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All Members of the Council

My Ref: LCS-DLDS-DS-C-022
Your Ref:

Contact: Karen Robson
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Date: 7 December 2016

NOTICE OF COUNCIL MEETING

You are summoned to attend a meeting of Gateshead Metropolitan Borough Council to be held in the Council Chamber - Civic Centre, at **2.30 pm on Thursday, 15 December 2016** to transact the following business:-

- 1 To confirm the Minutes of the meetings held on 10 November and 25 November 2016 (Pages 5 - 14)**

- 2 Official Announcements**
(announcements may be made by the Mayor, Leader of the Council or the Chief Executive)

- 3 Director of Public Health Annual Report - Presentation**

- 4 Petitions**
(to receive petitions submitted under Council Procedure Rule 10)

- 5 Questions from Members of the Public**
(to consider any questions submitted under Council Procedure Rule 7)

RECOMMENDATIONS FROM CABINET

- 6 **Centrally Employed Teachers' Pay Policy 2016** (Pages 15 - 44)

- 7 **Revision to the Early Retirement/Redundancy Payments for Teachers and members of the Teachers' Pension Scheme** (Pages 45 - 62)

- 8 **Review of Terms and Conditions** (Pages 63 - 76)

- 9 **Care, Wellbeing and Learning: Special Educational Needs and Disabilities Documents** (Pages 77 - 166)

- 10 **Gateshead Council Sports Strategy Documents** (Pages 167 - 184)

- 11 **Local Council Tax Support Scheme for 2017/18** (Pages 185 - 194)

- 12 **Report from the Cabinet** (Pages 195 - 200)

MOTIONS AND QUESTIONS

- 13 **Notice of Motion**
(to consider any notices of motion submitted in accordance with Council Procedure Rule 9.1)

- 13a **Notice of Motion - Sustainability and Transformation Plan** (Pages 201 - 202)

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Questions

(to deal with any questions submitted in accordance with Council Procedure Rule 8.1)

A handwritten signature in black ink, appearing to read "m. barker". The signature is written in a cursive, flowing style.

Mike Barker
Acting Chief Executive

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

Thursday, 10 November 2016

PRESENT: THE MAYOR COUNCILLOR A THOMPSON (CHAIR)

Councillors: P Dillon, R Beadle, M Brain, L Caffrey, B Clelland, P Craig, S Craig, D Davidson, S Dickie, K Dodds, A Douglas, D Duggan, M Foy, P Foy, M Gannon, A Geddes, B Goldsworthy, M Goldsworthy, M Graham, T Graham, J Green, S Green, S Hawkins, M Henry, M Hood, H Hughes, J Kielty, J Lee, P Maughan, K McCartney, J McClurey, J McElroy, C McHugh, P Mole, R Mullen, B Oliphant, C Ord, M Ord, I Patterson, S Ronchetti, C Simcox, J Simpson, L Twist, J Wallace, N Weatherley and A Wheeler

APOLOGIES: Councillors: C Bradley, M Charlton, C Donovan, J Graham, L Green, G Haley, M Hall, E McMaster and M McNestry

CL51 HONORARY ALDERMAN OF THE BOROUGH

On the motion of Councillor M Gannon, duly seconded:

COUNCIL RESOLVED –

That Gateshead Metropolitan Borough Council, under the provisions of the Local Government Act 1972, hereby confers the title of Honorary Alderman upon the former councillor Yvonne McNicol (2004 – 2015) in recognition of her eminent service to the Council and accordingly admits the former councillor to be an Honorary Alderman.

Mayor.....

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

Thursday, 10 November 2016

PRESENT: DEPUTY MAYOR COUNCILLOR P DILLON (CHAIR)

Councillors: A Thompson, R Beadle, M Brain, L Caffrey, B Clelland, P Craig, S Craig, D Davidson, S Dickie, A Douglas, D Duggan, M Foy, P Foy, M Gannon, A Geddes, B Goldsworthy, M Goldsworthy, M Graham, T Graham, J Green, S Green, S Hawkins, M Henry, M Hood, H Hughes, J Kielty, P Maughan, K McCartney, J McClurey, J McElroy, C McHugh, P Mole, R Mullen, B Oliphant, C Ord, M Ord, I Patterson, S Ronchetti, C Simcox, J Simpson, J Turnbull, L Twist, J Wallace, N Weatherley and A Wheeler

APOLOGIES: Councillors: C Bradley, M Charlton, C Donovan, J Graham, L Green, G Haley, M Hall, E McMaster and M McNestry

CL52 TO CONFIRM THE MINUTES OF THE MEETINGS HELD 22 SEPTEMBER 2016

COUNCIL RESOLVED - That the minutes of the meetings held 22 September 2016 be approved as a correct record.

CL53 OFFICIAL ANNOUNCEMENTS

There were no official announcements.

CL54 PETITIONS

Councillor Wheeler submitted a petition objecting to the possible closure of Pelaw Library and the option to remove trained staff and insertion of volunteers.

Councillor Hughes submitted a petition asking for Crawcrook Library to remain open.

CL55 QUESTIONS FROM MEMBERS OF THE PUBLIC

Mr Stoker submitted the following question:

“Will the Council consider reversing the decision to insert parking restrictions, specifically double yellow lines, on Back Row Whickham and outside of my business, L Oxley’s Fish and Chip Shop”.

Councillor M Brain, Cabinet Member for Environment and Transport, responded to the question.

CL56 PRESENTATION BY LAURA PIDCOCK, SHOW RACISM THE RED CARD

Laura Pidcock (Manager, North East Education Team) at Show Racism the Red Card provided a presentation on the contemporary context of racism in the region and what services the organisation provide in Gateshead to support residents and the Council.

CL57 REPRESENTATION ON GATESHEAD HEALTH AND WELLBEING BOARD

Consideration was given to a report seeking to appoint an additional representative to Gateshead Health and Wellbeing Board.

COUNCIL RESOLVED - i) That the appointment of one representative of the Tyne and Wear Fire and Rescue Service, with full voting rights, be approved.

ii) That Article 11 of the Council's Constitution be amended accordingly.

CL58 REVENUE BUDGET - SECOND QUARTER REVIEW 2016/17

Consideration was given to a report that informed of the latest monitoring position on the 2016/17 revenue budget at the end of the second quarter to 30 September 2016 and which recommended a budget virement in relation to Adult Social Care.

COUNCIL RESOLVED - i) That the budget virement in relation to Adult Social Care, as set out in paragraph 8 of the report, be approved.

ii) That the Council's revenue expenditure position at 30 September 2016, as set out in Appendix 1 of the report, be noted.

CL59 CAPITAL PROGRAMME AND PRUDENTIAL INDICATORS 2016/17 - SECOND QUARTER REVIEW

Consideration was given to a report that informed of the latest position on the 2016/17 Capital Programme and Prudential Indicators at the end of the first quarter to 30 September 2016. The report also considered the impact of CIPFA's Prudential Code on the capital programme and the monitoring of performance against the Statutory Prudential Indicators.

COUNCIL RESOLVED - i) That all variations to the 2016/17 Capital Programme, as detailed in Appendix 2 of the report, be approved as the revised programme.

ii) That the financing of the revised programme be approved.

iii) That it be confirmed 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 2016/17 have been breached.

CL60 GATESHEAD COMMUNITY INFRASTRUCTURE LEVY (CIL)

Consideration was given to a report that informed of the outcome of the Examiner's report on the Gateshead Community Infrastructure Levy (CIL) Draft Charging Schedule, the proposed minor modifications to the Charging Schedule and associated policies. The report also proposed formal adoption of the Charging Schedule and associated policies with a proposed implementation date of 1 January 2017.

- COUNCIL RESOLVED -
- i) That the Report on the Examination of the Gateshead and Newcastle Community Infrastructure Levy (CIL) Draft Charging Schedules (August 2016) be noted.
 - ii) That the content of the CIL Charging Schedule be approved.
 - iii) That the CIL Charging Schedule be formally adopted and that it shall take effect from 1 January 2017.
 - iv) That it be noted that Cabinet, in addition to approving recommendations 4 to 6 of the Cabinet report, also agreed that a further report be submitted to Cabinet on the implementation of the 15% communities' element with proposals for governance and distribution of this element of CIL.

URGENT BUSINESS

- COUNCIL RESOLVED - That in accordance with Council Procedure Rule 4.3, the next item of business be added to the agenda to ensure the TUPE transfer of staff in accordance with timelines specified within the Cabinet report.

CL61 RESTRUCTURING AND REALLOCATION OF HOUSING AND CONSTRUCTION FUNCTIONS

Consideration was given to a report seeking approval of the proposed restructuring and reallocation of Housing and Construction functions.

- COUNCIL RESOLVED - That the recommendations as detailed within the Cabinet report be approved.

CL62 REPORT FROM THE CABINET

The Leader of the Council reported on a number of key issues currently affecting the Council and also the budget consultation which has now commenced.

COUNCIL RESOLVED - That the information be noted

CL63 NOTICE OF MOTION - THE BUS SERVICES BILL

Councillor D Bradford moved the following motion:

“This Council notes:

1. The Bus Services Bill passing through Parliament proposes measures which would effectively prohibit a Local Authority from forming a company for the purposes of providing a local bus service.
2. That the Localism Act (2011) provides general powers of competence to local authorities.
3. That municipal bus companies provide some of the best bus services in the country and have a successful track record of increasing bus passenger numbers and providing high quality bus services.
4. That public ownership of bus companies commands widespread public support.

This Council resolves:

To promote the principle of public ownership of public transport systems, and instructs the Chief Executive to write to Government stating our objection to any legislation which restricts Local Authority powers to deliver this.”

On the motion being put it was declared to be carried.

CL64 NOTICE OF MOTION - DEVELOPING TOURISM

Councillor R Beadle moved the following motion:

“This Council believes that developing tourism is vital for the future growth of the economy in Gateshead and the North East.

This Council welcomes the announcement that Gateshead and Newcastle will host the Great Exhibition of the North in 2018 and congratulates the Newcastle Gateshead Initiative on securing this event.

This Council believes that hosting major events in the region helps build the visitor economy and therefore welcomes and supports the bid by Sunderland to be UK City of Culture 2021.”

On the motion being put it was declared to be carried.

CL65 QUESTIONS

There were no questions submitted.

Mayor.....

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GATESHEAD METROPOLITAN BOROUGH COUNCIL

COUNCIL MEETING

Friday, 25 November 2016

PRESENT: THE MAYOR COUNCILLOR A THOMPSON (CHAIR)

Councillors: P Dillon, R Beadle, C Bradley, M Brain, M Charlton, B Clelland, S Craig, D Davidson, C Donovan, A Douglas, D Duggan, M Foy, M Gannon, A Geddes, M Goldsworthy, T Graham, S Green, M Hall, S Hawkins, M Henry, M Hood, H Hughes, L Kirton, J Lee, J McClurey, J McElroy, C McHatton, C McHugh, M McNestry, P Mole, R Mullen, B Oliphant, M Ord, I Patterson, S Ronchetti, C Simcox, J Turnbull, L Twist, J Wallace and N Weatherley

APOLOGIES: Councillors: J Adams, D Bradford, L Caffrey, P Craig, S Dickie, K Dodds, John Eagle, P Foy, B Goldsworthy, J Graham, M Graham, J Green, L Green, G Haley, P Maughan, K McCartney, E McMaster, C Ord, J Simpson and A Wheeler

CL66 APPOINTMENT OF CHIEF EXECUTIVE

Consideration was given to a report recommending that Council appoint Sheena Ramsey as its Chief Executive.

COUNCIL RESOLVED - That the appointment of Sheena Ramsey as Chief Executive be approved, from a date to be agreed with the current Acting Chief Executive, following consultation with the Leader of the Council.

Mayor.....

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COUNCIL MEETING

15 December 2016

CENTRALLY EMPLOYED TEACHERS' PAY POLICY 2016

Mike Barker, Acting Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to agree a centrally employed teachers' pay policy 2016.
2. The School Teachers' Pay and Conditions Document (STPCD) 2016 requires local authorities to produce a pay policy which determines teachers' pay and the date at which it will determine teachers' annual pay reviews and establishes procedures for addressing teachers' grievances in relation to their pay.
3. There is no set format to which the policy statement must conform however, the STCPD provides statutory guidance issued by the Secretary of State, to which authorities must have regard when preparing policies.
4. The proposed Pay Policy covers all elements of the STPCD set out under main headings that are intended to demonstrate consistency in the Council's approach to pay across the teaching workforce and to highlight any differences.
5. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

6. It is recommended that Council approve the draft policy at Appendix 2 of the attached report.

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TITLE OF REPORT: Centrally Employed Teachers' Pay Policy 2016

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

Purpose of the Report

1. To agree a centrally employed teachers' pay policy 2016, for approval by the Council, as set out in Appendix 2 to this report.

Background

2. The School Teachers' Pay and Conditions Document (STPCD) 2016 requires local authorities to produce a pay policy which determines teachers' pay and the date at which it will determine teachers' annual pay reviews, and establishes procedures for addressing teachers' grievances in relation to their pay.
3. Whilst there is no set format to which the policy statement must conform, the STPCD provides statutory guidance issued by the Secretary of State, to which authorities must have regard when preparing their policies.
4. The policy must be available for all centrally employed teachers to access, and be applied when the Council makes teachers' pay determinations.

Proposal

5. The Pay Policy as proposed in Appendix 2 covers all elements of the STPCD set out under main headings that are intended to demonstrate the consistency in the Council's approach to pay across the teaching workforce and to highlight any differences. Those main headings are:
 - General principles regarding teachers' pay
 - Governance arrangements and development of pay and allowances ranges
 - Payment for additional duties
 - Process for appeals

Recommendation

6. It is recommended that the attached draft policy is agreed by Cabinet and referred to the Council for approval.

For the following reason:

- To comply with the requirements of the STPCD

Contact: Mike Barker

Ext 2100

Policy Context

1. The annual publication of a pay policy statement for the year 2016/17 is a requirement of the STPCD.

Background

2. The Council's approach to teachers' pay has been determined by reference to the statutory legislation governing teachers' pay (STPCD). The pay policy incorporates the key requirements of this document.

Consultation

3. The Council's recognised teaching trade unions have been consulted. The Cabinet members for Children and Young People and the Leader have been consulted on the proposals.

Alternative Options

4. The publication of a pay policy statement is a legal obligation under the statutory legislation governing teachers' pay.

Implications of Recommended Option

5. **Resources:**

- a) **Financial Implications** – There are no financial implications arising from this report.
- b) **Human Resources Implications** – The Council's centrally employed teachers' pay policy is designed to recruit, reward, motivate and retain as necessary employees with the skills and attributes required to deliver the Council's educational services. It is 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.

6. **Risk Management Implications** - The changes in the Council's centrally employed teachers' pay policy as recommended in the report are relatively minor and are not considered to introduce any new risk.

7. **Equality and Diversity Implications** – Fair pay and reward are fundamental to the Council's approach to employment. The Council's application of consistent pay principles throughout the organisational structure ensure that Equality and Diversity issues are properly taken into account.

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

9. **Health Implications** - There are no health implications.
 10. **Sustainability Implications** - There are no sustainability implications.
 11. **Human Rights Implications** – There are no human rights implications.
 12. **Area and Ward Implications** - There are no area and ward implications.
- Background Information** - School Teachers' Pay and Conditions Document 2016

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Centrally Employed Teachers' Pay Policy 2016

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1. Aim

- 1.1. Section 3 of the School Teachers' Pay and Conditions Document places a statutory duty on the Council to have a pay policy for teaching staff, including appeals against pay determinations.
- 1.2. This policy sets out the basis on which the Council will make pay determinations for all teachers centrally employed and the date on which the determinations will be made.
- 1.3. The Council seeks to ensure that all teachers are valued and receive proper recognition and remuneration for their work and their contribution to education across Gateshead.

2. Scope

- 2.1. This policy applies to all teachers employed by the Council. However, it does not apply to teachers employed or appointed by the governing body to work in a maintained school as the responsibility for pay decisions lies with the governing body of the school.
- 2.2. This policy will:
 - maintain and improve the quality of education provided for pupils in Gateshead;
 - demonstrate to employees that the Council is acting in the best interests of education across Gateshead;
 - be implemented in a fair, consistent and responsible way;
 - be made available to all centrally employed teachers.

3. Responsibilities

- 3.1. The Council will:
 - promote high standards of educational achievement across Gateshead;
 - delegate authority to the relevant service director to administer the pay policy on its behalf;
 - consult with Human Resources where appropriate;
 - abide by all relevant legislation and, in particular, will not discriminate on grounds of race, colour, ethnic origin, religion, belief, gender, marital status, sexual orientation, disability or age with regard to all decisions on recruitment, remuneration and development;
 - seek to ensure that there is pay relativity between jobs within the Council recognising accountability and job weight and the need to recruit, retain and motivate employees;

The Pay Policy

- seek to ensure that arrangements for linking appraisal to pay are applied consistently and objectively;
- seek to ensure procedures for determining pay are consistent with the principles of public life - objectivity, openness and accountability;
- adhere to Council policies governing employment issues e.g. redundancy and retirement policies.

3.2. The relevant service director will:

- decide pay determinations for all teachers within their service;
- exercise its responsibilities within the constraints of the Council's budget;
- treat information about all teachers' earnings as confidential;
- review job profiles regularly and will reconsider the grade of any role should responsibility or accountability change;
- take account of the advice of the relevant service manager/head teacher and recommendations from appraisers when making pay determinations;
- seek advice and guidance from the school improvement partner when developing the head teacher's job profile, setting performance objectives and determining pay;
- consult with all teachers and their trade union representatives on changes to the service's staffing structure which has implications on pay;
- consult with teachers and their trade union representatives during each annual review of the pay policy.

3.3. The service manager/head teacher will:

- seek to ensure that job profiles are in place for all roles at the time of advertising;
- review all teachers' job profiles as part of the appraisal process and consult with teachers' and their trade union representatives on any changes to the responsibilities or accountabilities of their role;
- seek to ensure that effective appraisal arrangements are in place and that any appraisers have the knowledge and skills to apply procedures fairly and consistently;
- make recommendations to the relevant service director with regard to staffing matters including structures, grades, pay and discretionary payments.

3.4. The employee will:

- engage in consultation with the relevant service director and/or the service manager/head teacher in relation to staffing matters including structures, job profiles and grading;
- participate in arrangements made for their performance appraisal, in accordance with their conditions of employment.

4. Annual Determination of Pay

- 4.1. All teachers will have their performance appraised annually and an annual pay review will take place between 1st September and 31st October. Annual pay progression determinations will be back dated to 1st September.
- 4.2. Where appropriate, the relevant service director should take into account the relevant information from appraisal reports in making pay determination decisions.

5. Records

- 5.1. Pay information will be confidential to the employee concerned, the service manager/head teacher and the relevant service director.

The Procedure

The Council will follow the requirements of the current School Teachers' Pay and Conditions Document ("the Document") in implementing the pay policy for centrally employed teaching staff.

The discretions allowed by the Document will be applied according to identified service needs and based on clearly laid down criteria, subject to annual review.

1. Leadership Group

Leadership Pay Ranges

- 1.1. The Council will determine those posts that have substantial strategic responsibilities for leadership of educational provision in Gateshead. These will comprise the leadership group and may include an executive head teacher, head teacher, deputy head teacher(s) and/or assistant head teacher(s).
- 1.2. The relevant service director will establish and approve the service's/educational provision's group size and appropriate pay ranges for members of their leadership group in accordance with the provisions of the Document.
- 1.3. The service's/educational provision's group size will be recalculated in accordance with the provisions of the Document whenever:
 - a new head teacher is to be appointed;
 - the existing head teacher becomes permanently responsible for more than one school;
 - or there is a significant change in pupil numbers as determined in the Department of Education's School Census.
- 1.4. The Council has agreed to implement the attached reference points for the leadership pay ranges as detailed in appendices 1 - 4.

Head Teacher's Pay Range

- 1.5. The Council has determined in accordance with the provisions of the Document that the group size for the Behaviour Support Service is group 2. The head teacher's pay range is currently set as L19 – L25 with performance related progression as per the reference points detailed in appendix 1.

Head Teacher's Pay Range Review

- 1.6. The head teacher's pay range will be reviewed and re-determined, if necessary, in accordance with the provisions of the Document whenever:
 - a new head teacher is to be appointed;
 - a new deputy or assistant head teacher is to be appointed;
 - an additional leadership role is established and appointed to;
 - there is a significant change in the head teacher's or other members of the leadership group's responsibilities;

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- the existing head teacher becomes permanently responsible for more than one school; or
 - there is a significant change in pupil numbers as determined in the Department for Education's School Census.
- 1.7. The Council will then set an appropriate pay range taking into account all the permanent responsibilities of the head teacher, any challenges specific to the role of head teacher and all other relevant considerations.
- 1.8. A newly appointed head teacher will be appointed within the head teacher's pay range taking into consideration the extent to which they meet the requirements of the role ensuring there is appropriate scope within the range to allow for performance related progression.
- 1.9. The relevant service director may determine to exceed the maximum of the head teacher's pay range and/or the leadership pay range (group) where they determine circumstances specific to the role warrant a higher than normal payment. The salary and any additional payments will not exceed the maximum of the leadership pay range (group) by more than 25%.
- 1.10. The relevant service director will record the rationale for any pay determinations made in relation to the head teacher's pay range.

Head Teacher Temporary Payments

- 1.11. Temporary payments will not be awarded to the head teacher as an incentive for recruitment or retention. Recruitment and retention considerations will be taken into account when determining and appointing to the head teacher's pay range.
- 1.12. The relevant service director may determine a temporary payment to be made to the head teacher taking into account:
- any temporary responsibilities or duties that are in addition to their role; or
 - being appointed as a temporary head teacher of one or more additional educational provisions/schools (i.e. soft federation).
- 1.13. The relevant service director will only determine a payment for the above reasons if they have not already been accounted for when determining the head teacher's pay range.
- 1.14. If the relevant service director has exceeded the maximum of the head teacher's pay range and/or leadership pay range, this must be taken into account when calculating the temporary payment as the total will not exceed 25% of the head teacher's annual salary in any school year.
- 1.15. The relevant service director has the discretion, in wholly exceptional circumstances, to exceed the 25% limit. However, they will seek external independent advice before agreeing such temporary payment.

Assistant Head Teacher(s) Pay Range

1.16. The assistant head teacher's pay range within the Behaviour Support Service is currently set as L7 – L11 with performance related progression as per the reference points detailed in appendix 2.

Assistant Head Teacher's Pay Range Review

1.17. The assistant head teacher's pay range will be reviewed and re-determined, if necessary, in accordance with the provisions of the Document whenever:

- a new head teacher is to be appointed;
- a new deputy or assistant head teacher is to be appointed;
- an additional leadership role is established and appointed to;
- there is a significant change in the head teacher's or other members of the leadership group's responsibilities;
- the existing head teacher becomes permanently responsible for more than one school; or
- there is a significant change in pupil numbers as determined in the Department for Education's School Census.

1.18. The relevant service director will establish appropriate pay differentials by identifying the salary of the highest paid classroom teacher (including taking account of the value of the maximum salary of the pay range, TLR and SEN allowances) to determine the minimum point for the deputy or assistant head teacher pay range.

1.19. The relevant service director will then set an appropriate pay range taking into account all the permanent responsibilities of each deputy and assistant head teacher role and all other relevant considerations.

1.20. The pay range for a deputy or assistant head teacher will only overlap the head teacher's pay range in exceptional circumstances. If the relevant service director determines an overlap, the maximum point of the deputy or assistant head teachers' pay ranges will not be above the maximum point of the head teacher's pay range.

1.21. The relevant service director may determine deputy and assistant head teachers' pay ranges which overlap.

1.22. Newly appointed deputy and assistant head teachers will be appointed within the pay range taking into consideration the extent to which they meet the requirements of the role ensuring there is appropriate scope within the range to allow for performance related progression. The relevant service director will formally record the rationale for this decision.

1.23. Recruitment and retention payments will not be awarded to deputy or assistant head teachers. Recruitment and retention considerations will be taken into account when determining and appointing to the deputy and assistant head teacher's pay ranges.

2. Leading Practitioners

- 2.1. The Council may employ teachers as leading practitioners if appropriate, and the relevant service director will determine an individual five point range within the leading practitioner pay range for each post established. The Council has determined the leading practitioner pay range as attached at appendix 4.
- 2.2. Leading practitioners are not entitled to receive TLR payments as all permanent responsibilities for teaching and learning should be taken into account when determining the individual pay range for the role.

Leadership Group/Leading Practitioners Pay Progression

- 2.3. The relevant service director must consider annually whether or not to increase the salary of all members of the leadership group and leading practitioners who have completed a year of employment since the previous pay determination.
- 2.4. The Council's Teacher Appraisal Policy ensures that a review against performance objectives is undertaken annually. The relevant service director will then consider recommendations made following the performance appraisal and will determine whether or not to award any progression with the maximum award of 2 points.

Leadership Acting Allowances

- 2.5. The relevant service director may award an acting allowance to members of the leadership group below head teacher who, for a minimum period of one month, carries out the duties of a more senior member of the leadership group.
- 2.6. Such an allowance would be assessed as though the member of the leadership group were being appointed to the substantive role. Payment will be made on the lowest point of the appropriate pay range. Payment may be backdated to the commencement of the duties.

3. Unqualified Teachers

- 3.1. Unqualified teachers are those teachers who have yet to achieve Qualified Teacher Status (QTS) and will be paid on the unqualified teacher's pay range until QTS is granted. The Council has determined the unqualified teacher's pay range and this is attached at appendix 5.
- 3.2. The service manager/head teacher will determine where a newly appointed unqualified teacher will enter the range, having regard to any qualifications or experience they may have, which they consider to be of value and will base this decision on the following criteria:
 - qualifications;
 - added value to the service;
 - level of training required to fulfil the needs of the post;

The Procedure

- current salary;
- level of experience.

3.3. Unqualified teachers are not entitled to hold TLR 1 or 2 posts on the Council's staffing structure or be awarded a TLR 3.

4. Newly Qualified Teachers

4.1. Newly Qualified Teachers (NQTs) appointed to the Council will be placed on the minimum point of the main pay range. On completion of induction, NQTs have no automatic right to pay progression. The evidence from induction will inform decisions about pay progression as part of the annual determination of teachers' pay.

5. Qualified Teachers

5.1. All qualified teachers, including FE Teachers with Qualified Teacher Learning and Skills (QTLS) status will be paid on the main pay range or upper pay range.

Main Pay Range

5.2. Qualified teachers will be paid on the main pay range. The Council have determined the main pay range and this is attached at appendix 5.

5.3. Newly appointed teachers to the Council will be placed on the minimum of the range. The service manager/head teacher may use their discretion to award further salary in appropriate circumstances having regard to any qualifications or experience they may have, which they consider to be of value and will base this decision on the following criteria:

- qualifications;
- added value to the service/educational provision;
- level of training required to fulfil the needs of the post;
- current salary;
- level of experience.

5.4. In exercising this discretion the service manager/head teacher will treat employees fairly and consistently, taking account of the requirements of equal opportunities legislation and will record the reasons for their decision. Points on the main pay range, once awarded, will not be taken away whilst at the Council.

Main Pay Range Progression

5.5. The Council's Teacher's Appraisal Policy ensures that a review against performance objectives and the Teachers' Standards (England) is undertaken annually with all main pay range teachers. The service manager/head teacher

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will report the conclusions of these performance appraisals with pay progression recommendations to the relevant service director.

- 5.6. The relevant service director will then determine whether or not to award any progression for all main pay range teachers who have completed a year of employment since the previous pay determination.
- 5.7. The Council has determined that main pay range teachers will progress through the pay range on the basis of 1 point per successful appraisal in accordance with the Council's Teachers Appraisal Policy.
- 5.8. The Council will not exercise its discretion to award additional points where the teacher's performance in the previous 12 months has been excellent having regard to all aspects of their professional duties.
- 5.9. The Council will not progress a main pay range teacher through the pay range when performance is determined as requiring a supportive action plan in accordance with the Council's Capability Policy and Procedure.

Progression on to the Upper Pay Range

- 5.10. The service manager/head teacher will accept applications once a year from teachers at any point on the main pay range to be paid on the upper pay range and applications must be received by 31 October.
- 5.11. It is the responsibility of the teacher to notify the service manager/head teacher that they wish to apply for the upper pay range and must provide the following:
 - evidence that they are highly competent in all elements of the relevant standards;
 - evidence of their contribution and achievements to the service/educational provision.
- 5.12. The service manager/head teacher will assess any application for progression to the upper pay range received and will make a recommendation to the relevant service director based on being satisfied that:
 - the qualified teacher is highly competent in all elements of the Teachers' Standards (England);
 - the qualified teacher has made substantial and sustained achievements and contributions to the service/educational provision.
- 5.13. Across the Council, this means:
 - "highly competent" - having excellent depth and breadth of knowledge, skill and understanding of the Teachers' Standards (England)
 - "substantial" - raising standards of teaching and learning whilst making a significant wider contribution to school improvement, which impacts on pupil progress and the effectiveness of staff and colleagues

The Procedure

- “sustained” - two consecutive successful appraisal reports and have made good progress towards performance objectives during this period.

5.14. The relevant service director will then determine by 30 November whether or not to progress main pay range teachers onto the upper pay range. Any decision made applies only to the teacher’s employment with the Council.

5.15. The Council has determined that all main pay range teachers successfully progressing to the upper pay range will be placed on the minimum point of the upper pay range.

5.16. Where main pay range teachers have been unsuccessful the service manager/head teacher will provide detailed feedback in writing by 31 December.

Upper Pay Range

5.17. The upper pay range will have 3 points as determined by the Council. The upper pay range is attached at appendix 4.

Progression within the Upper Pay Range

5.18. The relevant service director will determine annually whether or not to increase the salary of all upper pay range teachers who have completed a year of employment since the previous pay determination and will consider recommendations made by the service manager/ head teacher.

5.19. The relevant service director will award progression where there has been evidence of substantial and sustained high quality of performance taking into account:

- the achievement of, or good progress towards achieving, the performance criteria agreed in the appraisal plan;
- the sustained and significant contribution to the service;
- two consecutive successful performance appraisals.

5.20. The Council will not progress a teacher through the upper pay range when performance has been determined as requiring a supportive action plan in accordance with the Council’s Capability Policy and Procedure.

Acting Allowances

5.21. The Council may award an acting allowance to a teacher who, for a minimum period of one month, carries out the duties of any member of the leadership group.

5.22. Such an allowance would be assessed as though the teacher had been appointed to the substantive post. Payment will be made on the lowest point of

the appropriate pay range. Payment may be backdated to the commencement of the duties.

6. Supply Teachers

6.1. The Council has determined that supply teachers will be placed on the minimum of the main pay range. The service manager/head teacher has discretion to award further salary in appropriate circumstances having regard to any qualifications or experience they may have, which they consider to be of value and will base this decision on the following criteria:

- qualifications;
- added value to the service;
- current salary;
- level of experience.

6.2. Teachers employed on a day-to-day or other short notice basis will be paid on a daily basis calculated on a full working year consisting of 195 days. Periods of employment for less than a day will be calculated pro rata to the number of hours that the teacher is employed during the course of the school's timetabled teaching week.

7. Part Time Teachers Working Time Arrangements

7.1. Part time teachers will be paid on a pro rata basis as a proportion of the time a full time teacher works, based on the School Timetabled Teaching Week (STTW).

7.2. The STTW refers to the session hours that are timetabled for teaching, including PPA time and other non-contact time but excluding break times, registration and assemblies.

7.3. The STTW of a full time teacher is to be used as the figure for calculating the percentage for a part time teacher. The STTW will be reviewed and revised whenever the session times or the timetabled teaching week is amended.

8. Teachers - Additional Payments

Teaching and Learning Responsibility payments (TLR)

8.1. The Council will include teaching and learning responsibility posts on the service's structure for clearly defined and permanent additional responsibilities to ensure the continuous delivery of high quality teaching and learning. All responsibilities will be reviewed and evaluated regularly and job profiles will make clear the responsibilities for which a TLR is awarded.

8.2. TLR 1 and 2 posts will be established on a permanent basis and subject to review at the same time as the staffing structure is reviewed. The Council will

The Procedure

not establish a post which carries both TLR 1 and 2 responsibilities. However, on review it may be that the TLR payments are amended to reflect any permanent changes in responsibilities.

8.3. The Council has set the TLR Level 1 annual payments as:

£7,622 £9,380 £11,140 £12,898

8.4. The Council has set the TLR Level 2 annual payments as:

£2,640 £4,545 £6,450

8.5. Where TLR 1 and 2s are awarded to part-time teachers they will be paid pro rata at the same proportion as the teacher's part-time contract.

8.6. A teacher may hold a TLR 1 or 2 on a temporary basis where they are acting up in the absence of a permanent post holder. The details of this acting up arrangement will be confirmed in writing and in these circumstances there will be no entitlement to safeguarding when the arrangement ceases.

8.7. The service manager/head teacher will attach a TLR 3 to any teacher's post for a fixed term period for a defined service improvement project or a one-off externally driven responsibility.

