

EXECUTIVE CABINET

Day: Wednesday
Date: 24 April 2019
Time: 2.00 pm or on the rise of the Strategic Commissioning Board
Place: Committee Room 2, Tameside One, Market Square, Ashton-Under-Lyne

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE To receive any apologies for the meeting from Members of the Executive Cabinet.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of Executive Cabinet.	
3.	URGENT ITEMS To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	
4.	ITEMS FOR EXCLUSION OF PUBLIC AND PRESS To determine any items on the agenda, if any, where the public are to be excluded from the meeting	
5.	MINUTES	
a)	EXECUTIVE CABINET To consider the minutes of the meeting of Executive Cabinet held on 27 March 2019	1 - 8
b)	STRATEGIC COMMISSIONING BOARD To receive the minutes of the meeting of the Strategic Commissioning Board held on 27 March 2019	9 - 16
c)	GREATER MANCHESTER COMBINED AUTHORITY To receive notification of decision of the Greater Manchester Combined Authority meeting held on 29 March 2019	17 - 34
6.	CORPORATE RESOURCE ITEMS	
a)	M11 CONSOLIDATED REVENUE MONITORING STATEMENT	35 - 48

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

Item No.	AGENDA	Page No
	To consider the Executive Cabinet elements of the attached report of the Deputy Executive Leader / Director of Finance.	
	<i>This item is to be considered at the Strategic Commissioning Board prior to the meeting of Executive Cabinet.</i>	
b)	ESCALATED LAPTOP REPLACEMENT AND WINDOWS 10 DEPLOYMENT	49 - 54
	To consider the attached report of the Deputy Executive leader / Assistant Director of Digital Services	
c)	DEFERRED PAYMENT POLICY REVIEW	55 - 102
	To consider the attached report of the Executive Leader / Assistant Director of Adults	
7.	SERVICE OPERATIONAL ITEMS	
a)	SPECIAL GUARDIANSHIP ALLOWANCE POLICY	103 - 140
	To consider the attached report of the Executive Member for Children's Services / Director of Children's Services	
b)	CIVIC EVENTS 2019	141 - 152
	To consider the attached report of the Executive Member for Lifelong Learning / Assistant Director of Operations and Neighbourhoods	
c)	REVISED GAMBLING ACT POLICY 2019-2022	153 - 214
	To consider the attached report of the Executive Member for Neighbourhoods / Assistant Director of Operations and Neighbourhoods	
d)	SUICIDE PREVENTION STRATEGY 2019/23	215 - 242
	To consider the attached report of the Executive Leader / Director of Population Health.	
	<i>This item is to be considered at the Strategic Commissioning Board prior to the meeting of Executive Cabinet.</i>	
e)	GREATER MANCHESTER CLEAN AIR PLAN	243 - 248
	To consider the attached report of the Executive Member for Neighbourhoods / Director of Operations and Neighbourhoods.	
8.	SKYLAKES EXTENSION	249 - 260

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Robert Landon, Head of Democratic Services, to whom any apologies for absence should be notified.

EXECUTIVE CABINET

27 March 2019

Present: Councillors Cooney, Gwynne, Kitchen, Fairfoull, Ryan, Warrington, Bray and Feeley.

In Attendance:	Steven Pleasant	Chief Executive
	Sandra Stewart	Director of Governance & Pensions
	Kathy Roe	Director of Finance
	Richard Hancock	Director of Children's Services
	Stephanie Butterworth	Director of Adult Services
	Ian Saxon	Director of Operations & Neighbourhoods
	Jayne Traverse	Director of Growth
	Alan Dow	Chair of NHS CCG Tameside & Glossop
	Tom Wilkinson	Assistant Director (Finance)

93 APOLOGIES FOR ABSENCE

There were no apologies for absence.

94 DECLARATIONS OF INTEREST

There were no declarations of interest.

95 EXECUTIVE CABINET

Consideration was given to the minutes of the joint meeting of Executive Cabinet and Overview (Audit) held on 13 February 2019.

RESOLVED

That the minutes of the joint meeting of Executive Cabinet and Overview (Audit) held on 13 February 2019 be approved and signed by the Chair as a correct record.

96 STRATEGIC COMMISSIONING BOARD

Consideration was given to the Minutes of the Strategic Commissioning Board meeting held on 13 February 2019.

RESOLVED

That the Minutes of the Strategic Commissioning Board held on 13 February 2019 be received.

97 STRATEGIC PLANNING AND CAPITAL MONITORING

Consideration was given to the minutes and recommendations for approval from the Strategic Planning and Capital Monitoring meeting held on 11 March 2019.

RESOLVED

That the minutes of the meeting of the Strategic Planning and Capital Monitoring meeting held on 11 March 2019 be received and the following recommendations be approved:

VISION TAMESIDE PHASE 2 – PROGRESS UPDATE

That Executive Cabinet be recommended to approve the virements and the revised budget set out in Table 1 in Section 3 of the submitted report.

CORPORATE LANDLORD CAPITAL EXPENDITURE

That Executive Cabinet be recommended to approve the £59,927.11 of capital spend on statutory compliance repairs on the Councils buildings, as detailed at paragraph 3 of the submitted report.

LEISURE ASSETS CAPITAL INVESTMENT PROGRAMME

That Executive Cabinet be recommended to approve:

- (i) That the Director of Growth be authorised to permanently close and demolish Active Denton (Denton Pool) when the new Tameside Wellness Centre opens in early 2020. The closure is part of the wider asset management plan developed in consultation with members. In addition, the Director of Growth is authorised to establish options for the disposal of the site for best consideration in consultation with members and the local community. A report will be presented to Executive Cabinet setting out the options for disposal and the anticipated impact on the approved Capital Programme.
- (ii) That a condition survey of Active Ashton be undertaken to support the development of an options appraisal for further consideration by members. The cost of the survey to be funded from existing revenue budget.
- (iii) That the replacement of the Synthetic Turf Pitch at Active Medlock be added to the list of schemes currently under review in the capital programme

EDUCATIONAL Capital Programme 2018/19 Update

- (i) That Executive Cabinet be recommended to approve the proposed changes to the Education Capital Programme as outlined in Appendix 1 (Basic Need Funding Schemes) and Appendix 2 (School Condition Allocation Funding Schemes) of the submitted report.
- (ii) That the RAG status of the Basic Need projects be noted and particular attention be given to those rated as high risk to ensure appropriate actions are being taken.
- (iii) That Executive Cabinet be recommended to approve the Section 106 requests set out in paragraph's 3.9 and 3.10.

SECTION 106 AGREEMENTS AND DEVELOPER CONTRIBUTIONS

- (i) That Executive Cabinet be recommended to approve the s106 agreement and developer contributions approved allocations be added to the Capital Programme
- (ii) That Executive Cabinet be recommended to approve the drawdown of £34,000 of Developer Contributions for continuing the highway tree planting programme as well as for the planting of whips and standards on greenspace sites, as detailed in paragraph 2.10 of the submitted report.
- (iii) That Executive Cabinet be recommended to approve the drawdown of £56,600 Section 106 monies for green space infrastructure across the Borough including improving planters within town centres, planting around War Memorials and cleaning of War Memorials as detailed in paragraph 2.10 of the submitted report.

98 GREATER MANCHESTER COMBINED AUTHORITY

Consideration was given to a report of the Executive Leader and Chief Executive, which informed Members of the issues considered at recent Greater Manchester Combined Authority meetings.

RESOLVED

That the content of the report be noted.

99 REVENUE BUDGET MONITORING 2018/19 PERIOD 10

Consideration was given to a report of the Director of Finance which stated that as at 31 January 2019, the Integrated Commissioning Fund was forecasting to spend £583.270m against an approved budget of £583.258m, an overspend of £0.012m. Further detail on the economy wide position was included at Appendix 1 to the report. This forecast was an improved position from the previous month but masked significant and increased pressures in a number of areas including Children's Services which was now forecasting expenditure to be £8m in excess of budget and further detail was included at Appendix 2 of the submitted report.

The Director of Finance explained that the improved position was due mainly to the release of corporate contingency and improvements in the forecast position for Governance, Growth and Operations and Neighbourhoods. Reference was made to further detailed analysis of budget performance and progress against savings included in Appendix 2 of the submitted report.

The Council's Collection Fund update for month 10 was detailed in Appendix 3. The forecast position at month 10 was a £0.6m deficit of Council Tax and £1.0m deficit on Non-Domestic Rates. This was better than the budgeted assumptions which assumed deficit positions of £1.8m and £5m respectively. The level of provisions required for non-collections and appeals were also forecast to be better than expected but would continue to be monitored. Appendix 4 of the submitted report detailed the Council's irrecoverable debts over £3,000 that had been written off in the period October to December 2018.

Members noted that the Tameside and Glossop Integrated Care Foundation Trust (ICFT) have incurred additional expenditure during the 2018/19 winter period compared to their financial plan that was in line with the related grant conditions. The ICFT has invested in the expansion of the Integrated Assessment Unit (IAU) and increased the opening hours in Ambulatory Emergency Care. This was to support admission avoidance and alleviate patient flow pressures together with the achievement of the 4-hour performance target. In light of the shared officer roles in particular accountable officer and s151 officer it is important that there is absolute transparency in respect of any vires of budget or allocation of additional funding to the hospital to provide assurance to both the CCG and Council external auditors.

RESOLVED

- (i) That the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with the related risks contributing to the overall adverse forecast be acknowledged.**
- (ii) That the significant cost pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Growth.**

100 CAPITAL PROGRAMME - METHODOLOGY FOR PRIORITISATION

Consideration was given to a report of the Deputy Executive Leader / Director of Finance seeking approval of the methodology for the prioritisation of Capital Schemes previously approved within the Capital Programme. A reprioritisation was required because the level of capital receipts was anticipated to be £37m whereby the earmarked capital schemes currently on hold had an indicative budgeted cost of £47m, which had subsequently increased to £59m.

It was proposed that a prioritisation methodology was used to prioritise the existing earmarked schemes and adopted in supporting future capital investment decisions to ensure that scarce capital resources are allocated in the most efficient, effective and sustainable way and thus ensuring value for money.

Members were advised that development of the prioritisation methodology revealed that some of the proposed schemes could potentially be self-financing and not be a call on the Council's capital

receipts. The schemes in relation to cross organisational working with the Health Service, in particular, were able to generate significant service improvement and NHS and Council estate rationalisation opportunities that they should be self-financing over the life of the new asset. This self-financing could be through the sale of surplus Health assets through the One Public Estate initiative, or through the exiting of expensive leases generating budget savings, as well as through the reconfiguration of services delivered from the new assets that achieve operational and performance efficiencies.

Members were updated on the disposal of development sites that have already been approved or agreed for development and sale, which were mainly based around the legacy school sites following the Building Schools for the Future along with the sites identified for development by Matrix Homes. These sites were anticipated to realise approximately £37m in capital receipts over the next 2-3 years. Any additional future capital receipts would be dependent on the Asset Management Plan being updated. The capital programme being proposed would include the following assets becoming surplus to requirements. These can therefore be considered for sale or alternative use:

- Denton Pool (on completion of Denton Wellness Centre)
- Droylsden Library (once transferred to Guardsman Tony Downes House)

Following re-evaluation of the capital programme the following schemes were proposed for removal from the programme:

- Ashton Library £0.2m – Library developed as part of Tameside One building.
- A&E streaming – NHS capital funding has been sought

RESOLVED

- (i) **That the methodology for prioritisation of schemes as set out in section 3 of the submitted report, be approved.**
- (ii) **That the principle that all cross organisational schemes are self-financing, as set out in Section 4 of the submitted report, be approved.**
- (iii) **That the assets identified in Section 5 of the submitted report will become surplus to requirement and available for disposal.**
- (iv) **That the removal of earmarked schemes from the capital programme as set out in section 6 of the submitted report be approved.**
- (v) **That all schemes above the red cut off line inn as detailed in Appendix 4 of the submitted report progress to the business case stage for further consideration.**
- (vi) **That Executive Cabinet acknowledges that capital receipts of £37m are required to be delivered to enable the delivery of schemes above the red cut off line.**

101 TAMESIDE HIGHWAYS ASSET MANAGEMENT PLAN

Consideration was given to a report of the Executive Member for Neighbourhoods / Assistant Director of Operations and Neighbourhoods which sought approval of a Capital programme for road improvements to the value of £5.250m in 2019/20.

In 2017, the Tameside Transport Asset Management Plan (TAMP) for an investment of £20m over a four year period was approved by Executive Cabinet. This guaranteed a sustained level of investment in order to arrest the decline of the network and set specific targets for the different categories of carriageways and footways. Since then a total of £8m has been approved of which £5.000m has been spent to date leaving £3.000m until 31 March 2019. A programme of works set out in Appendix 2 of the submitted report detailed which of the highways assets would be maintained with the remaining earmarked sum of £5.250m in 2019/20.

The identification of which highways were included in the programme for improvement was undertaken by an on-going assessment of condition, using both machine and visual condition surveys. This had been undertaken in accordance with the WmHI Code of Practice and Tameside

MBC Highways Risk Management Inspection Code of Practice, in order to ensure adherence to the Council's responsibilities for Highways maintenance.

RESOLVED

That road improvement to the value of £5.250m in 2019/20 for the schemes identified in Appendix 2 of the submitted report, be approved as part of the Capital programme.

102 NJC PAY AWARD 2019/2020

Executive Cabinet considered a report of the Deputy Executive Leader / Assistant Director (People and Workforce Development) which sought approval of the National Joint Council (NJC) Pay Award for 2019/20 and the proposed revised pay structure to align the Council's existing grading structure to the new national pay spine.

The National Joint Council for Local Government Services reached a 2-year pay agreement in 2018 which included changes to the national pay spine effective from 1 April 2019. These changes involve the merger of some spinal column points (SCP) and the addition of new spinal column points to create equal increment values and contain the costs of implementation.

The Council has a legal obligation under the Equalities Act 2010 to ensure that its pay and grading structure is fair and not discriminatory. The Council is required to implement the nationally agreed National Joint Council pay award for those employees who are engaged on those terms and conditions.

RESOLVED

That from the 1 April 2019:

- (i) Implementation be approved for the NJC Pay Award, which introduces a new national pay spine consisting of 43 spinal column points (SCP).**
- (ii) Implementation be approved for the revised pay structure (Grades A to N) as detailed in Appendix 2 of the submitted report.**
- (iii) The Council recommends the revised pay structure (Grades A to N) as detailed in Appendix 2 for adoption by all Governing Bodies of community, voluntary controlled and voluntary aided schools within the Borough, and that it applies to all support staff employed within these schools.**
- (iv) Introduce a clear framework and grading for professional and technical roles at Grades H to J inclusive to address recruitment and retention issues in these key roles and the Director of Governance and Pensions (Borough Solicitor) be authorised to finalise the document set out at Appendix 8 in consultation with the Deputy Executive Leader..**
- (v) The Foundation Living Wage Rate, which is reviewed each November, is implemented as a supplement to the relevant spinal column point(s) on the following 1 April.**
- (vi) That due to the implementation of the NJC Pay Award and new TMBC Pay Structure, which incurs significant costs the changes to employment terms and conditions in 2016 will not be reviewed further, as previously committed to, and the changes will therefore remain in place.**
- (vii) Implementation be approved for the NHS Agenda for Change Pay Progression changes in accordance with the national pay agreement 2018 – 2021.**

103 HOUSING FINANCIAL ASSISTANCE POLICY 2018-2023

Consideration was given to a report of the Executive Leader / Director of Growth which sought approval amendments to the Private Sector Housing Renewal Policy in connection with the Disabled Facilities Grant and other associated funding loans and grants.

The Director of Growth advised that Tameside's current Private Sector Housing Renewal Policy was approved in 2003. With increased Government Disabled Facilities Grant funding and continued repayments from previous housing improvement grants and loans, the Policy required updating to enable a more holistic approach to housing adaptation improvements. In updating the current Policy it was intended to:

- Incorporate the changes in Government policy in respect of the Disabled Facilities Grant and its increased flexibility;
- To reflect the continued increase in Government funding within the Regulatory Reform Order policy;
- Approve the use of on-going loan repayments to fund alternative initiatives within the updated policy;
- Subject to available funding, increase the number of potential assistance initiatives; and
- Subject to available funding, include Energy Efficiency Measures / Boiler Replacement Scheme within the updated policy.

Following a report to Strategic Commissioning Board and Executive Cabinet on 28 November 2018 approval was given for a public consultation exercise to be undertaken between 12 December 2018 and 25 January 2019 in order to seek wider support for the proposed Housing Financial Assistant Policy update. The response to the consultation exercise was outlined in the report and a number of recommendations had been included in the new Regulatory Reform Order Policy.

Members were advised the report had been considered at the meeting of the Strategic Commissioning Board, which had recommended approval of the proposed changes.

RESOLVED

That the proposed amendments to the Policy set out in the report in connection with the Disabled Facilities Grant and other associated funding loans and grants, including a further three additional grants following the consultation process undertaken between 12 December 2018 and 25 January 2019.

104 PROVISION OF 'GREEN' ELECTRICITY ACROSS THE COUNCIL'S PORTFOLIO

Consideration was given to a report of the Executive Member for Neighbourhoods / Director of Operations and Neighbourhoods advising Executive Cabinet of the intention of the Director of Operations and Neighbourhoods to procure a green energy tariff when renewing the contract from April 2019 at an additional cost of £10,850 per annum, which on contract value of £2.8 million per annum equated to an increase of 0.39%, to purchase green energy contributing to the Greater Manchester Green Summit pledge.

The Council had recently held a Green Summit as part of the Council's commitment to the green agenda. In addition a number of commitments had been requested of all Councils across Greater Manchester prior to the Mayor's Green Summit in March 2019. One of the proposed environmental commitments being asked of the Council from the Greater Manchester Combined Authority had been when procuring contracts for electricity supply that the Council would procure renewable energy tariffs.

The Council's existing electricity supply contract for ends on 31 March 2019. Under the existing contract only a proportion of the energy (approximately 20%) comes from renewable sources.. A

request for an indicative figure had been made to the current framework provider, Yorkshire Purchasing Organisation (YPO). Using the volumes they currently supply to Tameside MBC and based on an approximate Green Premium of £0.40 per MWh, the additional cost across the whole of the portfolio was estimated to be: £ 10,850 per annum.

RESOLVED

That the intention of the Director of Operations and Neighbourhoods to procure a green energy tariff when renewing the contract from April 2019 at an additional cost of £10,850 per annum, be noted.

105 GM CLEAN AIR PLAN

Executive Cabinet considered the report of the Director of Neighbourhoods that summarised the key features of Greater Manchester's feasibility study and its Outline Business Case (OBC) to reduce nitrogen dioxide exceedances in the Tameside Borough and across Greater Manchester in the shortest possible time. The OBC had been developed by Tameside collectively with all Greater Manchester local authorities and the Greater Manchester Combined Authority, and co-ordinated by Transport for Greater Manchester in line with Government direction and guidance.

Following the issue of the Strategic Outline Case (SOC) in March 2018, a process of refining the shortlisted measures and developing a range of options that combine the measures in different ways has been undertaken. This was overseen by the GM Steering Group, to understand the type and scale of intervention needed to reduce NO₂ to within legal Limit Values in the "shortest possible time" across Greater Manchester.

A best performing option was recommended within the Outline Business Case (OBC) for further consideration and discussion with stakeholders and the public to aid the development of the Full Business Case.

The core goal of the GM Clean Air Plan was to address the legal requirement to remove all exceedances of concentrations of NO₂ that have been forecasted to exceed the legal Limit Value (40 µg/m³) identified through the target determination process in the "shortest possible time" in line with Government guidance and legal rulings.

Options had been assessed against the UK Government's Primary Critical Success Factors:

- Reduction in NO₂ emissions: likelihood that the measure/option will contribute significantly to a reduction in NO₂ concentrations to achieve compliance with the EU Limit Values
- Feasibility: likelihood of measure being implemented in time to deliver desired NO₂ reduction and achieve compliance.

Where modelled options deliver compliance in the same year they have been further assessed against Government's Secondary Critical Success Factors, as set out in the SOC:

- Strategic fit with local strategies and plans: ensuring the alignment of the option with longer term economic, social and environmental goals and that the risk of unintended consequences is minimised.
- Value for money: a high-level indication of the costs and benefits of each option.
- Distributional impact: in order to understand the potential impacts, both positive and negative on different groups within society, with a particular focus on the most vulnerable. It is of vital importance that the plan does not result in disproportionately negative economic or social impacts for the region or those living, working or doing business within it.
- Deliverability of the options, in terms of the affordability of the cost of implementation, the supply-side capacity and capability to deliver the measures outlined in the options, and the achievability of delivering the option.

The SOC identified that the fundamental causes of the exceedances were variable in terms of the source of emissions and that these sites were interconnected in complex ways. Therefore, any effective proposals would need to comprise of a package of measures, able to tackle the overall problem holistically.

A series of six options comprising of different packages of measures was developed initially in response to the problem as revealed by local modelling. These measures have been assessed and refined further from the shortlist as detailed within the submitted report.

The assessment process involved further modelling and analysis of the effectiveness of measures, both individually and as a package; this included engagement with stakeholders and professional experts, and the use of a Multi-Criteria Analysis (MCA) tool to assess the performance of each option against the success factors and relative to each other. In this way, the measures and packages of options have been assessed and refined into a preferred option that best secures the required objectives.

RESOLVED

- (i) That the Council is legally obliged to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide following the Secretary of State issuing a direction under the Environment Act 1995, be noted.
- (ii) That the Government be requested to provide the financial support necessary to enable the Council to meet its legal limits for nitrogen dioxide;
- (iii) That it be noted despite this Council being required to address nitrogen oxide exceedances, the government has not yet addressed this issue for its own assets, including Highways England and the motorway network.
- (iv) That a feasibility study undertaken to date be adopted.
- (v) That it be acknowledged that further stakeholder engagement and public consultation is an essential part of the process to help inform and refine on-going work to produce a Full Business Case by the end of the calendar year.
- (vi) The OBC (for submission to the government's Joint Air Quality Unit) be approved.
- (vii) The commencement of the public conversation and engagement activity from 15 May 2019, be approved.
- (viii) It be noted that further reports will be submitted to Cabinet on:
 - a. The proposals for statutory consultation, informed by the outcome of the public conversation and engagement.
 - b. Formal approval of the Full Business Case.
- (ix) That it be agreed that TfGM continue with the activity to produce the Full Business Case on their behalf under the direction of the Greater Manchester Clean Air Steering Group.
- (x) That Executive Member for Neighbourhoods be delegated the approval of submission of supplementary information.

106 TRANSPORT INTERCHANGE

Executive Cabinet considered a report of the Executive Member for Strategic Development and Transport / Director of Growth, updating Members on progress of the new Transport Interchange and seeking approval for the naming of the Interchange as Ashton-under-Lyne.

RESOLVED

That the new Transport Interchange be named as Ashton-Under-Lyne.

STRATEGIC COMMISSIONING BOARD

27 March 2019

Commenced: 1.15 pm

Terminated: 2.35 pm

Present:

Dr Alan Dow (Chair) – NHS Tameside and Glossop CCG
Councillor Brenda Warrington – Tameside MBC
Councillor Bill Fairfoull – Tameside MBC
Councillor Warren Bray – Tameside MBC
Councillor Gerald Cooney – Tameside MBC
Councillor Leanne Feeley – Tameside MBC
Councillor Allison Gwynne – Tameside MBC
Councillor Oliver Ryan – Tameside MBC
Steven Pleasant – Tameside MBC Chief Executive and Accountable
Officer for NHS Tameside and Glossop CCG
Dr Ashwin Ramachandra – NHS Tameside and Glossop CCG
Dr Jamie Douglas – NHS Tameside and Glossop CCG
Dr Kate Hebden – NHS Tameside and Glossop CCG
Carol Prowse – NHS Tameside and Glossop CCG

In Attendance:

Sandra Stewart – Director of Governance & Pensions
Kathy Roe – Director of Finance
Stephanie Butterworth – Director of Adult Services
Richard Hancock – Director of Children's Services
Jessica Williams – Interim Director of Commissioning
Debbie Watson – Assistant Director of Population Health
Nigel Gilmore – Head of Strategic Infrastructure
Kristy Nuttall – Children, Young People and Families
Commissioning Manager

Apologies for Absence:

Dr Vinny Khunger – NHS Tameside and Glossop CCG
Dr Christine Ahmed – NHS Tameside and Glossop CCG
Councillor Jean Wharmby – Derbyshire CC

102 URGENT ITEMS OF BUSINESS

RESOLVED

That on the grounds of urgency consideration be given to an addendum recommendation relating to Item 6(a) on the agenda setting out a request to allocate funding from the Winter Pressures Budget to the Integrated Care Foundation Trust in 2018/19 to support the additional unplanned expenditure incurred. The reasoning for it not been available at the date that the original agenda and report was published was because final figures were still being clarified with the Integrated Care Foundation Trust, however, there was a need to resolve by financial year end and hence could not go to next meeting.

103 DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members of the Strategic Commissioning Board.

104 MINUTES

The Minutes of the previous meeting held on 13 February 2019 were approved as a correct record.

105 INTEGRATED COMMISSION FUND CONSOLIDATED REVENUE POSITION M10

Consideration was given to a report of the Director of Finance, which stated that as at 31 January 2019, the Integrated Commissioning Fund was forecasting to spend £583.270m against an approved budget of £583.258m, an overspend of £0.012m. Further detail on the economy wide position was included at Appendix 1 to the report. This forecast was an improved position from the previous month but masked significant and increased pressures in a number of areas including Children's Services which was now forecasting expenditure to be £8m in excess of budget and further detail was included at Appendix 2.

The Director of Finance explained that the improved position was due mainly to the release of corporate contingency and improvements in the forecast position for Governance, Growth and Operations and Neighbourhoods. Reference was made to further detailed analysis of budget performance and progress against savings included in Appendix 2.

The Council's Collection Fund update for month 10 was detailed in Appendix 3. The forecast position at month 10 was a £0.6m deficit of Council Tax and £1.0m deficit on Non-Domestic Rates. This was better than the budgeted assumptions which assumed deficit positions of £1.8m and £5m respectively. The level of provisions required for non-collections and appeals were also forecast to be better than expected but would continue to be monitored. Appendix 4 detailed the Council's irrecoverable debts over £3,000 that had been written off in the period October to December 2018.

Members noted that the Tameside and Glossop Integrated Care Foundation Trust (ICFT) had incurred additional expenditure during the 2018/19 winter period compared to their financial plan that was in line with the related grant conditions. The ICFT had invested in the expansion of the Integrated Assessment Unit (IAU) and increased the opening hours in Ambulatory Emergency Care. This was to support admission avoidance and alleviate patient flow pressures together with the achievement of the 4-hour performance target. In light of the shared officer roles in particular accountable officer and s151 officer it was important that there was absolute transparency in respect of any vires of budget or allocation of additional funding to the hospital to provide assurance to both the CCG and Council external auditors.

RESOLVED

- (i) That the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with the related risks contributing to the overall adverse forecast be acknowledged.**
- (ii) That the significant cost pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Growth.**
- (iii) That the allocation of £0.200m to the Integrated Care Foundation Trust in 2018/19 via the remaining balance of the Winter Pressures funding be approved to support the additional unplanned expenditure incurred.**

106 YOUNG PEOPLES EMOTIONAL WELLBEING SERVICE

Consideration was given to a report of the Executive Member (Children's Services) and the Director of Population Health seeking authorisation to conduct an open and competitive process, testing the market to secure an appropriate supplier to deliver a Young People's Emotional Wellbeing and Counselling Service in Tameside.

The current Young People's Wellbeing and Counselling Service was an integral part to the delivery of the THRIVE model and commissioning component to the Local Transformation Plan in Tameside and Glossop. It currently supported young people between the ages of 10 to 25 in the 'Getting Advice', 'Getting Help' and 'Getting More Help' quadrants and working closely with a number of partners including Healthy Young Minds.

The outcomes of the Young People's Emotional Wellbeing and Counselling Service were well documented within quarterly reports containing case studies and output data which were briefly highlighted in Appendix B to the report. Moreover, the outcomes aligned to the Voice of the Child Strategy and the 'I Statements' created by local children and young people as part of the Local Transformation Plan.

The original contract commenced on 1 October 2015 for a two year period with provision to extend for up to an additional two year period and authorisation to extend had been sought via a waiver decision ending on 30 September 2019. The current budget was £91,500 per annum and it was envisaged the service should run for a further five years. However, the options appraisal outlined in the report sought an additional £17,000 per annum to support and reduce demand locally as described in the report, improving goal based outcomes by enabling a robust service fit to meet the demand. The additional funding had been identified from the existing Population Health budget from 2019/20.

The Strategic Commissioning Board was supportive of the continued delivery of a Young People's Emotional Wellbeing and Counselling Service in Tameside and the additional investment to support increased demand. The Board noted the positive feedback and comments from young people who had accessed the service.

RESOLVED

- (i) **That approval be given to retender the Young People's Emotional Wellbeing and Counselling Service for 5 years at the end of the contract period due to expire on 30 September 2019.**
- (ii) **That Option E(b) outlined in section 4 of the report, including an increase to the contract value to support the growing need and demand be approved.**

107 CHILDREN'S EMOTIONAL HEALTH AND WELL-BEING LOCAL TRANSFORMATION PLAN

Consideration was given to a report of the Interim Director of Commissioning explaining that the Tameside and Glossop Local Transformation Plan finalised in October 2015 and assured at the end of 2015/16 through NHS England. There was a requirement for the Local Transformation Plan to be refreshed on an annual basis to reflect local progress and further ambitions.

The Strategic Commissioning Board considered the detailed refresh of the Local Transformation Plan, seen by NHS England as the evidence that progress was being made, that funding was being spent as intended and providing evidence on how services were being transformed.

The Interim Director of Commissioning reported that mental health disorders in childhood had high levels of persistence and continuity through adolescence, and sometimes into adult life. The consequences of untreated emotional wellbeing and mental health problems early in life could be long lasting and far-reaching, thus effective early intervention was essential. In addition, the risk of child mental health disorders was estimated up to six times higher in vulnerable groups of children and child young people.

The aim of the continued work of the Local Transformation Plan was based upon the need to improve and sustain access to children and young people's mental health provision through a whole-system approach that included the active participation of all partners and key stakeholders. Tameside and Glossop continued to undertake a variety of engagement activities with Children and Young People to inform the development of the Local Transformation plan and the original 'I Statements' developed by children, young people and their families in 2016 remained at the core of all commissioning and outcome monitoring.

She made reference to the 2017-2020 Finance Plan, the overall investment having gone through the Strategic Commissioning governance process and the previously agreed programme of works that would continue in 2019/20.

The Board commented favourably on the update report and the investment in children and young people's mental health would ensure far greater children with a diagnosable mental health condition would access support where and when they needed it and as close to home as possible.

RESOLVED

- (i) That the Local Transformation Plan refresh and finance plans for deliverables for 2019-20 and 2020-21, be approved, recognising that within the year the plan would need to be reviewed in line with strategic objective to integrate Children's and Young People's services.**
- (ii) That the alignment of the Local Transformation Plan with Greater Manchester approaches where populations and needs required thus delivering efficiencies be supported.**
- (iii) That the national context and building national pressures and assurance measures to increase spending on Children's and Young People's Mental Health Services and ensure the publication of the Local Transformation Plan update be noted.**
- (iv) That the financial investment to support developments within the Local Transformation Plan unallocated funding for 2020-21 in order to full meet local and national agendas in delivering the Local Transformation Plan be supported as follows:**
 - Improving access and implementing the THRIVE model;**
 - Ensuring the Neurodevelopmental team was adequately resourced to meet the needs of the local population, including pre-diagnostic and post-diagnostic support.**

108 CHILDREN'S ENURESIS SERVICES PROVISION IN GLOSSOPDALE

The Interim Director of Commissioning presented a report on a proposal to expand the Enuresis service from the Tameside Enuresis Nurse to support children and young people aged 0-19 in Glossop. The pathway would be the same as the current pathway in Tameside and patients would need to travel to Dewsnap Lane Clinic to access the service.

Recurrent funding had been agreed with Derbyshire County Council from the Glossop Better Care Fund allocation with effect from April 2019 to expand the current service to ensure it was equitable to that delivered in Tameside.

RESOLVED

- (i) That the expansion of the current Enuresis Service for the residents of Glossopdale with immediate effect to ensure it was equitable to that delivered in Tameside be noted.**
- (ii) That Derbyshire County Council be recharged for the cost of this additional service.**

109 STARTING POINT SERVICE - GLOSSOP CONTRIBUTION

Consideration was given to a report of the Interim Director of Commissioning explaining that Derbyshire Starting Point was a multi-agency safeguarding hub launched in June 2015. Starting Point acted as the first point of contact for Derbyshire Children's Social Care for early help assessments / requests for support, Police domestic abuse notifications, social care children in need referrals and safeguarding protection concerns about children / young people.

Tameside and Glossop Clinical Commissioning Group contributed to fund the Glossop proportion of the Starting Point service helping to meet the statutory duty to ensure that in discharging their

functions, Clinical Commissioning Groups had regard to the need to safeguard and promote the welfare of children under Section 11 of the Children Act 2004.

RESOLVED

That recurrent funding equating to £7,500 per annum be approved to fund the Starting Point service for children and young people living in Glossop.

110 HOUSING FINANCIAL ASSISTANCE POLICY 2018-2023

Consideration was given to a report of the Executive Leader and Director of Growth which explained that Tameside's current Private Sector Housing Renewal Policy was approved in 2003. With increased Government Disabled Facilities Grant funding and continued repayments from previous housing improvement grants and loans, the report provided an updated Private Sector Housing Renewal Policy to enable a more holistic approach to housing adaptation improvements.

In updating the current Policy it was intended to:

- Incorporate the changes in Government policy in respect of the Disabled Facilities Grant and its increased flexibility;
- To reflect the continued increase in Government funding within the Regulatory Reform Order policy;
- Approve the use of ongoing loan repayments to fund alternative initiatives within the updated policy;
- Subject to available funding, increase the number of potential assistance initiatives; and
- Subject to available funding, include Energy Efficiency Measures / Boiler Replacement Scheme within the updated policy.

Following a report to Strategic Commissioning Board on 28 November 2018 approval was given for a public consultation exercise to be undertaken between 12 December 2018 and 25 January 2019 in order to seek wider support for the proposed Housing Financial Assistant Policy update. The response to the consultation exercise was outlined in the report and a number of recommendations had been included in the new Regulatory Reform Order Policy.

RESOLVED

That the Strategic Commissioning Board RECOMMEND to Cabinet the proposed amendments to the Policy set out in the report in connection with the Disabled Facilities Grant and other associated funding loans and grants, including a further three additional grants following the consultation process undertaken between 12 December 2018 and 25 January 2019.

111 DEVELOPING PLACE-BASED PRIMARY CARE NETWORKS IN TAMESIDE AND GLOSSOP

Consideration was given to a report of the Interim Director of Commissioning and Dr Kate Hebden and Dr Vinny Khunger, CCG Governing Body GPs, setting out the way in which the Strategic Commission would engage with general practice in the formation and implementation of Primary Care Networks. This would include setting out the aspiration and rationale for the alignment of Primary Care Networks to the established Neighbourhoods delivering Integrated Care in Tameside and Glossop.

It was explained that on 10 January 2019, the NHS Long Term Plan had been published. This was followed on the 31 January 2019 by 'Investment and Evolution: A five year framework for GP contract reform to implement the NHS Long Term Plan' setting out a number of fundamental changes to the GP contract from 1 April 2019 including the introduction of the Network Contract

Direct Enhanced Service creating Primary Care Networks. The Strategic Commission and Primary Care Committee were required to approve Primary Care Network registration forms and coverage and to confirm arrangements to NHS England by 31 May 2019.

