group on behalf of the Board and joint work is carried out with Sunderland and South Tyneside LSCBs.

Communicating the need to safeguard and promote the welfare of children – A number of methods are used in Gateshead to communicate the need to safeguard and promote the welfare of children depending on the audience and subject matter. For example, the LSCB has a website which contains detailed information for professionals on the work of the Board, Serious Case Reviews, Child Death Reviews, sexual exploitation and missing children and links to key documents such as *Working Together to Safeguard Children*, the LSCB Annual Report and the referral form for safeguarding concerns. There are also links to the online LSCB Inter-agency Child Protection Procedures for professionals to access. There is also a page called “what to do if you’re worried about a child” and this explains to members of the public, professionals and young people themselves how to respond to concerns.

For the last few years a summary version of the LSCB’s annual report has been produced with the assistance of Gateshead Council’s Communications Team and this has been shared with groups of young people including all school councils. This sets out what key issues have been noted in the past year and also how to raise concerns about a young person at risk.

The LSCB has a full training programme of face-to-face and e-learning modules to raise awareness of the need to safeguard and promote the welfare of children. Professionals are encouraged to attend the sessions and some sessions are mandatory for some practitioners.

All LSCB members are aware of their roles and responsibilities as Board members and partner agency representatives. This includes a requirement to promote the role of the Board and promote safeguarding in their own organisation/service. The LSCB’s lay member is also aware of his responsibilities and his unique role in linking the Board to the community which it serves.

Training – A full LSCB, Safeguarding Adults Board and Community Safety Board Training Programme is in place. This is managed by the Training Sub Group on behalf of the Board. See Appendix 3.

Monitoring and evaluating effectiveness – Gateshead LSCB operates under the principles of high support and high challenge with and between partners. The theme of challenge is a key business priority for the Board and this is monitored at each meeting. Effectiveness is also monitored via single agency audit reports, the LSCB Development Day (and in previous years the section 11 audits) and areas of the Learning & Improvement Framework

Serious Case Reviews – There were no Serious Case Reviews (SCRs) initiated or published in 2017-2018. A framework is in place to ensure that SCRs are carried out when the criteria are met and published as appropriate. See Appendix 2 for more information.

Budget

Section 15 of the Children Act 2004 sets out that statutory Board partners may:

- Make payments towards expenditure incurred by, or for the purposes conducted with, a LSCB directly, or by contributing towards a fund out of which payments may be made
- Provide staff, goods, services, accommodation or other resources for purposes connected with a LSCB.

Cafcass, Gateshead Council, National Probation Service, Newcastle Gateshead CCG, Northumbria Police and Northumbria CRC all made contributions to the LSCB in 2017-2018.

Income 2017-2018 (£)	
Gateshead Council	73,083*
Newcastle Gateshead CCG	44,023
Northumbria Police	5,000
National Probation Service	932
Cafcass	550
Northumbria CRC	250
TOTAL	123,155

*The contribution from Gateshead Council includes the £11,430 budget for the LSCB Multi-Agency Training Programme which was previously reported separately.

In 2017-2018:

- **£74,131** was spent by the LSCB in salaries and on-costs for the LSCB Business Manager and business support post.
- **£15,453** was spent by the LSCB on fees which included £3,600 on the maintenance of the online LSCB Inter-Agency Child Protection Procedures, £500 to the National Working Group (for CSE) and the remainder was payment to the LSCB Independent Chair
- **£11,430** was spent on the LSCB multi-agency child protection training programme and **£4,905** was spent on other training

The budget for Child Death Reviews is shared with Sunderland and South Tyneside LSCBs and is not reported here.

Agencies have confirmed that they will match their contributions in 2018-2019.

APPENDIX 2 – FULLER LEARNING FROM LEARNING REVIEWS AND CHILD DEATH REVIEWS

The LSCB Learning & Improvement Sub Group take the lead on the LSCB Learning & Improvement Framework on behalf of the Board. Appendix 4 sets out progress made by the sub group in 2017-2018.

There were no Serious Case Reviews initiated or published in 2017-2018.

The Gateshead Local Child Death Review Sub Group and South of Tyne and Wearside Child Death Overview Panel (CDOP) review the death of every child resident in Gateshead on behalf of the LSCB. Appendix 4 details work undertaken by the sub group in 2017-2018 and the CDOP Annual Report details the learning from cases in the sub region.

LEARNING FROM CASE REVIEW – POLLY

BACKGROUND

Polly's case was reviewed by the LSCB's Learning & Improvement Sub Group following an allegation of rape made by Polly. It was agreed that the criteria for a Serious Case Review was not met and this recommendation was subsequently endorsed by the LSCB Independent Chair and National Panel of Independent Experts. However, it was agreed that there was additional learning and work should be carried out to learn lessons from Polly's case and apply them to future practice.

LEARNING EVENT

A learning event was held and was facilitated by the Service Manager for Safeguarding and Care Planning, who is an accredited Significant Incident Learning Process (SILP) reviewer. The event used a systems-based methodology and focussed on areas of significant practice.

The purpose of the learning event was to establish what lessons could be learned from the case about the way in which local professionals and organisations work individually and together to safeguard and promote the welfare of children.

The learning event included professionals from:

- Gateshead Council Children's Social Care
- Gateshead Council Legal Services
- Gateshead Council Safeguarding Children Unit
- Gateshead Youth Offending Team
- Newcastle Gateshead CCG (including links to GPs)
- Newcastle Hospitals NHS FT
- Northumbria Police
- Northumberland, Tyne and Wear NHS FT
- Schools and education agencies
- South Tyneside NHS FT

The session focussed on **key decision points** and **key learning events** in a five year period in Polly's life. It also covered some key events historically.

The session ended with a discussion on what the next steps should be and how any learning could be used to impact on future practice. This information is being used to inform recommendations and develop an action plan.

The action plan will be monitored by the L&I Sub Group on behalf of the LSCB and the chair will update the Board as part of regular sub group updates.

KEY LEARNING

Practice implications:

- ▶ Recognition must be given to the vulnerabilities in the system of handover between teams – information gets lost/diluted and focus is changed.
- ▶ Allegations concerning mother and fathers physical abuse appeared to be true. Polly would make disclosures but would then withdraw, possibly due to parent manipulation. She would also make allegations about every placement she had which meant disclosures lost their impact.
- ▶ CAF/TAF relies on parents cooperation – if no progress or significant change is being made, consider escalation to Child in Need or Child Protection.
- ▶ CAF/TAF process is not always robust in terms of gathering and analysing information from other sources.
- ▶ Concerns about children should always be followed up – do not assume another agency will make a referral into Children's Services.
- ▶ Care review and planning meetings should involve all agencies who work directly with the child or their family.
- ▶ Volatile family relationships – Cycles of familial reconciliation and rejection have a significant impact on young people's wellbeing and mental health.
- ▶ Complex abuse strategy meetings should be recorded on each child's file.
- ▶ Importance of multi-agency chronologies to share information and inform decision making and care planning.

Sexual activity and the issue of consent

- ▶ The fact that young people are engaged in what they view as consensual sexual activity does not mean that they are not being exploited or abused.
- ▶ Victims of sexual exploitation or abuse may be coerced into sexual activity. They may feel unable to say no.
- ▶ Some young people may not recognise they are being sexually exploited, believing they are behaving as they wish.
- ▶ 16 and 17 year olds are often viewed as being more in control of their own choices and so less vulnerable to exploitation.
- ▶ Sexual activity between young people of the same age is often perceived as being consensual, but exploitation may still be occurring.

Sexual activity is illegal under any circumstances for under-13 year olds. Those aged under 13 cannot give consent. Doing anything sexual with someone under 13 is automatically an offence, whatever the young person says.

ADHD – help or hindrance?

- ▶ Too much focus was put on ADHD. Parents had financial motivation for diagnosis. Parents used ADHD label to remove responsibility from themselves and deflect blame onto Polly.

Child abuse and neglect can cause.. (off set by good quality care-givers)

- ▶ Attachment and inter-personal relationship problems

- ▶ Mental health problems
- ▶ Alcohol and drug use
- ▶ Behaviour problems
- ▶ Child sexual abuse causes sexualised behaviour/anti-social behaviour and difficulties in relationships
- ▶ The earlier the abuse, the more likely the impact in adolescence.

- ❑ **Important to consider impact of adverse childhood experiences** – Using Trauma Informed Model changes everyone’s mindset from “**What’s wrong with you?**” to “**What happened to you?**” - impacting on how we assess & respond to need as well as build and maintain relational interventions and treatments. It also increases the likelihood that’s the child’s account will be believed.

MOVING FORWARD

- ▶ Robust Procedure for children returning home – Decision Making Meeting attended by multi-agency partners and IRO. The meeting should agree a detailed support package, monitoring arrangements and contingency plan
- ▶ Recognising the vulnerabilities in the system at the point of handover between social work teams. Adherence to previous plans made on the basis of assessment is crucial
- ▶ Awareness and understanding of escalation processes with regard to Child Protection Conferences.
- ▶ New practice guidance - Working with and recognising families who behave in a hostile, aggressive way or display behaviours indicative of disguised compliance.
- ▶ Multi-agency training available regarding uncooperative families and disguised compliance.
- ▶ Understanding CSE and role of MSET.
- ▶ Over reliance on medical diagnosis as a ‘quick fix’.
- ▶ Trauma-led (ACE) focus needs to be more at the forefront of the minds of professionals.
- ▶ The importance of sharing information and working together to safeguard children

NEXT STEPS

Key learning from the event will be shared across agencies. Multi-agency workshops have begun and are scheduled until the autumn.

The purpose of the workshops is to explore the key events and disseminate the learning from the case. The workshops include facilitated discussion and some group work. We are also asking attendees to further explore:

- ❑ Are there any lessons for the system as a whole?
- ❑ Are there any lessons for your organisation?
- ❑ What do we need to do to change as a result of what we’ve learned today?
- ❑ How can any learning be disseminated?

Feedback from the workshops will also inform recommendations and the action plan.

APPENDIX 3 – TRAINING REPORT

The LSCB Training Sub Group aims to ensure that LSCB priority areas are supported with appropriate learning and development opportunities that have a positive impact on frontline practice. The work of the group links directly to the LSCB priority of **Learning**.

The 2017-2018 LSCB training programme saw the delivery of 60 training events with 1166 professionals attending classroom-based training and 304 professionals completing e-learning modules. The table below provides a comparison.

	Number of learning events	Face-to-face attendees	E-learning modules completed
2016-2017	59	1109	473
2017-2018	60	1166	304

The following sessions were delivered in the reporting period:

Event	Number of sessions	Number of Attendees
Boys and Young Men at Risk of Sexual Exploitation (LSCB)	1	17
Child Protection Awareness (LSCB)	8	153
Common Assessment Framework (LSCB)	3	40
Effective Child Protection Conferences and Core Groups (LSCB)	2	26
Female Genital Mutilation (LSCB)	1	15
Foetal Alcohol Syndrome (LSCB)	1	28
Introduction to Child and Adolescent Mental Health (iCAMH) (LSCB)	3	53
LGBT Young People at Risk of Sexual Exploitation (LSCB)	1	12
Multi-agency Working to Safeguard and Protect Children (LSCB)	2	40
Neglect (LSCB)	7	154
Safeguarding Babies from Abuse & Neglect (LSCB)	1	14
Safeguarding Children and Young People in the Digital Age (LSCB)	6	90
Safeguarding Children for Health and Social Care Professionals (LSCB)	2	53
Safeguarding Children with Disabilities (LSCB)	1	17
Sandstories (LSCB)	9	165
Serious Case Reviews - National and Local Picture (LSCB)	1	17
The Impact of Drug Use on Young People (LSCB)	1	10
The Impact of Parental Mental Health (LSCB)	2	45
Understanding Eating Disorders (LSCB)	2	18
Unveiling the Psychology of Sexual Exploitation and Domestic Abuse (LSCB)	1	86
Working with Disguised Compliance (LSCB)	3	67
Working with Hostile or Uncooperative Families (LSCB)	1	21
Young People Who Self Harm (LSCB)	1	25

Work continued in 2017-2018 to try and reduce the number of professionals who booked a place on a session and failed to attend and we updated our charging policy. From November 2017 to date cancellation & non-attendance charges have been applied generating an income of £2,050. Work also took place to better understand the impact of training on practice and ensure that the training programme was responsive to local need.

Once again, most of our training sessions were delivered “in house” by Gateshead LSCB multi-agency partners. The committed pool of trainers continues to deliver training which receives excellent feedback. We were also fortunate to be in a position to be able to commission external training sessions delivered in a unique style; for example Zoe Lodrick, a highly regarded psychotherapist delivered “Unveiling the psychology of sexual exploitation and domestic abuse” and Sue Woolmore, a renowned safeguarding expert with over 30 years’ experience, delivered “Sandstories” which brought insight and wisdom to the impact of neglect and maltreatment on infants and children. Responses from impact evaluation questionnaires highlighted the positive impact that the training had on people’s thinking and practice.

