



Cabinet

North Tyneside Council

28 March 2018

Monday, 9 April 2018 Room 0.02, Ground Floor, Quadrant, The Silverlink North, Cobalt Business Park, North Tyneside **commencing at 6.00pm.**

Agenda Item	Page(s)
1. Apologies for Absence	
To receive apologies for absence from the meeting.	
2. To Receive any Declarations of Interest and Notification of any Dispensations Granted	
You are invited to declare any registerable and/or non-registerable interests in matters appearing on the agenda, and the nature of that interest.	
You are also invited to disclose any dispensation in relation to any registerable and/or non-registerable interests that have been granted to you in respect of any matters appearing on the agenda.	
Please complete the Declarations of Interests card available at the meeting and return it to the Democratic Services Officer before leaving the meeting.	
3. Minutes	
To confirm the minutes of the meetings held on 12 March 2018 (Ordinary meeting) and 19 March 2018 (Extraordinary meeting) (previously circulated).	

Continued overleaf

Members of the public are welcome to attend this meeting and receive information about it.

North Tyneside Council wants to make it easier for you to get hold of the information you need. We are able to provide our documents in alternative formats including Braille, audiotape, large print and alternative languages.

For further information about the meeting please call:

Dave Brown - 0191 643 5658 or Yvonne Harrison – 0191 6435320

4. **Report of the Young Mayor**

To receive a verbal report on the latest activities of the Young Mayor and Young Cabinet.

5. **Reports from Scrutiny Committees**

- (a) To consider a report of the Overview, Scrutiny and Policy Development's Committee's Transition Sub Group.

6. **Key (and non-key) Decisions**

- (a) **North Tyneside Surface Water and Drainage Partnership Annual Report (All Wards)**

To receive an update on the progress of the North Tyneside Surface Water and Drainage Partnership

- (b) **Delivering the Affordable Homes Programme (All Wards)**

To receive an update on the Affordable Homes Programme.

- (c) **Report of the Local Government Ombudsman – Adult Social Care Matter (All Wards)**

To consider a report of the Local Government Ombudsman in relation to a Adult Social Care matter.

- (d) **Report of the Local Government Ombudsman – Adult Social Care Matter (All Wards)**

To consider a report of the Local Government Ombudsman in relation to a Adult Social Care matter.

- (e)* **Agreement for Pooling Business Rate Growth from Enterprise Zones (All Wards)**

To consider a report seeking approval to enter into an overarching Business Rate Growth Income Pooling Agreement with the North East Combined Authority.

Date and Time of Next Meeting(s)

Monday 14 May 2018 at 6.00pm

Note: In accordance with the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012, notice is given that the following item has not been subject to 28 days notice for the reason indicated:

Item 6(e)* This item is required to be considered without the 28 days notice being given as the terms of the agreement needed to be finalised before the implications could be set out.

Circulated to Members of the Cabinet:

N Redfearn (Elected Mayor)
Councillor G Bell
Councillor C Burdis
Councillor E Darke
Councillor R Glendon
Councillor I Grayson
Councillor M Hall
Councillor J Harrison
Councillor B Pickard (Deputy Mayor)
Councillor J Stirling

Young and Older People's Representatives and Partners of North Tyneside Council:

Poppy Arnold, Young Mayor
Alma Caldwell, Age UK
Mark Adams, North Tyneside Clinical Commissioning Group
Janice Hutton, Northern Area Commander, Northumbria Police
Roger Layton, North Tyneside Joint Trade Union Committee
Simeon Ripley, Voluntary and Community Sector
Toby Bridges, Business Representative

North Tyneside Council

Report to Cabinet

Date: 9 April 2018

ITEM 5 (a)

Title: The Transition Process for Young People with SEND from Children to Adult Services in North Tyneside

Portfolio(s): Children, Young People and Learning
Adult Social Care and Safeguarding

Cabinet Member(s): Cllr I Grayson
Cllr G Bell

Report from: Overview, Scrutiny and Policy Development Committee

Wards affected: All

PART 1

1.1 Executive Summary:

The purpose of this report is to present the recommendations of the Children, Education and Skills Sub-committee's study, on behalf of the Overview, Scrutiny and Policy Development Committee, into the transition process for young people with SEND (special educational needs and/or a disability) from children to adult services in North Tyneside.

The recommendations are set out in paragraph 1.5.5 below.

In accordance with section 9F of Part 1A of the Local Government Act 2000, Cabinet is required to provide a response to the recommendations of the Overview, Scrutiny and Policy Development Committee within two months. In providing this response Cabinet is asked to state whether or not it accepts each recommendation and the reasons for this decision. Cabinet must also indicate what action, if any, it proposes to take.

1.2 Recommendation:

It is recommended that Cabinet

- (1) consider and formulate a response to the recommendations presented to them as a result of the Overview, Scrutiny and Policy Development Committee's study into the transition process for young people with SEND from children to adult services in North Tyneside; and
- (2) notes and responds to Overview and Scrutiny Policy Development Committee's request that Cabinet and relevant service deliverers are mindful of the whole service provision and have special attention with information flow, particularly when it agrees to undertake procurement exercises to award contracts to third party providers".

1.3 Forward plan:

The report was included in the Forward Plan published on 2 January 2018 for the period 2 January 2018 – 30 April 2018 under the heading 'matters arising from Overview, Scrutiny and Policy Development Committee and its sub committees'.

1.4 Council plan and policy framework:

The report supported the Our People theme in the Our North Tyneside Plan, in particular:

- Be listened to, and involved by responsive, enabling services.
- Be ready for work and life – with the skills and abilities to achieve their full potential, economic independence and meet the needs of local businesses.
- Be healthy and well – with the information, skills and opportunities to maintain and improve their health, wellbeing and independence.

1.5 Information:

1.5.1 On 23 January 2017, the Children, Education and Skills Sub-committee agreed to establish a sub group to examine the process undertaken by both Adult Services and Children Services when a child with special educational needs and/or a disability (SEND) transfers to Adult Services at age 18; more commonly referred to as "transition".

1.5.2 The remit of the sub group was to find any gaps in provision or knowledge or processes which could disrupt a smooth transition and cause the experience for the young person and their families to be an unhappy one and then make recommendations to improve the experience.

1.5.3 Key questions to be answered included:

- What is the current process?
- If, after statutory duties are met, are there any gaps in provision?
- Is the current process fit for purpose?

1.5.4 The sub group met on a number of occasions to receive information and discuss their findings and also met with officers from the Health, Education, Care and Safeguarding Service. To gain an understanding of the service from outside the Authority the sub group also met with parents, representatives from the Clinical Commissioning Group and sought the opinion of young people who had been through the process.

1.5.5 As a result of the study the Transition Sub Group have identified eleven recommendations for submission to Cabinet which are:

1. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve communications with parents and young people. For example, create a Fact Sheet which could take different forms to accommodate the needs of the family and young person to inform all involved of the different processes which need to be undertaken for transition and their likely timeframe and which organisation is responsible for which aspect of the care and support. Ensure when delays are anticipated or occur the reason and length of the delay is fully explained.
2. Cabinet requests the Head of Health, Education, Care and Safeguarding applies the 'Tell us once' principle to Transition where possible.
3. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to increase the promotion of and improve the format and content of the Local Offer website and Disabled Children's Register.

4. Cabinet requests the Head of Health, Education, Care and Safeguarding produces different assessment forms for young people transitioning to adult services to those used for adults entering adult services at an older age and creates different forms for different additional needs; for example one form for young people with SEN, another for young people with disabilities and another for those with SEND and Disabilities.
5. Cabinet requests the Head of Health, Education, Care and Safeguarding introduces procedures to ensure officers are prepared for meetings with the family/carers by being aware of the individual requirements of the family and are pro-active in keeping parents up to date with progress of work on adaptations, applications and assessments.
6. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve/ensure sufficient communication/co-ordination between adult social workers and children social workers to ensure the particular needs of each young person and their family/carers are understood by those managing the transition process to ensure transition begins at the time appropriate for each young person and is seamless and personalised.
7. Cabinet requests the Head of Health, Education, Care and Safeguarding establishes procedures which ensures parent/carers are continually involved in the commissioning of services/accommodation for a young person to make certain that the young person's particular needs are understood/reflected in the specifications for the procurement exercise.
8. Cabinet requests the Head of Health, Education, Care and Safeguarding establishes procedures which ensures that when construction work is required and/or decisions on housing are being made that parents/carers and the young person are involved from the beginning. The procedures to also require that parents and carers are regularly kept informed in writing of what will be provided and when and the process to achieve the plan to ensure all have shared expectations.
9. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve communication with ward councillors regarding the building of or conversion of existing housing to specialist housing and/or the re-location of young people to properties in their ward.
10. In light of the changes to the organisation and management structures across Children's Services and other service areas across the whole Authority, Cabinet requests the Senior Leadership Team to review the information and support provided to both internal and external newly appointed senior managers across the Authority to ensure that they are aware of the decision making processes and their implications.
11. Cabinet requests the Head of Health, Education, Care and Safeguarding and the Head of Finance create a programme to promote and encourage borough employers to employ people with SEND; for example a networking session with the Business Forum to enable businesses to talk to each other about the implications and benefits to employers recruiting employees with SEND.

1.5.6 The full report which outlines the key findings, conclusions and recommendations of the review is attached at Appendix 1.

1.5.7 The Overview, Scrutiny and Policy Development Committee received the report on 5 March 2018.

- 1.5.8 The Overview, Scrutiny and Policy Development Committee noted that the service had acknowledged that information sharing had not always been what it should have been and considered it was the responsibility for all to ensure that all necessary information was available and accessible to ensure good comprehensive planning was in place that would then ensure the transition through any services that the Authority was responsible for was done seamlessly.
- 1.5.9 The Committee requested “Cabinet and relevant service deliverers to be mindful of the whole service provision and have special attention with information flow, particularly when it agrees to undertake procurement exercises to award contracts to third party providers” (Minute OV43/03/18).
- 1.5.10 Overview, Scrutiny and Policy Development Committee approved the recommendations for submission to Cabinet as they would facilitate and progress improvements to the delivery of the service and the experience for the service users. The Committee endorses the service’s message that “We want all young people with special educational needs and disabilities in North Tyneside to have the opportunities to live the life to which they aspire” and believed that these recommendations will go towards making this goal a reality.
- 1.5.11 Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee’s recommendations within 2 months of receiving them. In providing its response Cabinet is asked to provide reasons for any recommendations which are not approved.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet accepts the recommendation set out in paragraph 1.2 above.

Option 2

Cabinet does not accept the recommendation set out in paragraph 1.2 above and provides a response to the Overview, Scrutiny and Policy Development Committee at the meeting.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Cabinet has a statutory duty to respond to the Overview, Scrutiny and Policy Development Committee’s recommendations within 2 months of receiving them. Option 1 is recommended as this option allows Cabinet time to consider and formulate a response to the recommendations.

1.8 Appendices:

Appendix 1 – Overview, Scrutiny and Policy Development Committee Report: The transition process for young people with SEND from children to adult services in North Tyneside.

1.9 Contact officers:

Elizabeth Kerr, Democratic Services Officer Tel: (0191) 643 5322
Sue Wood, Assistant Director, Mental Health and Disability and Adult Social Care
Tel: (0191) 643 7003

1.10 Background information:

- [North Tyneside Council Constitution](#)
- [Minutes of Children, Education and Skills Sub-committee meetings held on 23 January 2017 and 19 February 2018.](#)
- [Minutes of Overview, Scrutiny and Policy Development Committee meeting held on 5 March 2018.](#)
- [Background information used in the compilation of the Transition report can be found on page 20 of the report.](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The financial implications associated with each recommendation will be included in Cabinet's response to the Sub Group's report.

2.2 Legal

There are no direct legal implications arising from this report.

2.3 Consultation/community engagement

The Sub Group which undertook this work on behalf of the Overview, Scrutiny and Policy Development Committee met with officers from the Health, Education, Care and Safeguarding Service. To gain an understanding of the service from its partners and users the Sub Group also met with parents, representatives from the Clinical Commissioning Group and sought the opinion of young people who had been through the process.

Full details are listed in the Sub Group's report attached at appendix 1.

2.4 Human rights

There are no direct issues relating to human rights arising from this report.

2.5 Equalities and diversity

There are no direct issues relating to equalities and diversity arising from this report.

2.6 Risk management

There are no direct issues relating to risk arising from this report.

2.7 Crime and disorder

There are no direct issues relating to crime and disorder arising from this report.

2.8 Environment and sustainability

There are no direct issues relating to environment and sustainability arising from this report.

PART 3

The following officers and Members have been sent a copy of the report for their information:

- Chief Executive
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy

Overview, Scrutiny and Policy Development Committee

The Transition Process for Young People with SEND from Children to Adult Services in North Tyneside



February 2018



North Tyneside Council

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1. Background to the study

- 1.1. On 23 January 2017, the Children, Education and Skills Sub-committee agreed to establish a Sub Group to examine the process undertaken by both Adult Services and Children Services when a child with special educational needs and/or a disability (SEND) transfers to Adult Services at age 18; more commonly referred to as “transition”.
- 1.2. Councillors Joanne Cassidy, John O’Shea, Matthew Thirlaway and Judith Wallace and a church representative, Rev. Michael Vine, volunteered to be members of the Sub Group.
- 1.3. Services at transition should be aimed at moving a person into work/adult life in such a way as to promote their independence and so reduce their long term needs for care and support. The transition process for disabled children had not been closely examined by the Sub-committee recently and due to the implementation of new legislation in 2014 (the Children and Families Act and the Care Act and the implementation of the SEND Code of Practice, statutory guidance for organisations that work with and support children and young people with special educational needs and disabilities) it was an appropriate time to consider whether the processes:
 - a) were fit for purpose;
 - b) enabled the Authority to demonstrate the progress of its disabled young people; and to
 - c) examine the work being undertaken by the Authority on the whole life disability agenda.

A Sub Group would provide Members the opportunity to contribute to new policies and strategies in the area and improve the service available to residents; it would also require community involvement.

- 1.4. In September 2014 the Children and Families Act came into force, this was a wide-ranging Act tackling subjects from school meals to smoking in cars, changes to how adoption worked and major reforms to improve the lives of looked-after children. One of the core ambitions of the Act was to improve the way education, health and social care services worked together to improve the outcomes for disabled children and young people and those with special educational needs and their families; specifically:
 - A new Education, Health and Care (EHC) Plan based on a single assessment process replaced special education statements. EHC plans will support children, young people and their families from birth to 25.
 - The commissioning and planning of services for children, young people and families are to be run jointly by health services and local authorities.
 - Extends the rights to a personal budget for the support to children, young people and families.
 - Local services available to children and families must be made available in a clear, easy to read manner – the ‘Local Offer’.
 - Local authorities must involve families and children in discussions and decisions relating to their care and education; and provide impartial advice, support and mediation services.

- 1.5. The Care Act 2014 states that if a child, young carer or an adult caring for a child (a 'child's carer') is likely to have needs when they, or the child they care for, turns 18, the local authority must assess them if it considers there is 'significant benefit' to the individual in doing so.
- 1.6. When a local authority assesses a child (including a young carer) who is receiving support under legislation relating to children's services, the Act requires them to continue providing him or her with that support through the assessment process. This will continue until adult care and support is in place to take over – or until it is clear after the assessment that adult care and support does not need to be provided. These changes will mean there is no 'cliff-edge' where someone reaching the age of 18 who is already receiving support will suddenly find themselves without the care and support they need at the point of becoming an adult. A successful transition to adult care and support needs the young person, their families and professionals to work together. The Act gives local authorities a legal responsibility to cooperate, and to ensure that all the correct people work together to get the transition right.
- 1.7. As in all assessments, local authorities need to consider the needs of the person, what needs they are likely to have when they (or the child they care for) turn 18, and the outcomes they want to achieve in life. They should consider what types of adult care and support might be of benefit at that point, and also consider whether other options beyond formal services might help the individual achieve their desired outcomes.
- 1.8. The Care Act makes clear that the local authority can combine any of these 'transition' assessments with any other assessment being carried out for some other person (provided all parties agree). If an external organisation (such as a hospital) is carrying out an assessment of the individual or a relevant person, for example, the individual's carer or someone the individual cares for, around the same time as the local authority's assessment, the local authority can carry out that assessment jointly with the other organisation or on behalf of the other organisation.