The footprint of established Neighbourhoods was the Strategic Commission's ambition for Primary Care Networks in Tameside and Glossop. This was due to the significant and extensive work to build community health, social care, children's integrated teams, social prescribing, community safety partnerships amongst others, with General Practice at the heart. There had been many successes to date by these Neighbourhoods and established collaboration across those footprints.

There would be engagement with General Practice in Tameside and Glossop to ensure an understanding of views in terms of both the opportunities and potential challenges in developing Primary Care Networks in this way.

The report also included proposals for engaging with General Practice in developing place-based Primary Care Networks, through a series of Neighbourhood discussions. Reference was made to a number of key questions designed to frame these discussions to understand how the Networks could support the architecture of, and delivery by, each of the Neighbourhoods. The mapping of the existing neighbourhoods was shown at Appendix 1 and some of the delivery successes for each were detailed in Appendix 2.

Members of the Strategic Commissioning Board welcomed the proposed Primary Care Networks aiming to smooth the interface between primary and community care and made reference to the achievements thus far on this journey and looked forward to using this new opportunity to improve this further and reduce variation across practices.

RESOLVED

- (i) That the principle and ambition for alignment of Primary Care Networks to the five established Neighbourhoods across Tameside and Glossop be approved.**
- (ii) That the engagement plan with General Practice in relation to the formation and implementation of the Primary Care Networks be approved including illustration of the work and successes to date and the embedded relationships across Neighbourhood practices.**
- (iii) To note the oversight and approval of Primary Care Network registration documentation by Primary Care Committee and Governing Body in line with the national timetable.**

112 ASSISTED CONCEPTION PROCUREMENT

The Interim Director of Commissioning presented a report explaining the collaboration of eight Clinical Commissioning Groups across Greater Manchester was looking to procure assisted conception services in order to offer an increased choice of providers to patients and comply with procurement regulations.

NHS Tameside and Glossop was currently an associate to two contracts for assisted conception having decided in 2013 to increase choice from one provider Manchester University Hospital Trust (MFT) and include Care Fertility. The contract held by NHS Trafford CCG with Care Fertility was due to end May 2019 and Trafford had identified the need to re-procure to avoid a legal challenge.

It was reported that Greater Manchester Directors of Commissioning considered a range of options in February 2019 and recommended that NHS Trafford CCG lead procurement with a view to agreeing three contracts alongside the MFT contract. However, MFT were required to agree to work to the standard service specification and to agree separate tariffs, potentially for standard and complex cases, outside of the tender process.

The purpose of the report was to identify whether Tameside and Glossop Strategic Commission wished to be part of the Greater Manchester wide procurement and set out the options were detailed as follows:

- Option 1 – participate in the Trafford led procurement;
- Option 2 – Revert to MFT as a single provider when Care Fertility contract ended;
- Option 3 – run own separate procurement.

The risks and benefits associated with each option was outlined and considered by the Board.

RESOLVED

That approval be given for the participation of Tameside and Glossop Clinical Commissioning Group in the Trafford led procurement as described in Option 1.

113 CHAIR'S CLOSING REMARKS

The Chair advised that this would be his last meeting of the Strategic Commissioning Board and that it had been a privilege to serve the communities in Tameside and Glossop as Clinical Chair. His interest in commissioning had started 24 years ago and during that time he had seen 9 NHS organisational forms and he outlined the challenges and achievements since he had taken over as Chair of the Clinical Commissioning Group. Although there remained a few challenges, the Strategic Commission was now well placed and had commenced its ambition of investing in public health, proactive and preventive care and primary care. He would continue to be interested and supportive of the organisation's work.



The Executive Leader and Chief Executive responded by outlining the significant contribution that Dr Dow had made to the Clinical Commissioning Group and the Strategic Commissioning Board during his tenure, working tirelessly to improve clinical excellence, and his part in ensuring the Strategic Commission was on a firm financial footing. In Greater Manchester Dr Dow had led and chaired the PC Clinical Standards and PC Strategy which had both been clinically well received.

Members of the Strategic Commissioning Board thanked Dr Dow for his service and wished him all the very best for the future.

114 DATE OF NEXT MEETING

To note that the next meeting of the Strategic Commissioning Board will take place on Wednesday 24 April 2019.

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Report To:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/ Reporting Officer:	Cllr Brenda Warrington, Executive Leader Steven Pleasant, Chief Executive
Subject:	AGMA EXECUTIVE BOARD MEETINGS / GREATER MANCHESTER COMBINED AUTHORITY
Report Summary:	To inform Members of the issues considered at the recent meetings of the AGMA Executive Board and Greater Manchester Combined Authority meeting. Under the GMCA Constitution there are provisions to ensure that GMCA Executive deliberations and decisions are reported to the ten Greater Manchester Councils. In order to meet this requirement the minutes of AGMA Executive Board/Greater Manchester Combined Authority meetings are reported to Executive Cabinet on a regular basis. The minutes of recent meetings of the AGMA Executive Board and the Greater Manchester Combined Authority are appended for Members information.
Recommendations:	That Members note and comment on the appended minutes.
Links to Community Strategy:	The Constitution and democratic framework provides an effective framework for implementing the Community Strategy.
Policy Implications:	In line with council policies.
Financial Implications: (Authorised by the Section 151 Officer)	There are no budgetary implications other than any specific references made in the AGMA Executive Board/Greater Manchester Combined Authority minutes.
Legal Implications: (Authorised by the Borough Solicitor)	Consideration of the AGMA Executive Board/Greater Manchester Combined Authority minutes helps meet the requirements of the AGMA Constitution and helps to keep Members informed on sub-regional issues and enables effective scrutiny.
Risk Management:	There are no specific risks associated with consideration of the minutes.
Access to Information:	The background papers relating to this report can be inspected by contacting Michael Garraway, Democratic Services Business Manager by:  phone: 0161 342 3178  e-mail: michael.garraway@tameside.gov.uk

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NOTICE OF DECISIONS AGREED AT THE GMCA MEETING HELD ON 29 MARCH 2019

PRESENT:

Greater Manchester Mayor	Andy Burnham (In the Chair)
Bolton	Councillor Linda Thomas
Manchester	Councillor Richard Leese
Oldham	Councillor Sean Fielding
Rochdale	Councillor Allen Brett
Salford	City Mayor John Merry
Stockport	Councillor Alex Ganotis
Tameside	Councillor Brenda Warrington
Trafford	Councillor Andrew Western
Wigan	Councillor David Molyneux

OTHER MEMBERS IN ATTENDANCE:

Manchester	Councillor Angeliki Stogia
Rochdale	Councillor Janet Emsley
Tameside	Councillor Leanne Feeley
Wigan	Councillor Peter Smith
TfGMC	Councillor Mark Aldred

OFFICERS IN ATTENDANCE:

GMCA – Chief Executive	Eamonn Boylan
GMCA - Deputy Chief Executive	Andrew Lightfoot
GMCA – Monitoring Officer	Liz Treacy
GMCA – Treasurer	Richard Paver
Office of the GM Mayor	Kevin Lee
Bolton	Tony Oakman
Bury	Geoff Little
Oldham	Carolyn Wilkins
Manchester	Joanne Roney
Rochdale	Neil Thornton
Salford	Jim Taylor
Stockport	Pam Smith
Tameside	Steven Pleasant
Wigan	Alison McKenzie-Folan
TfGM	Steve Warrener
GM HSCP	Jon Rouse
Growth Company	Mark Hughes
GMCA	Julie Connor
GMCA	Simon Nokes

BOLTON
BURY

MANCHESTER
OLDHAM

ROCHDALE
SALFORD

STOCKPORT
TAMESIDE

TRAFFORD
WIGAN

GMCA
GMCA
GMCA

Claire Norman
Sylvia Welsh
Nicola Ward

1. APOLOGIES

Apologies were received and noted from Bev Hughes, Deputy Mayor GMCA, City Mayor Paul Dennett (Councillor John Merry attending – Salford), Councillor Rishi Shori – Bury, Steve Rumbelow (Neil Thornton attending– Rochdale), Councillor Paula Boshell – Salford, Councillor Andrea Simpson – Bury and Councillor Jenny Bullen - Wigan

2. CHAIR’S ANNOUNCEMENTS AND URGENT BUSINESS

RESOLVED/-

The GMCA agreed to adopt the All Party Parliamentary Group’s definition of ‘Islamophobia’ as follows: “Islamophobia is rooted in racism, and is a type of racism that targets expressions of Muslimness or perceived Muslimness.”

3. DECLARATIONS OF INTEREST

RESOLVED /-

Councillor Richard Leese declared a personal interest as a Director of the Growth Company in relation to items 28 and 35 – Growth Company Business Plan.

4. MINUTES OF THE GMCA MEETING HELD ON 1 MARCH 2019

RESOLVED/-

That the minutes of the meetings held on 1 March 2019 be approved.

5. GMCA STANDARDS COMMITTEE – MINUTES OF THE MEETING HELD ON 12 FEBRUARY 2019

RESOLVED/-

That the minutes of the GMCA Standards Committee held on 12 February 2019 be noted.

6. GREATER MANCHESTER WASTE & RECYCLING COMMITTEE – MINUTES OF THE MEETING HELD ON 14 MARCH 2019

RESOLVED/-

That the minutes of the GM Waste & Recycling Committee held on 14 March 2019 be noted.

7. GMCA AUDIT COMMITTEE – MINUTES OF THE MEETING HELD ON 21 MARCH 2019

RESOLVED/-

That the minutes of the GMCA Audit Committee held on 21 March 2019 be noted.

8. GMCA OVERVIEW & SCRUTINY COMMITTEES – MINUTES OF THE MEETINGS HELD IN MARCH 2019

RESOLVED/-

1. That the minutes of the Economy, Business Growth & Skills Overview and Scrutiny Committee held 15 March 2019 be noted.
2. That the minutes of the Corporate Issues & Reform Overview and Scrutiny Committee held 19 March 2019 be noted.
3. That the progress with the GM Programme for Change be noted and that the GMCA, in conjunction with other Metropolitan Fire Services write to Government to request an urgent reassessment of funding for frontline fire and rescue services.

9. TRANSPORT FOR GREATER MANCHESTER COMMITTEE – MINUTES OF THE MEETING HELD ON 15 MARCH 2019

RESOLVED/-

That the minutes of the Transport for Greater Manchester Committee held on 15 March 2019 be noted.

10. GREATER MANCHESTER LOCAL ENTERPRISE PARTNERSHIP - MINUTES OF THE MEETING HELD ON 18 MARCH 2019

RESOLVED/-

That the minutes of the Greater Manchester Local Enterprise Partnership Board held on 18 March 2019 be noted.

11. GREATER MANCHESTER CARE LEAVERS TRUST

RESOLVED/-

1. That the principles of the GM Care Leavers Covenant and content of the GM Common Core Offer for Care Leavers across GM be approved.

2. That the Terms of Reference for the GM Care Leavers' Trust Board be agreed.
3. That the development of the 5 work streams for all GM Care Leavers and the project funding proposals be endorsed.
4. To approve the release of £517k of the DfE Innovation funding allocated to the delivery of a GM Care Leaver Trust, to enable successful implementation and in accordance with the financial plan be agreed for future commitments summarised as follows:
 - Project Management support – Circa £200K
 - Development of a GM mentoring scheme – Circa £50K
 - Accreditation and Training for Personal Assistants (statutory role to provide advice and support) – Circa £150K
 - Launch of the GM Covenant and Common Core Offer – Circa £10k
 - Marketing and Promotion – Circa £10k
 - Award a grant to Manchester City Council of £97k to cover costs incurred to date that has led to a development of a project/delivery plan, baseline data to enable the GMCA progress to the 'delivery phase' of the GM Care Leavers Trust.
5. That the GMCA records its thanks to Paul Marshall, Strategic Director of Children and Education Services at Manchester City Council for his work on progressing the Care Leavers Trust work.
6. That consideration be given to the addition of a young person with experience of living in the care system to the join the Care Leavers Trust Board.
7. That it be noted that there is potential for GM Local Authorities to access funds from the Project Management Support for their local initiatives.

12. OPPORTUNITY PASS, INCLUDING 16-18 FREE BUS TRAVEL

RESOLVED/-

1. That the key features of the proposal, including, in particular, the duration of the Pilot; the eligibility criteria for 16-18 year olds; and the proposed delivery model be noted.
2. That the outline scope of the Opportunity Pass and progress to date, including, in particular, the engagement with businesses and other stakeholders to explore opportunities to extend the scope of the Pilot beyond the provision of free bus travel be noted.
3. That Officers be requested to submit a progress update on the delivery of the Opportunity Pass to the GMCA in June 2019.

4. That the strategic and economic case for the provision of free bus travel for eligible young people be noted.
5. That it be noted that the financial case and funding sources for the provision of free bus travel for eligible young people, including, the financial information, has been included in the report to be considered in Part B of this agenda.
6. That the legal advice and EQIA undertaken in regard to the delivery of free bus travel for eligible young people be noted.
7. That the key risks relating to the delivery of free bus travel for eligible young people and the mitigating actions be noted.
8. That the proposal to implement the Pilot for a period of two years from 1 September 2019 be approved.
9. That delegated authority be given to the GMCA Chief Executive and TfGM Interim Chief Executive to take necessary decisions to ensure the delivery of the Opportunity Pass Pilot.
10. That authority be delegated to the GMCA Chief Executive and the GMCA Treasurer, in consultation with the Mayor of Greater Manchester, to approve the decisions required to develop the budget and identify funding to deliver and operate the Opportunity Pass Pilot, as per paragraph 3.5 of this report.
11. That the GMCA record its thanks to Rose Marley, Programme Manager for the Opportunity Pass, and Chief Executive Officer for Sharp Futures for leading the work.

13. THE GREATER MANCHESTER MODEL - WHITE PAPER ON UNIFIED PUBLIC SERVICES FOR THE PEOPLE OF GREATER MANCHESTER

RESOLVED/-

1. That the intent of the White Paper be endorsed and that the consultation phase set out with all relevant stakeholders be actively supported.
2. That the intent of the White Paper and support the direction of travel set out within it with all their relevant partners be endorsed at a local level.
3. That it be noted that implementing the GM Model, as described in the White Paper does not require, and was not intended for, any transfer of statutory responsibilities from public bodies up to the GMCA.

4. That it be noted that publication of the White Paper is aligned with the GM Industrial Strategy and the GM Health & Social Care Prospectus, with a view to informing the 2019 spending review.
5. That the GMCA congratulate Carolyn Wilkins on her recent appointment to the NHS Assembly.

14. GREATER MANCHESTER LOCAL INDUSTRIAL STRATEGY

RESOLVED/-

1. That the progress to date with the development of the GM Industrial Strategy be noted and that the draft strategic priorities, which will form the basis of the full strategy be agreed.
2. That it be noted that negotiations with Government were at an advanced stage and it was expected that the strategy would be agreed imminently and launched following the Local Government elections in May.
3. That the GMCA record its thanks to Simon Nokes, Executive Director of Strategy & Policy and officers at the GMCA for the work undertaken with Government to progress the development of the Local Industrial Strategy.
4. That the GMCA recognised the work of the Independent Prosperity Review had been fundamental in underpinning the development of the Local Industrial Strategy.
5. That the GMCA record its thanks to Councillor Richard Leese for his leadership on this agenda.

15. FIVE YEAR ENVIRONMENT PLAN

RESOLVED/-

1. That the updates on any views/issues raised at the Green Summit be noted.
2. That the Executive Summary (Annex 01) and Environment Plan (Annex 02) be agreed.
3. That it be noted that the Plan now reflected the feedback from the GM Health & Social Care Partnership and the GMCA Housing, Planning & Environment Overview and Scrutiny Committee.
4. That the GMCA recorded its thanks to all the partnership organisations who were involved in the organisation of the recent Green Summit.

5. That the GMCA acknowledge that this is likely to be Councillor Alex Ganotis' last meeting as a member of the GMCA and records its thanks to him, for all his work and in particular for his leadership on the Green City Region portfolio which has significantly contributed to the progress to date.
6. That it be noted that regular updates on the Five Year Environment Plan will be brought back to the GMCA as it develops.

16. GMCA CULTURAL STRATEGY

RESOLVED/-

1. That the process undertaken in development of the Strategy be noted.
2. That the Greater Manchester Culture Strategy be approved.
3. That the GMCA record its thanks to the GMCA Cultural Team, under the leadership of Donna Hall for the development of the Cultural Strategy over the last 12 months.

17. DRAFT DRUG & ALCOHOL STRATEGY (2019-2021)

RESOLVED/-

1. That the broad objectives of the draft Greater Manchester Drug and Alcohol Strategy be approved.
2. That it be agreed to promote the application of the Strategy as a framework for localities and partners.
3. That the Strategy be approved for the period up to March 2021.
4. That the GMCA record its thanks to colleagues who have been involved in the development of the Strategy.
5. That it be noted that there needs to be a further debate specifically around the wider issues associated with the use of Spice, both at a local and national level.

18. TURBO CHARGING EQUALITY FOR WOMEN & GIRLS IN GREATER MANCHESTER

RESOLVED/-

1. That the proposed areas of activity - to be further developed into a delivery plan - to turbo charge gender equality in GM be agreed.

2. That the principle of identifying resources to drive forward this agenda, working in partnership across GM and national agencies as appropriate be approved.
3. That Officers be requested to submit further updates of the work programme to future meetings of the GMCA.
4. That the GMCA recognise that gender equality needs to be addressed and driven through each of the GMCA portfolio areas.
5. That each of the GM Local Authorities be invited to provide an update on their work to improve gender equality to the Portfolio holder which can be shared at a future GMCA meeting and link to the GM level work.

19. MAYOR'S WALKING & CYCLING CHALLENGE FUND

RESOLVED/-

1. That the progress of the first three tranches previously granted Programme Entry for inclusion in the MCF, as set out in section 2 of the report be noted.
2. That the fourth tranche of cycling and walking schemes, as set out in section 3 of the report, be approved for inclusion in Programme Entry in the MCF.
3. That it be noted that the schemes will be further developed; and would be submitted to the GMCA for approval, as appropriate, as set out in section 3 of the report.
4. That the GMCA Treasurer be authorised to make appropriate grants to cover forecast Tranche 4 development costs incurred by scheme promoters in 2019/20 up to a value of £5.4 million (as currently forecast).
5. That the release of up to £1.5 million funding to fund programme management and associated costs in 2019/20 be approved and that authority be delegated to the GMCA Treasurer to make the necessary capital-revenue 'switch' as set out in section 4 of this report.
6. That the £0.26 million for the GM side-road zebra research commission, as set out in section 4.3 of this report, be approved and that authority be delegated to the GMCA Treasurer to make the necessary capital-revenue 'switch' as set out in section 4 of this report.
7. That it be noted that schemes requiring a GMCA contribution of over £0.5 million would be submitted to the GMCA for individual approvals.
8. That authority be delegated to the Chief Executive of the GMCA, in consultation with the Mayor, to approve schemes where the GMCA

contribution is less than £0.5 million, to approve consequent grant awards (including for development costs) and to agree variations to funding provided the total funding remains below £0.5 million.

20. TOWN CENTRE CHALLENGE UPDATE – MAYORAL DEVELOPMENT CORPORATION

RESOLVED/-

1. That the outcome and responses to the consultation undertaken by the Mayor on the proposed designation of an area of land in Stockport as a Mayoral Development Area be noted.
2. To note the requirement to give due consideration to the proposal by the Mayor to designate an area as a Mayoral Development Area and to notify the Mayor within the consideration period if this GMCA proposes to reject the proposal.
3. That it be noted that the Mayor may designate the area of land as a Mayoral Development Area following the expiration of the consideration period where the GMCA has not rejected the proposal, and the consent of the member of the GMCA appointed by Stockport Metropolitan Borough Council has been given.
4. That it be noted that subject to approval at recommendation 2 above, the Mayor shall publicise the designation, notify the secretary of state of the designation and the name to be given to the Mayoral Development Corporation, as follows: “Stockport Town Centre West Mayoral Development Corporation.”
5. That it be noted that the Mayor, in consultation with Stockport Metropolitan Borough Council, would establish a shadow board in advance of the designation of the area to set the strategic direction for the area.
6. That it be agreed to mandate GMCA officers to work with MHCLG and Stockport Metropolitan Borough Council on the development of the necessary legislation, and to assist with the drafting of the constitutional and financial arrangements for the proposed Mayoral Development Corporation, in consultation with the Mayor.
7. That the GMCA record its thanks to the GMCA Housing & Planning Team and colleagues at Stockport Metropolitan Borough Council for their work on the proposals for a Mayoral Development Corporation in Stockport Town Centre West.
8. That it be noted that the Mayor would welcome bids for Mayoral Development Corporations from other GM Local Authorities.

21. DEVOLUTION OF THE ADULT EDUCATION BUDGET

RESOLVED/-

1. That the update be noted and that the proposed management fee be agreed.
2. That the proposed indicative allocations and subsequent expenditure for the GM grant-funded further education institutions identified be approved and that authority be delegated to the GMCA Treasurer to agree any minor changes that arise in the course of discussions between each institution and GMCA.
3. That authority be delegated to the GMCA Treasurer, in consultation with the Portfolio Leader and Lead Chief Executive for Education, Skills, Work and Apprenticeships (and subject to considerations around any conflicts of interest which might arise), to take forward AEB commissioning, including the procured element, to contract award.
4. That it be noted that the Mayor has approved the proposed indicative allocations and subsequent expenditure for the GM grant-funded local authorities identified.
5. That authority be delegated to the GMCA Treasurer to agree any minor changes that arise in the course of discussions between each authority and GMCA.
6. That the GMCA record its thanks to Councillor Sean Fielding for the work undertaken in relation to the devolution of the Adult Education Budget.

22. GREATER MANCHESTER HM TREASURY SKILLS PILOT UPDATE

RESOLVED/-

1. That the report be noted and that the scope of proposed activity for each Pilot programme be approved.
2. That authority be delegated to the GMCA Treasurer, in consultation with the Portfolio Lead for Education, Skills, Work & Apprenticeships, to agree:
 - a. Section 31 Grant conditions, including use and purpose of the management fee
 - b. The proposed commissioning route (for the Self-Employment Pilot); and Contract award as well as the proposal to grant-fund local authorities to develop 'Work Hubs' in their areas for self-employed individuals to access, responding to recommendations in the reports/reviews listed in section 3.2 (This will include a Mayoral Key Decision)

- c. The proposed granted route via The Princes Trust for the Future Workforce Fund
- d. The proposed development & co-design of training courses by employer / provider, facilitated by a grant scheme for the Digital Skills Pilot.

23. GREATER MANCHESTER CAREERS APPLICATION PLATFORM

RESOLVED/-

- 1. That the report be noted and that the GMCA request approval from each GM Local Authority to act as Joint Data Controller for the Platform on behalf of the 10 GM Local Authorities to utilise concurrent statutory powers and legislative duties held mainly by them (Education and Skills Act 2008 / Education Act 2007).
- 2. That authority be delegated to the GMCA Treasurer, in consultation with the Portfolio Lead for Education, Skills, Work & Apprenticeships, to approve the contract award following the procurement process.

24. BREXIT MONITORING

RESOLVED/-

- 1. That the contents of the March Brexit Monitor (Appendix A) be noted.
- 2. That the contents of the Spring Statement Briefing (Appendix B) be noted.
- 3. That the update on Brexit preparatory work underway across Greater Manchester be noted.

25/26. GMCA TREASURY MANAGEMENT STRATEGY AND GMCA CAPITAL STRATEGY FUND

RESOLVED/-

- 1. That the Capital Strategy as presented be approved.
- 2. That the recommendations of the GMCA Audit Committee in relation to the Annual Treasury Management Strategy be approved.

27. GMCA BUSINESS INVESTMENT STRATEGY

RESOLVED/-

That the Investment Strategy, as detailed in the report, be approved.

28. GROWTH COMPANY BUSINESS PLAN

RESOLVED/-

That the report and the priorities for 2019/20 included in the Business Plan be endorsed.

29. GMCA LOCAL GROWTH DEAL (1,2&3) – SIX MONTHLY TRANSPORT PROGRESS REPORT

RESOLVED/-

1. That the current position in relation to the Growth Deal Major Schemes programme be noted.
2. That the proposed governance approach for SBNI and Oldham Town Centre Regeneration schemes be noted.
3. That the current position in relation to the Growth Deal Minor Works and Additional Priorities programmes be noted.
4. That the funding of up to £1 million advance utility works for the Gt Ancoats Street Major Scheme, by way of grant to Manchester City Council, under the arrangements as set out in paragraph 3.9 be approved.

30. ACQUISITION OF LOAN TO PROTONS FINANCE LIMITED FROM EVERGREEN FUND TO GMCA

RESOLVED/-

1. That the purchase of the existing loan and provision of the remainder of the £12.1m facility (excluding interest) be given conditional approval and progress to due diligence
2. That authority be delegated to the GMCA Treasurer and GMCA Monitoring Officer to review the due diligence information in respect of the loan, and, subject to their satisfactory review and agreement of the due diligence information and the overall detailed commercial terms of the transaction, to sign off any outstanding conditions, issue final approvals and complete any necessary related documentation in respect of the loan at a) above;
3. That the proposed amendment to the capital programme be approved.
4. That it be noted that the GMCA Treasury Strategy, would incorporate provision for such investments.

31. GREATER MANCHESTER INVESTMENT FRAMEWORK APPROVALS

RESOLVED/-

1. That the funding application for Apadmi Limited (loan of £200k) be given conditional approval and progress to due diligence be approved.
2. That authority be delegated to the GMCA Treasurer and GMCA Monitoring Officer to review the due diligence information in respect of the company, and, subject to their satisfactory review and agreement of the due diligence information and the overall detailed commercial terms of the transaction, to sign off any outstanding conditions, issue final approvals and complete any necessary related documentation in respect of the investment at a) above.
3. That authority be delegated for the period 30 March 2019 to 31 May 2019 to the GMCA Chief Executive and the GMCA Treasurer, in consultation with the GMCA Mayor and the Portfolio Lead for Investment to approve funding requests for projects in the absence of a Combined Authority meeting in April and approve any urgent variations on amounts and terms for already approved loans.
4. That it be noted that recommendations approved under the delegation would be subject to the usual due diligence processes and will be reported to the Combined Authority at the next available meeting.

32. GREATER MANCHESTER HOUSING INVESTMENT LOANS FUND – INVESTMENT APPROVAL RECOMMENDATIONS

RESOLVED/-

1. That the GM Housing Investment Loans Fund loan as outlined in the table below be approved:

BORROWER	SCHEME	DISTRICT	LOAN
Harrison Hunt (Vicarage Gardens) Ltd.	St George's Vicarage, Heaviley	Stockport	£1.277m
Citybranch SPV	Chapel Square, Regent Road, Altrincham	Trafford	£12.931m

2. That the use of £570,000 City Deal Receipts to provide additional lending to the St George's Vicarage scheme be approved.
3. That authority be delegated to the GMCA Treasurer acting in conjunction with the GMCA Monitoring Officer to prepare and effect the necessary legal agreements.

4. That authority be delegated, for the period 30 March 2019 to 31 May 2019, to the GMCA Chief Executive and the GMCA Treasurer, in consultation with the GMCA Mayor and the Portfolio Holder for Planning, Housing, Homelessness and Infrastructure to approve funding requests for projects in the absence of a Combined Authority meeting in April and approve any urgent variations on amounts and terms for already approved loans. Note that recommendations approved under the delegation will be subject to the usual due diligence processes and will be reported to the Combined Authority at the next available meeting.

33. EXCLUSION OF PRESS AND PUBLIC

That, under section 100 (A)(4) of the Local Government Act 1972 the press and public should be excluded from the meeting for the following items on business on the grounds that this involves the likely disclosure of exempt information, as set out in paragraph 3, Part 1, Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART B

34. OPPORTUNITY PASS, INCLUDING 16-18 FREE BUS TRAVEL

CLERK'S NOTE: This item was considered in support of the report considered in Part A of the agenda (Item 12 above refers).

RESOLVED/-

1. That the financial information, including, in particular, the 'base case' cost and affordability range of the provision free bus travel for eligible young people be noted.
2. That it be noted that the future year costs, above those approved as part of the GMCA Transport Revenue Budget for 2019/20, that will need to be funded by new funding sources and / or an additional precept (as set out in paragraphs 6.8 and 6.10 of the Part A report).

35. GROWTH COMPANY BUSINESS PLAN

CLERK'S NOTE: This item was considered in support of the report considered in Part A of the agenda (Item 28 above refers).

RESOLVED/-

That the report be noted.

36. GREATER MANCHESTER INVESTMENT FRAMEWORK APPROVALS

CLERK'S NOTE: This item was considered in support of the report considered in Part A of the agenda (Item 31 above refers).

RESOLVED/-

That the report be noted.

37. ACQUISITION OF LOAN TO PROTOS FINANCE LIMITED FROM EVERGREEN FUND TO GMCA

CLERK'S NOTE: This item was considered in support of the report considered in Part A of the agenda (Item 30 above refers).

RESOLVED/-

That the report be noted.

38. GREATER MANCHESTER HOUSING INVESTMENT LOANS FUND – INVESTMENT APPROVAL RECOMMENDATIONS

CLERK'S NOTE: This item was considered in support of the report considered in Part A of the agenda (Item 32 above refers).

RESOLVED/-

That the report be noted.

A link to the full agenda and papers can be found here:

https://www.gmcameetings.co.uk/meetings/meeting/668/greater_manchester_combined_authority

This decision notice was issued Wednesday 3 April 2019 on behalf of Eamonn Boylan, Secretary to the Greater Manchester Combined Authority, Churchgate House, 56 Oxford Street, Manchester M1 6EU. The deadline for call in of the attached decisions is 4.00pm on Wednesday 10 April 2019.

Call-In Process

In accordance with the scrutiny procedure rules, these decisions would come into effect five days after the publication of this notice unless before that time any three members of the relevant Overview and Scrutiny Committee decides to call-in a decision.

Members must give notice in writing to the Chief Executive that they wish to call-in a decision, stating their reason(s) why the decision should be scrutinised. The period between the publication of this decision notice and the time a decision may be implemented is the 'call-in' period.

Decisions which have already been considered by an Overview and Scrutiny Committee, and where the GMCA's decision agrees with the views of the Overview and Scrutiny Committee may not be called in.

Report To:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member / Reporting Officer:	Cllr Fairfoull – Deputy Executive Leader Kathy Roe – Director of Finance Tom Wilkinson – Assistant Director of Finance
Subject:	STRATEGIC COMMISSION AND NHS TAMESIDE AND GLOSSOP INTEGRATED CARE FOUNDATION TRUST – CONSOLIDATED 2018/19 REVENUE MONITORING STATEMENT AT 28 FEBRUARY 2019 AND FORECAST TO 31 MARCH 2019
Report Summary:	<p>As at 28 February 2019 the Integrated Commissioning Fund is forecasting net spend £584.602m against an approved net budget of £584.626m, with a small underspend of £24k. This forecast is a slightly improved position from the previous month but masks significant pressures in a number of areas, including Children's Services which continues to forecast expenditure to be almost £8m in excess of budget. Further detail is set out in Appendix 1.</p>
Recommendations:	<p>Executive Cabinet are recommended to :</p> <ul style="list-style-type: none">(a) Acknowledge the significant level of savings required during 2018/19 to deliver a balanced recurrent economy budget together with the related risks which are contributing to the overall adverse forecast.(b) Acknowledge the significant cost pressures facing the Strategic Commission, particularly in respect of Continuing Healthcare, Children's Social Care and Operations & Neighbourhoods, and Growth.(c) Approve the variation of an admission agreement with the Greater Manchester Pension Fund, for which the Council is the guarantor for Active Tameside, who are to close access to the GMPF LGPS scheme for new employees in order to reduce costs over the longer term as explained in section 4.(d) Approve the payment of the remaining balance of the 2019/20 annual management fee (75%) payable to Active Tameside by 30 April 2019 as explained in section 4 of the report. The value is £1,052,250 (excluding VAT).(e) Approve the payment of the total annual management fee value payable to Active Tameside in subsequent financial years as an advance payment on 1 April for 2020/21 and 2021/22. This arrangement will be reviewed alongside the new business case that will cover the period 2022/23 to 2023/24.
Financial Implications: (Authorised by the Section 151 Officer & Chief Finance Officer)	<p>This report provides the 2018/19 consolidated financial position statement at 28 February 2019 for the Strategic Commission and ICFT partner organisations. For the year to 31 March 2019 the report forecasts that service expenditure will exceed the approved budget in a number of areas, due to a combination of cost pressures and non-delivery of savings. These pressures are being partially offset by additional</p>

income in corporate and contingency which may not be available in future years.

The report emphasises that there is a clear urgency to implement associated strategies to ensure the projected funding gap in the current financial year is addressed and closed on a recurrent basis across the whole economy. The Medium Term Financial Plan for the period 2019/20 to 2023/24 identifies significant savings requirements for future years. If budget pressures in service areas in 2018/19 are sustained, this will inevitably lead to an increase in the level of savings required in future years to balance the budget.

Members should note that the budget for the annual management fee payable to Active Tameside as explained in section 4, and as recommendations 3 and 4 of the report is included within the Population Health budget of the Council and Section 75 of the Integrated Commissioning Fund.

It should be noted that the Integrated Commissioning Fund (ICF) for the Strategic Commission is bound by the terms within the Section 75 and associated Financial Framework agreements.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

There is a statutory duty to ensure the Council sets a balanced budget and that it is monitored to ensure statutory commitments are met. There are a number of areas that require a clear strategy to ensure in the face of demand they achieve this. It is not possible in Local Authority budgets to be overspent in law.

Given the implications for each of the constituent organisations this report will be required to be presented to the decision making body of each one to ensure good governance.

It is necessary that any cost sharing arrangements and implications of the same are agreed in advance with external auditors.

**How do proposals align with
Health and Wellbeing
Strategy?**

The Integrated Commissioning Fund supports the delivery of the Tameside and Glossop Health and Wellbeing Strategy.

**How do proposals align with
Locality Plan?**

The Integrated Commissioning Fund supports the delivery of the Tameside and Glossop Locality Plan?

**How do proposals align with
the Commissioning
Strategy?**

The Integrated Commissioning Fund supports the delivery of the Tameside and Glossop Commissioning Strategy.

**Recommendations / views
of the Health and Care
Advisory Group:**

A summary of this report is presented to the Health and Care Advisory Group for reference.

**Public and Patient
Implications:**

Service reconfiguration and transformation has the patient at the forefront of any service redesign. The overarching objective of Care Together is to improve outcomes for all of our citizens whilst creating a high quality, clinically safe and financially sustainable health and social care system. The

comments and views of our public and patients are incorporated into all services provided.

Quality Implications:

As above.

How do the proposals help to reduce health inequalities?

The reconfiguration and reform of services within Health and Social Care of the Tameside and Glossop economy will be delivered within the available resource allocations. Improved outcomes for the public and patients should reduce health inequalities across the economy.

What are the Equality and Diversity implications?

Equality and Diversity considerations are included in the redesign and transformation of all services.

What are the safeguarding implications?

Safeguarding considerations are included in the redesign and transformation of all services.

What are the Information Governance implications? Has a privacy impact assessment been conducted?

There are no information governance implications within this report and therefore a privacy impact assessment has not been carried out.

Risk Management:

Associated details are specified within the presentation.