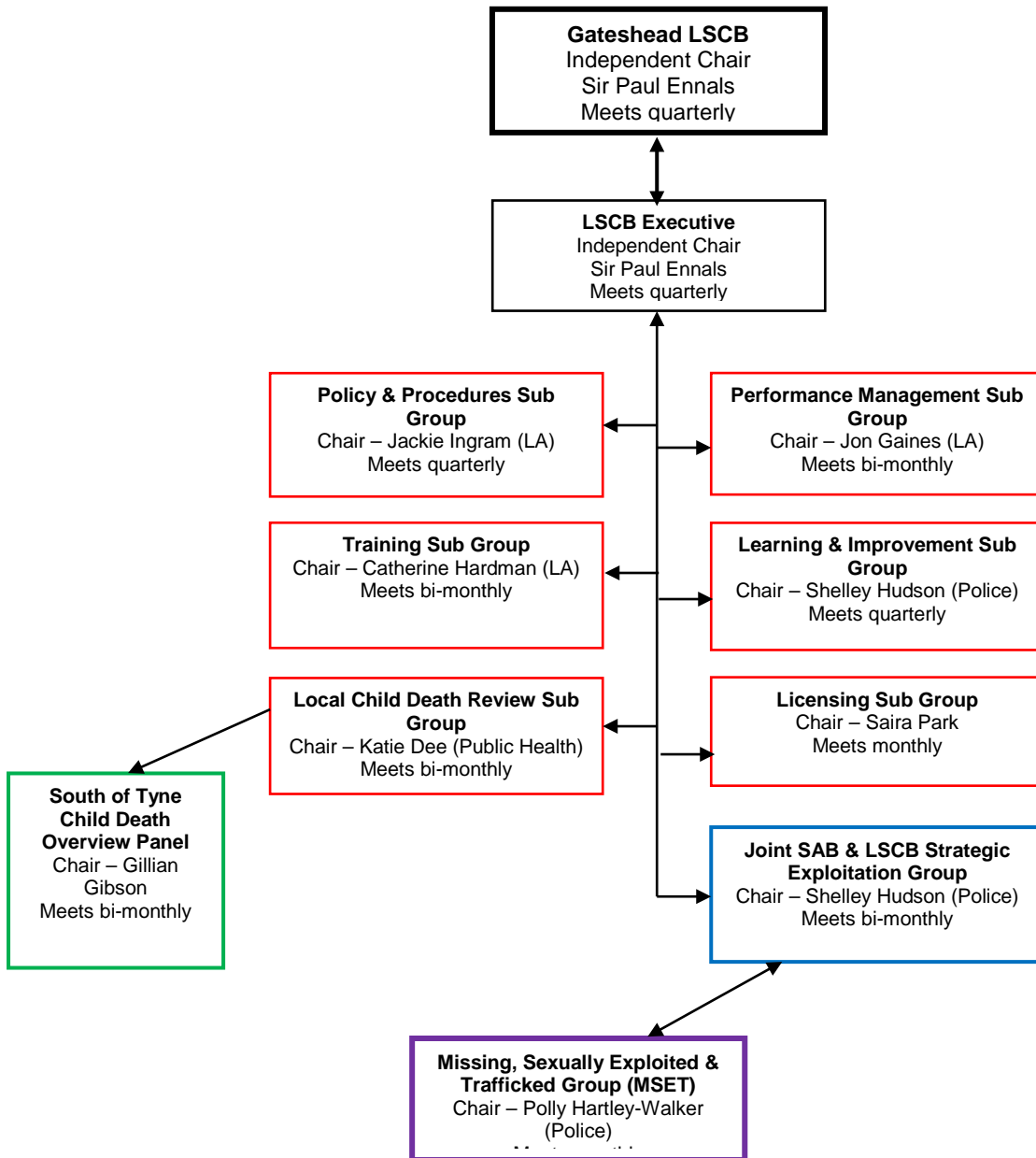


The LSCB Training Sub Group will continue to facilitate a live training programme receptive to and supporting the LSCB priorities for 2018-2019. The group will work to effectively communicate the training programme to encourage attendance from partner agencies as multi-agency training is important in supporting effective working together to safeguard children and young people. Specifically, the group will develop the skills and knowledge of those working to safeguard children and young people with mental health problems and disabilities and work with representatives from Gateshead Council’s Community Safety Board & Safeguarding Adults Board to ensure that training across the three areas, including Domestic Abuse training supports the needs of partner agencies.

Gateshead LSCB are working with neighbouring LSCBs to develop a package of learning with regional themes from SCR’s. We are also currently working with Newcastle Council on two packages of classroom based training. Gateshead LSCB continues to be represented at the NESCT regional trainers group.

APPENDIX 4 – SUB GROUP ACTIVITY

At 31 March 2018 Gateshead LSCB had seven sub groups, one of which was shared with the Safeguarding Adults Board and operated the following structure.



All sub group chairs are expected to provide an update at each meeting of the LSCB Executive Group, reporting on progress and plans for the future.

Joint SAB & LSCB Strategic Exploitation Group (SEG) – chaired by Detective Chief Inspector Shelley Hudson, Northumbria Police in 2017-2018.

The Strategic Exploitation Group is a sub-group of both the Safeguarding Adults Board and the Local Safeguarding Children’s Board. The group is responsible for overseeing all work with respect to sexual exploitation, modern slavery, trafficking and female genital mutilation in Gateshead.

The **Missing, Sexually Exploited and Trafficked Group** (MSET) is a sub group of the SEG. In 2017-2018 there were 79 cases discussed at MSET, 20 of them more than once and this is an increase from the previous year. MSET members are also clear that after each meeting they must share current intelligence (e.g. hot spots, new social media apps of concern etc.) with all members of frontline staff in their team/service/agency.

During 2017-2018 a refresh of the CSE framework/MSET assessment was carried out to ensure that all agencies are focused on CSE and understand local processes. The revised risk assessment allows for a more thorough, corporate risk assessment to ensure that the right children are being discussed at MSET. The framework will be used by all LSCBs in the South of Tyne sub-region to ensure a more corporate and consistent approach and improve referrals into Team Sanctuary South.

Team Sanctuary South was formally established in April 2016 and the Detective Inspector from the team took over the chairing of MSET to ensure that there were clear links between Gateshead MSET and Team Sanctuary. The Gateshead embedded social worker also attends MSET to ensure that there is early effective sharing of information and an efficient referral and allocation into the team and partners.

There has been a significant amount of work conducted to improve the sharing of intelligence between agencies with the Team Sanctuary South Intelligence Cell being the central point of collection. This has allowed hot spot areas to be identified and disrupted. A number of disruption packages were produced from MSET intelligence in relation to vehicles, potential perpetrators and potential victims.

It is not possible to share specific case studies to demonstrate how the work of the MSET has helped reduce risks to young people and improve outcomes as this may lead to young people being identified in this report. Disruption plans have included specific actions to reduce missing episodes, disrupt relationships with inappropriate adults and work to promote self-esteem and improve individual young people's awareness of risk.

A series of "MSET road shows" took place in 2017-2018 to refresh professional with regard to processes for CSE, trafficking and missing children and young people. The multi-agency workshops were for professionals to highlight and discuss the new MSET referral process and risk assessment framework.

The LSCB Business Manager and Social Worker for Sanctuary South have also visited schools and attended team meetings to provide training and support use of the screening tool. This offer has been extended across all agencies and a number of workshops are planned for 2018-2019.

Work will also continue with regard to continued intelligence sharing between agencies to ensure that as many preventative and disruption tactics can be introduced and considered. This will ensure that all agencies are working together (coordinated by Team Sanctuary Intelligence) to keep children and young people safe from CSE and human trafficking. Through robust challenge by MSET panel members appropriate and effective individual safeguarding plans will be devised to reduce the risk presented in relation to CSE and missing and trafficked children. Gateshead Council will also continue to support Team Sanctuary South by funding the embedded social worker and there is a strong commitment from Northumbria Police to maintain the model.

Learning & Improvement Sub Group – Chaired by Shelley Hudson, Detective Chief Inspector, Northumbria Police in 2017-2018.

The Learning & Improvement Sub Group has been developed to further promote the role of the Board in providing scrutiny of safeguarding practices and ensuring that multi-agency learning from practice is effectively disseminated and drives improvement in safeguarding and the promotion of children's welfare in Gateshead. The Learning & Improvement Framework approved by the Board sets out the approach and time frame for activity. The framework is consistent with the requirements in *Working Together* (2015) and includes learning from:

- Local and regional Serious Case Reviews (SCRs)
- Child Death Reviews
- Reviews of child protection/child in need cases that fall below the threshold for a SCR
- Review or audit of practice in one or more agencies

The sub group reviewed 6 cases over the last year (and continued the work from some reviews initiated in the previous year), none of these cases met the criteria for a SCR. However, it was agreed that further learning could be gained from carrying out a learning review for one of the cases, using systems methodology.

The sub group considered a diverse range of SCRs from other LSCBs and cases across partner agencies. Some cases have been subject to deep dive management reviews where all relevant agencies across the LSCB have actively taken part to consider the learning for their agency. Learning from these cases has been identified across multi-agency services to improve practice in Gateshead.

Partners within the sub group have worked effectively to scrutinise and challenge practice, systems and frameworks taking actions back to their own agencies in order to continuously improve service delivery.

Licensing Sub Group – Chaired by Saira Park, LSCB Business Manager from September 2017 (previously chaired by Louise Gill, LSCB Business Manager)

The purpose of the Licensing Sub Group is to ensure that the LSCB fulfils its responsibilities as the "Responsible Authority" with regard to the "protection of children from harm", which is one of the licensing objectives of the Licensing Act 2003.

The workload of the group is largely dependent on licensing applications. The group meets on a monthly basis and considers all applications submitted to Gateshead Council under the Licensing Act 2003 for premises licences, club premises certificates) and also review applications on existing licenses submitted by other parties.

The group considers each application individually and determines whether there are any implications from a child protection or safeguarding point of view. Other aspects of the licensing process, such as anti-social behaviour, are considered by other responsible authorities. If there are any concerns then the applicant may be asked to provide further information and this could lead to a representation being made to Gateshead Council's Licensing Committee. This could then lead to a licence not being granted, or being granted with conditions in the case of a new application, or a licence being revoked in the case of a review application.

The sub group reviewed **37** applications in 2017-2018, an increase from 2016-2017 when there were 28 applications. There were no safeguarding issues identified in the majority of applications – most of these were from individuals or businesses for premises licences, for example new restaurants/pubs/supermarkets opening and due regard had been given to protecting children e.g. "Challenge 25" procedures for the sale of alcohol.

The LSCB had cause to submit representations against two premises who had applied for review of their licence due to concerns regarding the sale of alcohol to children under 18. The Council's Licensing sub-committee made the decision to revoke the licence of both premises.

In relation to **Leadership, Challenge and Improvement** the sub group chair has continued to lead on the delivery of CSE training to taxi drivers licenced by Gateshead Council. The chair of the sub group has also challenged other responsible authorities on a number of occasions following intelligence sharing in MSET meetings e.g. around premises where young people stated that they could easily purchase alcohol or premises where it was easy to shoplift alcohol before congregating locally to get drunk and possibly have sex.

In 2018-2019 the group will continue to respond to applications for new licences or reviews of existing licenses and challenge any issues that impact on the protection of children.

The work of the sub group has previously been identified as good practice locally, regionally and nationally and the chair will make representations to ensure that it continues to feature in the new arrangements being developed as a consequence of the national review of LSCBs and changes in legislation. The LSCB Business Manager will continue to act as a link between this group and other related groups such as MSET and the Strategic Exploitation Sub Group to ensure robust links between safeguarding and licensing.

Local Child Death Review Sub Group (CDRG) – Chaired by Lynn Wilson and Katie Dee, Public Health in 2017-2018

The purpose of the CDRG is to undertake multi-disciplinary reviews of the deaths of all children who were resident in Gateshead at the time of their death to better understand how and why children die. These findings are used to take action to prevent other deaths, where relevant/appropriate and improve the health and safety of Gateshead's children. The sub group's remit is determined by the statutory functions of the LSCB as set out in Regulation 6 of the LSCB Regulations 2006, made under section 14(2) of the Children Act 2004 and Chapter 5 of *Working Together* (2015).

The work of the CDRG feeds in to the South of Tyne and Wearside Child Death Overview Panel (CDOP). The group collects and collates an agreed minimum data set of information on all child deaths in Gateshead, Sunderland and South Tyneside. This data set reflects the national requirements. CDOP produces a separate annual report and this is published on the LSCB website.

The sub group identified a number of areas of good professional practice, particularly with some of the more complex cases. There was evidence of good partnership working and good communication between professionals and with families.

The CDRG and surrounding processes continue to identify challenges around the availability of neonatal beds and this has been raised with the regional Neonatal Network.

CDRG members were also part of some regional work to learn from each other's processes in light of the Government review of LSCBs and CDOPs. A mapping exercise was undertaken and discussions carried on into 2017-2018

Sub group members continued to deliver training to clinicians and other professionals involved in child deaths as outlined in the LSCB training programme and specific to individual cases.

The LSCB was notified of the deaths of 11 children who were resident in Gateshead in 2017-2018. The majority of these deaths were neonatal cases, particularly premature babies or babies born with life limiting conditions. There were also a small number of Sudden

Unexpected Deaths in Infancy (SUDI) (numbers not listed to ensure anonymity). There were no significant safeguarding issues identified with any of the cases.

Due to the timescales involved in the Child Death Review process, the group also reviewed the cases of some children who died in previous years. Again, the majority of cases were neonatal deaths.

There has also been some national learning which has been discussed by the CDRG. For example there were a number of deaths where premature/small babies died after prolonged periods in car seats. Awareness raising work was carried out with professionals to advise that babies should only be in seats for 30 minutes at a time and always be visible so that parents can regularly check them.

It has been agreed that Gateshead CDRG will be part of a wider piece of work in 2018-2019 as the CDOP South of Tyne links CDOP North of Tyne CDOPs to hold a regional event and explore current child death themes. There is also consideration being given to future arrangements and how learning is shared, both regionally and nationally.

The workload of the group is determined by regional and national events and the group will continue to respond as appropriate in 2018-2019. Changes to legislation and statutory guidance may impact on the work and governance of the sub group but arrangements will continue as they are until this is clearer.

Performance Management Sub Group – Chaired by Jon Gaines, Service Manager Gateshead Council from November 2017

The purpose of the Performance Management Sub Group is to support the LSCB in fulfilling its statutory duty to monitor and evaluate the effectiveness of what is done by the local authority and Board partners, individually and collectively, to safeguard and promote the welfare of children, and advise them on ways to improve.

Continuous performance management is at the core of ensuring the effectiveness and impact of inter-agency safeguarding activity. The sub group supports the LSCB in the monitoring, promotion and planning of high quality practice in line with the inter-agency Performance Management Framework. The framework is used to monitor and analyse a range of quantitative and qualitative information, both via ongoing and set pieces of work. The sub group reports regularly to the Board highlighting any areas of practice that need to be addressed, and identifying areas of good practice.

Due to staffing changes within Gateshead Council the sub group did not meet until May 2017. The work of the group and dataset were reviewed when a new chair was appointed in August following the Council's recruitment of Service Manager for Quality Assurance.

Work was then carried out to refine and develop the set of performance indicators and produce a dashboard. Discussions are also under way with neighbouring boards with a view to moving towards common elements of the data in order to simplify the task of those partners who operate across many LSCB boundaries.

The LSCB continued to receive performance and data reports on the previously agreed set of indicators (this was coordinated by Gateshead Council on behalf of the Board). A summary of this is provided in Section 3 of this report.

Policy & Procedures Sub Group – Chaired by Jackie Ingram, Senior IRO, in 2017-2018

The Policy & Procedures Sub Group works on behalf of the LSCB to ensure that statutory functions in relation to policies and procedures are carried out. The LSCB commissions TriX, an external provider, to produce and host the online LSCB Inter-Agency Child Protection Manual as part of a sub-regional agreement with Sunderland and South Tyneside LSCBs.

In 2017-2018 the sub group was able to manage the online LSCB Inter-Agency Child Protection Procedures on behalf of the Board.