2. Methodology

- 2.1. The remit of the Sub Group was to find any gaps in provision or knowledge or processes which could disrupt a smooth transition and cause the experience for the young person and their families to be an unhappy one and then make recommendations to improve the experience.
- 2.2. Key questions to be answered included:
 - What is the current process?
 - If, after statutory duties are met, are there any gaps in provision?
 - Is the current process fit for purpose?
- 2.3. The Sub Group met on a number of occasions to receive information from Officers and discuss their findings and also:
 - a) Met parents whose children had been through the transition process;

- b) Met representatives for the North Tyneside Clinical Commissioning Group (CCG);
- c) Met officers from the Health, Education, Care and Safeguarding Services; and
- d) Asked young people who had gone through the transition process for their thoughts and opinions.

2.4. For the purposes of this report 'children' will be used to describe people between the ages of 0-16 and 'young people' will be used to describe people between the ages of 16-25.

3. Findings

The report will look at the key questions in turn and will make recommendations relating to each question at the end of the respective section. All of the recommendations are also listed in appendix 5 of the report.

4. What is the current process and is it fit for purpose?

- 4.1. One of the first meetings of the Sub Group was with the senior management team responsible for the Whole Life Disability agenda and the Sub Group was given an introduction to the complexities surround transition because of the different statutory frameworks for children and adults, what the process had been and what it had changed to in the preceding twelve months. As well as the change from Children's Continuing Care (CCC) to CHC (Continuing Healthcare) at 18, and from children's health services to adult health services at 18, there were also transitions for young people with Education, Health and Care Plans (EHCP) for Special Educational Need and/or Disability between 18 and 25.
- 4.2. In 2016 in response to the introduction of the Care Act and the demands of the Authority's new way of working, a SEND and Whole Life Disability (WLD) Board had been established to ensure a single strategic group would have oversight of all elements of the SEN and Disability agenda; this included moving those working with children with disabilities under the umbrella of Adult Services to ensure the senior manager had a long term oversight of the needs of the users of the service. Transition was one of the major drivers for this change as previously the split between the services had contributed to the feeling of age 18 being a 'cliff edge' for the young people and their families. The Whole Life Disability Board was in year one of a five year plan.
- 4.3. The Whole Life Disability Board was a sub group of the Local Authority's SEND Strategic Board which came under the Children and Young People Partnership Board (diagram of governance structure at appendix 1). Its remit was to establish a multi-disciplinary approach to assessment with an emphasis on seamless transitions; supporting integration with Education and Health partners; and ensuring person centred practice in assessment, planning and support.
- 4.4. The SEND Strategic Board includes representation from the Authority, the Clinical Commissioning Group (CCG), Northumbria Healthcare NHS Foundation Trust, schools, and the Parent/Carer Forum and is chaired by John Thompson, SEND Senior Manager.

- 4.5. There is also a North Tyneside Post 16 Panel to ensure that children and young people with SEND achieve the best possible outcomes. It does this by supporting the Authority to make decisions on requests for statutory assessments and the placement and provision for young people with SEND post 16; raising awareness of service roles with SEND and the EHCP process; and a monitoring function, monitoring the quality of EHCP advice across Education, Health and Care. The membership is the Senior Manager for SEND, an educational psychologist, the service manager for Whole Life Disability; a Designated Clinical Officer and the Programme Manager, Education to Employment. The Panel meets every two weeks during school term.
- 4.6. The Board also had oversight of the Self-Evaluation Framework (SEF) and its associated Action Plan which was a requirement of the SEND Local Area Inspection under the Children and Families Act 2014. North Tyneside's SEF has been prepared by the Local Authority, the CCG and key partners and was structured around the key themes of inspection which were:
- a) Leadership and governance of SEND across the local area.
 - b) Capacity and resources.
 - c) The identification of children and young people who have special educational need and /or disabilities.
 - d) Assessing and meeting the needs of children and young people who have special educational needs and/or disabilities.
 - e) Improving outcomes for children and young people who have special educational needs and/or disabilities.
- 4.7. Key strengths identified in the SEF included:
- a) 94% of children and young people attend a school in North Tyneside which has been graded good or outstanding.
 - b) Early Help Assessments (EHA) are embedded across agencies.
 - c) Clear pathways and processes are in place.
 - d) Schools and providers follow a graduated response in line with the Code of Practice regarding the identification and meeting special educational needs, supported by SEN Support Plans.
 - e) Regular monitoring of attainment and progress data is used by schools.
 - f) The Local Offer was co-produced with parent/ carers.
 - g) A Person Centred approach is embedded.
 - h) An Inclusion Strategy has been developed through consultation with a variety of stakeholders.
 - i) There is a transparent approach to decision making within assessments and parents/carers, schools and colleges have increased confidence in the Education, Health and Care Plan (EHCP) decision making process.
 - j) There is a clear pathway into the Disability Team.
- 4.8. Key priorities for the Action Plan included:
- a) Embedding new ways of locality working.
 - b) Further work with parents/carers and work with children and young people, including those who don't want to engage.
 - c) Further development of the Local Offer.

- d) Embedding Quality Assurance of Education, Health and Care Plans.
 - e) Joint Commissioning.
 - f) Preparation for Adulthood.
- 4.9. As part of the Children and Families Act 2014, the Authority was also required to develop and publish a 'Local Offer' setting out the support available across education, health and social care for children and young people with special educational needs or disabilities (SEND) up to age 25.
- 4.10. The Local Offer was essentially a website which listed the services comprising the Local Offer. The services in North Tyneside fell under six broad headings: early years; education; health; social care; leisure; and information, advice and support. A key role of the local offer was to provide up-to-date, accessible information about provision and how parents, carers and young people with SEND could access it. Having an accurate and comprehensive directory of services was therefore an important element of the Local Offer.
- 4.11. On the Local Offer website it states that planning for transition to adulthood for young people with an EHCP will start at aged 14. The Summary of Offer states that a Transition Officer will support young people to navigate the transition planning process from the age of 14 years onwards and describes what can be expected to have happened by key stages in the transition process (see Appendix 2).
- 4.12. Alongside social work support during transition a referral from the SEND team is required as a number of young people who transition to adult services require a health assessment. This assessment is an assessment to see whether a person is eligible for Continuing Health Care and is undertaken by nurse assessors. Very few people present to Adult Social Care as an adult as the vast majority have been known to the Local Authority since they were children. Approximately 1000 children with SEND do not require social care as children but may when they become adults and move into more independent living settings.
- 4.13. A part of the creation of the Whole Life Disability team across adults and children services, the two social worker teams from each service had co-located to the same office within the locality model. The health team were also based in the Oxford Centre which assisted the children's disability team. This enabled conversations to take place to assist learning and awareness. The teams were still separate as the knowledge required for a children social worker and an adult social worker was specialist; to change from one to the other would require a further qualification and the statutory assessments under each were also very different.
- 4.14. It was acknowledged that good transition management was key and the service was aware of some poor examples but there had also been good ones. The service had also been made aware by young people it had worked with that an arbitrary age for transition did not work as some were ready at aged 16. It was also acknowledged that age 16/17 could be too late to enable resources to be available for the young person at aged 18 because of the partnership working required with education and health colleagues. It was anticipated that the 'new' transition process would be flexible enough, keeping within the legislation, to enable each pathway to be unique.

- 4.15. The [SIGN](#) North Tyneside Directory brings together information about activities, support and services to help people with care and support needs living within North Tyneside. Residents can find out about support and equipment for their home, activities within the community, and services to meet their care and support needs through this website.
- 4.16. The [Disabled Children's Register](#) is used to collect information about children who have a disability and/or learning disability and who live in North Tyneside. Completion of the register by parents and carers is entirely voluntary. The register was launched during summer 2017. As the number of registrations increases over the next 12 months and other sources of feedback are strengthened, e.g. via the Parent Carer Forum and through the Local Offer website, the volume and quality of intelligence available to inform commissioning is expected to increase.
- 4.17. A child's EHCP would be used as a passport through the transition process as it had been agreed by all partners that age 14, Year 9 at school, was the ideal time to begin and was the age recommended in the Code of Practice.
- 4.18. In the meeting with the CCG it was acknowledged that historically the focus had mainly been more adult based but within the last two years it had been recognised that they did not have an all age process and have tried to be more fluid in their approach.
- 4.19. A key challenge was the different approaches for working with children to working with adults and the impact that these differences had on individuals and their carers/parents' expectations. Getting the right package and access to care was always the focus and whilst the financial implications and which organisation would pay and be responsible for the care needed to be determined, every effort is made to ensure that this did not dictate the process for the young person in question.
- 4.20. The CCG worked in partnership with the Local Authority to ensure that an individual's health and care needs are assessed appropriately and subsequently met. These needs are factored into future plans; some plans are fully social care and are funded by the Local Authority and some are joint funded. It entirely depends on the level of need. An initial assessment is required to establish whether support above and beyond that offered by core services would be required and there is a check list for continuing healthcare (CHC) and then the multi-disciplinary team assess whether the person is eligible or not.
- 4.21. If yes, then the additional support is funded by the CCG. If it is to be shared then a Shared Funding Panel meeting is required which determines which body will pay for which part of the support package. The cost of a package does not influence what is included in the package; if it has been identified as necessary then it is.
- 4.22. There is no national definition of what a health need and what a social need is so the partners try and understand each child and young person's requirement by need rather than whether it is a social or a health need.
- 4.23. The representatives from the CCG concurred that transition should begin at 14 with an assessment by 16 and the assessment and plan in place by the time the young person is 17 ½. The whole process was prescribed in the statutory

framework. Each young person would be allocated an assessment co-ordinator and this relationship is key to ensure the appropriate level of engagement with a parent/carer at the point of assessment to mitigate the risk of the relationship (between the young person and the parent/carer and the services) breaking down.

- 4.24. The level of service available in children's services is much higher and specific than what is available for those aged 18 or over, for example there is no equivalent of a paediatrician in adult healthcare and the different statutory frameworks can cause confusion and frustration for parent/carers.
- 4.25. Members met with three parents who had experienced the transition process with their own children and, whilst each had their own particular experience, some common issues were identified. These were:
- a) That the staff involved in the transition process didn't know enough about the individual child's particular needs and so failed to understand what support was required and why it might be different from what was 'usual'.
 - b) They felt that many forms had to be completed which asked questions already answered on another form. This also meant that many times the parent/carer was saying 'no' multiple times to questions which became demoralising.
 - c) Transition processes should begin much earlier; a firm plan should be in place by 16 to allow a two year transition, their children had all been known to the Local Authority since a young age, there was no surprise about what their additional needs would be.
 - d) Lack of communication regarding changes to key support workers.
- 4.26. Jack and Candy, two adults who had been through the transition process with the Authority and were part of a service user reference group under the Whole Life Disability Board, were asked to complete a set of questions from the Sub Group.
- 4.27. From their answers the Sub Group could see that there had been some personalisation of the process as they had each begun their transition at different ages; although one was happy with the age their transition began with the other thinking it should have begun earlier.
- 4.28. There was also overlap in Jack and Candy's answers and the points raised by the parents, including:
- a) The whole process should be smoother.
 - b) Actual physical moves should only be done when they have to be.
 - c) A lack of communication between the children services team and adult services team.
 - d) A lack of information about what options were available for independent living.
- 4.29. In response to the points raised, the Sub Group was informed that two years ago the service did not know the SEND cohort which would be transitioning from children to adult services. Now, the service did know all the children (currently) who would be coming through to adult social care as adults and what support would be required and what plans/services needed to be in place and by when to

ensure a smooth transition. An effective transition was everyone's responsibility and the familiarity of the young person and their parents with buildings and staff helped a connectivity to enable the service to begin their work in a personal way. Parents were always involved in any decision about the location and type of accommodation for a young person because their intelligence was invaluable and they know their child best, they are expert assessors.

- 4.30. The time taken from initial assessment and agreement of support to be provided and the young person moving into their new supported living accommodation can vary and attention is required when beginning the process to ensure that when options are discussed it is not treated as an offer by the parents; for example suitable accommodation might have been identified but the support staff required are unavailable and therefore was described as 'available' which could be interpreted as 'ready'. It was acknowledged that it could be seen as a protracted process by parents but sometimes it was difficult to find resources to support high dependency needs in the community.
- 4.31. The officers maintained that improvements had been made, for example they were much better now at working with Housing Services to project a very clear picture of what facilities and accommodation might be required in two years time.
- 4.32. The relationship with the CCG was also essential and a close working relationship had been developed and allowed for open discussion and both organisations faced financial challenges and were working hard to maximise resources. The funding decisions, requirements and differences between health care and social care were very complicated and quite hard for parents/carers to understand as it was so different from children's assessments. A repeated assessment might look similar to one already completed but it would have a different focus; they can also be outside of the Authority's domain.
- 4.33. It was noted by the Sub Group that communication with ward councillors and local residents when accommodation was being adapted or built for a particular young person could be improved. Whilst keeping the private information relating to the individual private, it would be helpful if information about what works were being undertaken, the type of support to be provided to the young person(s) and whether it was or was not an out-of-borough placement could be provided to ward councillors and residents. This might help reduce the circulation of false information and the concerns of the neighbourhood which then allows the young person to move into an area without any misconceptions from their new neighbours, which can only assist them in feeling settled in their new home.
- 4.34. A challenge faced by the teams was some parents/carers' reluctance to accept their child was maturing and had their own rights, for example it can come as a surprise when the doctor will not allow the parent to attend a consultation. The concept of an independent adulthood will be introduced across services from aged 7 with an independence plan and conversations to prepare parents/carers which will also include raising an awareness of what an individual child's development point might be, regardless of what age they are so when the point is reached it is not a shock to the parents/carers. The development of a trusting relationship between adult service partners and the families is key to making this work.

- 4.35. The child or young person was at the centre of all planning and it was essential that their voice was heard, if the parents/carers are still resistant to plans which the child/young person would like an advocate is introduced. To encourage the parents/carers to change their view, whilst still offering empathy, challenge and difficult conversations are undertaken by the teams to show how it might work and show the child/young person's skills and capacity to the parent to build their confidence it can be done.
- 4.36. Independent assurance of this is found in the June 2017 Ofsted Inspection report of Children's Services in North Tyneside which states:

"The voice of children and young people is woven into the fabric of the local authority. Despite times of austerity, a highly effective and dedicated team has been developed, providing participation, advocacy and engagement and focusing specifically on ensuring that the voice of children is heard and taken seriously in the local authority"¹.

- 4.37. The Parent Carers Forum was a well attended forum which was co-chaired by parents and attended by the Assistant Director for Disability and Mental Health as it was an important opportunity to speak to parents and carers outside of the office environment. Representatives from the Forum were also on the Whole Life Disability Board. It was considered that there were sufficient support organisations outside of the Authority for children and young people with learning disabilities but not necessarily for those with physical or sensory issues.
- 4.38. It was acknowledged that there would always be complaints, but these were dealt with by face to face meetings rather than correspondence as a more efficient and effective method of resolving the issues. The service wanted to be seen as a responsive, caring service which was willing to listen and learn but not always there to agree with parents/carers.
- 4.39. Taking all of the above into account, the Sub Group makes the following recommendations in relation to the current process for transition:

Recommendation 1

Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve communications with parents and young people. For example, create a Fact Sheet which could take different forms to accommodate the needs of the family and young person to inform all involved of the different processes which need to be undertaken for transition and their likely timeframe and which organisation is responsible for which aspect of the care and support. Ensure when delays are anticipated or occur the reason and length of the delay is fully explained.

Recommendation 2

Cabinet requests the Head of Health, Education, Care and Safeguarding applies the 'Tell us once' principle to Transition where possible.

¹ [Ofsted Inspection of services for children in need of help and protection, children looked after and care leavers in North Tyneside 2017](#)

Recommendation 3

Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to increase the promotion of and improve the format and content of the Local Offer website and Disabled Children's Register.