Background Papers:

Background papers relating to this report can be inspected by contacting :

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Telephone: 0161 922 4624



e-mail: David.Warhurst@tgh.nhs.uk

1. BACKGROUND

- 1.1 This report aims to provide an overview on the financial position of the Tameside and Glossop economy in 2018/19 at the 28 February 2019 with a forecast projection to 31 March 2019. Supporting details for the whole economy are provided in **Appendix 1**.
- 1.2 The report includes the details of the Integrated Commissioning Fund (ICF) for all Council services and the Clinical Commissioning Group. The total net revenue budget value of the ICF for 2018/19 is currently £584.626 million.
- 1.3 It should be noted that the report also includes details of the financial position of the Tameside and Glossop Integrated Care NHS Foundation Trust. This is to ensure members have an awareness of the overall Tameside and Glossop economy position. Reference to Glossop solely relates to health service expenditure as Council services for Glossop are the responsibility of Derbyshire County Council.
- 1.4 Please note that any reference throughout this report to the Tameside and Glossop economy refers to the three partner organisations namely:
 - Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT)
 - NHS Tameside and Glossop CCG (CCG)
 - Tameside Metropolitan Borough Council (TMBC)

2. FINANCIAL SUMMARY

- 2.1 As at 28 February 2019 the Integrated Commissioning Fund is forecasting net spend £584.602m against an approved net budget of £584.626m, with a small underspend of £24k. This forecast is a slightly improved position from the previous month but masks significant pressures in a number of areas, including Children's Services which continues to forecast expenditure to be almost £8m in excess of budget.
- 2.2 Whilst the overall position has further improved, there remain significant cost pressures across a number of areas which are likely to continue into the next financial year unless mitigating actions can be implemented. The significant overspends in 2018/19 are being partially offset by additional income in corporate and contingency which may not be available in future years

3. TARGETED EFFICIENCY PLAN (TEP)

- 3.1 The economy wide savings target for 2018/19 is £35.920m:
 - Commissioner £22.919m (£19.8m CCG & £3.119m TMBC)
 - Provider £13.001m
- 3.2 Against this target, £32.695m of savings have been realised, 91% of the required savings. Expected savings by the end of the year are £34.034m, a shortfall of £1.886m against target.
- 3.3 The Trust is currently forecasting an underachievement against its in year TEP delivery of £0.412m. Work is on-going with Theme groups to improve this forecast position. TMBC savings have been identified by underspends in other areas and a balanced position will be delivered.
- 3.4 The scale of the financial gap in future years mean there must be a continued focus on identifying schemes for 2019/20 and beyond.

4. ACTIVE TAMESIDE

- 4.1 In order to achieve financial balance in 2018/19 and to improve financial sustainability in 2019/20, Active Tameside have adopted a budget strategy including interventions put in place immediately, such as a moratorium on non-essential recruitment, service redesign, review of programming and new commercial campaigns. Active Tameside are also proposing changes to their current pension offer.
- 4.2 Currently, the company is a member of the Greater Manchester Pension Fund (GMPF). Prior to formation of the Trust when staff were employed directly by the Council, they were members of the GMPF. Upon formation of Active Tameside and the TUPE transfer of staff, Active Tameside was allowed to become a member of the GMPF in its own right and all staff were allowed to remain in the GMPF and new staff were allowed to join.
- 4.3 Active Tameside are proposing to set up a new defined contribution pension scheme for new employees in order to reduce future costs. Current Active Tameside staff would be unaffected and would remain in the GMPF on the same terms and conditions. However, new employees will be enrolled on the Peoples Pension.
- 4.4 Therefore a variation is recommended in order to close the Fund for new employees in order to reduce costs over the longer term and allow Active Tameside to remain financially sustainable.
- 4.5 Members are therefore recommended to approve the variation of an admission agreement with the Greater Manchester Pension Fund. It is required to consent to this as it is the guarantor for Active Tameside with GMPF.
- 4.6 Members are also reminded that on 23 January 2019 the Executive Cabinet considered a report relating to a review of sport and leisure provision within the borough. The report included a recommendation (recommendation 2) to supplement and re-profile management fee values payable to Active Tameside for the financial years 2018/19, 2019/20 (£1.403 million excluding VAT) and 2020/21 (£1.077 million excluding VAT). This budget is within the Population Health Directorate of the Council and Section 75 of the Integrated Commissioning Fund.
- 4.7 The report explained the current financial position of Active Tameside together with interventions that have been implemented to improve and support the ongoing sustainability and performance of the organisation.
- 4.8 The annual management fee payable to Active Tameside by the Council is currently payable in four equal instalments as an advance payment on the first day of each financial year quarter commencing 1 April.
- 4.9 The first quarter (25%) of the 2019/20 management fee value was paid on 1 April 2019.
- 4.10 In order to provide continued support to the financial standing and associated cashflow of Active Tameside, Members are recommended to approve the payment of the remaining balance of the approved 2019/20 annual management fee (75%) by 30 April 2019 (£1,052,250 excluding VAT).
- 4.11 Members are also recommended to approve the payment of the total annual management fee value in subsequent financial years as an advance payment on 1 April for 2020/21 and 2021/22. This arrangement will be reviewed alongside the new business case that will cover the period 2022/23 to 2023/24.

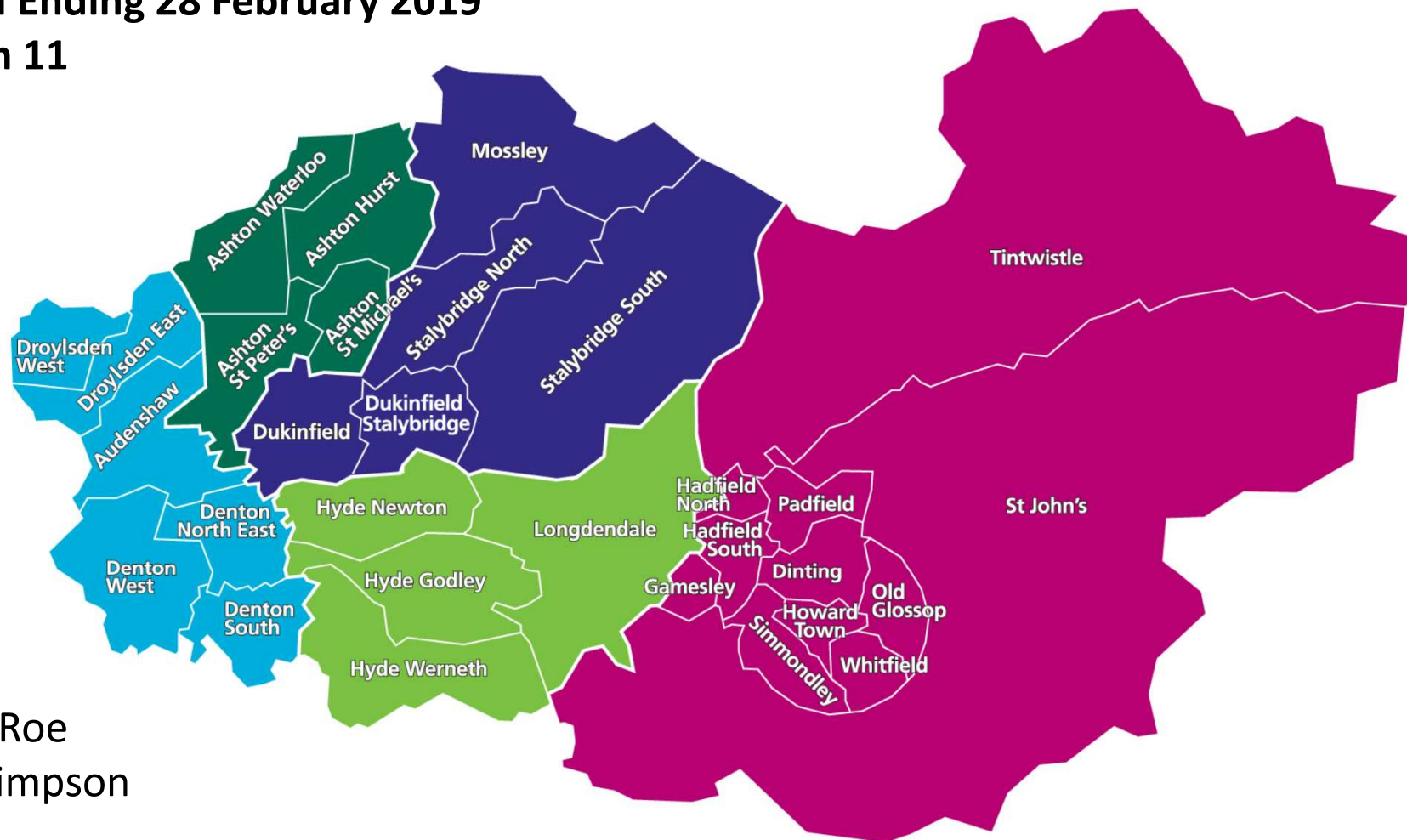
5. RECOMMENDATIONS

- 5.1 As stated on the front cover of the report.

Tameside and Glossop Integrated Financial Position

financial monitoring statements

Period Ending 28 February 2019
Month 11



Kathy Roe
Sam Simpson

Integrated Financial Position Summary Report

Economy Wide Financial Position	3
Tameside and Glossop Integrated Commissioning Fund	4 - 6
Integrated Care Foundation Trust	7
Targeted/Trust Efficiency Plan	8

Tameside & Glossop Integrated Economy Wide Financial Position

£7.8m

Children's Services

Unprecedented levels of demand in Children's Social Care continue and place significant pressures on staff and resources.

Placement costs are the main driver of the forecast £7.8m in excess of approved budget.

Message from the DOFs

As we move into the final few weeks of the financial year, the economy wide financial position has again improved slightly but the overall picture remains mixed with significant challenges in some areas.

There have been a few small movements since period 10, which has resulted in an improvement in the forecast outturn position, due to a small underspend on Council Budgets. However, this improved overall position masks continuing and recurrent pressures due to the non delivery of savings in some areas, and continuing pressure in Children's Services where the forecast overspend remains at just under £8m in excess of budget.

Alongside delivery of in year savings, the focus continues to be on the identification of savings to deliver a balanced position for 2019/20 and beyond. Proposed savings will continue to be subject to scrutiny through the 'Star Chamber' process and regular updates will be provided on a periodic basis.

£0.04m

Strategic Commission Forecast

Overall forecast outturn for the Strategic Commission has improved by £0.04m since period 10, resulting in a small forecast underspend across the economy.

This report covers all spend at Tameside & Glossop Clinical Commissioning Group (CCG), Tameside Metropolitan Borough Council (TMBC) and Tameside & Glossop Integrated Care Foundation Trust (ICFT). It does not capture any Local Authority spend from Derbyshire County Council or High Peak Borough Council for the residents of Glossop.

	Forecast Position			Variance	
	Budget	Forecast	Variance	Previous Month	Movement in Month
CCG Expenditure	398,112	398,113	(0)	0	(1)
TMBC Expenditure	186,514	186,489	24	(12)	37
Integrated Commissioning Fund	584,626	584,602	24	(12)	36
ICFT - post PSF Agreed Deficit	(19,149)	(19,149)	0	0	0
Economy Wide In Year Deficit	565,477	565,453	24	(12)	36

Tameside & Glossop Integrated Commissioning Fund

As at 28 February 2019 the Integrated Commissioning Fund is forecasting net spend £584.602m against an approved net budget of £584.626m, with a small underspend of £24k. This forecast is a slightly improved position from the previous month but masks significant pressures in a number of areas, including **Children's Services** which continues to forecast **expenditure to be almost £8m in excess of budget**.

Forecast Position £000's	Forecast Position					Net Variance	
	Expenditure Budget	Income Budget	Net Budget	Net Forecast	Net Variance	Previous Month	Movement in Month
Acute	202,683	0	202,683	203,597	(914)	(740)	(174)
Mental Health	32,832	0	32,832	33,468	(636)	(618)	(18)
Primary Care	82,701	0	82,701	82,211	489	588	(99)
Continuing Care	14,106	0	14,106	16,010	(1,904)	(2,168)	264
Community	29,966	0	29,966	30,104	(138)	(213)	75
Other CCG	30,615	0	30,615	27,514	3,101	3,151	(50)
CCG TEP Shortfall (QIPP)	0	0	0	0	0	0	0
CCG Running Costs	5,209	0	5,209	5,209	0	0	0
Adults	82,653	(42,172)	40,480	40,256	224	228	(4)
Children's Services	46,819	(3,051)	43,768	51,580	(7,812)	(7,998)	186
Education	30,936	(25,374)	5,562	5,570	(8)	(56)	48
Individual Schools Budgets	115,200	(115,200)	0	0	0	0	0
Population Health	16,912	(680)	16,232	15,971	261	379	(118)
Operations and Neighbourhoods	76,782	(26,448)	50,333	50,746	(412)	(412)	(0)
Growth	42,765	(34,920)	7,846	9,867	(2,021)	(1,958)	(63)
Governance	88,704	(79,887)	8,818	7,138	1,680	1,690	(10)
Finance & IT	6,103	(1,550)	4,553	4,188	365	406	(41)
Quality and Safeguarding	367	(288)	79	71	8	8	(0)
Capital and Financing	10,998	(1,360)	9,638	7,852	1,786	1,786	0
Contingency	4,163	(6,823)	(2,660)	(6,246)	3,586	3,586	0
Corporate Costs	8,721	(6,857)	1,865	(503)	2,368	2,328	40
Integrated Commissioning Fund	929,235	(344,609)	584,626	584,602	24	(12)	36

Tameside & Glossop Integrated Commissioning Fund

Forecast Position £000's	Forecast Position					Net Variance	
	Expenditure Budget	Income Budget	Net Budget	Net Forecast	Net Variance	Previous Month	Movement in Month
CCG Expenditure	398,112	0	398,112	398,112	(0)	0	(0)
TMBC Expenditure	531,123	(344,609)	186,514	186,489	24	(12)	36
Integrated Commissioning Fund	929,235	(344,609)	584,626	584,602	24	(12)	36

A: Section 75 Services	311,745	(41,823)	269,921	270,231	(310)	(535)	225
B: Aligned Services	411,824	(170,283)	241,541	242,996	(1,455)	(1,305)	(151)
C: In Collaboration Services	205,665	(132,502)	73,163	71,373	1,790	1,828	(38)
Integrated Commissioning Fund	929,235	(344,609)	584,626	584,602	24	(12)	36

Continuing Care

This remains a significant financial risk but a financial recovery plan is in place, with detailed updates presented at Finance & QIPP Assurance Group on a quarterly basis.

Whilst still forecasting an **overspend of £1.904m**, the historic growth rates have slowed. The favourable movement since month 10 is due to winter pressures not materialising to the same level as expected.

Acute

The movement in the forecast variance is due to 4 patients discharged from critical care at the Christies, of which the CCG had no prior notice. This has been raised with the Trust and GMSS who manage the contract to ensure the CCG receives future advanced notice through the long length of stay reports which have been absent all year.

Since finalising the month 11 position, the CCG has secured year-end settlement agreements with all the NHS associate secondary care providers. The impact of these agreements will be a favourable movement in month 12 for 18/19 of circa £60k.

Children's Services

Children's Social Care continues to present the single greatest financial risk for 2018/19, and is the most significant risk area for the medium term financial sustainability of the Council.

The forecast outturn position of **£7.8m in excess of budget** has improved slightly since the last period.

Tameside & Glossop Integrated Commissioning Fund

Forecast Position £000's	YTD Position			Forecast Position			Variance	
	Budget	Actual	Variance	Budget	Forecast	Variance	Previous Month	Movement in Month
Acute	184,950	185,966	(1,016)	202,683	203,597	(914)	(740)	(174)
Mental Health	30,290	30,773	(483)	32,832	33,468	(636)	(618)	(18)
Primary Care	75,504	75,625	(121)	82,701	82,211	489	588	(99)
Continuing Care	12,892	14,333	(1,441)	14,106	16,010	(1,904)	(2,168)	264
Community	27,471	27,565	(94)	29,966	30,104	(138)	(213)	75
Other CCG	28,735	25,612	3,123	30,615	27,514	3,101	3,151	(50)
CCG TEP Shortfall (QIPP)	0	0	0	0	0	0	0	0
CCG Running Costs	3,577	3,546	30	5,209	5,209	0	0	0
Adults	37,107	46,053	(8,946)	40,480	40,256	224	228	(4)
Children's Services	40,120	47,303	(7,182)	43,768	51,580	(7,812)	(7,998)	186
Education	5,099	19,148	(14,049)	5,562	5,570	(8)	(56)	48
Individual Schools Budget	105,600	105,600	0	115,200	115,200	0	0	0
Population Health	14,879	14,133	746	16,232	15,971	261	379	(118)
Operations and Neighbourhoods	46,139	48,384	(2,245)	50,333	50,746	(412)	(412)	(0)
Growth	7,192	15,031	(7,839)	7,846	9,867	(2,021)	(1,958)	(63)
Governance	8,083	15,192	(7,109)	8,818	7,138	1,680	1,690	(10)
Finance & IT	4,174	4,395	(221)	4,553	4,188	365	406	(41)
Quality and Safeguarding	72	(24)	96	79	71	8	8	(0)
Capital and Financing	8,835	1	8,834	9,638	7,852	1,786	1,786	0
Contingency	(2,438)	(623)	(1,815)	(2,660)	(6,246)	3,586	3,586	0
Corporate Costs	1,709	(1,328)	3,037	1,865	(503)	2,368	2,328	40
Integrated Commissioning Fund	639,989	676,683	(36,696)	699,826	699,802	24	(12)	36
CCG Expenditure	363,418	363,418	(0)	398,112	398,113	(0)	0	(1)
TMBC Expenditure	276,571	313,265	(36,695)	301,714	301,689	24	(12)	37
Integrated Commissioning Fund	639,989	676,683	(36,696)	699,826	699,802	24	(12)	36

Tameside Integrated Care Foundation Trust Financial Position

SUMMARY

- **Revenue** - For the financial period to the **28th February 2019**, the Trust has reported a net deficit of c.£21.545m, pre Provider Sustainability Funding (PSF), which is **c.£266k better than plan**. The in month position for February reported a £1.431m deficit, **£11k worse than plan**.
- **Trust Efficiency programme (TEP)** - The Trust delivered **c.£1.069m** of savings in month, this is an underachievement against target by **c.£395k** in month. For the first time this financial year the Trust is reporting a cumulative underachievement against plan, of **c£59k**.
- **Agency cap** - To date the Trust has spent **c.£6.14m** on Agency, against a plan of **£8.82m**. Based on this run rate, spend should be significantly below the agency cap of £9.53m.

KEY RISKS

- **Control Total** – The Trust agreed a control for 2018/19 of **c£19.149m**, this assumes the Trust will be in receipt of the full PSF. NHSI monitor financial delivery from a revenue perspective against post PSF target, for the Trust this plan is £23.38m.
- **Provider Sustainability Fund** - The Trust must achieve its financial plan at the end of each quarter to achieve 70% of the PSF, the remainder is predicated on achievement of the A&E target. If the Trust fails to deliver the financial and/or performance targets it will need to borrow additional cash at 1.5%. The Trust has achieved its Q3 finance and performance target. However, it is not forecasting to achieve its Q4 performance target and therefore will not receive £443k in cash.
- **TEP** – The Trust is currently forecasting an underachievement against its TEP target of **c£411k in year** and **c£2.0m** recurrently. The revised governance implemented by the Trust has offset the failure to deliver TEP and consequently the Trust is forecasting to meet its control total.

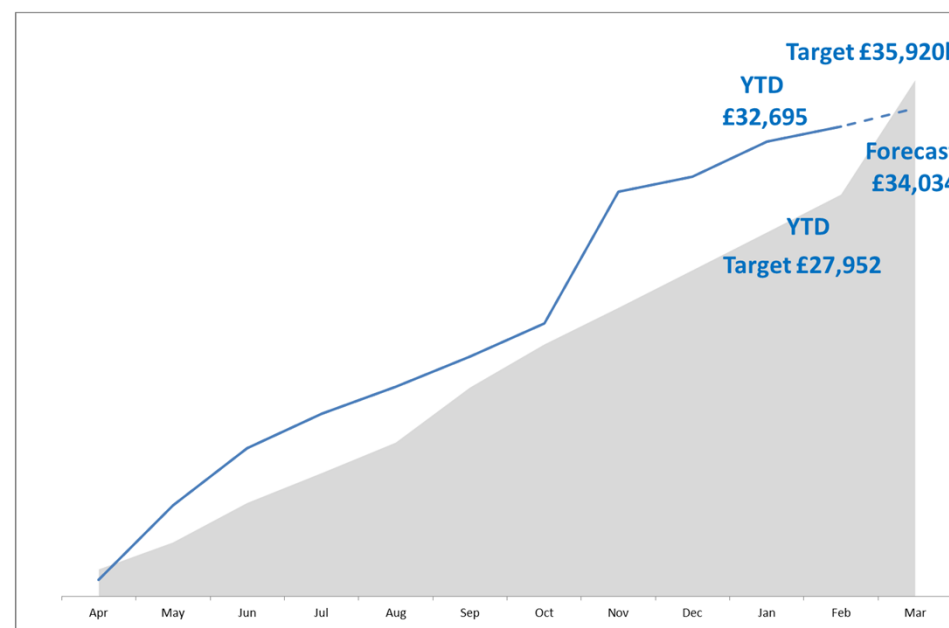
Financial Performance Metric	Month 11			YTD			Outturn
	Plan £000	Actual £000	Variance £000	Plan £000	Actual £000	Variance £000	Plan £000s
Normalised Surplus / (Deficit) Before PSF	(1,420)	(1,431)	(11)	(21,811)	(21,545)	266	(23,370)
Provider Sustainability Fund (PSF)	494	494	0	3,727	3,727	0	4,221
Surplus / (Deficit)	(926)	(937)	(11)	(18,084)	(17,818)	266	(19,149)
Trust Efficiency Savings	1,464	1,069	(395)	11,465	11,406	(59)	13,000
Use of Resources Metric	3	3		3	3		3

TEP – Targeted/Trust Efficiency Plan

Organisation	High Risk	Medium Risk	Low Risk	Savings Posted	Total	Target	Post Bias Expected Saving	Post Bias Variance
CCG	0	0	0	19,800	19,800	19,800	19,800	0
TMBC	309	250	0	1,489	2,048	3,119	1,645	(1,474)
Strategic Commissioner	309	250	0	21,289	21,848	22,919	21,445	(1,474)
ICFT	162	7	1,176	11,406	12,752	13,001	12,589	(412)
Economy Total	471	257	1,176	32,695	34,600	35,920	34,034	(1,886)

- The economy wide savings target for 2018/19 is £35.920m:
Commissioner £22.919m (£19.8m CCG & £3.119m TMBC)
Provider £13.001m
- Against this target, £32.695m of savings have been realised, 91% of the required savings but the majority of this is by non-recurrent means therefore putting additional pressure in future years
- Expected savings by the end of the year are £34.034m, a shortfall of £1.886m against target
- The Trust is currently forecasting an underachievement against its in year TEP delivery of £0.412m. Work is ongoing with Theme groups to improve this forecast position.
- TMBC savings have been identified by underspends in other areas and a balanced position will be delivered.
- The scale of the financial gap in future years mean there must be a continued focus on identifying schemes for 2019/20 and beyond.

Progress Against Target



Report to:	EXECUTIVE CABINET
Date of report:	24 April 2019
Executive Member/Reporting Officer	Councillor Bill Fairfoull – Deputy Executive Leader Tim Rainey, Assistant Director, Digital Services.
Subject	LAPTOP REPLACEMENT AND WINDOWS 10 DEPLOYMENT
Report summary:	<p>The Council has a fleet of 2,254 laptops which operate using either Windows 7 or Windows 10 operating systems from Microsoft.</p> <p>The Council signed a new 3 year licensing deal for the Windows10 operating system in May 2018. This agreement means all the Councils laptops can now utilise this latest version of the software however a large number of existing devices are not capable of running this new operating system which requires more power and memory than its predecessor.</p> <p>Windows 7 operating system is now nearly 10 years old and will reach end of life on 11 January 2020. At this point it will no longer be supported by Microsoft which means no further security patches and updates will be produced. Systems still using this operating system will then become vulnerable to cyber-attack.</p> <p>To date we have replaced 691 laptops with higher specification devices and Windows 10 operating system leaving 1,563 still to do. Of these a further 264 devices will be replaced using existing funding in 2019/20 leaving the balance of 1299 outstanding and requiring funding.</p> <p>These devices must be replaced as a matter of urgency and before Microsoft support ceases in January 2020 if the Council is to avoid putting systems and data at risk of cyber-attack. The required funding for these devices has already been included in the Capital Programme prioritisation process as agreed by Executive Cabinet on 27th March in which it was identified as a high priority.</p> <p>A full business case and options appraisal for the replacement of the Office 10 software is also being prepared in close collaboration with the finance team. This software reaches end of life in August 2020 and will need to be replaced with a more up to date version.</p> <p>Greater Manchester Pension Fund is currently investigating options to replace their fleet of laptops and upgrade to Windows 10. This will be done in conjunction with the wider Council roll-out to avoid any technical issues. They will also work with the Council on the deployment of the replacement Office 10 software.</p>
Recommendations:	<ol style="list-style-type: none">1) Approve funding for the purchase of 1,299 new laptops at a cost of £688k as set out in section 3.2) Work with Finance to identify appropriate funding for rolling laptop replacement programme beginning in 2020/21.

**Financial Implications:
(Authorised By the Section
151 Officer)**

In July 2018 Executive Cabinet received a report setting out the capital pressures that are facing the Council. The report recommended that the programme as approved in October 2017 would need to be reprioritised, and noted that the size of the capital programme would be dependent on the level of capital receipts realised.

A report was approved by Executive Cabinet on 27 March 2019 setting out a proposed methodology for prioritisation of earmarked schemes. The prioritisation methodology approved by Executive Cabinet will enable those earmarked schemes which score highly to proceed, but funding remains dependent on the realisation of planned capital receipts.

The proposals set out in this report for device replacement score highly against the prioritisation methodology due to the business critical nature of the required investment. The report is requesting capital funding of £688k for the replacement of 1,299 devices. These devices must be replaced before the end of 2019.

As set out in section 1 of the report, an options appraisal and full business case for the replacement of a number of inter-related Microsoft software products is also being developed which will require further, but less urgent, investment. Section 2 of this report also identifies the need for a rolling replacement of devices going forward. These, and any other IT investment requirements identified in the Digital Strategy, will need to be supported by a sustainable funding strategy to reflect the relative short life of IT assets.

**Legal Implications:
(Authorised By Borough
Solicitor)**

Failure to invest in systems in accordance with advice is false economy, and the business of the Council must not be put at risk of cyber-attacks which threaten data and the closure of those systems, and the serious legal financial and reputational consequences which flow. That said the Council must ensure it delivers a balanced budget and any expenditure can be demonstrated to be value for money.

Access To Information:

The background papers relating to this report can be inspected by contacting Julie Hayes, Head of ICT Strategy and Operations, Digital Services by:



Telephone: 0161 342 2213



e-mail: Julie.hayes@tameside.gov.uk

1 BACKGROUND

- 1.1 ICT is embedded in the everyday operations of services and is a crucial part of their evolution and transformation, providing the technology to support shared services and new delivery mechanisms. A new Digital Strategy is currently being developed which will detail how we will use technology to drive forward this change and support new ways of working across the Council as well as supporting economic development, skills and help to reduce digital exclusion.
- 1.2 The Council's programme of embracing agile and modern working practices, rationalising office accommodation, eliminating unnecessary administration, and sharing information more effectively across the organisation, and with partners, requires that technology is effective, modern and compliant.
- 1.3 Every day we rely on Microsoft Office products to write reports, produce spreadsheets, manage our diary and send emails yet the technology we use is nearly 10 years old and will soon put our systems and data at risk if we do nothing to replace and update it.
- 1.4 The Council has a fleet of 2,254 laptops which operate using either Windows 7 or Windows 10 operating systems from Microsoft. In May 2018 the Council signed a new 3 year licensing agreement with Microsoft for their new Windows 10 operating system. The previous 3 year agreement (for Windows 7) cost £28k per year, whilst the new agreement costs 3 times more (£73k per year). The costs for these licenses are negotiated on a national level for UK Government.
- 1.5 This new agreement means all the Councils laptops can now utilise this latest version of the software however a large number of existing devices are not capable of running this new operating system which requires more power and memory than its predecessor.
- 1.6 The Windows 7 operating system is now nearly 10 years old and will reach end of life on 11 January 2020. At this point it will no longer be supported by Microsoft which means no further security patches and updates will be produced. Systems still using this operating system will then become vulnerable to cyber-attack.

2 PROPOSED INVESTMENT

- 1.7 To date we have, or are in the processes of replacing 691 laptops with higher specification devices and Windows 10 operating system leaving 1,563 still to do. Of these a further 264 devices will be replaced using existing "managed service" budget in early 2019/20. A further 167 devices are being transferred to the ICFT however these along with the remaining shortfall of 1132 devices need funding.
- 1.8 The table below details 4 options considered during the decision making process. The first "Do nothing" option was discounted because this would leave the Councils systems and data at risk from cyber security breaches.
- 1.9 The second option would provide increased functionality and flexibility through the introduction of 400 Lenovo MIIX laptops to the fleet. These devices can be used as a standard laptop or a tablet if required. This option would meet the Windows 10 and also seamless working requirements whilst also offering more flexibility, but was discounted because of the increased £75k costs.
- 1.10 The third option involved replacing all monitors with new "Wide Screen" devices (As used in Tameside One). This option adds no value to the Windows 10/security requirement but would have negated the need to have adaptors which would otherwise be needed to enable

the new laptops to connect to the old screens. This was discounted because of the increased £164k cost.

- 1.11 Option four is the recommended option and would see all devices upgraded to Lenovo ThinkPad L380 laptops which meet both the Windows 10 and seamless working requirements. This option is also the bare minimum and cheapest option. Should services require the additional functionality of a tablet device (MIIX) then they would have to fund the up-lift in costs from within their own budgets.

	Option 1 Error! Reference source not found.	Option 2 Replace 20% of laptops with MIIX Tablets and the remainder with standard L380 laptop	Option 3 Replace all monitors with wide screen	Option 4 Replace all laptops with the same L380 laptop
Spending Objectives				
Ensure all corporate devices are fit for purpose, capable of running Windows 10 and therefore maintaining device security.	x	✓	x	✓
Ensure all corporate device are capable of working seamlessly at all Council locations	x	✓	✓	✓
Summary	Discounted This option would leave the councils systems and data vulnerable to cyber security breaches and could not be safely connected to the council or partner networks.	Discounted. This option would meet all the requirements but cost £75k extra.	Discounted. Whilst this option would negate the need to use adapters to connect older monitors to new laptops, it adds no value in terms of windows 10 compatibility or device security and would cost an extra £164k.	Recommended. This is the minimum option which meets all the requirement and offers the best value. If services need tablet devices for specific purposes they must pay the uplift in costs.

- 1.12 These devices must be replaced as a matter of urgency and before Microsoft support ceases in January 2020 if the Council is to avoid putting systems and data at risk of cyber-attack. Due to the high number of devices and the logistics involved in deploying them across the organisation it's imperative that this large scale roll-out begins as soon as possible and no later than June 2019.
- 1.13 A full business case and options appraisal for the replacement of a number of inter-related Microsoft software products with more up to date versions is also being prepared in close collaboration with the finance team. This includes software such as Office 10 software that's used across the Council for producing documents and spreadsheets, Exchange 2010 for email, SharePoint, Skype for Business, SQL Database server licensing and Data Centre licenses for the server operating systems in our main Data Centre and also in the Councils new Disaster Recovery Data Centre. Many of these products are nearing end of life and will need to be replaced before Microsoft withdraw support.

3. DEVICE REPLACEMENT COSTS

- 3.1 The table below summarises the current position in terms of devices that have already been renewed and the short fall of 1299 (167 for ICT and 1132 balance of Council fleet) that need to be replaced.

Quantity	Description	£'000s
264	Laptops to be funded from managed service 2019/20 budget	140
511	Laptops replaced from managed service 2018/2019 budget	269
180	Laptops funded through Tameside One	95
	Funded from existing budgets	504
167	Laptops transferring to ICFT (Funding required)	89
1132	Balance of Laptops to be replaced (Funding required)	599
	Total Funding Required	688

- 3.2 From this point forward the laptop fleet will need to be refreshed on a rolling 4 year programme. This means 399 devices, costing around £211k which were originally put in service running Windows 10 in early 2018 will be ready for replacement towards the end of 2020/21.
- 3.3 The remainder of fleet will then need to be swapped over the subsequent 3 year period. This equates to around 562 devices per year costing £298k per year. The managed service budget is currently able to fund £140k per year so there is a need to work closely with colleagues in Finance to identifying appropriate sustainable funding methodology to support this shortfall and the wider IT Strategy funding requirements.

4 FINANCIAL INVESTMENT REQUIREMENTS

- 4.1 The Capital Investment required to purchase the hardware - 1299 Lenovo Think Pad L380 laptops - is £688k. Other costs relating the operating system (Windows 10) have already been purchased on a 3 year contract and for the time being all the laptops will have the current Office 2010 suite of software installed. Once a decision on the most appropriate way of updating the Office 2010 software is made, a further report detailing the funding requirements will be produced.
- 4.2 There are no revenue implications for these devices as they come with extended warranty which means maintenance cover for them is not required.

5 PROJECT DELIVERY

- 5.1 The new devices will be procured through the existing laptop contract and will be built and delivered with a pre-installed Tameside image which means that the deployment of the new laptops can be done quickly and with minimum setting up. That said all the new devices will need to be deployed before Christmas 2019.
- 5.2 It is intended to begin the roll-out of the new devices by the middle of May and to put in place a rolling programme using existing staffing resources which will see around 35 new laptops being deployed per week from then until mid-December. This will ensure all 1299 devices are issued to staff within the required timescales.

6 GREATER MANCHESTER PENSION FUND

- 6.1 Greater Manchester Pension Fund is currently investigating options to replace their fleet of laptops and upgrade to Windows 10. This will be done in conjunction with the wider Council roll-out to avoid any technical issues. They will also work with the Council on the deployment of the replacement Office 10 software. These will be funded directly by the pension fund.

7 RECOMMENDATIONS

- 7.1 As set out on the front of the report.

Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Brenda Warrington – Executive Leader Sandra Whitehead, Assistant Director Adults
Subject:	DEFERRED PAYMENT POLICY REVIEW
Report Summary:	<p>The report describes the powers and discretions the Care Act 2014 gives to councils with regards to operating a Deferred Payment scheme. The existing policy has been in place since August 2015. The Policy has now been reviewed and it has been identified that the policy is vague on some material points and its transparency could be improved by detailing the intentions to offer members of the public a Deferred Payment according to the discretionary elements of the Care Act.</p> <p>The report sets out the proposed amendments to the Deferred Payment Policy that will detail when and how the Council will exercise the power to offer a Deferred Payment and will also include the necessary clarification on the duty to offer a Deferred Payment.</p>
Recommendations:	<p>That Executive Cabinet be recommended to agree:</p> <ul style="list-style-type: none">(i) Support the updates and inclusions in the revised Deferred Payment Policy;(ii) Give permission to consult on the powers that require a decision on their implementation as identified in section 4.(iii) Approves the revised administration for 2019-20 of £615.00 as detailed in section 4.3.
Corporate Plan:	Aligned with the Corporate Plan
Policy Implications:	The Adult Social Care Deferred Payments Policy has been in place from August 2015. It is appropriate to review the operation of any charging policy from time to time to ensure that it continues to reflect the duties and responsibilities placed on local councils under the Care Act 2014.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>Section 4 of the report details the proposed additions and amendments to the current Deferred Payment Policy.</p> <p>Members should note that the proposed administration fee for 2019/20 of £615 explained in section 4.3 of the report was excluded from Appendix 21 of the 2019/20 Council Budget Report that will be presented at the 26 February 2019 Council meeting. The appendix provides details of the various fees and charges levied by the Council with proposed levels for 2019/20. The administration fee was excluded pending the outcome of decisions associated with this report.</p> <p>The interest charge levied on the deferred payment debt balance as detailed in section 4.4 is currently allocated to the Adult Services revenue budget as the interest charge is levied.</p> <p>The associated financial implications of the proposed additions and amendments will be evaluated further as appropriate following</p>

consideration at SLT and prior to any formal consultation on the confirmed details.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

A deferred payment agreement is an agreement with a person where the sum or part of the sum owed to the Local Authority for care does not have to be repaid until a certain time. The Care Act 2014 and the Care and Support (Deferred Payment) Regulations 2014 (2014/2671) impose a duty on councils to offer a deferred payment option if certain criteria are met and a discretionary power to offer this option in other circumstances. The Council considered its powers and decided to exercise some of them at an Executive Cabinet meeting on 26 August 2015. It is now timely to review the policy, as set out in the attached report.