8.8. The service manager/head teacher will determine the amount paid for a TLR 3 taking into account the nature and responsibility of the work involved. The service manager/head teacher will also establish the length of time required for completion at the outset. Payment for a TLR 3 will be made on a monthly basis for the duration of the fixed term period. On completion of the TLR 3 a teacher will not be entitled to safeguarding.

8.9. The Council has set the TLR Level 3 payments as:

£523 £1,563 £2,603

8.10. The Council will ensure that a written notification will be given at the time of appointment into a TLR 1 or 2 post or at the attachment of a TLR 3.

Recruitment and Retention Payments

8.11. Where the relevant service director has awarded a recruitment or retention incentive to the deputy or assistant head teachers under a previous Document, they may continue to make that payment, at its existing value, until such time as the deputy or assistant head teacher's pay range is re-determined under the Document.

8.12. The relevant service director has the discretion to make recruitment and retention payments to leading practitioners and teachers.

The Procedure

8.13. Payments for recruitment will only be made when all attempts to recruit a suitably qualified teacher have failed.

8.14. Payments for retention will only be made in the following circumstances:

- to retain a specialist skill, knowledge, experience that no other employee has and is required by the service/educational provision for its improvement plan;
- specialist knowledge which cannot be quickly passed on to a colleague; or
- where there will be a difficulty to recruit someone with that skill, knowledge or experience.

8.15. The Council has determined that the payments for recruitment and retention will be £2640 per annum.

8.16. The relevant service director will determine the period over which recruitment and retention payments are to be made and will specify the expected duration at the commencement of the payment. Any such payments will be regularly reviewed and will be withdrawn at the end of the specified duration unless there are exceptional circumstances to justify an extension.

8.17. The Council will ensure that a written notification will be given at the time of the payment being determined.

Special Educational Needs (SEN) Allowance

8.18. The Council will award an SEN allowance of not less than £2,085 and not more than £4,116 per annum to a teacher.

8.19. In normal circumstances, the allowance for SEN will be awarded at the minimum value. For a particular shortage of skills, the service manager/head teacher will use their discretion to determine a higher value taking into account:

- whether any mandatory qualifications (visually, hearing impaired or autism qualification) are required for the post;
- the qualifications or expertise of the teacher relevant to the post;
- the relative demands of the post.

8.20. The service manager/head teacher will award a SEN Allowance to a classroom teacher who is:

- teaching pupils in one or more designated special classes or units in the service/educational provision (£2,085);
- in any SEN post that requires a mandatory SEN qualification (not the National Award for Special Educational Needs Co – ordination which should be included in a TLR payment) (£3,061).

8.21. The SEN Allowance will have 2 spot values as determined by the Council and shown above.

Unqualified Teacher's Allowance

8.22. The Council has determined an additional allowance of not more than £2,640 per annum will be paid to an unqualified teacher where the service manager/head teacher considers the teacher has:

- taken on a sustained additional responsibility which is focused on teaching and learning and requires the teacher to exercise their professional skills and judgement; or
- qualifications or experience which brings added value.

Payment for Initial Teacher Training (ITT) Activities

8.23. The Council may make an additional payment to teachers, including members of the leadership group (excluding the head teacher and any leading practitioner), for activities related to the provision of ITT.

8.24. ITT activities might include supervising and observing teaching practice, giving feedback to students on their performance and acting as professional mentors, running seminars or tutorials on aspects of the course and formally assessing students' competence.

8.25. Leading practitioners are not eligible for this additional payment as it is a requirement of their role in school and therefore should be taken into consideration when determining their pay range. Payment would not be appropriate to assist in the mentoring and training of newly appointed employees.

8.26. Responsibilities for ITT activities may be included in a TLR role. However, this would not result in the payment as detailed below.

8.27. Payment for activities related to the provision of ITT as part of the ordinary conduct of the school will be determined by the service manager/head teacher taking into account the level of funding available to the Council by virtue of its partnership with a higher education institution. Such payments will be made at the daily rate of 1/195 or at a percentage of the daily rate.

Out of School Hours Learning Activity

(i.e. booster classes, homework clubs, summer schools, etc.)

8.28. The Council will pay teachers, excluding the head teacher, who participate in out-of-school hours learning activities provided:

- the teacher has been asked by the service manager/head teacher to participate in such activity and has agreed to do so;
- the teacher has made a substantial and, where appropriate, regular commitment to such activity;
- such activity has taken place outside the 1265 directed hours of working.

The Procedure

8.29. The basis on which this payment is made by the Council to the teacher will be reviewed on a regular basis. Payment will be based at a pro rata rate of 1/1265 hours.

Payment for Continuing Professional Development

8.30. The Council has the discretion to award to teachers, excluding the head teacher, an additional payment for undertaking voluntary continuing professional development at weekends or in school holidays where:

- the teacher has been asked by service manager/head teacher to participate in such activity and has agreed to do so;
- the teacher has made a substantial and, where appropriate, regular commitment to such activity;
- such activity has taken place outside the 1265 directed hours of working.

8.31. The basis on which such payment is made by the Council to the teacher will be reviewed on a regular basis. Payment will be based at a daily rate of 1/195 or at a percentage of the daily rate.

9. Safeguarding - Teachers

9.1. The Council will apply the safeguarding principles to all teachers in accordance with the Document.

10. Appeals

10.1. All teachers employed in the Council may appeal against a pay determination or any other decision that affects their pay. All teachers should understand that any decision made under the appeals process is final and there is no further right of appeal or recourse under the Council's grievance policy and procedure.

Reasons for Appeal

10.2. All pay determinations for teachers will be based upon the Document. Decisions on pay determination and the basis on which the decision has been made will always be confirmed in writing. Appeals against the decision of the relevant service director will normally fall within, but are not limited to, the following areas:

- incorrectly applying the Document;
- incorrectly applying the Council's Centrally Employed Teachers' Pay Policy;
- failure to have regard for statutory guidance;
- failure to take proper account of relevant evidence;
- potentially biased;

The Procedure

- taking account of irrelevant or inappropriate evidence; or
- potentially discriminating against the employee.

Appeals Process

10.3. If a teacher is not satisfied with the written pay determination they must:

- set out in writing their grounds for appeal;
- address their written appeal to the relevant strategic director;
- submit their written appeal within 10 working days of receipt of their written pay determination.

10.4. The relevant strategic director will convene a meeting to hear the appeal within 20 working days of receipt of the written appeal and the teacher will be notified in writing of the date of the meeting and be notified of their right to be represented by their trade union representative or work colleague.

10.5. The teacher will offer an alternative date within 5 working days of the original date if they or their chosen trade union representative or work colleague has a justifiable reason to not be available for the original date.

10.6. Any relevant written documentation that will be referred to, including the written appeal letter, will be circulated to all parties at least 5 working days before the meeting.

10.7. At the meeting, the relevant strategic director will hear representations from the relevant service director and the teacher concerned. All parties will be given the opportunity to ask questions of each other and to summarise their representations. The relevant strategic director will then adjourn and review the original pay determination based on the evidence provided and the criteria set in the Council's pay policy. The relevant strategic director will either dismiss the appeal or refer the teacher's pay determination back to the relevant service director for redetermination.

10.8. The relevant strategic director's decision will be confirmed in writing to the teacher within 5 working days of the appeal meeting.

Appendix 1

Leadership Pay Range – Executive/Head Teachers

Group 1

L6	44,102
L7	45,290
L8	46,335
L9	47,492
L10	48,711
L11	49,976
L12	51,127
L13	52,405
L14	53,712
L15	55,049
L16	56,511
L17	57,810
L18a	58,677

Group 2

L8	46,335
L9	47,492
L10	48,711
L11	49,976
L12	51,127
L13	52,405
L14	53,712
L15	55,049
L16	56,511
L17	57,810
L18	59,264
L19	60,733
L20	62,240
L21a	63,147

Group 3

L11	49,976
L12	51,127
L13	52,405
L14	53,712
L15	55,049
L16	56,511
L17	57,810
L18	59,264
L19	60,733
L20	62,240
L21	63,779
L22	65,363
L23	66,982
L24a	67,963

Appendix 1

Group 4

L14	53,712
L15	55,049
L16	56,511
L17	57,810
L18	59,264
L19	60,733
L20	62,240
L21	63,779
L22	65,363
L23	66,982
L24	68,643
L25	70,349
L26	72,089
L27a	73,144

Group 5

L18	59,264
L19	60,733
L20	62,240
L21	63,779
L22	65,363
L23	66,982
L24	68,643
L25	70,349
L26	72,089
L27	73,876
L28	75,708
L29	77,583
L30	79,514
L31a	80,671

Group 6

L21	63,779
L22	65,363
L23	66,982
L24	68,643
L25	70,349
L26	72,089
L27	73,876
L28	75,708
L29	77,583
L30	79,514
L31	81,478
L32	83,503
L33	85,579
L34	87,694
L35a	88,984

Appendix 1

Group 7

L24	68,643
L25	70,349
L26	72,708
L27	73,876
L28	75,708
L29	7,7583
L30	79,514
L31	81,478
L32	83,503
L33	85,579
L34	87,694
L35	89,874
L36	92,099
L37	94,389
L38	96,724
L39a	98,100

Group 8

L28	75,708
L29	77,583
L30	79,514
L31	81,478
L32	83,503
L33	85,579
L34	87,694
L35	89,874
L36	92,099
L37	94,389
L38	96,724
L39	99,081
L40	101,554
L41	104,091
L42	106,699
L43	108,283

Appendix 2

Leadership Pay Range – Deputy/Assistant Head Teachers

D1	38,984
D2	39,960
D3	40,958
D4	41,978
D5	43,023
D6	44,102
D7	45,290
D8	46,335
D9	47,492
D10	48,711
D11	49,976
D12	51,127
D13	52,405
D14	53,712
D15	55,049
D16	56,511
D17	57,810
D18	59,264
D19	60,733
D20	62,240
D21	63,779
D22	65,363
D23	66,982
D24	68,643
D25	70,349
D26	72,089
D27	73,876
D28	75,708
D29	77,583
D30	79,514
D31	81,478
D32	83,503
D33	85,579
D34	87,694
D35	89,874
D36	92,099
D37	94,389
D38	96,724
D39	99,081
D40	101,554
D41	104,091
D42	106,699
D43	108,283

Appendix 3

Leadership Pay Range - Leading Practitioners

P1	38,984
P2	39,960
P3	40,958
P4	41,978
P5	43,023
P6	44,102
P7	45,290
P8	46,335
P9	47,492
P10	48,711
P11	49,976
P12	51,127
P13	52,405
P14	53,712
P15	55,049
P16	56,511
P17	57,810
P18	59,264

Appendix 4

Unqualified Pay Range

1	16,461
2	18,376
3	20,289
4	22,204
5	24,120
6	26,034

Main Pay Range

M1	22,467
M2	24,243
M3	26,192
M4	28,207
M5	30,430
M6	33,160

Upper Pay Range

U1	35,571
U2	36,889
U3	38,250



COUNCIL MEETING

15 December 2016

REVISION TO THE EARLY RETIREMENT / REDUNDANCY PAYMENTS FOR TEACHERS AND MEMBERS OF THE TEACHERS' PENSION SCHEME

Mike Barker, Acting Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to agree a revised early retirement / redundancy payments policy for employees who are members of the Teachers' Pension Scheme (TPS).
2. The main changes to the scheme are to:
 - cease to release pension when the employee leaves on the grounds of redundancy; and
 - enhance the redundancy pay table and calculate redundancy payments using actual weekly wage. The redundancy payment will be calculated using the Council's enhanced redundancy payment table
3. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

4. It is recommended that Council approve the draft policy appended to this report.

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TITLE OF REPORT:	Revision to the Early Retirement/Redundancy Payments for Teachers and members of the Teachers' Pension Scheme
REPORT OF:	Mike Barker, Strategic Director, Corporate Services and Governance Darren Collins, Strategic Director, Corporate Resources Sheila Lock, Interim Strategic Director, Care, Wellbeing and Learning

Purpose of the Report

1. To recommend Council to agree a revised early retirement/redundancy payments policy for employees who are members of the Teachers' Pension Scheme (TPS).

Background

2. The Council's Early Retirement Scheme for Teachers approved in 2004 allows employees aged 55 years and over to apply for retirement. Employees who do retire before their normal retirement age will receive an actuarially reduced pension from TPS. Where approval is given for the employee to retire with actual service, the Council pays the difference between the actuarially reduced pension and the actual service pension (mandatory compensation) and if the employee is a teacher at an individual school the school reimburses the Council.
3. The Council's 2004 scheme also allows for employees aged 55 and over who leave on the grounds of redundancy to receive pension at their actual service and an augmentation to their pension (discretionary compensation) by way of a table of added years dependent upon their length of service with Gateshead Council, and a redundancy payment based on the statutory table of weeks and pay. The mandatory compensation and discretionary compensation costs are directly paid by the Council over the course of the lifetime of the retired employee, rather than calculating a strain on the fund lump sum to reimburse the TPS. In that respect the cost is spread out over a number of years.
4. As redundancy is considered a dismissal under employment legislation, the Council, not the school, funds the compensation payments as well as the redundancy payment as the Education Act stipulates that costs incurred in the respect of dismissal or premature retirement of any member of school staff shall not be met by the school's budget unless there is good reason to do so.
5. In 2015/16 there was an overspend of £0.327m against the budget of £2.987m for compensation costs (11% overspend). Although in the last few years the overall number of pensioners supported by the authority has dropped by 4% (46 pensioners) from the 1,069 pensioners supported in 2014/15, the reduction is offset against the inflationary increases required to be applied to pension payments each year (April 2015 CPI indexation was 0.3%).

6. There have been amendments to the Council's Early Retirement Scheme for LGPS members and the Redundancy Policy to include enhanced redundancy payments for non-teaching employees. However, there have been no proposals made to remove the augmentation to actual service or to enhance the redundancy payment for employees who are members of the TPS.

Proposal

7. The early retirement/redundancy payments policy for members of the TPS as proposed in Appendix 2 sets out the regulations and relevant procedures ensuring compliance with the TPS Regulations 2014 and the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations 2015.
8. The main changes are to:
 - cease to release pension when the employee leaves on the grounds of redundancy; and
 - enhance the redundancy pay table and calculate redundancy payments using actual weekly wage. The redundancy payment will be calculated using the Council's enhanced redundancy payment table.

Recommendations

9. It is recommended that the attached draft policy is agreed by Cabinet and referred to the Council for approval.

For the following reason:

To reduce the deficit on the compensation budgets therefore contributing towards the Council's effective financial planning and medium term financial sustainability.

Policy Context

1. The proposed amendments to the Early Retirement and Redundancy Payments Policy will allow the Council to properly manage the severance arrangements for employees who are members of the TPS in circumstances where voluntary redundancy and early retirement in the interests of the efficiency of the service/ schools need to be considered.

Background

2. When a member of the TPS requests early retirement, the Governing Body and/or the Council can approve to release the pension based on the actual service of the employee. Where this approval is given the school/Council funds the difference between the actuarially reduced pension (paid directly by the TPS) and the actual service pension. This is known as mandatory compensation and is paid on a monthly basis directly to the employee. As schools would have to fund this from their own school budget, no teacher has been given early retirement with actual service since the introduction of the 2004 Early Retirement Policy for Teachers.
3. Where members of the TPS have been made redundant, they have been made on the basis that the Council will release their pension based on their actual service, and for teachers who have worked continuously for Gateshead Council for 5 or more years they have had their service augmented by a number of added years that increases with their length of service. This augmentation is known as a discretionary payment and paid on top of the mandatory compensation. Teachers have also had a redundancy payment made to them based on the statutory table of weeks and statutory weekly wage.
4. As redundancy is considered a dismissal under employment legislation the Council, not the school, funds the mandatory and discretionary compensation payments as well as the redundancy payment as the Education Act stipulates that costs incurred in the respect of dismissal or premature retirement of any member of school staff shall not be met by the school's budget unless there is good reason to do so.
5. Mandatory and discretionary compensations are paid for the lifetime of the employee and on their death to the surviving spouse/partner. These costs are met from the Council's Premature Retirement Costs budget heading which has been over spent by £584,000 in 2013/14, £621,000 in 2014/15 and £327,000 in 2015/16.
6. Youth and Community Workers employed by the Council are also members of the TPS and have their pension released based on actual service. At present the augmentation of added years is not applied to these employees; however, they are given redundancy payments based on the Council's enhanced redundancy payment table.
7. Changes to the TPS regulations clarifies that redundancy payments based on enhanced weeks and salary are prohibited if pension is to be released at actual service. Therefore the arrangements for Youth and Community Workers need to be amended in line with the TPS regulations.

Consultation

8. Consultation has occurred with the trade unions has taken place with regards to this proposal. Whilst they recognised that this would negatively impact their members they understood the reasons for the proposal and that this brought the Council in line with other local authorities.
9. The Cabinet members for Children and Young People and the Leader have been consulted on the proposals.

Alternative Options

10. The alternative options would result in the Council not complying with the TPS regulations and/or not achieving the required budget savings.

Implications of Recommended Option

11. Resources:

- a) **Financial Implications** – There are no financial implications arising from this report. In fact it will reduce the overspend within this budget heading.
- b) **Human Resources Implications** – The removal of releasing pension at actual service with added years may impact on the number of volunteers for redundancy across the schools and increase the number of compulsory redundancies.
- c) **Property Implications** - There are no property implications arising from this report.

12. **Risk Management Implication** - There are no risk management implications from this report.

13. **Equality and Diversity Implications** - There are no equality and diversity implications arising from this report, in fact this will ensure that members of the TPS across the Council/schools are treated equally.

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

15. **Health Implications** – There are no health implications arising from this report.

16. **Sustainability Implications** - There are no sustainability implications arising from this report.

17. **Human Rights Implications** - There are no human rights implications arising from this report.

18. **Area and Ward Implications** - There are no area and ward implications arising from this report.

Background Information - TPS Regulations 2014 and the Teachers' (Compensation for Redundancy and Premature Retirement) Regulations 2015



Teachers' Pension Scheme (TPS) Members Retirement/Redundancy Payments Policy

Index

Retirement/Redundancy Payments Policy Statement

1. The Aim of the Policy
2. Definition of Retirement
3. Application of the Policy
4. Commitments.
5. Retirement Options
6. Redundancy Payments
7. Repayment of Public Sector Exit Payments
8. Exit Payment Cap

Retirement/Redundancy Payments Policy Statement

1. The Aim of the Policy

- 1.1. The Council regards its employees as essential to the successful delivery of excellent services to the public. An integral part of the workforce planning required to ensure the delivery of those services is the Council's approach to, and policy regarding, retirement. The objective of this policy is to allow the Council to consider the retirement or redundancy of employees who are members of the Teachers' Pension Scheme (TPS) as part of its workforce planning process in an effective, fair and consistent manner.
- 1.2. In applying the policy the Council reserves the right to determine how the various options presented within the policy will be applied to each of its pensionable employees.

2. Definition

- 2.1. Retirement is defined as all circumstances where a pensionable member of the TPS terminates/amends their employment with the Council and accesses their pension benefits through the options described in this policy.
- 2.2. A redundancy payment is defined as a payment in compensation of an employee being dismissed due to:
 - the employer closing the business or Service, or
 - the employer closing the employee's workplace, or
 - there is a diminishing need for employees to do work of a particular kind.

3. Application of the Policy

- 3.1. The retirement and redundancy payment provisions within this policy apply to all employees, who are aged 55 or over and are members of the TPS. This includes employees who are employed by the Council and those appointed by school governing bodies.
- 3.2. Retirement under any option within this policy shall not be used as a substitute for premature retirement on the grounds of permanent ill health.
- 3.3. It should be noted that this policy cannot override the various regulations which may be applicable in any individual circumstance.

4. 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, their managers, head teachers, governing bodies and trade unions is maintained;
- TPS regulations are adhered to;
- in cases of redundancy the Council's redundancy payment scheme is adhered to.

Employees must ensure that they:

- adhere to the procedures laid down within this policy and the relevant redundancy policy and procedure;
- provide accurate and timely information as required;
- continue to perform their role in an effective manner, with satisfactory levels of conduct and performance.

5. Retirement Options

Voluntary Retirement

- 5.1. Under the TPS Regulations 2014, it is possible for an employee to retire on or after their 55th birthday but before their normal pension age (NPA) and draw their actuarially adjusted pension benefits immediately. The Council has to give consent to this release of pension. If the Council withholds consent this can only be withheld for a maximum period of 6 months. The pension paid will be reduced on an actuarial basis depending on the individual circumstances of the employee retiring.
- 5.2. Applications to receive a pension under voluntary early retirement must be made online to TPS via their website.

Premature (early) retirement on the grounds of business efficiency

- 5.3. Where there is a need by the Council to terminate the employment of an employee on the grounds of business efficiency and the employee is aged 55 or over, their employment may be terminated by mutual consent with immediate release of their retirement pension benefits.
- 5.4. Regulations require that where premature retirement is granted, pension benefits will be paid in full and the Council or school will meet the mandatory compensation costs.
- 5.5. Where employment is terminated by mutual consent on the grounds of business efficiency, the Council or school reserves the right to award additional pension within the scope of the Teachers (Compensation for Redundancy and Premature Retirement) Regulations 2015 to the employee. Each case will be considered on its own facts and when considering each case, the personal, financial and service delivery implications will be assessed.
- 5.6. Any decision to award additional pension must take into account the Annual Allowance. If the difference in value of the annual pension plus lump sum at the start of the financial year x 16 x CPI and the annual pension plus lump sum at the end of the year x 16 is greater than the Annual Allowance, there will be significant tax implications for the employee.

Phased Retirement

- 5.7. Phased retirement is seen as the pathway to full retirement for an employee, while allowing for effective succession planning for the Council or school. As such, phased retirement applications will be considered in that context.
- 5.8. Employees aged 55 or over can apply to draw up to 75% of their actuarially adjusted retirement pension benefits whilst remaining in employment and have the option of building up further pension benefits.
- 5.9. The phased retirement must result in a reduction of at least 20% of the employee's average annual rate of their pensionable earnings for the previous 6 months. This can be achieved by an employee either reducing their hours in their substantive post and/or moving to a lower graded post for a minimum period of 12 months.

Ill health retirement

- 5.10. If an employee has 2 years or more qualifying service and their employment is terminated on grounds of ill-health, before their NPA a pension will be payable where TPS have certified that the employee meets one of the 2 tiers of ill health retirement.
- 5.11. Tier 1
Ill-Health pension based on an employee's accrued benefit in the scheme is payable if the employee is assessed by TPS as meeting the 'incapacity condition' i.e. 'incapacitated' and is likely to be 'incapacitated permanently'. This is where an employee is permanently unable to teach, but may be able to undertake other work up to their NPA
- 5.12. Tier 2
An enhancement known as 'total incapacity benefit' or 'total incapacity pension' where the employee meets the 'total incapacity condition' and they are assessed as not only being permanently unable to teach but are also unable to undertake any 'gainful employment'* up to their NPA. *Gainful employment is defined as an employee's ability to carry out any work is impaired by more than 90% and is likely to be impaired by more than 90% permanently
- 5.13. Accrued benefits and the total incapacity enhancement are paid as two separate pensions. If an employee's health recovers in the future enough to undertake gainful employment, the total incapacity pension (Tier 2) will cease, but the accrued benefits (Tier 1) will only cease if an employee becomes fit to teach. Any re-employment which an employee undertakes after ill health retirement must be notified to TPS.
- 5.14. Applications for ill health retirement benefits must be made whilst in employment or within 2 years of leaving pensionable service in order to be considered for Tier 1 or Tier 2. An employee must, in conjunction with the Council/school, complete the application for ill health retirement benefits form and the application for ill health retirement benefits – medical information and notes form which are available on the TPS website.

- 5.15. Employees, who have more than 1 but less than 2 years pensionable service and have a life expectancy of less than 12 months, may apply for a one off payment called a short service incapacity grant. This application must be made within 6 months of leaving pensionable employment and directly to TPS.
- 5.16. Former employees who have been out of pensionable service for more than 2 years can apply directly to TPS for out-of-service ill health retirement benefits.

Normal Pensionable Age

- 5.17. The Council does not have a default retirement age (DRA). The previous DRA of 65 was abolished by statute in 2011. Employees can remain in their post indefinitely provided they remain capable of carrying out their role to the standard expected by the Council/school.
- 5.18. For employees in the final salary arrangement before 1 January 2007, their normal pensionable age is 60 subject to their individual circumstances. For those employees who entered pensionable service after 1 January 2007, their normal pensionable age is 65. For any employee in the career average arrangements, their normal pensionable age is their state pension age or 65 whichever is the later date.
- 5.19. Pension benefits must be applied for before the employee's 75th birthday and paid from the 75th birthday.

6. Redundancy Payments

- 6.1. For any proposals that include redundancy the Council/school will confirm that a post is redundant and that this post is deleted from the establishment of the service/school. Where an employee is notified of their redundancy and alternative employment of a similar and appropriate type is not available, the employee will receive a redundancy payment.
- 6.2. Employees will qualify for a redundancy payment if they have at least 2 years' continuous service at the date of redundancy. The same benefits and entitlements will be offered regardless of whether the redundancy is 'voluntary' or 'compulsory'.
- 6.3. 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.
- 6.4. The Council exercises its discretion to apply 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. In addition the Council exercises its discretion to use actual pay in the calculation of weekly pay. This provides for a discretionary compensation payment which is inclusive of any statutory redundancy payment. The Council's Redundancy Pay Table is attached at appendix 1.

- 6.5. Employees aged over 65 will qualify for a redundancy payment if the reason for their dismissal is redundancy.
- 6.6. All employees who are entitled to receive a redundancy payment will be given written notification of the way in which their redundancy payment has been calculated. All redundancy payments made by the Council will be paid no sooner than 5 working days, and no later than 10 working days after the employee's date of redundancy.

Calculation of a week's pay

- 6.7. 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.
- 6.8. The calculation date is the date on which the employment is terminated.
- 6.9. As described, if the employee's pay varies (such as the regular receipt of additional hours), the amount of a week's contractual pay is averaged over the 12 weeks prior to the calculation date.

Statutory Maternity / Adoption Pay

- 6.10. Once an employee has qualified for statutory maternity/adoption 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/adoption leave until closer to her expected date of childbirth.
- 6.11. If an employee is on maternity/adoption leave when they are made redundant they will not be required to refund the any of the maternity/adoption payments already made.

Multiple Contracts

- 6.12. Where an employee has multiple contracts with the Council/school at the point of redundancy, the start date in the contract that they are being made redundant from is used to calculate their redundancy payment. 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 redundancy payment, taking into account any relevant previous continuous service.

Pension

- 6.13. Employees aged 55 or over who volunteer or are selected for redundancy, and are a member of the TPS, will not be automatically entitled to early release of their

pension benefits as from their date of redundancy. Employees can apply to TPS for the release of their actuarially adjusted pension benefits.

7. Repayment of Public Sector Exit Payments

- 7.1. 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.

8. Exit Payment Cap

- 8.1. 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.

Age	Service (Years)																		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	1.25																		
18	1.25	1.875	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
19	1.25	1.875	2.5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
20	1.25	1.875	2.5	3.125	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
21	1.25	1.875	2.5	3.125	3.75	0	0	0	0	0	0	0	0	0	0	0	0	0	0
22	1.25	1.875	2.5	3.125	3.75	4.375	0	0	0	0	0	0	0	0	0	0	0	0	0
23	1.875	2.5	3.125	3.75	4.375	5	5.625	0	0	0	0	0	0	0	0	0	0	0	0
24	2.5	3.125	3.75	4.375	5	5.625	6.25	6.875	0	0	0	0	0	0	0	0	0	0	0
25	2.5	3.75	4.375	5	5.625	6.25	6.875	7.5	8.125	0	0	0	0	0	0	0	0	0	0
26	2.5	3.75	5	5.625	6.25	6.875	7.5	8.125	8.75	9.375	0	0	0	0	0	0	0	0	0
27	2.5	3.75	5	6.25	6.875	7.5	8.125	8.75	9.375	10	10.625	0	0	0	0	0	0	0	0
28	2.5	3.75	5	6.25	7.5	8.125	8.75	9.375	10	10.625	11.25	11.875	0	0	0	0	0	0	0
29	2.5	3.75	5	6.25	7.5	8.75	9.375	10	10.63	11.25	11.875	12.5	13.125	0	0	0	0	0	0
30	2.5	3.75	5	6.25	7.5	8.75	10	10.63	11.25	11.875	12.5	13.125	13.75	14.375	0	0	0	0	0
31	2.5	3.75	5	6.25	7.5	8.75	10	11.25	11.88	12.5	13.125	13.75	14.375	15	15.625	0	0	0	0
32	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.125	13.75	14.375	15	15.625	16.25	16.875	0	0	0
33	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	14.375	15	15.625	16.25	16.875	17.5	18.125	0	0
34	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	15.625	16.25	16.875	17.5	18.125	18.75	19.375	0
35	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	16.875	17.5	18.125	18.75	19.375	20	20.625
36	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.125	18.75	19.375	20	20.625	21.25
37	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	19.375	20	20.625	21.25	21.875
38	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	20	20.625	21.25	21.875	22.5
39	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	20	21.25	21.875	22.5	23.125
40	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	20	21.25	22.5	23.125	23.75
41	2.5	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	20	21.25	22.5	23.75	24.375
42	3.125	4.375	5.625	6.875	8.125	9.375	10.63	11.88	13.13	14.375	15.625	16.875	18.125	19.375	20.625	21.875	23.125	24.375	25.625
43	3.75	5	6.25	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	20	21.25	22.5	23.75	25	26.25
44	3.75	5.625	6.875	8.125	9.375	10.63	11.88	13.13	14.38	15.625	16.875	18.125	19.375	20.625	21.875	23.125	24.375	25.625	26.875
45	3.75	5.625	7.5	8.75	10	11.25	12.5	13.75	15	16.25	17.5	18.75	20	21.25	22.5	23.75	25	26.25	27.5
46	3.75	5.625	7.5	9.375	10.63	11.88	13.13	14.38	15.63	16.875	18.125	19.375	20.625	21.875	23.125	24.375	25.625	26.875	28.125
47	3.75	5.625	7.5	9.375	11.25	12.5	13.75	15	16.25	17.5	18.75	20	21.25	22.5	23.75	25	26.25	27.5	28.75
48	3.75	5.625	7.5	9.375	11.25	13.13	14.38	15.63	16.88	18.125	19.375	20.625	21.875	23.125	24.375	25.625	26.875	28.125	29.375
49	3.75	5.625	7.5	9.375	11.25	13.13	15	16.25	17.5	18.75	20	21.25	22.5	23.75	25	26.25	27.5	28.75	30
50	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.13	19.375	20.625	21.875	23.125	24.375	25.625	26.875	28.125	29.375	30.625
51	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20	21.25	22.5	23.75	25	26.25	27.5	28.75	30	31.25
52	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	21.875	23.125	24.375	25.625	26.875	28.125	29.375	30.625	31.875
53	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	23.75	25	26.25	27.5	28.75	30	31.25	32.5
54	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	25.625	26.875	28.125	29.375	30.625	31.875	33.125
55	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	27.5	28.75	30	31.25	32.5	33.75
56	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	28.125	29.375	30.625	31.875	33.125	34.375
57	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	28.125	30	31.25	32.5	33.75	35
58	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	28.125	30	31.875	33.125	34.375	35.625
59	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	28.125	30	31.875	33.75	35	36.25
60	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	28.125	30	31.875	33.75	35.625	36.875
61+	3.75	5.625	7.5	9.375	11.25	13.13	15	16.88	18.75	20.625	22.5	24.375	26.25	28.125	30	31.875	33.75	35.625	37.5

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COUNCIL MEETING

15 December 2016

REVIEW OF TERMS AND CONDITIONS

Mike Barker, Acting Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to provide feedback on progress made to date in the current review of terms and conditions and to seek approval to implement proposals relating to car allowances and the normal working week.
2. The Council's Workforce Strategy and Plan recognise the need to ensure our approach to pay and reward fits the organisation's values whilst being competitive and sustainable.
3. The current review of terms and conditions is looking at all employment costs including premium payments, personal allowances, essential car user allowance, the working week and pay protection. It will identify which jobs will be affected and by how much, the impact on services and any options for compensation.
4. The proposals outlined in appendix 1 of the attached report relate to:
 - Essential car user allowance
 - Changes to the normal working week
5. The proposals outlined will contribute £113k to 2018/19 budget savings. In addition to this, the changes in the working week would increase productivity by 275 hours per week and should reduce the need for overtime in some areas.
6. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

7. It is recommended that Council approve the implementation of the proposals outlined in the attached report.

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TITLE OF REPORT: **Review of Terms and Conditions**

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

Purpose of the Report

1. The purpose of this report is to provide feedback to Cabinet on progress made to date in the current review of terms and conditions and to seek Cabinet and Council approval to implement proposals relating to car allowances and the normal working week.