Recommendation 4

Cabinet requests the Head of Health, Education, Care and Safeguarding produces different assessment forms for young people transitioning to adult services to those used for adults entering adult services at an older age and creates different forms for different additional needs; for example one form for young people with SEN, another for young people with disabilities and another for those with SEND and Disabilities.

Recommendation 5

Cabinet requests the Head of Health, Education, Care and Safeguarding introduces procedures to ensure officers are prepared for meetings with the family/carers by being aware of the individual requirements of the family and are pro-active in keeping parents up to date with progress of work on adaptations, applications and assessments.

Recommendation 6

Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve/ensure sufficient communication/co-ordination between adult social workers and children social workers to ensure the particular needs of each young person and their family/carers are understood by those managing the transition process to ensure transition begins at the time appropriate for each young person and is seamless and personalised.

Recommendation 7

Cabinet requests the Head of Health, Education, Care and Safeguarding establishes procedures which ensures parent/carers are continually involved in the commissioning of services/accommodation for a young person to make certain that the young person's particular needs are understood/reflected in the specifications for the procurement exercise.

Recommendation 8

Cabinet requests the Head of Health, Education, Care and Safeguarding establishes procedures which ensures that when construction work is required and/or decisions on housing are being made that parents/carers and the young person are involved from the beginning. The procedures to also require that parents and carers are regularly kept informed in writing of what will be provided and when and the process to achieve the plan to ensure all have shared expectations.

Recommendation 9

Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve communication with ward councillors regarding the building of or conversion of existing housing to specialist housing and/or the re-location of young people to properties in their ward.

5. What went well?

- 5.1. When speaking to the parents about their experiences of transition the Sub Group also enquired whether anything had gone particularly well. Whilst keeping the examples broad so as not to identify any individuals, the Sub Group was pleased to hear the majority of the parents had had good, recent experiences with their schools/further education establishments and had found them a support.
- 5.2. The representatives from the CCG reported that the Children's Continuing Care (CCC) Nurse Assessment team confirmed that arrangements are in place for flagging children likely to transition from CCC to Continuing Healthcare (CHC) at 14, and then doing CHC assessments in preparation for the transfer from CCC to CHC at 18. They also advised that there were good transition pathways in a range of services including diabetes and nephrology, and that the LIFE Muscle Team was an all age service so no transition was necessary for patients under that service. A joint Children's Complex Cases Panel between the CCG and the Authority was also being established which would also cover transition issues.

6. Are there any gaps in provision?

- 6.1. When speaking to the parents about their experiences of transition the Sub Group also enquired whether anything additional was required. Among the comments made were that the following was missing:
 - a) An adult equivalent of Heatherfield.
 - b) An adult equivalent of Addison Street for young people with a physical rather than a learning disability.
 - c) Post 19 provision for autism.
 - d) Parity of care from when the young person was under the care of children services to under adult services.
- 6.2. One of the units at Heatherfield Care Home in Annitsford was for young people with disabilities which the parents considered was well conceived for those it was designed for and offered respite and residential services; for the first time children requiring this level of support were now cared for in-borough whereas previously they had been placed out of borough in Thornhill in Sunderland.
- 6.3. Addison Street offered short break respite for up to 5 children and young people aged 8-17 years with disabilities. The service, based in a specially adapted property, provided short breaks for up to 16 nights and offered a maximum of 74 nights per year. Generally, short breaks are offered as a stay every 4-6 weeks and at least 45 children and young people with a learning and/or physical disability accessed this service.
- 6.4. These services were missed by parents and the young person once their child was no longer eligible.
- 6.5. The Sub Group was informed there had been a post -19 education provision for children with autism which had been run by Beacon Hill School for a year but had folded and the young people moved to Percy Hedley.

- 6.6. The Sub Group while sympathetic to the reasons behind these suggestions was conscious of the need for the service area to meet its statutory requirements and the resource constraints it was already operating under to make any formal recommendations to the above but has included them in this report to illustrate where parents feel there are gaps in the provision in case any grant or funding opportunities for this type of investment becomes available.
- 6.7. The Sub Group asked the representatives from the Whole Life Disability Service whether there was anything it could do to assist them in their work. The officers commented that they needed more opportunities to be able to inform and help the parents/carers and the young person to understand how and why children services and adult services were so different, complex and difficult. The difficulty in understanding why it is so different is also reflected in paragraph 6.1 point d) above where parents want to have parity of care from when the young person was under the care of children services to under adult services.
- 6.8. When considering this question, officers also commented that changes in responsibilities and management structures for SEND services and some changes to the Cabinet responsibilities meant that changes had to be made to their reporting procedures as instead of only having responsibility to one Cabinet Member there were now three: the Cabinet Member for Children, Young People and Learning; the Cabinet Member for Adult Social Care; and the Cabinet Member for Public Health and Wellbeing. It was suggested that a review of reporting procedures across the whole authority might be expedient. Comments were also made regarding whether the support provided to senior managers, either new to the organisation or newly promoted, on how the decision making structure and processes of the Authority worked was currently fit for purpose.
- 6.9. Also a key part of a successful transition was having the young person participate in society and being prepared for employment; the service really struggled to get young people into employment because of the lack of opportunities for them. The Local Authority's apprenticeship programme continued to encourage applications from those in less advantaged groups including those who were NEET (not in education, employment or training), looked after, leaving care or who had additional support needs. The table below illustrates how the percentage of posts taken up by these targeted groups had increased².

Year	Total number of applicants	Applicants who meet target audience	Target group shortlisted	Target group employed	%of posts filled by target group
2014	255	83	26	9	32%
2015	83	54	39	10	58%
2016	79	46	25	9	53%

- 6.10. The Authority had recruited a higher number of apprentices with disabilities: 3.8% compared to 1% last year. However, proportionally, fewer disabled applicants were shortlisted for interview due to relatively weaker applications. The Authority had made a commitment to encourage applications from these young people

² Data taken from *Apprenticeship Programme 2014-17 Update Report*, presented to Children, Education and Skills Sub-committee on 20 February 2017.

which required careful preparation and investigation if it was to offer these young people a positive experience, be realistic about their potential for employment and minimise the risk of drop out and termination. In this year's recruitment, the Authority had:

- a) been more creative about selection processes;
- b) given greater consideration to matching the young person to the most appropriate team environment, mentor and manager; and
- c) trialled a pathway from traineeship to apprenticeship via a pilot scheme in sport and leisure.

- 6.11. The officers acknowledged that it was important that the Authority took the lead on this, and its health partners too, but more needed to be done to encourage businesses in the borough to be more inclusive and aware of the benefits of employing young people with additional needs. The businesses needed to accept they supported the young person and valued them as an employee not as a concession to the Authority or to expect the Authority to provide the support. The employment of people with SEND needed to be everyone's daily business; a more inclusive model in the business sector would also help alleviate pressures on other services.
- 6.12. The Sub Group also asked the representatives from the CCG whether there was anything it could do to assist them in their work and was informed that sometimes the Decision Support Tool was provided to the Shared Funding Panel without the Support Plan which showed how the support will be delivered; a decision cannot be made without both documents which could cause unnecessary delays. In response the WLD team acknowledged that it would happen occasionally but there was a strong administration system in place to ensure the right documentation was sent to right person/organisation at the right time so a decision could be made the first time everyone met together. The importance of this was not underestimated by the team.
- 6.13. Taking all of the above into account, the Sub Group makes the following recommendations in relation to gaps in provision:

Recommendation 10

In light of the changes to the organisation and management structures across Children's Services and other service areas across the whole Authority, Cabinet requests the Senior Leadership Team to review the information and support provided to both internal and external newly appointed senior managers across the Authority to ensure that they are aware of the decision making processes and their implications.

Recommendation 11

Cabinet requests the Head of Health, Education, Care and Safeguarding and the Head of Finance create a programme to promote and encourage borough employers to employ people with SEND; for example a networking session with the Business Forum to enable businesses to talk to each other about the implications and benefits to employers recruiting employees with SEND.

7. Conclusion

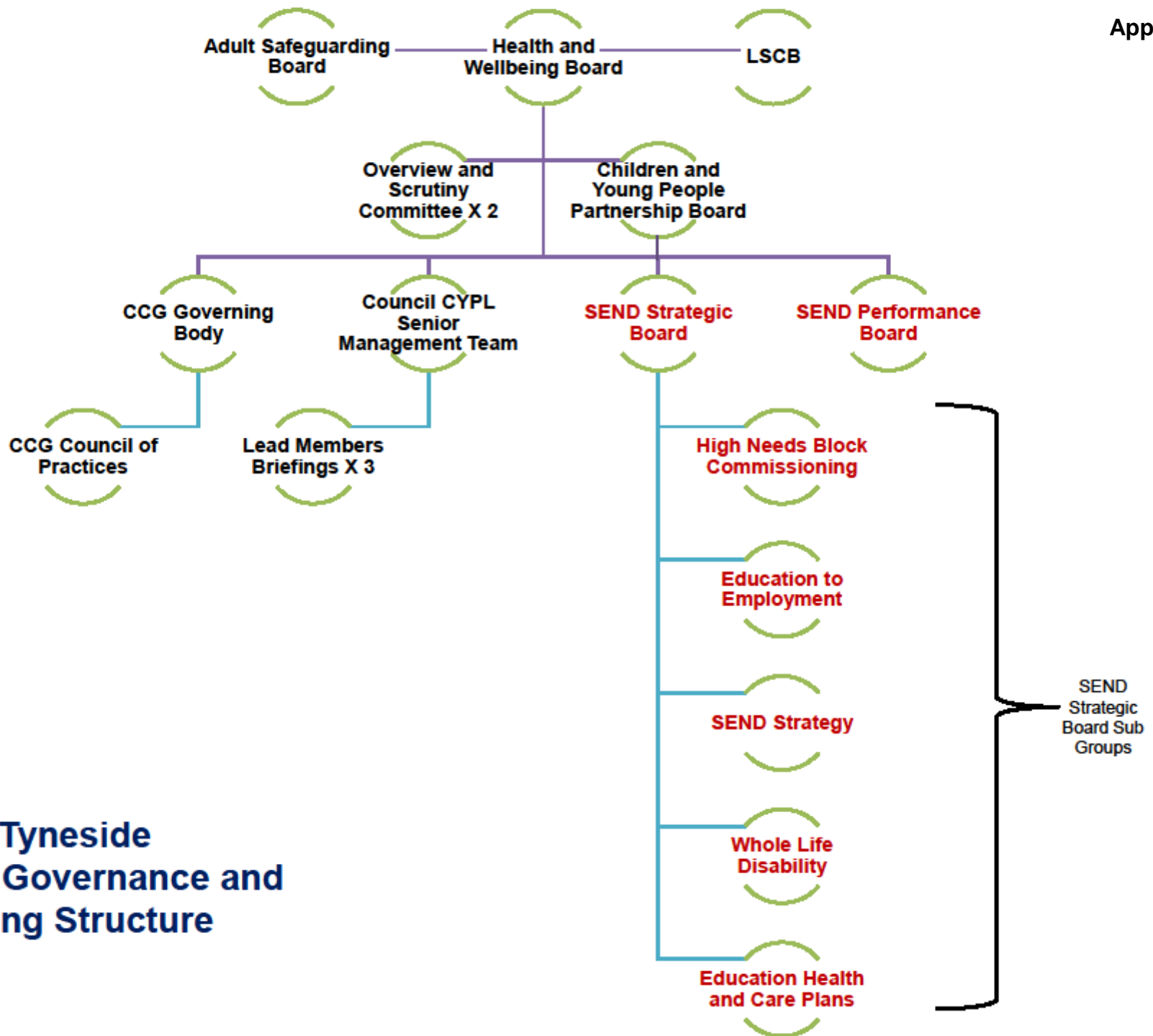
- 7.1. The Sub Group considered that the theory behind the current process was sufficient and met the requirements of the Children's and Families Act and the Care Act 2014 but that the implementation of the process had been found wanting in a number of cases. The Sub Group acknowledged that there had been significant reorganisation of the service both in personnel and management responsibilities which would have impacted on its ability to monitor the transition process effectively at this time and that the service had accepted that things had not gone as well as they should have for a number of families.
- 7.2. The Sub Group was pleased to note that the service was "determined to improve" and believed that the steps already established by the service (for example the co-produced Local Offer and the self-evaluation framework action plan) and the eleven recommendations of the Sub Group would facilitate this and ensure that all future transitions would begin in a timely manner and would ensure there were no surprises either for the Authority, the young person themselves or their parents/carers.
- 7.3. The Sub Group also acknowledged that additional funding is not always the best solution to a difficulty and also that there were finite resources available for all services. The recommendations have not been prescriptive in how they should be implemented to allow the service a wide as scope as possible in developing the best way to implement them.
- 7.4. Moving towards adulthood is an exciting time of new opportunities, new choices and increasing independence for all young people, whether they have additional support needs, or not and the Sub Group endorses the service's message that "We want all young people with special educational needs and disabilities in North Tyneside to have the opportunities to live the life to which they aspire" and believe that these recommendations will go towards making this goal a reality.

8. Acknowledgements

The Sub Group would like to place on record its thanks and appreciation to those officers, parents and external organisations for their assistance providing the evidence on which this report is based. A full list of all those individuals who helped the Sub Group with its work is set out in Appendix 3.

9. Background Information

The background papers and research reports listed in Appendix 4 have been used in the compilation of this report and copies of these documents are available from the Democratic Support Officer.



North Tyneside SEND Governance and Planning Structure

Extract from *Summary of our Offer* from 'Preparing to be an adult' section of the Local Offer webpage

A Quick Guide to the Transition Process	
School Year / Age	What to expect
School Years 8 to 9 (age 12 to 14)	<p>Young person starts to think about what they want to do when they leave school.</p> <p>The young person should talk to their careers advisor as well as their social worker or health worker if they have one.</p>
Year 9 School review (age 13 to 14)	<p>Reports produced by those working with the young person, which feed into the review.</p> <p>The young person is invited to contribute to the review and attend the meeting.</p> <p>Transition Plan is written up by and sent to the young person, their family and relevant organisations.</p>
Year 10 to 14 School review (age 11 to 19)	<p>Reports produced by those working with the young person, which feed into the review.</p> <p>The views of the young person and parent are at the centre of decision-making.</p> <p>School staff will then write the Transition Plan with the young person and parent and send it out to everyone.</p>
Annual Review of the Transition Plan	<p>Once a plan has been produced it is updated every year by Any changes are made at this time.</p>
Final Year Review School years 11 to 14 (age 15 to 19)	<p>In the last year at school the Transition Plan needs to be updated.</p> <p>Discuss options that are available after Year 11.</p> <p>If extra support is needed on leaving school then the people providing this should be invited to the review of the plan.</p>
Consult with education, training or employment provider	<p>Agree how they will support the young person to make the transition.</p>
Age over 18 and under 25	<p>If the young person is still in education or training or in an apprenticeship the plan will need updating.</p>

Acknowledgements

The working group would like to place on record its thanks and appreciation to the following individuals for their assistance to the Sub Group:

North Tyneside Council:

Jodie Henderson, Senior Manager Looked After Children's Services
Haley Hudson, Assistant Director, Strategy and Transformation
Elizabeth Kerr, Democratic Services Officer
Toni McMullan, Participation and Advocacy Advisor
Joanne Safe, Service Manager Whole Life Disability
Sue Wood, Assistant Director, Mental Health and Disability and Adult Social Care

External Contributors:

Tom Dunkerton, Commissioning Manager NHS North Tyneside Clinical Commissioning Group
Steve Rundle, Head of Planning and Commissioning, NHS North Tyneside Clinical Commissioning Group
Jack Skeldon
Candy Carpenter
Nicki Hartley, parent
Judith Oliver, parent
Jacqui Rodgers, parent

List of Background Papers

The following background papers have been used in the compilation of this report and copies of these documents are available from Elizabeth Kerr, Democratic Services, e-mail: elizabeth.kerr@northtyneside.gov.uk Tel: 0191 643 5322