As the revision of the policy is to ensure clarity and transparency and not to materially change the scheme, public consultation is not required at this stage, although future changes on the discretionary powers granted to local authorities under the Care legislation are also to be reviewed and they will attract a consultation exercise, an equality impact assessment in due course and a further Cabinet decision.

Risk Management:

The risks are outlined in Section 8 of this report.

Background Information:

The background papers relating to this report can be inspected by contacting Sandra Whitehead.



Telephone: 0161 342 3414



e-mail: Sandra.whitehead@tameside.gov.uk

1. INTRODUCTION

- 1.1 Services that are assessed by the Council's Adult Services as being needed have been subject to charging policies for a number of years in accordance with legislation contained in the Care Act 2014 and subsequent regulations. The Care Act allowed local councils some discretion over what and how they charge for their services and prior to this charging was subject to an entirely statutory regime.
- 1.2 The Department of Health has made two key sets of regulations, pursuant to its powers contained in the Care Act, regarding charging for care and support provided under the Act, setting out statutory requirements and the discretionary elements that are open to local interpretation and decisions.
- 1.3 The key regulations are:
- The Care and Support (Charging and Assessment of Resources) Regulations 2014;
 - The Care and Support (Deferred Payment) Regulations 2014.
- These regulations are subject to amendments.
- 1.4 The Regulations require councils to offer a Deferred Payment scheme so that service users (usually those living in residential care) can make a decision to postpone paying for their care if they have sufficient resources until such time that is suitable for them. In most cases this relates to people who own their own property and who need to sell it before being able to realise the capital to pay for their care. In these cases a charge is put against the value of the property and any outstanding money is recouped either on the death of the service user or at such time that the user sells their property or has an ability to pay for their care
- 1.5 This report considers the Council's statutory duties and local discretion which may be applied on the matter of Deferred Payment Regulations. The current Deferred Payment Policy has been in place since August 2015 following approval at Executive Cabinet and after consultation with service users had taken place.

2. BACKGROUND

- 2.1 For many years councils have carried out a financial assessment of someone receiving social care support. To do this councils have been required to undertake the following:
- Make decisions to set the level of charges based on local agreed rates;
 - Assess service users' ability to pay those services, taking into account their income, assets, various welfare benefits and expenses incurred due to the nature of any disability or ill health in accordance with national policy guidance.
- 2.2 These decisions were set out in the Council's Charging Policy under the direction of Adults Services. Exchequer Services currently carry out the financial assessments based on information provided by social workers and service users to determine a service users' ability to pay for services based on the policy.
- 2.3 Deferred Payments are a key element within the Care Act allowing people to make a choice as to when and how they wish to pay their care costs. If a person has capital and assets that they do not want to use immediately when they move into residential care, they can postpone making the payment to such a time as they feel able or on their death, when their estate will be used to pay off any outstanding debt the person may have accrued. The Council's interests are protected by way of a registered charge against the service user's property.

- 2.4 A cross-service review of the current Direct Payment Policy, Contract and process has been undertaken to ensure that the Council is fulfilling its statutory duties. This has included Audit, Exchequer Services, Legal and Finance.

3. DEFERRED PAYMENTS POLICY IN OPERATION

- 3.1 In considering the effectiveness of the current policy it is appropriate to consider its operation in terms of statutory duties and powers placed on the Council. There are currently 13 Deferred Payment Agreements (DPA) in place. If a person wishes to enter into a DPA, they apply to the Council, the Council assesses whether the criteria in the Policy is met and carries out checks, contract is drawn up, signed by the service user and the Council and then a legal charge is placed on the service user's property. The legal charge ensures that the property cannot be sold until the care fees are paid. Interest at the rate of 2.5% is accrued annually on any debt deferred and the Council produces six monthly statements to keep the service user informed of the amount accrued and monitors this to ensure that the terms of the agreement are adhered to and that the charges accrued do not exceed the equity remaining in the property.
- 3.2 The regulations require local councils to offer a Deferred Payment to anyone who meets the statutory criteria, for example, where a service user has less than £23,350 in assets other than a property.
- 3.3 In addition to this duty, councils have various powers to offer the Deferred Payment Scheme in other circumstances. A number of these powers are currently stated in the current policy but a review of the policy document has highlighted that this is not made clear. It has also been determined that some of the powers the Council has decided to exercise are not currently set out in the policy document. This report is seeking permission to expressly include these powers in the revised policy, as set out in the draft attached.
- 3.4 The Care Act and subsequent legislation was introduced to stringent timescales. At that time local councils faced unprecedented changes to how care services were provided, statutory and discretionary duties in how services were delivered and charged, resulting in revisions to, and implementation of a number of new policies. The Deferred Payment Policy was one of a number of policies revised in quick succession to incorporate all of the legislative changes.
- 3.5 In terms of the discretionary elements that the Council has the power to offer, these are explained in further detail below.

4. ADDITIONS & AMENDMENTS TO THE POLICY

- 4.1 The following additions and amendments are proposed to the current Deferred Payment Policy:
- 4.2 Power to offer a Deferred Payment Agreement where a person has more than £23,250 in assets other than their home – this is not stated explicitly in the current Policy, though it is offered to individuals who are in this situation. Inclusion will regularise the practice. This will require a review of the Deferred Payment process and paperwork and will require staff briefings.
- 4.3 To charge reasonable administrative costs – The Council has the power to charge reasonable administrative costs to set up and manage the Deferred Payment. Following consultation and consideration of local conditions in March 2015, the Council determined that it would charge a one-off fee of £600. The service user can choose to pay the administration fee upfront or choose to defer the payment which will accrue interest.

The level of administrative costs, and the methodology for calculating the annual uplift of the administrative costs needs to be reviewed to reflect any increase in system costs must be clearly stated in the revised policy. It is proposed that any uplift in the administrative fee is included in the annual Fees and Charges Report in future years to ensure the review and uplift is applied.

The administrative cost as set for 2019-20 is proposed to be £615.00.

Should there be a change in the methodology to calculate the fee going forwards this will require approval in the future review of the Policy.

- 4.4 To determine if interest is to be charged, and if so the rate of interest to be charged – The Council does currently charge interest on the DP debt balance. Executive Cabinet agreed to charge interest at a maximum rate of 2.5% on its Deferred Payment Scheme in March 2015. The law sets a maximum rate that can be charged, which is 0.15% above the market gilt rate set bi-annually by the Office of Budget Responsibility. It follows, therefore, that the rate actually charged must be regularly reviewed to ensure compliance. The interest rate is to cover the costs associated with lending as well as the risk to the Council which is associated with the lending (i.e. risk of default) as set out in the Care Act regulations. In arriving at this rate the Council can also demonstrate cost neutrality.
- 4.5 It is proposed that the interest rate be set within the statutory limit which is 0.15% above the market gilt rate as defined by the Deferred Payment Regulations. This will be included in the consultation exercise.
- 4.6 The Council has purchased new software to potentially streamline this administration function and keep costs to a minimum and ensure accuracy. However this has yet to be fully tested and implemented so at this time it is proposed that we continue with the current manual system for calculations and the service will re-visit the issue when further testing has been completed and a report will be submitted for a decision.
- 4.7 Lending limit to be set, including a maximum overall lending limit — It is proposed that a lending limit is set at the value of the equity in the assets of the individual less 10%, less £14,250 (lower threshold), less the value of any encumbrances such as mortgage restrictions.
- 4.8 Requirement to pay from income – The current Policy and DPA do not describe the 4 options available to an individual by law sufficiently clearly. The options an individual has when they decide to enter into a DP are:
- To defer the whole assessed weekly care home cost;
 - To pay a contribution that has been determined through the financial assessment process as the maximum amount a service user can afford allowing for a minimum income guarantee;
 - To pay a level of contribution, as defined by the individual, with the remainder being deferred;
 - To allow for ad hoc payments to made against deferred amounts.

The Council is proposing that it offers 2 options:

- To pay a contribution that has been determined through the financial assessment process as the maximum amount a service user can afford allowing for a minimum income guarantee;
- To allow for additional agreed ad hoc payments to made against deferred amounts.

This will form part of the consultation exercise.

- 4.9 Allow DPAs on properties to be rented out - Where a person decides to rent out their property during the course of their Deferred Payments Agreement, the Council has the power to allow the person to retain a percentage of any rental income they earn. The decision as to whether or not to rent a property must be the person's and theirs alone. At this time the Council is proposing to continue allow people to retain 25% of any rental income from their property. This will continue to be reviewed by the Council.
- 4.10 LA to provide insurance if necessary and re-charge proprietor – It is proposed that this power is included in the DP Policy, following consultation, to ensure that the property is insured and maintained by the proprietor.
- 4.11 Maintenance and repairs to be carried out by LA and re-charge proprietor – It is appropriate that the proprietor arranges annual insurance and regular maintenance of the property. Should this not be in place the Council has the right to put this place and re-charge the individual the full cost of this. Consultation would be required to seek the views of the public with regards any proposed scheme. At this time a decision to carry out maintenance and repairs on a property that would then be rented out, would be considered on an individual basis.
- 4.12 DPA for top-ups - The current position in Tameside is that there is an agreed fee structure with the care homes for the variety of bed/support types that are commissioned. People who choose to access a home or room within a home that attracts a top up of care fee are made aware that they or their family would be required to pay the top up themselves. The top up is a private arrangement between the service user/family and the care home and the Council is not involved in that transaction (other than noting that there is one in place). The Council has the power to allow a top up payment to be included in the DPA. At this time it is proposed that this practice will continue to be available in the revised Policy.
- 4.13 DPA for those in supported living rather than a care home - This allows people moving into a supported accommodation scheme, rather than a residential care setting, from their own property to delay selling their property until a later date or until their death when the accrued costs of their care would be recouped from the sale. The Council proposes that it continues to exercise this discretion on an individual, case by case basis. This power needs to be clarified in the revised DP Policy.
- 4.14 Up front loan/instalment loan - It is proposed that this power is included in the DP Policy and will be considered on a case by case basis, therefore the Policy will not go into any further detail.
- 4.15 Reasonable notice to terminate agreement to be set – The current Policy does not specify the period of notice that should be given to an individual for the repayment of the DP on their death. It is proposed statutory requirement that the amount due is required to be repaid 90 days after the death of the individual or on the sale of their property. The Policy does not specify what notice a service user should give the Council to terminate the agreement and it is proposed that this now be specified in the policy as 90 days.
- 4.16 Any other reasonable terms to be included – At this time there are no other reasonable terms that the Council has identified that should be included in the revised DP Policy. This will be reviewed periodically

5. NEXT STEPS

- 5.1 The revised Deferred Payment Policy is appended to this report at **Appendix 1**. Following approval of the inclusions in the Policy updated documents will be finalised and circulated to all staff with guidance notes on the changes and the revised process.

- 5.2 Following approval by Executive Cabinet the revised Policy will be applied from 1 May 2019.
- 5.3 In order to ensure that the revised Policy is available to the public and is understood and applied appropriately by Council officers a range of actions must be undertaken on approval of the revised Policy. This will include:
- Update the information on the Citizen Portal on the Council website;
 - Update the DP leaflet that is shared with service users;
 - Training update for staff to ensure they are clear about the available options with service users and their families from the outset of the process.
 - To test the software that has been purchased to support the calculation of the interest due.
 - Consideration of the Council offering a maintenance and repairs service to be worked up.
 - Prepare and carry out consultation on the application of the powers identified in section 4 that require consultation prior to inclusion in a further revised policy:
 - The increase and frequency of administration charge – see 4.3
 - Removal of the 2.5% interest rate cap – see 4.4
 - Options of payment from income – see 4.6
 - Payment of insurance and a re-charge – see 4.8
 - The offer of a repair and maintenance service that will be charged to the individual – see 4.9
 - To prepare and present a report to Executive Cabinet following evaluation on consultation to inform a further revised Policy.

6. CONSULTATION

- 6.1 Consultation will be undertaken via the Big Conversation. The individuals who currently have a DPA in place will also be consulted through a direct approach. The consultation will be open for six weeks.
- 6.2 Following the consultation exercise a further report will be presented to Executive Cabinet to seek approval for a further revised Policy.

7. EQUALITIES

- 7.1 The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of:
- Age;
 - Gender;
 - Race;
 - Gender reassignment;
 - Disability;
 - Maternity;
 - Sexual orientation;
 - Religion or belief.
- 7.2 Section 149, of the Equality Act 2010, the public sector equality duty (PSED) requires that a public authority must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination;
 - Promote equal opportunities between members of different equality groups;

- Foster good relations between members of different equality groups including by tackling prejudice and promoting understanding.

7.3 Having due regard to these involves:

- Eliminating harassment on the grounds of membership of an equality group;
- Removing or minimising disadvantages suffered by members of a particular equality group;
- Taking steps to meet needs of people who are members of a particular equality group;
- Encouraging people who are members of an equality group to participate in public life; and
- Taking steps to take account of disabled persons' disabilities

7.4 The Act therefore imposes a duty on the Council which is separate from the general duty not to discriminate. When a public authority carries out any of its functions it must have due regard to the matters within the section of the Act outlined above. The Courts have made it clear that a public authority is expected to rigorously exercise that duty.

7.5 A new Equalities Impact Assessment (EIA) has been considered but it is not anticipated that the clarity that will be offered in the reviewed Deferred Payment Policy and the inclusion of the Council's proposed position with regards to its powers as described in the Care Act will impact negatively on any of the groups with protected characteristics.

7.6 An EIA was undertaken in 2016 on the Charging and Deferred Payment policies and no material changes have been made to the Deferred Payment Policy to require an updated EIA. The original EIA is available at **Appendix 2**.

8. RISKS

8.1 The risk with any deferred payment is that the Council must fund the care service provided for an unknown number of years until the debt is paid upon sale of the property, which is usually upon the death of the service user. The deferred amount is in effect a 'loan' for care fees.

8.2 The number of deferred payments in the future has the potential for a significant financial impact; there is an increasing demographic resulting in more people living longer, not necessarily in good health, requiring care and support. In 2017 older people (+65s) made up 17.7% of the local population (18% of England); by 2030 this is estimated to be 22% of the Tameside population (20% England) according to Projecting Older People Population Information (POPPI).

8.3 In terms of amending the Policy, more service users may wish to defer their care service fees and increase the 'loan' value to service users. However the Policy must reflect the intentions of the Care Act and be transparent in its offer to residents.

9. CONCLUSION

9.1 The Care Act states that local councils have a duty to offer a Deferred Payment to anyone who meets the criteria and the person has less than £23,350 in other assets.

9.2 The Council also has powers to offer a range of other services as detailed in section 4. It is proposed that these powers, and the Council's application of these, are stated clearly in the Deferred Payment Policy and applied consistently in the process to ensure transparency.

- 9.3 The updated Policy and process will be published on the Council's website and will be shared with relevant staff and teams to ensure all apply the Policy consistently to ensure transparency.

10. RECOMMENDATIONS

As set out at the front of the report.

TAMESIDE COUNCIL'S DRAFT DEFERRED PAYMENT SCHEME POLICY

Deferred Payments Agreement Guidance

Contents

- 1. Introduction**
- 2. Eligibility criteria**
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- 10. Drawing up the deferred payment agreement**
- 11. The Council's responsibilities whilst the deferred payment agreement is in place**
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1. INTRODUCTION

- 1.1 The Care Act 2014 requires local authorities to set up a 'Universal Deferred Payment Scheme'. This means that people should not be forced to sell their home in their lifetime to pay for the care and support that they require in a residential care setting. By entering into a Deferred Payment Agreement (DPA) with the Council, this means that the person who requires care can delay the selling of their home, or 'defer' paying the costs of their care and support until a later date. This will help to provide peace of mind for people during a particularly challenging time or crisis point in their lives, and will help them and their loved ones during the transition into care.
- 1.2 A DPA provides flexibility for when and how someone pays for their care and support. Payment for care and support is deferred and not 'written off' – the costs of provision of care and support will have to be repaid by the individual (or a third party on their behalf) at a later date.
- 1.3 Deferred payments are not new – local authorities were given discretionary powers to start deferred payment schemes in the Health and Social Care Act 2001. From April 2015 the scheme will become universally available throughout England and local authorities will be required to offer deferred payment agreements to people who meet certain criteria governing eligibility for the scheme.
- 1.4 This policy sets out Tameside Council's Deferred Payment Scheme which is in accordance with the Care and Support (Deferred Payment) Regulations 2014.

2. ELIGIBILITY CRITERIA

- 2.1 A Local Authority is required to enter in to a Deferred Payment Agreement with an adult if three criteria are met:
- (a) A person has care needs that require the provision of accommodation in a care home, whether arranged by the Council or not;
 - (b) A service user must have less than (or equal to) £23,250 in assets excluding the value of their home (i.e. in savings and other non-housing assets); and
 - (c) A service user's home is not disregarded for the purposes of a financial assessment.
- 2.2 The Council will use its discretion to offer a Deferred Payment Agreement to people who do not meet the above criteria. Considerations that will be taken into account include (but are not limited to):
- (a) Whether meeting care costs would leave someone with very few accessible assets (this might include assets which cannot quickly/easily be liquidated or converted to cash);
 - (b) If someone would like to use wealth tied up in their home to fund more than just their core care costs and purchase affordable top ups;
 - (c) Whether somebody has any other accessible means to help them meet the cost of their care and support and/or
 - (d) If a person is narrowly not entitled to a DPA given the criteria above, for example, because they have slightly more than the £23,250 asset threshold. This should include people who are likely to meet the criteria in the near future.
- 2.3 The Council may also, at its discretion, enter into DPA with people whose care and support is to be provided in supported living accommodation. However, DPAs cannot be entered into to finance mortgage payments on supported living accommodation.

3. PERMISSION TO REFUSE A DEFERRED PAYMENT AGREEMENT

- 3.1 Where the Council has a duty offer to a Deferred Payment or has chosen to make an offer according to its discretionary powers as set out above, the person will need to consent to the agreement terms and allow the Council to secure the debt by obtaining a Land Registry charge on their property. The law requires that the Council must be able to secure a first charge on the property, which may mean seeking permission from an existing lender. If this is not possible the Council may not be able to proceed with an offer of a Deferred Payment.
- 3.2 The Council will also decline to offer a DPA if a person does not agree to the terms and conditions of the Agreement, for example a requirement to insure and maintain the property, despite someone meeting the eligibility criteria.

4. INFORMATION AND ADVICE

- 4.1 The Council recognises that information and advice is fundamental to enabling people, carers and families to take control of, and make well-informed choices about, their care and support and how they fund it. The Council will provide clear information and advice about the Deferred Payment scheme it offers.

- 4.2 Easy read formats will be made available upon request, other languages, and format accessible to sensory impaired and people with learning disabilities about how the scheme works
- 4.3 Where relevant the Council will endeavour to provide access to information and advice on DPAs at the earliest appropriate opportunity during the period of the 12-week property disregard. As per the Charging Policy, the Council will disregard the value of a person's *main or only* home when the value of their non-housing assets is below the upper capital limit for 12 weeks in the following circumstances:
- (a) when they first enter a care home as a permanent resident; or
 - (b) when a property disregard other than the 12-week property disregard unexpectedly ends because the qualifying relative has died or moved into a care home.

In addition, the Council has discretion to choose to apply the disregard when there is a sudden and unexpected change in the person's financial circumstances. In deciding whether to do so the Council will consider the individual circumstances of the case.

- 4.4 The Council will aim to ensure that people are able to make a smooth transition from the 12-week disregard to the DPA if they opt to enter into an agreement. This means ensuring, as far as possible, that a DPA is available by the first day of week 13.
- 4.5 Where a person may lack capacity to request a Deferred Payment, the Council will complete a formal capacity assessment and a Deputy or Attorney (a person with a relevant Enduring Power of Attorney or Lasting Power of Attorney) may request a Deferred Payment on their behalf if it is deemed to be in the person's best interest.
- 4.6 If a family member requests a Deferred Payment and they do not have the legal power to act on behalf of the person, then the family member would be advised by the Council to seek legal advice about applying for a Lasting Power of Attorney or Deputyship Order.
- 4.7 The Council will not enter into a DPA on behalf of a person lacking mental capacity unless the appropriate arrangements are in place.
- 4.8 The Council will provide the person with information and advice on options for Deputyship, Lasting Power of Attorney and advocacy.
- 4.9 The Council will also be able to provide some advice about renting your property out and getting insurance arranged, etc.

5. ARRANGING A DEFERRED PAYMENT AGREEMENT

- 5.1 The Council will inform the person (where appropriate) that they will need to consider how they plan to use, maintain and insure their property if they take out a DPA, for example if they wish to rent, to prepare for sale, or to leave their property vacant for a period.
- 5.2 The Council will place conditions for maintaining and insuring the property while the DPA is in place which are detailed in the terms and conditions of the Council's DPA.

6. HOW MUCH CAN BE DEFERRED?

- 6.1 If the Council is satisfied with the security for the DPA a person will be able to defer the entirety of their care costs or part of their care costs and this will be discussed with the person to be incorporated into the Agreement.
- 6.2 If a person is considering a top up, the Council will consider whether the amount or size of the deferral requested is sustainable given the equity available from the chosen form of security.
- 6.3 When the Council is considering how much a person can defer, three elements will dictate how much a person will be allowed to defer:

- (a) The amount of equity a person has available in the form of security (usually their property). When considering the equity available the Council must be guided by an equity limit for the total amount that can be deferred and ensure that the amount deferred does not rise above this limit. The equity limit will leave some equity remaining in the security used for the DPA – this will both act as a buffer to cover any subsequent interest which continues to accrue, and will provide a small ‘cushion’ in case of small variations in the value of the security. In the majority of cases a property will be used as security so the equity limit will provide a cushion against changes in house prices.

When calculating progress towards the equity limit, the Council must also include any interest and fees to be deferred. If a person intends to secure their DPA with a property, the Council will obtain a valuation of the property. A person may request an independent assessment of the property’s value (in addition to the Council’s valuation). If an independent assessment finds a substantially differing value to the Council’s valuation, the Council and the person will aim to discuss and agree on an appropriate valuation prior to proceeding with the DPA.

Where a property is used as security to offer a DPA, the equity limit must be set at the value of the property minus 10%, minus £14,250 (for 2015/2016 this is in line with the lower capital limit) and minus the value of any other encumbrance secured on it. This limit provides some protection to the Council against changes in the value of the security (such as possible house price fluctuations) and the risk that the Council may not be able to recoup the full amount owed.

When a person is approaching or reaching the point at which they have deferred an amount equal to 70% of the property equity, the Council will aim to review the cost of their care with the person, discuss when the person might be eligible for any means tested support, discuss the implications for any top-up they might currently have, and consider jointly whether a DPA continues to be the best way for someone to meet these costs.

Once a person has deferred payments up to the equity limit the Council must refuse to defer any further charges. However, interest can still accrue beyond this point and administration charges can still be deferred.

- (b) The amount the person is contributing to their care costs from other sources, including income and (where the person chooses to) any contribution from savings, a financial product or a third-party.

A person may meet the costs of their care and support from a combination of any four primary sources:

- Income, including pension income;
- Savings or other assets they might have access to; this might include any contributions from a third party;
- A financial product designed to pay for long-term care; or
- A DPA which enables them to pay for their care at a later date out of assets (usually their home).

The share of care costs that a person defers will depend on the amount they will be paying from the other sources listed above. The Council will not require a contribution towards care costs from a person's income but where such a contribution is to be made, due regard will be given to the 'disposable income allowance'. The disposable income allowance is a fixed amount, currently £144 per week, of a person's income which the Council must allow the person to retain, if the person wants to retain it.

A person may choose to keep less of their income than the disposable income allowance. This might be advantageous to the person as they would be contributing more to the costs of their care from their income and consequently reducing the amount they are deferring. This must be entirely at the individual's discretion and the Council must not compel someone to retain less than the disposable income allowance if the person wants to retain the full amount.

If a person decides to rent out their property during the course of their DPA, the Council will allow the person to retain 25% of any rental income they possess in addition to the disposable income allowance. The decision as to whether or not to rent a property must be the person's and theirs alone.

A person may also contribute to their care costs from payments by a third party, for example any contributions available from a financial product or from their savings. Contributing to care costs from another source would reduce the amount being deferred. The Council must not compel a person to contribute to their fees from these sources.

- (c) The total care costs a person will face, including any top-ups the person might be seeking. When the Council is required to offer a deferred payment agreement it will allow someone to defer their 'core' care costs. To ensure sustainability of the deferral, the Council has discretion over the amount people are permitted to top-up. The Council will consider any request for top-ups, but will retain discretion over whether or not to agree to a given top-up. The Council will accept any top-up deemed to be reasonable given considerations of affordability, sustainability and available equity. The Council will be mindful of the duties set out in relation to top-ups and additional costs in the Care and Support and Aftercare (Choice of Accommodation) regulations 2014.

6.4 The Council will take into consideration the following to ensure that the top-up is sufficiently sustainable:

- The period the person would want a DPA for (if they intend to use it as a short term solution);
- The equity available;
- The sustainability of a person's contributions from their savings (if applicable);
- The flexibility to meet future care needs. and;
- The period of time a person would be able to defer their care costs.

7. INTEREST RATE AND ADMINISTRATION CHARGE

- 7.1 The Council will recoup the administrative costs associated with DPAs, including legal and ongoing running costs by means of an administration charge.
- 7.2 The Council will charge interest on any amount deferred, including any administration charge deferred. This is to cover the cost of lending and the risks to local authorities associated with lending, for example the risk of default.
- 7.3 The Council will charge interest at the national maximum interest rate in accordance with the Regulations. The national maximum interest rate tracks the market gilts rate specified in the most recently published report by the Office of Budget Responsibility. This is currently published in the Economic and Fiscal Outlook, which is usually published twice-yearly alongside the Budget and Autumn Statement.
- 7.4 The national maximum interest rate will change every six months on 1 January and 1 June to track the market gilts rate specified in the most recently published report by the Office of Budget Responsibility. The Council will review this to ensure the interest rate set by the Council does not exceed the national maximum interest rate.
- 7.5 The Council will review the interest rate twice a year and will provide details of payments made for each period.
- 7.6 The same interest rate will be charged on all Deferred Payments within the Council.
- 7.7 The Council will inform people before they make the agreement that interest will be charged, what interest rates are currently set at, and when interest rates are likely to change.
- 7.8 The interest charged and added to the deferred amount will be compounded monthly using an annual rate. The Council will ensure when making the agreement that individuals understand that interest will accrue on a compound basis.
- 7.9 Interest will continue to accrue on the amount deferred even once someone has reached the 'equity limit', it will also accrue after someone has died up until the point at which the deferred amount is repaid to the local authority. If the Council cannot recover the debt and seeks to pursue this through the County Court system, the Council will charge the higher County Court rate of interest.
- 7.10 The Council's administration charge will be set each year with other Council charges and will be an amount equal to the actual costs incurred in provision of the Deferred Payment scheme, as set out in Regulations. The Council will maintain a publicly-available list of administration charges that a person will be liable to pay.
- 7.11 Administration charges and interest can be added on to the total amount deferred as they are accrued, although a person may request to pay these separately if they choose.
- 7.12 When agreement has been reached between a person and the Council as to how much will be deferred, the Council will ensure this is clearly set out in the DPA. See Appendix A for draft Deferred Payment Agreement.
- 7.13 The DPA will make clear that all fees deferred, alongside any interest and administrative charges incurred, must be repaid by the person in full. The Council will also notify the individual in writing whenever they are liable for an administration charge.

8. CIRCUMSTANCES IN WHICH THE COUNCIL MAY STOP DEFERRING CARE COSTS

8.1 Circumstances in which the Council may refuse to defer any more charges include:

- (a) When a person's total assets fall below the level of the means-test, and the person becomes eligible for the Council to support in paying for their care;
- (b) Where a person no longer has need for care in a care home (or where appropriate Supported Living Accommodation);
- (c) If a person breaches certain terms of their contract; or
- (d) If, under the Charging Regulations, the property becomes disregarded for any reason and the person consequently qualifies for the Council's support in paying for their care, including but not limited to:
 - where a spouse or dependent relative (as defined in Charging Regulations) has moved into the property after the agreement has been made, where this means the person is eligible for the Council's support in paying for care and no longer requires a DPA; and
 - where a relative who was living in the property at the time of the agreement subsequently becomes a dependent relative (as defined in Charging Regulations). The Council may choose to cease further deferrals at this point.

8.2 The Council should not exercise these discretionary powers if a person would, as a result, be unable to pay any tariff income due to the Council from their non-housing assets.

8.3 The Council must cease deferring further amounts when a person has reached the 'equity limit' that they are allowed to defer or when a person is no longer receiving care and support in either a care home setting or in supported living accommodation. This also applies when the value of the security has dropped and so the equity limit has been reached earlier than expected.

8.4 In any of these cases, interest will continue to accrue on the amount deferred until the agreement is terminated (either by sale of the property, the person's death or by the Council being repaid separately).

8.5 If a decision is made to stop deferring care costs, the Council cannot demand repayment in these circumstances, and repayment is still subject to the usual terms of termination.

8.6 The Council will provide a minimum of 30 days advance notice that further deferrals will cease and will give the person an indication of how their care costs will need to be met in future. Depending on their circumstances, the person may either receive support from the Council in meeting the costs of their care, or may be required to meet their costs from their income and assets.

9. OBTAINING SECURITY

9.1 The Council must have adequate security in place when entering into a DPA. The Council has discretion to consider whether another type of security could be provided if a person cannot secure their deferred payment agreement with a charge on a property.

9.2 In cases where an agreement is to be secured with a jointly-owned property, the Council requires both owners' consent (and agreement) to a charge being placed on the property. Both owners must be signatories to the charge agreement, and the co-owner must agree not to object to the sale of the property for the purpose of repaying the debt due to the Council. The Council must obtain similar consent to a charge being created against the property from any other person who has a beneficial interest in the property.

- 9.3 Under the discretionary scheme, the Council has discretion to decide what else may constitute 'adequate security' for a DPA, in cases where a first charge cannot be secured.
- 9.4 The Council will consider the merits of each case individually. Other forms of security the Council may choose to consider include (but are not limited to):
- a third-party guarantor – subject to the guarantor having / offering an appropriate form of security;
 - a solicitor's undertaking letter;
 - a valuable object such as a painting or other piece of art; or
 - an agreement to repay the amount deferred from the proceeds of a life assurance policy.
- 9.5 The Council has full discretion in individual cases to refuse a DPA if it is not satisfied that adequate security is in place.

10. DRAWING UP A DEFERRED PAYMENT AGREEMENT

- 10.1 Where someone chooses to enter into a DPA, the Council will aim to have the agreement finalised and in place by the end of the 12-week disregard period, or within 12 weeks of the person approaching the Council regarding DPAs in other circumstances.
- 10.2 Decisions on a person's care and support package, the amount they intend to defer, the security they intend to use and the terms of the agreement should only be taken following discussion between the Council and the individual. Once agreement in principle has been reached between the Council and the person, it is the Council's responsibility to transpose the details agreed into a DPA, taking the legal form of a contract between the Council and the person.
- 10.3 The Council will provide a hard copy of the DPA to the person, and the person will be provided with reasonable time to read and consider the DPA, including time for the person to query any clauses and discuss the DPA further with the Council.
- 10.4 The DPA will clearly set out all terms, conditions and information necessary to enable the person to ascertain his or her rights and obligations under the DPA.
- 10.5 The Council will aim to ensure at a minimum that people sign or clearly and verifiably affirm they have received adequate information on options for paying for their care, that they understand how the DPA works and understand the agreement they are entering into; and that they have had the opportunity to ask questions about the contract.
- 10.6 All DPA's will be subject to the Unfair Terms in Consumer Contracts Regulations 1999, so the terms will be written in plain, intelligible English and will not be binding if they are unfair to the borrowers. The Council will also have to ensure that they do not contravene the Consumer Protection from Unfair Trading Regulations 2008.
- 10.7 The Council will not adopt a blanket policy and will consider each case on its own merits.

11. THE COUNCIL'S RESPONSIBILITIES ONCE THE DEFERRED PAYMENT AGREEMENT IS IN PLACE

- 11.1 The Council will provide people with six-monthly written updates of the amount of fees deferred, of interest and administrative charges accrued to date, and of the total amount due and an estimate of the equity remaining in the home taking into account those figures.

- 11.2 The update will also set out the amount deferred during the previous period, alongside the total amount deferred to date, and will also include a projection of how quickly someone would deplete all equity remaining in the agreed form of security up to their equity limit. This will be for illustrative purposes only
- 11.3 The Council will also provide the person with a statement on request within 28 days.
- 11.4 The Council will reassess the value of the agreed form of security once the amount deferred exceeds 50% of the security (and periodically thereafter), and adjust the equity limit and review the amount deferred if the value has changed.
- 11.5 The Council must accept reasonable alternative maintenance and insurance services.

12. MONITORING THE DEFERRED PAYMENT

- 12.1 The Council will review the amount being deferred every 6 months to ensure the deferred amount does not exceed the equity limit. The Council will have particular regard to the amount deferred as it approaches the equity limit.
- 12.2 The security will also be revalued when the amount deferred equals or exceeds 50% of the value of the security to assess any potential change in the value (and consequently the person's 'equity limit' will be reassessed in turn). After this re-valuation, the Council will revalue the security periodically to monitor any potential further changes in value. If in either case there has been any substantial change the Council will review the amount being deferred.

13. TERMINATING THE DEFERRED PAYMENT AGREEMENT

- 13.1 The DPA can be ended at any time: it can be ended by the individual themselves or by someone acting on their behalf, for example family or solicitor. There are 3 ways in which this can be done:
 - (a) By repaying the full amount owed - this can happen during the person's lifetime or where the person with the DPA has passed away;
 - (b) When the property is sold and the Council has been repaid; or
 - (c) When the person has passed away and the full amount owed is repaid to the Council from their estate.
- 13.2 When the DPA is ended the full amount due will include: care costs, any interest accrued and any administrative or legal fees that are charged. The full amount must be paid to the Council at the point of sale of the property or within 90 days.
- 13.3 If a person decides to sell their home, they must notify the Council during the sale process. They will be required to pay the amount due to the Council from the proceeds of the sale, and the Council will be required to relinquish the charge on their property.
- 13.4 The individual may decide to repay the amount due to the Council from another source or by a third party, who will repay the amount calculated and owed to the Council on behalf the individual. The Council will require 90 days' notice in writing of the intention to terminate the agreement. Once the full amount owed has been received by the Council, then the Council must relinquish the charge that has been placed on the property and the agreement comes to an end.
- 13.5 If the DPA ends due to the person's death, the calculated amount owed to the Council must be paid out of the estate or paid by a third party. A person's family or a third party may wish

to settle the debt to the Council by other means of payment. The Council must accept alternative means of payment in these circumstances, provided that the payment covers the full amount owed to the Council.