Review of LSCB Thresholds

A key piece of work undertaken in 2017-2018 was the review of thresholds document, as part of the wider review of procedures. Significant progress has been made in reviewing the document, which the Board has responsibility for endorsing. A task and finish group has been working on details and a draft document has been agreed. The group felt that a more detailed document would be beneficial, to help inform decision making and also support early help.

The draft document describes levels of concern for children, young people and their families and should support consistent application of definitions and promotion and maintenance of good practice. The document is due to be ratified by LSCB in May and once finalised it will be available on the website in a format that is accessible.

The LSCB Business Manager will continue to lead on the sub regional work with TriX in 2018-2019.

Training Sub Group – Chaired by Naju Khanom, Workforce Development Officer, Gateshead Council until September 2017 and then Saira Park, LSCB Business Manager.

The purpose of the group is to develop and promote, through training, a shared understanding amongst safeguarding partners around the tasks, processes, principles, roles and responsibilities for safeguarding children and promoting better outcomes. For more information on the work of the sub group and the LSCB training programme see Appendix 3 of this report.

APPENDIX 5 – LSCB PRIORITIES FOR 2018-2019

Vision

“Our vision is that every child should grow up feeling safe and in a loving, secure environment, free from abuse, neglect and crime, enabling them to enjoy a happy and healthy childhood in which they can fulfil their social and economic potential

Role of the Business Plan

The Gateshead LSCB Business Plan sets the strategic direction for the LSCB. The Business Plan also reinforces the specific role of the LSCB to **lead, challenge** and support **learning**. The plan identifies specific priorities for action and is clear about roles and accountability.

The Gateshead approach

Due to the expected changes to statutory guidance, the LSCB agreed that the business plan for 2017-2018 should cover only one year, unlike the previous three year plan. There have been considerable delays in finalising the new statutory guidance so it was agreed the LSCB would continue with the same approach for 2018-2019.

This document provides a focus for 2018-2019 to build on the progress made in the previous year and to drive forward work to prepare Gateshead for the new safeguarding arrangements which will be established in 2019 in line with new legislation. This document will enable the Board to continue to focus on the specific role and remit of LSCBs in ensuring that the welfare of children is safeguarded and protected, as set out in *Working Together* (2015) and the Children Act 2004.

This Business Plan emphasises the role of Gateshead LSCB in **leading** the safeguarding agenda, in **challenging** the work of partner organisations, and in committing to an approach which **learns** lessons, embeds good practice and which is continually influenced by the views of children and young people.

2018-2019 Action Plan

In 2018-2019 the focus will continue to be on the three strategic business priorities:

- **Leadership**
- **Challenge**
- **Learning**

There will also be a focus on five thematic priority areas:

- **Voice of the child**
- **Communication & engagement with the frontline (including schools)**
- **Early Help & Early Intervention**
- **Mental health & Emotional Wellbeing**
- **Child Sexual Exploitation & Missing**

In addition, we will continue to work to prepare for the implementation of new legislation and guidance around statutory strategic arrangements for safeguarding.

We will do the following to deliver our priorities:

In relation to **Voice of the child** we will improve the way we capture the voice of the child and how its is heard by services and the LSCB so that we can learn from what young people are telling us and our partner agencies. We will evaluate the effectiveness of different aspects of the child's journey into help and services, the quality of the decisions made by individual agencies and the quality of multi-agency processes.

In relation to **Communication & engagement with the frontline (including schools)** we will

In relation to **Early Help** we will continue to challenge progress of the Early Help Strategy and receive assurance about the impact on safeguarding children. LSCB will monitor how early help arrangements are working and if this is reducing the need for escalation.

In relation to **Mental health & Emotional Wellbeing** we will continue to receive assurances on the implementation on the new model for delivering Child and Adolescent Mental Health Services (known as EMIL) and receive assurances that mental health services commissioned for children in Gateshead are adequate in terms of safeguarding and services for adults operate with a "think family" approach. We will ensure we liaise with Health & Wellbeing Board and any other groups to ensure work is joined up and reduce risk of duplication.

In relation to **Child Sexual Exploitation & Missing** we will seek to ensure that those children and young people who are likely to be exploited or go missing can be identified and supported appropriately and to ensure the workforce understand the particular vulnerabilities of these children and young people.

In addition, we will do the following to maintain a focus on our strategic priorities linked to our specific role to **lead, challenge and learn**:

In relation to **leadership** we will work to ensure that our future arrangements are fit for purpose and enable the new body which will be established to oversee strategic safeguarding arrangements in Gateshead to build on the work of the LSCB and strengthen the position in Gateshead further.

In relation to **challenge** we will continue to strengthen on our links with other partnerships (e.g. the Safeguarding Adults Board, Health and Wellbeing Board and Community Safety Board) and influence their agenda via our own work plan and membership.

In relation to **learning** we will continue to review cases where there are lessons to be learned through the Learning and Improvement Sub Group (and Serious Case Review Panel when necessary). We will also implement and embed the findings of any relevant inspections of the Board and partner agencies and cascade the learning across partner agencies.

APPENDIX 6 - GLOSSARY

CAF -	Common Assessment Framework
Cafcass -	Child and Family Court Advisory Support Service
CCG -	(NHS) Clinical Commissioning Group
CDOP -	Child Death Overview Panel
CIN Assessment -	Child In Need Assessment
CP Plan -	Child Protection Plan
CQC -	Care Quality Commission
CRC -	Community Rehabilitation Company (Probation)
CSE -	Child Sexual Exploitation
FT -	(NHS) Foundation Trust
HMIC –	Her Majesty’s Inspector of Constabulary
HMIP -	Her Majesty’s Inspector of Prisons
ICPC -	Initial Child Protection Conference
IRO -	Independent Reviewing Officer
LAC -	Looked After Child
LGBT -	Lesbian, Gay, Bisexual, Transgender
LSCB -	Local Safeguarding Children Board
MASH -	Multi-agency Safeguarding Hub
MOMO -	Mind of My Own (mobile app)
MSET -	Missing, Sexually Exploited and Trafficked Sub Group
SAB -	Safeguarding Adults Board
SCR -	Serious Case Review
SUDI -	Sudden Unexpected Death in Infancy

Gateshead Safeguarding Adults from Abuse

Safeguarding Adults Board

Annual Report
- 2017/18 -

August 2018

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Introduction

It has been a pleasure and an honour to chair the Gateshead Safeguarding Adults Board (SAB) for the past year. The Board is strong – it adopts the principle of providing high support and high challenge to all partners. We can have robust discussions within the Board, within an environment where each agency supports each other and is committed to working together in order to keep the people of Gateshead safe.

Working together is always important. Keeping vulnerable adults safe requires creative working across traditional boundaries, encouraging staff and community members to think out of their normal lines, sharing information and ideas willingly. Austerity makes this even more important, when all agencies are having to cut back on what they can afford, and conjure up new and better ways of delivering services. Partners in Gateshead have shown their commitment to strengthening multi-agency working, and seeking to shift resource towards prevention and early intervention.

We have successfully delivered what we set out to do within our Strategic Plan. Our Executive Group closely monitors delivery, and intervenes if we encounter blockages to effective joint working. We can be proud of the way in which we have collectively responded at times of crisis – for example, when a residential care home closed at very short notice. We have evidence that our approach to trafficking is having a positive effect, and that we can respond rapidly if incidents occur.

In the coming year I hope that we will further improve our communications with members of the community. We have further to go to support community members in knowing how to respond to need in their neighbourhood. Cases of self-neglect are still too common, where elderly vulnerable people can gradually stop caring for themselves; we need to strengthen the belief of everyone within Gateshead that we all have a responsibility to look out for each other. And nobody should walk by if they suspect that a vulnerable person is being financially abused – the continued existence of scammers and loan sharks in Gateshead is a scar on the face of the community.

We can never say confidently that everyone is safe within Gateshead. The circumstances in which people live can change suddenly, and any one of us can face life events that move us from comfort into disorder. All agencies are facing the prospect of further cuts in the year ahead, which reduces their ability to provide all the services that they believe are needed. But our partnerships are strong, services in Gateshead are becoming ever more responsive to the challenges that people face, and we are determined to work together in the face of the challenges.

The board is in good shape, and ambitious for the future. Much of this can be attributed to the major contributions of partner agencies who chair subgroups, lead on the programmes of work, and ensure that most people in Gateshead remain safe. In particular, though, our thanks are due to the admirable work of Carole Paz-Uceira as Board Manager, and Gemma Crawley as Administrator.



Sir Paul Ennals
Independent Chair, Gateshead Safeguarding Adults Board



Policy Context

The Care Act 2014 enshrined in law the principles of Safeguarding Adults, which aim to ensure that the most vulnerable members of society are afforded appropriate support and protection, and help them to live as independently as possible, for as long as possible.

Chapter 14 of the Care and Support Statutory Guidance issued under the Care Act replaces the No Secrets document as the statutory basis for all safeguarding activity. This was updated in March 2016 by the Department for Health.

The Care Act identifies six key principles which underpin all adult safeguarding work and which apply equally to all sectors and settings:

- **Empowerment** – people being supported and encouraged to make their own decisions and give informed consent
- **Prevention** – it is better to take action before harm occurs
- **Proportionality** – the least intrusive response appropriate to the risk presented
- **Protection** – support and representation to those in greatest need
- **Partnership** – local solutions through services working with their communities
- **Accountability** – accountability and transparency in safeguarding practice

The Care Act sets out the Safeguarding Adult responsibilities for Local Authorities and their partners. It places a duty upon Local Authorities to establish Safeguarding Adults Boards and stipulates that SABs must produce a Strategic Plan and Annual Report. The Statutory Guidance encourages the SAB to link with other partnerships in the locality and share relevant information and work plans.

Safeguarding in Gateshead

Gateshead SAB

The Gateshead SAB became a statutory body in April 2015. The Board's vision for adult safeguarding in Gateshead is:

'Everybody in Gateshead has the right to lead a fulfilling life and should be able to live safely, free from abuse and neglect – and to contribute to their own and other people's health and wellbeing'

The Board is responsible for assuming the strategic lead and overseeing the work of Adult Safeguarding and Mental Capacity Act / Deprivation of Liberty Safeguards arrangements in Gateshead. Within Gateshead we have commissioned an Independent Chair to enhance scrutiny and challenge. The Board has a comprehensive Memorandum of Understanding which provides the framework for identifying roles and responsibilities and demonstrating accountability.

In law, the statutory members of a SAB are defined as the local authority, the local police force and the clinical commissioning group. However, in Gateshead, we recognise the importance of the contribution made by all of our partner agencies and this is reflected by the wider Board membership (correct as of July 2018):

- Gateshead Council
- Northumbria Police
- Newcastle Gateshead Clinical Commissioning Group (CCG)
- Lay Member
- Gateshead NHS Foundation Trust
- South Tyneside Foundation Trust;
- Northumberland Tyne and Wear NHS Foundation Trust
- Gateshead College
- The Gateshead Housing Company
- Tyne and Wear Fire and Rescue Service
- Northumbria Community Rehabilitation Company
- National Probation Service
- Oasis Aquila Housing and Mental Health Concern, on behalf of the voluntary sector

During 2017/18 the SAB reviewed governance arrangements. This resulted in a reduction in the number of Board meetings from six to four, along with the establishment of an Executive Group that meets quarterly. The Executive Group brings together the Independent Chair, the three statutory authorities and the Sub-Group Chairs. The role of the Executive is to monitor the effectiveness of the Board and its sub groups and to report directly to the Board on any emerging themes, risks, areas of good practice and learning. The Executive Group scrutinises the annual Business Plan to ensure that progress is on schedule.

The SAB and Executive Group are supported by five Sub-Groups:

- **Practice Delivery Group** (Chaired by an officer from The Gateshead Housing Company)

The role of the Practice Delivery Group is to ensure that the Multi-Agency Safeguarding Adults policy and procedures and supporting practice guidance continue to be fit for purpose. The Group has responsibility for keeping up to date with national policy changes that may impact upon the work of the Safeguarding Adults Board, and for the development and implementation of the Communication and Engagement strategy and implementation of the Dignity Strategy.

- **Safeguarding Adult Review Group** (Chaired by an officer from Newcastle Gateshead Clinical Commissioning Group)

The Safeguarding Adults Review Group (SARG) was established in early 2017 as it was recognised that the volume of Safeguarding Adult Review referrals necessitated a dedicated Sub-Group with skilled and experienced officers from partner organisations. The SARG considers Safeguarding Adult Review referrals, commissions reviews and subsequently monitors their progress. The SARG may also oversee discretionary reviews into cases that do not meet the criteria for a Safeguarding Adult Review, where the group feel there are multi-agency lessons to be learned. It collates and reviews recommendations from Safeguarding Adult Reviews and other reviews, ensuring that achievable action plans are developed and that actions are delivered.

- **Quality and Assurance Group** (Chaired by an officer from Gateshead NHS Foundation Trust)

The Quality and Assurance Group (QAG) has developed and implemented a Quality and Assurance Framework that provides a structure for scrutinising activity that is undertaken by Board member agencies and

relevant services or organisations. The group monitors and scrutinises the quality of activities to ensure that the interventions offered are person-centred, proportionate and appropriate. It is also responsible for the development of a performance dashboard and for considering lessons learned that are identified nationally, regionally and locally from any cases requiring a Safeguarding Adults Review (SAR), Serious Case Review or any other review process relevant to the Safeguarding Adults agenda.

- **Training Group** (Chaired by an officer from the Local Authority)

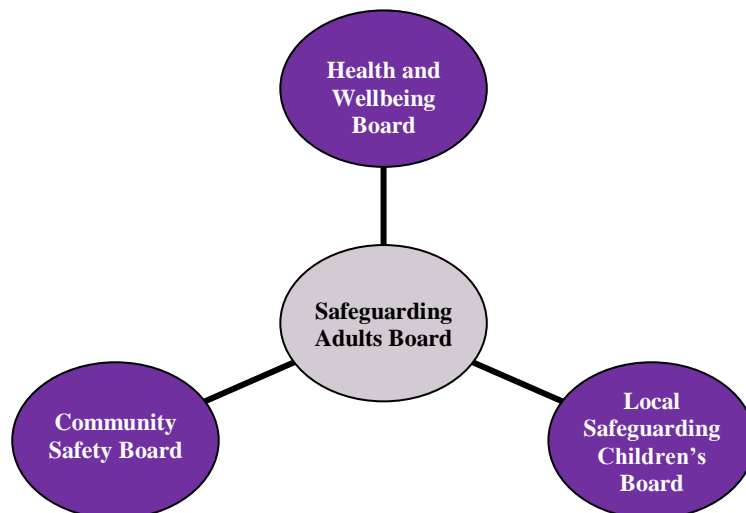
The Training Group coordinates and develops Safeguarding Adults training and Mental Capacity Act / Deprivation of Liberty Safeguards training that is accessible for practitioners and managers in a multi-agency setting. For the purposes of quality assurance, data is monitored regarding attendance, cancellation and evaluation of training courses. The group develops and implements ad-hoc bespoke training courses to meet evidenced demand in addition to core training courses.