- [The Children and Families Act 2014](#)
- [The Care Act 2014](#)
- *Summary of our Offer* from 'Preparing to be an adult' section of the Local Offer webpage, [available at <http://my.northtyneside.gov.uk/category/569/preparing-be-adult>] (accessed 8 December 2017)
- [Apprenticeship Programme 2014-17 Update Report](#) to Children, Education and Skills Sub-committee on 20 February 2017.
- [Ofsted Inspection of services for children in need of help and protection, children looked after and care leavers in North Tyneside 2017](#)

Useful Websites

- <http://my.northtyneside.gov.uk/category/492/special-educational-needs-and-disabilities>
North Tyneside Council's SEND webpage.
- <http://www.getyourrights.org/>
A helpful website with a focus on advising young people about their rights in relation to health care, by the Council for Disabled Children (CDC) and the National Children's Bureau (NCB).
- <http://www.peoplefirstinfo.org.uk/money-and-legal/care-act-2014/requesting-an-assessment-changes-under-the-care-act.aspx>
The Care Act 2014 meant that from April 2015 the way in which an assessment was completed with an adult (over age 18) member of the public when deciding whether that person would be eligible for care and support from the council changed. Produced by People First, this accessible page outlines the assessment process, what has changed, and includes links to useful information.
- <https://www.sendirect.org.uk/>
SEND Direct has worked in partnership with other organisations to bring together and create information to help support children, young people, parents, families and professionals. It includes a wealth of information, from rights under existing laws to managing a personal budget and how to choose the right service.
- <https://www.rixwiki.org/gbr/home/north-east-send-regional-network/>
SEND Direct North East hub with links to local support and resources.
- <https://www.gov.uk/government/publications/care-act-2014-part-1-factsheets>
Fact sheets produced by Government on the Care Act

Summary of recommendations

1. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve communications with parents and young people. For example, create a Fact Sheet which could take different forms to accommodate the needs of the family and young person to inform all involved of the different processes which need to be undertaken for transition and their likely timeframe and which organisation is responsible for which aspect of the care and support. Ensure when delays are anticipated or occur the reason and length of the delay is fully explained.
2. Cabinet requests the Head of Health, Education, Care and Safeguarding applies the 'Tell us once' principle to Transition where possible.
3. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to increase the promotion of and improve the format and content of the Local Offer website and Disabled Children's Register.
4. Cabinet requests the Head of Health, Education, Care and Safeguarding produces different assessment forms for young people transitioning to adult services to those used for adults entering adult services at an older age and creates different forms for different additional needs; for example one form for young people with SEN, another for young people with disabilities and another for those with SEND and Disabilities.
5. Cabinet requests the Head of Health, Education, Care and Safeguarding introduces procedures to ensure officers are prepared for meetings with the family/carers by being aware of the individual requirements of the family and are pro-active in keeping parents up to date with progress of work on adaptations, applications and assessments.
6. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve/ensure sufficient communication/co-ordination between adult social workers and children social workers to ensure the particular needs of each young person and their family/carers are understood by those managing the transition process to ensure transition begins at the time appropriate for each young person and is seamless and personalised.
7. Cabinet requests the Head of Health, Education, Care and Safeguarding establishes procedures which ensures parent/carers are continually involved in the commissioning of services/accommodation for a young person to make certain that the young person's particular needs are understood/reflected in the specifications for the procurement exercise.
8. Cabinet requests the Head of Health, Education, Care and Safeguarding establishes procedures which ensures that when construction work is required and/or decisions on housing are being made that parents/carers and the young person are involved from the beginning. The procedures to also require that parents and carers are regularly kept informed in writing of what will be provided and when and the process to achieve the plan to ensure all have shared expectations.

9. Cabinet requests the Head of Health, Education, Care and Safeguarding takes measures to improve communication with ward councillors regarding the building of or conversion of existing housing to specialist housing and/or the re-location of young people to properties in their ward.
10. In light of the changes to the organisation and management structures across Children's Services and other service areas across the whole Authority, Cabinet requests the Senior Leadership Team to review the information and support provided to both internal and external newly appointed senior managers across the Authority to ensure that they are aware of the decision making processes and their implications.
11. Cabinet requests the Head of Health, Education, Care and Safeguarding and the Head of Finance create a programme to promote and encourage borough employers to employ people with SEND; for example a networking session with the Business Forum to enable businesses to talk to each other about the implications and benefits to employers recruiting employees with SEND.

North Tyneside Council Report to Cabinet Date: 9 April 2018

ITEM 6(a)
Title: North Tyneside
Surface Water and
Drainage Partnership
Annual Update

Portfolio(s): Housing and
Transport

Cabinet Member(s): Councillor John
Harrison

Report from Service Area:

Environment, Housing and Leisure

Responsible Officer:

Phil Scott, Head of
Environment, Housing
and Leisure (Tel: (0191) 643
7295)

Wards affected:

All

PART 1

1.1 Executive Summary:

The establishment of the Surface Water and Drainage Partnership (the Partnership), was approved by Cabinet to progress work identified by the Flooding Task and Finish Group which was itself set up following the flooding events of 2012.

At the time of establishment Cabinet requested an annual update on the activity within the Partnership. This report provides Cabinet with this annual update.

1.2 Recommendation(s):

It is recommended that Cabinet notes the report and the progress made.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 26 February 2018.

1.4 Council Plan and Policy Framework

This report is relevant to the following priorities set out in Our North Tyneside, the Council Plan:

- Provide a clean, green, healthy, attractive, safe and sustainable environment. This will involve creating a cycle friendly borough, investing in energy efficiency schemes and by encouraging more recycling
- Have an effective transport and physical infrastructure - including our roads, pavements, street lighting, drainage and public transport.

1.5 Information:

1.5.1 Background

On 14 January 2013 Cabinet considered the final report of the Flooding Task and Finish Group. In doing so, Cabinet agreed to the Partnership being established. On 10 June 2013, Cabinet considered the progress made by the Partnership to date, and agreed that the Cabinet Member for Housing and Transport would act as the Chair of the Partnership.

1.5.2 The purpose of this report is for the Partnership to provide Cabinet with an annual update on progress, following its latest quarterly meetings.

1.5.3 The Partnership has met quarterly over the last 12 months and during the course of those meetings it has coordinated the Authority's involvement in the following areas:

- the Killingworth and Longbenton Sustainable Surface Drainage Project, for which works are progressing well on the partnership project between the Authority, Northumbrian Water and The Environment Agency;
- Progression of the Flood Risk Implementation Plan, overseeing the planned improvements and progression of schemes and the works;
- the work being carried out around community preparedness including ongoing communications and regular engagement with the wider community, key stakeholders and community flood wardens; and
- the Flood Alleviation spend

1.5.4 The following work has been delivered since the last update report to Cabinet:

- Fairfield Green, Monkseaton – Completion of a major scheme in Murton Gap to reduce the risk of flooding to nearby homes. The £1 million scheme involved installing large dry storage basins and a new ditch system.
- Shiremoor and Wellfield – Completion of a major scheme in fields between Shiremoor and Wellfield. The £500,000 scheme involved the creation of a large holding pond to hold back surface water upstream of homes in Wellfield.
- Oak Grove, Wallsend – Installation of property level protection (watertight doors etc) to residential properties at risk from flooding.
- Killingworth & Longbenton Sustainable Drainage Project – Completion of phase 1 (watercourse diversion through Longbenton High School) and phase 2 (upstream storage areas at Killingworth Moor). Phase 3, the re-routing of drainage from Killingworth Lake and construction of a large storage basin at the south bank, will commence this summer. The total value of the project is around £6 million.
- Briar Vale, Monkseaton – further development of a major flood risk reduction scheme which is expected to be complete in summer 2018.

1.6 Decision options:

As this is an information report that Cabinet has requested there are no decision options.

1.7 Reasons for recommended option:

The report is intended to provide an update on the progress made by the Partnership.

1.8 Contact officers:

Phil Scott, Head of Environment, Housing and Leisure, tel. (0191) 643 7295

Jackie Laughton, Head of Corporate Strategy, tel. (0191) 643 7070

Mark Newlands, Highways & Infrastructure Manager, tel (0191) 643 6129

Alison Campbell, Senior Business Partner, tel. (0191) 643 7038

1.9 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) [The Flood Risk Regulations 2009](#)

(2) [Flood and Water Management Act 2010](#)

(3) Flood Risk Implementation Plan (Exempt information)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

2.1.1 A four year allocation of capital funding for surface water improvement schemes totalling £4.5 million was made available through the Authority's Investment Plan. An allocation of £500,000 was made available for the 2017/18 financial year. This was the final year of the programme. This capital funding has enabled the delivery of a range of drainage projects which has dealt with all high risk flooding areas. A residual programme of smaller schemes for lower risk areas has also been developed. Future work on these smaller schemes will be funded through a combination of existing revenue budgets and Environment Agency grants.

2.2 Legal

2.2.1 The Flood Risk Regulations 2009 translate the EU Floods Directive into law for England and Wales. The Regulations bring the Environment Agency, county councils and unitary authorities together with partners such as water companies to manage flood risk from all sources and to reduce the impact of flooding on human health, economic activity, cultural heritage and the environment.

The Flood and Water Management Act 2010 is designed to put in place the changes recommended by Sir Michael Pitt in his review of the summer floods of 2007.

The 2009 Regulations and the 2010 Act carry with them duties for local authorities, including:

- the duty to produce a Local Flood Risk Management Strategy;
- the duty to produce and maintain a register of assets which have a significant effect on the flood risk in the area. Such assets need to be designated and works to those assets subsequently controlled through a consent procedure;
- a responsibility to investigate and publish reports on flood incidents in their area; and
- the duty to establish a Sustainable Urban Drainage Schemes (SuDS) approval body.

In accordance with the requirements of the Local Government Act 2000 and the Regulations made under that Act, Cabinet are responsible for considering and determining this matter.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The work undertaken and to be undertaken by the Partnership involves the Authority's Emergency Response Leadership Group and the Partnership's Community Preparedness sub-group. Both the Cabinet Members for Housing and Environment and Community Engagement are regularly briefed.

2.3.2 External Consultation/Engagement

The following external consultation and engagement activity has been undertaken:

- Regular articles on flood risk reduction have featured in the Our North Tyneside residents' magazine
- Publication of a leaflet called 'Reducing the Risk of Flooding in North Tyneside' which is distributed to North Tyneside residents
- There is ongoing engagement with ward members and residents in relation to flood risk reduction schemes
- An engagement event about the Killingworth & Longbenton Sustainable Drainage Project took place in October 2017 to agree plans with residents ahead of the work starting. 42 people attended the event including local residents, members of the lake user groups and flood wardens
- The Authority has worked close with the Environment Agency's Local Community Engagement Officer which is a new post covering all of Tyne & Wear. The officer has started working on priorities for North Tyneside, which include:
 - Enhancing the Authority's work with schools to engage children and young people
 - Developing links to local businesses
 - Expanding the Community Flood Warden Scheme
 - Working with residents in priority communities for surface water flooding

- The Authority’s resilience team recently supported the local Street Pastors to deliver training to some of their volunteers who are interested in becoming Response Pastors in the context of flooding emergency response.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no equalities and diversity implications directly arising from this report

2.6 Risk management

Without this work, there is an increased risk that the Authority and its partners will not have adequate arrangements in place to deal with any future flooding events.

2.7 Crime and disorder

There are no crime and disorder issues arising from this report

2.8 Environment and sustainability

The work of the Partnership has a positive impact on the environment of North Tyneside and the sustainability of communities. Flood risk reduction schemes are designed in line with SuDS principles. New drainage assets such as wetlands and storage ponds require little maintenance and will often enhance the local environment and improve wildlife habitats. Designs also involve the removal of surface water from the Northumbrian Water main combined sewer system resulting in less sewage having to be treated at treatment plants, which then increases the capacity of these plants to service new building developments.

PART 3 - SIGN OFF

- Deputy Chief Executive
- Head(s) of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy

North Tyneside Council

Report to Cabinet

Date: 9 April 2018

ITEM 6(b)

Delivering the Affordable Homes Programme

Portfolio(s): Housing and Transport

Cabinet Member(s): Councillor John Harrison

Report from Service Area: Environment, Housing and Leisure

Responsible Officer: Phil Scott, Head of Environment, Housing and Leisure (Tel: (0191) 643 7295)

Wards affected: All

PART 1

1.1 Executive Summary:

At its meeting on the 14 October 2013, Cabinet confirmed its commitment to delivering 3,000 affordable homes over the next 10 years. Further, Cabinet agreed at its meeting of 10 March 2014 to receive an annual report for information purposes detailing the progress and delivery of the Affordable Homes Programme.

The purpose of this report is to provide Cabinet with an update on the progress made during 2017/18 in delivering 280 new affordable homes and the anticipated delivery for 2018/19 together with the indicative affordable homes delivery programme through to 2024.

1.2 Recommendation(s):

It is recommended that Cabinet notes progress to date of the Affordable Homes Programme.

1.3 Forward Plan:

Twenty eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on the 19 February 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priorities in the Our North Tyneside Plan:
Our Places will:

- Be great places to live by focusing on what is important to local, such as by tackling the derelict properties that are blighting some of our neighbourhoods.

- Offer a good choice of quality housing appropriate to need, including affordable homes that will be available to buy or rent.

1.5 Information:

1.5.1 Background

The Mayor and Cabinet clearly stated their policy intention in the *Our North Tyneside Plan* that the Authority will deliver “more quality affordable homes.”

The need for more affordable housing is clear. The Strategic Housing Market Assessment (SHMA) 2014 provides a robust evidence base on the level of housing need within the Borough, including the need for affordable housing. In addition, the Affordable Housing Needs Assessment tool brings together a range of information (e.g. SHMA, Census data, Market Position Statement, demand from our housing register) and is used to assess the type and size of affordable housing needed in different parts of the Borough.

In the 10 years to 2013, a total of 789 new affordable homes were delivered within the Borough. At its meeting on the 14 October 2013, Cabinet agreed an ambitious programme to increase the pace and scale of the affordable homes delivery within North Tyneside through the delivery of 3,000 affordable homes over the next 10 years. A full programme of delivery is included as Appendix 3.

To date 1,130 new affordable homes have now been delivered within 4 years through the Affordable Homes Programme, exceeding the total number delivered in the previous 10 years.

The new homes have been directly delivered by the Authority and by our partners through the Authority’s strategic and enabling housing role. This includes working with Homes England, Registered Providers (RPs) and developers to meet a range of housing needs, including the needs of vulnerable groups. The Authority is also bringing empty properties back into use as affordable housing, and considering piloting new modular construction methods.

In addition, the Authority now has an established subsidiary of the Authority’s wholly owned North Tyneside Trading Company acting as a provider of affordable housing using “Section 106” funding the Authority has available to fund affordable homes. The Company, North Tyneside Trading Company (Development) Ltd, completed 13 x 2 bedroom homes for affordable rental at Reed Avenue, Camperdown in March 2017 and has carried out a purchasing strategy during 2017/18, purchasing homes in-line with housing need to let at an affordable rental from the open market. This strategy has been successful with 9 homes purchased across the borough during 2017/18 with plans for securing further homes during 2018/19. All homes are successfully tenanted.

1.5.2 Progress on Affordable Housing Delivery in 2017/18

Overview

Significant progress has been made in 2017/18 with 280 new affordable homes being delivered by the 31 March 2018. Plans have also been developed for future years within the programme with a number of schemes starting on site to work towards delivering a further 250 homes in 2018/19. A full delivery schedule for 2017/18 is provided in Appendix 1 attached to this report.

The 280 new homes have been delivered through the following workstreams:

(a) HRA Housing Delivery

At its meeting of 14 March 2016, Cabinet approved an indicative 4-year Housing Growth Delivery Programme 2016-2020 to deliver new homes. The Authority, through the Housing Revenue Account, has delivered 6 new build Council homes in 2017/18 and began work on a range of schemes to provide much needed affordable homes. Details of the work this year include:

Chapelville Bungalows (Weetslade Ward) - The Authority successfully delivered 6 new General Needs bungalows on the site of the former Chapelville Sheltered housing scheme

Dudley & Weetslade Social Club (Weetslade Ward) - The acquisition of the former club site was completed in September 2015 and the original buildings were demolished. On the 14 March 2016, Cabinet agreed to the site being developed for affordable homes through the Authorities Housing Revenue Account.