- 13.6 If there is an Executor of the Will or Administrator of the Estate, they can decide how the amount due to the Council will be paid. This may be from the person's estate (usually the sale of the house) or potentially from a life insurance policy, or from a third party source. The Council will wait at least two weeks following the person's death before approaching the Executor with a full breakdown of the total amount deferred (a family member or the Executor can approach the Council to resolve the outstanding amount due prior to this point).
- 13.7 Responsibility for arranging for repayment of the amount due (in the case of payment from the estate) falls to the Executor of the Will. Interest will continue to accrue on the amount owed to the Council after the individual's death and until the amount due to the Council is repaid in full. In the case that a DPA is agreed on the basis of a form of security other than property, the Council will need to make provision in the DPA for conclusion of the DPA in the event that the given security is disposed of/comes to fruition.
- 13.8 If the DPA ends due to the person's death, the amount owed to the Council falls due for full payment 90 days after the person has died. After this 90 day period, if the Council feels active steps have not been taken to resolve the situation and pay the debt or if the Council feels that the Executor is wilfully obstructing the sale of the property, the Council may enter into legal proceedings to reclaim the amount due to them. In such cases the Council will have regard to its debt recovery policy.
- 13.9 In whichever circumstances the DPA is ended, the full amount due to the Council must be repaid and will cover all the costs that have accrued under the DPA. The Council must provide a full break down of how the amount due has been calculated and this should be sent to the person (and/or third party where appropriate). When the full amount owed has been received by the Council, the Council will provide the individual with confirmation that the DPA has been concluded and confirm (where appropriate) that the charge against the property has been removed.

Dated

2015

DEFERRED PAYMENTS AGREEMENT

Between

**TAMESIDE METROPOLITAN
BOROUGH COUNCIL**

And

XXXX

relating to

XXXX

TAMESIDE METROPOLITAN BOROUGH COUNCIL

(DRAFT)DEFERRED PAYMENTS AGREEMENT

This Agreement is made between Tameside Metropolitan Council (“the local authority”), of *[insert address of local authority]* and *[insert name of adult recipient of care]* (“you”, “the borrower”), of *[insert address of adult recipient of care]*.

1.1 INTERPRETATION

1.1 In this agreement, the following words have the following meanings:

Accommodation: the care home or supported living accommodation identified in Schedule 1, as it may be amended in accordance with term 2.7 below;

Agreement: the terms set out in this document and numbered 1 to 15, Schedule 1 and, where you are agreeing to make periodical interest payments, Schedule 2;

Care Charges: those charges for care and/or support which are specified by description and monthly amount in Schedule 1, as they may be amended in accordance with any of terms 2.7, 2.8 or 2.10 below;

Costs: the local authority’s reasonable administrative costs reasonably incurred in respect of this Agreement, which are payable under term 4 below, estimates for some of which are given in Schedule 1 on page [:];

Debt: the balance from time to time of the loan which has not yet been repaid, together with any interest and Costs already charged and not yet paid;

Loan: the total amount, at any time, which has been lent under this Agreement to pay Care Charges or, where the local authority is the care provider, the total amount of Care Charges which have been deferred, and the words “lend”, “lending” and “lent” are used in this Agreement to describe the act of deferring a Care Charge or Care Charges payable to the local authority or the act of lending any amount to pay a Care Charge or Care Charges to another care provider;

Lending Limit: the limit on lending as set out in Schedule 1 (see also term 2.2);

Property: the property and any other assets identified on page 1 of this Agreement;

Rate of Interest: the annual rate of interest stated in Schedule 1, as it may be varied under term 3.4.

1.2 Where a reference is made in this Agreement to any legislation or legislative provision, it includes reference to that statute or statutory provision as it may from time to time be amended, extended or re-enacted.

1.3 Where the context allows or requires, words in the singular include the plural and words in the plural include the singular.

1.4 Where a reference is made in this Agreement to your income, it means your income as calculated in accordance with regulations made under section 17 of the Care Act 2014.

2 HOW THE LOAN WILL BE MADE

- 2.1 The local authority agrees, subject to the Lending Limit [*and to the limits related to income, as set out in 2.8 to 2.10 below*], to lend amounts to you, the borrower. Each amount will be subject to a maximum of the monthly Care Charge specified in Schedule 1 or, if less, the monthly care charge which is actually payable for the Accommodation and which meets the Description of Care Charges in Schedule 1. The Loan will be made by lending you the amounts payable in Care Charges by paying them to your care provider at the times when they become payable. The details of the Accommodation and the Care Charges are set out in Schedule 1 at the end of this Agreement, together with the Lending Limit.
- 2.2 If the Loan would exceed the Lending Limit as a result of the local authority lending an amount that it would otherwise be due to lend for Care Charges, the local authority will not lend that amount. This means, for example, that if 90% of the value of the property, less the amount of any indebtedness secured over the Property by a charge with priority over the local authority's security and less £14,250, is £70,000, and you have already been lent a total of £70,000, you will not be lent any more unless or until the value of the property increases. However, where, due to a fall in the value of the property, the Loan comes to exceed the Lending Limit on a date which falls after the date on which the local authority last lent an amount in respect of Care Charges and on or before the date on which it is next due to lend an amount in respect of Care Charges, the local authority will lend on that next occasion even though lending on that occasion will result in the Loan further exceeding the Lending Limit. After that, the local authority will not lend any further amount unless or until the value of the property increases.
- 2.3 Where the Care Charges are payable to a care provider other than the local authority, the local authority will pay the amount of the Care Charges to the care provider, provided always that in the event that the local authority discovers that any amount lent under this Agreement has not been used to pay for Care Charges, the local authority may become entitled to demand immediate repayment of that amount from you under term 5.2, together with interest on that amount, calculated in accordance with term 3 below.
- 2.4 If there is any change in the frequency of the Care Charges or any change in the amount of the charges which the care provider is charging you for care, you must inform the local authority as soon as reasonably practicable (unless the charges are charges payable to the local authority itself), giving advance notice of any such change to the local authority whenever you have advance notice of the change.
- 2.5 You may, at any time, pay the Care Charges, or part of the Care Charges, yourself, when they become payable, in which case you must give advance notice to the local authority of the amount you are going to pay separately ("your contribution"), specifying whether your contribution is to be made on only one occasion or on a specified number of occasions or on each occasion when a Care Charge becomes payable until further notice.
- 2.6 The local authority will not be required to change the frequency with which, or the amounts in which, it lends under this Agreement any sooner than the fourteenth day after the local authority receives notice of any change in the frequency with which or the amounts which, as applicable, you are charged, or which you require the local authority to lend under this Agreement.
- 2.7 If you move from the Accommodation into another care home or other supported living accommodation, that new accommodation and the care charges payable in respect of it or, if less, that part of those care charges which is equal to the existing Care Charges will be substituted as the Accommodation, provided that the care charges for the new Accommodation meet the description which is given of the Care Charges in the Schedule or, if not, provided that the local authority is either required under the Care Act 2014 to agree to lend in respect of those care charges or permitted to do so under the Care Act 2014 and willing to do so, and the times for payment of the Care Charges will be

substituted for the times shown in the Schedule once at least fourteen days' notice of those times has been given to the local authority.

- 2.8 The amount of the monthly Care Charge for which the local authority is to lend, as set Out in Schedule 1, takes into account the fact that your income exceeds £144 per week and the fact that the local authority requires you to contribute to the payment of each monthly care charge, as it falls due, the amount by which your income exceeds £144 weekly. The weekly Care Charge for which the local authority will lend will be increased by an amount which is equivalent to any reduction in your income up to the maximum of the monthly care charge which is actually payable and which meets the Description of Care Charges in Schedule 1, and subject to the Lending Limit.
- 2.9 The local authority may, upon giving you at least 30 days' written notice within 30 days after:
- (a) it comes to the attention of the local authority that your income has exceeded £144 in any week while this Agreement is subsisting, or
 - (b) where, at or since the date of this Agreement, your income has already exceeded £144 per week, it comes to the attention of the local authority that your income has further exceeded £144 in any week while this Agreement is subsisting, require you to repay the amount, if any, by which that part of the Loan already provided under this Agreement for Care Charges in respect of that week exceeded the difference between the care charges actually payable and the amount by which your income exceeded £144 in that week.
- 2.10 The local authority may, upon giving you at least 30 days' written notice within 30 days after it comes to the attention of the local authority that your income is to exceed, or further exceed, £144 in any week while this Agreement is subsisting, reduce the amount that it will lend in respect of the care charges for each subsequent week that your income is so to exceed £144 by the amount by which your income is so to exceed £144 in that week and the amount of the Care Charge specified in Schedule 1 will be amended accordingly.
- 2.11 The local authority will not lend any further amount under this Agreement, even where the total amount of the Loan already provided is less than the Lending Limit, at any time when:
- 2.11.1 you are no longer receiving care and support in a care home or in supported living accommodation;
 - 2.11.2 in the reasonable view of the local authority your needs should no longer be met by the provision of care and support in a care home or in supported living accommodation;
 - 2.11.3 the Property can no longer be insured against all usual risks, unless there are reasonable grounds for concluding that the site value of the Property, disregarding any building on the property, is adequate security for the Debt, together with such further lending as is to be provided.
 - 2.11.4 if your financial resources in terms of capital and as calculated for the purposes of the financial assessment carried out under section 17 of the Care Act 2014 are not more than the sum specified in regulation 12 of the Care and Support (Charging and Assessment of Resources) Regulations 2014 (currently £14,250) and since the date of this Agreement the [Property3] has become occupied by your partner or by your child who is under 18, or by another member of your family who is aged over 60 or who is incapacitated or by a relative of yours who is aged over 60 or who is incapacitated and for the purposes of assessing your financial resources in terms of capital the local authority has decided to disregard the value of [Property]

- 2.12 The local authority will give you at least 30 days' written notice of the date on which the Lending Limit will be reached.
- 2.13 Where the local authority is to make the Loan by making payments to you to enable you to pay Care Charges to another care provider, you must pay the whole of the care charges that are payable by you to that care provider, including those Care Charges for which the Loan is to be made, and the local authority's agreement to make the Loan is conditional upon you paying those care charges when they fall due.

3. INTEREST

- 3.1 Interest will be *[insert: charged daily at the daily equivalent of the Rate of Interest or: insert whatever method of calculation and charging is to apply]*.
- 3.2 Interest will be paid in accordance with Schedule 2, unless or until you give the local authority at least [14] days' written notice that you wish to have the interest added to the Debt instead of paying it. If you do so, you may return to paying interest at any time by giving the local authority at least [14] days' written notice that you wish to do so.]
- 3.3 Interest will be added to the Debt each month, on the date when an amount is lent to you for Care Charges, unless the interest is paid before that date.
- 3.4 The local authority may vary the Rate of Interest so as to reflect, in a proportionate and reasonable way, the cost of funding the Loan upon giving you at least 14 days' written notice if the Rate of Interest is to be increased or without notice if the Rate of Interest is to be reduced, provided that:
- 3.4.1 the Rate of Interest may never exceed the maximum rate which the local authority is permitted to charge by regulations made under the Care Act 2014; and
- 3.4.2 if the local authority exercises its power to increase the Rate of Interest, it will also subsequently exercise its power so as to reduce the Rate of Interest so as to reflect, in a proportionate and reasonable way, the cost of funding the Loan which is to be provided under this Agreement, whenever that cost is reduced.

4. COSTS AND INTEREST ON COSTS

- 4.1 You must pay the Costs, estimates for some of which are set out in Schedule 1 on page [].
- 4.2 *[insert either: The Costs you have to pay will be the actual reasonable costs incurred in respect of this Agreement or: The Costs you have to pay in relation to ascertaining the value of the Property, registration of the legal charge, perfection of the security, discharging the security and for the purpose of ensuring compliance with the Agreement will be the actual reasonable costs incurred, and any other Costs you have to pay will be the average cost, or average costs, to the local authority incurred in relation to deferred payment agreements generally.]*
- 4.3 A copy of the local authority's current tariff of charges will be provided to you with this Agreement. The local authority will give you notice of any changes to the tariff of charges by sending you a copy of the tariff whenever it is changed, and you may obtain a copy of the current tariff of charges on request at any time.
- 4.4 The local authority will give you notice of any Costs incurred by the local authority and if you do not reimburse the amount of those costs to the local authority within 28 days after such notice is given, the amount of those costs will be added to the Debt and interest will

be charged on the amount of those costs in accordance with term 3 above in respect of the period starting on the 29th day after notice of the costs was given to you until payment to the local authority.

5. REPAYMENT

5.1 The Debt is to be repaid to the local authority on the earliest of the following dates:

5.1.1 the date of any sale or other disposal of the Property;

5.1.2 90 days after your date of death.

5.2 If the local authority discovers that any part of the Loan has not been used to pay the Care Charges for which it was lent, then, unless the reason why you have not used that part of the Loan to pay the Care Charges is an unintended error which you are able and willing to have promptly corrected, the local authority may give not less than 28 days' notice to you:

5.2.1 demanding that you repay that part of the Loan, together with the interest payable on that part of the Loan in accordance with term 3 above; and/or

5.2.2 to cancel the local authority's commitment to lend any further amount under this Agreement.

5.3 If the local authority gives notice to you in accordance with term 5.2.1, the part of the Loan referred to in the notice, together with the interest payable on that part of the Loan in accordance with term 3 above, will become immediately payable by you upon the expiry of the period of not less than 28 days which is stated in the notice.

5.4 If the local authority gives notice to you in accordance with term 5.2.2, the local authority's commitment to provide any further lending under this Agreement will be cancelled upon the expiry of the period of not less than 28 days which is stated in the notice.

5.5 If the local authority provides any part of the Loan under this Agreement upon the mistaken assumption that it was required to provide that part of the Loan when in fact it was not because, for example, you were no longer living in the Accommodation, that part of the Loan will be immediately repayable to the local authority, together with interest calculated in accordance with term 3 above.

6. SECURITY

The local authority's rights to repayment and to be paid interest and Costs under this Agreement are to be secured by a legal charge over the Property.

7. POSSESSION AND USE OF THE PROPERTY

The Property must not be let or occupied by any person without the local authority's prior written consent, which will not be unreasonably withheld provided that the property is to be occupied upon an assured short hold tenancy which enables an order for possession to be obtained, after the expiry of an initial term of no more than 6 months, upon one month's written notice.

8. INSURANCE AND MAINTENANCE OF THE PROPERTY

- 8.1 If satisfactory evidence is not provided to the local authority that the Property is adequately insured against all usual risks, the local authority may itself insure the Property under an appropriate policy of insurance and against all usual risks unless there are reasonable grounds for concluding that the site value of the Property, disregarding any building on the property, is adequate security for the Debt, together with a reasonable amount by which it is anticipated that the Debt will increase in the foreseeable future.
- 8.2 The local authority will give you notice of any Costs reasonably incurred by the local authority in so insuring the Property and if the borrower does not reimburse the amount of those Costs to the local authority within 28 days after such notice is given, the amount of those Costs will be added to the Debt and interest will be charged on the amount of those Costs in accordance with term 3 above in respect of the period starting on the 29th day after notice of the Costs is given to you, or, if later than the 29th day after advance notice is given that such an item, or items, of Costs will be incurred, the date on which such item, or each such item of Costs is incurred.
- 8.3 The local authority, or any appropriately qualified person acting on behalf of the local authority, may, no more than once a year, and upon giving at least 14 days' notice to the borrower or other owner of the Property, inspect the Property for the purposes of ascertaining whether the Property is being maintained in reasonable condition and/or whether there are works of maintenance and/or repair which should be undertaken to the Property in order to preserve or restore its value.
- 8.4 The local authority, or any appropriately qualified person acting on behalf of the local authority, may, upon giving not less than 14 days' notice to you or another owner of the Property, carry out such works of maintenance and/or repair as the local authority reasonably considers should be undertaken to the Property in order to preserve or restore its value at or to a value which is adequate security for the Debt, together with a reasonable amount by which it is anticipated that the Debt will increase in the foreseeable future, provided that no more than 56 days before giving you that notice you or another owner of the Property were given 28 days' notice to carry out or have those works carried out and those works have not been carried out to the reasonable satisfaction of the local authority.
- 8.5 In the event that the local authority has reasonable grounds to believe that works of maintenance and/or repair are or may be required as a matter of urgency, the requirement for 28 and 14 days' notice under 8.3 and 8.4 above is to be replaced with a requirement to take reasonable steps to notify you or any other owner of the Property as soon as reasonably practicable.
- 8.6 The local authority will give you notice of any reasonable Costs reasonably incurred by the local authority in relation to the maintenance and/or repair of the Property and if you do not reimburse the amount of those Costs to the local authority within 28 days after such notice is given, the amount of those Costs will be added to the Debt and interest will be charged on the amount of those Costs in accordance with term 3 above in respect of the period starting on the 29th day after notice of the Costs was given to you until payment to the local authority.

9. VALUATIONS

- 9.1 If at any time the local authority has reasonable grounds for concluding that the Debt exceeds [50%] of the value of the Property, the local authority may take reasonable steps to ascertain the value of the property and in particular instruct a suitably qualified valuer to inspect the Property and to provide a report to the local authority on the market value of the Property.

- 9.2 The local authority will give you notice of any reasonable Costs reasonably incurred by the local authority in obtaining a valuation report or otherwise ascertaining the value of the Property and if you do not reimburse the amount of those Costs to the local authority within 28 days after such notice is given, the amount of those Costs will be added to the Debt and interest will be charged on the amount of those Costs in accordance with term 3 above in respect of the period starting on the 29th day after notice of the Costs was given to you until payment to the local authority.

10 KEEPING THE LOCAL AUTHORITY INFORMED

- 10.1 You must inform the local authority as soon as reasonably practicable if any of the following happens:
- 10.1.1 the Property becomes occupied by your partner or by your child who is under 18 or by another member of your family who is aged over 60 or who is incapacitated, or by or relative of yours who is aged over 60 or who is incapacitated as this may mean that the value of the Property is no longer to be taken into account by the local authority for the purpose of calculating your financial resources in terms of capital in the financial assessment carried out under section 17 of the Care Act 2014;
 - 10.1.2 your income exceeds, or is expected to exceed, £144 in any week or, where your income has already exceeded £144 per week, it further exceeds, or is expected to further exceed, £144 in any week;
 - 10.1.3 there is any change to the amount or frequency of your Care Charges;
 - 10.1.4 you have not paid any Care Charge in full when it has become due (other than any which is payable to the local authority or which the local authority is to pay on your behalf under this Agreement);
 - 10.1.5 you cease to live in a care home or supported living accommodation;
 - 10.1.6 there is a change to your needs for care and support the effect of which is that you may no longer require your needs to be met by the provision of the Accommodation;
 - 10.1.7 a decision is taken to sell or otherwise dispose of the Property [or any of it].
- 10.2 You must, whenever asked to do so by the local authority, provide evidence to the local authority, as soon as reasonably practicable, that the Property is adequately insured against all usual risks. The local authority will not request the provision of such evidence during a period in respect of which evidence has already been provided to the local authority that the Property is adequately covered by an insurance policy, provided that evidence has also been provided to the local authority that the premium and insurance premium tax payable for that policy have been paid.
- 10.3 If the local authority makes the Loan by making payments to you, you must, whenever asked to do so by the local authority, obtain and provide to the local authority, as soon as reasonably practicable, evidence that you have made equivalent payments to a care provider in respect of care and support in the Care Home. The local authority will not request the provision of such evidence more frequently than every three months.

11. ENDING THIS AGREEMENT

- 11.1 This Agreement has no fixed duration.

- 11.2 You may bring the Agreement to an end at any time by giving reasonable written notice to the local authority and paying the whole of the Debt.
- 11.3 If you do not bring the Agreement to an end early under 11.2 above, the Agreement will come to an end when the Debt is paid in accordance with term 5 above.

12 STATEMENTS

12. The local authority will provide you with a written statement, informing the you of the amount which you would have to pay to the local authority if you were to bring the Agreement to an end on the date on which the statement is sent or such later date as has been requested by you, and the amount of interest and Costs which have accrued since the Agreement was made:
- 12.1.1 at the end of the period of six months beginning with the date of this Agreement;
- 12.1.2 every six months after the date of the first statement; and
- 12.1.3 within 28 days of a request to the local authority for such a statement made by you or on your behalf.

13 HOW NOTICES OR STATEMENTS ARE TO BE GIVEN

- 13.1 Any notice or statement which the local authority is to give, or may give, to you under this Agreement is to be given by sending the notice by first class prepaid post to you at the Accommodation or to such other person and at such address as has been agreed between the Local Authority and you from time to time.
- 13.2 Any notice which you give to the local authority under this Agreement is to be given by contacting *[insert details for oral contact]* or by sending the notice by first class prepaid post to *[insert contact details]*.
- 13.3 Any notice or statement which is sent by first class prepaid post is to be treated as having been served on the second day after it is posted, excluding Sundays and public holidays.

14 APPLICABLE LAW

The interpretation, validity and performance of this Agreement shall be governed by the law of England and Wales.

15 VARIATION

Any variation to this Agreement must be in writing and signed both by the borrower and on behalf of the local authority.

Borrower's Signature

Please read this Agreement carefully, including all the terms set out above, the information set out below and the terms and information set out in the Schedules at the end of the Agreement. Only sign below if you understand and accept those terms and information.

Signed by the borrower:

Date of signature by the borrower:

Signed on behalf of the local authority:

Name of person signing:

Position of person signing:

Date of signature on behalf of the local authority and date of Agreement:

MISSING PAYMENTS

If you do not make payment when it falls due, legal proceedings may be issued against you for a judgment for the amount you owe [and/or for possession of the Property]. It could also make it more difficult or expensive for you to obtain credit in the future.

Complaints

If you or any guarantor is dissatisfied with any action or omission on the part of the local authority under or in connection with this Agreement, in the first instance please write to [*insert appropriate local authority contact details*] or telephone [*insert appropriate local authority contact details*]. If your complaint is not resolved by the local authority to your satisfaction, you may have a right of appeal to [*insert details of rights to appeal*].

SCHEDULE 1

Accommodation: *[Insert name and address of care home or supported living accommodation]*

Description of Care Charges:

[charges which the local authority considers to be necessary to meet the borrower's needs while the borrower is living in the Accommodation/charges include, in addition to the charges which the local authority considers to be necessary to meet the borrower's needs, the following charges which are being incurred to meet the borrower's preferences: *[insert details of the additional costs and the preferences to which they relate]* charges which are being incurred to meet the borrower's preferences: *[insert details of the preferences to which the charges relate []**].]*

[Weekly/Monthly]* Care Charge: £[]

The Care Charges specified above are those Care Charges for which the Loan is to be provided by the local authority under this Agreement. The total payable for your care and support while the borrower is living in the Accommodation may be more than the Care Charges shown above.

Date when first Care Charge to which this agreement relates will be incurred: []

Lending Limit: [the lower of:

- (1) 90% of the market or surrender value of the Property less:
(a) the total amount of any indebtedness secured on that asset, or those assets, by security which has priority over the local authority's security, and (b) £14,250; and
- (2) *insert maximum amount which the parties have agreed may be lent].*

Rate of Interest: []% per year subject to variation under term 3 on page [].

Estimated Costs: £[] for making the agreement; £[] for [registering the legal charge/perfecting the security]; £[] for [cancelling registration of the legal charge/discharging the security upon repayment of all sums payable under this Agreement.]] * *Delete or amend as applicable to reflect frequency of charges.*

*** Delete and/or complete as applicable according to whether the agreement is limited to those charges for which the local authority is required to enter into a deferred payment agreement and/or additional costs.*

SCHEDULE 2

[Insert agreed terms as to the payment of interest, such as the day of the month on which interest is to be paid, a monthly amount that is to be paid or the manner in which that amount is to be determined bearing in mind that the interest accruing each month will gradually increase as more Care Charges are deferred or more money is lent to pay Care Charges. If the interest payments are to be fixed, they may result in interest being paid in advance (where the fixed payment exceeds the amount accruing in each period) or in interest being debited to the account notwithstanding the periodic payment of interest (where the fixed payment is less than the amount accruing in each period). In either situation, it should be made clear to the borrower what is happening, so that the borrower knows if he is paying interest before it has been incurred and so that he knows if he is not covering all the interest, so that some interest is being added to the Debt on which interest will then be charged.]

Land Registry

Legal charge of a registered estate

CH1

This form should be accompanied by either Form AP1 or Form FR1

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Conveyancer is a term used in this form. It is defined in rule 217A, Land Registration Rules 2003 and includes persons authorised under the Legal Services Act 2007 to provide reserved legal services relating to land registration and includes solicitors and licensed conveyancers.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Give full name(s).

Complete as appropriate where the borrower is a company.

Give full name(s).

Complete as appropriate where the lender is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) of the property:
2	Property:
3	Date:
4	<p>Borrower:</p> <p>For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix:</p> <p>For overseas companies (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
5	<p>Lender for entry in the register:</p> <p>TAMESIDE METROPOLITAN BOROUGH COUNCIL</p> <p>For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix:</p> <p>For overseas companies (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>

Each proprietor may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in any box that applies.

Add any modifications.

Place 'X' in the appropriate box(es).

You must set out the wording of the restriction in full.

Standard forms of restriction are set out in Schedule 4 to the Land Registration Rules 2003.

Insert details of the sums to be paid (amount and dates) and so on.

The borrower must execute this charge as a deed using the space opposite. If there is more than one borrower, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If a note of an obligation to make further advances has been applied for in panel 8 this document must be signed by the lender or its conveyancer.

6	<p>Lender's intended address(es) for service for entry in the register:</p> <p>Council Offices, Wellington Road, Ashton-Under-Lyne OL6 6DL</p>
7	<p>The borrower with</p> <p><input checked="" type="checkbox"/> full title guarantee</p> <p><input type="checkbox"/> limited title guarantee</p> <p>charges the property by way of legal mortgage as security for the payment of the sums detailed in panel 9</p>
8	<p><input checked="" type="checkbox"/> The lender is under an obligation to make further advances and applies for the obligation to be entered in the register</p> <p><input checked="" type="checkbox"/> The borrower applies to enter the following standard form of restriction in the proprietorship register of the registered estate:</p> <p style="padding-left: 40px;">"No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed on behalf of Tameside Metropolitan Borough Council of Council Offices, Wellington Road, Ashton under Lyne OL6 6DL by its Borough Solicitor or conveyancer"</p>
9	<p>Additional provisions</p> <p>The Charge referred to in Panel 6 is made pursuant to the Deferred Payments Agreement dated ("the Agreement") and to which the Borrower and the Lender are parties and the Borrower acknowledges that the Property is charged by way of legal mortgage as security for the repayment to the Lender of the total amount of the Deferred Payments (as defined under Clause 1.4 of the Agreement) and which may be owing from time to time by the Borrower to the Lender the repayment thereof (together with any interest due) to be deferred on the terms set out in Clause 1.5 of the Agreement</p>
10	<p>Execution</p> <p><u>SIGNED AS A DEED</u></p> <p>by the said</p> <p>in the presence of:-</p> <p>Name:-</p> <p>Adresss:-</p>

Occupation:-

SIGNED AS A DEED

by the said

in the presence of:-

Name:-

Adresss:-

Occupation:-

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

EQUALITY IMPACT ASSESSMENT

Subject	The Care Act 2014 Charging Policy & Deferred Payments Policy	
Service / Business Unit	Service Area	Directorate
Adult Assessment	Adult Services	People
EIA Start Date (Actual)	EIA Completion Date (Expected)	Completion Date (Actual)
August 2015	August 2015	August 2015

Lead Contact / Officer Responsible	Paul Dulson Head of Adult Assessment & Care Management
Service Unit Manager Responsible	Sandra Whitehead Interim Executive Director Adult Service

EIA Group (lead contact first)	Job title	Service
Paul Dulson	Head of Adult Assessment	Adult Services
Michelle Bowler	Service Unit Manager	Exchequer
Sarah Quayle	Operations Manager	Exchequer
Jobada Rahman	Assistant Team Manager	Adult Services
Steve Jamieson	Principal Resource Manager	Adult Services Finance

SUMMARY BOX

Section 149, of the Equality Act 2010, the public sector equality duty (PSED) requires that a public authority must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation
- Advance equality of opportunity
- Foster good relations

Having due regard to these involves:

- Removing or minimising disadvantage suffered by persons
- Taking steps to meet the needs of persons with different characteristics
- Encouraging people to participate in public life
- Tackling prejudice and promote understanding.
- Taking steps to take account of disabled persons' disabilities

This EIA focusses on the Council's proposals on the new financial charging policy for Adult Social Care as a result of the Care Act 2014 and also the specific details of the Deferred Payment Policy which is an element of the wider Charging Policy.

A consultation exercise in respect of the proposals on the new financial charging policy took place

between 17 November 2014 and 09 January 2015 and a further consultation took place between 29th May 2015 to 6th July 2015.

The consultation approach included an online questionnaire by means of the Council's Big Conversation as it was appropriate to engage directly with service users and residents. In addition eight focus groups were held across the borough amongst a range of social groups to ensure as many people as possible were engaged. A further 2500 current service users were written to to ascertain their views.

Despite potential barriers to engagement due to the online questionnaire and the fact that many service users do not use the internet, as well as the depth and complexity of the information presented, significant efforts were made to ensure that barriers were removed or alleviated where possible. Considerable exposure through the publicising of the consultation in the local press and on a local radio station, a mailshot to all current service users with the option to request a printed copy of the questionnaire or to call the department for more information (whereby a telephone consultation would also be offered).

Where equality groups were potentially most disadvantaged, such as through disability or age (access to the internet, ability to get to publicly accessible internet provision), or ethnicity (language), these concerns were addressed by specific solutions where need arose. For example it was established that support workers and carers were the best placed people to relay the complex information and proposals within the consultation to any disabled people requiring this extra support that they work with and this was therefore encouraged. Bilingual colleagues within the Adults Finance Service and Welfare Rights were also called upon to support in telephone consultations with people who did not speak English.

Section 1 - Background

BACKGROUND

The Council currently charge for care in residential accommodation and care provided in other settings such as at home. A financial assessment takes place in order to determine how much a service user must contribute towards the costs of their care. The Council consider the service users' income, savings and any assets they own; this might include any investments or property, and then calculate how much the service user can afford to pay towards the cost of their care.

The Council currently charge service users for care and support in residential accommodation and conduct financial assessments for contributions towards that care in accordance with the 'Charging and Residential Guide' and for care in non-residential settings in accordance with the 'Fairer Charging Policies for Home Care and other non-residential Social Services'.

The Care Act 2014 was passed before Parliament on 23 October 2014 which changed the rules governing how local authorities will provide care services in future.

The Act clearly describes a series of new duties and responsibilities on local authorities about care and support for adults and also gives local authorities the powers to decide on a new financial charging policy.

As home to a diverse population – some 220,600 people – Tameside Council seeks to ensure that it provides its services in a fair, accessible, and equitable manner whilst satisfying the requirements of the Equality Act 2010 and the public sector equality duty (section 149) contained therein.

Consultation

The consultation exercise completed pertained specifically to the changes in the new financial charging policy for Adult Social Care services which were implemented from 01 April 2015 in accordance with the statutory Care Act 2014 guidance as released by the Government. Although

the guidance is statutory, it did enact a series of discretionary elements which formed the content of the consultation, these being;

- **Charging for temporary or short term care up to the first 8 weeks as if the person was living in permanent residential care.**
- **Income that is disregarded from a financial assessment**
- **Upper and Lower Capital Limits**
- **Charging for care and support outside of a care home setting**
- **Disability related expenses - standard disregard**
- **Maximum percentage of disposable income**
- **Personal Independence Payments**
- **Severe Disability Premium**
- **Deferring Third Party Top-ups**
- **Extending Deferred Payments to Supported Living Schemes**
- **Renting out a property that is subject to a Deferred Payments Agreement**

This EIA concentrates on the process of developing an appropriate framework for the execution of the Care Act 2014 and the impact of these proposals. Consultation was undertaken in order to ensure that all protected characteristic groups were considered in terms of both the accessibility of the consultation process and the overall impact the changes to the new financial charging policy for Adult Social Care services will have upon those groups.

Hosting the consultation online allowed it to be much more accessible as people do not have to physically attend a consultation, and consultees could access the exercise in their own time and at their own leisure.

The option was given, for those who do not have access to the internet, to request a printed copy of the questionnaire or to call the department for more information (whereby a telephone consultation would also be offered). Considerations were also given to ethnicity and a potential language barrier as a result of the online and printed questionnaires being in English language, therefore the option was given to request printed copies of the question in other languages if required.

Links to an online easy read version of the Care Act 2014 as produced by the Government and a short video outlining the principles of the Care Act 2014 produced by The Social Care Institute for Excellence (SCIE) were included in the Big Conversation.

The consultation was publicised amongst all current and prospective service users

Response Method	Starts	Completions
Big Conversation online questionnaire Nov 14 – Jan 15	142	81
Big Conversation online questionnaire May 15 – July 15	49	49
Telephone consultation	20	20
Paper questionnaire	35 issued	3

Section 2 – Issues to consider

ISSUES TO CONSIDER

The below table details the demographic profile of the overall population of the borough in comparison to the current client base of those in receipt of chargeable adult social care services

and that of respondents to the Big Conversation;

Demographic Group	Tameside Population (%)	Client Base (%)	Respondents to Big Conversation (%)
Gender			
Male	49.2	38.1	46.3
Female	50.8	61.9	53.7
Age			
Under 30	37.1	6.0	4.2
30 – 44	19.6	7.8	8.5
45 – 59	20.8	12.1	31.6
60 – 79	18.4	28.4	43.1
80+	4.1	45.7	12.6
Ethnicity			
White	90.9	96.2	95.6
BME	9.1	3.8	4.4
Disability			
Yes	20.9	33.7	53.8
No	79.1	66.3	46.2

Eleven discretionary elements were consulted upon, and following the consultation exercise the Key Decision recommends the implementation of the following outcomes:

- **Continue charging for temporary or short term care up to the first 8 weeks as if the person was living in permanent residential care.**
- **Continue to disregard the value of Income Support/Guaranteed Credit element of Pension Credit plus the buffer of 25%.**
- **Maintain the lower capital limit and introduce an upper capital limit.**
- **Introduce a new maximum charge for care and support outside of a care home setting in line with residential care.**
- **Continue to maintain the disability related expenses - standard disregard**
- **Continue to set the maximum percentage of disposable income taken into consideration for assessment at 100%.**
- **To treat Personal Independence Payments as Disabled Living Allowance currently is when carrying out a financial assessment.**
- **To take the full amount of Severe Disability Premium into account when carrying out a financial assessment.**
- **Decisions to defer payments including top ups for residential care will be taken on a case by case basis**
- **The Deferred Payments Scheme will be extended to people living in supported accommodation**
- **25% of any rental income from a property subject to a deferred payments agreement will be allowed to be retained by the service user.**

In light of the above, in addition to considering the effects on the protected characteristic groups it is important to also consider the following groups who the changes pertain to predominantly;

Property Owners

As of 1 April 2015, the Council must offer a Deferred Payment Agreement to all service users in receipt of chargeable residential services, who own a property and whom meet the qualifying criteria.

The Ageing Population

Tameside's population is currently estimated at 220,600 residents. There has been a growth particularly in the number of people over 65 years by 13% since 2013 and this is projected to continue to increase to 33% by 2025. Older people often have an increasing need for health and social care as they grow older.

It is estimated that in 2008 there were 2,384 people over the age of 65 with dementia in Tameside. By the year 2025 this total is expected to rise by 40.6% to reach 3,351 people.