Background

2. The Council's Workforce Strategy and Plan recognise the need to ensure our approach to pay and reward fits the organisation's values whilst being competitive and sustainable.
3. Previous reviews of employment costs have been undertaken in the last few years as part of the continuing review of terms and conditions of employment. This has included: services undertaking operational reviews to remove or reduce the reliance on premium rates of pay; a reduction in the number of essential car users by more than 50%; a reduction in car mileage rates and essential car user lump sums; the removal of some personal allowances; reducing the payment of the excess travel allowance; and a reduction in overtime budgets based on the new protocol designed to ensure premium rate overtime is only applied in accordance with the JE agreement: i.e. for 'emergency' overtime.
4. A further review of terms and conditions is being undertaken to reduce the costs of employment; to ensure services are delivered in the most efficient and effective way possible and are sustainable; to reduce the need for further redundancies because of competitiveness/lack of competitiveness or inability to be more flexible; and to make services more cost effective and thereby increase success in traded services.
5. The current review of terms and conditions is looking at all employment costs including premium payments, personal allowances, essential car user allowance, the working week and pay protection. It will identify which jobs will be affected and by how much, the impact on services and any options for compensation.

Progress to date

7. Workshops were held with service directors and service managers to discuss the scope of the review and better understand the impact of the proposals on individual services.
8. Regular meetings have been held with the trade unions and their representations have been fully considered. In summary, they support a review of operational practices

which identifies how a service can be run more efficiently. They also support the withdrawal of allowances where the work is no longer being carried out for which the allowance is paid. However, they do not support any proposals which will see employees' take home pay reduce when they are continuing to carry out their duties in exactly the same way. They are also concerned about the impact of any changes to the current pay protection arrangements. The trade unions believe that the current protection arrangement has been crucial in achieving the outcomes the Council and trade unions have wanted for employees over the previous 5 years. Further negotiation is ongoing with the trade unions regarding proposals to reduce the pay protection period and a further report will be brought in the near future in relation to this.

9. The Council's proposals in this report relate to:
- Essential car user allowance
 - Changes to the normal working week

Details of the proposals and consultation outcomes are included in Appendix 1.

10. The proposals outlined in this report will contribute £113k to 2018/19 budget savings. In addition to this, the changes in the working week would increase productivity by 275 hours per week and should reduce the need for overtime in some areas.

Proposal

11. It is proposed that:
- The essential car user allowance is withdrawn and all employees redesignated as casual car users
 - All employees protected on 35 hours 50 minutes working week are moved onto 37 hours (or pro rata) from 1 April 2017
12. The intention is to implement the proposals relating to the removal of essential car users from all posts except those in the evening Domiciliary Care service with effect from 1 April 2017 and then remove essential car user status from all posts in the evening Domiciliary Care service at a later date once it has been identified how the allowance can be removed without impacting on service delivery.
13. Employees at all levels of the organisation will be impacted by these proposals. There will be no significant impact on any one group or grade of employees.

Recommendations

14. Cabinet is asked to recommend the Council to approve the implementation of the proposals outlined in this report.

For the following reasons:

- (i) To achieve savings in employment costs
- (ii) To modernise and harmonise terms and conditions of employment
- (iii) To minimise redundancies

Policy Context

1. The proposals within this report are part of the Ways of Working workstream and support the priorities in the Council Plan and Vision 2030.
2. Developing effective operational practices and relevant terms and conditions of employment are an important part of the Workforce Plan and will contribute to the avoidance of redundancy whilst recognising that our approach to terms and conditions needs to be competitive and sustainable.

Background

3. Given the continuing need to identify savings to bridge the funding gap identified in the Medium Term Financial Strategy, along with the increasing pressure to ensure our terms and conditions reflect the current climate and the likelihood that this pressure will continue for the foreseeable future we need to ensure our approach to pay and reward fits the organisation's values and commitment to look after the workforce whilst recognising the need to be competitive and sustainable.
4. The Council's Workforce Strategy and Plan confirm this need to have a Pay and Reward Strategy which is fit for purpose, including the continued review of terms and conditions of employment to ensure they are consistent with the Council's aspirations set out in the Council Plan, with particular emphasis on premium payments.
5. The Council is, therefore, proposing a number of amendments to certain terms and conditions of employment that will contribute to the savings targets and improve efficiency, remove anomalies and allow the Council to operate as a modern organisation with fair and appropriate terms & conditions of employment. Whilst the proposals are made reluctantly and the changes may prove unpopular, the alternative of further job loss is far more unpalatable.
6. The review of terms and conditions will continue in order to ensure services are delivered in the most efficient and effective way possible and are sustainable; reduce the need for further redundancies because of competitiveness/lack of competitiveness or inability to be more flexible and make services more cost effective to increase success in traded services.
7. The Trade Unions representations have been fully considered in frequent and regular meetings. Their starting position is as follows:
 - They will support operational reviews on withdrawal of allowances where the work is no longer needed or where the employee has a choice about undertaking the work. They will not, however, support changes in terms and conditions that mean their members will be paid less for doing the same work, in the same circumstances.
 - They do not support a blanket approach to changing terms and conditions believing this will inevitably impact on the poorest paid. They continue to believe that some premium payments could be managed out by managers. Although some services have undertaken operational reviews to reduce or remove the reliance on premium rates, they believe there is further analysis that could be done to identify whether there is scope to remove the need to work in a particular way or to identify those areas where there may be excessive numbers of employees and managers working and attracting premium rates of pay.

- They will agree to review terms and conditions in consultation with their members, where this would secure or retain business or would make the service more competitive or cost effective after all other costs have been looked at and reviewed. They have stated that this should include all on costs not associated with terms and conditions which they feel have never been properly looked at. They believe this is where much larger savings could be made to make services more competitive and may result in increased success in traded services.
 - Terms and conditions spend is less than 2% of the total payroll bill.
 - The trade unions are also concerned about the impact of any changes to the current pay protection arrangements. The trade unions believe that the current protection arrangement has been crucial in achieving the outcomes the Council and trade unions have wanted for employees over the previous 5 years. Further negotiation is ongoing with the trade unions regarding proposals to reduce the pay protection period and a further report will be brought in the near future in relation to this.
8. The Council's proposals for change relate to:
- Essential car user allowances,
 - The normal working week
9. A summary of the proposals are shown below, along with the Trade Unions' response to each proposal.

Proposal relating to withdrawal of Essential Car User status

10. Prior to the first review of essential car users in 2012, there were approximately 599 essential car users. Following a series of reviews since 2012, there are currently 234 employees who retain the essential car user allowance. The intention is to write to all essential car users as soon as possible confirming that they are to be given 12 weeks' notice to have their essential car user status withdrawn and that they will no longer receive the essential user lump sum payment. These employees will be redesignated as casual car users. While casual car users do not receive a lump sum payment, they do receive a higher mileage rate: 46.9p per mile (as opposed to 36.9p per mile as an essential car user).
11. There may be some employees who refuse to use their personal vehicles for work and this could impact on service delivery. We will need to ensure viable alternatives are in place for those employees, therefore it is planned to add a further two to three additional pool cars increasing the number to 21. This increase will be reviewed on a regular basis to ensure it is appropriate.
12. Employees who lose their essential car user status and subsequently refuse to use their personal vehicles for work will be required to sign up to use pool cars and use pool cars when one is available. Employees will be informed that they cannot refuse to use both their own cars and pool cars. If no pool cars are available then employees should consider using public transport if appropriate for the journey, accessing the corporate metro and bus passes that are available.
13. Managers will be expected to work with their employees to support them to plan their work more efficiently and thereby ensure there is no detrimental impact on service delivery.

14. Senior managers in Children and Families social work teams are largely supportive of the removal of the allowance as there is currently a situation within the group where some social workers have the allowance and others don't and this is seen as unfair. They do, however, agree that there are currently retention issues and that the timing for the removal of the allowance should be considered as part of the ongoing remodelling of the Children & Families social work teams.

Trade Union response

15. The trade unions are concerned that the existing retention issues in Children and Families Social Work teams may be exacerbated by the removal of the allowance (the vast majority of essential car user allowances are paid to children's social workers). They are also concerned about the impact of the removal on the evening Domiciliary Care Workers as they will have limited access to alternative transport methods.
16. Before any further removal of any essential car user allowances the trade unions insist that individual service plans are produced by service directors to demonstrate how they intend to manage this situation for all staff. They believe particular attention should be paid to out-based staff who may have no access to alternative transport methods and those who currently use their own vehicles to transport service users. The trade unions still strongly believe that some employees are essential car users and should continue to receive this allowance.

Management response

17. In light of the issues highlighted it is recommended that essential car user allowance is removed from all posts except those in the evening Domiciliary Care service. The ongoing review of the pay and grading structure and retention issues in the Children and Families Social Work teams should alleviate the concerns regarding retention issues and facilitate the removal of this allowance. There will be a further review of the alternative transport options available to the evening Domiciliary Care workers with a view to identifying how the allowance can be removed without impacting on service delivery.
18. The employee impact information relating to this proposal is detailed in Appendix 2.

The annual savings that will be delivered from this proposal will be £113,000.

Proposal relating to Normal Working Week: Move all employees on 35 hour 50 minutes protected hours onto 37 hours

19. The Council wishes to deal with the inequity of employees who still enjoy the protection of working a shorter working week (35h 50m) than their colleagues for the same pay, as it seems particularly inequitable and divisive to have some employees contracted to working fewer hours for the same pay as their colleagues. This protection has been in place since 1998.
20. There are currently approximately 252 employees who are still protected on a 35h 50m or pro rata working week. The proposal is to move all employees protected on 35h 50m onto standard 37 hour working week with no increase in pay.

21. Part time employees working pro rata 35h 50m hours should be given the option to increase hours to appropriate pro rata of 37 hours in order to maintain their earnings (maintaining current hours would result in a pay decrease).

Trade Union Response

22. The Trade Unions believe that this is an unnecessary proposal and does not result in a saving. They believe that this should be phased out as and when people leave the Council or move on to different positions. They have requested an analysis be undertaken to identify if employees who have already had a promotion or moved into a new job have actually moved on to a 37 hour contract, as was previously agreed, as they believe this has not routinely happened.

Management Recommendation

23. The trade unions have previously acknowledged (Cabinet report dated 24 October 2012) that there were provisions in the original single status agreement to review the working week protection arrangements after a period of time, therefore it is recommended that the proposal to move all employees protected on 35h 50m onto a standard 37 hour working week (or pro rata) with no increase in pay is implemented in order to remove the inequality in working arrangements and increase productivity.
24. Moving all protected employees onto a 37h working week (or pro rata) would not deliver any direct savings but would increase productivity by 275 hours per week and should reduce the need for overtime in some areas.
25. The employee impact information relating to this proposal is detailed in Appendix 3.

Premium rates of pay

26. Over £4m is spent per year on premium rates of pay.
27. The Trade Unions were provided with detailed financial information regarding the spend on premium rates of pay per service and per employee for 2015-16 and provided feedback on those areas where they believed there was capacity to reduce or remove the use of premium payments.
28. Meetings were held with service directors to discuss the 2015-16 spend to identify the key issues that would arise from any changes, as well as which changes to premium rates would support them in becoming more sustainable and competitive and to give them an opportunity to comment and consider the information received from the trade unions.
29. A number of service directors are looking at alternative delivery models which might include different terms and conditions. It is accepted that local terms and conditions can be applied to certain groups of employees but only where there is a justifiable difference which could be defended in any equal pay challenge. Service directors are currently putting together business cases about potential delivery models and will work with colleagues in Legal and HR to determine whether local terms and conditions could be justified.
30. Work in relation to premium rates of pay is ongoing and a further report will be brought in the near future on this.

Trade Union Response

31. The trade unions have stated that Local Government Pay has fallen in real terms by nearly 20% since 2009. They believe that those at the bottom of the pay structure including cleaners, catering assistants, school crossing patrol staff etc. salaries would be worth £1,409 more in real terms if it had risen in line with inflation since 2010. A recent report commissioned by the Joseph Rowntree Foundation also found 55% of those in poverty - are now in working households.
32. Locally, premium rates can be worth as much as 25% of take home pay, any reductions in premium rates will have a substantial impact on hundreds of workers – especially low paid women.
33. The trade unions have stated that significant savings have been achieved by developing more efficient, effective and sustainable ways of working and they are committed to continuing with this approach.

Consultation

34. The views of the Leader and Deputy Leader of the Council have been sought in drafting this report. The Council's recognised non-teaching Trade Unions have also been consulted and their views taken into account in the drafting of the proposals.

Alternative Options

35. The Council could decide to make no change to the terms and conditions in the identified areas; however, this alternative will not deliver savings or increase productivity. Savings not achieved would need to be found elsewhere in the budget and would increase the risk of redundancies; it will not address some anomalies within the current payment of the employment costs and it will not help the Council to operate as a modern organisation with fair and appropriate terms and conditions of employment.

Implications of Recommended Option

36. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources, confirms that the recommendations included in this report will deliver full year budget savings of £113,000.
 - b) **Human Resources Implications** – the human resources implications are considered throughout this report.
 - c) **Property Implications** – there are no property implications arising from the recommendations within this report.
37. **Risk Management Implication** - Failure to implement the recommended option would result in the identified savings not being achieved. The risks that have been identified around the implementation of the specific proposals will be managed through Risk Logs that are maintained within Group Management Teams.

38. **Equality and Diversity Implications** –Equality Impact Assessments have been undertaken to analyse the impact of each of the proposals against 6 of the 9 protected characteristics. There will be no significant impact on any one group of employees however, some of the proposals and their impact will need to be monitored and reviewed and this will be carried out on a regular basis. The full Equality Impact Assessments can be found in the Council’s on line papers.
39. **Crime and Disorder Implications** – There are no crime and disorder implications.
40. **Health Implications** - There are no health implications.
41. **Sustainability Implications** - There are no sustainability implications.
42. **Human Rights Implications** - There are no human rights implications.
43. **Area and Ward Implications** - There are no area and ward implications.
44. **Background Information**

Employee Impact from the removal of essential car user allowance

234 employees would be affected (5.2% of the workforce)

- 191 employees in Care Wellbeing & Learning
 - 87 in Adult Social Care & Independent Living
 - 98 in Social Work: Children & Families
 - 3 in Commissioning & Business Development
 - 1 in Learning & Schools
 - 2 in Public Health
- 43 employees in Communities & Environment
 - 32 in Construction Services
 - 6 in Development, Transport & Public Protection
 - 5 in Facilities Management
- 75% females
- 25% males
- Lowest grades affected
 - 52 employees at grade D £16,772 – £17,547
 - 2 employees at grade E £17,891 - £19,939
 - 29 employees at grade F £21,057 - £23,166
- Highest grades affected
 - 2 employees at grade N £43,387 - £46,240
 - 8 employees at grade L £37,858 - £40,619
 - 36 employees at Grade K, K+1 and K+2 increments £35,093 – £39,660
 - 88 employees at Grade I/J and Grade J £29,854 - £35,093.
- Types of posts affected – Social Workers, Occupational Therapist, Contact Officer, Evening Domiciliary Care Worker, Reablement Officer, Area Supervisor, Contract Surveyor, Building Surveyor, Assistant Manager, Highways Engineer, Electrical Engineer.

Employee impact of moving all employees protected on 35h 50m to 37h working week

252 employees would be affected (5.6% of the workforce)

- 73 employees in Care, Wellbeing & Learning
 - 44 in Adult Social Care and Independent Living
 - 1 in Children and Families Support
 - 1 in Children's Commissioning
 - 5 in Commissioning and Business Development
 - 9 in Learning & Schools – Education Gateshead
 - 12 in Social Work - Children and Families
 - 1 in Commissioning and Business Development

- 85 employees in Communities & Environment
 - 4 in Construction Services
 - 9 in Council Housing Design and Technical Services
 - 38 in Culture Communities Leisure and Volunteering
 - 22 in Development, Transport & Public Protection
 - 2 in Facilities Management
 - 7 in Waste Services, Fleet Management & Grounds Maintenance
 - 2 in Economic and Housing Growth

- 65 employees in Corporate Resources
 - 13 in Corporate Finance
 - 43 in Customer & Financial Services
 - 10 in ICT Services

- 24 employees in Corporate Services and Governance
 - 2 in Corporate Commissioning and Procurement
 - 14 in Human Resources & Litigation
 - 8 in Legal Democratic and Property Services

- 5 employees in Policy, Performance and Communications

- 73% females
- 27% males

- Lowest grades affected
 - 22 employees at grade B/C £15,238 - £16,191
 - 24 employees at grade D £16,772 – £17,547
 - 31 employees at grade E £17,891 - £19,939
 - 25 employees at grade F £21,057 - £23,166

- Highest grades affected
 - 4 employees at grade N £43,387 - £46,240
 - 13 employees at grade L £37,858 - £40,619
 - 15 employees at Grade K & K+1 £35,093 – £38,789
 - 17 employees at grade J £32,164 - £35,093

Types of posts affected – Day Centre Officers, Social Workers, Assessing Officers, Operational Support Assistants, Senior Library Assistants and Library Assistants, Senior Clerks

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COUNCIL MEETING

15 December 2016

CARE, WELLBEING AND LEARNING: SPECIAL EDUCATIONAL NEEDS AND DISABILITIES DOCUMENTS

Mike Barker, Acting Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval of a suite of strategic documents for special educational needs and disabilities, accessibility and services for children, and young people.
2. The suite of documents appended to this report are presented together to illustrate the considerable level of activity across services for children and young people with special educational needs and disabilities (SEND) in Gateshead. This also fulfils the requirement for the Council to approve and publish a range of documents that addresses the Council's response to its statutory duties for SEND.
3. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

4. It is recommended that Council:
 - i) Agree the following reports:
 - a) Accessibility Strategy
 - b) Inclusion Policy
 - c) PVI Survey
 - d) SEND Report Guidance to Schools
 - ii) Agree to undertake wide consultation with all stakeholders on the SEND strategic aims and to receive a further report on the outcome of the consultations once available
 - iii) Note that the Joint Commissioning Strategy will be endorsed early in the Spring Term 2017 to align with the Council and CCG budget strategies.

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TITLE OF REPORT: Care, Wellbeing and Learning: Special Educational Needs and Disabilities Documents

REPORT OF: Sheila Lock, Interim Strategic Director, Care, Wellbeing and Learning

Purpose

1. This report seeks Cabinet and Council approval of a suite of strategic documents for special educational needs and disabilities, accessibility and services for children, and young people.

Background

2. This suite of documents is presented together to illustrate the considerable level of activity across services for children and young people with special educational needs and disabilities (SEND) in Gateshead, and to fulfil the requirement for the Council to approve and publish a range of documents that addresses the Council's response to its statutory duties for SEND.
3. The documents relate to partnership activity led by the SEND Strategic and Monitoring Groups, Joint Commissioning Group, Special Headteachers Group, Early Years SEND Strategy Group and to a range of Council services.
4. Annual reports are also produced for Overview and Scrutiny related to specific developments for SEND and partnership work with Education, CCG and Social Care.

Proposal

5. To receive the documents to support Gateshead's policy and practice in relation to SEND pupils and young people.

6. **Accessibility Strategy**

The Accessibility Strategy explains how the Local Authority (LA) has adopted a strategic approach to planning for increased access to its schools, to the curriculum and to information. It is a revision and update of the second Accessibility Strategy (2012-2015) and restates the principles and approaches that the Council is taking on accessibility issues in education.

The strategy links with other planning processes in the LA and supports the LA's priorities and principles within the LA Safeguarding Board's strategy and particularly addresses aspects of the guidance document 'Safeguarding Disabled Children 2009'. This policy takes in to account the 2014 Special Educational Needs and Disability Code of Practice: 0 to 25 years statutory guidance for organisations who work with and support children and young people with special educational needs and

disabilities. Schools are required to publish an accessibility plan/disability equality scheme.

7. SEND Strategic Aims for Children and Young people 0-25 Working in partnership with education, health and care commissioners and providers and service users

The strategic aims underpin the Council's work in partnership with education, health, and care services to improve the outcomes for children and young people. They also detail how the Council will consider its success in working to its strategic aims.

8. Inclusion Policy

Gateshead Council has based its policy for special educational needs and disabilities (SEND) on the belief that all children, whatever their abilities, share common needs as learners and they should have access to a curriculum that responds to their individual needs.

The Council recognises that most children with identified SEND can, and should be, taught in mainstream schools but also recognises that some children may have needs which are exceptional and that arrangements may need to be made to ensure they reach their potential.

We are taking a look at refreshing our inclusion strategy, we want all provision to be inclusive and while the childcare sufficiency strategy looks at primarily 0-5, we know for parents of older children find additional wrap around difficult in some instances. We will be looking at this in more detail over the next year and our inclusion strategy is an opportunity to do that.

The Council will seek to ensure that its policies, procedures, advice, guidance and resources support a policy of inclusion where this best meets the needs of the child. This will include enabling Gateshead's special schools to increase the range of needs they are able to meet successfully and to contribute to the development of good practice in mainstream schools and settings. Enabling Inclusion will be the key goal in the SEND Strategy.

9. Early Years and SEND - The PVI Monitoring Survey, October 2016

A survey was sent to all of the 55 PVI settings in Gateshead (Day Nursery settings and Pre-schools) during October 2016. 47 settings responded, giving a return rate of 85%. Not all respondents answered every question. The data in the charts reflects the number of settings that answered the individual question. The aim of the survey was to monitor the SEND provision in PVI settings and for the Area SENCos to identify priorities for development and improvement in their support to PVI settings.

10. SEND Report Guidance for Schools

The governing bodies of maintained schools and maintained nursery schools and the proprietors of academy schools must publish information on their websites about the implementation of the governing body's or the proprietor's policy for pupils with SEN. The information published should be updated annually and any changes to the information occurring during the year should be updated as soon as possible. The

SEND Report needs to cover: Improving outcomes, Governance, Teaching, Identification and Assessment to be compliant with the SEND Code of Practice.

11. **Joint Commissioning Strategy**

The Children and Families Act 2014 places a duty on local authorities to ensure integration between educational, training, health and social care provision where this promotes wellbeing and improves the quality of provision for children and young people and those with SEN. Local authorities and CCGs must make joint commissioning arrangements for SEND, including clinicians commissioning arrangements and NHS England for specialist health provision.

The aims of the Joint Commissioning Strategy are:

- To identify all children and young people who have SEND as early as possible;
- To provide empowering support for parents and carers to help them care for, and support the development of their children as early as possible;
- To ensure that all services respond swiftly to the needs of children and work towards agreed outcomes. This includes universal, targeted and specialist education, health and social care services;
- To commission co-ordinated, personalised education, health and care support for individual children and young people, with integrated Education, Health and Care Plans (EHCP) for those children needing specialist support, aimed at helping them achieve their best at school and in training and employment and enabling them to live as independent lives as possible and support their inclusion in their local communities;
- To offer choice and control to children, young people and their families about how they use the resources that are available to them through the offer of personal budgets where this is available and ensuring that they are fully involved in decision making processes.

Recommendations

11. Cabinet is asked to:

- (i) Recommend the Council to agree and note the following reports:
 - a. Accessibility Strategy
 - b. Inclusion Policy
 - c. PVI Survey
 - d. SEND Report Guidance to Schools
- (ii) Agree to undertake wide consultation with all stakeholders on the SEND strategic aims and to receive a further report on the outcome of the consultations once available
- (iii) Note that the Joint Commissioning Strategy will be submitted to Cabinet early in the Spring Term 2017 to align with the Council and CCG budget strategies.

For the following reasons:

- (i) To continue to ensure that the needs of children and young people are met.
- (ii) To support the key principles of the Equality Act and SEND Code of Practice.
- (iii) To ensure the Council fulfils its statutory duties.

CONTACT: Sheila Lock

extension: 2700

Policy Context

1. The proposals in these documents are consistent with Gateshead meeting its statutory responsibilities in relation to the Single Equality Duty 2010, Disability Discrimination Act 2005 and SEND Code of Practice, 2014.
2. The proposals also directly support the delivery of the Council Plan, and Children Gateshead, the plan for children, young people and families in Gateshead.

Background

3. The Council and its partners remain engaged in the delivery of high quality services to support SEND children and young people across Gateshead.
4. There are statutory requirements around ensuring appropriate identification, assessment and provision for children and young people with special educational needs.

Consultation

5. A variety of agencies have been engaged in the development of these strategies and documents, details of which are included in the reports themselves.
6. The Cabinet Members for Children and Young People have been consulted.

Alternative Options

7. There are no alternatives to these reports being presented as they are there to ensure co-production, partnership with children and young people, schools and services.
8. By publishing this suite of documents at the same time, partners have the opportunity to review the wide range of activity across SEND.

Implications of Recommended Option

9. **Resources:**
 - a) **Financial Implications** – The Strategic Director, Corporate Resources confirms there are no specific implications arising from this report. Specific proposals arising from implementation will be presented to Cabinet for approval as required.
 - b) **Human Resources Implications** – There are no specific implications arising from this report. Specific proposals arising from implementation will be presented to Cabinet for approval as required.
 - c) **Property Implications** - There are no specific implications arising from this report. Specific proposals arising from implementation will be presented to Cabinet for approval as required
10. **Risk Management Implication** - The development of effective strategies forms part of control measures for Care, Wellbeing and Learning.

11. **Equality and Diversity Implications** – The Council supports the rights of all children, young people and their families to have access to education, including equality of opportunity in terms of accessing support, advice and guidance.
12. **Crime and Disorder Implications** – There are no specific implications for this.
13. **Health Implications** – There are some proposals in the strategy documents which should address the implications for SEND children and young people.
14. **Sustainability Implications** - No major implications.
15. **Human Rights Implications** – These documents are supportive of children and young people's rights.
16. **Area and Ward Implications** - No specific implications.



Gateshead Accessibility Strategy 2016-2020

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Section 1

Context and Background

Introduction

Improving access to education and educational achievement by disabled pupils is essential to ensuring equality of opportunity and securing their full participation in society.

This Accessibility Strategy explains how the local authority (LA) has adopted a strategic approach to planning for increased access to its schools, to the curriculum and to information. It is a revision and update of the second Accessibility Strategy (2012-2015) and restates the principles and approaches that the Council is taking on accessibility issues in education.

The strategy links with other planning processes in the LA and supports the LA's priorities and principles within the LA Safeguarding Board's strategy and particularly addresses aspects of the guidance document 'Safeguarding Disabled Children' 2009.

This policy takes in to account the 2014 Special educational needs and disability Code of Practice: 0 to 25 years statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities.

The Legislative Background

The Equality Act came into force on 1 October 2010. It effectively consolidated the disparate equality/discrimination related to legislation into a single act.

It supports the principle that

'All children and young people who live in a school's locality, no matter what their background, circumstances or perceived ability, belong in the local community and share the same rights to quality education in their local neighbourhood school.'

The Act has a Single Equality Duty and covers: disability, race, gender, age, sexual identity, religion and pregnancy.

The Special Educational Needs and Disability Act (SENDA) 2001 amended the Disability Discrimination Act (DDA) 1995 to prevent discrimination against disabled people in their access to education. It is unlawful for LAs or schools to discriminate, without justification, against disabled pupils (and prospective pupils) in all aspects of school life. There are two key duties:

- not to treat disabled pupils (and prospective pupils) less favourably; and
- to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage.

The passing of the Disability Discrimination Act 2005 (which amended the 1995 Act of the same name) introduced a new duty on public authorities to eliminate unlawful discrimination against disabled people and to actively promote their equality and positive attitudes towards them.

The principle behind the 2001 legislation is that wherever possible disabled pupils should have the same opportunities as non-disabled pupils in their access to all aspects of education. The 2005 Act extends the definition of disability and also defines the pre-emptive approach which is required from public authorities towards disability equality.

Duties on schools and LAs and guidance on how to avoid discrimination against pupils are set out in the Code of Practice for Schools published by the Disability Rights Commission (July 2002).

The Lamb Report – review of SEN and Disability, 2009 reviewed

- meeting the needs of parents
- providing greater transparency in the system
- providing a clearer focus on outcomes for children with SEN and disabled children
- improving compliance with the duties
- taking account of proposals on 21st century schools and school report cards

and made recommendations to bring significant change in four key areas:

- communication and engagement with parents rather than standard information
- a reduction in the specific SEN requirements in favour of covering SEN and disability in information for all children
- an increased focus on outcomes for disabled pupils and pupils with SEN
- tighter quality assurance and accountability for meeting streamlined requirements

Safeguarding and disability guidance 2009 raised the following issues:

- Dependency on others for intimate care and needs being met
- Lack of understanding and training about safeguarding and disabled children
- Reducing isolation – giving greater access to others
- Limited personal safety – creating safe environments
- Supporting communication aids

The Equality Act 2010 sets out the legal obligations that schools, early years providers, post-16 institutions, local authorities and others have towards disabled children and young people:

They **must not** directly or indirectly discriminate against, harass or victimise disabled children and young people.

They **must** make reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory – it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage.

Public bodies, including further education institutions, **local authorities**, maintained schools, maintained nursery schools, academies and free schools are covered by the public sector equality duty and when carrying out their functions must have regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between disabled and non-disabled children and young people. They **must** publish information to demonstrate their compliance with this general duty and **must** prepare and publish objectives to achieve the core aims of the general duty. Objectives must be specific and measurable.

The duties cover discrimination in the provision of services and the provision of education, including admissions and exclusions. All providers **must** make reasonable adjustments to procedures, criteria and practices and by the provision of auxiliary aids and services. Most providers must also make reasonable adjustments by making physical alterations. Schools and local authority education functions are not covered by this last duty, **but they must publish accessibility plans (and local authorities, accessibility strategies) setting out how they plan to increase access for disabled pupils to the curriculum, the physical environment and to information.**

School governing bodies and proprietors must also publish information about the arrangements for the admission of disabled children, **the steps taken to prevent disabled children being treated less favourably than others, the facilities provided to assist access of disabled children, and their accessibility plans.**

Where a child or young person is covered by SEN and disability legislation, reasonable adjustments and access arrangements should be considered as part of SEN planning and review. Where school governors are publishing information about their arrangements for disabled children and young people, this should be brought together with the information required under the Children and Families Act 2014.

The Planning Duty

The 2010 Equality Act has consolidated all equality/discrimination related legislation. The 2001 (SENDA) Act also introduced a planning duty under which all LAs must produce an Accessibility Strategy for the schools for which they are responsible, and all schools must produce their own Accessibility Plans. The aims of both the LA Strategy and individual School Accessibility Plans are to improve the physical environment and increase access to the curriculum. Relevant proposals will be incorporated within the LA's capital proposals and the Asset Management Plan to ensure delivery of these aims.

Gateshead Council's first (2003-2006) Accessibility Strategy set out how the Council intended to fulfill its duties under the 2001 Act. The Strategy was also drawn up in accordance with the requirements of the Disability Discrimination Act (DDA) 1995; it took account too of the guidance provided by the Department for Education & Skills (DfES) in "Accessible Schools: Planning to increase access to schools for disabled pupils".

In 2005 The Disability Equality Duty was introduced into the Disability Discrimination Act (DDA) 1995 and set out:

- A general duty - The Disability Equality Duty (DED) - take proactive steps to ensure their disabled pupils, staff and governors, parents/carers and other people using the school are treated equally.
- A specific duty requires a **disability equality scheme** to show how it will meet the general duty.

In Gateshead the Disability Equality Scheme action plan and accessibility action plan are the same plan. School disability equality schemes were developed from 2010 for a further 3 years in Gateshead. **This Gateshead document is still recommended to be used after 2015 and is attached with this policy.** The Equality Act 2010 supports a single equality plan which covers all of the protected characteristics including disability. Schools may have produced a single plan or continued a focus on their Disability Equality Scheme and action plan.

The second strategy (2006 -2010) further developed the objectives set out below:

- increasing the extent to which disabled pupils can participate in the school curriculum
- improving the physical environment of schools to increase the extent to which disabled pupils can take advantage of education and associated services
- improving the delivery to disabled pupils of written information which is provided to pupils who are not disabled. This should be done within a reasonable period of time and in formats which take account of views expressed by the pupils or parents about their preferred means of communication.

The Special Educational Needs Context

Principles

Support for many children with disabilities is provided by schools and the LA through the Special Educational Needs (SEN) framework, guidance for which is set out in the SEN Code of Practice. The principles of the Code are that:

- a child with special educational needs should have their needs met
- the special educational needs of children will normally be met in mainstream schools or settings
- the views of the child should be sought and taken into account
- parents have a vital role to play in supporting their child's education
- children with special educational needs should be offered full access to a broad, balanced and relevant education, including an appropriate curriculum for the foundation stage and the National Curriculum.

These principles apply equally to children with disabilities.

Gateshead LA recognises the knowledge which parents have of their child's abilities and disabilities, and in light of the Lamb Report recommendations, seeks to work collaboratively with them in overcoming the barriers to education and life chances which each child may experience as a result of their disability or special educational needs. The Parent Partnership Service has an important role in developing and improving communication between the services of the LA, voluntary agencies, parents and children.

The LA also works in partnership with other agencies, both voluntary and statutory, in understanding children's disabilities and providing effective support. Various groups and committees support the strategic development of policy and provision in areas of SEN. These groups include representatives of parents, voluntary and private organisations as well as statutory agencies.

That Strategy is supported by the SEN Implementation Plan - Towards 2012 which sets out key actions to be achieved within specified timescales for each of the above priorities. As indicated above, many of those specific actions have direct relevance and applicability to the Accessibility Strategy.