The development consists of two 3 bed houses, eight 2 bedroom houses, five 1 bedroom apartments and five 2 bedroom apartments. This corresponds to a Housing Community Needs Assessment for the area and will be completed in May 2018.

Perth Gardens, Howdon (Former Care Call Office Accommodation) - Cabinet gave approval in October 2013 for the exploration of future options for the Perth Gardens building following completion of the Accommodation Review. The building is now vacated and work is well underway to bring back a building that was surplus to requirements into use as 6 affordable homes.

Modular housing pilot - The Authority has begun to explore the potential of modular homes constructed off-site, to understand the potential benefits in relation to speed of delivery, quality of build and the potential to reduce maintenance costs in the future. The pilot project will also support the Authority's ambition to reduce the use of carbon and meet the highest efficiency and environmental standards.

Work has begun in 2017/18 to look at the feasibility of a small pilot project to deliver four homes for affordable rent using off-site construction, with a report being brought back to Cabinet in 2018/19.

North Tyneside Living Project - This project has seen a complete transformation of the Authority's provision of sheltered accommodation. The project included the refurbishment of 582 sheltered homes with 342 new build homes delivered across 26 schemes across the borough.

The scheme has been nationally recognised with exceptionally high level of satisfaction from the residents.

(b) Bringing back Empty Properties into use as affordable housing

In-line with the Authority's Housing Strategy, the Authority continues to work with Private Landlords and the National Landlord Association to focus on bringing empty homes back into use, where possible as affordable homes.

In 2017/18, under the Repair to Manage scheme, the Authority completed work on two long-term empty properties in Wallsend and Burradon to bring them up to a decent homes standard. The Authority will retain management of the properties until all investment is re-paid. A further three properties have been identified for delivery early in 2018/19 subject to funding approval.

(c) Working with Registered Providers (RPs)

The Authority continues to work closely with RPs to identify opportunities to meet housing need in the Borough.

As part of the Homes England Affordable Homes Programme 2015-18 North Tyneside Council was successful in securing £7.2 million worth of grant funding to support the development of 300 affordable homes in the Borough.

RP's will have delivered 81 new affordable homes across North Tyneside within the financial year 2017/18. These include a mix of affordable rented properties and shared ownership schemes designed to help people onto the property ladder. A full list of schemes delivered by the RPs can be found in Appendix 1 of this report.

(d) Planning Obligations

Delivering affordable housing through planning obligations is central to meeting the need for affordable housing in the Borough. Through contributions secured pursuant to Section 106 of the Town and Country Planning Act 1991, the Authority successfully secures 25% affordable housing on relevant sites (developments with 11 or more units). In 2017/18 a total of 145 new homes have been delivered across North Tyneside by developers through this route.

(e) North Tyneside Trading Company (Development) Limited

North Tyneside Trading Company (Development) Limited's first property development scheme was at Reed Avenue which was completed in March 2017. In 2017/18, the Company has adopted a purchasing strategy to increase the pace of delivering affordable homes. This year, the Company has successfully acquired 9 new homes from the open market to be let at an affordable rent bringing their total stock to 22 homes. The Company has had no voids or rent arrears during the year.

These homes are spread across the borough and purchased in line with the Affordable Housing Needs Assessment toolkit to ensure that they are providing homes in areas of high demand.

(f) Specialist Housing

The Authority successfully delivered 6 new social homes in 2017/18 through the conversion of part of the Riverside Centre that was surplus to requirements. This scheme was delivered to provide specialist affordable apartments for young people and is now fully let.

1.5.3 Plans for 2018/19

Overview

The delivery programme for 2018/19 indicates that 250 new affordable homes will be delivered in North Tyneside, a breakdown of these is provided in Appendix 2. This will bring the total number of homes delivered in the first 5 years of the programme to 1,380. With a number of large sites due to be brought forward in the next 1-2 years there will continue to be significant housing growth in the borough and the Authority remains on programme to achieve 3,000 new homes by 2024. Details on the programme are included below.

(a) Housing Revenue Account Housing Delivery

The Housing Revenue Account (the HRA) Housing Growth Delivery Programme will deliver 52 new homes in 2018/19. This includes completion of the developments on the sites of Dudley/Weetslade Club and the conversion of Perth Gardens, Howdon. There will also be new schemes brought forward including:

Bonchester Court, Battle Hill - Work to bring forward a new affordable Council housing scheme on the site of former Bonchester Court has begun. The scheme will see 13 new homes completed in February 2019.

Beadnell Court, Battle Hill - Work to bring forward a new scheme consisting of 9 new Council homes has begun and is due to be completed in February 2019. There are currently discussions on-going with Adult Social Care, to re-house applicants who have physical disabilities and learning difficulties to be allocated these new homes.

Modular Homes Pilot – A pilot project to explore the potential of modular homes constructed off-site is to be considered in 2018/19. This project will seek to understand the potential benefits in relation to speed of delivery, quality of build and the potential to reduce maintenance costs in the future. The pilot project will also support the Authority's ambition to reduce the use of carbon and meet the highest efficiency and environmental standards.

Subject to the appropriate Cabinet approvals, the pilot project will deliver an initial four affordable Council homes. The homes will be constructed off-site with a high-performance building fabric which exceeds building regulations by 20% due to the air-tight, super-insulated and thermal bridge free design.

The addition of photovoltaic panels means the homes will meet the Government's current zero carbon homes definition and deliver a Standard Assessment Procedure rating, (the measure of thermal performance), of over 100. There is also the potential to incorporate smart technology to assist with the management of the homes.

(b) Working with Registered Providers (RPs)

The Homes England Affordable Homes Programme 2015-18 grant funding to support the development of affordable homes in the borough will see our partner RPs, Karbon Homes and Home Group, deliver a further 23 homes in 2018/19. This includes new schemes at:

- Charlton Court, Whitley Bay
- Glebe Crescent, Forest Hall
- Western Terrace, Dudley

Details of these schemes can be seen in Appendix 2.

(c) Bringing back empty properties into use as affordable housing

The Authority will continue to focus on tackling empty homes and where possible bringing them back into use as affordable dwellings. A number of approaches to tackling empty homes will be considered including providing advice and assistance to homeowners and continuing to work in partnership with the National Landlord Association.

In 2018/19, the Authority will continue to use the Repair and Manage programme where they refurbish long-term empty homes and taking ownership of them until all costs have been repaid. This approach will deliver 5 affordable homes in 2018/19.

(d) Planning Obligations

There are a further 527 affordable homes with planning approval in place. The housing market in North Tyneside remains a popular place to live and housing providers are continuing to bring further sites forward. It is currently anticipated that in 2018/19 150 affordable homes will be delivered through contributions secured pursuant to Section 106 of the Town and Country Planning Act 1991 on sites where work has already started.

Additional affordable homes will continue to be secured through Section 106 requirements in the future as further planning applications are submitted by developers. This delivery is supported by the recently adopted Local Plan (Policy DM4.7) that establishes the Authority will seek to secure an allocation of 25% affordable homes on all sites with more than 10 dwellings. The strategic allocations of Murton Gap and Killingworth Moor, and the adoption of the associated Masterplans in December 2017 will guide their delivery and provide a major opportunity for affordable housing delivery in future years. The Killingworth Moor site has the potential to support 500 affordable homes with a further 750 potentially being realised at Murton Gap.

(e) North Tyneside Trading Company (Development) Limited

It is anticipated that the Company will continue with the purchasing strategy it adopted during 2017/18 of acquiring homes on the open market with the commuted sums received pursuant to Section 106 of the Town and Country Planning Act 1990 which are available for affordable housing. A number of opportunities will be explored by the Company to continue to support the Authority's Affordable Homes Programme. Rental income will continue to be received from the properties owned by the Company and reinvested back into the stock or used to further increase the number of affordable homes.

(f) Specialist Housing

The Authority's Specialist Housing Group was formed to ensure the delivery of housing across the Borough, as identified in the Specialist Housing Market Statement. This Group updates an opportunities log to monitor potential specialist provision. There are 13 potential schemes currently on the opportunities log including Extra Care Schemes for the elderly, supported housing for young people and new build for people with complex needs such as learning difficulties and autism. Within the Affordable Homes Programme, it is expected that there will be a further 272 specialist homes built by 2024.

In 2018/19 there are 3 specialist housing units projected to be brought forward with the Specialist Housing Group continuing to work with a range of external providers to explore bringing forward schemes which may see this number increase in year.

1.6 Decision options:

Cabinet are asked to note progress made during 2017/18 in delivering new affordable homes within North Tyneside.

1.7 Reasons for recommended option:

Cabinet are requested to note the report.

1.8 Appendices:

Appendix 1: Detailed Delivery Programme for 2017/18

Appendix 2: Delivery Programme for 2018/19

Appendix 3: Indicative Affordable Homes Delivery Programme 2014-2024

1.9 Contact officers:

Roy Marston, Senior Manager Strategy and Support Services, tel. (0191) 643 7500

Richard Brook, Housing Growth Manager, tel. 07540 182 225

Alison Campbell, Senior Business Partner, tel. (0191) 643 7038

1.10 Background information:

The following background papers/information has been used in the compilation of this report and is available at the office of the author:

- (1) [Cabinet Paper March 13 2017 ITEM title: "Delivering the Affordable Homes Programme"](#)
- (2) [Cabinet Paper September 14 2015 ITEM title: "Delivering Affordable Homes - Update"](#)
- (3) [Cabinet Paper March 9 2015 ITEM title: "Delivering Affordable Homes - Update"](#)
- (4) [Cabinet Paper March 10 2014 ITEM title: "Delivering Affordable Homes - Update"](#)
- (5) [Cabinet Paper October 14 2013 ITEM title: "Delivering Affordable Homes"](#)
- (6) [Cabinet Paper February 10 2014 ITEM Title: Empty Homes "Lease to Let Scheme"](#)
- (7) [Core Strategy Preferred Options 2010](#)
- (8) [Local Plan 2015-2030](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

- HRA

The current Investment Plan budget for 2017/18 for HRA new build schemes of £7.834m is forecast to spend £4.334m as per the January Capital Monitoring report to be considered at this meeting. The balance of £3.500m is being reprogrammed into 2018-19. As mentioned in the body of the report the scheme on the site of the former Chapelville sheltered scheme has been completed in-year and significant progress made on the Dudley and Weetslade scheme. The main schemes that will be delivered in 2018/19 are the schemes at Dudley & Weetslade and at Perth Gardens – along with Bonchester and Beadnell Court schemes in Battle Hill within a total budgeted spend of £4.927m (including the re-programming from 2017-18 of £3.500m).

- Housing General Fund – bringing empty properties back into use

The current budget for empty properties work is under review with the intention to realign budgets to improve outcomes in the private sector. Subject to approval this will allow the continuation of a programme bringing empty properties from the private sector back into use as affordable homes. This will deliver at least 15 units (5 per year) between 2018 and 2021.

- North Tyneside Trading Company (Development) Limited

The affordable homes work undertaken by the subsidiary of the Authority's trading company is currently funded through the Section 106 Town and Country Planning Act 1990 commuted sums available for affordable housing and also rental income received from properties.

2.2 Legal

As this report is to note the update of the Affordable Homes programme there are no legal implications arising. Any future disposals will be dealt with by a separate report and in accordance with the Authority's Financial Regulations and Standing Orders relating to Contracts.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The Our North Tyneside Plan was agreed by Cabinet in February 2018.

The preparation of the Local Plan was supported by multiple stages of engagement internally with senior officers and members. The overall progress of the Local Plan to adoption was overseen by a Local Plan Steering Group comprised of senior officers, the Deputy Mayor, Cabinet Member for Housing and Transport and the Cabinet Member for Finance. The Local Plan was recommended for adoption by Cabinet and agreed at Full Council in July 2017 with the Masterplans for the strategic sites adopted by Cabinet in December 2017.

Comprehensive governance arrangements have been put in place for the Affordable Homes Programme. Members and key officers are consulted through the Strategic

Property Group comprised of the Elected Mayor, Deputy Mayor, Cabinet Members for Housing and Environment, Economic Development and Finance and Resources, Chief Executive, and Heads of Environment, Housing and Leisure, Commissioning and Investment, Finance and Commercial Services and Business and Economic Development. They receive a monthly update on the Affordable Homes Programme and make recommendations for key decisions.

In addition our Investment Programme Board comprised of the Deputy Mayor, Cabinet Member for Finance and Resources, Deputy Chief Executive, and Heads of Environment, Housing and Leisure, Commissioning and Investment, Finance and Commercial Services and Business and Economic Development receives update reports on the delivery of our Affordable Homes Programme. The Authority's Housing Strategy was agreed in January 2017.

Consultation on the modular construction pilot takes place on a bi-monthly basis with the Environment Board comprised of the Cabinet Member responsible for the Environment and the Head of Environment Housing and Leisure takes place.

Consultation continues to be held with Members for wards where sites, subject to Cabinet approval, have been identified to be used to deliver affordable homes.

2.3.2 External Consultation/Engagement

RPs undertake consultation with existing residents on their future proposals for these sites prior to submission for planning approval and an officer from the Housing Strategy Team attends. There are also detailed planning requirements in terms of the consultation to be undertaken as part of the formal planning approval process.

Pre-planning consultations are held with Ward Members, local residents and businesses for all HRA development sites. Our tenants are kept up to date with progress of our new build and conversion projects through our Repairs and Investment Service Development Group that are held on a monthly basis. In addition there are regular press releases to ensure the local communities are kept up to date with progress and the key milestones on our developments. The Local Plan has also involved extensive consultation around housing, which has included engagement with Developers and members of the public.

2.4 Human rights

There are no human rights issues directly arising from this report.

2.5 Equalities and diversity

An increase in mixed tenure homes would help to meet local need as set out in the Strategic Housing Market Assessment and would increase the overall affordable housing supply, including helping to reduce some of the potential pressure for 1-2 bedroom properties.

The Affordable Homes Delivery Programme also includes some purpose built housing for specific client groups which will help to promote equality for groups with specific characteristics.

2.6 Risk management

There is multiple risk registers associated with all Council new build schemes and as well as the development at Reed Avenue through the North Tyneside Development Company. These are monitored on a regular basis as part of their respective governance arrangements. A project risk register has been collated for the Affordable Homes Programme, however at this stage it is considered that there are no specific risks that need to be added to the Directorate Risk Register.

2.7 Crime and disorder

Any sites being brought forward for development by either the Authority or by a private developer must address crime and disorder issues as part of the normal planning process.

When building new homes the Authority's Design Standard is followed ensuring that Secure by Design Principals are followed.

2.8 Environment and sustainability

Environment and sustainability issues will be considered as part of the normal planning process on any sites brought forward for development by either the Authority, RP or a private developer.

The Authority's goal is to create buildings with minimal environmental impact and will continue to explore a range of appropriate renewable energy sources on current and future developments of suitable size and scale to make them affordable.

In line with the Authority's Design Standards, we will continue to exceed the changing Building Regulation standards and other national standards as these are being used as the mechanism to ensure the Authority delivers greener homes.