Prospective Service Users

It is important that those who, although may not currently be in receipt of adult social care services, may be in receipt in the near future and will, therefore, be affected by the changes as outlined in this consultation. In rolling out a comprehensive programme of engagement to ensure maximum rates of participation, the council is therefore mindful of the requirement to satisfy its obligations under the PSED of the Equality Act 2010, and ensure that all groups are able to participate should they wish.

The conclusions drawn from the evidence and analysis of the effects on equality on the protected characteristic groups are detailed in the below table:

Protected Characteristic	Demographic Analysis
Age	<p>Pensioners: Tameside has a caseload of 2998 adults in receipt of social care services who have been financially assessed. There are 2033 service users (68% of the total) who are of pensionable age. There is a greater proportion of older people in receipt of care services than compared to the Tameside population overall in which those of pensionable age form 21% of the population. Census data reveals an increase in an ageing population.</p> <p>Within the last five years 84 people owned property at the time they were placed by the Council into chargeable residential care. All 84 of these service users were of pensionable age.</p> <p>Working age / non-pensioners: 965 service users (32% of the total) are non-pensioners (i.e. have not reached pension credit age) and are therefore of working age.</p>
Disability	<p>The disability profile of the client base of those in receipt of chargeable care services shows that 982 service users (33 % of the total) are disabled. There is a greater proportion of disabled people who are service users compared to the Tameside population overall (21%).</p> <p>Of the 84 people who have been placed into chargeable residential care, who owned property, seven of these (8%) were classified as disabled. The remaining 77 were of the older people category and are likely to have been placed into chargeable residential care due to an age-related deterioration in their ability to manage key day to day tasks or due to dementia.</p>
Gender	<p>39% of the client base are male and 61% female. The gender profile of the client base shows a greater proportion of females compared to the Tameside population overall. The total pensioner client base is 69% female and 31% male. The disabled client base is 48% female</p>

	<p>and 52% male.</p> <p>Of the 84 people who have been placed into chargeable residential care and owned a property 59 (70%) of these were female and 25 (30%) were male.</p>
Race	<p>90% of the client base of those in receipt of chargeable social care services for adults are white and 10% BME. This is largely in line with the ethnicity profile of Tameside overall (91% white and 9% BME).</p> <p>Of the 84 people who have been placed into chargeable residential care whilst owning a property 66 of these were white (79%) and 7 (8%) people were BME. Race details are not held for the remaining 11 (13%) people.</p>
Religion and Belief / Sexual Orientation / Gender Re-Assignment / Pregnancy and Maternity / Marriage and Civil Partnership	<p>Specific data is not available on these protected characteristics for those in receipt of chargeable social care services for adults. However no evidence of any disproportionate impact was discovered.</p>

LIST OF EVIDENCE SOURCES
<p>Big Conversation analytics</p> <p>Mid-year Population Estimates 2013 (ONS) – age and gender data</p> <p>Census 2011 (ONS) – ethnicity and disability data</p> <p>Abacus system reports</p>

Section 3 – Impact

IMPACT			
<p>The table below details the proposals addressed within the Care Act 2014 financial charging policy key decision and their impact. For the purposes of this analysis Deferred Payment Agreement administrative fees and interest rates will be considered collectively as both charges will be applied in all instances where the eligibility criteria is met.</p>			
<table> <tr> <th><u>PROPOSAL</u></th></tr> <tr> <td>Continue charging for temporary or short term care up to the first 8 weeks as if the person was living in permanent residential care.</td></tr> <tr> <th><u>IMPACT</u></th></tr> </table>	<u>PROPOSAL</u>	Continue charging for temporary or short term care up to the first 8 weeks as if the person was living in permanent residential care.	<u>IMPACT</u>
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<u>IMPACT</u>			

<p>The current Council policy is to charge someone as if they were in residential care if they move into a residential care home for a temporary period. If the Council was to change this policy to charge as if the person was remaining at home and only paying a homecare charge then the financial impact on the Council would not be significant however given the current financial climate and the need to ensure that people are paying what they can afford recognising the actual cost of the care they are receiving it is proposed to continue with the current policy.</p> <p>This will only impact on those people who move into residential care for a temporary period upto 8 weeks. Those currently affected will not be further impacted upon.</p>
<u>PROPOSAL</u>
Continue to disregard the value of Income Support/Guaranteed Credit element of Pension Credit plus the buffer of 25%.
<u>IMPACT</u>
<p>This proposal is a continuation of the current policy in that it recognises that the Government has set a baseline that it deems sufficient to live on. The additional 25% buffer that the Council operates ensures that people have that extra income available before any charges are levied on the remaining income beyond the minimum rate plus 25%.</p> <p>Those people receiving social care services on basic benefits will not be impacted upon however if they have other income (either earned or welfare benefits) then they will be expected to pay towards their care and support costs.</p> <p>There are currently around 2,500 people in receipt of care who are required to pay something towards their care costs and this will continue as now.</p>
<u>PROPOSAL</u>
Maintain the lower capital limit and introduce an upper capital limit.
<u>IMPACT</u>
<p>This proposal maintains the current lower capital limit but introduces an upper capital limit of £23,250 above which people will be expected to pay the full cost of their care. This will impact on approximately 51 people to varying degrees with only 4 people being expected to pay the new maximum amount for non-residential care of £419.00 per week. This is in line with the minimum amount someone would be expected to pay in residential care and attempts to rebalance an anomaly that has existed for many years in that people living at home irrespective of what savings they had were only required to pay a maximum of £214.50.</p>
<u>PROPOSAL</u>
Introduce a new maximum charge for care and support outside of a care home setting in line with residential care.
<u>IMPACT</u>
<p>This proposal is being made to rebalance an inequality in the Council's current charging policy. People receiving a non-residential package of care currently only pay a maximum of £214.50 per week towards their care. There are people with larger incomes or large amounts of savings who can afford to pay more as they would be expected to do if they were receiving their care in a residential care home. This anomaly currently means that someone may be receiving a care package at home in excess of £2000 per week but still be required to pay only £214.50 despite having the ability to pay more. The proposal is to increase the maximum charge to £419.00 which is in line with the lowest cost of residential care in an off framework home so that people with the ability to pay are not disadvantaged whether living in one environment or the other.</p> <p>There are currently 13 people who would see their current charges increase by over 50% but all have significant savings or income and are therefore in a position to afford the increases.</p>
<u>PROPOSAL</u>
Continue to maintain the disability related expenses - standard disregard
<u>IMPACT</u>

<p>The proposal is to continue the current policy practice of disregarding £13.24 per week (2015/16 amount) of any income in recognition that people with disabilities and life limiting conditions often have additional expenditure that is directly related to those conditions.</p> <p>To withdraw this disregard would result in people having to pay a higher charge for the services they receive and would reduce the amount of disposable income they have.</p>
<u>PROPOSAL</u>
Continue to set the maximum percentage of disposable income taken into consideration for assessment at 100%.
<u>IMPACT</u>
<p>This is a continuation of current Council policy and therefore no new people will be adversely affected. Once the minimum income guarantee plus 25% and any disregards are taken into consideration the remaining income that someone has is regarded as disposable and therefore open to be taken into account when calculating a persons charges.</p> <p>The charge takes into account the persons ability to pay and the actual cost of the care being provided. People who are in receipt of social care services are required to pay something towards the cost of their care. The more disposable income someone has the more they should be expected to pay towards the actual cost. The people who this proposal most affects are those with a large amount of disposable income.</p>
<u>PROPOSAL</u>
To treat Personal Independence Payments as Disabled Living Allowance currently is when carrying out a financial assessment
<u>IMPACT</u>
<p>The Personal Independence Payment (PIP) is a new benefit replacing Disabled Living Allowance (DLA) and will be gradually phased in over the next few years. Currently DLA is split into daytime and night time care and a higher and lower amount is payable depending upon what care needs a person has. The current policy is to only take the night time rate of DLA into account if the person has night time needs that are being met by services. if they don't have such needs then the night time rate is disregarded when calculating a person's charges. This proposal extends the current policy to people in receipt of PIP so that a proportion equivalent to the night time needs rate of DLA is disregarded.</p> <p>This affects all new recipients of PIP and all existing DLA recipients as their benefits transfer to PIP over the next few years.</p>
<u>PROPOSAL</u>
To take the full amount of Severe Disability Premium into account when carrying out a financial assessment.
<u>IMPACT</u>
<p>Severe Disability Premium (SDP) is another benefit paid to people with a disability (cognitive or physical) and currently the Council disregards the first £10.00 per week when calculating the charges that someone is able to pay. SDP is specifically provided so that the person can continue to lead as independent life as possible but recognises that they may need additional help and support to do this. It is acknowledged that the payment should be used to pay towards the actual cost of social care that the person is receiving.</p> <p>The proposal is to cease disregarding £10.00 of SDP and instead to take the full amount into consideration when calculating a person's ability to pay for their care. This will mean that all recipients of SDP (currently around 500 people) will have all of their SDP taken into account when carrying out their annual financial assessment.</p>
<u>PROPOSAL</u>
Decisions to defer payments including top ups for residential care will be taken on a case by case basis
<u>IMPACT</u>
If a person chooses a residential or nursing home that operates a top up then this increases the weekly amount that the person is expected to pay for their care. If the

<p>payment is deferred then this increase impacts on the Council as it is required to pay the cost of care until such time as the deferred payment is realised.</p> <p>Deferred Payments are required to be offered by the Care Act 2014 but take up is relatively small in the borough. Early indications since the implementation of the Act suggest that this number will not increase significantly. Most homes in Tameside do not charge top-ups and therefore the impact is further reduced.</p>
<u>PROPOSAL</u>
The Deferred Payments Scheme will be extended to people living in supported accommodation
<u>IMPACT</u>
<p>The current arrangement is only available to people living in residential or nursing care homes. This proposal extends the opportunity of a deferred payment arrangement to people who move out of their home and move into supported accommodation such as extra care housing.</p> <p>There are very few people who this proposal will affect as most people who move into extra care housing are either not home owners or still have a spouse or relevant family members still living at home. Also the low take up of deferred payments already within the residential care sector will also mitigate against a significant uptake of this option.</p>
<u>PROPOSAL</u>
25% of any rental income from a property subject to a deferred payments agreement will be allowed to be retained by the service user.
<u>IMPACT</u>
<p>Few people currently request deferred payments and fewer still would be likely to rent out their property once they have moved into residential care. That said if they do wish to rent out their property and continue to defer payments then it is felt that retaining 25% of the rental income would be a fair amount. This will ensure that there is an incentive for renting the property whilst at the same time ensuring the majority of the income is taken into account as an income.</p>

Section 4 – Proposals & Mitigation

PROPOSALS & MITIGATION								
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<p>People who are living on only the basic state minimum guaranteed income will not be required to pay anything however most people in receipt of adult social care services will also have other forms of income such as disability benefits and these will be taken into account in the financial assessment and charge calculation.</p>
<p><u>PROPOSAL</u></p>
<p>Maintain the lower capital limit and introduce an upper capital limit.</p>
<p><u>MITIGATION</u></p>
<p>In introducing an upper capital limit, people whether they live at home or in residential care will be treated equally and the charges will be based on the principle of an ability to pay for the actual cost of the care that they are receiving.</p> <p>Those people who are most adversely affected will be financially assessed and arrangements will be made for either a gradual increase over a few months or an agreed set date for the new charge to start so as to reduce the immediate financial burden being taken at once.</p> <p>The Council will carry out financial assessments phased over the next few months until the end of March 2016. As new financial assessments are completed the new arrangements will be implemented. Advance notice of the changes being made to the financial assessment will be given following the Key Decision and subsequently prior to the assessment to ensure that people are made aware of the changes. The key principle of people being able to pay towards the actual cost of their care will be maintained and therefore people will not be left with a weekly amount equivalent to the Governments minimum income guarantee plus a 25% buffer.</p>
<p><u>PROPOSAL</u></p>
<p>Introduce a new maximum charge for care and support outside of a care home setting in line with residential care.</p>
<p><u>MITIGATION</u></p>
<p>In introducing a new maximum charge, people whether they live at home or in residential care will be treated equally and the charges will be based on the principle of an ability to pay for the actual cost of the care that they are receiving.</p> <p>Those people who are most adversely affected will be financially assessed and arrangements will be made for either a gradual increase over a few months or an agreed set date for the new charge to start so as to reduce the immediate financial burden being taken at once.</p> <p>The Council will carry out financial assessments phased over the next few months until the end of March 2016. As new financial assessments are completed the new arrangements will be implemented. Advance notice of the changes being made to the financial assessment will be given following the Key Decision and subsequently prior to the assessment to ensure that people are made aware of the changes. The key principle of people being able to pay towards the actual cost of their care will be maintained and therefore people will not be left with a weekly amount equivalent to the Governments minimum income guarantee plus a 25% buffer.</p>
<p><u>PROPOSAL</u></p>
<p>Continue to maintain the disability related expenses - standard disregard</p>
<p><u>MITIGATION</u></p>
<p>The proposal is to continue the current policy practice of disregarding £13.24 per week (2015/16 amount) of any income in recognition that people with disabilities and life limiting conditions often have additional expenditure that is directly related to those conditions.</p> <p>Everyone receiving social care services has a financial assessment and the standard disregard will be taken off their total income prior to calculating any charges. The standard disregard benefits everyone in receipt of services.</p>
<p><u>PROPOSAL</u></p>
<p>Continue to set the maximum percentage of disposable income taken into consideration for assessment at 100%.</p>

<u>MITIGATION</u>
<p>This is a continuation of current Council policy and therefore no new people will be adversely affected. Once the minimum income guarantee plus 25% and any disregards are taken into consideration the remaining income that someone has is regarded as disposable and therefore open to be taken into account when calculating a person's charges.</p> <p>This proposal is based on a person's ability to pay for their care and support and those people with a high disposable income will be expected to pay more towards the cost of their care than those with lower amounts of disposable income. Everyone will receive at least an annual financial assessment which will take into account any disregards or minimum income guarantees and only take actual disposable income into account when calculating charges.</p>
<u>PROPOSAL</u>
To treat Personal Independence Payments as Disabled Living Allowance currently is when carrying out a financial assessment
<u>MITIGATION</u>
<p>The proposal is to bring in line the disregard for both PIP and DLA recipients so that they are equally treated. Although PIP does not have a specific amount identified as night time rate the total payment is the same as DLA and therefore the rate for night time care needs identified for DLA will be used for PIP.</p> <p>The financial assessment will be able to determine the rate of PIP that someone is in receipt of and if no night time needs are identified then an appropriate amount of the PIP will be disregarded. This will ensure that people are equally treated if they have the same level of need.</p>
<u>PROPOSAL</u>
To take the full amount of Severe Disability Premium into account when carrying out a financial assessment.
<u>MITIGATION</u>
<p>There are currently 500 people in receipt of Severe Disability Premium receiving social care services in Tameside. They currently have £10.00 per week of their SDP disregarded and this proposal means that this will stop.</p> <p>The Council will carry out financial assessments phased over the next few months until the end of March 2016. As new financial assessments are completed the new arrangements will be implemented. Advance notice of the changes being made to the financial assessment will be given following the Key Decision and subsequently prior to the assessment to ensure that people are made aware of the changes. The key principle of people being able to pay towards the actual cost of their care will be maintained and therefore people will not be left with a weekly amount equivalent to the Government's minimum income guarantee plus a 25% buffer.</p>
<u>PROPOSAL</u>
Decisions to defer payments including top ups for residential care will be taken on a case by case basis
<u>MITIGATION</u>
<p>Numbers are relatively low and when carrying out a financial assessment and application for a deferred payment the value of the property is taken into account ahead of making decisions whether to allow a deferred payment agreement or a timeframe for such an agreement to take place within. If a top up also exists then this will be taken into consideration at the time of the considerations and if it is felt that there is insufficient value in the property or any other mitigating factor then the Council may refuse the application.</p> <p>Close scrutiny of the application together with a full financial assessment will be maintained to ensure that any arrangement remains viable and with limited risk to the Council.</p>
<u>PROPOSAL</u>
The Deferred Payments Scheme will be extended to people living in supported accommodation
<u>MITIGATION</u>

<p>There are very few people who this proposal will affect as most people who move into extra care housing are either not home owners or still have a spouse or relevant family members still living at home. Also the low take up of deferred payments already within the residential care sector will also mitigate against a significant uptake of this option.</p> <p>This policy will be regularly reviewed to ensure continued financial viability for the Council.</p>
PROPOSAL
25% of any rental income from a property subject to a deferred payments agreement will be allowed to be retained by the service user.
MITIGATION
<p>This policy is new and will be open to regular review to ensure that both the service user and the Council are not disadvantaged as a result of the proportion currently being proposed. It is unlikely that take up of the deferred payment scheme and possible rental of properties will be on a significant scale.</p>

Section 5 – Monitoring

MONITORING PROGRESS
n/a

Issue / Action	Lead officer	Timescale
n/a	n/a	n/a

Sign off

Signature of Service Unit Manager	Date
Paul Dulson	06/082015
Signature of Assistant Executive Director / Assistant Chief Executive	Date
Sandra Whitehead	06/08/2015
Stephanie Butterworth	06/08/2015

Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Oliver Ryan – Executive Member (Children’s Services) Richard Hancock – Director (Children’s Services)
Subject:	SPECIAL GUARDIANSHIP ALLOWANCE POLICY
Report Summary:	<p>The report provides details of an invest to save initiative within Children’s Services for which approval is requested to commence implementation.</p> <p>The new policy will actively encourage new Special Guardianship applications from family and friends and those Tameside Foster Carers and Foster Carers from Independent Fostering Agencies to convert to become Special Guardians for the children who they look after.</p>
Recommendations:	To approve the proposal to agree investment to create a Special Guardianship Order Support Service.
Corporate Plan:	This links to the corporate plan under the heading of starting well the change to the way Tameside Metropolitan Borough Council works with special guardians. Will mean that more children will achieve permanence at an early stage in their lives which will improve their outcomes and reduce the number of Children Looked After. Children will be cared for by the people who have a pre-existing relationship with them.
Policy Implications:	There is a request for changes in the current Special Guardianship Order Policy which will ensure Tameside Foster Carers, connected or otherwise and Independent Fostering Agency carers are paid at their current rates until the child reaches 18, therefore implementing a ‘no detriment’ approach to their conversion from Foster Carer to Special Guardian. The current policy is means tested which has acted as a deterrent and has prevented carers from agreeing to a Special Guardianship Order.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The report requests consideration of the proposed SGO invest to save policy.</p> <p>The investment requirement for a new SGO support team as stated in section 6.4 (table 1) will need to be financed from the estimated initial annual cash savings that will be realised from the conversion of internal foster carers (£0.070 million) and independent foster care agency carers (£0.334 million). Supporting details are provided in sections 3.6 and 3.12 accordingly. Members should note there will be a part year effect of any initial cash savings as they will be dependent on the SGO conversion date.</p> <p>Members should note that there will be two different SGO payment mechanisms following the outcome of the consultation that has been undertaken and the proposal that the policy will be at no detriment to existing financial payment arrangements. Therefore the existing payment rates for internal foster carers that</p>

convert (per **Appendix one**) will remain, with alternative payment rates for Independent Foster Care agency (IFA) carers that convert. The rate payable to IFA carers will be dependant on the rate they currently receive from the agency. An average weekly rate has been provided for context within section 3.12 of the report.

The SGO support team referenced in section 6 of the report will need to be financed from the Children's Social Care annual revenue budget on an ongoing basis in future years and will be dependent on the number of carers that become Special Guardians. Table 1 (section 6.4) provides the part year (2019/20) and ongoing annual cost of the proposed team. The number of posts in the team will, however, be dependent on the number of SGO carers requiring support within the borough at any time and number of carers that are converting to SGO status. The number of posts within the team will therefore need to be flexible to these arrangements.

The estimated annual cash savings that will be realised in the initial years for the conversion of existing carers will contribute towards the financing of the team and the directorate annual budget savings. However, the report also explains that there will be additional capacity realised within the service establishment via this proposal. This may, in future years enable the service to then reduce the number of posts in the service to support the planned reduction to the ongoing directorate revenue budget as assumed within the Strategic Commission's medium term financial plan.

It is essential that appropriate monitoring arrangements are introduced alongside this investment proposal to ensure the estimated cost avoidance and initial financial savings in the early years are realised and on a recurrent basis thereafter.

Legal Implications:

(Authorised by the Borough Solicitor)

Robust SGO support plans, with clear financial support, and support team in place will go a long way to persuading the Court and Guardians that these placements can be properly supported moving forward.

Although ostensibly a change in 'policy', the advice, on balance, is that it does not need public consultation. It isn't changing thresholds for access to services, nor is it directly changing the level of service/support a child receives. Rather it changes payment policies that will in turn encourage a greater take up of what is arguably a more sustainable setting both in terms of outcomes for children, and financially for the Council in the long term. Given this is such a niche topic, it is unlikely public consultation via the Big Conversation would be of meaningful benefit.

Targeted engagement and / or insight based on feedback from stakeholders and interested parties would be a better and more meaningful evidence base in this situation given the complexity, and the small numbers potentially affected. Those parties could be Independent Fostering Agencies, current foster carers with Tameside Council, current foster carer with IFA, someone who is thinking of applying / currently applying for SGO, someone who *currently holds SGO*.

So it doesn't need to be a formal survey, nor a standalone piece of work, rather an exercise to collate feedback received through different channels that helps form an understanding of stakeholder views, and then demonstrate that those views have been understood and taken into account when formulating the proposed new policy.

Of course the above is dependent on there being existing feedback that can be collated. If not some conversations will need to be had with those stakeholders and interested parties, but that doesn't need to be full public consultation.

With regards to equalities there is a clear relevance to age given this is about children. Consideration should also be given to other protected characteristic groups. For example, are certain groups over/under represented in the potential affected cohort compared to the population of children in care and the overall population of children in the borough. Again, whilst a full EIA is not necessary it will be important to show due regard and this can be done by including some headline data in the Part A scoping EIA.

So in summary the report should include a clearly defined section on learning based on feedback from stakeholders gathered primarily through normal business and include a section on equalities noting relevance based on headline data (with a supporting Part A). In addition, including any insight of where this approach has been undertaken in other authorities, and associated learning, helps with the evidence base.

Risk Management:

As there is no requirement for an Independent Agency Foster Carer to convert to being a Tameside Foster Carer prior to the application for Special Guardianship. There is the potential for a difference in the rates of allowance paid to Special Guardians dependent upon their status prior to converting. In addition, those Special Guardians who were assessed prior to the implementation of this policy will be on different term and conditions of financial support rates.

There is a consultation programme with Independent Foster Carers and Tameside Foster Carers planned over the next three weeks. The outcome of this consultation may result in recommendations for changes to the policy due to the effect on the equality impact assessment.

Background Information:

The background papers relating to this report can be inspected by contacting



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e-mail: jodie.graham@tameside.gov.uk

1. INTRODUCTION

- 1.1 Special Guardianship was introduced in 2005 as a legal pathway to permanence for children, often within the extended family network. It was introduced to meet the needs of a significant group of children, including mainly older children who had become separated from their birth family, children already living with a relative or foster carer, and groups such as unaccompanied asylum-seeking children. Statutory guidance on Special Guardianship states that its purpose is to:
- give the carer clear responsibility for caring for the child and for making decisions to do with their upbringing
 - provide a foundation on which to build a lifelong permanent relationship between the child and their carer
 - be legally secure
 - preserve the link between the child and their birth family
 - be accompanied by access to a range of support services, including, where appropriate, financial support (Department for Education and Skills, 2005).
- 1.2 Therefore, Special Guardianship is an effective order in which to secure permanence for children with carers who they have a pre-existing relationship with. Within Children's Social Care, there are a number of children whose wish to be cared for by their current carers without the involvement of the local authority. Historically, there has not been enough emphasis on care planning for children past the final order. This has essentially meant that children subject to care orders placed with connected (family) carers have remained in care long after their care order could have been discharged and replaced by a special guardianship order.
- 1.3 The strategy has two parts, firstly to reduce the number of children in care, and therefore reduce social work services children who no longer subject to care orders. This will not produce cashable savings; however it will allow the realigning of budgets to ensure that social work teams are better equipped to manage demand without any increase in the current establishment. The second part of the strategy is to, enable more carers to benefit from the option to become special guardians at the initial care planning stage and therefore diverting children from the looked after system at an early stage by having their permanence needs secured in their families and friends network via an alternative legal order.
- 1.4 There are a disproportionately high number of children that are currently placed with connected carers, who now have active plans for SGO (Special Guardianship Order) that need to be progressed, many of these plans for SGO's have drifted.
- 1.5 The permanence needs of children in Tameside have been detrimentally affected and this delay has also prevented Tameside MBC from achieving non cashable savings in terms of increased capacity from Social Workers, Supervising Social Workers and Independent Reviewing Officers as well cost avoidance in relation to support staff. At a time when children's services are showing a significant deficit this could in time allow the Local Authority to realign workers and to have additional resources to prevent children from coming into care.
- 1.6 In March 2019, a consultation exercise was held with 12 Foster Carers by face to face meetings and telephone conversations, these were a combination of Connected Carers, Independent Fostering Agency Carers and Tameside MBC Carers, Social Workers and in the Looked After Children Teams and Fostering Service were also consulted. There was positive feedback from the consultation, where there was unanimous feedback that the 'no detriment' policy was positive and would remove the financial barrier to carers applying for a Special Guardianship Order. In addition to the financial support all the carers and social

workers consulted considered the development of a Special Guardianship Support Team to be positive, they appreciated having the 'safety net' of support should it be needed at any point.

- 1.7 The learning from the consultation is the foster carers through a copy of the policy and procedure in its entirety or a link to it would be useful once it has been approved, as during the consultation a summary was distributed. Also, a leaflet should be developed for practitioners to provide to carers, which contains contact details, the carers wanted to be consulted on the content of the leaflet. The issue of enhanced payments for solo placements was raised, this is where the foster carer has an enhanced care rate when a child is placed with them who is unable to live with other children, as a result of this feedback the policy will need to include the honouring of these enhanced payments.

2 METHODOLOGY

- 2.1 A review of all looked after children within the Safeguarding/Locality Teams and the Looked After Children's Service has been undertaken to establish the care plans of children who are currently looked after on a long term basis. Where there has been a care planning decision that a Special Guardianship Order is appropriate and this decision has been quality assured by the Independent Reviewing Officer, and where the next stage is to agree the decision to discharge the care order at a legal gateway meeting, in short all professionals involved in the care planning of the child, in addition to the carers and the child agree a Special Guardianship Order is in the best interests of the child. where this is the situation, children identified have been split into two specific cohorts and they are:

- Children placed with connected carers
- Children who have been placed long term with Independent Fostering Agency Carers.

- 2.2 Work has been undertaken with legal services, and the courts and it has been agreed that these applications will be fast tracked (completion within 12 weeks).

Connected Carers

- 2.3 All children that have been placed with connected carers for two years or more, will be reassessed, in line with the care planning procedures and if appropriate a plan for Special Guardianship Order will be progressed if this is considered to be in the best interests of the child and it is aligned to the wishes and feelings of the child and carers . There is currently a cohort of children within the Looked After Children's Team that have plans for Special Guardianship Orders with their carers for some time, as well as emerging plans for Special Guardianship Orders which are due to be ratified by the Independent Reviewing Officers at the next Looked After Review. It is envisaged that clarity around the financial policy two year payment reviews, will encourage other carers to agree to a plan of Special Guardianship Order as a significant barrier is around the support to the carer and child once the child is no longer subject of a Care Order. If through care planning process a Special Guardianship Order is considered to be in the best interests of the child then the matter will progress to legal gatekeeping so the recommendation can be agreed within the formal decision making framework of Childrens Services.

Independent Fostering Agency Carers

- 2.4 There are a number of children who are placed with Independent Fostering Agency carers for whom a Special Guardianship Order is considered appropriate.. However, There would be a significant financial loss to the carers by doing so. This has left Tameside in a difficult position, as the Special Guardianship Order allowances needs to be equitable, however the savings that could be achieved by paying these carers their current rates minus the agency fees would essentially provide Tameside with a substantial saving per child over the duration of the child's life in care. There will therefore be two payment arrangements in

place if Independent Foster Carers are paid at a rate that varies to the current (2019/20) Internal Foster Carer rates as stated in **Appendix One**. Whilst the primary motivation for securing permanence for children is not financial, the barrier the financial loss creates for some carers prevents special guardianship being a viable option for this cohort of children.

3 SAVINGS AND COST AVOIDANCE

- 3.1 This approach will not only identify suitable alternative extended family options to long term care which will provide the best outcomes for children, it will make savings for the Local Authority. For example, if the Council identified viable permanency options with family members for children who are in existing independent foster care agency placements, there will be cash savings realised due to no longer paying the difference between the sum paid to the agency and the sum received by the carers (as explained in section 3.12).

There would also be capacity savings for the Local Authority in terms of staff time completing statutory visits to Looked After Children, Independent Reviewing Officer's chairing statutory reviews across the North West and other agencies completing Personal Education Plan's/Health Assessments as part of the child's Looked After Child's care plan. As the service develops, there is potential for both cost avoidance as children are diverted from becoming a Looked after Child and a reduction in existing costs as children are returned to their family from care or their carers become special guardians which will reduce the need for statutory services involvement. These savings can then be reinvested to support these Special Guardianship orders through a Special Guardianship Order Support Team.

Internal Foster Care Placements

- 3.2 Each social worker in the children's social care teams spend an average of 466 hours per annum on each young person in internal foster placement. This equates to approximately 0.25 of a full time equivalent post.
- 3.3 There are additional costs relating to an internal placement (for example travel, medicals) which total approximately £1,200 per annum.
- 3.4 58 internal placements have been identified by the service as appropriate for Special Guardianship Order status. Staffing If this were to be progressed then the resource could be diverted into other parts of the service (or reduced over time) and/or realised as a cash saving (due to no longer paying travel, medicals etc) if they take up the Special Guardianship Order option.
- 3.5 This equates to an average of 14.5 full time equivalent posts in a whole year as either additional capacity or a reduction to the establishment over time.
- 3.6 The estimated annual cash saving of non payment of training and medicals equates to £ 0.070 million. It should be noted however that the travel and medical costs would be cost avoidance for any new placements when compared to conversion of existing internal foster carers.
- 3.7 The internal carers would remain on the payment rates as stated in **Appendix One**, there is therefore no cash saving realised for these rates.
- 3.8 It is essential that emphasis should be on early care planning and reducing delay in applications for children who are already subject to a care order. There should also be a staged permanence is the final care for children who have not been in placement long enough during proceedings for a Special Guardianship Order to be granted. This will reduce drift and ensure that children are exited from care in a timely manner .

External Foster Placements (Independent Fostering Agency's – IFA)

- 3.9 There are 18 identified children in IFA placements which can transition to Special Guardianship placements, with a further 32 identified for long term match and a percentage of these will be suitable for SGO plans over the next two years.
- 3.10 Using the example of the 18 identified children in IFA placements with a plan for SGO, the average external placement cost to the Council is £780 per week. This equates to £0.730 million per annum.
- 3.11 Our research has discovered that an IFA carer receives an average of £423 per week from the agency per child. This equates to £0.396 million per annum.
- 3.12 The potential average annual cash saving for the Council if the same 18 IFA carers opted for SGO option is £357 per week (the difference between (£780 and £423 per week). This equates to an estimated annual saving of £0.334 million for the identified 18 children (£0.019 million per carer).
- 3.13 This would be an annual saving on a no detriment policy for proposed SGO payments for existing IFA carers.
- 3.14 Members should note however that these weekly rates will not be in line with the rates provided in **Appendix One** for Internal Foster Carers that convert to SGO.
- 3.15 The actual rate payable to a converting IFA carer will need to be agreed on an individual case by case basis on provision of evidence of the actual sum received from the agency.

4 BARRIERS

Financial Policy

- 4.1 The current financial policy is acting as a deterrent for carers agreeing to become Special Guardians, as there is a vulnerability attached to the two year financial review. Many carers have saved for their retirement and these savings act as a barrier to them receiving Special Guardian Order support funding. The no detriment policy will address this barrier and will support the transition from foster carer to special guardian, whilst the financial issue is a significant barrier to remove, the 'no detriment' policy will open the option of a Special Guardianship Order to a cohort of children who were previously denied this route to permanence.

5 IMPACT AND OUTCOMES.

- 5.1 The impact of conversion to a Special Guardianship Order for this cohort of children will significantly reduce the number of social work hours needed to discharge statutory duties. This will allow realigning services to where they are needed most and concentrate the emphasis on preventing children from becoming looked after. The impact for the child is just as significant as they are no longer Looked After they will not be subject to statutory reviews, Personal Education Plans, and health assessments, and the child will be free from the stigma of being a Looked after child. There is also a capacity saving to be had in relation to the support provided from Supervising Social Workers and the resources involved in completing the supervision of foster carers and the annual foster carer household review.
- 5.2 There is no intention to realign existing Special Guardianship Orders to the revised policy and the no detriment policy will only apply from a specified implementation date. It will mean those children who are in a settled placement and no longer wish to be a 'looked after child' will be able to have their wishes respected.

6 PROPOSED SPECIAL GUARDIANSHIP SUPPORT TEAM

- 6.1 It is important to note that whilst there is a clear evidence base that children placed within their families on Special Guardianship Orders have as good or better outcomes as children placed with local authority foster carers, it is important that these children receive help and support to assist them to adjust to their new care arrangements. This support is to be delivered by non-qualified support workers on a child in need basis and will provide practical and emotional support to both the child and the carer for a time limited period via the agreed special guardianship support plan, the average support plan will last for six months after the special guardianship order has been granted. However, the child and carer will be able to access support and advice at any future point they feel it is necessary to maintain the health and wellbeing of the child and to provide stability to the family.
- 6.2 It is therefore proposed that investment is agreed on the basis of projected initial savings and future cost avoidance for the next five years. This staff structure will not be needed immediately but will be gradually increased over time as the number of Special Guardianship Orders increase.
- 6.3 The plan would be to have an incremental increase in the team aligned to the demand in relation to the number of Special Guardianship Orders granted by the court. It is anticipated the Team will develop in the following timeline.:

April – September 2019 - Practice Manager and two Support workers

October – April 2020 - Four Support Workers and one Business Support Officer

To a position by 1 April 2020, the Special Guardianship Support team will have its full complement of staff.

- 6.4 The Special Guardianship Order support team will then consist of : (details provided within **Table 1**)

- 1 Practice Manager 36 hours (Grade I), (including on costs)
- 4 Support Workers 36 hours (Grade F) (including on costs)
- 1 Business Support 36 hours (Grade C) (including on costs)

Table 1

	Grade	FTE	2019/20 Part Year Impact £	2020/21 £	2021/22 £	2022/23 £	2023/24 £
Practice Manager	I	1	49,961	52,258	54,634	57,096	59,546
Support Worker	F	4	78,659	130,940	136,229	141,732	147,459
Business Support	C	1	12,405	25,812	26,328	26,855	27,392
Total			141,024	209,010	217,190	225,683	234,396

- 6.5 Table 1 (section 6.4) provides the part year (2019/20) and ongoing annual cost of the proposed team. The number of posts in the team will, however, be dependent on the number of SGO carers requiring support within the borough at any time and number of carers that are converting to SGO status. The number of posts within the team will therefore need to be flexible to these arrangements.

7. CONCLUSION

- 7.1 The Special Guardianship Order Support Team will provide support and advice for a number of special guardians that will be able to convert from being foster carers both with Tameside MBC and Independent Fostering Agencies. The additional benefit of adopting a 'no detriment' special guardianship financial support policy will enable more children to be cared for by their family or friends without the need for statutory service involvement, where this is considered to be in their best interest.