Section 2

The Accessibility Strategy

Improving the Physical Environment of Schools

The LA considers inclusive design and accessibility of the physical environment of its schools through each new building development. The LA team now have considerable experience and knowledge based on the two previous strategies and the work involved with all partners. In partnership with schools the LA will continue to support that accessibility is not a barrier to preventing pupils from attending local schools when their needs could be met there.

Context

The planning duty on schools and LAs includes improvements to the physical environment of schools and the provision of physical aids to education. Such improvements may include unique facilities located to be accessible to all users. Improvements could also be achieved by the reallocation of rooms for particular specialisms, the removal of obstructions from circulation areas, improving the acoustic environment and changing classroom layouts. Physical aids to education could include the provision of specialist seating or desks, and ICT equipment.

These improvements will be accessible to all users.

The LA recognises the need to work positively with governing bodies of schools to assist them in understanding their additional responsibilities under the *Equality Act*, including the planning duty and, where appropriate, to plan jointly the improved accessibility of school buildings and facilities. The 2006-2010 Accessibility Strategy has successfully facilitated a broad range of developments across schools based on its minimum criteria (see Appendix A).

Following commencement of the Accessibility Strategy in 2006, 100% of Primary/Infant/Junior Schools received a visit from the Local Authority, whereby the minimum standards set out within Appendix A were discussed. This included scoping any accessibility requirements, with a view to programming works in subsequent Capital Programmes.

The Accessibility Strategy 2006-2010 set thirteen minimum standards for schools to achieve. These standards, following consultation with schools, were to be achieved by a combination of building works and the school implementing management plans to manage certain aspects/situations.

Following commencement of the Accessibility Strategy in 2006, identified works in schools have now been completed as far as practically possible.

To date there are 4 Primary Schools in the Borough where it is not considered feasible to carry out the accessibility upgrade works due to extremely high costs or existing site constraints.

This new strategy intends to refresh all partners on the considerations that need to be taken for those pupils with a range of disabilities and impairments.

Resources

It is important that the schools consider the long-term access needs of the school. Schools should use the routine refurbishment and other maintenance and equipment budgets to improve the physical environment of the school. The *Equality Act* requires schools to resource their Disability Equality Schemes/ Accessibility plans adequately. Schools should recognise the costs of implementing the plan as legitimate expenditure which should be incorporated into current budget commitments.

Funding sources available to schools which could assist in improving access are currently extremely limited. Previous funding streams such as the Schools Access Initiative are no longer available.

Note - *The Equalities Budget for the whole Council departments for 2015/16 is £250k and is fully allocated basic on a scoring matrix and highest priority. This level of funding will drop to £100k by 2017/18, again for the whole borough. There is no other funding, other than Schools Capital Maintenance which can only address condition relating issues.*

Schools should use the repairs and maintenance budget to maintain the standard of accessibility upgrade works already carried out.

Despite limited funding opportunities, as stated previously, the LA Team has built up considerable knowledge regarding inclusive design and accessibility to the physical environment. Schools are encouraged to utilise this source of advice when developing construction projects in their schools to ensure the project is as inclusive as possible.

Proposals

The LA will:

- ensure that any new buildings planned take full account of the needs of pupils with disabilities and, where appropriate, of other members of the community
- maintain the number of existing, accessible mainstream schools across the borough, both at primary and secondary levels, to ensure that the pupils can access education in their local community
- support and collaborate with schools in making incremental improvements to accessibility
- where possible, and within resources, consider other improvements in line with *Building Bulletin 102* when minimum accessibility criteria have been met
- seek the assistance and expertise of user groups and voluntary agencies to continually inform and develop the strategy

Improving Provision and Access to the Curriculum

Aim

To provide ongoing support and advice to schools in order to:

- raise awareness of disability equality and access issues
- encourage schools to develop curriculum policies which reflect inclusive practice
- enable all pupils - whatever their needs - to have access to the full range of curricular and extra-curricular activities as appropriate, with a consequent effect on their achievements and progress.
- Improve the quality of teaching for pupils with special educational needs and disability (SEN/D)

Context

The new DfE National Curriculum 2013 states in Chapter 4 the following:

Responding to pupils' needs and overcoming potential barriers for individuals and groups of pupils

Teachers should take account of their duties under equal opportunities legislation that covers race, disability, sex, religion or belief, sexual orientation, pregnancy and maternity, and gender reassignment.

A wide range of pupils have special educational needs, many of whom also have disabilities. Lessons should be planned to ensure that there are no barriers to **every** pupil achieving. In many cases, such planning will mean

that these pupils will be able to study the full national curriculum. The **SEN Code of Practice** includes advice on approaches to identification of need which can support this. A minority of pupils will need access to specialist equipment and different approaches. The SEN Code of Practice outlines what needs to be done for them.

With the right teaching, that recognises their individual needs, many disabled pupils may have little need for additional resources beyond the aids which they use as part of their daily life. Teachers must plan lessons so that these pupils can study every national curriculum subject. Potential areas of difficulty should be identified and addressed at the outset of work.

The Local Authority (LA) ensures that all advice, monitoring and support which is offered to schools supports these areas of focus for pupils with special educational needs and disabilities. Key LA services include: Education Gateshead, SEN commissioning service and Parent Partnership.

The LA is committed to the inclusion of pupils with disabilities in its mainstream schools, and has established Additionally Resourced Mainstream Schools (ARMS) for some areas of special educational needs. Appendix B

Early Years practice also promotes the development of inclusive early year's provision. All pre-school children, including those with disabilities, have access to good quality early education, from the beginning of term following their third birthday.

Regulations and guidance on off-site activities and educational visits support schools in ensuring that pupils have equal opportunities to participate in off-site educational, residential and adventurous activities.

In acknowledging that barriers to learning can be emotional as well as intellectual and physical, the LA promotes flexibility of response and a continuum of provision within its schools.

Training

There is a well-established continuing professional development programme with a clear SEND thread. Training to overcome barriers to curriculum access is embedded within this framework as identified within its strategy for school improvement. Within the governor training programme there is a strong focus on governors' responsibilities as defined within Education Acts and SEN Code of Practice.

There is guidance available for schools on SEN issues and a model Disability Equality Scheme adopted by schools with attached action plan.

Safeguarding and disabled children is included in the training for schools. Issues on bullying, discrimination, access to curriculum and communication are covered. Specialist courses on moving and handling, Makaton, intimate care are available. A separate intimate care guidance document has been produced by the LA and given out to schools.

Monitoring and support

The LA and Ofsted uses categorisation approach for schools, which incorporates judgments on how effectively schools achieve educational standards and on their level of educational inclusion. Schools will not be judged as good or outstanding unless there is evidence that they have identified and appropriately addressed access issues in teaching and learning, and inclusion within the school community and the physical environment. It is the LA's aim that increasing numbers of schools, year on year, should be judged as good or outstanding with regard to both standards and accessibility. This is monitored through the School Intervention Support Programme (SISP). All Gateshead schools can apply to do Gateshead's Inclusion Standard. This is a self-evaluation process which supports schools in identifying their evidence for inclusive practice including accessibility. A large number of schools have attained good level with some moving to outstanding. This strategy provides a focus for developments in school that will be underpinned by the principles of the Inclusion Standard.

Multi-agency involvement

The LA promotes work with other statutory and voluntary agencies as well as parents and carers in evaluating practice and proposing developments.

Proposals

The LA will:

- make available cohesive advice and training on issues relating to the delivery of an accessible curriculum
- provide advice and guidance on access as part of its curriculum guidelines
- ensure training supports the development of teacher and support staff skills
- include accessibility within school self-evaluation documents, such as, the Inclusion Standard
- update disability equality scheme proformas/accessibility plans

Improving the Delivery of Information

Aim

To increase awareness within schools of the importance of accessible information for pupils with special educational needs, and promote the provision and publication of appropriate advice, guidance and resource materials, especially through new technologies.

Context

The planning duty requires written information normally provided by a school to be made available to disabled pupils. Such information should take account of pupils' disabilities, as well as the preferred formats for pupils and parents; it should also be made available within a reasonable time frame. The Code of Practice for Schools from the Disability Rights Commission suggests that disabilities should include not just physical difficulties, learning difficulties, hearing &/or visual impairments, but also mental health conditions and certain medical conditions (such as epilepsy and diabetes).

Although the duty relates primarily to written information, schools will be advised to consider how other formats (for example, spoken information) could be made available to parents and pupils who have hearing and visual impairments. This could include a recognition of British Sign Language and similar formats, the use of signers at school functions, the availability of portable induction loops for use at parents' evenings and so on.

The implementation of the Disability Equality Duty requires public bodies, including schools and local authorities, to promote equality of opportunity for disabled people. They must have due regard to the need to:

- eliminate unlawful discrimination and harassment against disabled people
- promote equality of opportunity for disabled people
- promote positive attitudes towards disabled people &
- encourage disabled people to participate fully in public life.

Schools are required to report on their Disability equality schemes/Single equality plans and the outcomes for pupils.

Actions

The LA will:

- advise and update schools on specific special educational needs and disabilities
- prepare and update guidance notes for schools on making written information available in alternative formats
- make relevant in-service training programmes available to support provision for pupils with SEN/D
- update information in alternative formats relating to central processes such as statementing, reviews and admissions

- support schools in making school information and communication available in Braille and large print formats for pupils and parents with visual impairment
- provide access to sign language support for school information and communication for pupils and parents with hearing impairment
- offer support, information and training in respect of the duties under section 3 of the DDA 2005/Equality Act 2010 for schools to promote equality of opportunity for disabled people .

Monitoring the Strategy

1. It will be the responsibility of named officers in the LA to ensure that the actions and targets in the proposals outlined above will be carried out and achieved in fulfillment of this strategy.
2. It will be the responsibility of the Inspector for SEN/Inclusion to monitor the overall implementation and effectiveness of its Accessibility Strategy.
3. The Inspector will fulfil specific components of the Strategy :
 - review School Accessibility Plans and Disability Schemes and/or Single Equality plans
 - provide support to the LA SEN Strategy group on accessibility issues
 - Provide reports to key groups within the council as requested.

Recommendations

- Ensure that new building programmes maximise opportunities to provide environments to support the further development of the SEN/Inclusion Review.
- Ensure all training supports disability and safeguarding to raise expectations and meet policy guidance.
- Identify how more complex buildings can have some works, within reasonable use of the budget, to improve physical and/or curriculum access. Appendix C
- Identify opportunities, within the resources available, to enhance some programmes linked to the guidance in Appendix A
- Ensure schools have a duty to comply with the Equality Act 2010, following completion of planned works, including repair and maintenance of facilities and equipment.

Appendix A

Accessibility criteria and standards for maintained schools (Accessibility Strategy 2006)

In order to achieve a minimum level of accessibility by disabled pupils the LA has adopted the following criteria and descriptors. Schools will have:

- Physical environment
- One level marked and signed disabled parking bay and/or drop-off point
- Level/ramped access to main entrance and at least one additional exit
- Appropriate signage on all approaches to main entrance from parking bay/drop-off point
- Appropriate arrangements for communication at the reception desk with at least an induction loop for hearing aid users, and possibly one or more of the following aids -
 - CCTV
 - drop down counter
 - intercom
- Appropriate signage throughout the school
- Access to essential curriculum areas
- Access to at least one play area
- Access to dining facilities
- Access to disabled toilet facilities (in accordance with British Standard and Building Regulations)
- All stairs and steps to have contrast edging and dual height handrails or banisters
- Risk assessment in place to determine the means of escape
- Personal evacuation plans for every disabled pupil and staff member

Other requirements

- staff to have undertaken disability awareness training and basic inclusion training
- appropriate training to the needs of the children admitted
- appropriate equipment to ensure that most of the curriculum is accessible
- knowledge of pupils' and parents' requirements for alternative formats for written information, and their preferred means of communication

This list outlines the minimum essential elements to meet the LA's definition of an accessible school. It does not, of course, constitute a complete catalogue of all components to be considered in all schools. Some schools may have to examine their door openings, for example, to ensure that they can be used by a wheelchair user independently; others may have to buy chairs with proper back and arm support; others may find it helpful to have further portable induction loops.

Appendix B

A list of primary Additionally Resourced Provision - ARMS

Rowlands Gill	Complex Needs	KS2
High Spen	Hearing Impairment (HI)	EYFS/KS1/KS2
St Wilfred's	Complex Needs	EYFS/KS1
Brandling	Speech and language	KS1/KS2
Swalwell	Physical Disability	EYFS/KS1/ KS2

Appendix C

Designing for Pupil's needs – A checklist for consideration

Pupil's need	Typical support requirements	Design Issues	Space needed in classroom for
Sensory and / or physical			
Hearing impairment HI	Use of CCTV; HI Teaching strategies; oral signing; HI learning & communication support; SPLG therapy & social skills training; audiology & HI assessment.	Avoid distraction: low sensory stimulus and subdued colours; good quality low glare lighting, avoiding shadows and silhouetting; good quality acoustics, low background noise; visual alarms, sound-field systems, hearing loops; storage & maintenance of technical aids.	Signing, communication worker, U shaped or other layout for good visibility; visual aids / ICT/TV/CCTV; radio aids.
Visual impairment VI	VI specialist aids eg tactile and visual aids , Braille, CCTV viewers, ICT text magnification, speech and sound output; VI teaching strategies; VI support by mobility training officer	Good quality ambient & task lighting & controls; visual contrast cues, symbols, tactile trails & maps; good acoustics, low background noise, speech and audio aids, sounder alarms, H&S warnings; VI resource room; storage and maintenance of technical aids	Clear, safe uncluttered layout; specialist (eg tactile and visual) aids; adapted ICT
Physical disability PD	Learning and mobility aids, scribe, adapted ICT, communication aids, assistive technology; use of hoists, mobility aids; occupational, physio - & hydrotherapy; personal carers, nurse, medical and / or health care support	Higher accessibility standards; much bulky mobility equipment (independent or assisted use), equipment store, storage bays off corridors; H&S risk assessments: manual handling; shallow pitch stairs, rest places; hygiene and infection control; assisted and emergency escape, evacuation lifts and safe refuges; space for carers & equipment storage; place for rest and respite; large equipment storage spaces	Learning & communication aids, adapted ICT, assistive technology; scribe, assistant, carers, occupational therapist; specialist adjustable height FF&E; equipment storage; movement & circulation (some bulky mobility aids)
Multi-sensory impairment MSI	Visual, tactile, mobility, communication aids and multi-sensory work; varied support as needed; MSI assessment, 1-1 learning and behaviour work; soft play room	As for HI and VI: clear, simple layout for sensory wayfinding with visual, audio and tactile cues; good quality non-glare lighting; good quality room acoustics, no background noise; greater use of mobility aids, hoist & hydrotherapy (as PD) ; large store	Individual or small groups, with HI, VI, MSI workers; practical learning aids; multi-sensory work; adapted ICT & access technology; flexible use of FF&E

Continued on next page

Pupil's need	Typical support requirements	Design Issues	Space needed in classroom for
Communication and interaction			
Autistic spectrum disorder ASD	Learning and behaviour support; social skills programmes in class and by withdrawal; specialist ASD teaching approaches; specialist ASD resource base	Simple layout: calm, ordered low stimulus spaces, no confusing large spaces; indirect lighting, no glare subdued colours; good acoustics, avoiding sudden / background noise; robust materials, tamper-proof elements and concealed services; possibly H&S risk assessments; safe indoor and outdoor places for withdrawal and to calm down.	Varying approaches; structured activities using ICT and FF&E; position of child in class; screened workstations; safe quiet place to calm down
Speech, language & communication needs SLCN	Social skills support; learning and communication, synthetic speech production equipment, assistive technology, SpLg therapy; learning and behaviour support	Easily understood whole school layout with clear signage; good lighting, room acoustics and sound insulation; sound-field systems, extra ICT and associated services	Position of child in class; use of signs, symbols, communications aids and synthetic speech production equipment; SpLg therapy

Pupil's need	Typical support requirements	Design Issues	Space needed in classroom for
Cognition and learning			
Specific Learning difficulty SpLd	3D learning aids; occupational and / or physiotherapy; learning, behaviour / speech & language (SpLg) support	Good acoustics for SpLg therapy; storage for learning aids; SEN resource base	Learning aids, ICT; practical work, flexible layouts for movement work, appropriate positioning of child in class
Moderate learning difficulty MLD	SpLg therapy; learning & behaviour; support; social skills training	Good visibility for supervision; good acoustics for SpLg; H&S risk assessments; storage for resources and learning aids; SEN resource & specialist base	Learning aids, ICT; practical work; flexible use of FF&E; appropriate positioning of child in class
Severe learning difficulty SLD	3D learning aids; multi-sensory work; adapted ICT; social skills & independence training; SpLg therapy; learning & behaviour support; physio - , occupational & hydrotherapy	Good visibility for supervision; wayfinding to aid independence; good acoustics for SpLg therapy; specialist SEN support; H&S risk assessments; storage & use of mobility / learning aids	Multi- sensory and practical activities; learning aids, ICT; flexible use of FF&E; movement and circulation (some mobility aids) additional support staff
Profound & multiple learning difficulty PMLD	3D learning aids; multi-sensory work; sensory impairment support; SpLg therapy; occupational' physio-and / or hydrotherapy; medical & personal care; soft play	As SLD but more space for greater support, storage and concentration of needs; higher accessibility standards; intensive use of mobility aids & hoists; H&S risk assessments: manual handling, infection control; storage and use of mobility and learning aids	Multi-sensory, practical & therapy work; adapted ICT & access technology; additional staff; flexible use of FF&E; movement and circulation (bulky mobility aids)
Behaviour, emotional and social development			
Behaviour, emotional and social difficulty BESD	Behavioural, cognitive, social skills support; learning mentors; social workers, educational psychologists, mental health service (CAMHS)	Good sightlines, balance between privacy and ease of overseeing children; secure storage; robust materials, tamper proof FF&E & concealed services; H&S risk assessments; large spaces for social and outdoor activities	Avoiding distraction and conflict; varying layout (eg separated or grouped tables); supervision; developing social skills; quiet corner





SEN/D Strategic Aims for Children and Young people 0-25

Working in partnership with education, health and care commissioners and providers and service users

- To develop and deliver cohesive, outcomes focussed education, health, care services and support systems which give children and young people the best opportunity to engage, achieve, succeed, and progress
- To agree arrangements and protocols that enable a partnership approach to:
 - Identifying need
 - Structured information gathering and sharing
 - Joint or collaborative service planning
 - Joint or collaborative commissioning
 - Efficient delivery
 - Effective monitoring
 - Evaluation and analysis
- To develop and maintain comprehensive, accurate data and information to understand need and inform service planning, development and delivery
- To ensure that children, young people and families have access to timely assessment that enables intervention at the earliest opportunity
- To establish and maintain co-ordinated information and advice services that are accessible and support decision making and choice
- To co-ordinate services so that transitions are smooth and support is continuous
- To provide opportunities for children, young people and families to contribute to the design, delivery and evaluation of services
- To adopt best value principles in directly provided and commissioned services

We will know we have succeeded when:

- Outcomes demonstrate that children and young people have access to and are receiving *high quality* education, health and care services and support
- Service developments are proactive and clearly based on an *accurate understanding* of types and levels of need derived from *comprehensive and co-ordinated information systems*
- Children, young people and their families *actively engage* with education, health and care professionals in identifying service development priorities
- Education, health and care services *co-ordinate their communication arrangements* and families report that they can easily access appropriate information, advice and guidance
- Education, health and care professionals work together in ways that ensure that children, young people and families experience *seamless access to and progression through services*
- Targeted joint commissioning which delivers *best value* is routinely undertaken
- The system is driven by “*Total Quality Assurance*” principles

Draft

Gateshead Local Authority

Inclusion Policy for Special Educational Needs and Disabilities

Gateshead Local Authority

Inclusion Policy for Special Educational Needs and Disabilities

Introduction

Gateshead Council has based its policy for special educational needs and disabilities (SEND) on the belief that all children, whatever their abilities, share common needs as learners and they should have access to a curriculum that responds to their individual needs.

The Council recognises that most children with identified SEND can, and should be, taught in mainstream schools but also recognises that some children may have needs which are exceptional and that arrangements may need to be made to ensure they reach their potential.

The Council will seek to ensure that its policies, procedures, advice, guidance and resources support a policy of inclusion where this best meets the needs of the child. This will include enabling Gateshead's special schools to increase the range of needs they are able to meet successfully and to contribute to the development of good practice in mainstream schools and settings. Enabling Inclusion will be the key goal in the SEND Strategy.

Aims

Gateshead Council aims to provide the highest quality of education for all young people and seeks to offer a continuum of provision which will enable:

- pupils' needs to be met in as inclusive a setting as possible;
- pupils to have access to the broad, balanced and relevant curriculum to which they are entitled;
- high expectations to be set for all pupils including those with SEND;
- a focus on the participation of children and young people and parents in decision making at individual and strategic levels
- focus on high aspirations and improving outcomes for children and young people.

Continuum of Provision

The continuum of provision available within Gateshead Council includes:

- support from within the delegated resources of mainstream schools;
- provision of targeted support from centrally held resources for pre-school children;
- placement in additionally resourced provision in a mainstream school
- placement in a special school maintained by the Council.
- in exceptional circumstances, in order to meet a child's needs satisfactorily, the continuum may be extended to include:
 - placement at a special school maintained by another Council;
 - placement at a non-maintained or independent special school.

Definitions

The Council uses the terms “**special educational needs**”, “**special educational provision**” and “**learning difficulties**” in ways defined by the Children and Families Act 2014. The term “**disability**” is linked but distinct and is used as defined in the the Special Educational Needs and Disability Regulations 2014.

The Council recognises that special educational needs can arise when the experience, skills, knowledge and abilities a child brings to school or educational setting require adjustment in any or all of the following:

- The physical environment;
- The social environment;
- The curriculum and how it is delivered;
- The nature and level of additional support available to the pupil, family, school or educational setting.

An **individual need** becomes a **special educational need** when a child requires different or exceptional provision from that which is generally available. The LEA is committed to increasing the range of what is generally available to ensure individual needs do not become special educational needs.

Exceptionally able or gifted children and those for whom **English is an additional language** are excluded from this definition, unless they have an identified special educational need.

The Council is mindful of the Equality Act 2010 which sets out the legal obligations that schools, early years providers, post 16 institutions and others have towards disabled children and young people.

Key Principles

- The special educational needs of pupils should normally be met in mainstream schools or settings unless it is necessary for special educational provision to be made for them.
- If a child’s parent or young person with an Education, Health and Care Plan makes a request for a particular nursery, school or post-16 institution, then the local authority must agree with this request unless:
 - it would be unsuitable for the age, ability, aptitude or SEND of the child or young person, or
 - the attendance of the child would be incompatible with the efficient education of others or efficient use of resources.
- **In addition:**
 - All pupils should have access to a curriculum and teaching and learning strategies which maximise achievement.
 - The views of children and young people should always be sought and taken into account.
 - Opportunities should be taken to develop the role of parents in supporting their child’s education.
 - Children’s special educational needs should be identified as early as possible.

- Provision to meet children's special educational needs should ensure value for money and equality of opportunity.
- Effective partnerships should be established with key partners, including Social Services and Health, to develop policies and practices that are co-ordinated and best meet the needs of children, young people, parents and carers.

Roles and Responsibilities

Role of the Council

The LEA/School Relations Code of Practice 2001 sets out guidance on the relationships between Councils, Governing Bodies and schools in seeking to ensure success for all children.

In Gateshead, the Council will provide leadership, challenge and support in order to:

- ensure the development of an inclusive educational system;
- ensure statutory frameworks are implemented efficiently;
- develop the knowledge and skills of all staff working with pupils with SEN to ensure children achieve their potential;
- ensure there is close co-operation between relevant external agencies and a multi-agency approach to meeting the needs of pupils with SEN;
- ensure arrangements for SEN are kept under review and publish information on how the Council is meeting its obligations under the SEN and Disability Regulations 2014;
- provide advice and guidance to schools to support the implementation of the SEND Code of Practice and SEND Regulations 2014;
- publish plans, strategies and targets in relation to the identification, monitoring, assessment and support for pupils with SEND.

Role of Schools

The vast majority of pupils identified as having SEND will be educated in mainstream schools. Responsibilities towards pupils with SEND are highlighted in the Children and Families Act 2014 and the Special Educational Needs and Disability Code of Practice: 0 to 25 Years. The Council will work in partnership with schools to ensure these responsibilities are met.

Gateshead Council recognises the important part special schools play in the development of an inclusive education system and strives to support the development of strong partnerships between special schools, mainstream schools and other resourced provisions. The LEA will work closely with special schools to ensure specialist provisions can be offered to mainstream schools.

Governing Bodies of mainstream and special schools will need to:

- ensure that responsibility for meeting the needs of all children, including those with SEND, is shared by all in the school;
- ensure they are clear about their arrangements for co-ordinating special educational provision for those with and without Education, Health and Care Plans within school;
- determine the school's SEND policy and establish appropriate staffing and funding arrangements to meet the needs of pupils with SEND;
- promote high standards for pupils with SEND in line with the requirements of the Education and Inspections Act 2006;
- have regard to the SEND Code of Practice.

- ensure the curriculum addresses the needs of pupils with SEND;
- demonstrate that the funding, equipment and resources allocated for SEND are deployed effectively.

Role of Early Years Settings

- to develop, review and report on their SEND policy;
- to understand that the accountability for meeting the needs of all children, including those with SEND, is shared by all in the setting;
- to ensure that effective arrangements are in place for the early identification and assessment of individual needs.

Role of Support Services

- to enable schools to meet a wide range of special educational needs by providing advice, training and support, and, where appropriate targeted provision;
- to enable the Council to meet its statutory responsibilities towards children and young people with SEND, in conjunction with schools;
- to work closely with schools, parents, carers and other support services to ensure that high quality provision and resources are allocated equitably and efficiently;
- to contribute to the Council's Continual Professional Development Programme;
- to support the Council's procedures for monitoring processes for referrals, provision and pupil progress.

Arrangements for Identification and Assessment

The Council will seek to fulfil its duty to keep its procedures for assessing and meeting special educational needs under review and will ensure:

- a child's needs are identified as early as possible and interventions are reviewed regularly;
- assessment and intervention is based on partnership with those who have special educational needs and disabilities, together with their parents and carers;
- assessment and provision empowers young people, taking their views into account in order that they can make a contribution to decision-making;
- assessment and intervention involving multiple agencies should be co-ordinated rather than separately planned and delivered.

Decisions about placement will be made in a number of ways but always with the oversight of the SEND Panel. Decisions about the strategic development of SEN in Gateshead will be made in the SEND Strategy Group which meets on a termly basis to review all aspects of SEND provision.

SEN Policies in Early Years Settings and Schools

The LEA will seek to support all early years settings and schools with the implementation of an SEN policy which takes account of statutory requirements in the interests of ensuring co-ordinated SEN provision within the Borough as a whole. The LA will also ensure Pupil Referral Units have an appropriate SEN policy.

Arrangements for Co-ordination and Collaboration with Other Local Authorities

Pupils from Gateshead attend special school and units in other local authorities and children from other areas attend schools in Gateshead. Gateshead Council is committed to developing effective partnerships with other local authorities to ensure the needs of pupils

with SEND are met. Gateshead Council will seek to ensure all schools are supported in ensuring that the following are in place.

- Open and effective communication.
- Clear and agreed procedures.
- Arrangements for early review of placements should any difficulties arise.

Sharing Good Practice

Gateshead Council values the opportunity to celebrate success and will continue to support schools and settings with the identification and sharing of good practice. The Council seeks to build on and improve communication with and between schools and will maintain and develop an effective programme of continual professional development to ensure SEND issues and initiatives are discussed fully.

Monitoring and Evaluation

The Council will continue to update and develop its procedures for monitoring the implementation of the SEND policy and evaluating its impact on provision for pupils with SEND.

The Council ensures the policy is subject to a regular cycle of monitoring, evaluation and review with reference to the following success criteria:

- an improvement in the quality of SEND policies as judged through systematic monitoring of a sample submitted to the Council;
- a year on year improvement in the quality of Support Plans as judged by a random sample submitted to the Council;
- significant progress towards ensuring statutory assessments are completed within prescribed time-scales;
- annual growth in the numbers of teachers and support staff completing relevant training with reference to the priorities of the Education Development Plan;
- an improvement in the quality of procedures for setting targets for pupils with SEND

PVI Monitoring Survey — October 2016

A survey was sent to all 55 PVI settings in Gateshead (Day Nursery settings and Pre-schools) during October 2016. 47 settings responded, giving a return rate of 85%. Not all respondents answered every question. The data in the charts reflects the number of settings that answered the individual question.

The aim of the survey was to monitor the SEND provision in PVI settings and for the Area SENCoS to identify priorities for development and improvement in their support to PVI settings.

Information was collected in the following areas:

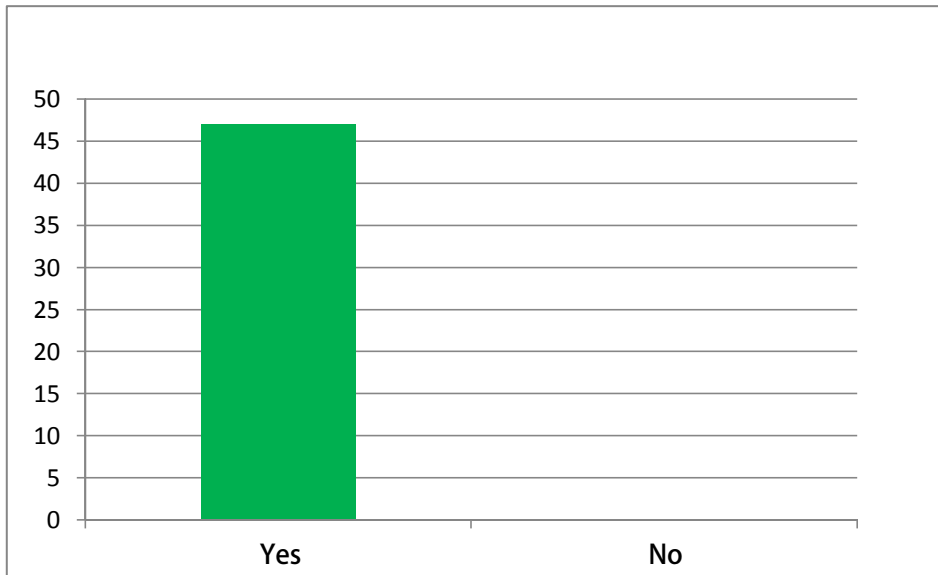
1. The SENCo
2. Early identification and intervention
3. Early Years Pupil Premium
4. Monitoring and Tracking
5. SEND Policy
6. Self-Evaluation
7. Area SENCo support

Following analysis of this survey long-term priorities for development have been set by the Area SENCoS.

Survey results

1. The SENCo

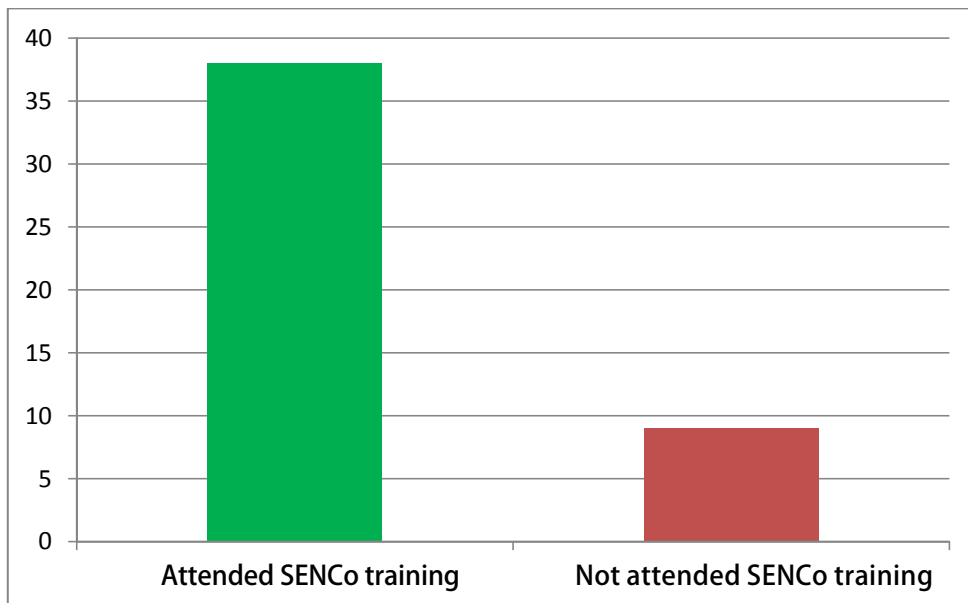
Q1 — Does your setting have a named SENCo in place?



Summary:

All settings have a named SENCo in place.

Q2 — Has the SENCo attended SENCo training (Managing SEN in the Early Years Part 1 and 2)?