Subject to Cabinet approval in June 2019, the proposed modular housing pilot will look to significantly exceed current building standards in relation to low carbon and thermal efficiency.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head(s) of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X

Appendix 1

Delivery Programme 2017/18

DEVELOPMENT	DELIVERY METHOD	Ward	Tenure	HOMES
Scaffold Hill	Vol. Builders	Killingworth	Mix	16
Hospital Site (Rake Lane)	Vol. Builders	Collingwood	Mix	8
Stephenson House	Vol. Builders	Camperdown	Mix	13
Field North Of 45 Sunholme Drive	Vol. Builders	Northumberland	Mix	41
Land to north of East Wideopen Farm	Vol. Builders	Weetslade	Mix	27
Land to west of Station Rd, backworth	Vol. Builders	Valley	Mix	20
REME depot	Vol. Builders	Killingworth	Mix	10
Darsley Park, Whitley Road	Vol. Builders	Benton	Mix	4
Parkside	Vol. Builders	Northumberland	Mix	6
Chapelville Bungalows	HRA	Weetslade	Affordable Rent	6
18 West Mount	NTTC	Camperdown	Intermediate Rent	1
84 Chelford Close	NTTC	Battle Hill	Intermediate Rent	1
3 Beech Court	NTTC	Preston	Intermediate Rent	1
70 Ribblesdale	NTTC	Northumberland	Intermediate Rent	1
67 Ashburn	NTTC	Battle Hill	Intermediate Rent	1
23 Agricola Gardens	NTTC	Battle Hill	Intermediate Rent	1
69 Ashburn	NTTC	Battle Hill	Intermediate Rent	1
109 Northumbrian Way	NTTC	Riverside	Intermediate Rent	1
113 Dilston Grange	NTTC	Riverside	Intermediate Rent	1
Falcon Place	RP	Longbenton	Affordable Rent	8
Staites Avenue	RP	Longbenton	Affordable Rent	8
Silverbirch Ind Estate	RP	Camperdown	Shared Ownership	40
Site of the former Seaton Burn School	RP	Weetslade	Affordable Rent	8
Taunton Close	RP	Wallsend	Affordable Rent	8
Church Bank	RP	Wallsend	Affordable Rent	8

Lorton Avenue	RP		Affordable Rent	1
58 Burradon Road	Empty Homes	Camperdown	Affordable Rent	1
Stadium Villas	Empty Homes	Wallsend	Affordable Rent	1
YMCA - Church Way	Specialist Housing	Riverside	Affordable Rent	15
Elm House	Specialist Housing	Riverside	Social Rent	6
Bluebell Court, Shiremoor	Specialist Housing	Valley	Unknown	16
Total (homes delivered by 31 March 2018)				280

Appendix 2

Delivery Programme 2018/19

DEVELOPMENT	DELIVERY METHOD	Ward	Tenure	HOMES
Scaffold Hill	Vol. Builders	Killingworth	Mix	30
Stephenson House	Vol. Builders	Camperdown	Mix	9
Field North Of 45 Sunholme Drive	Vol. Builders	Northumberland	Mix	23
Land to west of Station Rd, backworth	Vol. Builders	Valley	Mix	56
Land south of 81 Killingworth Avenue	Vol. Builders	Valley	Mix	18
Darsley Park, Whitley Road	Vol. Builders	Benton	Mix	14
Dudley & Weetslade Social Club	HRA	Weetslade	Social Rent	20
Perth Gardens	HRA	Howdon	Social Rent	6
Beadnell	HRA	Battle Hill	Social Rent	9
Bonchester Court	HRA	Battle Hill	Social Rent	13
Modular Pilot	HRA	Camperdown	Social Rent	4
Western Terrace	RP	Weetslade	Rent to Buy	4
Glebe Crescent	RP	Benton	Affordable Rent	6
Charlton Court	RP	Monkseaton South	Affordable Rent	13
TBA	Empty Homes			5
TBA	NTTC			15
Wallington Court	NTTC	Cullercoats	Intermediate Rent	2
Edwin Grove	Specialist Housing	Howdon	Social Rent	3
Total (homes due for completion by 31 March 2019)				250

Appendix 3 – Indicative Affordable Homes Delivery Programme 2014-2024

Delivery Method	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	Total
HRA	14	99	6	6	52	13	36	35	35	35	331
Registered Provider	87	18	52	81	23	26	26	26	26	27	392
Volume Builders	55	41	77	145	150	187	183	227	189	172	1426
Empty Homes	13	8	4	2	5	5	5	6	7	10	65
NT Living	96	72	195	0	0	0	0	0	0	0	363
NTTC	0	0	13	9	17	15	15	15	15	15	114
Specialist Housing	0	0	0	37	3	21	98	50	50	50	309
Total	265	238	347	280	250	267	363	359	322	309	3,000

North Tyneside Council

Report to Cabinet

Date: 9 April 2018

ITEM 6(c)

Title: Report of the Local Government Ombudsman

Portfolio(s): Adult Social Care

Cabinet Member(s): Councillor Gary Bell

Report from Service Area:

Law and Governance

Responsible Officer:

Vivienne Geary, Head of Law and Governance

Tel: 0191 643 5339

Wards affected:

All

PART 1

1.1 Executive Summary:

The Local Government and Social Care Ombudsman (LGSCO) has issued a report finding maladministration causing injustice. The report covers two areas of complaint. On the first the LGSCO did not find evidence of fault in the way the Authority considered the safeguarding alert received in relation to the customer. However, the Authority should have communicated better with the customer's family and should not have reduced the Direct Payments until a care agency was found.

As recommended by the LGSCO the Authority have written to the complainant to apologise and offered to reimburse the difference in the direct payments made, the complainant has declined to accept this offer.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) note the findings and recommendation of the LGSCO as described in this report and set out in the LGSCO's report at Appendix 1; and
- (2) note the actions taken by the Authority to comply with the recommendations of the LGSCO's report, as set out in 1.5.3 and 1.5.4 of this report.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 19 February 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the Our North Tyneside Plan:

- Our People will be cared for and kept safe if they become vulnerable.

1.5 Information:

1.5.1 Background

The details of this complaint and the findings of the LGSCO investigator are set out in full in Appendix 1.

The complainant, Ms J, complained about the way the Authority dealt with safeguarding concerns in relation to her mother Mrs J. She further complained that the Authority reduced the amount of Direct Payments without first putting in place additional care.

Mrs J was an elderly lady who lived with her daughter Ms J. Mrs J suffered from a number of physical health problems and was blind. The Authority paid a personal budget for 20 hours a week personal care which was provided by her son Mr J, through Direct Payments.

A number of different professionals who had been involved in Mrs J's care expressed concern about her living conditions, her personal care and the ability of staff including District Nurses to gain access to the house to assess or provide care.

In January 2017 a paramedic crew submitted a safeguarding referral form to the Authority in relation to Mrs J who was admitted to hospital.

A discharge planning meeting was held on the ward before Mrs J was discharged from hospital, Ms J and Mr J also attended. In March, after Mrs J's discharge from hospital, the social worker completed a safeguarding referral form. She noted that concern had been expressed by several professionals about Mrs J's living conditions and long-term health and wellbeing. In particular there were concerns that Mrs J's condition suggested she was not receiving appropriate care from her personal assistant Mr J. The Authority arranged a strategy meeting to discuss concerns. The meeting agreed that social workers should visit the family and explain their concerns that the outcomes from the hospital discharge planning meeting were not being met and there was concern that Mrs J would deteriorate and have to be readmitted. Social work staff visited Mr and Ms J on 18 April to explain the Authority's concerns about Mrs J's care.

On 19 April Ms J telephoned the social work manager to complain about the visit. Ms J made a formal written complaint to the Authority and wanted a list of the allegations which had been made.

In June a multidisciplinary meeting was held to discuss Mrs J's care. It was agreed to offer advocacy to Mrs J and to consider other ways of delivering the care package for Mrs J, such as commissioned care. Mrs J was readmitted to hospital in early July. Social care staff discussed her future care with Mr J, who said he had been doing far more than the 20 hours for which he received Direct Payments and intended to cut back. It was agreed that he would continue to provide care for three days a week and the Authority would find a care agency to cover the remaining days. The Authority's case notes for 10 July say, "*Telephone call to (Ms J) daughter and she said she is happy to bridge the gap between her mam going home today and a care package being put in place.*" Mrs J was discharged that day.

On 21 July the Authority's Direct Payment team wrote to Mrs J advising that the direct payments would be reduced as the Authority intended to commission some of the care

package instead. Ms J says she telephoned the Authority and left a message asking about the reduction but no-one returned her call or wrote to her.

Mrs J sadly died on 25 July.

Ms J says the Authority did not act in accordance with its policy by failing to notify her and her brother of the allegations made against them. Ms J also expresses concern that although the Authority considered Mrs J's living conditions were so poor that it started safeguarding procedures, it then neglected to take action other than to leave Mrs J in the care of the alleged perpetrator.

1.5.2 Findings

The findings of the LGSCO are summarised between paragraphs 29 and 32 in Appendix 1 as follows:

The Authority had a duty to make enquiries about Mrs J's wellbeing once it had received a number of concerns from different sources and the policy allows for an initial strategy meeting to be held without the presence of the alleged perpetrators. The LGSCO found no evidence of fault in the way the Authority acted in respect of the safeguarding process.

The LGSCO found that the Authority acted after the safeguarding meeting in an effort to prevent the readmission of Mrs J into hospital. However, while there was an agreement to put in place commissioned care for some of the care hours, that did not happen and the Authority was unable to find a suitable care agency before Mrs J died. Mr J and Ms J were still providing care during that time therefore by reducing the Direct Payments before the care had been commissioned caused some injustice to Mr and Ms J.

1.5.3 Recommendations

The LGSCO investigator has found maladministration and injustice against the Authority. The LGSCO has made the following recommendation, as set out under paragraphs 33 and 34 of Appendix 1:

The Authority has agreed it should not have reduced the payment for care before it put commissioned care in place and agreed to reimburse the difference to Mr J and Ms J.

The Authority also agreed that the social worker should have maintained contact after Mrs J left hospital and has undertaken to ensure staff learn from the missed opportunity.

1.5.4 Actions taken

As recommended by the LGSCO the Authority sent a letter offering financial recompense of £88.56 to Ms J on 14 November 2017. The letter also included an apology that the social worker should have maintained contact with Mrs J after she left hospital and advised that the Authority will ensure staff learn from this missed opportunity.

Ms J did not accept the final decision by the LGSCO and asked for a review which was carried out and it was confirmed to the Authority on 16th February 2018 that the original decision was not overturned. Ms J has subsequently refused to accept the apologies offered or the £88.56.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet is requested to note the findings of the report (Appendix 1), its recommendation and action taken to address the LGSCO's recommendation.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

To comply with the recommendations of the LGSCO.

1.8 Appendices:

Appendix 1: The Ombudsman's final decision report,

1.9 Contact officers:

Jacqui Old, Director of Children's and Adult Services, tel. (0191) 643 7317
Yvette Monaghan, Senior Manager Customer, Member, Governor and Registration, tel. (0191) 643 5361
Alison Campbell, Senior Business Partner, tel. (0191) 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

LGSCO's final decision report (attached at Appendix 1).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no direct financial implications from this complaint as the complainant has refused the reimbursement.

2.2 Legal

The Authority is required to consider the report of the LGSCO and to determine its response to the report. There are no other direct legal implications arising as a result of this report.

2.3 Consultation/community engagement

There are no Consultation/Community Engagement implications arising as a result of this report.

2.4 Human rights

There are no Human Rights implications arising as a result of this report.

2.5 Equalities and diversity

There are no equality and diversity implications arising as a result of this report.

2.6 Risk management

There are no risk management implications arising as a result of this report.

2.7 Crime and disorder

There are no crime and disorder implications arising as a result of this report.

2.8 Environment and sustainability

There are no environment and sustainability implications arising as a result of this report.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X

Complaint reference:
17 003 913

Complaint against:
North Tyneside Metropolitan Borough Council

The Ombudsman’s final decision

Summary: There is no evidence that the Council was at fault in the way it considered the safeguarding alert about the late Mrs J: it had a duty to make enquiries. However, the Council agrees it should have communicated better with the family after Mrs J left hospital and should not have reduced the Direct Payments until a care agency was found.

The complaint

1. The complainant (whom I shall call Ms J) complains about the way the Council held safeguarding meetings to discuss allegations about her mother’s care and circumstances without informing them of the allegations. She further complains that the Council reduced the amount of Direct Payments without first putting in place additional care.

The Ombudsman’s role and powers

2. We investigate complaints about ‘maladministration’ and ‘service failure’. In this statement, I have used the word ‘fault’ to refer to these. If we are satisfied with a council’s actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

3. I considered the written information provided by Ms J and by the Council. I spoke to Ms J. Both Ms J and the Council had the opportunity to comment on an earlier version of this statement and I took their comments into consideration before I reached a final decision.

What I found

Relevant administrative background

4. A council must make necessary enquiries if it has reason to think a person may be at risk of abuse or neglect and has needs for care and support which mean he or she cannot protect himself or herself. It must also decide whether it or another person or agency should take any action to protect the person from abuse or risk. (**section 42, Care Act 2014**)
5. The Council’s safeguarding procedures say that “*Strategy discussions/meetings can involve any or potentially all of the multi-agency safeguarding partners....*” In relation to alleged perpetrators, it says, “*It is important that alleged*

perpetrators/care service managers/proprietors are advised of allegations made against them if this is safe to do. They do not necessarily need to attend the strategy meeting.”

6. Everyone whose needs the local authority meets must receive a personal budget as part of the care and support plan. The personal budget gives the person clear information about the money allocated to meet the needs identified in the assessment and recorded in the plan. One of the ways in which the personal budget can be administered is by a Direct Payment (**Care and Support Statutory Guidance 2014**). Direct payments are monetary payments made to individuals who ask for one to meet some or all of their eligible care and support needs. They provide independence, choice and control by enabling people to commission their own care and support to meet their eligible needs.
7. The *Data Protection (Subject Access Modification) (Social Work) Order 2000* provides for exemptions from the duty to disclose information in relation to personal data that relates to social work (among other exemptions which do not apply here) “*to the extent to which the application of those provisions would be likely to prejudice the carrying out of social work by reason of the fact that serious harm to the physical or mental health or condition of the data subject or any other person would be likely to be caused*”.

What happened

8. Mrs J was an elderly lady who lived with her daughter Ms J. Mrs J suffered from a number of physical health problems and was blind. The Council paid a personal budget for 20hours a week personal care which was provided by her son Mr J through Direct Payments.
9. The Council says a number of different professionals who had been involved in Mrs J’s care expressed concern about her living conditions, her personal care and the ability of staff including District Nurses to gain access to the house to assess or provide care.
10. In January 2017 a paramedic crew submitted a safeguarding referral form to the Council. They said Mrs J had pressure sores, was unable to walk with her zimmer frame at the moment and was incontinent. They suggested a needs assessment as they did not think she had a care package in place.
11. Mrs J was admitted to hospital with cellulitis and ulcers on her legs at the end of January: a toe was amputated. Ms J contacted the Council while Mrs J was in hospital about providing additional equipment for Mrs J. She complained to the social worker about the failure of the District Nursing staff to visit Mrs J on a sufficiently regular basis and said she did not think her mother would have deteriorated had they attended regularly. Ms J also said she thought Mrs J’s needs should be reassessed and that she would need more care when she was discharged from hospital.
12. The Council’s records show that a discharge planning meeting was held on the ward before Mrs J was discharged from hospital: Ms J and Mr J also attended. The family expressed concern at the idea of a reablement service as they said Mrs J did not like to do things at set times and it would be better if the reablement service came once a week in an afternoon: the social worker explained the service would attend more regularly to assess the gap between the current care package and anything further Mrs J might need. It was agreed that the service would attend twice a week.