- **Strategic Exploitation Group** (Chaired by an officer from Northumbria Police)

The Strategic Exploitation Group is a sub-group of both the SAB and the Local Safeguarding Children's Board (LSCB). The group is responsible for overseeing all work with respect to sexual exploitation, modern slavery, trafficking and female genital mutilation in Gateshead.

The Board and the five sub-groups regularly commission time limited task and finish groups to undertake specific pieces of project work.

The SAB has developed strong links with other local multi-agency partnerships



For example, the Community Safety Board lead on the CONTEST and Prevent agenda but partners within the Safeguarding Adults Board are involved in the Prevent Strategy and Implementation Group.

Partner Governance Arrangements and Scrutiny

Board members are responsible for ensuring that governance arrangements for Safeguarding Adults are incorporated within the structure of their own organisations, and that there are mechanisms for disseminating and sharing information from the SAB. This information is included within partner Quality Assurance Frameworks that are presented to the Quality and Assurance Group. Details of inspection results for partner organisations are also shared at the Quality and Assurance Group and the SAB. Examples of governance and scrutiny arrangements:

- **Gateshead Council** – The Care, Health and Wellbeing Overview and Scrutiny Committee receive updates from the SAB. Key areas of work are also submitted to Care, Wellbeing and Learning Group Management Team and Cabinet for approval. The Gateshead Council Internal Audit service are responsible for ensuring that the Board, and Gateshead Council, are meeting their statutory duties.
- **Newcastle Gateshead Clinical Commissioning Group (CCG)** – An Executive Director holds the lead for the safeguarding portfolio. A Children and Adults Safeguarding Committee meets six times per year and a quarterly strategic safeguarding forum is held with providers. The CCG safeguarding committee reports to the CCG Quality Safety and Risk Committee which in turn reports to the CCG Governing Body.
- **Northumbria Police** – The force has undertaken a restructure to create a new Safeguarding Department illustrating significant investment in this

area of work. All learning from national and local serious case reviews are scrutinised during Critical Incident Boards which are attended by the Chief Officer Team and Senior Officers.

- **Gateshead Health NHS Foundation Trust** - The Trust Safeguarding Committee continues to meet on a bi-monthly basis and is chaired by the Director of Nursing, Midwifery and Quality. The named professional and Safeguarding Adult leads report to the Safeguarding Committee, the Quality Governance Committee and the Trust Board.
- **Northumbria Community Rehabilitation Company (CRC)** – There are clear lines of governance and accountability for Northumbria CRC via the Ministry of Justice and National Offender Management Service and the CRC are subject to a number of audits and inspections. The quality assurance team conduct monitoring exercises on a monthly basis which includes evaluating safeguarding work.
- **National Probation Service** – There is a designated senior manager within each National Probation Service Division, who acts as a strategic lead for safeguarding adults work, and a local Head of Cluster who attends the Safeguarding Adults Board or delegates to a suitable deputy.
- **The Gateshead Housing Company** – The Executive Director of Operations has overall strategic responsibility for Safeguarding Adults. The Customers and Communities Committee receive quarterly updates on all safeguarding activity and a detailed annual overview report.
- **Oasis Aquila Housing** – Ultimate safeguarding responsibility sits with the Board of Trustees. Overseeing safeguarding is one of their integral responsibilities and as such they have received updates from the executive. Under the Board there is a Safeguarding Sub-committee which is chaired by the trustee designated ‘safeguarding champion’. Each of Oasis’s services has an internal annual review for quality assurance purposes and this includes practice development to ensure safeguarding practice is consistent and in line with local and national policy.
- **Gateshead College** - The College operates a Safeguarding Steering Group which is attended by senior managers from across College to discuss and action safeguarding issues. In addition, a College Governor acts in the role of ‘Safeguarding Governor’ and attends a termly safeguarding group to act as a critical friend. An annual Safeguarding report is provided to the Executive team and the Board of Governors.
- **Northumberland, Tyne and Wear NHS Foundation Trust (NTW)** – NTW has a Safeguarding and Public Protection committee that meet six times a year. The trust board receive bi-monthly reports including updates from the SAB. During the Care Quality Commission (CQC) inspection of 2016 the

Trust were rated as Outstanding. An internal audit provided assurance that the Trust has robust arrangements in place to safeguard people's health, wellbeing and human rights in relation to its Domestic Abuse.

- **Tyne and Wear Fire and Rescue Service** – All staff have a responsibility for safeguarding and the designated safeguarding team are responsible for addressing concerns utilising the Safeguarding Adults Policy.
- **South Tyneside Foundation Trust** – Safeguarding is integral to patient care. There is strong leadership ensuring that safeguarding processes are understood, assured and improved.

Strategic Plan 2016/19 and Annual Business Plan 2017/18

The Gateshead Strategic Plan 2016/19 was approved by the SAB in March 2016 and was updated in March 2017. This was the first Strategic Plan for the now statutory SAB. The three-year plan incorporates five strategic priorities:

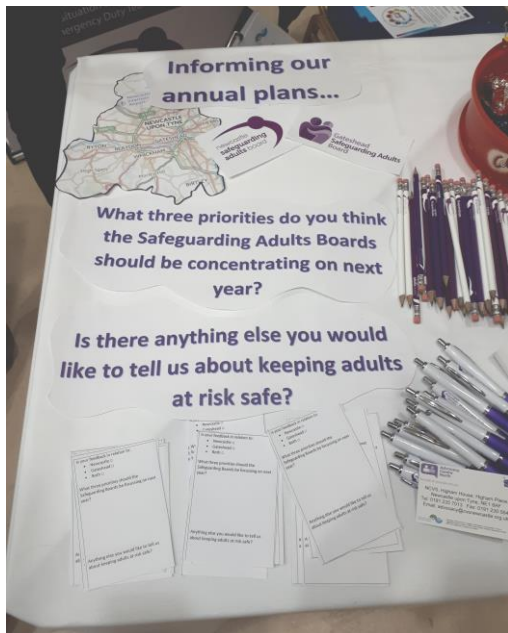
- **Quality Assurance**
- **Prevention**
- **Community Engagement and Communication**
- **Improved Operational Practice**
- **Implementing Mental Capacity Act / Deprivation of Liberty Safeguards**



The three-year Strategic Plan is supported by an Annual Business Plan 2017/18 to enable the Board to prioritise and focus activity over the three-year period. To enable the SAB to fulfil its statutory obligations and the key principles of partnership and accountability, an additional priority of 'Strategic Governance' has been included within the annual business plan.

Annual Report 2017/18 Consultation

The Annual Report has been developed in consultation with a variety of stakeholders, and underpinned by performance information and feedback. The SAB held a development day in February 2018 to reflect upon progress during 2017/18 for the Annual Report and to ensure that the Annual Business Plan for 2018/19 would enable the Board to focus activity and assist in meeting the challenges identified within the Strategic Plan.



Stakeholder consultation included:

- Community and Voluntary Sector – February 2018 event organised by Newcastle CVS
- Practitioner feedback – via Sub-Groups, training courses and workshops
- Commissioned Providers – November 2017 provider event

Key Achievements 2017/18

The Annual Report must demonstrate what both the Safeguarding Adults Board (SAB) and its members have done to carry out and deliver the objectives of its strategic plan. The key achievements for 2017/18 are documented below and are aligned to the SAB Strategic Priorities.

➤ Quality Assurance

- **Implementation of Quality Assurance Framework**

The Quality and Assurance Group developed a Quality Assurance Framework (QAF) for completion annually by all organisations on the SAB. Each partner organisation is expected to complete the comprehensive document and present at the Quality and Assurance Group to enable scrutiny and challenge. The Safeguarding QAF is a useful tool that enables partner organisations to reflect upon their progress within the Safeguarding Adults agenda and drive forward continuous improvement.

- **Development of Performance Dashboard**

The Quality and Assurance Group have developed a performance dashboard.

Gateshead SAB Performance Scorecard 2017-2018																
LATEST UPDATE: 31st January 2018		Previous Years Figures				18 month trend		QA Group Recommendation								
		Better than statistical neighbours				Worse than statistical neighbours										
Ref	Measure	Sub measure	Date Scored	Flag set	14/15	15/16	16/17	18 month trend	18 month flag	Trend Line	North East Area %	National level	Direct risk of harm	Risk Rating	QA Group Recommendation	Narrative, comment, Action
Theme 1 - Safeguarding Concerns																
11	Values of concern		Current		2034	1259	903									
12	Concerns per 100,000 population		Current		1259	779	559				14%	83%				
13	Category of abuse	Physical abuse (%)	Current		21%	20.6%	19.5%									
		Sexual abuse (%)	Current		3.6%	4.1%	3.8%									
		Psychological abuse (%)	Current		10.6%	13.4%	9.2%									
		Financial or material abuse (%)	Current		14.9%	16.0%	14.4%									
		Discriminatory abuse (%)	Current		0.3%	1.3%	0.7%									
		Organisational abuse (%)	Current		0.6%	0.4%	1.1%									
		Neglect and acts of omission (%)	Current		40.9%	39.2%	46.5%									
		Domestic abuse (%)	Current		1.8%	1.3%	0.8%									
		Misuse of power (%)	Current		0.0%	0.1%	0.2%									
		Self neglect (%)	Current		4.5%	3.4%	2.3%									
Sexual exploitation (%)	Current		0.0%	0.3%	0.8%											
14	Location of abuse	Own Home (%)	Current		52.3%	41.5%	33.8%									
		In the community (excluding community services) (%)	Current		4.5%	3.0%	2.3%									
		In a community service (%)	Current		0.3%	2.4%	2.3%									
		Care Home - Nursing (%)	Current		13.4%	15.1%	24.0%									
		Care Home - Residential (%)	Current		22.2%	27.5%	31.0%									
		Hospital - Acute (%)	Current		1.1%	1.2%	1.3%									
15	Age group	Hospital - Mental Health (%)	Current		0.4%	0.8%	0.6%									
		Hospital - Community (%)	Current		0.4%	1.3%	1.2%									
		Other (%)	Current		4.4%	6.1%	2.5%									
		10 to 14 (%)	Current		33.8%	34.2%	27.1%									
15 to 24 (%)	Current		13.0%	14.4%	12.6%											
25 to 34 (%)	Current		24.8%	22.3%	28.2%											
35 to 44 (%)	Current		25.0%	24.8%	26.6%											
45 plus (%)	Current		3.4%	4.4%	5.4%											

The dashboard contains standard Safeguarding Adult data with regards to Safeguarding Concerns and Section 42 Enquiries. It also incorporates information on Making Safeguarding Personal, Safeguarding Adult Referrals, Provider Concerns, Training and Deprivation of Liberty Safeguards. Where possible, comparisons are made with regional and national datasets. The Quality and Assurance Group analyse the dashboard information to determine future workstreams. For example, we know that Gateshead has a higher proportion of cases that are attributed to neglect, and we are investigating why this is the case.

- **Learning from Regional and National Safeguarding Adult Reviews (SARs)**
The Quality and Assurance Group review recent regional and national SARs and relevant Domestic Homicide Reviews to consider if there is learning for Gateshead. For example, the group have scrutinised the Newcastle Joint Serious Case Review into Sexual Exploitation and a Domestic Homicide Review from Northumberland. Any lessons learned that are applicable to Gateshead are then actioned.
- **Regional Approach**
The SAB Executive Group were keen to explore opportunities for working collaboratively at a regional level. The Business Manager actively engages with the Regional Association of Directors of Adult Social Services (ADASS) Safeguarding leads meeting and the national Business Managers network to share and learn from best practice.

An example of developing a regional approach is the development of a regional procurement process for SAR Chairs. Whilst undertaking the first post Care Act statutory SAR in Gateshead we experienced delays in the process due to difficulties with procuring a suitable Report Writer and Chair. Subsequent conversations regionally and nationally identified that there is a dearth of good quality Report Writers and Chairs with significant variations in quality, cost and availability. Gateshead subsequently instigated discussions with the North-East Procurement Organisation (NEPO) about the possibility of establishing a regional SAR portal. Procurement and Safeguarding leads from several localities met in Gateshead in September 2017 and agreed to go ahead with the project with the inclusion of Report Writers and Chairs for Domestic Homicide Reviews and Child Serious Case Reviews. Assurances were provided that the portal would provide sufficient flexibility to enable SABs to commission Report Writers and Chairs with appropriate expertise in the type of review required. The Portal went live in 2018.

➤ **Prevention**

- **Training**
The SAB Training Sub Group worked alongside the LSCB and Community Safety Board to produce a comprehensive training directory for 2017/18. Training courses advertised within the directory are free of charge to practitioners within Gateshead. To encourage greater attendance at training courses, the Board introduced a charging policy for non-attendance.

The Training Sub Group organised a Learning Needs Analysis (LNA) to help future training across the SAB, LSCB and Community Safety Board. The LNA was helped to ensure that work on the development of bespoke training courses was evidence based.

A recruitment drive was held to encourage partner agencies to nominate officers to join the multi-agency Level 1 Raising Concerns trainer pool. A train the trainer session was subsequently held for all of our multi-agency trainers. Both the Level 1 and Level 2 training courses were updated to incorporate more recent case examples and learning.

	Number of courses	Number of delegates
Level One – Raising Concerns	14	594
Level Two – Policy and Procedure	4	91

Bespoke on-site training is offered by the Gateshead Council Safeguarding Adult operational team, for a fee, to providers who struggle to get staff to attend the multi-agency safeguarding training.

Partner agencies continue to develop bespoke in-house Safeguarding Adult courses. For example, the Gateshead NHS Foundation Trust incorporated community health services and ensured that bespoke training was developed and delivered to all staff.

- **Adult Sexual Exploitation**

The SAB tasked the Gateshead Joint Strategic Exploitation Group with improving our response to adult sexual exploitation in Gateshead. Partners within the Board continued throughout 2017/18 to contribute to Operation Sanctuary which is a Northumbria Police led initiative, which aims to tackle and investigate perpetrators who commit or attempt to commit sexual exploitation and to safeguard and support vulnerable adults and children who are victims of sexual exploitation and / or trafficking. During 2017/18 the Strategic Exploitation Group drafted guidance on Adult Sexual Exploitation for front line practitioners including referral pathways, screening tools and case management. The SAB was successful in obtaining funding from the Northumbria Police and Crime Commissioner Supporting Victims Fund to support training in sexual exploitation.