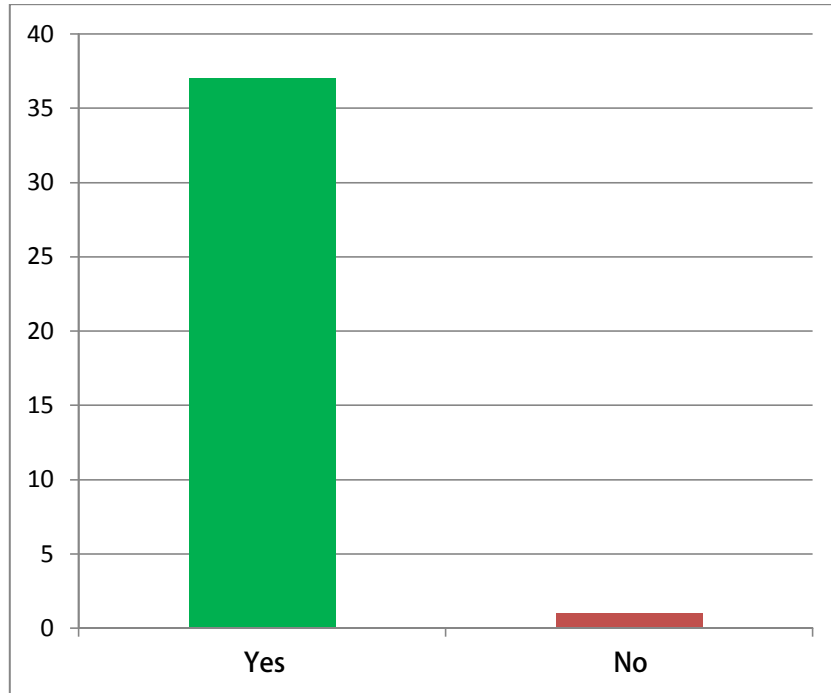


Summary:

81% of settings have attended SENCo training in Gateshead and 19% have not.

2. Early identification and intervention.

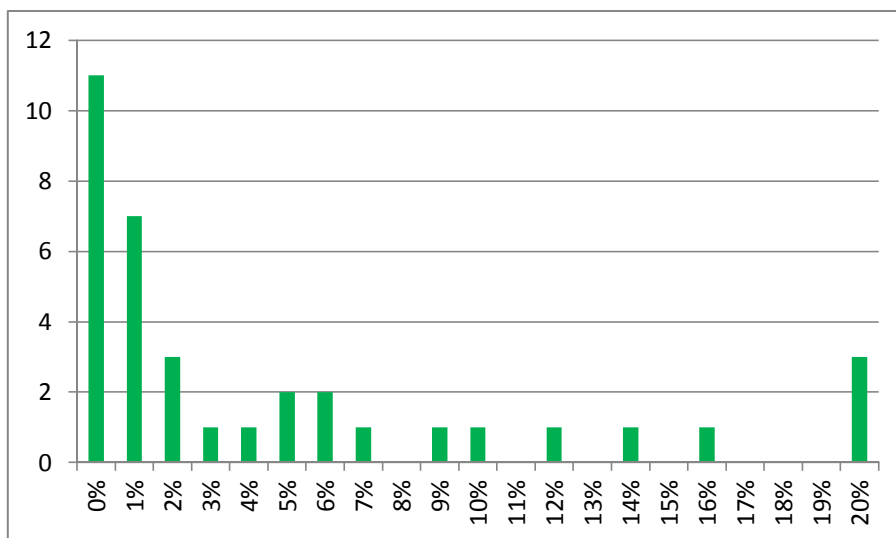
Q3 — Do you feel confident in identifying when and where children may need extra support?



Summary:

97% of settings felt confident in identifying when and where children may need extra support and 3% (1 setting) did not.

Q4 — What percentage of children in your setting have been identified as having special educational needs or disability (requiring SEN support or have an Education Health Care Plan in place)?



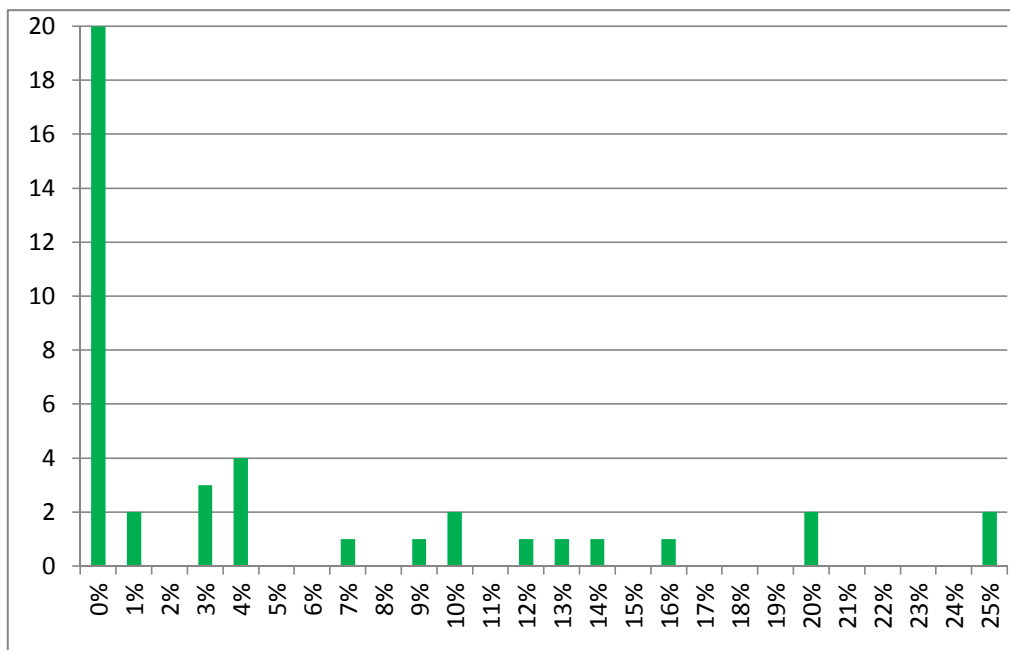
Summary:

Nationally, 14.4% of pupils had special educational needs in 2016, *Special educational needs in England: January 2016 (Department for Education)*.

The figures received in this survey ranged from 23% of the settings that responded having no children with special educational needs or disabilities attending to 6% of the settings that responded having 20% of children identified. It should be noted that this survey was sent out at the beginning of the academic year, which may affect the figures given.

3. Early Years Pupil Premium

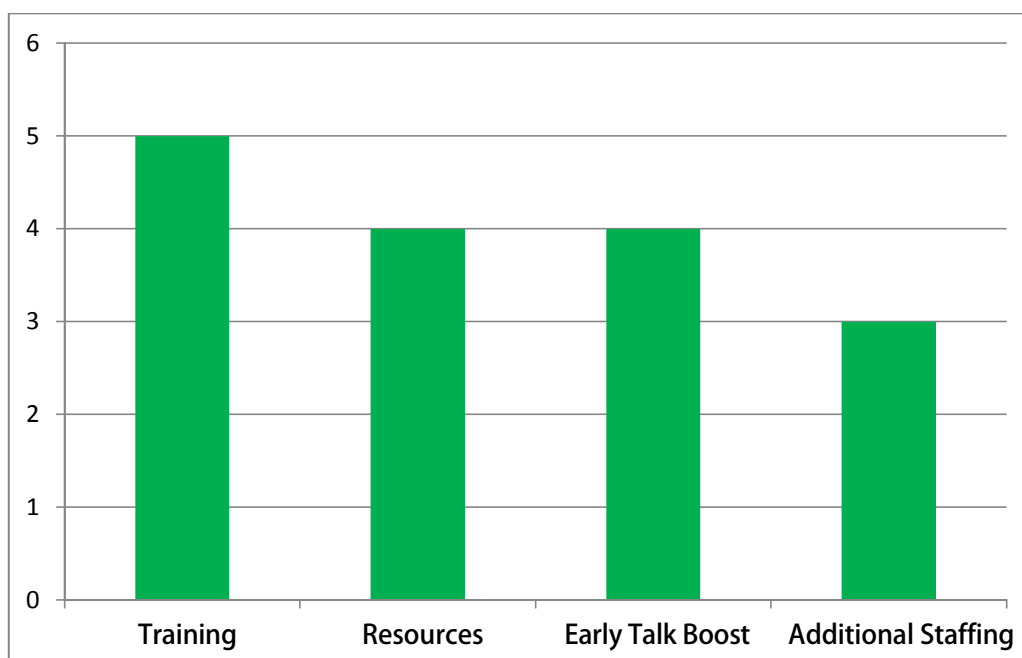
Q5 — What percentage of children receive Early Years Pupil Premium?



Summary:

From the responses received, 16 settings received Early Years Pupil Premium. There were huge variants between the amount of EYPP settings received, ranging from 59% receiving no EYPP and 6% receiving EYPP for 25% of its children.

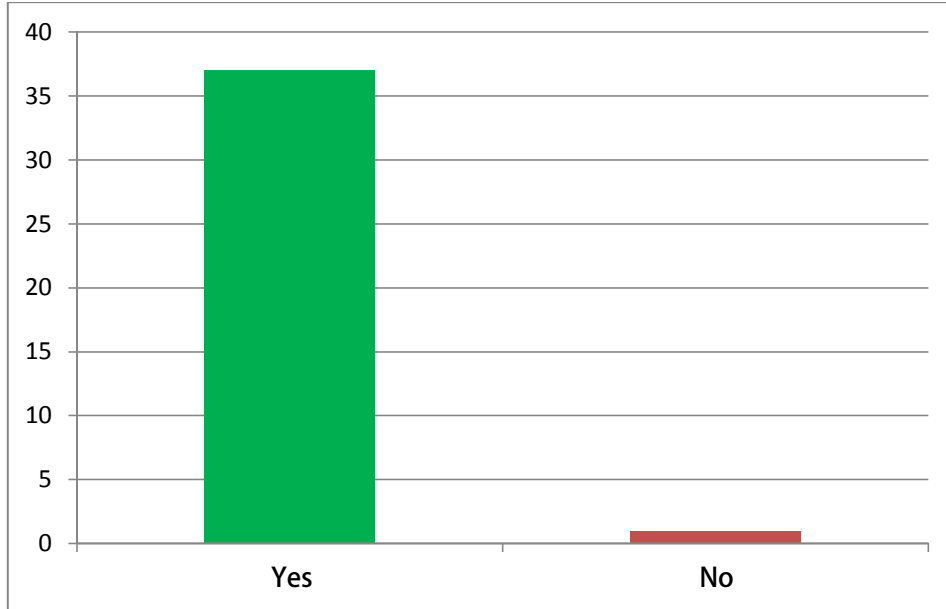
Q6 — How has the Early Years Pupil Premium been used to support children?



Within the settings receiving EYPP 31% used the premium for training, 25% for speech and language training / Early Talk Boost, 25% for resources and 19% for additional staffing.

4. Monitoring and Tracking

Q7 — Do you analyse and review tracking information regarding children with SEND?

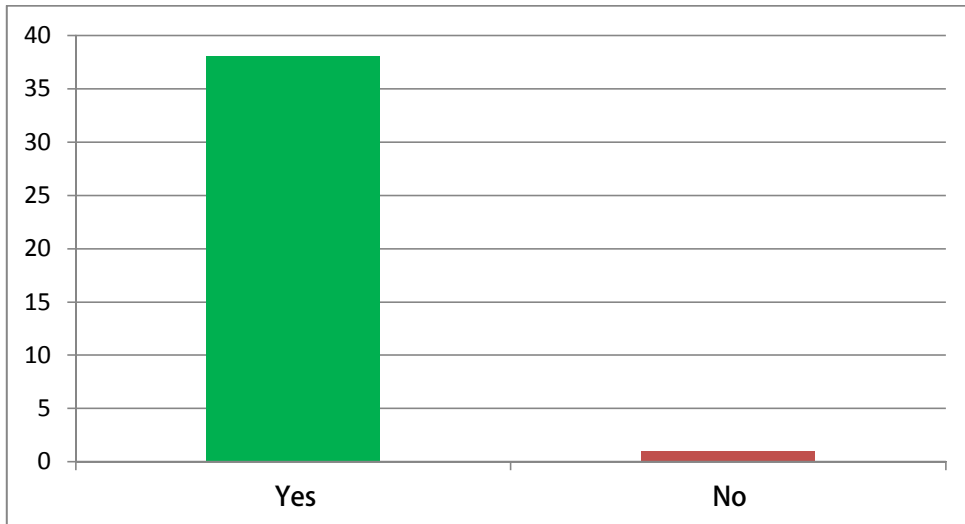


Summary:

97% of settings stated that they analyse and review tracking information regarding children with SEND. 3% (1 setting) did not.

5. SEND Policy

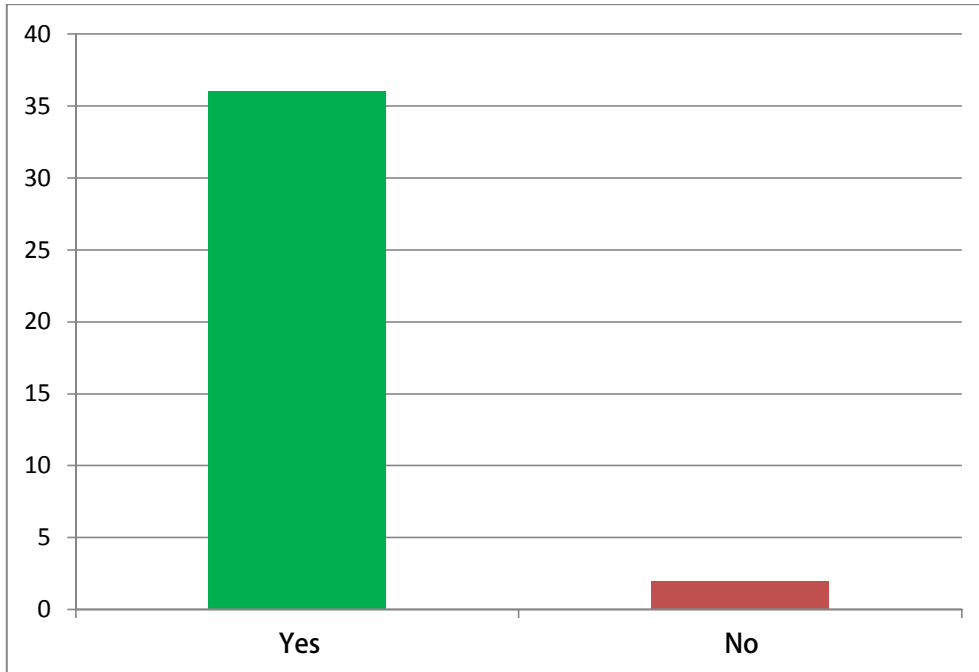
Q8 — Does your setting have SEND policy in place?



Summary:

97% of settings stated that they had a SEND policy in place. 3% (1 setting) did not.

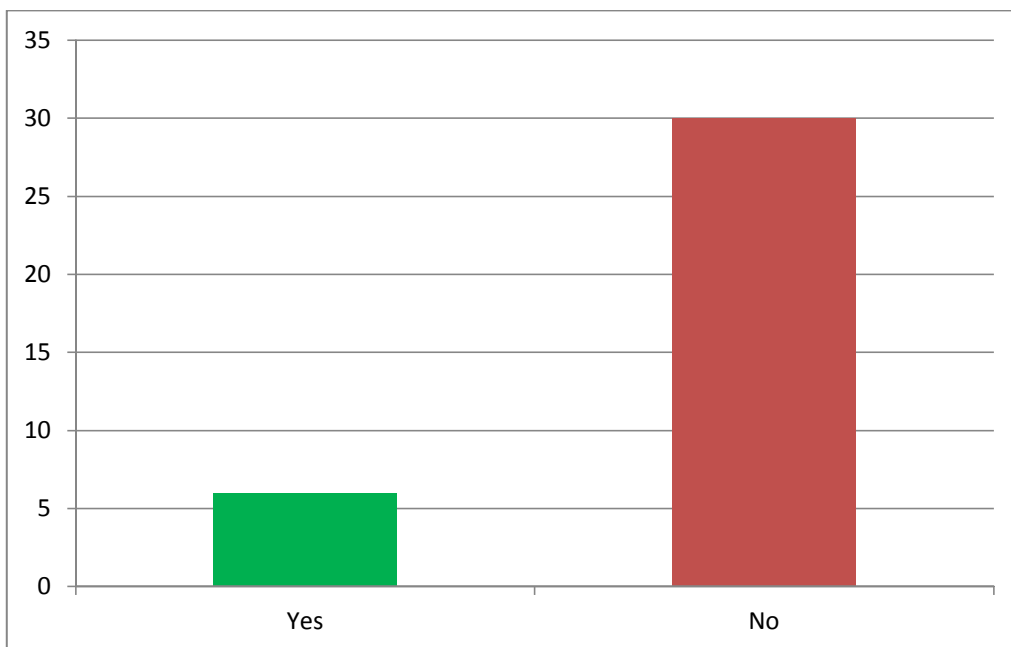
Q9 — Is your SEND policy shared with parents?



Summary:

95% of settings stated that they shared their SEND policy with parents. 5% (2 settings) did not.

Q10 — If you have a website, is your SEND policy published online?



Summary:

Only 17% of settings published their SEND policy online and 83% did not.

36 settings stated how they shared their SEND policy with parents.

Their responses included:

- copies sent home periodically and upon request. Also available to view in the school office at any time.
- it is available for them to see at any time, and can be emailed out on request as well
- our policies are available on our website
- website, parents policy file
- policy reviews termly
- available in parent handbook
- displayed, emailed
- parent leaflet
- Pre school prospectus
- during parent induction
- paper copy
- policy folder and displays
- all policies are available in group
- parents pack
- available on request and informed on updates via newsletter
- discussed on commencement
- emailed and registration pack
- on request
- policy is in parents information pack when they first start
- ease of access and highlighted aspects
- on web site and hard copy
- copies available

6. Self-Evaluation

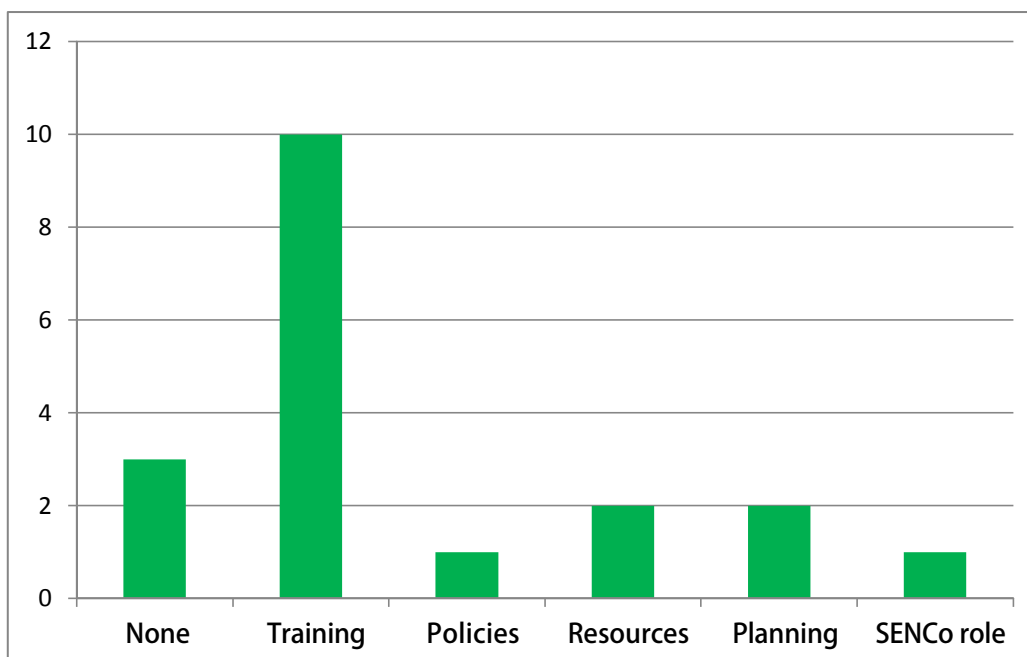
Q11 — What self-evaluation would your setting make on its current SEND provision based on the Ofsted judgements?



Summary:

37 % of settings judged themselves as outstanding and 63% judged themselves as good. No settings judged themselves as Requires Improvement or Inadequate.

Q12 — What priorities for improvement have been identified for SEND provision?

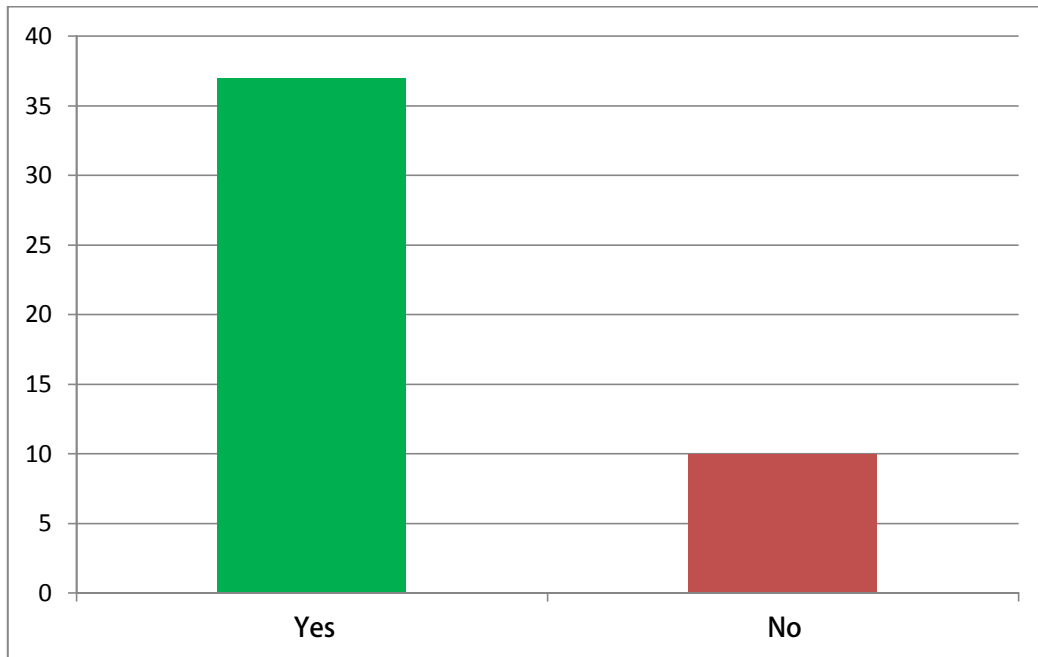


Summary:

50 % of settings identified training as a priority for development, 10% identified improving resources, 10% identified improving planning, 5 % identified reviewing policies and procedures and 5% identified developing the SENCo role. 15% did not identify an areas for improvement for SEND provision.

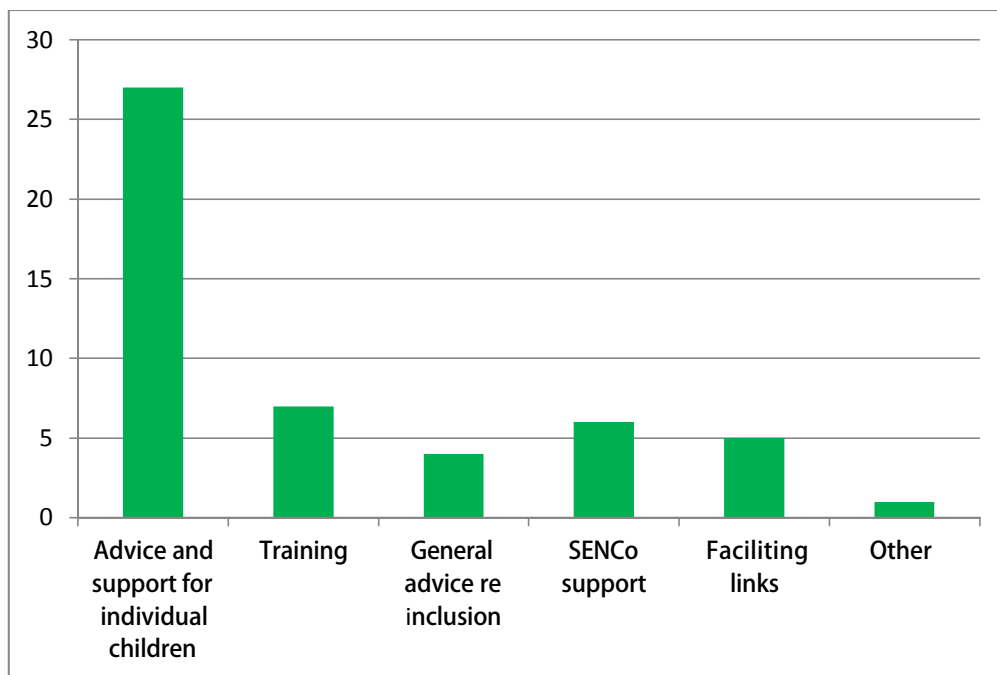
7. Area SENCo support

Q13 — Have you accessed the advice and support of your Area SENCo during the academic year 2015-2016?



79% of settings accessed the support and advice of the Area SENCo during the academic year 2015-2016 and 21% did not.

Q14 — If yes, what type of support did you receive?



Q15 — Have you any further comments regarding the support you have received from your Area SENCo?

All responses were positive and included:

- Very useful, practical information
- Our Area SENCo is always very knowledgeable and supportive
- We always feel well supported by our area Senco and think she is a great support within her role
- Area SENCO is always available to offer advice etc whether they come into the setting or via telephone
- We have very good links with our area SENCo and she is extremely supportive of our setting if we have any concerns about a child, she will come out to see us very quickly to support us and to put strategies in place. The SEND training provided is very good and well presented
- The Area SENCo will come to visit our setting whenever required
- Good support and visits. Can be contactable easily
- Service used this academic year and was very prompt and useful
- Always available and approachable for advice whatever our concern is for the child
- We have had no need to access support recently but feel that if we do need support we are confident in our Area SENCO that the appropriate support would be given as it has in the past
- All the staff and myself (SENCO) feel support is available at all times from our Area Senco whether it is just general advice or giving us strategies to deal with individual children. It is a great service and one we couldn't do without!
- Our Area SENCo is a fantastic support to offer advice and support and general reassurance

Priorities for development identified in survey:

- Prioritise and target SENCo training (Managing SEN in the Early Years) to those settings that have a SENCo in place that have not yet attended training.
- To provide an Early Years SENCo toolkit which includes information regarding early identification and intervention, legislative requirements and documentation and tracking information.
- To contact and target visits to those settings that have not used Area SENCos over the past academic year.
- To continue to offer Early Talk and Early Talk Boost training to PVI settings.

Dear Headteacher

Re – The SEND Report, Accessibility Plan/Disability Equality Scheme

I have recently sampled some of your websites to see if they are compliant for the SEND report and accessibility plan. It would seem in some of our schools we aren't publishing the SEND report or Accessibility/Disability Equality Scheme (DES). I have, therefore, provided some guidance notes for you to discuss with your SENCO and governors to check what you have in place. I have also attached the current LA Accessibility Plan and DES for your information.

Ann Muxworthy

1 Publishing information

There is confusion on what the SEND report is across what is published nationally. The guidance below from the Code of Practice gives direction on what information we need to include to make us compliant.

First we need a SEN policy which includes:

A rationale, Principles/objectives, Roles and responsibilities, Access to facilities & Provision, Admissions, Resources, Identification, Review, Support and access for curriculum, Student voice, Transition, Monitoring and evaluation, Complaints and agreements with LA e.g EP time.

Next we need to write an Accessibility plan or Disability Equality Scheme to address how the school is moving disability equality forward. This is 3 year plan.

Then we need a SEN report from governors. This includes the SEND policy and Accessibility Plan/DES as you already have relevant information in those documents. There is more of a focus on monitoring policy and plans, communication with parents/children, training completed by staff, monitoring the quality of provision and outcomes achieved for pupils.

SEN information report - The governing bodies of maintained schools and maintained nursery schools and the proprietors of academy schools must publish information on their websites **about the implementation of the governing body's** or the proprietor's **policy for pupils with SEN**. The information published should be **updated annually** and any changes to the information occurring during the year should be updated as soon as possible.

Schools should ensure that the information is easily accessible by young people and parents and is set out in clear, straightforward language. It should include named contacts within the school for situations where young people or parents have concerns. It should also give details of the school's contribution to the Local Offer and must include information on where the local authority's Local Offer is published. Section 2 below lists the requirements for the SEND report identified in the Code of Practice under item 6.79.

2 The DFE requirements September 2014 for **Special educational needs (SEND) report (6.79 Code of Practice)**

You must publish a report on your school's policy for pupils with SEND.

The report must comply with:

- [section 69\(2\) of the Children and Families Act 2014](#)
- [regulation 51 and schedule 1 of the Special Educational Needs and Disability Regulations 2014](#)
- [section 6 of the 'Special educational needs and disability code of practice: 0 to 25 years'](#)

Detailed below is what you need to have in your report and accessibility plan to comply with the above regulations.

The Report should include:

- How the school implements the SEND policy
- Admission of disabled children
- The steps being taken to prevent disabled children from being treated less favourably than others
- The facilities provided to enable access to the school for disabled children,
- The school's Accessibility plan/Disability Equality Scheme (DES) showing how they plan to improve access over time (3 year plan) [paragraph 3 of schedule 10 to the Equality Act 2010](#) **Note** - Copy of plan attached.

The Report should also include:

- the kinds of SEN that are provided for
- policies for identifying children and young people with SEN and assessing their needs, including the name and contact details of the SENCO (mainstream schools)
- arrangements for consulting parents of children with SEN and involving them in their child's education
- arrangements for consulting young people with SEN and involving them in their education
- arrangements for assessing and reviewing children and young people's progress towards outcomes. This should include the opportunities available to work with parents and young people as part of this assessment and review
- arrangements for supporting children and young people in moving between phases of education and in preparing for adulthood. As young people prepare for adulthood outcomes should reflect their ambitions, which could include higher education, employment, independent living and participation in society
- the approach to teaching children and young people with SEN
- how adaptations are made to the curriculum and the learning environment of children and young people with SEN
- the expertise and training of staff to support children and young people with SEN, including how specialist expertise will be secured
- evaluating the effectiveness of the provision made for children and young people with SEN
- how children and young people with SEN are enabled to engage in activities available with children and young people in the school who do not have SEN
- support for improving emotional and social development. This should include extra pastoral support arrangements for listening to the views of children and young people with SEN and measures to prevent bullying
- how the school involves other bodies, including health and social care bodies, local authority support services and voluntary sector organisations, in meeting children and young people's SEN and supporting their families
- arrangements for handling complaints from parents of children with SEN about the provision made at the school.

The above should include arrangements for supporting children and young people who are looked after by the local authority and have SEN.

The information published should be updated annually and any changes to the information occurring during the year should be updated as soon as possible.

- 3 **The Equality Act 2010** sets out the legal obligations that schools, early years providers, post-16 institutions, local authorities and others have towards disabled children and young people.

The Accessibility Plan/Disability Equality Scheme must demonstrate reasonable adjustments, including the provision of auxiliary aids and services, to ensure that disabled children and young people are not at a substantial disadvantage compared with their peers. This duty is anticipatory – it requires thought to be given in advance to what disabled children and young people might require and what adjustments might need to be made to prevent that disadvantage. Provision may be auxiliary aids and services for disabled children. Schools also have wider duties to prevent discrimination, to promote equality of opportunity and to foster good relations.

Where a child or young person is covered by SEN and disability legislation, reasonable adjustments and access arrangements should be considered as part of **SEN planning and review**. Where school governors are publishing information about their arrangements for disabled children and young people, this should be brought together with the information required under the Children and Families Act 2014.

- 4 Schools have additional duties under the Special Educational Needs and Disability Regulations 2014.

- The school-specific information should relate to the schools' arrangements for providing a graduated response to children's SEN. It should elaborate on the information provided at a local authority wide level in the Local Offer.
- Requesting an EHC needs assessment
Section 36 of the Children and Families Act 2014
The following people have a specific right to ask a local authority to conduct an education, health and care needs assessment for a child or young person aged between 0 and 25:
 - the child's parent
 - a young person over the age of 16 but under the age of 25, and
 - a person acting on behalf of a school or post-16 institution (this should ideally be with the knowledge and agreement of the parent or young person where possible)
- The assessment and planning process should:
 - focus on the child or young person as an individual
 - enable children and young people and their parents to express their views, wishes and feelings
 - enable children and young people and their parents to be part of the decision-making process
 - be easy for children, young people and their parents or carers to understand, and use clear ordinary language and images rather than professional jargon
 - highlight the child or young person's strengths and capabilities
 - enable the child or young person, and those that know them best to say what they have done, what they are interested in and what outcomes they are seeking in the future
 - tailor support to the needs of the individual
 - organise assessments to minimise demands on families

- bring together relevant professionals to discuss and agree together the overall approach
- deliver an outcomes-focused and co-ordinated plan for the child or young person and their parents

5 Improving outcomes

Every school is required to identify and address the SEND of the pupils that they support. Mainstream schools must:

- use their best endeavours to make sure that a child with SEN gets the support they need – this means doing everything they can to meet children and young people’s SEN
- ensure that children and young people with SEN engage in the activities of the school alongside pupils who do not have SEN
- designate a teacher to be responsible for co-ordinating SEN provision – the SEN co-ordinator, or SENCO (this does not apply to 16 to 19 academies)
- inform parents when they are making special educational provision for a child
- prepare an SEN information report (see ‘Publishing information: SEN information report’, paragraph 6.78 onwards) and their arrangements for the admission of disabled children, the steps being taken to prevent disabled children from being treated less favourably than others, the facilities provided to enable access to the school for disabled children and their accessibility plan showing how they plan to improve access progressively over time

5 Governance

- There should be a member of the governing body or a sub-committee with specific oversight of the school’s arrangements for SEN and disability. School leaders should regularly review how expertise and resources used to address SEN can be used to build the quality of whole-school provision as part of their approach to school improvement.