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13. In March, after Mrs J's discharge from hospital, the social worker completed a safeguarding referral form. She noted that concern had been expressed by several professionals about Mrs J's living conditions and long-term health and wellbeing. In particular there were concerns that Mrs J's condition (ulcers and pressure sores) suggested she was not receiving appropriate care from her personal assistant Mr J. Although the reablement team was visiting Mrs J they were not permitted to carry out any personal care tasks for Mrs J.
 14. The Council arranged a strategy meeting to discuss concerns. Notes of the meeting explain that "*Often the service user or family members would be invited, however it was felt that involved professionals needed to outline their concerns prior to explaining these concerns to (Mrs J) and her family*". The notes went on, "*Health and Social Care professionals are concerned for the general care of (Mrs J) and want to avoid further deterioration or admission in to hospital. We are here to see what plans we can put in place for (Mrs J) to prevent this and support (Mrs J) and her family with this....On admission to hospital (Mrs J) had ulcers to both legs and concern were raised to whether she was receiving the appropriate care or whether there was any unintentional neglect/act of omission.*"
 15. Notes of the strategy meeting record the Occupational Therapists' concerns about the living environment for Mrs J (they referred to plaster falling off the walls, and uncovered wood floorboards). There were concerns that District Nursing staff had found access to the house problematic and so had had to ask Ms J to bring Mrs J to the clinic on a weekly basis. Mrs J appeared to be sleeping in a chair rather than in bed and her pressure sores were worsening. Her leg wounds were uncovered even though there were dogs allowed in the same room as Mrs J. There were concerns that Mrs J was incontinent but often refused to wear underwear. The Reablement service recorded that the family was reluctant to accept support. The meeting agreed that social workers should visit the family and explain their concerns that the outcomes from the hospital discharge planning meeting were not being met and there was concern that Mrs J would deteriorate and have to be readmitted.
 16. Social work staff visited Mrs and Ms J on 18 April to explain the Council's concerns about Mrs J's care. They suggested the reablement service should be able to visit more often. The social worker's case recording notes that Mrs and Ms J agreed, but said the reablement staff did not do anything other than talk to Mrs J. The social worker contacted the reablement service about more frequent visits and was told the visits would have to be daily to establish a routine.
 17. On 19 April Ms J telephoned the social work manager to complain about the visit. She was annoyed that no-one had told her the purpose of the visit beforehand. She complained about the "*offensive*" allegations made about the family and that professionals had held a meeting in secret: she asked for the minutes. She also complained about lack of support from professionals and said that she had tried to rearrange District Nurse visits several times without success.
 18. Ms J made a formal written complaint to the Council and wanted a list of the allegations which had been made. She also said she was not willing to communicate with the social care team until she had seen a copy of the minutes from the professionals' safeguarding meeting. She complained to the Information Commissioner that the Council had not supplied a copy of the notes.
 19. The Council responded to Ms J's complaint. It would not release the notes to her and said it was not appropriate to list the allegations as she had now also complained to the Information Commissioner.

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20. In June a multidisciplinary meeting was held, with the GP and district nurses in attendance, to discuss Mrs J's care. There was concern that the pressure sores were getting worse and Mrs J was refusing antibiotics as well as refusing the recommended dressings. Her pressure sores were said to be "*past the point of healing*" but there was scope for improvement if she would accept the dressings which the district nurses recommended. It was agreed to offer advocacy to Mrs J and to consider other ways of delivering the care package for Mrs J, such as commissioned care. Ms J points out that the dressings which her mother refused to wear were contraindicated for her condition and Mrs J's hospital consultant confirmed that she should not use them.
 21. Mrs J was readmitted to hospital in early July with sepsis and cellulitis. Social care staff (with Mrs J's agreement) discussed her future care with Mr J, who said he had been doing far more than the 20 hours for which he received Direct Payments and intended to cut back. It was agreed that he would continue to provide care for three days a week and the Council would find a care agency to cover the remaining days. Mrs J also agreed to have an advocate. Notes for 10 July say, "*TIC to (Ms J) daughter and she said she is happy to bridge the gap between her mam going home today and a care package being put in place.*" Mrs J was discharged that day.
 22. On 21 July the Council's Direct Payment team wrote to Mrs J advising that the direct payments would be reduced as the Council intended to commission some of the care package instead. Ms J says she telephoned the Council and left a message asking about the reduction but no-one returned her call or wrote to her.
 23. Mrs J sadly died on 25 July.
 24. Ms J wrote to the Council again at the end of August. She said despite all the safeguarding allegations and concerns about Mrs J's care, the social worker had not been in touch since Mrs J's discharge from hospital and the promised care agency had not been arranged before she died: instead the Council had reduced the amount of money available to care for Mrs J.
 25. The Council responded on 7 September. It apologised that the social worker had not been in touch and that it had not been possible to find a care agency to give additional support before Mrs J died. In a later letter it said the social worker had been correct to tell the Direct Payments team that the funding was to be reduced as an agency would be providing some care and it did not want an overpayment to accrue on the account.
 26. The Council has now released redacted minutes of the safeguarding strategy meeting to Ms J.
 27. Ms J says the Council did not act in accordance with its policy by failing to notify her and her brother of the allegations made against them. She says District Nurses have subsequently acknowledged to her that there was only one occasion when they could not access the house for a pre-arranged visit to Mrs J. She also says that the allegations made by the Occupational Therapist were historical, untruthful and motivated by personal animosity. She says there has never been "*plaster falling off the walls*" as the Occupational Therapist alleged.
 28. Ms J also expresses concern that although the Council considered Mrs J's living conditions were so poor that it started safeguarding procedures, it then neglected to take action other than to leave Mrs J in the care of the alleged perpetrator.

Analysis

29. The Council had a duty to make enquiries about Mrs J's wellbeing once it had received a number of concerns from different sources. Its policy allows for the possibility that an initial strategy meeting might be held without the presence of the alleged perpetrators. There is no evidence of fault in the way the Council acted in respect of the safeguarding process, although Ms J was able to refute some of the allegations which had been made.
30. The Council acted after the safeguarding meeting in an effort to prevent the readmission of Mrs J into hospital. That was not fault on its part.
31. Ms J does now have a copy of the minutes she requested as the social work exemption order cannot now apply.
32. However, while there was an agreement to put in place commissioned care for some of the care hours, that did not happen and the Council was unable to find a suitable care agency before Mrs J died. Mr J and Ms J were still providing care during that time so it is unclear to me why the Council reduced the Direct Payments before it had commissioned care. That caused some injustice to Mr and Ms J.

Agreed action

33. The Council agrees it should have should not have reduced the payment for care before it put commissioned care in place. It agrees to reimburse the difference to Mr and Ms J.
34. The Council also agrees that the social worker should have maintained contact after Mrs J left hospital and undertakes to ensure staff learn from the missed opportunity here.

Final decision

35. There was no fault in the way the Council conducted the safeguarding process. The failure to keep contact and the reduction of Direct Payments caused injustice, which the Council agrees to remedy.

Investigator's decision on behalf of the Ombudsman

North Tyneside Council

Report to Cabinet

Date: 9 April 2018

ITEM 6(d)

Title: Report of the Local Government Ombudsman

Portfolio(s): Adult Social Care	Cabinet Member(s): Councillor Gary Bell
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Report from Service Area:

Law and Governance

Responsible Officer:

Vivienne Geary, Head of Law and Governance

Tel: 0191 643 5339

Wards affected:

All

PART 1

1.1 Executive Summary:

The Local Government and Social Care Ombudsman (LGSCO) has issued a report finding maladministration causing injustice as there was no evidence that the Authority failed to provide clear information about residential respite care charges to the complainant, which meant he was unable to make an informed choice about the care of his mother.

As recommended by the LGSCO the Authority have waived the full cost of care charges amounting to £677.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) note the findings and recommendation of the LGSCO as described in this report and set out in the LGSCO's report at Appendix 1; and
- (2) note the actions taken by the Authority to comply with the recommendations of the LGSCO's report, as set out in 1.5.3 and 1.5.4 of this report.

1.3 Forward Plan:

Twenty eight days notice of this report has been given and it first appeared on the Forward Plan that was published on 19 February 2018.

1.4 Council Plan and Policy Framework

This report relates to the following priority in the Our North Tyneside Plan:

- Our People will be cared for and kept safe if they become vulnerable.

1.5 Information:

1.5.1 Background

The details of this complaint and the findings of the LGSCO investigator are set out in full in Appendix 1.

The complainant, Mr X, complains the Authority didn't advise him there would be a charge for his mother's respite care.

Where an Authority arranges care and support to meet a person's needs, it may charge the adult, except where the Authority is required to arrange care and support free of charge. People should only be required to pay what they can afford. To establish what a person can afford the Authority undertakes a financial assessment. Financial support is means tested, some people will be entitled to free care. The principles that Authority's should adhere to for charging are set out in 8.2 of the Care Act 2014 statutory guidance.

Mr X's mother, Mrs Y, has dementia and lives with Mr X. In July 2017 Mrs Y was admitted to hospital, during her stay the Authority suggested she have a period of respite care directly following her discharge. This was to allow for minor adaptations and changes to the domestic environment. Mr X says he was not entirely happy about the respite stay, he believed his mother should stay in hospital until the changes were complete. He says he reluctantly agreed to the stay. Mrs Y had been deemed medically fit for discharge from hospital at that time, so it was not a choice for her to remain in hospital.

Mr X says a meeting took place on the ward on 26 July 2017. Mr X and Mrs Y were present along with a social worker and the ward sister. The purpose of the meeting was to discuss discharge arrangements for Mrs Y, including respite care. Mr X says there was no discussion about cost and if he had been made aware of it he would not have agreed to the stay.

On discharge from hospital Mrs Y went into a care home. She was there from 1 until 23 August 2017. Mr X says he says he was "kept in the dark" about the costs throughout his mother's stay until he received the invoice later.

An Officer of the Authority telephoned Mr X on 6 September 2017 to complete a financial assessment. He received an invoice for £677 around mid-September 2017, following which Mr X wrote numerous letters to the Council to complain he had not been properly informed about the charges before he agreed to the respite stay.

The Authority's records do not make reference to any discussion with Mr X relating to the potential financial aspects. The social worker did record in the notes a request for a financial assessment for a short-term placement and that the assessor contact Mr X. Mr X would not have seen these notes. The Authority does have a copy of the financial assessment completed with Mr X over the telephone. A letter was sent to Mr X following the financial assessment. The letter, dated 13 September 2017, sets out the weekly contribution towards Mrs Y's respite stay, £197.55.

1.5.2 Findings

The findings of the LGSCO are summarised between paragraphs 19 and 25 in Appendix 1 as follows:

Mr X approached the Ombudsman because he was unhappy his mother had been charged for a residential respite placement. He said at no time did anyone explain to him that his mother would need to pay for her care. The LGSCO has found no evidence that charging was discussed with Mr X, either in hospital or during the financial assessment completed over the telephone. The notes of the meeting on 26 July 2017 do not show that any discussion took place about the financial aspects of the proposed respite stay. If a verbal conversation took place, this should have been recorded in the Council's notes.

The LGSCO found that had Mr X been informed about the charge it is possible his decision may have been different and that service users and relatives should be given clear information about charging of residential care so that they can make informed choices.

The Authority did not begin the financial assessment until September 2017. By which time the respite stay was over and Mrs Y was back at home. Mr X did not receive the invoice for his mother's care until mid-September 2017. Taking too long to complete financial assessments denies people the information they need to make informed decisions.

The Council has information about its charging policy on its website. The LGSCO state this is not sufficient, service users or relatives should not be expected to seek such information for themselves at what may be a difficult time. The Authority cannot take for granted that service users or relatives have access to the internet or can use it.

1.5.3 Recommendations

The LGSCO investigator has found maladministration and injustice against the Authority. The LGSCO has made the following recommendations, as set out under paragraphs 26 and 27 of Appendix 1:

- apologise to Mr X for the faults identified;
- waive the full costs of Mrs Y's residential respite stay (£677);
- review its procedures to ensure service users are given clear information about charging before a decision is made.
- the Authority should consider providing service users or relatives with literature to explain the financial aspect of charging for care. It should also consider asking service users or relatives to sign to confirm they have understood that social care is not free and that they will be financially assessed to see what they will pay towards their care.
- provide training for social workers on the importance of ensuring accurate case notes are made.

1.5.4 Actions taken

The Authority has informed the LGSCO that it already has procedures in place in relation to the last three recommendations above 1.5.3. It is accepted that in this case its officer did not record the discussion about this with Mr X, it is the usual process officers are expected to follow. The Authority will therefore use this specific situation, and the decision statement, as a learning opportunity to tighten up on these procedures for all staff.

The Authority accepts the findings and recommendations of the LGSCO and has waived the full cost of Mrs Y's respite care amounting to £677.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet is requested to note the findings of the report (Appendix 1), its recommendations and action taken to address the LGSCO's recommendations.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

To comply with the recommendations of the LGSCO.

1.8 Appendices:

Appendix 1: The Ombudsman's final decision report,

1.9 Contact officers:

Jacqui Old, Director of Children's and Adult Services, tel. (0191) 643 7317
Yvette Monaghan, Senior Manager Customer, Member, Governor and Registration, tel. (0191) 643 5361
Alison Campbell, Senior Business Partner, tel. (0191) 643 7038

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

LGSCO's final decision report (attached at Appendix 1).

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The recharge of Mrs Y's residential respite stay will be waived and these costs will be managed from within current budgets. Any cost of literature or training that may be provided will also be managed from within existing resources.

2.2 Legal

The Authority is required to consider the report of the LGSCO and to determine its response to the report. There are no other direct legal implications arising as a result of this report.

2.3 Consultation/community engagement

There are no Consultation/Community Engagement implications arising as a result of this report.

2.4 Human rights

There are no Human Rights implications arising as a result of this report.

2.5 Equalities and diversity

There are no equality and diversity implications arising as a result of this report.

2.6 Risk management

There are no risk management implications arising as a result of this report.

2.7 Crime and disorder

There are no crime and disorder implications arising as a result of this report.

2.8 Environment and sustainability

There are no environment and sustainability implications arising as a result of this report.

PART 3 - SIGN OFF

- Deputy Chief Executive X
- Head of Service X
- Mayor/Cabinet Member(s) X
- Chief Finance Officer X
- Monitoring Officer X
- Head of Corporate Strategy X

The Ombudsman's final decision

Summary: The Council is at fault for failing to provide clear information about residential respite care charges. This meant Mr X was unable to make an informed choice about the care.

The complaint

1. Mr X complains the Council didn't advise him there would be a charge for his mother's respite care.

The Ombudsman's role and powers

2. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. She must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, she may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1))
3. If we are satisfied with a council's actions or proposed actions, we can complete our investigation and issue a decision statement. (*Local Government Act 1974, section 30(1B) and 34H(i), as amended*)

How I considered this complaint

4. I have:
 - considered the complaint and discussed it with Mr X;
 - considered the correspondence between the Council and Mr X;
 - made enquiries of the Council and considered the responses;
 - taken account of the Care Act 2014;
 - provided Mr X and the Council with a draft of this document and considered the comments made.

What I found

The law relevant to this complaint

5. The Care Act 2014' provides a single legal framework for charging for care and support. It enables Council's to decide whether, to charge a person when it arranges to meet a person's care and support needs or a carer's support needs.

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6. Where a Council arranges care and support to meet a person's needs, it may charge the adult, except where the Council is required to arrange care and support free of charge. People should only be required to pay what they can afford. To establish what a person can afford the Council undertakes a financial assessment. Financial support is means tested, some people will be entitled to free care.
 7. The principles that a Council should adhere to for charging are set out in 8.2 of the Care Act 2014 statutory guidance.

Events leading to the complaint

8. Mr X's mother, Mrs Y, has dementia. She lives with Mr X. In July 2017 Mrs Y was admitted to hospital. During her stay the Council suggested she have a period of respite care directly following her discharge. This was to allow for minor adaptations and changes to the domestic environment. Mr X says he was not entirely happy about the respite stay, he believed his mother should stay in hospital until the changes were complete. He says he reluctantly agreed to the stay. Mrs Y had been deemed medically fit for discharge from hospital at that time, so it was not a choice for her to remain in hospital.
9. Mr X says a meeting took place on the ward on 26 July 2017. Mr X and Mrs Y were present along with a social worker and the ward sister. The purpose of the meeting was to discuss discharge arrangements for Mrs Y, including respite care. Mr X says there was no discussion about cost and if he had been made aware of it he would not have agreed to the stay.
10. On discharge from hospital Mrs Y went into a care home. She was there from 1 until 23 August 2017. Mr X says he says he was "kept in the dark" about the costs throughout his mother's stay until he received the invoice later.
11. A council officer telephoned Mr X on 6 September 2017 to complete a financial assessment. He received an invoice for £677 around mid-September 2017, following which Mr X wrote numerous letters to the Council to complain he had not been properly informed about the charges before he agreed to the respite stay.
12. Mr X also says his mother did not receive Attendance Allowance between 10 & 23 August 2017, neither did he receive carers allowance.

The Council's evidence

13. The Council has provided the notes of the meeting held on 26 July 2017. This shows the concerns expressed by the social worker about Mrs Y's living environment, and the need for some changes. The social worker recorded Mr X did not feel that support was required. The social recorded "*Requires home to be checked and OT to ensure home safe, Assessment to look at supporting [Mrs Y] and [Mr X].*"
14. There is no record of any discussion with Mr X relating to the potential financial aspects. The social worker did record in the notes a request for a financial assessment for a short-term placement and that the assessor contact Mr X. Mr X would not have seen these notes.
15. As part of my enquiries the Council provided a written statement from the social worker dated 5 January 2018. The social worker says, "*to the best of my knowledge...finances were discussed...*".
16. The Council provided a copy of the financial assessment completed with Mr X over the telephone. The initial date has been crossed out, it is illegible. Next to it

is the date 6 September 2017. The assessment is signed by the officer completing the assessment. It is not signed by Mr X.