8. RECOMMENDATIONS

- 8.1 As stated on the report cover

APPENDIX ONE

2019/20 Foster Care Rates

Age	Foster Carer Child Allowance Rates	Level 1 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	0.00	258.00	64.50	129.00
2-4	132.00	0.00	264.00	66.00	132.00
5-10	146.00	0.00	292.00	73.00	146.00
11-15	167.00	0.00	334.00	83.50	167.00
16-18	194.00	0.00	388.00	97.00	194.00
Age	Foster Carer Child Allowance Rates	Level 2 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	100.00	258.00	64.50	129.00
2-4	132.00	100.00	264.00	66.00	132.00
5-10	146.00	100.00	292.00	73.00	146.00
11-15	167.00	100.00	334.00	83.50	167.00
16-18	194.00	100.00	388.00	97.00	194.00
Age	Foster Carer Child Allowance Rates	Level 3 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	150.00	258.00	64.50	129.00
2-4	132.00	150.00	264.00	66.00	132.00
5-10	146.00	150.00	292.00	73.00	146.00
11-15	167.00	150.00	334.00	83.50	167.00
16-18	194.00	150.00	388.00	97.00	194.00

Age	Foster Carer Child Allowance Rates	Level 4 Skills Funding	Holiday	Birthday	Festival Allowance
0-1	129.00	250.00	258.00	64.50	129.00
2-4	132.00	250.00	264.00	66.00	132.00
5-10	146.00	250.00	292.00	73.00	146.00
11-15	167.00	300.00	334.00	83.50	167.00
16-18	194.00	300.00	388.00	97.00	194.00

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

Appendix 2

Subject / Title	Special Guardianship Order (SGO) Allowance Policy	
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Team	Department	Directorate
Looked After Children	Children's Services	Children's Services

Start Date	Completion Date
December 2018	March 2019

Project Lead Officer	Jo Spender
Contract / Commissioning Manager	n/a
Assistant Director/ Director	Tracy Morris / Richard Hancock

EIA Group (lead contact first)	Job title	Service
Jo Spender	Service Unit Manager	Looked After Children
Tracy Morris	Assistant Director	Children's Services
Richard Hancock	Director	Children's Services

PART 1 – INITIAL SCREENING

1a.	What is the project, proposal or service / contract change?	The proposal is a change to the financial provision for Special Guardianship Orders (SGO).
1b.	What are the main aims of the project, proposal or service / contract change?	The main aims of the service is to enable effective permanency planning and to keep children within their families and communities without the need for them to be looked after by the local authority and to attract more foster carers to convert to being a Special Guardian and therefore reduce the numbers of looked after children.

1c. Will the project, proposal or service / contract change have either a direct or indirect impact on any groups of people with protected equality characteristics? Where a direct or indirect impact will occur as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.				
Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age	X			There is direct relevance to age as children under 16 years of age and their carers are the focus of this policy

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Disability		X		Some of the children affected by this policy will be disabled
Ethnicity		X		The children and carers affected by the policy are from a range of ethnic backgrounds
Sex	X			There is direct relevance to sex as the majority of the primary carers for these children are women
Religion or Belief			X	
Sexual Orientation			X	
Gender Reassignment			X	
Pregnancy & Maternity			X	
Marriage & Civil Partnership			X	
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Mental Health			X	
Carers	X			There is direct relevance to carers as this policy is aimed at carers of looked after children
Military Veterans			X	
Breast Feeding			X	

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
			X

**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

<p>1e.</p>	<p>What are your reasons for the decision made at 1d?</p>	<p>The policy, and thus the proposal, has direct relevance to the age characteristic as it is focused on children and young people. There is also direct relevance to the sex characteristic as the majority of the primary carers of children under the policy are female.</p> <p>However, although the Special Guardianship Orders (SGO) Allowances proposal is a change in policy there is no change to the level of thresholds or access to services and it does not directly change the level of service/support a child receives. So while relevant to children (age characteristic) there is no direct negative impact on the service provided to or received by children.</p> <p>Rather the proposal changes the payment policies that will in turn encourage a greater take up of permanence options in relation to looked after children, helping to ensure a greater number of young people achieve permanence (i.e. a positive outcome).</p> <p>With regards to carers the proposal will provide a more attractive support offer.</p> <p>Given the above, and on balance, there is not expected to be any negative impact (directly or indirectly) on children as a result of this proposal and as such a Part 2 full EIA is not required.</p>
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Special Guardianship Orders Policy and Procedure

RELEVANT LEGISLATION

Children Act 1989 as amended by the Adoption and Children Act 2002

The Children Leaving Care Act 2000

The Special Guardianship Regulations England 2005 (as amended by the Special Guardianship (Amendment) Regulations 2016)

Special Guardianship Guidance (Amendments 2016)

RELATED GUIDANCE

This policy should be read in conjunction with **Permanence Planning Guidance** and **Care Planning Guidance**.

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- 2. Who May Apply?**
- 3. Parental Responsibility**
- 4. The Circumstances in which a Special Guardianship Order may be Made**
- 5. Special Guardianship Order Applications Process**
 - 5.1 Children in Care Proceedings**
 - 5.2 CAFCASS**
 - 5.3 Children Looked After**

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- 6. Special Guardianship Order Report**
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Appendices

- Appendix 1: Regulation 21 Report Schedule**
- Appendix 2: SGO Report Guidance Template**
- Appendix 3: Support Plan Template**
- Appendix 4: SGO flow chart**
- Appendix 5 : Special Guardianship leaflet**

1. Introduction and Background - Special Guardianship Order

Special Guardianship Orders (SGO) was introduced to provide, 'an alternative legal status for children that offers greater security than long term fostering but without the absolute legal severance from the birth family that stems from an adoption order. The updated guidance includes an emphasis on special guardianship providing a firm foundation on which to build a lifelong permanent relationship between the child and their carer' (Special Guardianship Guidance DFES 2005 (Amended 2016)).

It is a legislative route to permanence for children for whom adoption is not appropriate. The special guardian will have parental responsibility for the child and may exercise this to the exclusion of all others with parental responsibility, apart from another special guardian. There are exceptions to the decisions a special guardian can make (See **Section 3, Parental Responsibility**).

The Special Guardianship process is subject to detailed regulations and these must be complied with.

A Special Guardianship Order offers greater legal certainty to a placement than a Child Arrangements Order.

A Special Guardianship Order made in relation to a Looked After Child will discharge the Care Order and the Local Authority will no longer have Parental Responsibility. However a Care Order made after a Special Guardianship Order will not automatically revoke the Special Guardianship Order although the Special Guardian's exercise of Parental Responsibility will be restricted as the Local Authority will have primary responsibility for decision making under the Care Order. A Local Authority with a Care Order can make an application to discharge a Special Guardianship Order.

2. Who May Apply?

Applications for Special Guardianship may be individual or joint applicants. Joint applicants do not need to be married. Special Guardians must be 18 or over.

The following persons may apply:

- Any guardian of the child;
- Where the child is subject of a Care Order or an Interim Care Order, any person who has the consent of the Local Authority;
- A local authority foster carer who is a relative of the child or with whom the child has lived for one year immediately preceding the application (even if the Local Authority does not consent) [1];
- Anyone who is named in a Child Arrangement Order as a person with whom the child is to live;
- Anyone who has the consent of each person named in a Child Arrangements Order as a person with whom the child is to live;

- Anyone with whom the child has lived for three out of the last five years providing that the child has not ceased to live with the proposed applicant for more than 3 months before the making of the application;
- Anyone who has the consent of all those with Parental Responsibility for the child.

Any other person (including the child and other than a parent) may apply for a Special Guardianship Order if he has obtained the leave of the court to make the application.

The parents of a child may not apply to become their own child's Special Guardians.

[1] A person who is, or was at any time within the last 6 months, a local authority foster parent of a child may not apply for leave to apply for an SGO unless (s)he has the consent of the local authority, or (s)he is a relative of the child or the child has lived with him for at least one year preceding the application.

3. Parental Responsibility

The Special Guardian will have Parental Responsibility for the child and will have responsibility for the day-to-day decisions about caring for the child to the exclusion of anyone else who might have Parental Responsibility (apart from another Special Guardian).

The child's parents will continue to hold Parental Responsibility but their exercise of it will be limited. The parents will, however, retain the right to consent or not to the child's adoption or placement for adoption.

In addition there are certain steps in a child's life which require the consent of every person with Parental Responsibility, for example:

- The change of surname of the child;
- The removal of the child from the United Kingdom for longer than three months;
- The sterilisation of a child;
- Marriage of a child aged between 16-18 years.

4. The Circumstances in which a Special Guardianship Order may be made

The Court may make a Special Guardianship Order in any family proceedings concerning the welfare of the child. This applies even where no application has been made and includes adoption proceedings.

Any person making an application for a Special Guardianship Order must give 3 months' written notice to their local authority of their intention to apply. In relation to a Looked After Child, the notice will go to the local authority looking after the child. In all other cases, the notice will then have a duty to provide a report to the Court. It is imperative that the child's social worker is notified at the earliest possible opportunity in instances where a notification for a Special Guardianship Order application will be made.

The only exception to the requirement for 3 months' notice is where the Court has granted leave to make an application and waived the notice period.

When Tameside MBC has received notice from an applicant or a request for a report from the Court, it should send written information about the steps it proposes to take in preparing the report to the prospective Special Guardian and the parents of the child in question. This should include information about Special Guardianship support services and how to request an assessment of needs for support. Prospective carers should also be provided with the leaflet special guardianship explained

Counselling for SGO Applications

Counselling should commence prior to any application being lodged with the court so that alternative orders under the Children Act 1989 or the Adoption and Children Act 2002 can be explored fully with the child, where appropriate, and the potential special guardian. The applicant should be advised to seek legal advice.

The purpose of counselling is to ensure that the nature and implications of Special Guardianship are understood fully by the child, the special guardian and the birth parents and that their wishes and feelings considered.

As part of the counselling process the prospective special guardians should be made aware of the need to obtain the personal details of their family for inclusion in the Regulation 21 report for the court. The prospective special guardians should be seen at home both jointly and separately.

The child should also be seen in the company of the applicants so that a view can be obtained regarding the family relationships. Any other residents of the home should be interviewed.

The child needs to know and have an understanding of his/her birth origins as well as to be aware of the implications of special guardianship. She/he should be seen alone if the child is old enough (e.g. normally over 5 years) and it is important to note that even young children can understand the difference between a 'parenting' parent and a 'birth' parent. It is essential that the child's views are recorded and taken into account. Where a child has strong bonds with the birth parents it is crucial that this matter is given careful consideration and contact issues addressed. Counselling with the birth parent or anyone who has parental responsibility for the child is available. Any birth parent not agreeing to the application should be advised to engage a solicitor as soon as possible.

Any action/counselling undertaken must be fully recorded on the case records.

5. Special Guardianship Order Applications Process

5.1 Children in Care Proceedings

If a report is requested by the court during care proceedings, the Team Manager should immediately instruct the Social Worker to commence an SGO assessment in partnership with a SGO assessor.

As part of the permanency planning process and during the court proceedings it is the responsibility of all parties to consider permanent alternative care options within the child's network. It is best practice to consider undertaking a joint viability assessment with the SGO assessor (based within the Fostering Team) where there are considered to be risks or vulnerabilities in the proposed arrangements at the onset. In Tameside, where there are safeguarding concerns, we would not support a Private Law Application for a Special Guardianship Order in lieu of Care Proceedings.

There may be circumstances where the court gives leave to an application from a connected person who the local authority have not deemed as suitable through a Viability Assessment – (Please refer to **Section 2, Who May Apply?**). The local authority must then respond by progressing these assessments.

Where an application is lodged during court proceedings the time limit for completion of the report will be set by the court. **It is therefore essential that a full SGO Assessment is commenced as soon as possible.**

5.2 CAFCASS

In any proceedings the court will appoint a Children's Guardian or seek the views of CAFCASS. This person will be independent of the agency. Please see **Appendix 5: SGO Timeline and Process.**

5.3 Children Looked After

Referral Following Statutory Review

Special Guardianship (Amendments) Regulations 2016 state that a plan for permanence must always be considered by the second review. A permanency planning meeting will take place within four weeks of the first statutory review. The review must consider any action necessary to provide permanence for the child and the question of ongoing contact with people who have parental responsibility for the child and significant others.

Where the child is placed with a foster carer, who wishes to make a SGO Application, the completion of the court report will be undertaken jointly between a Supervising Social Worker and the Social Worker for the child. Each worker will take responsibility for recording any documents on their respective electronic case record.

Where the local authority is not supporting the SGO application by a foster carer early advice should be sought from the Service Manager (Fostering), if a foster carer wishes to proceed with an unsupported application.

In this situation foster carers who have had the care of the child in placement with them for a year can apply for a Special Guardianship Order, once they give 3 months' notice of their intention to do so. In these circumstances a foster carer would be requested to give a formal notice of intention for a SGO to the Fostering or Fostering Social Worker and legal department.

5.4 Other Arrangements

In addition, this section also applies to children within Tameside, which may include the following:

Subject to a protection plan where threshold to issue proceedings has not yet been met;

- Subject to CiN plan;
- Open to Youth Services;
- Private fostering;
- Children who are not known to Tameside MBC.

Where the Local Authority are involved, care planning will be regularly reviewed, and part of the planning process may be to determine that an SGO application may be the most appropriate permanent option for the child. As outlined in **Section 2, Who May Apply?** there may be applications from those who have an automatic entitlement to apply although this may not necessarily be the agreed care plan of the local authority.

The prospective special guardian must write to the local authority's legal department (where applicable) notifying them of their intention to apply for SGO for a Tameside child.

The notice regarding the intention to apply for a Special Guardianship Order may come from the applicant(s) or from the solicitor acting for the applicant(s). It may not be necessary for the applicants to engage a solicitor where the birth parent(s) are in agreement with the plan. In cases where an application is likely to be contested or the whereabouts of the legal birth parents are unknown then the applicants are advised to engage a solicitor (see **Section 13, Payment of Legal Fees**).

The legal department will notify the Child's Social Work Team who will work together to complete the SGO assessment within the three month timescale.

In accordance with Regulation 20, the child's social workers should notify children and young people in writing of the proposed plan for the Special Guardianship Order, taking into consideration age and understanding. Otherwise, written notification may be given to the special guardian, prospective special guardian or to the adult that the local authority consider most appropriate.

6. Special Guardianship Order Report

Regulation 21 Report

The information required for a local authority report is the same for all Special Guardianship Order applications. The Schedule is lengthy and the details required are prescriptive (see **Appendix 1: Regulation 21 Report Schedule**).

A SGO leaflet should be sent to the prospective special guardian and the parents of the child in question outlining the steps the local authority proposes to take in preparing a report and include information about support services and assessment of needs.

The child's social worker will need to complete a Regulation 21 court report on the matter in conjunction with a Supervising Social Worker from the Fostering team. The Social Worker will complete the sections on the child and birth family and the Supervising Social Worker on the carers. A recent (within 6 months if under 5, within 12 months if over 5) **Child's Needs Assessment** should inform the preparation of the Regulation 21 court report.

As part of the assessment process, the Local Authority **must** report on the following The Special Guardianship (Amendment) Regulations 2016:

- Any harm which the child has suffered;
- The risk of any future harm to the child posed by the child's parents, relatives or any other person the local authority consider relevant;
- A description of the child's personality, his/her social development and his/her emotional and behavioural development and any related current needs or likely future needs.

In relation to the prospective Special Guardian or Guardians:

- An assessment of the nature of the prospective Special Guardian's current and past relationship with the child;
- An assessment of the prospective guardian's parenting capacity, including:
 - i. Their understanding of an ability to meet the child's current and likely future needs, particularly, any needs the child may have arising from harm that the child has suffered;
 - ii. Their understanding of, and ability to protect the child from any current or future risk of harm posed by the child's parents, relatives, or any other person the local authority consider relevant, particularly in relation to contact between any such person and the child;
 - iii. Their ability and suitability to bring up the child until the child reaches the age of eighteen.

Assessment

An assessment must be made as to the suitability of the applicants to become a special guardian and cover all requirements of the revised Regulation 21 report (2016) in order that a recommendation can be made to the court.

The assessment report will be completed by the Child's Social Worker in conjunction with a Fostering Social Worker. The report must be authorised by a Service Manager.

References and Statutory Checks

The Fostering Team are responsible for arranging statutory references including a Disclosure and Barring Service (DBS) check, health authority and local authority checks. The Supervising Social Worker will interview three personal references that the applicants have named. Two of these should be friends and not related to the applicant. The third reference should usually be a member of the extended family. The other requirements for referees laid out in the reference policy for adopters should be adhered to as a matter of good practice.

Health History

The Child

The Social Worker should summarise the information from the last Health Needs Assessment to incorporate into the Regulation 21 Report.

The Applicants

Where the foster carer is known to the department the supervising social worker should provide the medical advisor's summary of their most recent medical or provide an updated medical where this is needed (where the medical is more than 2 years old). They will forward this to the social worker for inclusion in the report. Where the applicants are not known to the department and the request for special guardianship has come during proceedings the applicant should follow the same process for obtaining a medical as for prospective adopters. Once a summary is received from the GP then this should be sent to the Supervising Social Worker for inclusion in the Regulation 21 report.

Contact

Issues of contact should be discussed fully with all parties. Such arrangements may be made informally if all parties are in agreement. However there may be child protection concerns and in these circumstances consideration will be given to safe contact arrangements, based on the child's assessed needs, In the event of a dispute it may be necessary to consider the recommendation of other orders to run alongside the Special Guardianship Order.

7. Special Guardianship Support

In accordance with statutory requirements, the local authority must make provision for a range of Special Guardianship support services.

Special Guardianship support services are defined as:

- Financial support;
- Services to enable children, Special Guardians and parents to discuss matters relating to the arrangements for the child;
- Assistance including mediation in relation to contact between the child and their parents, relatives or significant others;
- Therapeutic services for the child;
- Assistance to ensure continuance of the relationship between the child and the Special Guardian, including training to meet any special needs of the child, respite care, and mediation;
- Counselling, advice and information;
- Special Guardianship Support Plans will be subject to the approval of the Service Manager Family and Friends.

Support services should not be seen in isolation from mainstream or specialist services and it is important to ensure that families are assisted in accessing mainstream services and are aware of their entitlements to tax credits and universal benefits.

Where the child was previously Looked After, the Local Authority that looked after the child has responsibility for providing support for the first two years after the making of a Special Guardianship Order. Thereafter the Local Authority where the Special Guardian lives, if in the jurisdiction of England, will be responsible for the provision of any support required save

for the assessment and provision of financial support which remains with the Local Authority who originally agreed it where the decision to provide that support was made before the making of the Special Guardianship Order.

If a child was not a Looked After child, the local authority where the Special Guardian lives has the responsibility for completing any assessment for Special Guardianship support and determining what, if any, provision will be made.

8. Entitlement to Assessment for Special Guardianship Support

Where the child is Looked After or was Looked After immediately prior to the making of the Special Guardianship Order, the following people **MUST** receive an assessment at their request:

- The child;
- The Special Guardian or prospective Special Guardian;
- A parent (but only in relation to their need for support with contact and/or discussion groups).

Where the child is not Looked After or was not Looked After immediately prior to the making of the Special Guardianship Order, the following people **MAY** be offered an assessment of their need for Special Guardianship support services:

- The child;
- The Special Guardian or prospective Special Guardian;
- A parent.

In all cases, whether the Special Guardianship child is looked after or not, the following people also **MAY** be offered an assessment of their need for Special Guardianship support services:

- A child of the Special Guardian;
- Any person with a significant ongoing relationship with the child.

If a local authority decides not to assess in cases where they have discretion as above, they must notify the decision in writing, including reasons for the decision, to the person making the request.

This will be done by the Service Manager. The applicant has the right to make a representation to the local Authority within 28 days, or sooner if applicable, regarding the decision not to provide an assessment for Special Guardianship support.

9. Assessment for Support

The assessment should be based on the child's assessment of need and include the following:

- The developmental needs of the child;
- The parenting capacity of the Special Guardian or prospective Special Guardian;
- Family and environmental factors for the child;
- Comment on how life with the Special Guardian might be for the child;
- Any previous assessment of the child or Special Guardian that is relevant;
- The needs of the Special Guardian or prospective Special Guardian and their family;
- The impact of the Special Guardianship Order on the relationship between the child, parent and Special Guardian.

Special Guardianship Support will be subject to the approval of the relevant Head of Service.

The assessment will be recorded on the Special Guardianship Support Plan if the support proposed is to be offered on more than one occasion.

At the end of the assessment and once the necessary approval has been obtained, the social worker must inform the person requesting provision in writing of its outcome, including:

- Information about the outcome of the assessment and the reasons for it;
- Where it relates to financial support, the basis on which this is determined with the amount and conditions attached;
- The services (if any) that the Local Authority proposes to provide; which may include therapeutic life story work, play therapy, attachment based support. From the 1st of April 2016, special guardians may apply for the Adoption Support Fund for these types of services for children and young people who were previously looked after prior to the Special Guardianship Order. The Adoption Support Fund is subject to

regulatory review by the Department of Education, which may result in changes to the eligibility criteria. <https://www.gov.uk/guidance/adoption-support-fund-asf>

10. The Special Guardianship Support Plans

Where an assessment identifies the need for ongoing support services, a Special Guardianship Support Plan must be completed.

Other agencies, such as education and health, should be consulted about the contents of the Plan if the Plan contains provision relevant to their agency.

The Plan should set out:

1. The services to be provided;
2. The objectives and criteria for success;
3. Timescales;
4. Procedures for review;
5. A named person to monitor the provision of services in accordance with the Plan.

Special Guardianship Support will be subject to the approval of the relevant Head of Service.

Once the necessary approval has been obtained, the social worker must send the proposed plan to the person requesting support, and allow 28 days for that person to make representations about the proposed plan. The social worker should also give information to the person concerned about who to contact to obtain independent advice and advocacy.

Where representations are received, they should be referred to the Head of Service to amend or confirm the Plan. The social worker must then write to the person concerned setting out the final Plan.

11. Review of Special Guardianship Support Plans

Special Guardianship Support Plans must be reviewed taking into account the following:

- Any change in the person's circumstances which may affect the provision of Special Guardianship support services;
- At such stage in the implementation of the plan as they considered appropriate;
- In any event, at least annually.

Financial support must be reviewed at least annually and Special Guardians must provide annual financial data. See **Section 12, Financial Support**.

Special Guardians must advise the Local Authority immediately in writing if there is a change in their circumstances either financially or otherwise and the Local Authority will consider if it is appropriate to undertake a review of the support plan before the next annual review.

Where there is no change or a minor change in circumstances a review can be completed without direct contact with the applicant. However, if there were a substantial change of circumstances, e.g. a significant change in the behaviour of the child, it would normally be necessary to conduct a new assessment of the child's needs (**Child's Assessment of Need form**). The Local Authority may also request an update of the assessment of child's needs when reviewing financial support.

If the local authority decides to vary or terminate the provision of support after the review, notice in writing must be given and the person concerned should be given 28 days to make representations.

If a Special Guardian wishes to resign from being the special guardian, the special guardian, or person requesting resignation / termination must apply to the Court.

Once a child becomes 18, support will be in line with their Leaving and After Care entitlement except where financial support is payable where the child is engaged in full time education/training and the Local Authority agrees to continue support until the end of the course or training the child is then undertaking. For the avoidance of doubt this is secondary education or equivalent and will not include university or further training entered into after the child has turned 18. Any support for such course /study will be made in line with the Entitlement to Leaving Care Services (see **Section 15, Entitlement to Leaving Care Services**).

12. Financial Support

Eligibility for Financial Support

Financial support may be paid to:

- Facilitate the arrangements for a person to become a Special Guardian of the child where the local authority considers this would be beneficial to the child's welfare; or
- To support the continuation of such arrangements after a Special Guardianship Order is made.

Such support may only be paid in the following circumstances:

- a. Where it is necessary to ensure that the Special Guardian can look after the child;
- b. Where the local authority consider that the child needs special care which requires a greater expenditure of resources than would otherwise be the case because of his illness, disability, emotional or behavioural difficulties or the consequences of his past abuse or neglect; and the applicants meet the criteria that suggests an allowance should be payable.

The Local Authority may also provide financial support subject to any other conditions it considers are appropriate, including timescales within which, and purposes for which, any payment of financial support should be utilised. This may include a discretionary payment which is subject to review at any time. Discretionary payment can only be approved by a Head of Service.

Any retrospective claim to Tameside MBC for financial support where the conditions are met, may only be backdated to the date of the initial request for assessment or a subsequent review date.

If Special Guardians live outside Tameside (including outside the jurisdiction of England) financial support can only be provided if the child(ren) concerned are or were looked after by Tameside and financial support was agreed at the time the order was made. If this is not the case Special Guardians should request an assessment for financial support from the local authority in whose area they live.

For Special Guardians who qualify for financial support but live outside of the jurisdiction of England, when calculating whether payments will be made, consideration will be given to the local cost of living in the jurisdiction in which the Special Guardian resides. Payments will either be the maximum sterling allowance calculated or if the cost of living in the jurisdiction is lower than in England, payments may be lower.

Special Guardians must be helped to access any benefits to which they are entitled; this will usually include child benefit and tax credits such as Child Tax Credit and Working Tax Credit. It may also include disability or other benefits on behalf of themselves or the child. Advice and consultation will be made available to Special Guardians and this may include sign posting to relevant agencies that may support applicants with accessing relevant entitlements.

The Local Authority must take into account any other grant, benefit, and allowance or resource available to the person in respect of his needs as a result of becoming a Special

Guardian of a child. Financial support from the Local Authority will not duplicate any other payment available to the Special Guardian.

As well as taking into account the Special Guardian's financial resources the Local Authority must also take into account the amount required by the Special Guardian in respect of his/her reasonable outgoings and commitments (excluding outgoings in respect of the child) and the financial needs and resources of the child except where the Local Authority is considering providing financial support in respect of legal costs where the child is Looked After and the Local Authority support the application.

Tameside MBC uses its weekly in house fostering allowance as its baseline for calculating support and determining the amount payable. If the financial assessment determines an allowance might be payable, it will only be paid if it is assessed as necessary to meet the needs of the child as set out in a. and b. above.

Specific Financial Information for Local Authority Foster Carers

The Local Authority will consider replicating the remuneration paid to Local Authority foster carers [1]

1. This will enable the former foster carer to become a Special Guardian for a child that they currently foster; and
2. An element of remuneration [2] was included in the payments made by the Local Authority to the foster carer/s in relation to his/her fostering of the child.

This must be agreed before the special guardianship order is made in order to facilitate arrangements for the foster carer to become a Special Guardian for that child.

In accordance with the Special Guardianship Regulations, the Local Authority will continue to pay former foster carers and connected carers until the end of the child's formal education, (after their 18th birthday) if the course started prior to their 18th birthday. This reflects the change in expectations and requirements made by the local authority of foster carers once the child is no longer looked after and is subject to annual review.

Financial Support and Means Testing

The Special Guardian's means will always be taken into consideration when assessing whether or not ongoing financial support should be paid. A standardised means test is used to ensure fairness and consistency.

Means **WILL** be disregarded when:

- The local authority consider that it is appropriate to contribute to any legal costs, including court fees, of a special guardian or prospective Special Guardian, as the case may be, associated with; the application fees and legal costs of securing a Special Guardianship Order in respect of a looked after child (or a variation to an existing order, e.g. contact), provided that the Local Authority supports the making of the order.
- The Special Guardian made their application under the 'no detriment' policy implemented in April 2019, having cared for the child when they were a foster carer for Tameside MBC or an Independent Fostering Agency.

Means **MAY** be disregarded when considering:

- Any special care requiring greater expenditure due to illness, disability, emotional or behavioural difficulties or the consequences of the past abuse or neglect of a child previously looked after;
- Initial placement costs;
- Recurring travel costs in contact arrangements for contact with a related person;
- When including an element of remuneration for a transitional period and this includes the financial payment received by a foster carer who wishes to become a Special Guardian.

In order to determine whether or not an allowance might be payable the applicants should be asked to complete the Financial Assessment form to allow for a means test calculation to take place.

Once the means assessment has been completed the outcome will be confirmed in writing by the Head of Service. The Head of Service will set out in writing the arrangements for review of the allowance. This will confirm that a review of the allowance will take place at least annually which may stipulate that a review of a child's needs and any other conditions attached to the allowance are also subject to a review. If there is any relevant change in the applicant's circumstances, breach of any conditions, or at another stage they consider appropriate due to the individual circumstances of the case.

- Upon receipt of the letter from the Head of Service, the Special Guardian will have 28 days to ask for any new information to be taken into consideration. The outcome of

the request for financial support will be made in writing and include the amount of financial support and information in relation to the following:

- Whether financial support is to be paid in regular instalments and if so, the frequency of payment;
- The amount of financial support;
- The period for which the financial support is to be paid;
- When payment will commence;
- Conditions for continuing payment and date by which conditions are to be met, i.e. returning Review Forms;
- Arrangements and procedure for review and termination.

Where Special Guardians are in receipt of financial support, they will be contacted by Tameside MBC annually with reference to a Financial Assessment Review Form to be completed, together with a request for information about any change in circumstances for the Special Guardian and/or significant changes in the child's needs. The completed financial assessment and the review of the child's needs (where applicable) will be forwarded to the Head of Service who will make a recommendation as to whether an allowance should continue to be payable and whether there needs to be a new assessment of the child's needs. Where a change is considered, the Special Guardian will be notified in writing of the change, together with the reasons for the change.

Where Special Guardians do not return the Assessment Review Forms within the required time scale, a reminder letter will be sent, giving 28 days' notice of the suspension of payments if the information requested is not received. The Local Authority will consider all resources available to the Special Guardian on annual financial reassessment (other than where former foster carers have a time limited agreement for two years transitional payment of the remuneration element of the finance previously received as a foster carer).

Financial support will be discontinued when any of the following apply:

- a. The child or young person ceases to live with the Special Guardian;
- b. The young person attains the age of 18, unless they continue in full-time education or training, when it may continue until the end of the course or training (usually the academic year following the 18th birthday). For the avoidance of doubt this is secondary education or equivalent and will not include university or further training entered into after the child has turned 18;

- c. The child ceases to attend full time education or training or commences employment;
- d. The child is able to obtain his/her own benefits in his/her own right.

As a result of a review and whilst awaiting representations from the person whom the support plan affects, the Local Authority may suspend financial support.

If carers make contact and the annual review is completed within two months of the suspension date then payments are reinstated from the date that they have been suspended.

If longer than two months have passed before carers make contact and the allowance is reviewed then payments will be reinstated from one of three dates:

- The date from which payments have been suspended;
- The date that the carer has made contact about payments not being made;
- The date that the carer signs the completed review form.

[1] A local authority foster parent, referred to as a local authority 'foster carer', is a person who is approved as a local authority foster parent (it includes foster carers who have been approved by an independent fostering agency and foster carers who have been approved by the local authority).

[2] Reference to element of remuneration refers to the fee element of the payment to foster carers.

13. Payment of Legal Fees

Where there are existing care proceedings and the SGO application is being made within those proceedings and is supported by the Local Authority, it is generally not necessary for the Special Guardians to be made a party to the proceedings and represented within the proceedings.

Where Tameside MBC supports the application for a SGO and the application is being made as a stand-alone application outside of existing care proceedings, where it is considered appropriate, initial agreement may be given to pay a contribution of up to £1500 exclusive of VAT towards the special guardian or prospective guardian's legal costs, which may include costs for legal advice before an application for a Special Guardianship Order (SGO). This sum is a contribution and if these costs are exceeded Tameside MBC will not contribute to any additional legal costs or advice incurred.

Such payments or contributions towards legal costs or advice will only be considered if the potential Special Guardian is unable to obtain public funding from the Legal Aid Agency to make their application and such application is supported by the Local Authority.

In those cases where the Court has determined it is necessary for the Special Guardian(s) to be joined as a party to the proceedings, in the event that they are unable to obtain support from the Legal Aid Agency, the Local Authority supports the application, any agreement to pay the Special Guardian's legal costs to be represented in the proceedings will be made by the Head of Service and will be determined on a case by case basis.

In the event of the Local Authority not supporting an application for SGO, agreement will not be given to pay or contribute towards the legal costs, including costs for legal advice of the proposed Special Guardian(s) whether party status in the proceedings is granted or not.

Special Guardians are encouraged to seek information from relevant organisations such as the **Citizens Advice Bureau** and the **Family Rights Group**.

14. Urgent Cases

Where a person has an urgent need of a service, the assessment process should not delay provision and arrangements can be made for support to be provided as a matter of urgency in appropriate cases. The approval of the Head of Service will still be required. The local authority will need to review the provision as soon as possible after the support has been provided in accordance with the procedures set out above.

15. Entitlement to Leaving Care Services

Regulation 22 of the Special Guardianship Guidance – Statutory Guidance for Local Authorities on the Special Guardianship Regulation 2005 (as Amended by the Special Guardianship (Amendment) Regulations 2016) states that 'Time spent under a Special Guardianship Order is relevant when considering the child's entitlement to leaving care services'. Section 24(2) of the Children Act defines a person qualifying for advice and assistance. This includes a young person aged 16 to 18 who immediately before the making of the special guardianship order was 'looked after' by the local authority.

Advice and assistance will be given by the Service to a Special Guardian when their child reaches 16. Where appropriate this may include contact with the Leaving Care Team.

For the purposes of this assistance the Local Authority will be the Local Authority which last looked after the child.

16. Discharge of Special Guardianship Order

A Special Guardianship Order can be varied or discharged on the application of:

- The Special Guardian;
 - A Local Authority designated in a care order in respect of a child;
 - Any person who is named in a child arrangements order as a person with whom the child is to live before the Special Guardianship Order was made;
- or
- With the leave of the court:
 - The child's parents or guardians;
 - Any step parent who has Parental Responsibility;
 - Anyone who had Parental Responsibility immediately before the Special Guardianship Order was made;
 - The child (if the court is satisfied that the child has sufficient understanding).

Where the applicant is not the child and the leave of the court is required, the court may only grant leave if there has been a significant change in circumstances since the Special Guardianship Order was made.

The court may during any family proceedings in which a question arises about the welfare of a child who is subject to a Special Guardianship Order, vary or discharge the Order in the absence of an application.

17. Special Guardianship Records

The child's file

All information regarding an application for a SGO will be kept on the child's electronic case record.

File closure

The child's case file **must** be closed and archived at the point where the SGO is made unless there is an agreement to provide ongoing support set out in the support plan.

18. Special Guardian Duty on the Death of the Child

If the child with respect to whom a Special Guardianship Order is in force dies, the Special Guardian must take reasonable steps to give notice of that fact to:

- Each parent of the child with Parental Responsibility; and
- Each guardian of the child.