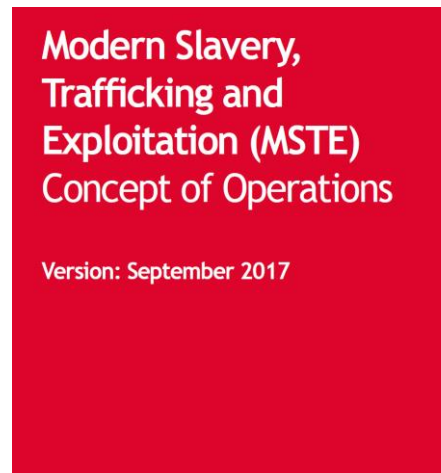
- **Provider Concern Process**

A new risk based serious provider concern process was introduced in January 2017 to provide a structured and standardised approach for gathering qualitative and quantitative data from service providers. This demonstrates an effective example of collaborative working between Gateshead Council and Newcastle Gateshead CCG. The information captured by the provider concern process is used to inform decisions on contact management actions related to contract compliance including any 'Serious Provider Concerns'. Information on provider concerns is shared via the SAB performance dashboard and culminates in an annual 'State of Care' report presented to the SAB. The introduction of the provider concern process has enabled non-safeguarding related contract based issues to be dealt with in a proportionate and effective manner, rather than

being escalated unnecessarily through the safeguarding process. The Provider Concern process is an important tool in a multi-agency drive to help facilitate market stability.

- **Modern Slavery Concept of Operations**

The Joint Strategic Exploitation Group has strategic oversight of the Modern Slavery agenda. The SAB approved the Gateshead Modern Slavery Concept of Operations in July 2017. The document supports a Multi-Agency response to Modern Slavery and focuses very much on what roles and responsibilities partner organisations may undertake within that response. Hope for Justice were commissioned by the Safeguarding Adults Board to deliver three training courses on Modern Slavery for front line practitioners.





- **Fire Safety and Emergency Preparedness**

Following on from the devastating Grenfell Tower disaster in London, the Gateshead SAB sought assurance from Tyne and Wear Fire and Rescue Service, The Gateshead Housing Company and the Gateshead Council Resilience Team regarding fire safety measures and our preparedness for such an emergency in Gateshead. The Board were satisfied that within Gateshead robust arrangements were in place.

- **Housing**

The SAB continues to recognise the importance of housing within the Safeguarding Adult agenda. The SAB held a workshop that explored the implications of the upcoming Homelessness Reduction Act and incorporated ensuing actions within the ongoing Safeguarding Adults Housing Improvement and Development Action Plan. The SAB recognises the excellent contribution colleagues in The Gateshead Housing Company make towards the Safeguarding Adults agenda, as demonstrated within their Safeguarding Adult Quality Assurance Framework. They are a member of Northumbria University's Hoarding Research Group, Chair the SAB Practice Delivery Group, have established a new officer role of Partnerships and Inclusion which will support safeguarding activity and were asked to share their best practice safeguarding adult work at the Northern Housing Consortium regional conference.

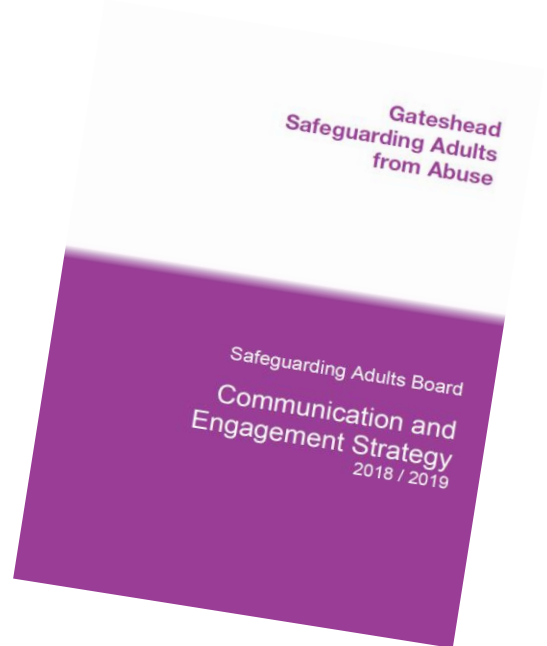
➤ Community Engagement and Communication

- Published Communication and Engagement strategy

The Practice Delivery Group focussed attention upon the development of a Safeguarding Adults Communication and Engagement Strategy.

The aims of the strategy are twofold:

- 1) We want to improve and strengthen how we communicate and engage with service users, staff, stakeholders and the wider public to raise awareness and promote key messages about safeguarding adults in Gateshead
- 2) We want to build community resilience so that our residents are better equipped to keep themselves safe from harm



The Strategy outlines the main target audiences for our Communication and Engagement activity and what our key messages are to maximise impact.

- Engagement with Community and Voluntary Sector

Throughout 2017/18 work was undertaken to improve our links with the Community and Voluntary Sector via Newcastle Council for Voluntary Services (NCVS) who currently co-ordinate activity for community and voluntary sector organisations in Gateshead. Regular updates from the Safeguarding Adult Board are included within the NCVS newsletter 'On the Hoof' – for example clarification was given that CVS members can access our training free of charge. A recruitment drive was undertaken to encourage CVS members to join our Practice Delivery Sub Group. The Gateshead Safeguarding Adults Business Manager, along with the equivalent officer in Newcastle, gave a presentation to CVS colleagues at a Wellbeing and Health Open Forum about Safeguarding Adults and consulted with organisations about their priorities for Safeguarding Adults.

- **SAB newsletters**

The SAB continues to produce quarterly newsletters that are circulated widely to partner organisations, including our commissioned providers.



➤ **Improved Operational Practice**

- **Safeguarding Adult Reviews (SARs)**

The SAR Group revised their SAR practice guidance for front line staff within Gateshead during 2017/18 to facilitate a more flexible and robust approach to SARs. The SAR Group effectively co-ordinated and responded to 13 SAR referrals during 2017/18, the detail of which is included further in this report. Recommendations from the SAR referrals, and subsequent enquiries, have been subsequently actioned. For example, concerns were raised by Northumbria Police that partners were not immediately contacting the police if there were concerns about wilful neglect, which had impeded some investigations. As a result, awareness was raised with partners within the Board, Sub-Groups and via the Board newsletter.

- **Making Safeguarding Personal**

A Making Safeguarding Personal health check was completed to feed into a regional Association of Directors of Adult Social Services (ADASS) review of Making Safeguarding Personal and the implementation of Care Act 2014 Safeguarding Adult statutory guidance. The health check was a useful exercise and recommendations from the health check will help to shape the 2018/19 revision of the Multi-Agency Policy and Procedures.

- **Revised electronic recording**
Comprehensive revisions were made to the Carefirst forms, which capture all Safeguarding Adult activity in Gateshead. This has enabled Gateshead to capture all of the information required by NHS Digital for the statutory Safeguarding Adult Collection annual return, including discretionary information. This means that from 2018/19 our performance dashboard will contain a more comprehensive dataset. Partner agencies continue to improve their data recording, for example the Queen Elizabeth Hospital has ensured that their Datix system mirrors the revised Carefirst forms. Oasis Aquila Housing have implemented a new data recording system.
- **Improved information sharing from Primary Care**
The Newcastle Gateshead Clinical Commissioning Group continue to improve engagement of GP's within the Safeguarding Adult process on both proactive and reactive levels. This includes awareness raising about the need to raise Safeguarding Adult Concerns across the ten categories of abuse and engagement with GP's in S42 Enquiries.

➤ **Implementing Mental Capacity Act / Deprivation of Liberty Safeguards (DoLS)**

- **Maintain compliance with Deprivation of Liberty Safeguards**
Gateshead Council, as DoLS Supervisory Body, continues to remain legally compliant with the judgement despite the national challenges and evidence to suggest there are significant backlogs locally and nationally.

Gateshead Council has continued to invest in the DoLS staff team responsible for the processing and managing of all DoLS applications by increasing ability to meet most of our demands "in-house", thereby improving efficiency.

Our Performance 2017/18

Safeguarding Adults Headline Performance

A summary of the headline performance information is provided below.

The 2018/19 financial year will be the first year in which we have a complete year of data contributing towards the performance dashboard. This will provide a more comprehensive performance picture, including detailed information about provider concerns.

- **Volume of Concerns and Enquiries**

For a Concern to progress to a Section 42 Enquiry it must meet the statutory criteria. The Safeguarding duties apply to an adult who:

- Has needs for care and support (whether or not the local authority is meeting any of those needs)
- Is experiencing, or at risk of, abuse or neglect
- As a result of those care and support need is unable to protect themselves from either the risk of, or the experience of abuse or neglect

In 2017/18 there were 1097 Safeguarding Adult Concerns which led to 445 Section 42 Safeguarding Enquiries. In percentage terms, 40.6% of Concerns led to a Section 42 Enquiry. In comparison, in 2016/17 there were 1259 concerns which led to 462 enquiries thereby having a 36.7% conversion rate.

These figures illustrate a continued decline in the volume of both Concerns and Enquiries. This has resulted in comprehensive analysis and discussion at the Quality and Assurance Group, Executive Group and Board. Partners are satisfied that the decline can be attributed to:

- Improved partner awareness about safeguarding adults, resulting in less inappropriate Safeguarding Adult Concerns being raised
- Introduction of provider concern process – non-safeguarding contract compliance issues are managed via provider concern process
- Strengthened adult social care ‘front door’ arrangements, resulting in greater alignment with the Multi-Agency Safeguarding Hub (MASH) and adult social care, ensuring that cases are only progressed into safeguarding if they meet the criteria.

- **Categories of Abuse**

The following performance information relates to the primary category of abuse recorded for concerns. The most common category of abuse was

Neglect and Acts of Omission which represented 49.86% of all Safeguarding Concerns raised. This was followed by Physical Abuse (20.88%) and Financial and Material (14.95%). This followed a similar pattern to the previous year.

The new categories of abuse introduced by the Care Act represented relatively small volumes in 2017/18:

- Domestic Violence – 9 cases, 0.82%
- Modern Slavery – 0 case, 0.00%
- Self Neglect – 30 cases, 2.73%

- **Age**

71.74% of all Safeguarding Concerns were raised for Adults aged 65 and older, equating to 787 cases.

Deprivation of Liberty Safeguards (DoLS)

For the period April 2017 to March 2018 Gateshead Council received 2113 Deprivation of Liberty Safeguard applications. This was a slight decrease in activity from the previous financial year (2118) and hopefully represents a levelling out of the demands placed on local authorities in meeting statutory obligations.

The highest rate for DoLS applications remains with those over the age of 65. Within Gateshead this represents 1821 applications for those aged over 65 and 292 for those under 65.

There were 272 applications which have not been authorised, due to various standard reasons. Where a specific reason was stated the most significant was for 'Mental Capacity requirement', which took place in 64 cases.

Our demographics remain in accordance with previous data with predicted higher percentages of those 85+ being more likely to be subject to DoLS authorisations, (40%) and those more likely to be females (61%).

Safeguarding Adults Reviews (SARs)

The SAR Group is responsible, on behalf of the Gateshead SAB, for statutory SARs introduced by the Care Act 2014. The SAB has produced a SAR Practice Guidance note to provide a framework for SARs in Gateshead.

During 2017/18 the SARG received 13 Safeguarding Adult Referrals. Of those:

- 1 progressed to Joint SAR / Domestic Homicide Review. The Independent Chair was appointed in April 2018 and the full report and recommendations are scheduled to be published towards the end of 2018.
- 1 progressed to a discretionary multi-agency appreciative enquiry. This enquiry was put on hold due to the needs and wishes of the Adult at Risk but has re-commenced and will be published towards the end of the 2018/19 financial year
- 1 contributed towards a drug related death review. This referral instigated a constructive discussion with the Chair of the Drug Related Death Group in Gateshead. As a result, the Safeguarding Adults Business Manager is now a member of the Drug Related Death Group. Members of the Drug Related Death Group are also requested to consider the criteria for a SAR for all drug related deaths.
- 5 resulted in single agency reviews.

All reviews and enquiries are reported back to the SAR Group for scrutiny and challenge. Learning from reviews is fed into the Quality and Assurance Group and Training Group when there are specific actions or learning that needs to be taken forward.

The Executive Group discussed and agreed expectations from partner agencies with regards to internal scrutiny and challenge for single agency reviews. Should there be any outstanding actions or learning these are reported to the relevant Board Sub-Group for progress.

During the 2017/18 financial year the Gateshead SAB published a SAR for Adult A. The final Overview Report was presented and approved at the SAB in July 2017 and the recommendations have been monitored by the Quality and Assurance Group. Adult A was an 81 year old lady who lived alone and died on 17th February 2015 in Queen Elizabeth Hospital (QEH). The cause of death was identified as cardiac failure, sepsis and extensive pressure sores due to immobility. Adult A's health was declining over the period before her death, she refused Hospital admission on a number of occasions. At times, Adult A also refused care and treatment at home. There were a number of

agencies involved with Adult A and the SAB made the decision to refer Adult A for a SAR, despite the fact that she died prior to the Care Act statutory guidance introducing self-neglect as a category of abuse. Most of the recommendations were completed in advance of the production of the final report. Most importantly, self neglect cases are now incorporated within Safeguarding procedures and practice guidance was produced for front line practitioners. The complexity of self-neglect, and subsequent learning from single agency enquiries, has meant that this self-neglect guidance will be updated within 2018/19.

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Gateshead Safeguarding Adults Board

Strategic Plan 2016-2019

2018 update

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Introduction

This is the first Strategic Plan for the now statutory Gateshead Safeguarding Adults Board post implementation of the Care Act (2014) on April 1st 2015. This three year Strategic Plan is supported by annual Business Plans to enable the Board to prioritise and focus activity over the three year period. Of course, the national and local policy landscape is constantly changing and it is important to review the Strategic Plan on an annual basis to ensure that the Strategic priorities remain right for Gateshead. **This plan has been reviewed and updated in April 2018.**

The Gateshead Safeguarding Adults Board is committed to make Safeguarding in Gateshead person-led and outcome focussed by adopting and implementing a preventative model. The Board have worked hard to ensure that within Gateshead we are Care Act compliant and have demonstrated via internal and independent scrutiny that we deliver quality services.

We face new challenges, however, ranging from the inclusion of new categories of abuse, the removal of thresholds, an important emphasis upon the empowerment of those Adults at risk of or experiencing abuse and neglect, and unprecedented organisational changes for many of our partner organisations as a result of continued austerity.