17. The Council has provided a copy of the letter it sent to Mr X following the financial assessment. The letter, dated 13 September 2017, sets out the weekly contribution towards Mrs Y's respite stay, £197.55.
18. The Council also provided me with a link to its website where service users and relatives can find information about its charging policy.

Analysis

19. Mr X approached the Ombudsman because he was unhappy his mother had been charged for residential respite placement. He said at no time did anyone explain to him that his mother would need to pay for her care.
20. I have reviewed the Council's notes and there is no evidence charging was discussed with Mr X, either in hospital or during the financial assessment completed over the telephone.
21. The notes of the meeting on 26 July 2017 do not show that any discussion took place about the financial aspects of the proposed respite stay. If a verbal conversation took place, this should be clearly recorded in the Council's notes.
22. It is not good practice to provide a retrospective record of what information the social worker 'believes' was discussed. Such evidence is of little value when both parties have different recollections of events. It is good practice to make contemporaneous notes of meetings or discussions.
23. Had Mr X been informed about the charge it is possible his decision may have been different. It is important that service users and relatives are given clear information about charging of residential care so that they can make informed choices. This did not happen. This is fault.
24. The Council did not begin the financial assessment until September 2017. By which time the respite stay was over and Mrs Y was back at home. Mr X did not receive the invoice for his mother's care until mid-September 2017. The invoice is dated 13 September 2017. Taking too long to complete financial assessments denies people the information they need to make informed decisions.
25. The Council says information about its charging policy can be found on its website. This is not sufficient. Service users or relatives should not be expected to seek such information for themselves at what may be a difficult time. The Council cannot take for granted that service users or relatives have access to the internet or can use it.

Agreed action

26. The Council has agreed to:
 - apologise to Mr X for the faults I have identified;
 - waive the full costs of Mrs Y's residential respite stay (£677);
 - review its procedures to ensure service users are given clear information about charging before a decision is made.
 - the Council should consider providing service users or relatives with literature to explain the financial aspect of charging for care. It should also consider asking service users or relatives to sign to confirm they have understood that

social care is not free and that they will be financially assessed to see what they will pay towards their care.

- provide training for social workers on the importance of ensuring accurate case notes are made.
27. In its response to the recommendations made in the draft decision statement the Council says it already has procedures in place in relation to the last three points above. It accepts that in this case its officer did not record the discussion about this with Mr X. It says this is the usual process it expects its officers to follow. It further says it intends to use this specific situation, and the decision statement as a learning opportunity to tighten up on these procedures for all staff.

Final decision

28. The Council was at fault for failing to discuss care charges with Mr X and because of this fault the Council should waive the full cost of Mrs Y's respite care amounting to £677
29. It is on this basis the complaint will be closed.

Investigator's decision on behalf of the Ombudsman

North Tyneside Council Report to Cabinet 9 April 2018

Item 6(e)
Agreement for Pooling Business
Rate Growth from Enterprise
Zones

Portfolios: Elected Mayor
Finance and Resources

Cabinet Member: Norma Redfearn
Councillor Ray
Glindon

Report from: Finance
Law and Governance

Responsible Officers: Janice Gillespie, Head of Finance Tel: 643 5701
Vivienne Geary, Head of Law and Governance Tel: 643 5339

Wards affected: All

PART 1

1.1 Executive Summary:

There are currently 20 Enterprise Zone (EZ) sites approved in the North East Local Enterprise Partnership (NELEP) area, with at least 1 site in each local authority area. The Authority has two enterprise zone sites in its area the former Swan Hunter site and the Port of Tyne site.

The report seeks authority to enter into an overarching Business Rate Growth Income (BRGI) Pooling Agreement with the North East Combined Authority (NECA) on behalf of the NELEP and also to replace the existing EZ Round 1 Funding Agreements with new agreements consistent with the new BRGI agreement. Each of the seven local authorities in NELEP area have been asked to enter into an overarching pooled BRGI agreement in order to provide a transparent and consistent approach to the treatment of pooled BRGI across the NELEP area, the treatment of any surplus arising, the approach to financing and borrowing costs, revenue costs and also performance incentives:

1.2 Recommendations:

It is recommended that Cabinet:

- a. Agree to enter into the overarching Enterprise Zone Pooled Business Rate Income Agreement (the "BRGI Agreement") with the LA7 Authorities, NELEP and its accountable body NECA; and

- b. Agree to replace the existing Round 1 Funding Agreements with new agreements consistent with the BRGI Agreement.

1.3 Forward Plan:

It has not been practicable to give twenty eight days' notice of this report as a result of the process for finalising the draft Agreement. However, it is required to be considered without the twenty eight days' notice being given because of the urgency for all the seven authorities and NECA to be able to enter into the BRGI Agreement as soon as possible to enable outstanding project funding agreements dependent on the BRGI Agreement, to be completed and the projects to commence as close as possible to the end of 2017/18 financial year. As the matter under consideration is urgent the Chair of Council has agreed that it is not subject to Call-in as any delay would seriously prejudice the Council's and the public's interests.

1.4 Council Plan and Policy Framework:

This report relates to the following priorities in the 2018-20 Our North Tyneside Plan

Our places and our economy

1.5 Information:

Background

- 1.5.1 The Leaders and Elected Mayor in the NELEP area are local authority members of the NELEP Board. The Board has various responsibilities in relation to Enterprise Zones in the NELEP area and these are described further below.
- 1.5.2 There are currently 20 Enterprise Zone (EZ) sites approved in the North East Local Enterprise Partnership (NELEP) area, with at least one site in each local authority area. Ten Round 1 sites became operational in April 2013, including both the Swans and Port of Tyne sites in North Tyneside; nine Round 2 sites became operational in April 2017 and one will become operational in April 2018.
- 1.5.3 The grant of Enterprise Zone status to these employment sites means that businesses that occupy the sites can receive benefits of either discounted business rates or enterprise capital allowances for a limited period, in addition such support is deemed not to contravene the State Aid rules.
- 1.5.4 In addition Government allows 100% of Business Rate Growth Income (BRGI) to be retained to fund infrastructure and intervention costs over a 25 year period, which is needed to develop the sites. Bids for Enterprise Zone status are submitted to, and are supported by, the NELEP to attract 100% business rates retention and other capital allowance incentives. The retained business rates are paid to NELEP as opposed to being retained by the local authorities across the North East until 31 March 2038 in accordance with the Business Rates Agreement entered into 17 July 2014.
- 1.5.5 In most instances, infrastructure costs in relation to EZ sites arise shortly after the designation of the site and, as a result, borrowing is required to fund the necessary works. The role of NELEP is to approve the capital and financing costs which are to

be funded from pooled Business Rates Growth Income (BRGI) and to determine the use of any BRGI surplus after relevant costs have been met.

Current Position

1.5.6 Each of the seven Local Authorities in NELEP area has been asked to enter into an overarching agreement, the “BRGI Agreement” in order to provide a transparent and consistent approach to the treatment of pooled BRGI across the NELEP area, the treatment of any surplus arising, financing and borrowing costs, revenue costs and performance incentives and these are described in more detail below.

1.5.7 The BRGI Agreement sets out the BRGI pooling arrangements for Enterprise Zones in the NELEP area over the 25 year BRGI period, for each site, with a final date of the agreement running to 31 March 2043. The BRGI Agreement includes the following key elements:

- Clarification of the arrangement for the payment of pooled Business Rate Income each year to NELEP or its accountable body, including the calculation of income to be paid and the timing of the payment in May after the year end;
- The process for the approval of new projects which includes a requirement for the consent of this Authority for any project funding for the Port of Tyne site;
- The treatment of existing funding arrangements for Round 1 sites;
- The treatment of borrowing and the funding of borrowing costs;
- Arrangements for utilising the pooled BRGI;
- The treatment of any BRGI deficit, which will fall to be met proportionately by those local authorities that have not generated their expected income and have a deficit on their own account, in the event of a net deficit remaining over the whole period;
- Reporting arrangements;
- Standard terms to be included in the funding agreements.

This report seeks authority to enter into the overarching BRGI Agreement with NECA (on behalf of the NELEP) and the other local authorities in the NELEP area (the LA7 Authorities).

Use of any EZ Surplus and Incentivising Performance to Accelerate Development

1.5.8 The pooled BRGI account will be used to make payments to the local authorities as a result of achieving Performance Award Incentives as described below, and to cover all revenue costs of borrowing. Once such payments have been accounted for, NELEP will be able to determine how net surplus on the pooled BRGI account is to be allocated. In relation to the NELEP Core team, in order to help provide a secure medium term plan position for the team a commitment was given by the NELEP Board in 2015 to support the costs of the team, if necessary, up to £500k a year, in recognition of the use of NELEP’s NEIF and LGF funds. Under the BRGI Agreement this commitment would be subject to approval on a rolling three year basis and would be available provided a net surplus on the Enterprise Zone account was still projected to occur.

- 1.5.9 In May 2017 NELEP Board considered and approved a proposal that the local authorities in the NELEP area would be eligible to use a ring-fenced element of their surplus BRGI as a performance reward incentive as a result of achieving or exceeding targets for jobs and associated developed floor space and so receiving higher levels of BRGI on their sites. This provides a clear financial incentive to local authorities to accelerate development and income generation in their own Enterprise Zones. The local authorities would be able to apply their ring-fenced surplus to finance significant economic projects that support the achievement of the Strategic Economic Plan objectives.
- 1.5.10 The incentive proposed would allow Local Authorities to determine the use of 50% of any income in excess of a Baseline Income Target and 25% of income generated between 80% and 100% of a Baseline Income Target. This would include a 10% incentive to deliver the agreed outputs (e.g. jobs and developed floor space) in the Enterprise Zone areas.

Achievement compared to Baseline Income Target	Reward percentage
Up to 80%	No reward
80-100%	25% of the surplus over the 80% of the Baseline Income Target
Over 100%	25% of the surplus between 80% and 100% as above AND 50% of the surplus over the Baseline Income Target

- 1.5.11 The Baseline Income Target will be specified in the relevant funding agreements with the local authority and will be based upon a prudent estimate of income from each site after deducting a 10% contingency from Round 1 site BRGI already being received and a 15% contingency from BRGI from potential new buildings on the sites.
- 1.5.12 Although the performance incentive is transparent, it is of note that the Enterprise Zone BRGI forecasts extend over 25 years, and as a result it is unlikely that any performance reward would be available in the short term.

The rationale for an Overarching Legal Agreement

- 1.5.13 The approach of NELEP to date has been one of completing a bespoke and detailed legal agreement for the funding for each site and this has resulted in several agreements which vary in their terms, content and format and also result in a process that takes considerable time and effort from all parties involved. The Business Rate Pooling Agreement will provide an overarching agreement with common terms applicable to all funding to provide a level of consistency and equity across all local authorities. The overarching agreement will be supplemented by simpler site-specific funding agreements. This new approach will reduce the amount of work required to complete the funding agreement process, which in turn should accelerate the start of development on Enterprise Zone sites.
- 1.5.14 The Enterprise Zone funding principles and arrangements have been developed and refined over the period since 2012. By capturing the overarching principles in one document there will be transparency, consistency; and greater certainty about

the treatment of income and expenditure. It will also provide an agreed approach to the financing of infrastructure works and the treatment of any surplus in the short, medium and long term for up to 25 years into the future.

1.5.15 As there is a potential for local authorities to carry out significant prudential borrowing over the next few years in order to fund infrastructure works, it is necessary to be clear exactly how the borrowing is to be funded and exactly where the risk of repaying the borrowing falls in the event of income from a particular site being less than that needed to cover the costs relating to that site. The proposed approach to manage and minimise this borrowing risk is to extend the principle of pooling income across all Round 1 and 2 Enterprise Zone sites to cover borrowing costs.

1.5.16 A formal agreement is needed between NELEP, its accountable body, NECA, and each of the local authorities that can be operated over the whole 25 year life of the agreement by local authority officers and that is also capable of dealing with any changes to the parties to the agreement over time through novation and relevant residual body arrangements that may arise.

1.6 Decision options:

The following decision options are available for consideration by Cabinet:

Option 1

Cabinet may approve the recommendations at paragraph 1.2 of this report.

Options 2

Cabinet may decide not to approve to recommendations at paragraph 1.2 of this report.

1.7 Reasons for recommended option:

1.7.1 Option 1 is recommended for the following reasons:

Cabinet is recommended to agree the proposals set out in section 1.2 of this report in order to provide a consistent approach to investment across the seven local authorities in NELEP area and enable risks to be more effectively managed through the pooling arrangement. It will also contribute to the achievement of the NELEP Strategic Economic Plan objectives, in particular those relating to job creation and employment.

1.8 Appendices:

There are no appendices to this report.

1.9 Contact officers:

Janice Gillespie	Head of Finance	(0191) 643 5701
Viv Geary	Head of Law and Governance	(0191) 643 5339
David Anderson	Principal Accountant	(0191) 643 5722
Graham Sword	Senior Manager Regeneration	(0191) 643 6421
Sarah Heslop	Manager Commercial Team	(0191) 643 5456

1.10 Background information:

The following background papers and research reports have been used in the compilation of this report and are available at the offices of the author:

- (a) Draft Business Rates Growth Income Pooling Agreement
- (b) Previous funding agreements

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The business rates from the EZ will continue to be paid over to NELEP, as is already the case. The income generated should cover the cost of finance for existing funding provided by NELEP and the costs of any prudential borrowing the Authority is required to carry out for future interventions.

The Authority will benefit from a performance incentive reward if it achieves at least 80% of the Baseline Income Target as detailed at 1.5.9.

The key risk to the Authority is underachievement of the Baseline Income Target. Should the site not generate the estimated level of BRGI then the Authority will be ultimately responsible for reimbursing NELEP for the shortfall. However, this is mitigated by the Pooling Agreement, which pools the BRGI from all the EZ sites and therefore a shortfall would only be realized if the total across all the sites was below the estimated total.

2.2 Legal

The legal implications are largely set out in the main body of the report but the following matters are specific to this Authority.

The existing funding agreements will be amended to reflect the new approach to the use of the available pooled BRGI. As under the new arrangement there is an expectation that local authorities will undertake the borrowing in relation to the funding awarded and will be repaid from the pooled BRGI. In the case of any funding sought in relation to the Port of Tyne EZ site, the specific consent of the Authority must be provided prior to any commitment to the proposed recipient.

In relation to the funding already provided in relation to the former Swan Hunter site to Kier Property Developments Limited, and similar funding agreements with third parties relating to two other Round 1 Enterprise Zones in Sunderland and Newcastle upon Tyne, this will be repaid using funding from the surplus BRGI following payment of borrowing costs, Performance Reward Incentive and the LEP Core Team funding.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

Internal consultation has taken place with the Cabinet Member for Finance and Resources, the Elected Mayor, the Deputy Mayor and Cabinet Members, the Senior Leadership Team and Senior Finance Officers.

2.3.2 External Consultation / Engagement

The seven constituent local Councils of NELEP were consulted about the opportunity to identify enterprise zones in their area and the recent proposed changes. No additional community and business engagement is expected to be necessary

2.4 Human rights

The proposals within this report do not have direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

There are no direct equalities and diversity implications arising from this report.

2.6 Risk management

The Business Rates Pooling Agreement aims to minimise the risks associated with the ability to fund the borrowing costs on individual sites through a pooling of income from all Round 1 and 2 Enterprise sites.

2.7 Crime and disorder

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

2.8 Environment and sustainability

There are no direct environmental and sustainability implications arising from this report.

PART 3 - SIGN OFF

- Deputy Chief Executive x
- Head of Service x
- Mayor/Cabinet Member(s) x
- Chief Finance Officer x
- Monitoring Officer x
- Head of Corporate Strategy x