6 Teaching

The quality of teaching for pupils with SEN, and the progress made by pupils, should be a core part of the school’s performance management arrangements and its approach to professional development for all teaching and support staff.

School leaders and teaching staff, including the SENCO, should identify any patterns in the identification of SEN, both within the school and in comparison with national data, and use these to reflect on and reinforce the quality of teaching. The identification of SEN should be built into the overall approach to monitoring the progress and development of all pupils. School’s tracking system should provide information to inform interventions and support.

7 Identification and assessment

A mainstream school’s arrangements for assessing and identifying pupils as having SEN should be agreed and set out as part of the Local Offer. A school should publish its arrangements as part of the information it makes available on SEN (see the Special Educational Needs and Disability Regulations 2014).

Schools should ensure that children, parents and young people are actively involved in decision-making.

8 Reviewing support

Schools should regularly review and evaluate the breadth and impact of the support they offer or can access. Schools must co-operate with the local authority in reviewing the provision that is available locally and in developing the Local Offer. Schools should also collaborate with other local education providers to explore how different needs can be met most effectively. They must have due regard to general duties to promote disability equality.

9 Medical conditions

The Children and Families Act 2014 places a duty on maintained schools and academies to make arrangements to support pupils with medical conditions. Individual healthcare plans will normally specify the type and level of support required to meet the medical needs of such pupils. Where children and young people also have SEN, their provision should be planned and delivered in a co-ordinated way with the healthcare plan. Schools are required to have regard to statutory guidance 'Supporting pupils at school with medical conditions'.

10 Curriculum

All pupils should have access to a broad and balanced curriculum. The National Curriculum Inclusion Statement states that teachers should set high expectations for every pupil, whatever their prior attainment. Teachers should use appropriate assessment to set targets which are deliberately ambitious. Potential areas of difficulty should be identified and addressed at the outset. Lessons should be planned to address potential areas of difficulty and to remove barriers to pupil achievement. In many cases, such planning will mean that pupils with SEN and disabilities will be able to study the full national curriculum.

11 Identifying need

All schools should have a clear approach to identifying and responding to SEN. The benefits of early identification are widely recognised – identifying need at the earliest point and then making effective provision improves long-term outcomes for the child or young person.

Schools should assess each pupil's current skills and levels of attainment on entry, building on information from previous settings and key stages where appropriate. At the same time, schools should consider evidence that a pupil may have a disability under the Equality Act 2010 and, if so, what reasonable adjustments may need to be made for them.

Class and subject teachers, supported by the senior leadership team, should make regular assessments of progress for all pupils. These should seek to identify pupils making less than expected progress given their age and individual circumstances. This can be characterised by progress which:

- is significantly slower than that of their peers starting from the same baseline
- fails to match or better the child's previous rate of progress

- fails to close the attainment gap between the child and their peers
- widens the attainment gap

While informally gathering evidence (including the views of the pupil and their parents) schools should not delay in putting in place extra teaching or other rigorous interventions designed to secure better progress, where required. The pupil's response to such support can help identify their particular needs.

Where progress continues to be less than expected the class or subject teacher, working with the SENCO, should assess whether the child has SEN.

For some children, SEN can be identified at an early age. However, for other children and young people difficulties become evident only as they develop. All those who work with children and young people should be alert to emerging difficulties and respond early. In particular, parents know their children best and it is important that all professionals listen and understand when parents express concerns about their child's development. They should also listen to and address any concerns raised by children and young people themselves.

12 Special educational provision in schools

When reviewing and managing special educational provision the broad areas of need and support is outlined in section 6.28 Code of Practice

Teachers are responsible and accountable for the progress and development of the pupils in their class, including where pupils access support from teaching assistants or specialist staff.

High quality teaching, differentiated for individual pupils, is the first step in responding to pupils who have or may have SEN. Schools should regularly and carefully review the quality of teaching for all pupils, including those at risk of underachievement. This includes reviewing and, where necessary, improving, teachers' understanding of strategies to identify and support vulnerable pupils and their knowledge of the SEN most frequently encountered.

In deciding whether to make special educational provision, the teacher and SENCO should consider all of the information gathered from within the school about the pupil's progress, alongside national data and expectations of progress. This should include high quality and accurate formative assessment, using effective tools and early assessment materials. For higher levels of need, schools should have arrangements in place to draw on more specialised assessments from external agencies and professionals.

This information gathering should include an early discussion with the pupil and their parents. A short note of these early discussions should be added to the pupil's record on the school information system and given to the parents. Schools should also tell children, parents and young people about the local authority's SEND services.

Consideration of whether special educational provision is required should start with the desired outcomes, including the expected progress and attainment and the views and wishes of the pupil and their parents. This should then help determine the support that is needed and whether it can be provided by adapting the school's core offer or whether something different or additional is required.

More detailed information on what constitutes good outcome setting is given in Chapter 9, Education, Health and Care needs assessments and plans (paragraphs 9.64 to 9.69). These principles should be applied to planning for all children and young people with SEN. From Year 9 onwards, the nature of the outcomes will reflect the need to ensure young people are preparing for adulthood.

The outcomes considered should include those needed to make successful transitions between phases of education and to prepare for adult life. Schools should engage with secondary schools or FE providers as necessary to help plan for these transitions (see Chapter 8, Preparing for adulthood from the earliest years).

Arrangements for appropriate support should be made through the school's approach to SEN support. SEN support in schools

Where a pupil is identified as having SEN, schools should take action to remove barriers to learning and put effective special educational provision in place. This SEN support should take the form of a four-part cycle through which earlier decisions and actions are revisited, refined and revised with a growing understanding of the pupil's needs and of what supports the pupil in making good progress and securing good outcomes. This is known as the graduated approach. It draws on more detailed approaches, more frequent review and more specialist expertise in successive cycles in order to match interventions to the SEN of children and young people.

In identifying a child as needing SEN support the class or subject teacher, working with the SENCO, should carry out a clear analysis of the pupil's needs. This should draw on the teacher's assessment and experience of the pupil, their previous progress and attainment, as well as information from the school's core approach to pupil progress, attainment, and behaviour. It should also draw on other subject teachers' assessments where relevant, the individual's development in comparison to their peers and national data, the views and experience of parents, the pupil's own views and, if relevant, advice from external support services.

This assessment should be reviewed regularly. Where it is decided to provide a pupil with SEN support, the parents must be formally notified, although parents should have already been involved in forming the assessment of needs as outlined above. The teacher and the SENCO should agree in consultation with the parent and the pupil the adjustments, interventions and support to be put in place, as well as the expected impact on progress, development or behaviour, along with a clear date for review.

All teachers and support staff who work with the pupil should be made aware of their needs, the outcomes sought, the support provided and any teaching strategies or approaches that are required. This should also be recorded on the school's information system.

The support and intervention provided should be selected to meet the outcomes identified for the pupil, based on reliable evidence of effectiveness, and should be provided by staff with sufficient skills and knowledge. The class or subject teacher should remain responsible for working with the child on a daily basis. Where the interventions involve group or one-to-one teaching away from the main class or subject teacher, they should still retain responsibility for the pupil. They should work closely with any teaching assistants or specialist staff involved, to plan and assess the impact of support and interventions and how they can be linked to classroom teaching. The SENCO should support the class or subject teacher in the further assessment of the child's particular strengths and weaknesses, in problem solving and advising on the effective implementation of support.

The effectiveness of the support and interventions and their impact on the pupil's progress should be reviewed in line with the agreed date. The impact and quality of the support and interventions should be evaluated, along with the views of the pupil and their parents. This should feed back into the analysis of the pupil's needs. The class or subject teacher, working with the SENCO, should revise the support in light of the pupil's progress and development, deciding on any changes to the support and outcomes in consultation with the parent and pupil. Parents should have clear information about the impact of the support and interventions provided, enabling them to be involved in planning next steps.

Where a pupil has an EHC plan, the local authority must review that plan as a minimum every twelve months. Further information about EHC plan reviews is given in Chapter 9, Education, Health and Care needs assessments and plans.

The Local Offer should set out clearly what support is available from different services and how it may be accessed. The SENCO and class teacher, together with the specialists, and involving the pupil's parents, should consider a range of evidence-based and effective teaching approaches, appropriate equipment, strategies and interventions in order to support the child's progress.

SEN support should be adapted or replaced depending on how effective it has been in achieving the agreed outcomes. Where, despite the school having taken relevant and purposeful action to identify, assess and meet the SEN of the child or young person, the child or young person has not made expected progress, the school or parents should consider requesting an Education, Health and Care needs 104 assessment (see Chapter 9). To inform its decision the local authority will expect to see evidence of the action taken by the school as part of SEN support. Involving parents and pupils in planning and reviewing progress

Schools must provide an annual report for parents on their child's progress. Most schools will want to go beyond this and provide regular reports for parents on how their child is progressing.

The provision made for pupils with SEN should be recorded accurately and kept up to date. As part of any inspection, **Ofsted will expect to see evidence of pupil progress**, a focus on outcomes and a rigorous approach to the monitoring and evaluation of any SEN support provided. Ofsted publish more detail about their expectations in their inspection guidelines.

Schools should particularly record details of additional or different provision made under SEN support. They should ensure that they have accurate information to evidence the SEN support that has been provided over the pupil's time in the school, as well as its impact.

Provision maps are an efficient way of showing all the provision that the school makes which is additional to and different from that which is offered through the school's curriculum. The use of provision maps can help SENCOs to maintain an overview of the programmes and interventions used with different groups of pupils and provide a basis for monitoring the levels of intervention.

Provision management can be used strategically to develop special educational provision to match the assessed needs of pupils across the school, and to evaluate the impact of that provision on pupil progress. Used in this way provision management can also contribute to school improvement by identifying particular patterns of need and potential areas of development for teaching staff. It can support schools to improve their core offer for all pupils as the most effective approaches are adopted more widely across the school.

The SENCO must be a qualified teacher working at the school. A newly appointed SENCO must be a qualified teacher and, where they have not previously been the SENCO at that or any other relevant school for a total period of more than twelve months, **they must achieve a National Award in Special Educational Needs Coordination** within three years of appointment.

13 Funding for SEN support

All mainstream schools are provided with resources to support those with additional needs, including pupils with SEN and disabilities. Most of these resources are determined by a local funding formula, discussed with the local schools forum.

Gateshead SEND Strategy

Vision

Gateshead is committed to giving children the best start in life and to supporting children and young people to achieve their best. We want children and young people to develop their independence as far as practicable, to become confident, participating and contributing adults and to live fulfilled and productive lives. To this end, we undertake to work in partnership as professionals and with children, young people and their families to ensure that services and individualised support arrangements are appropriate, accessible, effective and efficient.

Introduction

Within Vision 2030 the Council and its partners present a shared ambition for the future of the Borough. The common aim is to create a confident and aspirational place in which children get the best start in life and where those who need help get it easily with agencies working together and where inequalities in health and education are eradicated.

Supporting children and young people who have special educational needs and/or disabilities is crucial to the successful delivery of this ambition.

This Strategy provides insight into the immediate and longer term challenges that we currently face and the practical steps that we are taking to address them. The statistical analysis presented in the Context section provides the rationale for some priorities. Other work streams are a response to issues identified by practitioners or emerging from the new SEND Code of Practice. Details of this work and the ways in which it supports the delivery of our goals are provided in the Strategic Aims and Implementation sections of the strategy.

Context

Incidence of SEND

In January 2016, there were 4,387 *school-age pupils in Gateshead* with a special educational need or disability (SEND), which equates to 15% of the school population. Of these, 891 (20%) had either a statement of SEN or Education, Health and Care Plan (EHCP) and 3,319 (80%) were at SEN Support (*School Census*).

Children and young people with a statement of SEN or EHC Plan

In January 2016, 980 children and young people aged 0-25 had either a statement of SEN or EHCP (*SEN2 Return*).

The majority of these (82%) were aged between 5 and 15, 3.9% were under 5 years, 13.6% were aged 16 to 19 and just 3 were aged 20 to 25.

Most of those with a statement or EHCP were attending a special school or academy (51.8%), 17.3% were attending a maintained mainstream school, 4.5% were in resourced provision in a Local Authority maintained mainstream school, 12.2% were attending an academy and 7.3% were attending either a non-maintained special school, an independent special or 'other' independent school. 0.6% were attending non-maintained early years settings in the private and voluntary sector, 3.9% were attending a general Further Education (FE) and tertiary college (Higher Education) and 0.5% were attending specialist post-16 institutions. The remainder were educated other than at school or were waiting provision.

1.1% of all primary mainstream pupils have a statement of SEN or EHCP (School Census data) and 98.6% of all primary special school pupils have a statement of SEN or EHCP (*School Census; Jan 2016*).

1.0% of all primary mainstream pupils, 1.5% of all secondary mainstream pupils and 99.2% of all special school pupils have a statement of SEN or EHCP (*School Census; Jan 2016*).

Children and young people at SEN Support

In January 2016, 11.7% of all school-age pupils in Gateshead (3,496) were at SEN Support. The vast majority of these (95.9%) were attending a mainstream school (*School Census*).

13.7% of all primary mainstream pupils, 9.6% of all secondary mainstream pupils and 0.8% of all special school pupils were at SEN Support (*School Census; Jan 2016*).

Primary needs of pupils with SEND

Primary Special Educational Need Category	Number of pupils*	% of all school-age pupils (29,842)
Moderate Learning Needs (MLD)	1073	3.6%
Speech, Language and Communication Needs (SLCN)	833	2.8%
Social, Emotional Mental Health (SEMH)**	573	1.9%
Specific Learning Difficulty (SpLD)	480	1.6%
Autistic Spectrum Disorder (ASD)	342	1.1%
Physical Disability (PD)	113	0.4%
Severe Learning Difficulty (SLD)	104	0.3%

Hearing Impairment (HI)	94	0.3%
Visual Impairment (VI)	46	0.2%
Profound and Multiple Learning Difficulty (PMLD)	25	0.1%

School Census; Jan 2016

*Includes pupils with EHC Plans and those at SEN Support

**The term Social, Emotional Mental Health (SEMH) needs replaced Behaviour, Emotional and Social Difficulties (BESD) following the publication of the [SEN Code of Practice 2014](#)

Between 2010 and 2014 there was a growth trend in the following primary need areas:

- Autistic Spectrum Disorder (ASD)
- Speech, Language and Communication Needs (SLCN), specifically in the primary sector

There was a downward trend in the following primary need areas between 2010 and 2014:

- Moderate Learning Difficulties (MLD)
- Specific Learning Difficulties (SpLD), specifically in the secondary sector

Due to changes in how primary needs were recorded from 2015 as part of the School Census data collection process it has not been possible to identify trends from this date. The SEND Monitoring Group will monitor trends at least annually in order to predict demand and feed this into commissioning processes.

Additionally Resourced Mainstream School Provision (ARMS)

There are currently 7 primary ARMS and 2 secondary ARMS in Gateshead for pupils with EHC Plans. In Gateshead, ARMS provision is not a short term intervention model, but is an alternative to mainstream and special school where pupils benefit from learning in a mainstream school whilst receiving additional specialist help that is tailored to their individual needs.

A breakdown of the pupils learning in ARMS provision in October 2016 is shown below:

School	Type of need catered for	Number of pupils
Bede Primary	Social Emotional and Mental Health	6
Bill Quay Primary	Complex Communication Needs including Autism	2
Brandling Primary	Speech, Language and Communication	14
Eslington Primary	Social Emotional and Mental Health	3

High Spen Primary	Hearing Impairment	4
Rowlands Gill Primary	Complex Learning Needs	4
Swalwell Primary	Physical Difficulties	10
Thorp Academy (Secondary)	Moderate Learning Needs	18
Whickham Academy (Secondary)	Autism Spectrum Disorder	9

The Council is currently working in partnership with mainstream schools to implement a new model for ARMS provision, which is proposed to be based on an outreach basis from special schools.

Early Years

In July 2015 a questionnaire was sent to all schools (including specialist provision/additionally resourced mainstream provision) and Private Voluntary Independent settings in the Early Years Foundation Stage.

63.5% responded providing the following information about children aged 0-5 identified with SEND:

- 611 (14.2%) children of all children aged 0-5 in those settings were identified as having SEND (11.8% in PVI settings and 16.3% in school settings).
- 79% of the 611 children were at SEN Support, 13% had an EHCP and 8% were undertaking an EHCP assessment.
- The highest primary categories of need reported in year groups Nursery (1 and 2) and Reception were Speech, Language and Communication Needs (SLCN) followed by Autistic Spectrum Disorder (ASD), Social, Emotional and Mental Health (SEMH) and Cognitive/Development Delay.

The Council's Early Years Assessment and Intervention Team (EYAIT) was established in January 2014 and is made up of specialist teachers, Portage workers and teaching assistants working with pre-school children aged 0-4 years identified by settings. During the 2014-15 academic year, there were 123 referrals made to the team and 114 referrals made during the 2015-16 academic year. It is anticipated that the number of referrals is set to increase during the 2016-17 academic year due to numbers of referrals received so far and higher numbers of younger children being referred to the team. For example, in 2014-15 there were 16 two year olds referred whereas this had increased to 50 two year olds being referred in 2015-16. It is thought that this is due to an increase in two year olds accessing early education, integrated two year old assessments and improved early identification processes. Children in PVI provision can be referred from the EYAIT to the Educational Psychology Service (EPS). During the 2014-15 academic year there were 39 referrals to the EPS and 36 during the 2015-16 academic year. It is anticipated there will be about 40 referrals between September 2016 and August 2017. The majority, but not all of these, will go on for EHC assessments.

Attainment of children and young people with SEND (RAISEonline data)

In 2015, outcomes for Key Stage 1 pupils at SEN Support were very low compared to the national average (KS1 pupils at SEN support) and to their peers (pupils without SEN). Outcomes for Key Stage 1 pupils with a statement of SEN or EHCP were low compared to the national average (KS1 pupils with a statement/EHCP) and to their peers (pupils without SEN). Outcomes for both cohorts are generally in line with regional neighbours.

Outcomes for Key Stage 2 pupils at SEN Support in 2015 had been better than the national average for several years, although the gap has closed a little more recently. 44% of these pupils achieved level 4+ Reading, Writing and Maths, 1% more than the national average (KS2 pupils at SEN Support). Level 4 Writing was poor in 2015, compared to the national average. Outcomes for pupils with a statement of SEN or EHCP tend to be lower than average although the % level 4+ in Reading is above the national figure. 10% of these pupils attained Level 4+ in Reading, Writing and Maths compared to a national figure of 16% (KS2 pupils with a statement/EHCP).

The achievement of 5 x Grade A*-C GCSE's including English and Maths and the English Baccalaureate for Key Stage 4 students at SEN Support in 2015 compares favourably with regional and statistical neighbours and is higher than the national figure (pupils at SEN Support). However, outcomes in terms of 5 x Grade A*-C GCSE's including English and Maths at Key Stage 4 for students who have a statement of SEN or an EHCP are lower than the national average and low compared to regional and statistical neighbours (pupils with a statement/EHCP). Achievement of the English Baccalaureate by this group is lower than the national average and lower than regional and statistical neighbours whose figures are published (pupils with a statement/EHCP).

In 2015, Key Stage 5 students at SEN Support had generally higher Average Point Score (APS) on entry to KS5 and had better outcomes than the national average. Students at Key Stage 5 with a statement of SEN or EHCP had a lower APS on entry to KS5 and lower outcomes; however this was a very small cohort of 4 students.

The % of 19 year olds with SEND in Year 11 qualified to Level 2 with Maths and English in 2015 was 24.5%, which was lower than the regional and national average. The % of 19 year olds with SEND in Year 11 qualified to Level 3 with Maths and English in 2015 was 20.8%, which was lower than the regional and national average.

School Absence

The school absence rate for SEN pupils in the academic year 2014-15 was as follows:

Primary: 5.1% absence (overall absence of primary school pupils in Gateshead was 3.8%)

Secondary: 7.1% absence (overall absence of secondary school pupils was 5.5%)

Pupil Referral Unit: 54.5% absence (pupils with SEN aged 5-15 years)

Special: 6.5% absence (pupils with SEN aged 5-15 years)

Exclusion rates

During the 2014-15 academic year, there were no permanent exclusions and 86 fixed term exclusions of pupils with SEND.

Number of fixed term exclusions	Reason for exclusion
14	Persistent Disruptive Behaviour
12	Physical assault against an adult
10	Other
8	Verbal abuse/threatening behaviour against an adult
7	Drugs and alcohol
6	Physical assault against a pupil
2	Damage
2	Racist abuse
2	Theft

Post 16

The table below highlights the types of post-16 educational provision that young people with a statement of SEN/EHC Plan were studying at during the 2015-16 academic year:

Provision Type	Number	Percentage
General FE College	51	29%
Maintained Special	41	23.4%
Supported Internship	20	11.4%
Special Academy	18	10.2%
Independent Specialist College	12	6.9%
Mainstream Academy	8	4.6%
Not placed	6	3.4%
Traineeship	6	3.4%
Non-maintained Special School	4	2.3%
Independent School	2	1.2%
Independent Special School	2	1.2%
Elective Home Education	1	0.6%
EOTAS	1	0.6%
Free School	1	0.6%
Independent Other	1	0.6%
Maintained Mainstream	1	0.6%

Total	175	100%
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The Gateshead Connexions data below highlights the destinations of students in years 12, 13 and 14 that have either a statement of SEN or an EHC Plan as at June 2016:

Destination	Year 12	Year 13	Year 14	% of cohort
Further Education	28	35	18	29%
Sixth Form	33	31	9	26%
Apprenticeships	8	12	2	8%
NEET Available	10	7	7	8%
Training	4	16	1	7%
Employment with training	3	10	3	6%
Out of Area	9	7	0	6%
Employed without training	0	9	1	3%
Moved Away / other	4	2	1	2%
Not Available	2	2	3	2%
Other Post 16	2	1	1	1%
Not Known	0	1	1	0.7%
Higher Education	0	0	1	0.3%
	103	133	48	

The data above highlights that a total of 8% of young people age 16-18 years (in years 12, 13 and 14) with SEN (with a statement of SEN or EHC Plan) were Not in Education, Employment or Training (NEET). In December 2015, 4.8% of all 16-17 years olds in Gateshead were NEET compared to a national average of 7.1% (DfE NEET and Not Known Scorecard).

Social care support

In September 2016, 195 children and young people with SEND were receiving social care support from the Disabled Children's Team (a team of social workers), of which 11 were Looked After Children (LAC). Gateshead Council's Transitions Team provide Transition (Care Act) assessments to young people who are 17 and moving into adulthood. The provisions in the Care Act relate not only to those who are already receiving children's services, but for anyone who is likely to have needs for adult care and support after turning 18. To enable the team to identify those who may have eligible needs there is a dedicated Assessing Officer who works within the special schools in Gateshead and out of borough schools who have Gateshead pupils in placement. This worker attends Education, Health and Care plan reviews, provide information and advice regarding preventative, universal and specialist services, signpost to health colleagues and offer an assessment to those who have a physical or mental impairment.

In May 2016, 161 Looked After Children (LAC) had SEND, which equates to 69% of all school-age Looked After Children. 52% of the 161 LAC had a statement or EHCP and 44% were at SEN Support.

438 school-age Children In Need (CIN) had SEND, which equates to 37% of all school-age Children In Need. 218 of the 438 (50%) had a statement of SEN or EHCP, 216 (49%) were at SEN Support and 4 (1%) were undergoing an EHCP assessment.

In the financial year 2015-16, 497 short break services were provided to Gateshead families. Of these, 120 were provided as a direct payment/personal budget, which were predominantly used to provide a personal assistant to accompany children and young people on social outings and activities. Other types of short break services provided included overnight stays in specialist residential provision, access to out of school and holiday clubs, community outreach and home care support.

Strategic Aims

Working in partnership with education, health and care commissioners and providers and service users to:

1. Develop and deliver cohesive, outcomes focussed education, health, care services and support systems which give children and young people the best opportunity to engage, achieve, succeed, and progress
2. Agree arrangements and protocols that enable a partnership approach to:
 - Identifying need
 - Structured information gathering and sharing
 - Joint or collaborative service planning
 - Joint or collaborative commissioning
 - Efficient delivery
 - Effective monitoring
 - Evaluation and analysis
3. Develop and maintain comprehensive, accurate data and information to understand need and inform service planning, development and delivery
4. Ensure that children, young people and families have access to timely assessment that enables intervention at the earliest opportunity
5. Establish and maintain co-ordinated information and advice services that are accessible and support decision making and choice
6. Co-ordinate services so that transitions are smooth and support is continuous
7. Provide opportunities for children, young people and families to contribute to the design, delivery and evaluation of services

8. Adopt best value principles in directly provided and commissioned services

How we will know we have succeeded

- Outcomes demonstrate that children and young people have access to and are receiving *high quality* education, health and care services and support
- Service developments are proactive and clearly based on an *accurate understanding* of types and levels of need derived from *comprehensive and co-ordinated information systems*
- Children, young people and their families *actively engage* with education, health and care professionals in identifying service development priorities
- Education, health and care services *co-ordinate their communication arrangements* and families report that they can easily access appropriate information, advice and guidance
- Education, health and care professionals work together in ways that ensure that children, young people and families experience *seamless access to and progression through services*
- Targeted joint commissioning which delivers *best value* is routinely undertaken
- The system is driven by “*Total Quality Assurance*” principles

Implementation

The Strategy will be implemented through the standing and working groups that collectively:

- Manage the use of available funds
- Oversee the delivery of services
- Develop the partnership arrangements required to ensure there is:
 - a common ambition
 - a shared commitment to the delivery of effective and efficient services, including information services
 - systems, procedures and protocols that enable productive partnership working including through joint commissioning of services
- Identify priorities for action
- Undertake assigned work and/or time limited projects that are focussed on the development of improved services for children, young people and families

The work of each of the groups is presented in the pages that follow. The key areas for action in 2016-2017 are to:

1. Ensure that through Early Intervention the needs of children and young people can be identified and action taken to meet their needs as soon as possible
2. Develop services for children and young people who have Autism and Social, Emotional and Mental Health need (SEMH)
3. To ensure that children and young people who are looked after receive the support they need to achieve their best
4. Ensure that there are sufficient and appropriate progression opportunities for young people SEN/D leaving school
5. Ensure that there is sufficient and appropriate provision for children and young people who are at risk of exclusion or who have been excluded
6. Monitor and review provision for SEN/D children and young people in order to develop services and settings in response to the existing and emerging volumes and types of need
7. Further strengthen co-production and partnership working with service users, including children and young people and parents and carers
8. Develop strong partnerships between Education, Health and Care that will enable the establishment of working practices that will enable all partners to collectively deliver the requirements of the Code of Practice
9. Conduct a review of ARMS provision and reconfigure ARMS on the basis of the outcomes of the Review
10. To examine the level and causes of Persistent Absenteeism among pupils who have SEN/D with a view to supporting schools to address this issue
11. To continue to work with partners to raise standards of attainment for SEN/D children with especial reference to Key Stage 1

Strategic Planning

SEND Strategy Group

Aim of group

The aim of the working group is to understand need and performance in relation to SEN/D in Gateshead in order to identify development priorities which will inform the design and delivery and continuous improvement of services and support for children, young people and their families.

Key areas of work

- To develop a Strategy for SEN/D for Gateshead and to ensure that it is delivered
- Through the SEN/D Monitoring Group to ensure that data re the performance of SEN/D children and young people is collated, analysed, reviewed and used as a basis for evaluating performance and identifying need
- To ensure that there is an annual SEN/D Evaluation and that there a Self Evaluation is produced and agreed
- To receive reports from the funding groups, other standing groups and work groups to ensure that:
 - Strengths and areas for development are identified
 - Planned actions are consistent with identified needs
 - Gaps in provision are being addressed
 - To provide support and challenge to these groups
- To report to the key strategic groups within the Local Authority and Health Trust
- To receive and respond to queries and directives raised by the Strategic groups
- To ensure key information sources for service users, including the local offer, are reviewed and revised as appropriate
- To develop productive partnerships with service users and service providers to ensure that service development is properly informed, that service delivery is in line with required standards, and that service review and evaluation is inclusive.

Contribution to Strategic Aims: All

Contribution to Key Areas for 2016-2017: All

Funding Groups

Disabled Children Resource Panel

Aim of group

The aim of the working group is to assist the council in relation to decisions about

short break provision for children with special educational needs and disabilities.

Key areas of work

- To assist the council to make decisions on initial requests for provision
- To assist the council to reviewing short break packages of support
- To review any responses received either from parents or schools in relation to recommendations made and advise the council on the appropriate response

Contribution to Strategic Aims: 1, 3, 8

Contribution to Key Areas for 2016-2017: 2,6

High Needs Block working group

Aim of group

The aim of the working group is to review the functions supported by the High Needs Block of the Dedicated Schools Grant (DSG). To ascertain where possible savings could be made if there is a reduction in the High Needs Block of the DSG following the DSG funding review and the implementation of a national funding formula for the High Needs Block.

Key areas of work

- Input into Stage 2 of the High Needs funding consultation which is expected summer 2016
- Review areas of funding when possible savings targets are known December 2016 for possible implementation April 2017.

Contribution to Strategic Aims: 1, 8

Contribution to Objectives for 2016-2017: 1, 2, 3, 4, 5, 9

Schools Forum

Aim of group

Schools forums generally have a consultative role on issues that affect school funding. However, there are situations in which they have decision-making powers. The respective roles of schools forums, local authorities and the DfE are summarised in schools forum powers and responsibilities (below).

Key areas of work

Key areas of work that link to the SEND agenda are:

- Consultation on formula changes for mainstream schools (notional SEN calculation) Special Schools, the Pupil Referral Unit (PRU) and high needs top ups in mainstream schools
- Funding proposals that affect the calculation of mainstream school budgets must be agreed before 20th January each year (notional SEN)
- Funding arrangements for Special Schools, the PRU and top up amounts for mainstream schools must be agreed by mid-February
- The number of commissioned high needs places in mainstream schools, special schools and PRU.

Contribution to Strategic Aims: 1, 2, 3, 8

Contribution to Objectives for 2016-2017: 1, 2, 3, 4, 5, 6

Standing Groups

Autism Steering Group

Aim of group

The purpose of the group is to implement the National Autism Strategy 'Fulfilling and Rewarding Lives' for people with autism and their carers in Gateshead.

Key areas of work

Key objectives of the Autism Steering Group are to:

- Support the delivery of an all age Autism Strategy by developing a work programme focusing on three key priorities
 - Early intervention/prevention
 - Diagnosis
 - Independent Living and Support
- Monitor the priorities through an Improvement and Development Action Plan (IDAP), via task and finish groups
- Develop and Implement a Quality Assurance Framework

Contribution to Strategic Aims: 1, 2, 4, 5, 6

Contribution to Objectives for 2016-2017: 1, 2, 4, 6, 8, 11

Children's Hearing Services Working Group

Aim of group

To ensure that services work together to make sure that deaf children and their families have good quality local support which meets their needs.

Key Areas of Work

- Review Regional Policies & Procedures
- Service Updates
- Respond to Hearing Impairment developments
- Multi agency liaison

Contribution to Strategic Aims: 1, 2

Contribution to Objectives for 2016-2017: 1, 6, 8, 11

SEND Communication and Engagement Group

Aim of group

The aim of the working group is to ensure that a range of stakeholders, including children and young people and parents and carers, are meaningfully engaged in and kept up to date with SEND developments and processes in Gateshead.

Key areas of work

- Develop a key stakeholders list and keep up to date
- Implement a bi-monthly stakeholder E-bulletin about SEND developments in Gateshead
- Audit current methods of engagement and communication with parents/carers around SEND developments and identify any gaps
- Investigate and implement the most effective methods to engage with and communicate key SEND messages to young people, parents and carers, including through the use of social media and other technology
- Review and update the Local Offer, at least annually.

Contribution to Strategic Aims: 1, 2, 5, 7

Contribution to Objectives for 2016-2017: 6, 7

Early Years SEND Strategy Group

Aim of group

- Ensure the development of an inclusive system within Early Years schools and settings
- Ensure statutory frameworks are implemented efficiently
- Plan a cohesive training programme to develop the knowledge and skills of all staff working with children with SEN/D in the Early Years to ensure children achieve their potential
- Ensure there is close co-operation between relevant external agencies and a multi-agency approach to meeting the needs of pupils with SEN/D
- Ensure arrangements for SEN/ D within Early Years are kept under review and publish information on how the LA is meeting its obligations
- Provide advice and guidance to schools to support the implementation of the SEN Code of Practice and Equality Act
- Publish plans, strategies and targets in relation to the identification, monitoring and assessment and support for pupils with SEN/D within the Early Years
- To work closely with settings / schools and other services to ensure that provision and resources are allocated equitably and efficiently
- To support procedures for the monitoring processes of referrals and planning for future provision.