The Gateshead Safeguarding Adults Board also continues to provide strategic leadership for our approach to responding to statutory duties detailed within the Mental Capacity Act, including the Deprivation of Liberty Safeguards.

The Gateshead Safeguarding Adults Board has a strong commitment from its members to implement the Strategic Priorities identified within this plan. Some of these we can address and deliver quickly. Others will need commitment and further development throughout the three year period.

Policy Context

The Care Act 2014 has enshrined in law the principles of Safeguarding Adults, which will not only ensure that the most vulnerable members of society are afforded appropriate support and protection, but will also help them to live as independently as possible, for as long as possible. Chapter 14 of the Care and Support Statutory Guidance issued under the Care Act replaces the No Secrets document as the statutory basis for all safeguarding activity. This was updated in March 2016 by the Department of Health. The Care Act sets out the Safeguarding Adult responsibilities for Local Authorities and their partners. It places a duty upon Local Authorities to establish Safeguarding Adults Boards.

A corner stone of the Care Act is the general responsibility placed on all local authorities to promote wellbeing. Significantly, the Care Act emphasises the importance of beginning with the assumption that individuals are best placed to judge their own wellbeing. Under the definition of wellbeing, it is made clear that protection from abuse and neglect is fundamental.

The Care Act identifies six key principles which underpin all adult safeguarding work, and which apply equally to all sectors and settings:

- **Empowerment** – people being supported and encouraged to make their own decisions and give informed consent
- **Prevention** – it is better to take action before harm occurs
- **Proportionality** – the least intrusive response appropriate to the risk presented
- **Protection** – support and representation to those in greatest need
- **Partnership** – local solutions through services working with their communities
- **Accountability** – accountability and transparency in safeguarding practice

Schedule 2 of the Care Act (2014) stipulates that Safeguarding Adults Boards must publish a Strategic Plan each financial year, identifying how the Boards and their members will protect adults in their respective areas from abuse and neglect.

Gateshead Safeguarding Adults Board

Our vision

Our vision for adult safeguarding in Gateshead is:

'Everybody in Gateshead has the right to lead a fulfilling life and should be able to live safely, free from abuse and neglect – and to contribute to their own and other people's health and wellbeing'

In Gateshead we believe that Safeguarding is everyone's business. This means - whoever you are, wherever you are and whatever position you have – you have a responsibility to take action to help protect our local residents when you hear about allegations of abuse or neglect.

We believe that our vision is shared and practiced by all our partner organisations. Safeguarding cannot be fully delivered by agencies acting in isolation – and can only be achieved by working together in partnership to help protect and support adults at risk of, or experiencing, abuse or neglect.

Governance arrangements

The Gateshead Safeguarding Adults Board became a statutory body in April 2015. The Board is responsible for assuming the strategic lead and overseeing the work of Adult Safeguarding and Mental Capacity Act / Deprivation of Liberty Safeguards arrangements in Gateshead. Within Gateshead we have commissioned an Independent Chair to enhance scrutiny and challenge. The Board has a comprehensive Memorandum of Understanding, which provides the framework for identifying roles and responsibilities and demonstrating accountability. The Safeguarding Adults Board has developed strong links with the Local Safeguarding Children's Board, Health and Wellbeing Board and the Community Safety Board.

In law, the statutory members of a Safeguarding Adults Board are defined as the local authority, the local police force and the relevant clinical commissioning group. However, in Gateshead, we recognise the importance of the contribution made by all of our partner agencies and this is reflected by the wider Board membership (correct as of April 2018):

- Gateshead Council
- Northumbria Police
- Newcastle Gateshead Clinical Commissioning Group (on behalf of NHS England, North East Ambulance Service and incorporating GP lead for Adult Safeguarding)
- Lay Members
- Gateshead NHS Foundation Trust
- South Tyneside Foundation Trust
- Northumberland Tyne and Wear NHS Foundation Trust
- Gateshead College
- The Gateshead Housing Company
- Tyne and Wear Fire and Rescue Service
- Northumbria Community Rehabilitation Company
- National Probation Service
- Oasis Aquila Housing
- Mental Health Concern
- National Probation Service

The Safeguarding Adults Board is supported by five sub-groups:

- **Practice Delivery Group** (Chaired by an officer from The Gateshead Housing Company)

The role of the Practice Delivery Group is to ensure that the Multi-Agency Safeguarding Adults policy and procedures and supporting practice guidance continue to be fit for purpose. The Group has responsibility for keeping up to date with national policy changes that may impact upon the work of the Safeguarding Adults Board. The Group also has responsibility for the development and implementation of the Communication and Engagement strategy and implementation of the Dignity Strategy.

- **Safeguarding Adult Review Group** (Chaired by an officer from Newcastle Gateshead Clinical Commissioning Group)

The Safeguarding Adults Review Group (SARG) will consider Safeguarding Adult Review referrals, commission reviews and subsequently monitor their progress. The SARG may also oversee discretionary reviews into cases that do not meet the criteria for a Safeguarding Adult Review, where the group feel there are multi-agency lessons to be learned. It will collate and review recommendations from Safeguarding Adult Reviews and other reviews, ensuring that achievable action plans are developed and that actions are delivered.

- **Quality and Assurance Group** (Chaired by an officer from Gateshead NHS Foundation Trust)

The Quality and Assurance Group have developed and implemented a Quality and Assurance Framework that provides a structure for scrutinising activity that is undertaken by Board member agencies and relevant services or organisations. The group monitors and scrutinises the quality of activities to ensure that the interventions offered are person-centred, proportionate and appropriate. The Quality and Assurance Group is also responsible for the development of a performance dashboard and for considering lessons learned that are identified nationally, regionally and locally from any cases requiring a Safeguarding Adults Review, Serious Case Review or any other review process relevant to the Safeguarding Adults agenda.

- **Training Group** (Chaired by an officer from the Local Authority)

The Training Group coordinates and develops Safeguarding Adults training and Mental Capacity Act / Deprivation of Liberty Safeguards training that is accessible for practitioners and managers in a multi-agency setting. For the purposes of quality assurance, data is monitored regarding attendance, cancellation as well as evaluation of training courses. The group develops and implements ad-hoc bespoke training courses to meet evidenced demand in addition to core training courses.

- **Strategic Exploitation Group** (Chaired by an officer from Northumbria Police)

The Strategic Exploitation Group is a sub-group of both the Safeguarding Adults Board and the Local Safeguarding Children's Board. The group is responsible for overseeing all work with respect to sexual exploitation, modern slavery, trafficking and female genital mutilation in Gateshead.

The Board and the five sub-groups regularly commission time limited task and finish groups to undertake specific pieces of project work.

Developing the Strategic Plan

The Gateshead Safeguarding Adults Strategic Plan has been developed in consultation with a variety of stakeholders, and underpinned by performance information and feedback from members of the general public, safeguarding adult service users, advocates and professionals from a range of service users.

Stakeholder consultation included:

- Safeguarding Adults Board partner organisations
- Practice Delivery Group
- Health Partners Network
- Healthwatch
- General public
- Commissioned Providers
- Practitioner feedback

The 2018 refresh involved learning from national best practice and Safeguarding Adult Review recommendations in conjunction with additional consultation with the following:

- Commissioned Providers (November 2017)
- Board Development Session (February 2018)
- Community and Voluntary Sector (February 2018)

Strategic Priorities and Key Challenges

The Gateshead Safeguarding Adults Board has established five Strategic Priorities for 2016/19:

- Quality Assurance
- Prevention
- Community Engagement and Communication
- Improved Operational Practice
- Implementing Mental Capacity Act / Deprivation of Liberty Safeguards

Consultation for the 2018 refresh of the Strategy confirmed that the priorities should remain. The Safeguarding Adults Board are committing to embedding the Making Safeguarding Personal agenda throughout the five Strategic Priorities.

1. Quality Assurance

The Safeguarding Adults Board will continue to prioritise Quality Assurance in its widest sense. This will enable the Board to demonstrate quality and effectiveness at both strategic and operational levels. It aims to support a better understanding of how safe adults are locally and how well local services are carrying out their safeguarding responsibilities in accordance with the Care Act and the Gateshead Multi-Agency Policy and Procedures. In particular, the Board will seek to demonstrate effectiveness in implementation of the Making Safeguarding Personal agenda.

Key Challenges 2018/19 include:

- Develop and implement a self assessment process to monitor the effectiveness of the Board and partner organisations
- Implement a Safeguarding Adults Peer Review and act upon subsequent recommendations
- Revise the Safeguarding Adults Review Policy and Practice Guidance
- Demonstrate learning from best practice / inspections / audits and reviews
- Measure the quality of user engagement

2. Prevention

Prevention is one of the six Principles of Safeguarding. Within Gateshead we have prioritised preventative work and have produced a range of practice guidance notes and bespoke training courses to support our front line practitioners. Challenge has also been encouraged at Board level to develop services that are preventative and proactive rather than reactive. Nonetheless the Policy landscape is changing, along with operational practice, and it is important that the Safeguarding Adults Board continue to focus on the prevention agenda.

Key Challenges 2018/19 include:

- Revise the Self-Neglect Practice Guidance note and deliver updated practitioner training
- Work with Community Safety to enhance operational response to the Prevent agenda
- Revise the Financial Abuse Practice Guidance note, taking into account the issues arising from implementation of Universal Credit
- Develop and Implement Modern Day Slavery Strategy
- Continue to enhance and champion the links between safeguarding and housing
- Develop and Implement Level Two and Level Three Safeguarding Adult Training courses
- Continue to engage with providers to understand issues within the care and support sector and support through provider concern process
- Develop an understanding of the safeguarding implications for the integration of health and social care
- Explore opportunities for working in partnership to develop Early Help models
- Work with Community Safety to raise awareness of mate crime

3. Community Engagement and Communication

The Safeguarding Adults Board have prioritised empowerment, personalisation and Making Safeguarding Personal to ensure that those adults involved within the safeguarding process have their wellbeing promoted and, where appropriate, that regard is given to their views, wishes, feelings and beliefs in deciding on any action. Everyday practice however has demonstrated that there is a lack of understanding about Safeguarding Adults within the wider community, which can impact upon the effectiveness of Safeguarding Adults as a whole.

Key Challenges 2018/19 include:

- Deliver Communication and Engagement Strategy delivery plan including;
 - Develop a bespoke Safeguarding in Gateshead website
 - Develop and implement a Safeguarding Adults Champion Scheme
 - Develop a programme of Community Engagement activities
 - Host a Safeguarding conference
- Develop a programme of consultation for the next three year Strategic Plan

4. Improved Operational Practice

Whilst this is a Strategic Plan, the Safeguarding Adults Board must ensure that operational practice is fit for purpose and delivering person-centred outcomes. Following implementation of the Care Act on April 1st 2015 and the subsequent implementation of revised Multi-Agency Policy and Procedures in Gateshead feedback from Adults who have been through the Safeguarding process and from practitioners has identified a number of key challenges that the Board must ensure are addressed.

Key Challenges 2018/19 include:

- Revise the Safeguarding Adults Board Multi-Agency Policy and Procedures
- Further embed the principles of Making Safeguarding Personal
- Improve the implementation of the Mental Capacity Act within the safeguarding adult process
- Complex cases – understand interface between community safety, MASH, contract management and Safeguarding

5. Implementing Mental Capacity Act / Deprivation of Liberty Safeguards

The Mental Capacity Act, including Deprivation of Liberty Safeguards, has been subject to significant legislative changes resulting in an unprecedented increase in resource demands nationally and local. The agenda will continue to evolve as new ways of working and case law is embedded into practice. There is an increasing need to improve the knowledge base of the MCA and DoLS agenda and to further enhance engagement with partner agencies and service users in relation to the MCA to enable the successful incorporation into everyday assessment and care provision.

Key Challenges 2018/19 include:

- Focused awareness raising with professionals with respect to 16/17 year olds and the MCA
- Community engagement with respect to MCA and DoLS
- Develop a targeted approach to MCA and financial abuse
- Practitioner training on court processes



Produced by Gateshead Adults Safeguarding Board, April 2016

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TITLE OF REPORT: Nomination of a Local Authority School Governor

REPORT OF: Caroline O'Neill, Strategic Director, Care, Wellbeing and Learning

Purpose of the Report

1. Cabinet is asked to nominate a Local Authority Governor to a school seeking to retain their Local Authority governor in accordance with The School Governance (Constitution) (England) Regulations.

Background

2. Schools - The School Governance (Constitution) (England) Regulations require all governing bodies to adopt a model for their size and membership. The regulations prescribe which categories of governor must be represented and what the level of representation is for each. The Local Authority's nomination is subject to the approval of the governing body. If approved, the nominee is appointed by the governing body.

Proposal

3. It is proposed that Cabinet approves the nomination to the school as shown in appendix 1.

Recommendations

4. It is recommended that Cabinet:
 - (i) approves the nomination for reappointment of a Local Authority Governor as set out in appendix 1; and
 - (ii) notes the term of office as determined by the schools' Instrument of Government.

For the following reason:

To ensure the School has full governing body membership.

CONTACT: John Finch

extension: **8626**

Policy Context

1. Schools

In accordance with The School Governance (Constitution) (England) Regulations, local authorities can nominate any eligible person as a Local Authority governor. Statutory guidance encourages local authorities to appoint high calibre governors with skills appropriate to the school's governance needs, who will uphold the school's ethos, and to nominate candidates irrespective of political affiliation or preferences. A person is disqualified as a Local Authority governor if they are eligible to be a Staff governor at the same school.

Consultation

2. The Cabinet Member for Children and Young People has been consulted.

Alternative Options

3. The alternative option would be to make no nomination/appointment to the vacancies, leaving governing bodies under strength and less likely to demonstrate the correct configuration.

Implications of Recommended Option

4. Resources:

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

b) **Human Resources Implications** - None

c) **Property Implications** - None

5. **Risk Management Implication** - None

6. **Equality and Diversity Implications** - None

7. **Crime and Disorder Implications** - None

8. **Health Implications** - None

9. **Sustainability Implications** - None

10. **Human Rights Implications** - None

11. **Area and Ward Implications** - None

12. Background Information

The School Governance (Constitution) (England) Regulations.

13. Local Authority Governor Nominations

Schools

In accordance with the School Governance (Constitution) (England) Regulations 2012, the following Local Authority governors are nominated for a period of four years (as stipulated in the individual Instruments of Government) with effect from the dates stated below:

School	Nomination	Date from
The Drive Community Primary School	Cllr Anne Wheeler	14 th February 2019

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TITLE OF REPORT: Gateshead Highway Asset Management Plan (HAMP) and the New Code of Practice for Well Managed Highway Infrastructure

REPORT OF: Tony Alder, Acting Strategic Director, Communities and Environment

Purpose of the Report

1. This report seeks approval of revised strategy towards Highways Asset Management 2018-30 in Gateshead, and associated documentation. It also confirms adoption of the New Code of Practice (COP) for Well Managed Highway Infrastructure 2016 which has provided the guidance for the development of the revised approach, including a new risk based approach to managing the highway network.

Background

2. Gateshead's road network provides a fundamental resource, essential both to the economy of the area and for the quality of life for residents and visitors. Its effective management and maintenance has an impact on activity of all kinds, from day to day journeys to work, school, shopping or for leisure, through to the needs of the emergency services and the road freight industry.
3. The Council's first HAMP was approved in 2014 and subsequently updated in 2016. In order to meet the Department for Transport's (DFT) performance rating guidelines it is required to be updated every two years. Failure to carry out the update could affect the Council's rating with consequent impacts on funding allocations. The new HAMP also provides the supporting documentation to help deliver the various elements of the new COP
4. The national codes of practice for highways provide the basis for the management of highway infrastructure. In order to introduce modern principles of asset management and introduce risk-based management principles in 2015 the DFT commissioned a review of the guidance. The new COP was published in 2016 with a deadline for local authorities to implement the 36 recommendations contained within it across their highway services by October 2018.
5. The new COP has been adopted by the DFT who have used their recent incentive block fund allocation to reward councils who demonstrate the good asset management practices detailed in the code. Adoption of the new code is expected to be tested in the Courts where local highway authorities seek to defend third party claims. The revised strategy towards highway asset management in Gateshead has been developed to comply with the new COP.
6. The Council currently receives the maximum available grant for highways maintenance, having achieved highways maintenance block incentive band 3 authority status for 2018/9 following the implementation of asset management

principles and policy. To continue and maintain the status the authority must be compliant with the new COP.

Proposal

7. The new strategy for Highway Asset Management in Gateshead for the period 2018 to 2030 is in three parts, replacing the previous single document. It now comprises; The Highway Asset Management Framework (HAMF), the Highway Asset Management Plan (HAMP) and the Highway Maintenance Plan (HMP). The three documents include the following sections:

Highway Asset Management Framework:

- Asset Information Strategy
- Communication Strategy
- Performance Management Strategy
- Risk Management Strategy
- Resilient Network
- Competency Framework

Highway Asset Management Plan

- Objectives / policy
- Finance
- Life Cycle and forward planning
- Performance (annual monitoring report)

Highway Maintenance Plan

- Highway maintenance management procedures
- Bridges and structural maintenance procedures
- Street lighting maintenance procedures
- Highways Safety Inspection Policy
- Highways Inspection Manual
- Skidding Resistance Policy
- Highway Drainage Strategy
- Service Inspections

Full copies of the documents are available in the Members' Library and at:

https://www.gateshead.gov.uk/media/10478/Gateshead-Highway-Asset-Management-framework/pdf/Gateshead_Highway_Asset_Management_framework.pdf

https://www.gateshead.gov.uk/media/10479/Gateshead-Highway-Asset-Management-Plan/pdf/Gateshead_Highway_Asset_Management_Plan.pdf

https://www.gateshead.gov.uk/media/10480/Gateshead-Highway-Maintenance-Plan/pdf/Gateshead_Highway_Maintenance_Plan.pdf

Recommendations

8. It is recommended that Cabinet:
- (i) approves the revised strategy for highways asset management in Gateshead, including the Highway Asset Management Framework, the revised Highway Asset Management Plan and the Highway Maintenance Plan.
 - (ii) adopts The New Code of Practice (COP) for Well Managed Highway Infrastructure 2016

For the following reasons:

- (i) To provide the basis for improved management and maintenance of Gateshead's highway network and ensure the effective use of resources.
- (ii) In order to maximise external funding streams awarded to authorities who carry out effective highway management.

CONTACT: Anneliese Hutchinson: 3881

Policy Context

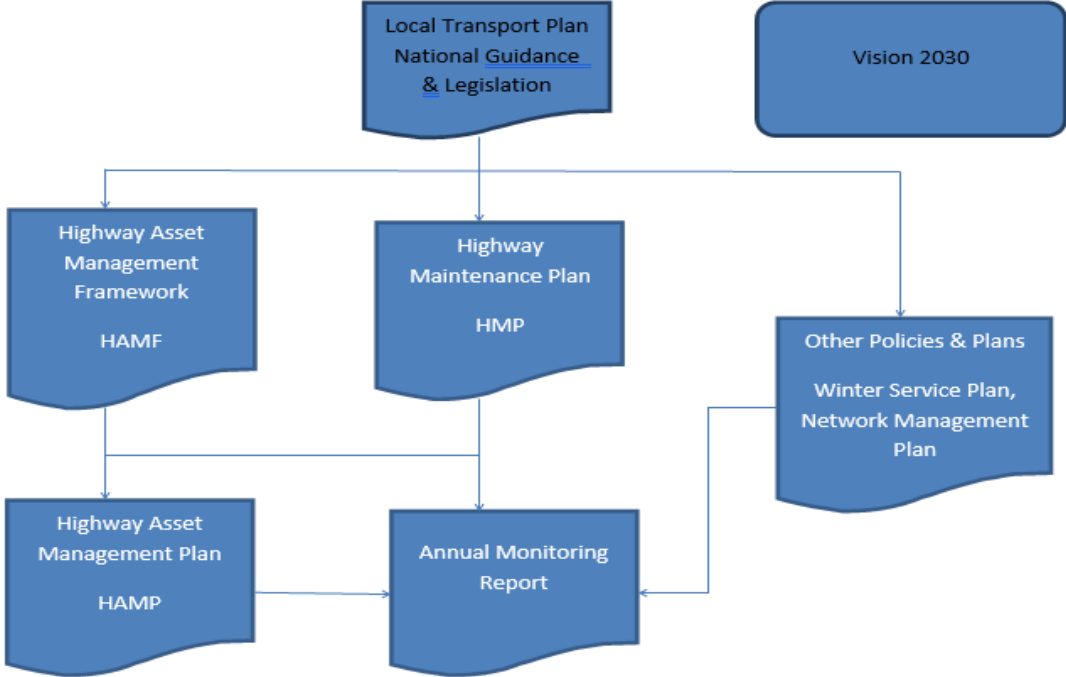
1. The proposals are in line with our long-term Vision 2030, and also support the Tyne & Wear Local Transport Plan (LTP). Maintenance of the highway network is an essential element in support of our strategic approach of making Gateshead a place where everyone thrives, supporting economic and social activity throughout Gateshead.

Background

New Code of Practice

2. The new Code of Practice for Well Managed Highway Infrastructure was published in 2016 by the UK Roads Liaison Group and supersedes all of the previous codes for managing highways structures and lighting.
3. The new code represents a significant shift away from the previous prescriptive approach to highways maintenance and introduces a risk- based approach to highway infrastructure maintenance. This approach is applied to levels of service, inspections, response times, priorities and programmes.
4. An authority is expected to have developed and documented its own risk- based approach to managing its highway network allowing the development of a more local approach based on evidence and allowing for efficiencies in service delivery.
5. Work to comply with the new code was carried out collaboratively with the other Tyne and Wear authorities to develop consistent policies and procedures particularly in the light of potential third-party claims relating to our duty to maintain roads under the highways act 1980.
6. The overarching principles and key aims of the new code are as follows:
 - development of a risk-based approach to asset management;
 - establishment of hierarchies and levels of service with appropriate funding;
 - competency within the field of asset management;
 - understanding of data asset management and inventory development;
 - development of performance management strategies;
 - development of a resilient network.

Figure 1 Relationship of strategic documents



Strategy for highway asset management 2018-30

- 7. The new strategy for highways asset management is split into 3 sections and demonstrates how the authority complies with all 36 of the COP recommendations. Figure 1 show how these relate to each other, and to other complementary documents.

The Highway Asset Management Framework (HAMF)

- 8. This document is an overarching framework for highway asset management including all activities and processes necessary to develop, document, implement and continually improve asset management. It contains strategies for dealing with data management and communications as well as performance management, general competencies, risk and resilience.

The Highway Asset Management Plan (HAMP)

- 9. Financial and programming issues are within this section as well as overall policy objectives. A performance monitoring report is also provided which will be updated annually.

The Highway Maintenance Plan (HMP)

- 10. This plan is the largest of the documents and is an operational document which explains how the highway, lighting and structural assets are maintained. The Highway Safety Inspection Manual and policy have been carefully developed

with colleagues from the legal and insurance industry and with officers from both policy and frontline teams. The documents reflect the latest risk- based approach to highway infrastructure repairs.

Consultation

11. In preparing this report the Cabinet Members for Environment & Transport have been consulted and agreed with its contents.
12. A separate communications strategy has also now been prepared for the HAMP. This is a requirement of the DFT incentive funding process. Section 3 of the Highway Asset Management Framework (HAMF) contains the strategy.

Alternative Options

13. Not to approve the HAMP and comply with the new COP would put at risk elements of highway maintenance funding.

Implications of Recommended Option

14. Resources

- a) **Financial Implications** - The Strategic Director, Corporate Resources confirms that there are no direct financial implications arising from this report.
- b) **Human Resources Implications** - Nil.
- c) **Property Implications** - Nil.

15. **Risk Management Implications** – the revised HAMP will enable better identification of risks related to the highway network.

16. **Equality & Diversity Implications** - Nil.

17. **Crime & Disorder Implications** - Nil.

18. **Health Implications** – a well maintained highway will help support the promotion of active and healthy travel

19. **Sustainability Implications** - The HAMP will help protect the integrity of Gateshead's highway network.

20. **Human Rights Implications** - Nil.

21. **Area & Ward Implications** – The HAMP relates to all wards.

Background Information

22. The following background information has been used in preparing this report:
 - Gateshead Highways Asset Management Plan (HAMP), November 2016.
 - The Code of Practice for Well Managed Highway Infrastructure 2016

TITLE OF REPORT: Corporate Complaints and Compliments Procedure - Annual Report 2017/18

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

Purpose of the Report

1. The report asks the Cabinet to consider and endorse an analysis of the complaints and compliments recorded during the year 2017/18.

Background

2. This report focuses on complaints and compliments that the Council deals with under its Corporate Complaints and Compliments procedure. It provides a statistical analysis of the complaints and compliments received for the period 1 April 2017 to 31 March 2018.
3. Appendix 2 to this report details:
 - The number of complaints recorded in the year 1 April 2017 to 31 March 2018
 - The categories of complaints (note: a complaint may fall into more than one category).
4. Appendix 3 to this report details:
 - The number of complaints resolved in the year 1 April 2017 to 31 March 2018
 - The number of complaints resolved within the target time of twenty working days
 - The number of complaints closed (ie dealt with as issues other than complaints)
 - The number of complaints open (ie unresolved at 31 March 2018)
 - The number of resolved complaints that were found to be justified or part justified.
5. Appendix 4 provides an analysis of the compliments received and complaints recorded and resolved across all Council services and the Gateshead Housing Company.
6. Appendix 5 provides information about the Local Government and Social Care Ombudsman and the Housing Ombudsman.

Proposal

7. It is proposed that the analysis provided for the period 1 April 2017 to 31 March 2018 be agreed.

Recommendations

8. It is recommended that the Cabinet
 - (i) Agrees the Corporate Complaints and Compliments Procedure Annual Report for 2017/18 as detailed.
 - (ii) Notes the report will be considered by the Corporate Resources Overview and Scrutiny Committee.

For the following reason:

To have an effective and timely complaints procedure.

CONTACT: Brian Wilson extension 2145

APPENDIX 1

Policy Context

1. The corporate complaints and compliments procedure supports Vision 2030 and the Thrive agenda.

Background

2. The Council aims to respond positively to complaints. The corporate complaints and compliments procedure is widely publicised across the Borough. The Gateshead Housing Company operates its own procedure as the body responsible for the day to day management and maintenance of council housing in Gateshead.
3. The Council operates the corporate complaints system to handle complaints and compliments to make it easier for members of the public to raise issues of concern, ensure that such complaints are responded to quickly and in a consistent manner and to enable the Council to learn from the issues raised and amend procedures and practices as necessary.
4. The report focuses on complaints that the Council deals with under its corporate complaints procedure. Excluded from the procedure are:
 - most Social Services and Children's Services matters - for which there are separate statutory procedures
 - matters for which there is an existing system of appeal/redress
 - most complaints about schools
5. The current procedure enables people to express their views and register their complaint or compliment in person at a Council office, by telephone, letter, fax, e-mail or complaints/compliments form. It can also be done through a Councillor, someone acting on their behalf, with the assistance of other organisations or social media.
6. The procedure has the following three steps: -

Step 1 - problem solving – to try and sort it out quickly and informally by providing information or taking appropriate action

Step 2 - investigation – the complaint is recorded and investigated by a Senior Manager who will aim to respond within twenty working days

Step 3 - review – the Chief Executive (or Managing Director of the Gateshead Housing Company) to look again at complaint and aim to respond within twenty working days.
7. Computerised recording of Step 2 complaints was designed to ensure a consistent method of response to complaints across the Council. A designated officer oversees and monitors the operation of the corporate complaints procedure and the system as a whole, under the responsibility of the Chief Executive. This includes the collation and analysis of the statistics for the Council and the conduct of the Step 3

reviews. The officer is also the Council's link officer with the Local Government and Social Care Ombudsman and the Housing Ombudsman.

8. The current corporate complaints system is to be replaced. It is proposed to implement the case management features of the Digital Platform to handle corporate complaints. The Digital Platform hosts and delivers the Council's website, intranet, Go Gateshead and other websites plus key online services such as the report fly tipping facility.
9. Increasingly, members of the public now prefer to submit complaints via an online form. Currently that information then needs to be inputted into the corporate complaints system along with information received via the other ways outlined in section 5 above which can be time consuming.
10. The aim would be to encourage residents to submit complaints via the Council's website, while still retaining the ability to submit complaints in the other ways outlined for those that do not have internet access.
11. One of the benefits of capturing the information via an online form is to ensure the Council has all the information needed to proceed without having to request further information from the complainant.
12. In addition, both residents and staff will receive e mail notifications on information and updates, reminders when actions need to be completed and the Council's response to the complaint through the new corporate complaints system.
13. The website will be updated to direct people to service requests wherever appropriate eg. to report fly tipping or a missed bin collection to ensure only genuine complaints are submitted to the designated officer through the corporate complaints system.
14. For staff managing the corporate complaints process, it will be easier to track and monitor the process and stage of each complaint, manage all the system users and provide performance data and statistics on complaints received and in which service areas.