Key areas of work

- Strategic planning, monitoring and evaluation.

Contribution to Strategic Aims: 1, 2, 3, 4

Contribution to Objectives for 2016-2017: 1, 6, 8, 11

Post 16 Co-ordinating Group

Aim of group

The aim of the working group is to ensure that the work of post 16 SEN/D groups, including those preparing young people for transition, is co-ordinated and can collectively contribute to improved opportunities and services for young people SEN/D 16-25 and support and challenge to their providers.

Key areas of work

- To establish a single Post 16 SEN/D Co-ordinating Group
- To agree the work strands that are needed and the best means to progress these
- To review the arrangements for commissioning post 16 provision including

the ways in which provision and outcomes are monitored and evaluated

- Working with schools, both special and mainstream, to identify the educational needs of young people who are SEN/D and match these to currently available provision highlighting where there are gaps in provision
- Working with Connexions and post 16 providers including special and mainstream schools, consider how to better meet the needs of young people who have SEN/D
- Develop young people's advocacy
- Working with Health and Care professionals explore current arrangements for the identification, co-ordination and evaluation of packages of provision and support and identify areas for further development and improvement
- Develop a register of young people identified as "SEN/D Support" at year 10 and 11 to compile a complete register of SEN/D students and enable their progression to be mapped and, where necessary, supported
- Develop information for families that explains the LAs role in relation to post 16 provision and that prepares them for and supports them and their children through the transition
- Update the Gateshead Local Offer to reflect the Post 16 Offer

Contribution to Strategic Aims: 1, 2, 3, 5, 6, 7, 8

Contribution to Objectives for 2016-2017: 4, 5, 7, 8, 11

Primary Fair Access Panel (FAP) working group

Aim of group

The aim of the working group is to ensure better educational outcomes for vulnerable children by:

- Establishing a fair and transparent system which ensures that all schools/academies admit their fair share of children with challenging behaviour and educational needs on a turn taking basis
- Ensuring access for children to education is secured quickly where there is no school/academy place and access to alternative placement is available where a fresh start is indicated (excluding children with an EHDP)

Key areas of work

- As part of the admissions process, to place children into schools/academies when they are without an educational placement
 - Pupils who transfer between Gateshead schools with complex needs

- Attendance below 90% history of disruptive behaviour
 - Involvement with external services
 - Relationship issues with pupils
 - Complexity of year group
 - Inappropriate sexualised behaviour
 - TAF/CAF/CP plan in place
 - Pupils who transfer into Gateshead with complex needs (as above)
 - Refugees and asylum seekers
 - Elective home educated young people who are moving back into mainstream educational provision
 - Permanently excluded pupils from the PRU back into mainstream schools
- Monitor the use of the funds paid by schools/academies but held centrally for use by the panel to support the needs of the children
 - Monitor rates of permanent exclusion
 - Monitor pupils on the 'off roll' register every ½ term

Contribution to Strategic Aims: 1, 2, 3, 4, 6

Contribution to Objectives for 2016-2017: 1, 5, 6, 10, 11

Secondary Pupil Placement Panel working group

Aim of group

The aim of the working group is to ensure better educational outcomes for vulnerable young people by:

- Establishing a fair and transparent system which ensures that all schools/academies admit their fair share of young people with challenging behaviour and educational needs on a turn taking basis
- Ensuring access for young people to education is secured quickly where there is no school/academy place and access to alternative placement is available where a fresh start is indicated (excluding young people with an EHCP)

Key areas of work

- As part of the admissions process, to place young people into schools/academies when they are without an educational placement
 - Pupils who transfer between Gateshead schools with complex needs
 - Attendance below 90% history of disruptive behaviour
 - Involvement with external services
 - Relationship issues with pupils
 - Complexity of year group

- Inappropriate sexualised behaviour
 - TAF/CAF/CP plan in place
 - In Years 10/11
 - Pupils who transfer into Gateshead with complex needs (as above)
 - Refugees and asylum seekers
 - Elective home educated young people who are moving back into mainstream educational provision
 - Permanently excluded pupils from the PRU back into mainstream schools
- Monitor the use of the funds paid by schools/academies but held centrally for use by the panel to support the needs of the pupils
 - Monitor rates of permanent exclusion
 - Monitor pupils on the 'off roll' register every ½ term

Contribution to Strategic Aims: 1,2,3,4,6

Contribution to Objectives for 2016-2017: 1,5,6,10,11

Special Heads Improvement Partnership (SHIP) Group

Aim of group

SHIP is a partnership between all special schools and the local authority, with major responsibility and accountability for the quality of education and learning outcomes for children and young people in special schools in Gateshead.

The Partnership aims to support a distributed, sustainable self-improving education system in a shared, collaborative culture of educational excellence that recognises those in schools and other providers as equal, trusted partners. It intends to build on an existing network, relationships and local partnerships to ensure that no school is isolated and benefits from shared expertise.

Key areas of work

Remit for the Group

The Strategic Group is responsible for the direction of the Partnership, monitoring effectiveness, identifying and agreeing priorities and programmes. It is also responsible for determining further actions where necessary in schools that are being supported.

The Group works to the following objectives:

- i. To improve the standards of education provided to all children and young people in the special school settings of Gateshead
- ii. To work in partnership with other schools and health and social care

iii. To consider the priority areas within the school system and SEND areas and identify/suggest suitable strategies for their resolution;

Specific responsibilities of the Strategic Group

- i. To work collaboratively to ensure outstanding educational provision and practice within our special schools.
- ii. To support the local authority in key strategic aims relating to SEN in Gateshead.
- iii. To contribute to and coordinate the necessary communication activities required to further develop Gateshead SEND provision
- iv. To support a fair, accessible funding model for all special schools
- v. To consider, support and make recommendations as appropriate for identified initiatives specific to special schools.
- vi. Support and engage with Ofsted inspections of local authority arrangements for SEND

Contribution to Strategic Aims: 1, 2, 3, 4

Contribution to Objectives: 3, 6, 8, 11

SEND Monitoring Group

Aim of group

The aim of the working group is to ensure there is comprehensive and robust data and information relating to SEN/D to support:

- monitoring of provision
- identification of existing and emerging need
- Service development and deliver
- Increased engagement, participation and attainment
- Successful transition

Key areas of work

- To define data needs
- To examine data sources
- To identify gaps in data/information and the means by which these can be addressed
- To design and develop a data dashboard for SEN/D in Gateshead
- Within the Self Evaluation Process to analyse available data
- From the analysis to identify strengths and areas for development
- From the analysis to identify trends and the implications for service development
- From the analysis to identify issues to be explored with schools and support needs of schools

Contribution to Strategic Aims: 1, 2, 3

Task and Finish Groups

Additionally Resourced Mainstream School (ARMS) working group

Aim of group

The aim of the working group is to explore options for the delivery of the ARMS model for 2017-2018 in order to advise portfolio holders and seek approval for the conduct of a consultation process with schools.

Key areas of work

- Review current arrangements, operational strengths and issues, threats and opportunities
- To confirm the intended role of ARMS in the context of SEN provision in Gateshead Council
- To define the Council's Commissioning intentions for 2017 onwards
- To advise portfolio holders of the preferred model for implementation from September 2017
- To conduct a formal consultation process with schools
- To progress arrangements to ensure that an agreed model is successfully implemented for September 2017

Contribution to Strategic Aims: 1, 2, 6, 8

Contribution to Objectives for 2016-2017: 1, 2, 5, 6, 9, 11

Pupil Referral Unit (PRU) Working Group

Aim of group

- To ensure that the Local Authority is able to deliver fully its duty in relation to Day 6 provision, full time education for Permanently Excluded Pupils, full time education for Home and Hospital Service Pupils.
- To ensure that there are high quality curriculum pathways available to meet the diverse needs of those children and young people.
- To ensure that a sustainable funding model is in place and is managed in a way that enables the delivery of and access to appropriate provision and support.
- To ensure that the Local Authority works collaboratively with schools to reduce the number of PEx pupils.

- To ensure that children and young people are supported to achieve their best and are equipped to make positive progression.

Key areas of work

- Review and revise the Key Stage 4 Curriculum model.
- Review and revise the Key Stage 3 Curriculum model.
- Identify appropriate, quality assured Alternative Education provision that extends and enhances learner choice.
- Explore accommodation options for the Behaviour Support Service and make recommendations for the future.
- Develop In School Support Services for Secondary schools.
- Review and revise the funding model for the Behaviour Support Service.
- Review and revise funding arrangements with Secondary schools.
- Review PEx numbers to identify trends, causes, and options to address.
- Investigate the causes of disaffection in KS3 to enable strategies to be developed that will provide early warning and keep students in mainstream learning.

Contribution to Strategic Aims: 1, 2, 3, 4, 8

Contribution to Objectives for 2016-2017: 5, 6, 10, 11

Local Safeguarding Children’s Board – Permanent Exclusions Task and Finish Group

Aim of Group

- To undertake a piece of work for the LSCB in relation to the increase in permanent exclusion

The objectives are:

- To identify the reasons for this increase in permanent exclusions
- To identify areas for development which are required to reduce the number of permanent exclusions
- To identify future strategies to support both those at risk of and/or those permanently excluded

Key areas of work

After looking at the data provided and following a discussion on the issues which might lead to a school to a permanent exclusion, the group decided that in order to understand the causes leading to a permanent exclusion, the group required additional information in the following areas:

- School contextual information, including information on:
 - Regulatory frameworks (Ofsted)
 - Funding
 - Curriculum
 - In-house systems in place to address behaviour issues
- Young person's contextual information, including information from
 - Birth to current age in relation to their
 - Educational context
 - Involvement of other services
 - Social care
 - Health (including mental health)
 - Youth offending
 - Police
 - SEN/learning difficulties
 - Domestic violence
- Support services contextual information, including information on:
 - The role of a CAF/TAF in school and the impact on the young person and their family
 - Early Help service in Gateshead
 - The changes to the delivery of the mental health services in Gateshead/Newcastle
 - The impact of the Fair Access Process (primary/secondary)

Contribution to Strategic Aims: 1, 2, 3

Contribution to Objectives for 2016-2017: 5, 6, 8, 10

Early Years, SEN/D and Post 16 Panels

The Early Year, SEN/D and Post 16 Panels are multi agency groups of experts whose task is to oversee the use of funds to support individualised Education, Health and Care Plans.

Panels provide an opportunity for EHCPs to be scrutinised, challenged and confirmed and also enable fair use of funding. A core membership ensures continuity and consistency of approach.

Strategic Governance and Commissioning Arrangements

The diagram at Appendix 1 provides a picture of the way in which work is initiated, commissioned and monitored. The SEND Strategy Group, a partnership of education, health and care officers serves as the principal reporting hub. Beyond the level of the Strategic Partnership Groups [Children's Trust and LSCB] the line of report is through the accountability lines of the Local Authority and the Health Trust. Within the Local Authority the highest level of report is to Cabinet which ensures

political as well as managerial engagement. In the Health Service, the highest level of report is to the Clinical Commissioning Group.

Work may be commissioned through the Health Trust or through the Local Authority and from the strategic partnership groups, for example, Children's Trust or Local Safeguarding of Children Board. An example of this would be the LSCB's recent commissioning of a piece of work relating to the incidence of permanent exclusions which has resulted in a project being developed which will seek to trace the causes of disaffection at Key Stage 3 and to make recommendations concerning the management of transition to reduce this.

Individual groups may have additional accountability, for example, to schools.

Links to other strategies

Council Plan 2015-2020

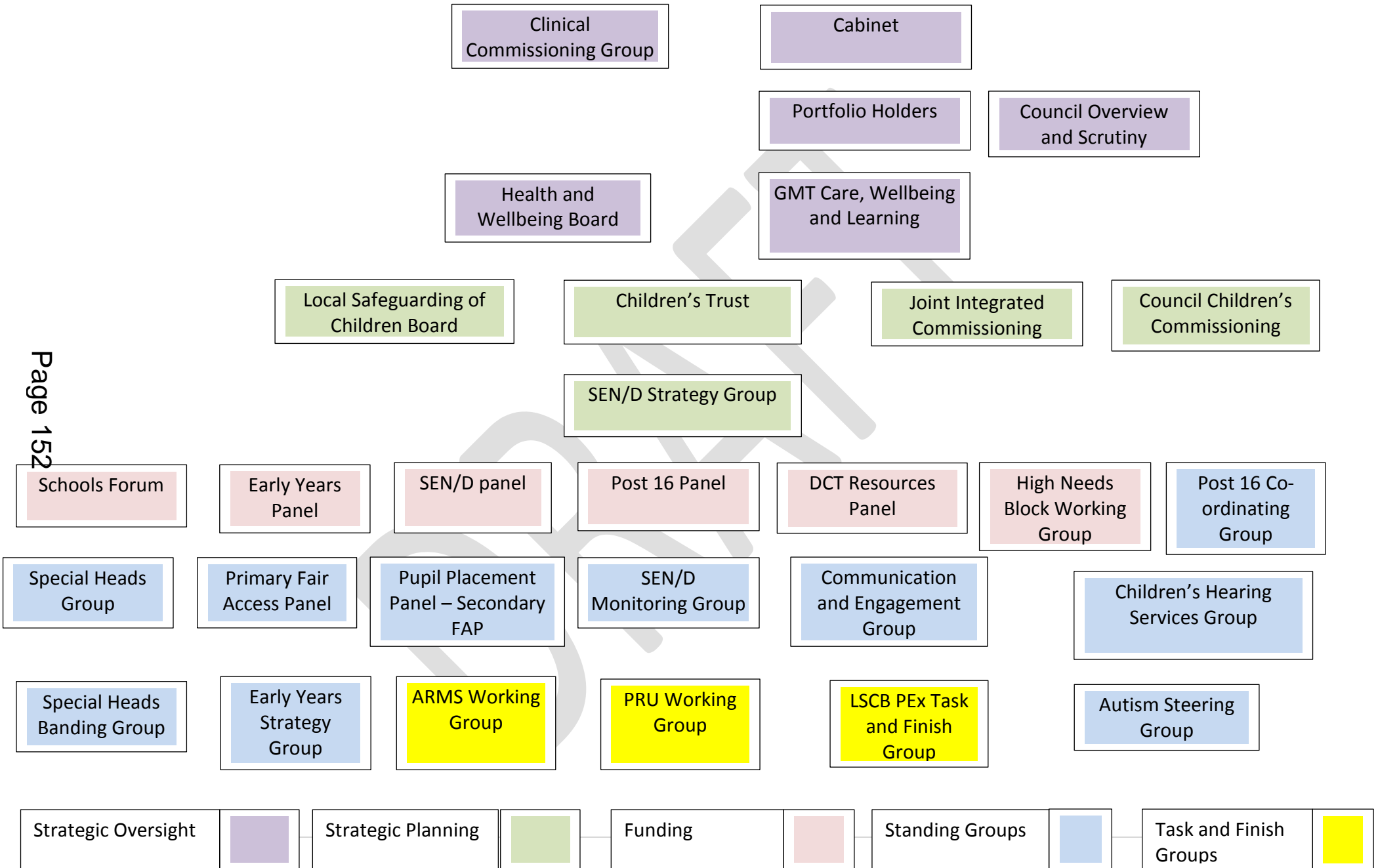
Vision 2030

Gateshead Inclusion Policy 2016

Gateshead Accessibility Strategy 2016-2020

Gateshead All-Age Autism Strategy 2014-2017

Anti-Bullying Strategy 2015-2020



Accessibility Plan/Disability Equality Scheme

----- School



Accessibility Plan/Disability Equality Scheme

School name: ----- School

3 year period of the plan: January 2018

1 Vision, Values and Ethos

----- School is committed to the principles of inclusion. We have a caring, supportive ethos that seeks to value all individuals. Our school promotes equality of opportunity for disabled people: pupils, staff, parents, carers and others who use our school.

By promoting a positive attitude towards disabled people we aim to eliminate discrimination and harassment related to disability and thereby fulfil an essential component of our ethos.

We will involve disabled people in informing the direction our school takes to promote equality of opportunity and accessibility to the school environment. We also seek to encourage full participation of disabled people in the school community even if this requires more favourable treatment.

Our school aims to provide a broad and balanced curriculum in a happy, challenging environment where each pupil can develop to the maximum of his/ her potential and feel valued as an individual who can contribute to the life of our school and society in general.

We promote:

- pupil self-confidence so that each pupil develops a sense of personal worth and is confident in his/her ability to succeed.
- relationships to help pupils develop good relations with others, based on mutual respect and consideration, and an understanding of, and a tolerance towards various races, religions and cultures.
- co-operation to develop pupils' abilities in contributing as members of groups and recognising their responsibilities.
- self discipline so that pupils understand the need for high standards of behaviour and to develop responsibility towards people and property.

2 The legal context

The 2010 Equality Act and the 1995 Disability Discrimination Act (DDA) introduced a duty, which applies to all schools, which sets out a general duty to promote disability and a specific duty to publish an

accessibility plan. It requires schools to be more proactive in their approach to promoting disability equality and eliminating discrimination. Our definition of disability defines a disabled person as someone who has:

'a physical impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

This definition covers a wide range of impairments, including hidden impairments such as dyslexia, autism, speech and language impairments, Attention Deficit Hyperactivity Disorder (ADHD). These are all likely to amount to a disability only if the effect is on a person's ability to carry out normal day-to-day activities. *See Appendix D for a list of impairments that would effect normal day-to-day activities.*

The duty puts greater focus on approaches to policy development and management of issues in relation to disability.

Part 4 of the DDA requires that the governing body increase access to education for disabled pupils. Our school has produced with this scheme an Accessibility Plan, which identifies actions based on our self-evaluation that will promote opportunities for participating in curriculum; accessing the building and services and delivery of information to pupils and adults. *See Appendices A, C and D.*

3 Involvement of pupils, staff, parent/carers, governors, agencies and service providers

A working group representing the views of disabled people are fulfilling our statutory duty to involve disabled people in the production of this disability equality scheme (DES). This group consists of Mrs Smith, (Deputy headteacher) Mr Jones, (Governor) Miss Brown (Teaching assistant) and Mrs Gray (Parent).

Pupils in our school, including our school council, have provided their views to the group on accessibility issues and the provision they are receiving. *See Appendix B.* From the Annual Review of pupil statements we collate pupil and parent views to inform our scheme. Through respectful relationships with disabled pupils we would acknowledge their feelings and respond to their views.

Where we have disabled staff, parents and service providers we will provide a response to suggestions on how we can improve our disability scheme and its priorities. This would inform considerations that may be required to make reasonable adjustments.

We will seek to record views of external agencies, voluntary groups and services we procure to make adjustments and inform our disability equality scheme.

An annual report will be provided from the working group to the governing body identifying priorities for school action.

4 Information Gathering in relation to the recruitment, development and retention of disabled employees

----- school will follow local authority guidance on the collecting of information on disabled employees and the recruitment of new staff. This information will be available on the local authority school staffing database. It will be analysed by our school to show where disabled staff are deployed across the school. Other areas of analysis will cover: seniority, TLR payments, permanency of staff, CPD, disciplinary and capability proceedings, harassment and bullying, sickness and those leaving the profession early. Those staff who voluntarily provide information will be assured that it is used confidentially to inform working practice and conditions.

All staff will be supported by the local authority agreed policies on sickness and returning to work. Our school would seek to contact the 'Access to work' scheme to explore possible support to staff if required during their employment.

5 The educational opportunities available to, and achievements of, disabled pupils

The school maintains a pupil tracking system, which provides current data for analysis on pupil attainment and achievement. This system also provides specific information on pupil disability and attainment. Pupils with a disability will be registered on admission to ----- school. Information will be collected through the transfer of records from previous schools, the local authority and parents to ascertain pupil needs and levels of attainment and achievement in order that consideration be given to provision and access to curriculum. Further detail is available in our school's SEN and Admissions Policies.

In order that pupils can have full access to the curriculum the school will provide priorities in the school Accessibility plan which will address giving pupils greater participation in the curriculum if they have a disability.

Consideration will be given to the management of pupils with medical needs and their care plans to access the curriculum.

The following questions would be considered to identify priorities:

- Are there areas of the curriculum to which a disabled pupil has limited or no access?
- Are pupils fully participating in extra-curricular activities?
- How are we addressing those areas of the school building that are not accessible to disabled pupils, staff or others?
- What forms of communication can we provide for pupils and adults?
- Does our written information allow greater access to the curriculum and information on our school?
- Are we monitoring policies and practice? e.g. administration of medicines, staff development on inclusion areas, incidents that may affect disabled pupils

Further questions are in Appendix C.

6 Impact, reviewing and reporting our scheme

The scheme will be monitored by the governing body and will be reviewed annually with the SEN policy and Accessibility Plan. The review of the scheme will cover:

- Information on attainment and achievement for those pupils with a disability.
- Current pupils, staffing and others who are registered with a disability.
- A record of the progress made against the school accessibility plan.
- Adjustments that are to be considered in the school SEN policy which would cover staffing and provision.
- Priorities that would be included in updating the SEF and school improvement plan.

Our scheme is reported on annually to the governing body. A summary of the scheme priorities are in the school prospectus and on our website. *See Appendix C for further questions that may be used by the governing body to assess the quality of the scheme.*

Appendices

Appendix A Accessibility Plan and Disability Equality Scheme Activities

Appendix B Pupil views primary, special and secondary

Appendix C The Disability Equality Duty and the Governing Body (GB)

Appendix D The Equality Act 2010 definition of disability

Appendix A: Example

**Accessibility Plan
& Disability Equality Scheme Activities**

School:

Date:

Activities	Resources	Date achieved	Responsible	Outcomes
1. Leading and monitoring the disability equality scheme				
Review all school policies, procedures and plans to ensure that our vision and value statements are explicit within them.				
Establish the disability working group to ascertain views of disabled people, identify key actions and promote greater involvement in school life.				
Review and update the school accessibility plan and its actions				
The DES will be monitored and reviewed on an annual basis.				

2 Promoting curriculum access for disabled pupils and adults				
Pupils with disabilities can access ICT				
School visits are made accessible to all pupils irrespective of attainment and impairment.				
Pupils with disabilities are encouraged to take part in music, drama and physical activities				
3 Improving the quality of information for and about disabled pupils and adults				
Provide on the website information in a range of formats				
Ensure that parents who have a disability can receive information and reports by an alternative method				
4 Improving the physical environment of the school and its services				
Ensure that pupils in wheelchairs can move around the school without experiencing barriers				
Provide pathways to travel around the site				
Emergency evacuation covers pupils and adults with a disability				

Appendix B: Example

Pupil Views on Meeting My Needs – Primary/special

Name:

Date:

This is how I feel about:

Getting to school	☺	☹	☹
Being at school	☺	☹	☹
My classroom	☺	☹	☹
Sitting with my teacher	☺	☹	☹
Getting help from my teacher	☺	☹	☹
Working on my own	☺	☹	☹
Working in a group	☺	☹	☹
Listening to the teacher	☺	☹	☹
Pupils who talk too much	☺	☹	☹

I think:

	Yes	Sometimes	No
My teacher explains well when I am stuck			
I get help when I ask			
My school cares about me			

I like/don't like

Using the computer	☺	☹	☹
Writing	☺	☹	☹
Reading	☺	☹	☹
Number/Maths	☺	☹	☹

Appendix B

Pupil Views on Meeting My Needs – Secondary

Question	Comment
1 During the school day you have another person giving you extra support with your work. How helpful do you find this? Are there any difficulties because you get this extra support?	
2 You have additional support separate from your fellow classmates (e.g. in the library). How do you feel about this? Do you feel you miss much that has gone on in class without you? How can we do things better?	
3 Can you think of an example where the additional support has helped you understand a topic or a subject better?	
4 Are there activities - either in class, in technology, or in P.E. or games - which you would like to do but don't get the chance to do? What are they, and why don't you get the chance? What can the school do to help you in this?	

The Disability Equality Duty and the Governing Body (GB)

Questions the governing body may want to ask itself as re responsible body for the school

1 Duties to disabled pupils, staff and parents

	Yes	No	Evidence
Does the GB receive reports on how the school is meeting its duties to: <ul style="list-style-type: none"> • Disabled pupils? • Disabled staff? • Disabled parents, carers, governors, other disabled people who use the school? 			

2 Disability equality duty: General duty

Does the GB have regard to the need to: <ul style="list-style-type: none"> • Promote equality of opportunity for disabled people? • Eliminate disability discrimination? • Eliminate disability-related harassment? • Promote positive attitudes towards disabled people? • Encourage participation by disabled people in public life? • Take steps to meet disabled people's needs, even if this requires more favourable treatment? 			
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3 Disability equality duty: Specific duty

Does the school have a disability equality scheme?			
Did the school involve disabled people (pupils, staff, parents) in the development of the scheme?			
<p>Does the school's scheme show:</p> <ul style="list-style-type: none"> • How disabled people have been involved? • How information is gathered on the effect of the school's policies on: <ul style="list-style-type: none"> - recruitment, retention of disabled staff? - Opportunities for, achievements of disabled pupils? • How the school assesses the impact of policies, current or proposed, on disability equality? • The steps it is going to take to meet the general duty (the school's action plan)? • How information will be used to support the review of the action plan and inform subsequent schemes? 			
Did the school implement the actions in the scheme within three years?			
<p>Does the GB:</p> <ul style="list-style-type: none"> • Report on its scheme annually? • Review and revise its scheme every three years? 			

Appendix D

The Equality Act 2010 definition of disability

The Equality Act 2010 defines a disabled person as someone who has:

'a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

Definition of the terms:

- a physical impairment includes sensory impairments
- mental impairment includes learning difficulties and impairment resulting from or consisting of mental illness
- substantial means more than minor or trivial; and long-term is defined as 12 months or more.

Things that would effect day-to-day activities:

- Mobility
- Manual dexterity
- Physical co-ordination
- Continence
- Ability to lift, carry or otherwise move everyday objects
- Speech, hearing or eyesight
- Memory or ability to concentrate, learn or understand
- Perception of risk of physical danger



COUNCIL MEETING

15 December 2016

GATESHEAD COUNCIL SPORTS STRATEGY DOCUMENTS

Mike Barker, Acting Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to seek approval for the Council's Sports Strategy Documents, which comprise a Playing Pitch Strategy, and Indoor and Build Sports Facilities Strategy and the Gateshead Football Plan.
2. Policies contained within Gateshead's emerging Local Plan need to be supported by an accurate and up to date evidence base. To meet this requirement, three sports strategy documents have been prepared which provide information on needs and opportunities for provision of sports facilities in Gateshead.
3. In addition to supporting policy preparation, and the Development Management Process, the sports strategy documents will be used to inform the development of future leisure provision across the borough, and may provide key evidence in future funding bids.
4. Approval of the strategies will allow the Council to implement the findings of the strategies through collaborative work with local sports clubs, facilities providers, and sports' national governing bodies. Formal approval of the strategies will also provide Sport England with assurance that the Council's activities in exploring new mechanisms for the provision and maintenance of sports facilities are compatible with Sport England's policy approach and will continue to support sporting activity in the borough.
5. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

6. It is recommended that Council:
 - i) Notes the potential implications of the Gateshead Sports Strategy documents, including opportunities for new mechanisms for the provision and maintenance of sports facilities.
 - ii) Approves the Gateshead Playing Pitch Strategy 2016 – 2019, the Gateshead Indoor and Built Sports Facilities Strategy 2016 – 2026, and the Gateshead Football Plan 2016 – 2019.

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TITLE OF REPORT: Gateshead Council Sports Strategy Documents

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

Purpose of the Report

1. To inform and seek approval from Cabinet and Council for Gateshead Council's Sports Strategy Documents, which comprise a Playing Pitch Strategy, an Indoor and Built Sports Facilities Strategy, and the Gateshead Football Plan.

Background

2. Policies contained within Gateshead's emerging Local Plan need to be supported by an accurate and up-to-date evidence base. To meet this requirement, three sports strategy documents have been prepared which provide information on needs and opportunities for provision of sports facilities in Gateshead. In addition to supporting policy preparation, and the Development Management process, the sports strategy documents will be used to inform the development of future leisure provision across the Borough, and may provide key evidence in future funding bids.
3. In 2012 Gateshead published a Playing Pitch Strategy (PPS). In order to ensure that information on provision and use of all playing pitch space is up to date, and to comply with Sport England's requirements for undertaking needs assessments for sports pitches, the Council has prepared a new PPS.
4. Building upon the work of the PPS, the Council has also prepared a Football Plan (GFP). The GFP has been prepared in partnership with the Football Association, with the aim of developing a plan for grassroots football in direct response to reductions in public subsidy to develop a longer term sustainable model for football facility provision and management.
5. The Council has also produced an Indoor and Built Sports Facilities Strategy (BSFS), which has assessed the need and opportunities for indoor and outdoor sports facilities (other than those covered by the PPS).

6. Knight, Kavanagh and Page (KKP) were commissioned to assist in the preparation of these documents. KKP have extensive experience of preparing sports and leisure strategy documents for public sector clients, and supported Sport England in developing the PPS and BSFS methodology.

Proposal

7. It is proposed that Cabinet approves the findings and recommendations of the Playing Pitch Strategy, the Built Sports Facilities Strategy, and the Gateshead Football Plan (a summary of findings and recommendations is provided at Appendix 2). The actual documents can be viewed via the attached link <http://www.gateshead.gov.uk/Building%20and%20Development/PlanningpolicyandLDF/LocalPlan/Gateshead-Sports-Strategy-documents.aspx> Cabinet approval of these documents will allow the Council to implement their findings through collaborative work with local sports clubs, facilities providers, and sports' national governing bodies. Formal approval of the sports strategies will also provide Sport England with assurance that the Council's activities in exploring new mechanisms for the provision and maintenance of sports facilities are compatible with Sport England's policy approach, and will continue to support sporting activity in the Borough. Such new mechanisms for the provision and maintenance of sites and facilities could include developing partnerships, lease agreements and asset transfer arrangements with sustainable, development-minded clubs to manage their own sites and / or facilities.

Recommendations

8. Cabinet is asked to:
 - (i) Note the potential implications of the Gateshead Sports Strategy documents, including opportunities for new mechanisms for the provision and maintenance of sports facilities.
 - (ii) Recommend to Council the Gateshead Playing Pitch Strategy 2016-2019, the Gateshead Indoor and Built Sports Facilities Strategy, 2016-2026, and the Gateshead Football Plan 2016-2019.

For the following reason(s)

- (i) Evidence within the sports strategies will be necessary to provide a valid assessment of provision to underpin future proposals relating to sports facilities.
- (ii) The sports strategies have the potential to support funding proposals to Sport England and national governing bodies of sport.

- (iii) Implementation of the recommendations of the sports strategies will assist the Council in making its approach to the management of sports facilities more efficient.

CONTACT: Neil Wilkinson/Chris Strong

extension: 3411/2708

Policy Context

1. In 2015 the Department for Culture, Media and Sport (DCMS) published a new national strategy for sport: Sporting Future; A New Strategy for an Active Nation. This strategy confirms the recognition and understanding that sport makes a positive difference through broader means and that it will help the sector to deliver five simple but fundamental outcomes: physical health, mental health, individual development, social and community development and economic development. In order to measure its success in producing outputs which accord with these aims it has also adopted a series of 23 performance indicators under nine key headings, as follows:
 - More people taking part in sport and physical activity.
 - More people volunteering in sport.
 - More people experiencing live sport.
 - Maximising international sporting success.
 - Maximising domestic sporting success.
 - Maximising the impact of major events.
 - A more productive sport sector.
 - A more financially and organisationally sustainable sport sector.
 - A more responsible sport sector
2. Sport England's response to the new DCMS strategy: Towards an Active Nation 2016-2021, and identifies that it will invest in:
 - Tackling inactivity
 - Children and young people
 - Volunteering – a dual benefit
 - Taking sport and activity into the mass market
 - Supporting sport's core market
 - Local delivery
 - Facilities
 - These seven investment programmes will be underpinned by a new Workforce Strategy and a new Coaching Plan.
3. The National Planning Policy Framework specifies that Local Plans should meet objectively assessed needs. Planning policy should be based on robust, up-to-date assessments of need for open space, sports and recreation facilities and opportunities for new provision.
4. Sport England reflects this by promoting a planned approach to the provision of facilities and opportunities to participate in sport, in doing so adding value to the work of others and helping to deliver sustainable development goals through:

- Recognising and taking full advantage of the unique role of sport and active recreation in contributing to a wide array of policy and community aspirations, including leisure, health and education.
 - Using sport and recreation as a fundamental part of the planning and delivery of sustainable communities.
 - The development of partnership working using sport and active recreation as a common interest.
5. In line with the Government's National Planning Policy Framework (NPPF para 73), Sport England advocates that at the core of planning for sport should be a robust and up-to-date assessment of the needs for sport and active recreational facilities and opportunities for new provision. The results of the assessment should be developed into a clear strategy for meeting the identified needs and integrated into Forward Planning and applied within Development Management.
 6. Local Authorities are required to prepare robust and up to date evidence regarding demand for, and supply of sports facilities to support preparation of Local Plan policies. Sport England has established a methodology for how this evidence should be collected and assessed. Sport England advises that two distinct, but inter-related strategy documents are produced: a Playing Pitch Strategy (PPS), and an Indoor and Built Sports Facilities Strategy (BSFS).
 7. Preparation of these strategies provides an opportunity to review the Council's approach to the provision, maintenance, and management of sports facilities in Gateshead. Accordingly, a Football Plan has been prepared alongside the PPS which explores the specific issues related to supporting grassroots football, while addressing the challenge of reduced public subsidy for Gateshead's most popular team sport.
 8. The strategies' proposals accord with the provisions of the Corporate Asset Strategy and Management Plan 2015 – 2020. In particular, utilisation of the Council's assets to support the Council's policy priorities including supporting health and wellbeing of residents

Background

9. Gateshead has a rich sporting heritage which can make a profound and positive impact on individuals, communities and wider society. According to Sport England, who commission their own research in Sport;
 - a. In 2010, sport and sport-related activity contributed £20.3 billion to the English economy – 1.9% of the England total.
 - b. sport and sport-related activity is estimated to support over 400,000 full-time equivalent jobs, 2.3% of all jobs in England.

- c. Physical activity, including sport, is linked to reduced risk of over 20 illnesses, including cardiovascular disease and some cancers.
 - d. Taking part in regular sport can save between £1,750 and £6,900 in healthcare costs per person.
 - e. Published studies show the positive effects of sport on education include improved attainment, lower absenteeism and drop-out, and increased progression to higher education. For instance, young people's participation in sport improves their numeracy scores by 8 per cent on average above non-participants.
 - f. Other studies have found that sport programmes aimed at youths at risk of criminal behaviour can enhance self-esteem and reduce reoffending.
10. The primary purpose of the strategy documents are to provide a strategic framework which ensures that the provision of sports facilities which meet the local needs of existing and future residents within Gateshead.
11. Gateshead's PPS, BSFS and Football Plan have been prepared by consultants Knight Kavanagh and Page. The strategies have been developed with input from a steering group featuring representatives from Council services (including Spatial Planning and Environment, Sport, Physical Activity and Health, Corporate Asset Strategy, and Street Scene Services), Sport England, and national governing bodies of sport. Local sports clubs have been consulted as part of the assessment process, and have contributed to the strategies' understanding of the quality of facilities.
12. Sport England is a statutory consultee for planning applications which affect sports facilities. Gateshead Council has prepared its sports strategy documents in keeping with Sport England's requirements for assessing the supply of, and demand for sports facilities. The strategies assess valid and robust evidence and present clear recommendations for the future of sports provision in Gateshead. Rejecting the strategies' recommendations would miss this opportunity to improve the efficiency of Gateshead's sports facilities. It could also reduce support from Sport England for funding proposals related to facilities in Gateshead, and for development proposals which affect sports facilities.
13. Appendix 2 provides an overview of the key findings and recommendations of the sport strategy documents, however the following key strategic objectives are identified;

- Secure, protect and enhance the current provision where it is needed for meeting current or future needs.
- Enhance playing fields, pitches and ancillary facilities through improving quality management of sites.
- Identify key strategic playing pitch sites for improvement, development and investment. Focusing on securing sites, pitch quality and ancillary facilities (changing rooms and car parking)
- Increase the provision of 3G pitches in Gateshead to meet training and competitive demand for football and rugby.
- Identify the feasibility of converting surplus/under used sand based pitches to 3G.
- Establish a Gateshead wide Sports Board/Partnership to ensure facility programme pathways and sports development outcomes are cohesive and drive sports participation.
- Gateshead International Stadium's role as an integral sporting and cultural hub has been highlighted with an aim to provide, protect and enhance provision.
- Further develop partnerships, lease agreements and asset transfer arrangements with sustainable, development-minded clubs to manage their own sites and / or facilities. The aim is to improve quality and potentially access funding sources not currently available to the Council.
- Rationalise Bowling green provision.

Consultation

14. The Cabinet Members for Environment & Transport and Culture, Sport and Leisure have been consulted.

Alternative Options

15. There are no alternative options.

Implications of Recommended Option

16. Resources:

- Financial Implications** – The Strategic Director, Corporate Resources, confirms there are no direct financial implications as a result of the proposals, however it is recognised that the strategy documents will support lever significant external funding to the Borough.
- Human Resources Implications** – No human resources implications.
- Property Implications** - The proposals present an opportunity to consider an alternative approach to the management and maintenance of local sports facility provision.

17. **Risk Management Implication** - No risks associated with the strategies
18. **Equality and Diversity Implications** – No equality and diversity implications
19. **Crime and Disorder Implications** – No crime implications.
20. **Health Implications** – Implementation of the sports strategies will allow Gateshead Council to continue to support sports and leisure activity in Gateshead, to support the health and wellbeing of local residents.
21. **Sustainability Implications** - A Sustainability Appraisal and Strategic Environmental Assessment will be carried out on proposals that are carried forward into the emerging Local Plan.
22. **Human Rights Implications** - No human rights implications.
23. **Area and Ward Implications** – The proposals relate to a Borough wide approach to the strategic approach to sport and leisure facilities, however the strategy documents include ward level recommendations. Further feasibility and ward level consultation would be undertaken prior to any proposal being delivered.

Background Papers

<http://www.gateshead.gov.uk/Building%20and%20Development/PlanningpolicyandLDF/LocalPlan/Gateshead-Sports-Strategy-documents.aspx>

APPENDIX 2

Key findings;

1. The following is a summary of the key findings from the assessment carried out Knight, Kavanagh and Page;
2. Football grass pitch
 - The audit identifies 109 pitches across the borough. The 2011 PPS identified a total of 89 football pitches.
 - In total, 45 pitches are assessed as standard quality and 36 as poor quality.
 - In total, 53% of pitches have poor quality ancillary facilities and 47% have standard quality.
 - In summary there is an overall shortfall of match equivalent sessions to satisfy current and future demand for grass football in Gateshead. Any spare capacity expressed should be retained for strategic reserve and to help protect/improve quality.
3. Third Generation Artificial Turf Pitches (3G)
 - There are two full size 3G pitches within Gateshead, both of which are medium pile. There are also 13 smaller 3G pitches.
 - Pitches at Gateshead International Stadium have not been refurbished since 2006, and are likely to need refurbishing in the near future.
 - Based on 254 teams in Gateshead there is a requirement for six AGPs in Gateshead.
 - The FA model of training demand indicates a need for an additional four 3G pitches in the Borough.
 - Moving all mini (5v5 and 7v7) teams to 3G pitches would generate demand for a total of seven 3G pitches based on the programming principles
 - Although current 3G pitches are well used it is likely that some spare capacity exists, however, cost and access issues are likely to influence usage.
4. Cricket
 - In total, there are 11 grass cricket pitches identified in Gateshead all of which are available for community use.

- The audit found four pitches to be good quality, whilst the remaining seven were assessed as standard quality.
- Based on current demand, there is a small amount of spare capacity (to accommodate one team) on pitches in the South Analysis Area (Kibblesworth Park).
- Future demand for three senior teams (39 match equivalent sessions) results in a shortfall of 26 match equivalent sessions per season overall in Gateshead in the future.

5. Rugby Union

- Within Gateshead there are 14 sites containing a total of 23 senior rugby union pitches. Of these, 16 pitches are considered available for community use.
- Nine pitches available for community use were assessed as good quality and seven as standard.
- There will be a shortfall of match sessions in the Central South, East and Inner West areas, to accommodate demand, which is exacerbated in the Central South Area where Gateshead RFC is already overplayed.
- Overall there is spare capacity across Gateshead due to the spare capacity identified in the West Analysis Area. However, not all of this spare capacity can accommodate the demand from the other areas as five match sessions are at a club site (Ryton RFC).
- Spare capacity (two sessions) at Blaydon Leisure & Primary Care Centre could offer some capacity; however, this relies on teams from other areas accessing the pitch. Unused school sites could offer potential capacity to accommodate shortfalls with further investigation into access.

6. Rugby League

- There are three rugby league pitches within Gateshead.
- All pitches are assessed as standard quality.
- The pitch at Gateshead Stadium is overplayed by 2.25 match equivalents per week. The Club is nearing capacity and will require additional pitch capacity in the future.

7. Hockey

- There are five full sized sand based artificial pitches in Gateshead that are suitable and available for competitive hockey.
- There is a need for one hockey suitable pitch to accommodate current and future demand, there are currently five within Gateshead which means that demand is being met.

8. Bowls

- A total of 28 bowling greens have been identified across 19 different sites in Gateshead. Of these, the vast majority (26 greens located across 20 sites) are Council owned and maintained.
- There is a general perception that the maintenance of Council managed greens is of a poor standard. Prominent issues include a lack of sport specific turf knowledge and lack of grass cutting.
- Quality ratings determined through non-technical assessments show most greens in Gateshead to be rated as good quality, with five assessed as standard quality and two as poor quality
- Potential opportunities for asset transfer or for clubs to take on greater responsibility for green maintenance should be explored where appropriate.
- On sites where there is more than one green it is likely that all demand can be met on one green.
- Consideration should also be given as to whether one green could accommodate the demand of two or more clubs.
- A rationalised approach to bowling greens should be considered.

9. Sports Halls

- The KKP audit identified that there are 27 sports halls with the space equivalent of 96 badminton courts
- There has been significant investment in the sports hall stock within the Council managed and school facilities.
- Overall the quality of facilities (with three or more courts) in Gateshead is generally good with 11 of these above average, nine good and only one being poor at Dunston Activity Centre

- When the accessibility modelling is taken into account, the overall level of satisfied demand in Gateshead is 91% which is in line with national and regional figures.

10. Health and Fitness

- There are 24 health and fitness suites with 20 or more stations within Gateshead, all of which are considered to have pay and play community use.
- The good quality Gateshead Council managed facilities further reinforces the need to have high quality, well presented facilities in order to compete in this market.
- Based on the analysis the assessment is suggesting that there is sufficient supply to meet demand.

11. Swimming Pools

- Sport England's Facilities Planning Model (FPM) indicates that there are 13 pools on five sites.
- The FPM indicates that in Gateshead there is a current shortfall of 158m² (5 lanes), the shortfall is further exacerbated by calculations of future demand (based on population change) for an additional 2.26 lanes.
- Gateshead Council needs to consider its approach to pool programming to meet the needs of clubs, Learn to Swim and community access to pools. Improved programming may be able to result in additional future demand being accommodated within existing pools.

12. Squash Courts

- There are four squash courts across two sites in Gateshead, all located in Council managed facilities.
- No extra demand for courts is required at this time.

13. Indoor Bowls

- There is one indoor bowling centre in Gateshead; Gateshead Indoor Bowling Club, which is now managed by a group of trustees.
- The ancillary facilities were assessed as poor quality and in need of refurbishment.

14. Tennis

- There are 40 tennis courts in Gateshead across 16 sites; 24 are managed by Gateshead Council, the remaining 16 are located and managed on Education sites.
- As no indoor tennis courts were identified there is a case to further investigate the need to look at the potential to cover court(s) at Derwent Walk Country Park and Derwenthaugh Park the home to Blaydon Tennis Club.

15. Athletics

- There is one athletics track in Gateshead at Gateshead International Stadium which is of international standard.
- There is also a cinder 400 metre track located at Blaydon Leisure Centre, which is of poor quality and in need of maintenance and investment. It is recommended that any improvements to the Blaydon Leisure Centre site, are that to meet the club needs.
- Gateshead is seen as a priority by England Athletics, there is also a Gateshead Athletics Network established to support clubs.

16. Cycling

- British Cycling (BC) was consulted about the potential development of a closed road circuit; further investigation would need to be carried out as to the feasibility of such a facility.
- British Cycling also uses the Sport England Market Segmentation data to test the population need for new facilities. Within a one mile catchment of GIS there are 1,947 that would like to participate in cycling (total population 7,647).

17. Golf

- There are seven golf courses and one driving range servicing Gateshead.
- All clubs report an intention to increase membership in the future.
- The current level of supply is deemed sufficient for residents.

18. Gymnastics

- Overall in Gateshead, gymnastics is a thriving sport with a good spread of clubs for both male and females and disciplines. With

the move for British Gymnastics (BG) to support clubs to manage their own dedicated gymnastics centres, and to work closely with leisure facility operators, there is an opportunity for partners including Gateshead Council, BG and the Clubs to feasibly look at a dedicated gymnastics facility with the appropriate equipment.

19. Gateshead International Stadium

The focus of Gateshead International Stadium has changed and there is a need for the Council and its partners to embrace this and to refine the future role and function of facility in line with the needs of the wider community. The stadium was previously a nationally significant athletics venue which is reflected in the level of events that it has hosted. However, its status as a major athletics venue has been superseded on two fronts:

- The development of larger and more modern athletics venues in other parts of the country.
- The expansion of the facility mix and alternative uses of the stadium including developments such as 3G pitches, expanded health and fitness and use by Gateshead FC, which generate higher levels of throughput, thus diluting the focus for athletics.

As such, there is a need for the Council and its partners to recognise the future role of the stadium and what it should deliver rather than its previous status. This future role should be within the context of a multi-sport hub and events venue for the Borough and the North East Region.

The future role of the stadium should focus on the following:

- The North East's premier Athletics venue and one which is capable of continuing to host the English Schools Athletics Championships.
- A football stadium for Gateshead FC, accommodating their current league requirements and potential future stadium conditions if promoted into the Football League.
- A football development hub for Gateshead which accommodates both training and fixtures for junior football clubs.
- Part of the wider health and fitness offer across the Borough, but which is differentiated as a result of the functional training and strength and conditioning offer available.

- The main outdoor events venue for the Borough and one which can attract regionally significant outdoor events, shows, concerts and festivals; and which contributes to the wider economic development of Gateshead.
- A potential gymnastics venue for the Borough if the decision is taken to convert half of the sports hall into a permanent gymnastics venue.
- A potential closed road cycling venue for the Borough if the decision is taken to work with British Cycling to invest in a facility at GIS.

If GIS is to achieve the above, it will require the Council and its partners to ensure that the Stadium is recognised for more than just athletics and football and that it is a key tool in the delivery of a wider sporting, cultural and economic development offer for Gateshead.

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COUNCIL MEETING

15 December 2016

LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2017/18

Mike Barker, Acting Chief Executive

EXECUTIVE SUMMARY

1. The purpose of this report is to recommend to Council a Local Council Tax Support Scheme for the year 2017/18 following consultation.
2. 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 settlement figure that continues to reduce year on year.
3. 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 attempt to distribute the reduced funding available amongst those claimants most in need of financial assistance, whilst still achieving a contribution to meet the funding reduction.
4. The Cabinet has considered the facts and issues arising from the report including alternative options and took all relevant advice before formulating their recommendation.

RECOMMENDATION

5. It is recommended that Council:
 - i) Approves the proposed scheme as set out in paragraphs 8 and 9 of the attached report
 - ii) Delegates powers to the Strategic Director, Corporate Resources, to provide regulations to give effect to the scheme.

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TITLE OF REPORT: Local Council Tax Support Scheme for 2017/18

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 2017/18 following consultation.

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 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect.
- 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 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 31 January at the latest. The proposed council tax support scheme within this report is therefore a scheme for 2017/18.
- 6 Cabinet received a report on 13 September 2016 requesting approval to consult on a number of potential options for a scheme for 2017/18. The outcome of this consultation has informed the proposed Local Council Tax Support Scheme for 2017/18.

Proposal

- 7 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

attempt to distribute the reduced funding available amongst those claimants most in need of financial assistance, whilst still achieving a contribution to meet the funding reduction.

8 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 outline proposed scheme for 2017/18 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
- Child benefit should be disregarded as income.
- A discretionary fund should be maintained.

9 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

10 Cabinet is requested to recommend that Council:

- (i) Approves the proposed scheme as set out in paragraphs 8 and 9 of the report.
- (ii) Delegates 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 on Council Tax support claimants.
- (iii) To mitigate the impact of funding reductions on Council finances.

CONTACT: John Jopling extension: 3582

APPENDIX 1

Policy Context

1. The proposal in this report will support the vision for Gateshead as outlined in the Council plan in particular the key council priority of ensuring a sustainable Gateshead through best use of resources.

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 2017/18 will retain the same 8 underlying principles and remain the same as the scheme in place in previous years apart from some adjustments to the underlying entitlement calculation.
5. Those changes, which have been consulted on are:
 - Allow minor changes to be made to the scheme whenever the Government makes welfare and benefit changes that have an impact on the scheme and those entitled to support
 - To retain the minimum amount that a working age claimant must pay towards their Council Tax bill at 8.5%

Consultation

6. Where the draft scheme for a year remains the same as in previous years, no formal consultation is required to be undertaken. Where even minor changes are considered to a scheme, the Council must undertake a formal consultation with stakeholders.
7. Consultation on those changes therefore took place between 15th September 2016 and 10th November 2016.
8. The Council consulted on the option to increase the minimum contribution amount to either 10% or 12.5% or 15%, however, the proposal is to retain the minimum contribution at 8.5% of liability.
9. 137 residents and groups completed the survey and included Advice Agencies, Housing Associations and Private Landlords, residents and members. Stakeholders indicated their overall support- 74% (96 respondents) to the proposal to allow minor changes to be made to the scheme whenever the Government made welfare and benefit changes that had an impact on the scheme and those entitled to support. The consultation provided the following levels of support for the options around the minimum contribution: 47% supported 8.5% liability, 28% supported 10% liability, 7% supported 12½% liability and 15% supported 15% liability. 3% provided no response to this question.
10. Corporate Resources Advisory Group commented on the proposals following a presentation on 24 November 2016 and the details are attached at appendix 2.
11. The Leader and Deputy Leader have been consulted.

Alternative Options

12. Alternative options could involve the adoption of a scheme which offers more support to residents by increasing at a greater rate the Council's commitment of

resources or the council could adopt a scheme which offers less support by increasing the minimum contribution to either 10%, 12.5% or 15%.

Implications of Recommended Option

13. 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 11,000 council tax payers will continue to pay no more than 8.5% of their council tax (around £100 per year/£1.92 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 three years of the scheme and continues to do so in 2016/17.

The removal of the ring-fence within the Government funding calculation means that funding for this area has been significantly reduced, it is impossible to identify this separately. The best estimate of the Council's overall subsidy in relation to the scheme is approximately £6m.

- b) Human Resources Implications** – There are no human resource implications directly arising from this report
- c) Property Implications** - There are no property implications directly arising from this report

- 14. 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.

Comprehensive consultation has mitigated the risk of legal challenge and the ability to adopt a scheme for 2017/18

- 15. Equality and Diversity Implications** - A Comprehensive Impact Assessment has been carried out following the outcome of the consultation responses.

- 16. Crime and Disorder Implications** – No impact.

- 17. Health Implications** – Financial concerns arising from the Governments Welfare Reforms may adversely affect the mental and physical health of some residents.

- 18. Sustainability Implications** - There are no sustainability implications arising from this report.

- 19. Human Rights Implications** – There are no Human Rights implications arising from this report.

20. **Area and 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

Corporate Resources Advisory Group

24 November 2016

Report to Cabinet

**Local Council Tax Support Scheme;
Review of the Discretionary Rate Relief Policy; and
Business Rate Retention update.**

Purpose of the Meeting

The purpose of the meeting was to enable councillors to consider the proposed Local Council Tax Support Scheme (LCTSS) and to contribute to the Review of the Discretionary Rate Relief Policy (DRRP). The group also received an update in respect of Business Rate retention.

Summary of Advice - LCTSS

The Group:

- Queried whether the cost of collection would increase if the level of claimant contribution was raised. It was clarified that the LCTSS proposals would not require additional resources therefore collection costs would not increase as a result of raising the level of claimant contribution.
- Raised concerns about the response rate to the LCTSS consultation but acknowledged that it is higher than in previous years.
- Queried whether pensioners will remain protected, as they represent 50% of the caseload. It was noted that no indication has been received that this exemption will be reviewed.
- Commented that it would be appropriate to retain the minimum contribution at 8.5%, due in part to other welfare changes and the likely decrease in collection rates.

Summary of Advice - DRRP

The Group:

- Supported the financial assessment of organisations. Concerns were raised in respect of rate relief to organisations with the ability to pay rate liability. As an example, the group highlighted that some childcare providers are extremely profitable national companies, branded as local small enterprises.

- Expressed support for the provision of rate relief to organisations whose members/customers are Gateshead residents. It was acknowledged that affected business could consider relocation.
- Requested a clear and efficient process to reduce the strain on already limited resources. It was noted that copies of audited accounts could be requested from Limited Companies to speed up the financial assessment of organisations.

Summary of Advice – Business Rate Retention

The Group:

- Agreed to note the update, in particular the key issues and risks as highlighted in the presentation.
- Requested that collaborative work with other Local Authorities be undertaken to ensure the North East economy can remain competitive with that of Scotland.

Chair: C Donovan (In the Chair)

Councillors Present: D Bradford, M Brain, P Dillon, M Henry, M Hood, J McElroy, P Mole, I Patterson, L Twist, J Wallace and N Weatherley.

Officers Present: Keith Purvis – Corporate Resources
John Jopling – Corporate Resources
Pam Richardson – Corporate Resources
Neil Porteous – Corporate Service and Governance



COUNCIL MEETING

15 December 2016

GATESHEAD COUNCIL

REPORT FROM THE CABINET

1. PURPOSE OF THE REPORT

This is the report from the Cabinet. Its purpose is to report on issues for the period November to December 2016.

PROGRESS ON KEY ISSUES

2. PLACE AND ECONOMY

Environment and Transport

Land of Oak and Iron

Heritage Centre

Planning permission has been granted for the £1.3million Land of Oak and Iron Heritage Centre which is to be located at Winlaton Mill. The design is in the shape of a water wheel which has been inspired by the world leading 17th Century Iron Works at 'Old' Winlaton Mill which used water wheels to harness the power of the river Derwent.

Construction of the Heritage Centre is subject to external funding but if bids are successful it is expected to be completed in 2018. It features a café and shop specialising in local produce; exhibition space that celebrates the fascinating local history and small business incubation units. The Centre will directly create at least five new jobs and will generate £1million of additional revenue in the local economy. Extra on-site parking will be provided by doubling the capacity of the existing car park.

Access Improvements

Work has recently taken place at Greenside to resurface a section of Greenside Waggonway to the rear of Burnhills Gardens. Resurfacing works are also underway along the route of the former Garesfield to Chopwell railway between Ramsey Road in Chopwell and Milkwellburn Wood.

Fish Pass

Another project is the building of a rock pool fish pass on the river Derwent at Lintzford Weir to allow sea trout and salmon to freely move up the river to spawn. Local stone is being used to preserve the character and heritage of this 300 year old structure which was built to provide water power to Lintzford Corn Mill.

Community Grants

Grants of between £500 and £2,000 are available to community groups and organisations for projects and initiatives that conserve, enhance and celebrate the heritage of the Land of Oak and Iron area. The next bidding round deadline is 16 December with details available on the County Durham Community Foundation website.

Road Safety on Fellside Road

Following the tragic road traffic accident that occurred earlier this year, a meeting was held to review road safety on Fellside Road. Attendees at the meeting included six local ward councillors and representation from Northumbria Police, Durham County Council and the MPs office. It was agreed at the meeting that Council officers would investigate a speed limit reduction from 50mph to 40mph along this road and that Northumbria Police would develop a strategy to undertake more enforcement and to offer a greater visible presence in the area.

Felling Bypass

The works on the Felling bypass were necessary as two of the signalised junctions were found to be obsolete and at risk of failure. It was originally envisaged that the work could take up to six weeks; however, due to efficient ways of working we were able to practically complete the work in two weeks. The remainder of the work will be completed at nights and/or weekends and will have minimal disruption to the travelling public.

District Energy Scheme

The Town Centre District energy scheme is nearing completion. Over recent weeks, part of the private wire network has been energised, electricity is now being supplied to the Sage and Baltic, and Gateshead College and the Civic Centre will be connected to the private wire by early in the New Year. As of 2 December, the Energy Centre has a live gas supply, and heating plant is being commissioned, with the heat network, which is 95% complete, aiming to start being commissioned in the New Year.

The final heat network works have been underway on Gateshead High Street since mid-August. The majority of heat pipes have now been laid, and the southern end of the High St is being re-opened to two-way traffic again. Completion of this section has been delayed due to the discovery of a sewer and a water main in two areas of Gateshead High Street which were not located as recorded on the utility plans, and are obstructing the pipe route. Working with Northumbrian Water, one water main has been diverted at the junction of Hopper Place and High Street, and the heating pipes should be completed by the end of January 2017, allowing Jackson Street to be fully opened again, and normal bus access to resume.

At the southern end (junction of High St and Ann Street), the Council is awaiting Northumbrian Water to carry out a diversion, which is planned to begin on 16 January 2017 and will take 5 weeks. After these works have been completed, it is anticipated that the District Energy Scheme apparatus can then be installed afterwards with works finishing by the end of March 2017. Until completion, works will be done under a short lane closure of High Street northbound carriageway with temporary traffic management in place.

Housing

Keelman Homes Empty Homes Purchase and Repair

In October 2016, Keelman Homes secured additional grant to boost the current programme to purchase and repair empty homes. In April 2015, with the support of the Council, Keelman Homes was successful in a bid to the Homes and Communities Agency (HCA) for Empty Homes Grant 2015-18. Grant was awarded totalling £360,000 to purchase and repair 18 homes. This year with further support from the

Council a successful bid to the HCA has been made. This has generated an additional £400,000 of grant funding and increased the target to purchase and repair up to 40 empty homes by March 2018. Work on the scheme is progressing and to date, 14 properties have been successfully identified, surveyed, purchased, refurbished and let to applicants who were on the Housing Register.

Economy

Business Investment Activity 2016/17

The Council has continued to promote economic development by supporting indigenous growth in key business sectors and delivering a high quality response to new inward investors. Between 1 April and 30 September 2016, the Council has worked with over 165 businesses to support their investment plans, delivering a number of successful investment projects; resulting 860 new jobs being created and a further 85 jobs safeguarded.

These employment opportunities have been made available to Gateshead residents through the employment support programmes operated by the council and its partners.

The Council has worked with the North East Combined Authority's Inward Investment Team, the Department for International Trade's (DIT) Investment Services and other partners to support inward investment activities; resulting in a further 226 new jobs being created in Gateshead.

Converge

Converge seeks to provide good quality educational opportunities for people with mental health problems, encouraging personal development. It will challenge the dynamics of social exclusion that makes it difficult for people who use mental health services to access good quality educational and employment opportunities.

The North East pilot hosted by Northumbria University was successfully launched on the 26 October and will engage the first tranche of up to 20 students in a course starting in February 2017. The students will be 'buddied' and the sessions facilitated by graduate students from the school of performing arts at Northumbria University.

Follingsby Enterprise Zone

The Council has signed a Memorandum of Understanding with the North East Local Enterprise Partnership and Government securing Enterprise Zone status for sites at Follingsby in East Gateshead. Enterprise Zone status will provide access to funding to deliver essential economic infrastructure to enable private sector investment and development supporting growth in the distribution, logistics and manufacturing sectors. It is anticipated that when developed the site will support in excess of 1,500 jobs.

Funding Secured for Delivery of Employment Support Services

This report outlines the recent work of the officers in identifying and securing funding to commission Employment Support Services to benefit Gateshead residents. Recent awards total some £556,000 with further monies expected and this will be utilised by the Council to provide advice and support for over 700 residents with 265 of these being supported into employment.

3. COMMUNITIES

Communities and Volunteering

Community Safety Update

A multi-agency development session was held in November 2016 to discuss the changing landscape of Community Safety and agree the future strategic priorities and operating structures of the Community Safety Board.

The Council has supported a number of regional bids to fund work linked with the Preventing Violent Extremism agenda.

A Domestic Homicide Review (DHR) has taken place in respect of Adult D (following a murder in October 2016). The Review assesses the victim's and perpetrator's involvement with agencies and Council services to mitigate the potential for future domestic homicides.

Consultation on Gateshead's three proposed Public Space Protection Orders has been completed - and early indications suggest that the public is widely in favour of their introduction.

Crime figures (to September 2016) show a 53% increase in recorded crime in Gateshead (compared to the previous year) with increases in most major crime categories. Despite these increases, perceptions of crime and feelings of safety remain positive.

There are various multi-agency plans in place to address youth-related disorder in hotspot locations within the Borough.

A time-limited Task and Finish Group has been established to look at the most complex and chaotic offenders in Gateshead and consider potential support and enforcement actions to help minimise offending behaviour.

Operation Bond has been implemented to coincide with the darker nights and delivers crime prevention advice to vulnerable individuals and older people (through direct engagement, media campaigns and community messaging).

Culture, Sport and Leisure

Fireworks

On 5 November, Saltwell Park staged the annual Firework Spectacular now promoted and hosted by Metro Radio. Metro Radio secured sponsorship for the event from Intu/Metro Centre and Eldon Square. The event featured live bands, the Metrognomes, a bonfire and small fairground rides and was attended by 24,600 people. A display organised by the community was also held at Barmoor.

Garden of Reflection

The Garden of Reflection was established in Saltwell Park on the site of the former Sensory garden, at the request of family members who have lost service personnel. The Garden opened in 2015 by the Mayor of Gateshead and is sited near to the British Legion's Field of Remembrance.

Part of this partnership project was to also commission a local artist to make an artwork. This has taken the form of a cast glass poppy set within a Stone and mounted on a plinth. The glass was cast in Sunderland and the design concept is that of Regional artist Cate Blatherwick. This is her first public art commission. The artwork was successfully installed on 10 November.

Enchanted Parks Update

Tickets for NewcastleGateshead Initiative and Gateshead Council's popular after-dark arts adventure, Enchanted Parks went on sale on 4 October and sold out within a few days.

The annual evening event, now in its 11th year, sees specially commissioned artists transform Gateshead's Saltwell Park into a magical and mythical wonderland. This year was extended to include an additional night to meet overwhelming public demand. More than 25,000 people visited Enchanted Parks this year to experience the amazing installations, projections, lighting and sculpture.

The theme for this year's Enchanted Parks is inspired by the 400th anniversary of William Shakespeare's death.

Swimming Pools – Impact of Closures

Public Health England (PHE) informed Gateshead Council of 4 cases of Cryptosporidium in Gateshead on 18 October.

It was suspected that they were linked to swimming pools in Gateshead and following confirmation that the pools were contaminated, Blaydon and Dunston pools were closed on 21 October.

The pools reopened on 1 November after a thorough deep clean as advised by PHE which included removing one third of the water and replacing the filtration systems.

The pools were not the source of Cryptosporidium, but they had been contaminated by a service user.

The cost of this (pool clean up and lost income) is £30,000. PHE and Gateshead Council Environmental Health Team will produce a report shortly with their conclusions of the incident.

Heritage at Risk

Historic England launched the 2016 Heritage at Risk register in October. There are 300 sites (listed buildings, scheduled monuments, churches, conservation areas etc.) included on the North East register, which is two fewer than in 2015. In Gateshead there are 6 buildings and structures, 1 place of worship, 2 archaeological sites and 1 conservation area include don the register. Gateshead also shares a joint entry with Sunderland, and one with Newcastle. The entries include Winlaton Mill Ironworks (Crowley Dam), Dunston Staiths, Ravensworth Castle, Gibside Hall, Whinfield Coking Ovens, Bowes Railway and Newburn Ford Battlefield.

As Local Planning Authority, the Council is responsible for dealing with any applications for planning permission or listed building consent which may affect any of these entries. Historic England is responsible for determining applications for scheduled monument consent. Where heritage assets have dual designations, scheduling takes precedent

over listing. Similarly, the Council retains statutory enforcement powers for listed buildings but cannot use these on those assets which are also scheduled. Historic England has limited powers to enforce works to repair scheduled ancient monuments. The Council is working with Historic England and the respective owners to address the 'at risk' issues affecting these heritage assets and is pleased to note that positive steps are being taken in respect of all entries on the at risk register.

Further information is available at <https://content.historicengland.org.uk/images-books/publications/har-2016-registers/ne-har-register2016.pdf/>

4. CONCLUSION

The Council is asked to note this report.



COUNCIL MEETING

15 December 2016

GATESHEAD METROPOLITAN BOROUGH COUNCIL

NOTICE OF MOTION

Councillor M Foy will move the following motion:

Council notes that a Sustainability and Transformation Plan has been developed for Northumberland, Tyne & Wear and North Durham area that sets out the current position regarding key challenges to the health and wellbeing of local people in a way that is sustainable for the health system as a whole.

Council recognises widespread public concern regarding the Government's Sustainability and Transformation Plan process, and notes comment from the King's Fund that 'the STP process provides a low point, even in the competitive field of NHS mishaps'.

The Council also notes, with concern, recent proposals to close the Bede and Greenside branch surgeries. It supports the decision of the Care, Health & Wellbeing OSC to make representations to the Department of Health regarding this matter, which has particular implications for areas such as Gateshead where significant health and wellbeing inequalities are still prevalent.

This Council pledges to continue to work with local partners and local people to ensure that health services meet their needs and keep NHS services in public ownership.

Proposed by: Councillor M Foy
Seconded by: Councillor M Brain
Supported by: Councillor J McElroy
Councillor D Donovan

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