Consultation

15. There has been no external consultation undertaken in the preparation of this report.

Alternative Options

16. There are no alternative options.

Implications of Recommended Option

17. **Resources:**

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

- b) **Human Resources Implications** – The Strategic Director, Corporate Services and Governance confirms that there are no human resources implications arising from the report.
 - c) **Property Implications** – The Strategic Director, Corporate Services and Governance confirms that there are no property implications arising from this report.
11. **Risk Management Implication** – Potential failure to act on complaints received is minimised through regular monitoring.
 12. **Equality and Diversity Implications** – The corporate complaints and compliments procedure contributes to the implementation of the Council’s Equal Opportunities Policy.
 13. **Crime and Disorder Implications** – There are no crime and disorder implications arising from this report.
 14. **Health Implications** – There are no health implications arising from this report.
 15. **Sustainability Implications** – There are no sustainability implications arising from this report.
 16. **Human Rights Implications** – There may be human rights implications in a number of complaints made to the Council. Therefore, having a corporate complaints procedure will assist the Council in carrying out its duties under the Human Rights Act 1988.
 17. **Area and Ward Implications** – None.
 18. **Background Information** – Corporate complaints and compliments policy and procedure.

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COMPLAINTS RECORDED: 1 APRIL 2017 to 31 MARCH 2018

APPENDIX 2

Service Area	Category of complaint						
	Total No of Complaints	Access to service	Damage/Injury	Quality of service	Employee	Policy	Other
Communities & Environment							
Waste Services & Grounds Maintenance	9	-	-	4	-	1	6
Construction Services	2	-	1	-	1	1	1
Development & Public Protection	11	-	-	1	-	-	-
Transport & Highways	11	2	1	9	6	3	-
Housing Services	4	-	-	2	2	3	-
Corporate Services & Governance							
Property Services	1	1	-	-	-	-	-
Corporate Resources							
Customer & Financial Services	19	1	-	8	4	3	6
Culture, leisure and sport	36	3	-	12	3	1	19
Gateshead Housing Company							
Central	40	1	4	32	6	1	1
East	27	1	2	21	4	3	3
Inner West	18	1	2	15	3	-	-
South	42	2	3	34	8	1	5
West	38	2	3	31	12	1	12
TOTAL	258	14	16	169	49	18	43

Please note that a complaint may fall into more than one category

COMPLAINTS RESOLVED 1 APRIL 2017 to 31 MARCH 2018

APPENDIX 3

Service Area	Number of Complaints resolved	No. resolved within 20 working days	No. of complaints closed	No. Fully justified complaints	No. of partly justified complaints	No. of unresolved complaints
Communities & Environment						
Waste Services & Grounds Maintenance	8	7	1	-	1	-
Construction Services	2	2	-	-	-	-
Development and Public Protection	7	2	2	-	2	2
Transport & Highways	10	10	1	-	4	-
Housing Services	1	-	2	-	-	1
Corporate Services & Governance						
Property Services	1	1	-	-	-	-
Corporate Resources						
Financial Services	19	16	-	1	14	-
Culture, leisure and sport	27	22	9	7	10	-
Gateshead Housing Company						
Central	39	27	1	18	5	-
East	26	23	-	15	5	1
Inner West	18	15	-	6	5	-
South	41	31	-	21	4	1
West	36	25	2	18	8	-
TOTAL	235	181	18	86	58	5

NUMBER OF COMPLAINTS AND COMPLIMENTS

Adult Social Care and Independent Living and Children's Services operate their own separate complaints recording system

During the period 1 April 2017 to 31 March 2018 the Council recorded 258 Step 2 complaints (compared to 307 during 2016/17). An analysis of these complaints reveals the following:

Category of complaints

The subject matter of complaints varies considerably. However, the resolved complaints have been broadly summarised into the following six categories:-

Category of Complaint	Number of Complaints 2017/18	Percentage of all Complaints
Access to services	14	5.4%
Injury/ damage to person or possession	16	6.2%
Quality of service	169	65.5%
Employee	49	19.0%
Policy	18	7.0%
Other	43	16.7%

(It must be noted, however, that a complaint can fall into more than one category)

Closed Complaints

The total number of closed complaints is 18. These are complaints recorded on the system and subsequently identified and dealt with as issues other than complaints.

Resolution of complaints within target timescales

The Council's target timescale to resolve step 2 complaints is within 20 working days of receipt. The Council aims to resolve the majority of complaints at step 1 - sorting problems out quickly. The procedure and recording system allows service managers to review actual performance at any time and identifies those areas where improvements in response times are necessary. 235 complaints were resolved within the target timescale of 20 working days. This represents 75.2% of recorded complaints less the closed

and open complaints. Of the 165 received by the Gateshead Housing Company, 3 were closed and 121 were resolved within the target timescale. This represents 74.7% resolved within the target timescale compared with 89.3% in 2016/17. Of the 93 complaints recorded by the Council, 15 were closed and 60 were resolved within the target timescale. This represents 76.9% resolved within the target timescale compared with 71.3% in 2016/17.

Number of Complaints that were justified

Of the 235 complaints resolved, 86 (36.6%) were fully justified and 58 (24.7%) were partly justified and appropriate remedies were offered to the complainants. This compares with the position in 2016/17 when of the 282 complaints resolved, 104 (36.9%) were fully justified and 44 (15.6%) were partly justified.

Service Group Analysis

An analysis of the complaints received and resolved by each service group reveals the following:

Communities and Environment

- Recorded 37 complaints, 14.3% of all complaints recorded
- Development and Public Protection received 29.7%, Transport and Highways received 29.7%, Waste Services and Grounds Maintenance received 24.4%, Housing Services received 10.8% and Construction Services received 5.4% of complaints in this service group
- 43.2% of complaints concerned quality of service.
- 6 complaints were closed and 3 were unresolved.
- 75% of the remaining complaints were resolved in target timescales
- None of the resolved complaints were fully justified
- 25% of resolved complaints were partly justified.

Corporate Services and Governance

- Recorded 1 complaint, 0.4 % of all complaints recorded
- The complaint, received by Property Services, concerned access to service.
- The complaint was closed.

Corporate Resources

- Recorded 55 complaints, 21.3% of all complaints recorded.
- Culture, Leisure and Sport received 65.5% and Customer and Financial Services received 34.5% of complaints in this service group.
- 36.4% of complaints concerned quality of service.
- 9 complaints were closed and none unresolved.
- 82.6% of the remaining complaints were resolved within target timescales
- 17.4% of resolved complaints were fully justified
- 52.2% of resolved complaints were partly justified.

Gateshead Housing Company

- Recorded 165 complaints, 64% of all recorded complaints
- 80.6% of complaints concerned quality of service.
- 3 complaints were closed and two were unresolved.
- 75.6% of the remaining complaints were resolved within the Council's target timescales
- 48.8% of resolved complaints were fully justified
- 16.9% of resolved complaints were partly justified

Reviewed Complaints

Complainants who are dissatisfied with the outcome of their Step 2 complaints can request an independent review by the Chief Executive (or the Managing Director of the Gateshead Housing Company). The Chief Executive undertook 27 reviews of complaints in 2017/18 compared to 18 in 2016/17. The Managing Director of the Gateshead Housing Company undertook 14 reviews in 2017/18 compared with 20 during 2016/17.

Using Complaints to improve performance

The information gained through the monitoring of complaints should be used to improve the provision of the services throughout the Council reflecting the Council's overall approach to value for money and continuous improvement. There were several occasions where the resolution of a complaint led to additional instructions being given to employees to reinforce existing procedures. Changes to the provision of services have also been made as a result of complaints received or the opportunity to improve has been identified.

Compliments received by the Council

The total number of compliments received in 2017/18, as outlined below, is 466, compared to 754 received in 2016/17.

Communities and Environment	184
Corporate Services and Governance	26
Corporate Resources	66
The Gateshead Housing Company	190

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EXTERNAL REVIEW BY THE LOCAL GOVERNMENT AND SOCIAL OMBUDSMAN AND THE HOUSING OMBUDSMAN

The Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman provides a free independent and impartial service to the public. They provide an initial point of contact for those wishing to make a complaint through a telephone contact centre in Coventry, or if a person remains dissatisfied following the examination of a particular matter by the Council. Protocols are in place between the Council and the Local Government and Social Care Ombudsman that provide for the majority of cases to be considered through the Council's own procedures before any investigation is considered by their office.

Leaflets and information about the Local Government and Social Care Ombudsman are available at Council offices and all those who exhaust the Council's and the Gateshead Housing Company's procedures (where appropriate) are provided with the leaflet. The day to day management of the relationship with the Local Government and Social Care Ombudsman is undertaken by a dedicated officer who acts on behalf of the Chief Executive in this respect.

During the year the Local Government and Social Care Ombudsman investigated twenty four complaints. Of these, thirteen were closed after initial enquiries and four were not upheld. A summary of the Local Government and Social Care Ombudsman's findings and the actions taken by the Council for each of the seven cases upheld partially or fully is detailed below:-

Case	Ombudsman's Decision	Remedy
1.	Some evidence of fault causing injustice following a complaint about works completed as part of a Disabled Facilities Grant for their disabled son	The Council agreed to discuss their overnight care needs, pay £250 for failing to discuss direct payments and to remind officers of the importance of discussing direct payments with service users/families
2.	The Council refused to accept an application for a taxi driver's licence based on a blanket application of its policy without taking account of individual circumstances	The Council apologised to the complainant and agreed to reconsider his application
3.	The Council's assessment for adaptations was faulty	The Council apologised to the complainant and arranged a new assessment
4.	There was fault in how the Council had handled this complaint	The Council had responded to the complainant's concerns and apologised

5.	The Council was not a fault for the service provided to the complainant's father but had wrongly stated that the complainant had signed an agreement to assessment form	The Council apologised to the complainant
6.	The Council did not follow the correct Care Call procedure	The Council apologised to the complainant and had taken suitable action to remedy it
7.	The Council did not properly consider a request for home to school transport for a fostered child	The Ombudsman's final remedies are awaited

The Local Government and Social Care Ombudsman's Annual Review is available on their website at www.lgo.org.uk.

The Housing Ombudsman

From 1 April 2013, the Localism Act 2011 extended the jurisdiction of the Housing Ombudsman to cover all social landlords, including Councils. The Housing Ombudsman is able to consider housing complaints in so far as they relate to the provision or management of housing. The Local Government and Social Care Ombudsman continues to investigate complaints about allocations and the lettings policy.

During 2017/18, the Council was contacted by the Housing Ombudsman in respect of four cases. Of these:

- Three cases had not exhausted the Housing Company's complaints procedure.
- One case, the Housing Ombudsman determined that there was service failure that the complainant's reports of anti-social behaviour had not been dealt with in accordance with the Housing Company's anti-social behaviour procedure.



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 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.

Proposal

3. Cabinet is asked to note the petitions received and actions taken on them.

Recommendations

4. It is recommended that Cabinet note the petitions received and action taken on them.

For the following reason:

To inform the 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
22.06.17 Submitted to the Deputy Leader of the Council	07/17	Petition from Keser Girls School	Petition requesting a crossing on Whitehall Road	Strategic Director, Communities and Environment	<p>Crossing surveys and a review of wider issues have been carried out.</p> <p>A response/report to the petitioners' request has been prepared. It is considered that their request should not be implemented as the results of the surveys and review have shown that no refuge is either warranted or practicable. This is based on a review of the existing physical features of the road, traffic volumes, traffic speeds, existing collisions, and of course pedestrian crossing movements in the vicinity of Keswick Street.</p> <p>The ward councillors, relevant Cabinet member and petitioners will be advised accordingly.</p> <p>It is proposed that the petition be removed from the schedule.</p>
14.02.18 Submitted to Strategic Director, Corporate Services and Governance	01/18	Petition from GMB	Petition against the proposed parking restrictions on Shearlegs Road, Albany Road and Park Road	Strategic Director, Communities and Environment	<p>The petition has been received in response to the Council's transport consultation on proposed waiting restrictions in the Shearlegs Road area. The petition is being considered together with other representations received.</p>

16.03.18 Submitted to Councillor Turnbull	02/18	Petition from Residents of Crossfield Park	Petition requesting the closure of the cut through on Crossfield Park	Strategic Director, Communities and Environment	<p>A site visit with local councillors has been completed.</p> <p>It is considered that the closure of the path would not be an option as it is well used. Correspondence with the local councillors has pointed out that it does not appear that the legal tests are satisfied to enable the footpath in question to be stopped up and the Local Highway Authority has a duty under Section 130 of the Highways Act 1980 to assert and protect its highways.</p> <p>The anti-social behaviour at this location has been referred to Safer Communities and partner agencies.</p> <p>The ward councillors, relevant Cabinet member and petitioners will be advised accordingly.</p> <p>It is proposed that the petition be removed from the schedule.</p>
19.07.18 Submitted to Councillor Dick	05/18	Petition from residents of Victoria Avenue, Felling	Petition requesting the enforcement of traffic calming on Victoria Avenue	Strategic Director, Communities and Environment	Ward councillors have been requested to confirm if they wish Victoria Avenue to become part of a 20mph zone. Their responses are awaited.
20.09.18 Submitted to Councillor Dick	06/18	Petition from residents of Stoneygate Lane, Felling	Petition requesting the introduction of a residents parking scheme.	Strategic Director, Communities and Environment	<p>The petition is currently being considered by officers.</p> <p>A local taxi company have been consulted over the parking situation and their response is awaited.</p>

<p>5.10.18 Submitted to Councillor Lee</p>	<p>07/18</p>	<p>Petition from residents of Beacon Lough East</p>	<p>Petition requesting the reinstatement of CCTV around Beacon Lough East Shops</p>	<p>The Gateshead Housing Company</p>	<p>The lead petitioner and local ward councillors have been informed that following last year's budget proposals, a decision was taken by the Council to remove the CCTV and several other cameras in the borough where there were significant costs arising from maintenance implications.</p> <p>The Gateshead Housing Company are working in partnership with other agencies to deal with anti-social behaviour issues in the area.</p> <p>It is proposed that the petition be removed from the schedule.</p>
<p>5.10.18 Submitted to Councillor Lee</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 387</p>	<p>08/18</p>	<p>Petition from residents of Beacon Lough East</p>	<p>Petition requesting the removal of bushes from Harebell Road, Beacon Lough East</p>	<p>The Gateshead Housing Company</p>	<p>Work to remove the hedges at the side of Boxlaw shops will start during week commencing 12 November 2018. The lead petitioner and local ward councillors have been informed accordingly.</p> <p>It is proposed that the petition be removed from the schedule.</p>

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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