DRAFT

Appendices

Appendix 1: Regulation 21 Report Schedule



Regulation 21
schedule.docx

Appendix 2: SGO Report Template



Special Guardianship
Report.docx

Appendix 3: Support Plan Template



SGO support
plan.doc

Appendix 4: SGO flow chart and process



SGO flow chart.docx

Appendix 5 : Special Guardianship leaflet



SGO LEAFLET.pdf

Report to:	EXECUTIVE CABINET
Date:	23 April 2019
Executive Member/Reporting Officer:	Councillor Leanne Feeley – Executive Member Lifelong Learning Emma Varnam - Assistant Director, Operations and Neighbourhoods
Subject:	CIVIC EVENTS 2019
Report Summary:	<p>The Council supports and programmes a vibrant and affordable calendar of events, generally free at the point of delivery. Key parts of this annual programme are Whit Friday Brass Band Contests, Armed Forces Day, Remembrance Services and Parades and the Borough's Christmas celebrations. Significant national or local commemoration events compliment the programme. 2019 marks one such significant event: the 200 year anniversary of the Peterloo Massacre. This report sets out a vision for key events in 2019. The proposed model takes into account the financial and organisational challenges facing the Council and the lessons learnt from staging/supporting civic events in the past</p>
Recommendations:	<p>It is recommended that the following proposals are agreed and the report is tabled at Executive Cabinet for approval:</p> <ul style="list-style-type: none">• The proposals relating to Town Christmas events 2019 are agreed.• The new civic building Christmas lighting scheme is agreed.• The proposal relating to Tameside's Christmas Celebration event 2019 is agreed.• The dates for Whit Friday Brass Band Contest and Armed Forces Day are agreed.• The programme relating to the bi-centenary of the Peterloo Massacre is agreed.
Corporate Plan:	<p>Tameside's civic events programme significantly adds to the borough's communities sense of pride, our place and shared heritage. It increases opportunities for people to participate, learn new skills and fulfil their potential. It can increase aspirations and hope through learning, moving with confidence from childhood and into adulthood. It can support levels of self-care through a social prescription of cultural participation.</p>
Policy Implications:	<p>It is essential that any proposals demonstrate value for money and make a clear contribution to Council priorities.</p>
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The revenue budget within Arts and Engagement is £293k, of which £198k relates to staffing costs. The remaining budget is available for other costs relating to events and has previously been used for regular events including Christmas Celebrations, Whit Friday Band Contests, Armed Forces Day and Remembrance Day as well as one-off events. This budget continues to be available to fund events within the borough.</p> <p>Where possible, the service should investigate and utilise other external sources of funding available to support specific events</p>

and ensure that any costs incurred by the council do not exceed the revenue budget available.

**Legal Implications:
(Authorised by the Borough
Solicitor)**

The Council is under a statutory duty to deliver a balanced budget and that any expenditure delivers the council's priorities in an efficient and effective manner. This is discretionary spend and therefore need to be very clear that they deliver Council priorities.

Risk Management:

Outdoor events come with organisational and significant risk due to adverse weather conditions. This can require last minute decisions to cancel or alter events to ensure these are safe for audiences, performers and equipment alike.

Risk to raising funds for community groups to deliver Christmas Switch On events – the report proposes that a basic Christmas Switch On package be available to all town Switch On events.

Insuring community events can be costly for community groups; the report proposes that Christmas events are insured through the Council where these comply with the expectations set out in the report.

Background Information:

The background papers relating to this report can be inspected by contacting the report writer, Marie Holland – Arts and Engagement Manager for Cultural and Customer Services, Operations and Neighbourhoods



Telephone: 0161 342 4144



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1. INTRODUCTION

- 1.1 The Council supports and delivers a varied, innovative and generally free cultural events programme in Tameside. Integral to the Council's programme are a number of key civic events: Whit Friday Brass Band Contest, Armed Forces Day and the borough's Christmas celebrations. These are all commonly welcomed and supported by residents ensuring a sense of community, wellbeing and civic pride.
- 1.2 Historically Christmas celebrations in Tameside have consisted of a number of small to medium sized 'Switch On' events (approx. eight) with one larger scale corporate event staged in Ashton. All events are traditionally staged outdoors, in the early evening, with music, often entertainment provided by local groups and finally a countdown to the Christmas lights.
- 1.3 A free Christmas package was created for Christmas event organisers in 2018. This resulted in all events being supported with marketing, a free Christmas tree and Christmas tree lights were offered to each of the borough's nine towns.
- 1.4 Tameside's large corporate Christmas event has previously taken place in Ashton with between 1500-2000 participants in the lantern parade. In 2018 the Events Panel proposed to move the event to Denton to mitigate against ongoing building work at Tameside One and the surrounding Marketplace. The 2018 Tameside's corporate Christmas event was planned to compliment Denton's own Christmas Market celebrations. It comprised a large scale lantern parade and for the first time Denton's Victoria Park would be fully illuminated with wintery scenes installed within the park.
- 1.5 Unfortunately the adverse weather conditions experienced across the North West meant that Denton's Christmas markets were cancelled and that the Denton Lantern Parade was postponed to Saturday 9 March 2019. It highlighted the risk involved in staging large scale outdoor events when the weather can significantly alter or cause an event to be cancelled.
- 1.6 This report sets out the Events Panel's proposal for Christmas 2019 including a new model for supporting the nine town's unique Christmas switch on events. The Events Panel are a working group whose terms of reference and membership was ratified at Executive Cabinet in July 2018. The Panel is attended by the Chair of each Neighbourhood Forum, Member representatives and key council officers involved in programming and delivering the Borough's key civic events. Significantly the panel also proposes that the Tameside Christmas celebration takes place in Stalybridge due to the ongoing landscaping of Ashton Market Square.
- 1.7 In addition to the Christmas events programme the report sets out the Event Panel's calendar of planned events: Whit Friday brass Band Contests, Armed Forces Day, Remembrance Parades and Services. It also proposes to mark one key nationally significant event: the 200 years since the Peterloo massacre through a series of activities and events.

2. CHRISTMAS CELEBRATIONS 2019

- 2.1 The programme of Christmas events from the corporate Tameside Christmas event to the town based switch ons are significant and key events on the events calendar. They are very well attended, have local support and are the most high profile events the Council either organises or supports. They bring communities together and ensure that all areas of the borough feel included and part of the festive season. Lessons learnt from previous years have resulted in the following proposals for 2019.

Tameside Corporate Christmas Event

- 2.2 Traditionally the corporate Tameside Christmas event has been staged in Ashton. In 2018 the corporate event was moved to Denton to allow for the ongoing building work of Vision Tameside phase 2. Whilst Tameside One will be complete by Christmas 2019 the landscaping of Ashton Market Square will not be suitably advanced to allow for the corporate event to return to Ashton. This is due to the Health and Safety requirements set out in the national event management standards for moving people into and out of a space safely and securely. It is therefore an appropriate response to move the event to another town. Taking the infrastructure and the opportunities for staging a highly impactful event into account Stalybridge has been identified as a suitable location for 2019.
- 2.3 It is proposed that Tameside's central event will take place outdoors in Stalybridge Town Centre on Saturday 16 November 2019 between 6.00 – 8.00pm. The event will be managed and coordinated by Operations and Neighbourhoods (Cultural Services) and produced by the Borough's own international carnival organisation Global Grooves with support from community groups and local schools.
- 2.4 Such a large scale event as this which is unique to Tameside will attract inward investments and has attracted £10,000 from the Arts and Culture sector already. An Arts Council application will also be submitted to apply for additional support in creating and developing the performance. In 2019 it is expected that the Council will commit £33K towards the central celebration also.

Town Christmas Switch On Events

- 2.5 Town Christmas Switch On events are a unique feature of the Christmas programme in Tameside. Each town has its own tradition for the event and the Event Panel recognises that it is not possible to apply the same conditions whilst maintaining the individual nature of these events.
- 2.6 Town Christmas events have historically been organised by community groups, Town Teams, Town Councils and charities with some support from the Council. The local organising teams are encouraged to fully fund their own events through sponsorship etc. Any funding shortfall is not automatically met by the Council but in-kind support is available through staffing, marketing, technical and event management support.
- 2.7 The Events Panel proposes the following town Christmas events will be given a free Christmas tree, Christmas tree lights, install and de-installation of the trees and lights. They will also receive the support from an engineer on the dates presented below to switch the lights on. It should be noted that the Events Panel additionally proposes that Tameside's corporate Christmas event replaces the local Stalybridge Christmas Switch On event due to the higher level of budget being spent in the town for the Tameside corporate event.

16 November 2019	Tameside/Stalybridge
22 November 2019	Audenshaw
22 November 2019	Dukinfield
23 November 2019	Droylsden
23 November 2019	Denton
23 November 2019	Mossley
30 November 2019	Hollingworth
30 November 2019	Hyde
30 November 2019	Ashton

- 2.8 The Events Panel therefore proposes that £14,700 is put aside to cover the cost, assuming all 9 towns take up the offer.
- 2.9 Tameside has many impressive town centres with important civic buildings. These have historically been lit up to mark Christmas. Most of these lights are now defunct or in need

of replacement with new energy efficient LED lights. Traditionally local event organisers have funded these additional lights. But the Event Panel recognises that the cost to replace the broken lights would be a significant cost to the organisers and potentially impede them from delivering their traditional Switch On events. The Panel is therefore proposing that £70k is identified for creating a new and energy efficient lighting scheme for the following high profile civic buildings or public realm:

Droylsden: Villemomble Square
Denton: Denton Town Hall and Library
Dukinfield: Dukinfield Town Hall
Stalybridge: Stalybridge Civic Hall
Hyde: Hyde Town Hall
Ashton: Ashton Town Hall
Mossley: George Lawton Hall

3. TAMESIDE WHIT FRIDAY BRASS BAND CONTEST

- 3.1 Tameside Whit Friday Brass Band Contest takes place on Friday 14 June 2019. This is recognised as the oldest brass band contest in the country charting its routes back to 1870s in Stalybridge and Mossley. On average 80 bands compete in the contest with an audience of 1200-1500 minimum. It is an essential part of the borough's heritage and a well-known national occasion. The Tameside Whit Friday Brass Band Contest brings communities together to celebrate a great local heritage and the opportunity to hear and see some of the very greatest brass bands the country has to offer for free.
- 3.2 The Tameside Brass Band Contest is made up from 11 individual competitions. Each contest is run by the individual venue; they all have their own prizes covering the different sections with awards and is judged by nationally recognised judges. After the contest has taken place all results are gathered together and the overall winners and runners up in each section are announced. These overall awards are financed by the Council (see appendix 1 for venues and the Council's Tameside Prize fund)
- 3.3 Due to its high profile it has remained a key feature in the borough's annual calendar and has consistently been supported by the Council through eleven prizes and event support from the Council's Arts and Engagement Team. The contest is coordinated by the Brass Band Committee. This allows for the contest to continue to attract the most bands in addition to high calibre bands from across the country and internationally. It also ensures that the contest can continue to compete with the Saddleworth Brass Band contests taking place on the same date.
- 3.4 The contest comprises eleven individual contests in venues across the borough in 2019. Historically there are twelve contests but due to the expected building work at Aldwynians' Rugby Club they have opted to not host the competition in 2019.
- 3.5 The Event Panel proposes that the Council continues to support this high profile locally and nationally significant event through the annual prize funds of £7250 (paid since 1989) and through the support provided by the Arts and Engagement Team and wider Operations and Neighbourhoods Directorate.

4. ARMED FORCES DAY

- 4.1 Armed Forces Day takes place on the last Saturday of June annually. It is a nationally recognised event. The day offers a chance for the Council and all its residents to show their support for the Armed Forces community; including serving troops to service families, veterans and cadets.

- 4.2 Tameside has celebrated Armed Forces Day annually since 2008. Traditionally this has involved the Council inviting veterans and their families to a Civic lunch with the Civic Mayor. This has been followed by a family fun day in Victoria Park involving arts activities, music on the band stand, information stands, theatre and traditional cream teas served in the adjacent Victoria Park community centre. The day on average brings 5000 together in the park, to share in the celebrations to find out more about Tameside's Armed Forces Community and the important job they do now and have done in the past.
- 4.3 The Event Panel proposes that Armed Forces Day takes place on Saturday 29 June 2019 in Victoria Park, Denton in line with national celebrations. That the event will follow the same format as in previous years; with the borough's veterans invited to a breakfast served within a marquee in Denton Jubilee Square followed by a family fun day of activities, music and Armed Services information stalls.

5. REMEMBRANCE SERVICES AND PARADES

- 5.1 2018 was a memorable year for Tameside's Remembrance Services and Parades; marketing the 100 years since the end of the First World War. In total twenty-two Services and eleven Parades took place across the borough during Remembrance weekend in 2018 with a combined audience of over 12,500. These Services and Parades are part of a long and important tradition in the borough for commemorating the fallen. It brings communities together around a shared past and a joint future.
- 5.2 2018 saw a new model of support for the external organisers the Event Panel is proposing the same model used again in 2019. This will ensure that the Operations and Neighbourhoods Directorate continues to work alongside the Civic Mayor's Office to support the delivery of all Services and Parades taking place across the borough in 2019.
- 5.3 Remembrance Sunday will take place 10 November 2019. The Event Panel therefore also proposes that a corporate Act of Remembrance takes place on 11 November by Tameside One. The location for this will be arranged to take into account the available space once the building is handed over and the hoardings are removed.)

6. NATIONALLY SIGNIFICANT EVENTS

- 6.1 In 2018 the Council marked two nationally significant events : Battles' End- the Centenary of the End of the First World War and Women's Suffrage – the Centenary for Women getting the vote. In response to these momentous and historically important events the Council created eleven days of Remembrance, eleven of the Royal British Legion's Silent Soldier silhouettes were installed across the borough and 11 mini memorials were unveiled. The eleven days culminated in the poignant and traditional Remembrance Services and Parades on Remembrance Sunday 11 November 2018. Women's Suffrage was the focus of the borough's History Festival in September 2018 and additional exhibitions were on display at Tameside Local Studies and Archives Centre as well as Portland Basin Museum. The planned activities and events were well met and enjoyed by people across Tameside.

Bi-centenary of the Peterloo Massacre

- 6.2 2019 sees one nationally significant event which the Event Panel proposes that the Council marks: 200 years since the Peterloo Massacre. On the 16 August 1819 over 60,000 civilians from across greater Manchester and further afield walked to the open St Peter's field in Manchester (now St Peter's Square Manchester) to support and call for universal votes for all. But the peaceful protest ended when a high number of hussars, yeomen and other militia charged at the crowds killing an estimated 18 people and leaving an additional 700 men, women and children injured. The event became known as 'the Peterloo

Massacre'. It is universally agreed that the event marked a change in public opinion and significantly influenced the appeal for votes for all.

- 6.3 This event is significant locally because people from the Tameside area attended.. Their history will be marked in exhibitions at Portland Basin Museum and at Local Studies and Archives Centre. Additionally to this the borough's annual History Festival in September 2019 will focus on Peterloo and its associated themes of: People, Power and Protest
- 6.4 Across Greater Manchester, 'Manchester Histories' will lead on the commemorations.. Their programme of events and activities will culminate on the 16 August 2019. This will be marked in St Peter's Square with a processional piece and the unveiling of the artist Jeremy Deller's permanent art work in the square. To compliment this and to ensure as many people who might like to travel into Manchester on that day won't miss out, Tameside's day of commemorations and celebrations will take place on Wednesday 14 August 2019 in Ryecroft Hall and gardens. The community event will celebrate the radical voices and the legacy they left behind; ensuring a vote for all. The day will be a blend of music, theatre and hands-on art activities.
- 6.5 Pride events and parades take place across the country and internationally, they are seen as celebratory activities and events which champions LGBTQ+ communities, equality and diversity. Tameside Pride campaigns for LGBTQ+ equality; celebrate LGBTQ+ life and creates opportunities that engage LGBTQ+ people so that they can thrive. There is a desire by community groups in Tameside to celebrate the diverse LGBTQ+ communities at a local level with a 'Tameside Pride' event on the 6 July 2019. The Events Panel will ensure that the Council should offer support to develop this community led event. Tameside Council stands in solidarity and pride with our LGBTQ+ community and believes in equality for all.

7. BUDGET

Christmas

- 7.1 The community Christmas Switch On events support proposal relies on key members of staff in Operations and Neighbourhoods being able to support the organisers with their events and plans. This will be funded through their allocated revenue funding as part of their core activities eg street cleansing. An additional £14,700 has been allocated from Operations and Neighbourhood's budget to allow for the implementation of the free Christmas package comprising a tree, lights and the associated costs of install and removal. An additional £70k has been allocated to support the new lighting scheme for the mentioned Civic buildings.
- 7.2 The existing revenue budget of £33K from Arts and Engagement, allocated to support the corporate Christmas event will be used as the match funding contribution towards the cost of the Tameside Christmas Event in Stalybridge in 2019. In additional £10K external monies has already been secured from Greater Manchester Arts funding for this event.
- 7.3 Other than the details above no budget provision is available to deliver additional activity at the local 'switch on' events. It is envisaged that each event will be funded, insured and event managed by local organising groups/committees.

Armed Forces Day

- 7.4 Tameside Armed Forces day will be funded through the existing revenue budget from Arts and Engagement to the total of £10K. An external application to the Ministry Of Defence's (MOD) Armed Forces Day funding will also be submitted which if successful would reduce the Arts and Engagement's proposed funding of £10K. Whilst it is not possible to predict an award of funding from the MOD, however, if any is granted it is likely to be in the region of £2 - £3K and would therefore reduce the Arts and Engagement funding requirement to £7 - £8K.

Whit Friday Brass Band Contest

- 7.5 A total of £7,350 for Tameside Council's Whit Friday Brass Band contest will also be allocated from the Arts and Engagement revenue funding.

Peterloo Massacre

- 7.6 With regard to the proposed programme of events relating to the Peterloo Massacre these have all been created and scaled to ensure that these can be funded through Operations and Neighbourhoods revenue funding – in particular the revenue budget within Cultural and Customer Services' Arts and Engagement Team. It is envisaged this would be in the region of £5K.

8. RISK

- 8.1 Outdoor events can and do post significant organisational and technical challenges due to their location, occasionally unkind weather conditions and large crowd numbers often involving a high level of children. If an event is not properly organised and managed due in part to a lack of experience and expertise then there is a risk to public safety and ultimately the reputation of the Council should an accident or incident occur. In order to protect the public and the safe management of an event only experienced event officers will manage the events and support community organisers with advice. In addition to this the Council operates an Event Notification process whereby organisers' risk assessments and Event Management plans are carefully considered by appropriate Council staff.
- 8.2 There is a risk that a number of Town Christmas organising groups will not be able to raise the required funding to stage the event. In order to mitigate the risk the Council will work with the event organisers to ensure the budget matches the event.

9. CONCLUSION

- 9.1 The Council's annual key civic events programme is widely welcomed and enjoyed by residents of Tameside. With an increased focus on the Council's finances and the desire to continue to deliver events which are vibrant, safe and affordable an Events Panel was created to oversee key civic events from Whit Friday Brass Band Contest, Armed Forces Day and Remembrance Services to the Borough's flagship Christmas celebration and its Town Team Switch On events. The Panel proposes that the civic event dates put forwards in the report are adopted.
- 9.2 The Events Panel fully recognises that these are by no means the sole cultural activities in the Borough and whilst it will not spearhead all activities it will support where required and where gaps are identified. Equally as different years bring different commemorations and celebrations the Panel will lead and advise on the Council's response to these.
- 9.3 2019 will see the delivery of one additional nationally significant event which the Council wishes to mark: The bi-centenary of the Peterloo Massacre and a programme of events have been put forward in this report.
- 9.4 Significantly this report also includes the proposed plans for the corporate 2019 Christmas celebrations. Whilst this has traditionally taken place in Ashton the Panel is proposing that it is relocated to Stalybridge in 2019 to allow for the ongoing landscaping of Ashton Market Square.
- 9.5 With regard to the borough's Town Christmas Switch On Events the Panel is recommending that the named towns all receive a free Christmas tree, tree lights and the install and de-install. In addition to this the Panel proposes a new lighting scheme for the

key civic buildings in the borough as set out in this report. These recommendations will ensure that the Town Christmas Switch On Events continue to be safe and affordable whilst also highlighting the Council's commitment to supporting community events where possible.

10. RECOMMENDATIONS

- 10.1 As set out at the front of the report.

APPENDIX 1

Whit Friday Brass Band Contest Prizes

Tameside Council overall 2019 Overall Prizes

Prize name	Prize fund allocation
Open 1 st Prize	£2000 and receipt of the Tameside Rose Bowl Trophy
Open 2 nd Prize	£1000
Open 3 rd Prize	£750
Overall 1 st Section Prize	£500
Overall 2 nd Section Prize	£400
Overall 3 rd Section Prize	£350
Overall 4 th Section Prize	£300
Local 1 st Prize	£750 and receipt of The Brian Hill Memorial Trophy.
Local 2 nd Prize	£600
Local 3 rd Prize	£400
Youth 1 st Prize	£200
Youth 2 nd Prize	£100
Total prize fund	£7350

1.2 Whit Friday Brass Band venues 2019

Contest	Venue
ASHTON, BROADOAK	ASHTON RUGBY CLUB
DROYLSDEN, THE BUSH,	THE BUSH INN
DENTON,	DENTON CRICKET CLUB
DUKINFIELD,	THE ALBION PUBLIC HOUSE
DUKINFIELD,	THE TAME VALLEY HOTEL
HEROD	HEYROD VILLAGE HALL
HURST VILLAGE, ASHTON UFC	ASHTON UNITED FOOTBALL CLUB
STALYBRIDGE, CARRBROOK	CARRBROOK VILLAGE
STALYBRIDGE CELTIC	BOWER FOLD
STALYBRIDGE LABOUR	STALYBRIDGE LABOUR CLUB
MOSSLEY	SEEL PARK

1. **Appendix 1**

1.1 **Whit Friday Brass Band Contest Prizes**

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1.2 **Whit Friday Brass Band venues 2019**

Contest	Venue
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DROYLSDEN, THE BUSH, DENTON,	THE BUSH INN
DUKINFIELD, DUKINFIELD,	DENTON CRICKET CLUB THE ALBION PUBLIC HOUSE
HEROD	THE TAME VALLEY HOTEL HEYROD VILLAGE HALL
HURST VILLAGE, ASHTON UFC	ASHTON UNITED FOOTBALL CLUB
STALYBRIDGE, CARRBROOK	CARRBROOK VILLAGE
STALYBRIDGE CELTIC	BOWER FOLD
STALYBRIDGE LABOUR	STALYBRIDGE NEW LABOUR CLUB
MOSSLEY	SEEL PARK

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Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Allison Gwynne - Executive Member (Neighbourhood Services) Emma Varnam – Assistant Director, Operations and Neighbourhoods
Subject:	REVISED GAMBLING ACT POLICY 2019-2022
Report Summary:	<p>Licensing authorities are required to develop, consult on, and publish a Statement of Gambling Policy every three years that sets out the principles they propose to apply in exercising their functions under the Gambling Act 2005.</p> <p>This report presents the Council's proposed statement of principles for 2019-2022.</p>
Recommendations:	<p>It is requested that the contents of this report are noted and that a recommendation is put forward that the policy be adopted at the next full Council meeting.</p> <p>That members lobby Government for increased regulation regarding remote gambling in recognition of the fact that gambling affects the most deprived in our communities.</p>
Corporate Plan:	<p>Starting Well – Reduce the impact of adverse childhood experiences.</p> <p>Living Well – Reduce levels of anti-social behaviour, victims of crime/fear of crime.</p>
Policy Implications:	There is a statutory requirement for the Council to review the policy statement every 3 years. This proposal would replace the existing Gambling Policy Statement of Principles.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no direct financial implications as a result of this report.
Legal Implications: (Authorised by the Borough Solicitor)	The Council has reviewed its Statement of Gambling Policy in line with legislation. Members will need to consider the consultation process carried out, together with the Equality Impact Assessment before agreeing the revised Policy, in line with its equality duty, to ensure there is no challenge to its lawfulness, and the Council's duty to protect vulnerable persons. This decision is required to be made by Full Council.
Risk Management:	<p>This review of the Statement of Gambling Policy is a key document in relation to the Council's position in continuing to implement the Gambling Act's objectives and consideration of subsequent licensing applications.</p> <p>Failure to properly consult on these proposals could result in a legal challenge from the trade or their representatives through a judicial review. This risk has been managed by carrying out an</p>

extensive consultation as outlined in the report.

Access to Information:

The background papers relating to this report can be inspected by contacting Sharon Smith, Head of Public Protection.



Telephone: 0161 342 2277



e-mail: Sharon.smith@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Gambling Act 2005 (the Act) requires the Authority to prepare and publish a Policy Statement prior to carrying out functions under the Act. The policy has to be reviewed at least every three years.
- 1.2 The Policy Statement was last reviewed in 2016 and must be updated in 2019.
- 1.3 The Act is based on the promotion of 3 licensing objectives:
- a) Preventing gambling from being a source of crime and disorder;
 - b) Ensuring that gambling is conducted in a fair and open way; and
 - c) Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 The Act provides that Authorities should aim to permit gambling in so far as they think it is:
- a) in accordance with issued codes of practice;
 - b) in accordance with guidance issued by the Gambling Commission;
 - c) reasonably consistent with the licensing objectives; and
 - d) in accordance with the Policy Statement.
- 1.5 The Council will refer to its policy, the Gambling Act 2005, promotion of the licensing objectives, and the Statutory Guidance to Licensing Authorities when considering applications in respect of the following:-
- Premises licences (this includes casinos, bingo halls, adult gaming centres, family entertainment centres, race tracks and betting shops)
 - Permits (licensed premises gaming machine permits, club permits, prize gaming permits, notifications of two or less machines)
 - Lotteries (small society lotteries, incidental non-commercial lotteries, private lotteries and customer lotteries)
 - Temporary use notices and occasional use notices for short-term gambling events).
- 1.6 The Gambling Commission is responsible for granting operating licences and personal licences to commercial gambling operators and people working in the industry. It also regulates certain lottery managers and promoters

2. ISSUES

- 2.1 There have been no legislative changes brought into effect that impact on the relevance of the current policy.
- 2.2 In preparing the policy statement the Authority has to have regard to codes of practice and guidance issued by the Gambling Commission. To ensure consistency the majority of Licensing Authorities across the country use the same template issued by the Local Government Association which is based on best practice.
- 2.3 A copy of the proposed Gambling Policy Statement of Principles is attached at **Appendix 1**.

3. CONSULTATION

- 3.1 A comprehensive consultation exercise was carried out in accordance with the Act and Statutory Guidance. The 12 week consultation period took place between 12 October and 4 January 2018.

- 3.2 The consultation was circulated widely, national trade bodies, interested parties and all premises licence holders were written to, directing them to a consultation page on the Council's website. In addition, the Council used its social media accounts to publicise the consultation.
- 3.3 Copies of the draft policy were made available for the public to view electronically online and a hard copy was kept at the Licensing Office.
- 3.4 Despite the long consultation period only two responses were received; a comprehensive response from Public Health which is attached at **Appendix 2** and a response from a trade body, Novomatic UK acting on behalf of Luxury Leisure, is attached at **Appendix 3**.
- 3.5 A table evaluating the consultation responses and detailing the changes to the draft policy is attached at **Appendix 4**.
- 3.5 A copy of the Equality Impact Assessment is attached at **Appendix 5**.

4. GAMBLING RELATED HARM

- 4.1 When someone is not able manage the degree to which they gamble it can have serious implications for their health, and the health of their friends and family.
- 4.2 During the consultation period the Licensing Manager worked closely with colleagues in Public Health. On 27 November 2018 a gambling harm workshop was held with medical practitioners and topics for discussion were;
- The extent of problem gambling in Tameside.
 - The degree to which we can screen for and identify problem gamblers in our roles.
 - The pathway for a problem gambler; where we can signpost people for support and help.
 - How can we support our young people and educate them about potential harms from gambling.
- 4.2 Following the workshop, Beacon Council Trust, who are a northwest based counselling charity and work with problem gamblers to tackle their addictions have agreed to set up a clinic in Ashton.
- 4.3 In recognition of the collaborative work between Licensing and Public Health a section has been included in the proposed Policy Statement in relation to gambling related harm. This section provides information relating to problem gamblers in Tameside and identifies the support which is available.

5. REMOTE GAMBLING

- 5.1 The Gambling Commission are responsible for regulating the fast-growing remote sector which includes phone and online gambling. This activity is carried out away from licensed premises where trained staff could intervene and this could lead to a rise in gambling related harm
- 5.2 The Commission has made clear that it will continue to monitor and respond to emerging risks to the licensing objectives to ensure operators are doing all they can to treat their customers fairly and minimise the risk of gambling-related harm.

6. RECOMMENDATIONS

- 6.1 Refer to recommendations as outline on the front of the report.

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Statement of Principles

2019-2022

Gambling Act 2005

Introduction

This statement of Policy in relation to the Gambling functions regulated by Tameside Metropolitan Borough Council (TMBC), outlines the approach that will be taken when dealing with the permissions it grants and enforces thereafter.

This Policy also identifies how the Authority will seek to promote the licensing objectives under the Act, namely:-

- **Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.**
- **Ensuring gambling is conducted in a fair and open way.**
- **Protecting children and other vulnerable people from being harmed or exploited by gambling.**

Partnerships are important, and with this in mind TMBC will work closely with the Gambling Commission, the Police and the other responsible authorities named within the Act. TMBC will also provide guidance and support, where possible, to the trade, residents and businesses.

All decisions in relation to gambling will be made having taken into account the three licensing objectives and each application will be dealt with on its merits.

This policy will come into effect on 31 January 2019 and will be reviewed no later than 31 January 2022.

In carrying out its gambling functions, TMBC will have regard to its Policy and the Guidance issued by the Gambling Commission.

An equalities impact assessment has been conducted in relation to this Policy and is available upon request.

Tameside Metropolitan Borough Council

POLICY STATEMENT

Under Section 349 of the Gambling Act 2005

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PART A

POLICY STATEMENT

1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by Gambling

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2. Declaration

2.1 In producing the final statement, this licensing authority will have regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

3. Responsible Authorities

- 3.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 3.2 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.
- 3.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix A.

4. Interested Parties

- 4.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:
- "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)"
- 4.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- 4.3 Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.11 to 8.18. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices. If in the particular circumstances of the application the licensing authority departs from the guidance it will explain its reasons for doing so.
- 4.4 Interested parties can be persons who are democratically elected such as Councillors and MPs. No specific evidence of being asked to represent an interested person will be required as long as the Councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities

and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 4.5 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Panel dealing with the licence application. If there are any doubts then please contact the licensing section at Tame Street Depot, Tame Street, Stalybridge, SK15 1ST or on 0161 342 4262.

5. Exchange of Information

- 5.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 5.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that neither the Data Protection Act 2018, nor the General Data Protection Regulations (GDPR) 2018 will be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to local authorities, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 5.3 Should any protocols be established as regards information exchange with other bodies then they will be made available.

6. Enforcement

- 6.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

- 6.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavor to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

- 6.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavor to avoid duplication with other regulatory regimes so far as possible.

- 6.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy

There are a number of issues in relation to harmful gambling which this licensing authority wishes to inspect during pre-planned or proactive compliance visits, including but not limited to:

- details of training policies and training undertaken by staff
 - records of refusals to serve or admit on age grounds
 - the premises' approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded
 - involvement or impact of any work in local gambling such as Betwatch schemes
 - confirming that appropriate signage and information is in place.
- 6.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the issue of operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but should be notified to the Gambling Commission.
- 6.6 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 6.7 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing section at the Licensing Office, Tame Street Depot, Tame Street, Stalybridge, SK15 1ST or e-mail: licensing@tameside.gov.uk

Our risk methodology is also available upon request.

- 6.8 Reference will also be made to the Councils Enforcement Policy when considering enforcement action.

7. Licensing Authority Functions

- 7.1 As a Licensing Authority we are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences.
 - Issue Provisional Statements.
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permit.

- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres.
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines.
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines.
- Register small society lotteries below prescribed thresholds.
- Issue Prize Gaming Permits.
- Receive and Endorse Temporary Use Notices.
- Receive Occasional Use Notices.
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange').
- Maintain registers of the permits and licences that are issued under these functions.

7.2 These functions will be carried out in accordance with the Scheme of Delegation.

7.3 It should be noted that local licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

PART B

PREMISES LICENCES

8. General Principles

- 8.1 Premises licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

Decision Making

- 8.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy.
- 8.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities, moral objections to gambling are not a valid reason to reject applications for premises licences and also that unmet demand is not a criterion for a licensing authority.
- 8.4 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on code 8, the social responsibility code. The Council will have regard to this code when considering applications. This is covered in detail in Part 4 of this statement.
- 8.5 **Definition of premises** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 8.6 The Gambling Commission states in the fourth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that

areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

8.7 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

8.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

8.9 This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

8.10 The Gambling Commission’s relevant access provisions for each premises type are reproduced below:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per paragraph 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence

- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

8.11 Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

8.12 Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied is going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of circumstances in which such a licence may not be granted can be found at paragraphs 7.60 – 7.67 of the Guidance.

8.13 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling is constructed. The Gambling

Commission has advised that reference to “the premises” is to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to a premise which is ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

- 8.14 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives is relevant to its decision making. As per the Gambling Commission’s Guidance to local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

8.15 **Planning:**

The Gambling Commission’s Guidance to Licensing Authorities states:

– In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

- When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 8.16 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning and the fire service. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.
- 8.17 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into

account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

8.18 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

8.19 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - TMBC is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.

Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

8.20 Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operating licence.

8.21 Participation in the Safebet Alliance - The Authority encourages operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises. Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.

8.22 **Ensuring that gambling is conducted in a fair and open way** - TMBC has noted that the Gambling Commission states that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is, however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section.

8.23 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - TMBC has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

8.24 TMBC will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

- 8.25 Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises. The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

With regard to protecting children and young person's TMBC expects:

- Operators to carefully consider the premises layout to ensure children and young persons (as appropriate) neither gain access to areas used for gambling, nor are brought into close proximity to gambling.
- Premises should ensure that they systems and procedures are in place to ensure those under the age of 18 are excluded where appropriate. This should include a "Think 21" scheme with acceptable ID limited to either a photo driving licence, passport or PASS accredited proof of age schemes, indicated by prominent signage at premises. Appropriate measures to enforce this may include supervision of entrances.
- That a member of staff is designated with lead responsibility for safeguarding children and vulnerable others;
- There are policies and training available for safeguarding children and vulnerable others;
- Whilst U18s cannot enter the majority of gambling venues, they are able to enter:
 - The non-gambling area of a regional casino
 - The gambling areas of a bingo club other than areas containing category C gaming machines
 - The gambling areas of a track (on race days) other than off-course betting and areas containing category C gaming machines.
 - Licensed family entertainment centres.
- Where category C or above gaming machines are available in premises to which under 18s are admitted, we expect that:
 - All such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access to other than through a designated entrance.
 - Physical barriers to segregate areas should not impede the escape routes from that or other areas
 - Only adults are admitted to the area where these machines are located
 - Access to the area where the machines are located is supervised
 - The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
 - At the entrance to, and inside any such area that are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- When under 18s are loitering outside the licensed premises, steps should be taken by the licence holder to move them on, and consideration given as to whether to report their presence to the police or a truancy officer where appropriate.
- Where the licencing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access by children or young persons it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a condition on the premises licence to this effect.
- The Licensing Authority will give considerable weight to representations about child protection matters in licensed premises. It will consider the Children's services in Tameside as a source of advice in relation to the protection of children and vulnerable adults.

8.26 The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

8.27 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities. See Part 4 of this policy statement for further details and on the council's requirements in relation to the LCCP, however with regards to self-exclusion schemes it is expected that:

- All premises operate a voluntary exclusion scheme which allows customers to be voluntarily excluded from premises for an agreed period, supported by a written agreement.
- The premises take responsibility for ensuring the person who requests voluntary exclusion is not readmitted during the agreed period unless a counselling session has first been held and re-admittance agreed.
- Self-exclusion schemes are now required to operate on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

8.28 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seek to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." Based on the evidence available Tameside also considers the following people to be vulnerable:

- Those with an inclination to gamble more than they want to or beyond their means
- Those who are dependent for a source of income on somebody who gambles more than they want to or beyond their means
- Those who are employed by gambling operators and have regular contact with gambling
- Those aged 16-24
- Those who live in deprived areas
- Homeless people
- Unemployed people
- People with substance abuse/misuse issues
- Those in poor mental health.
- Habitual players of gaming machines.

What constitutes harm or exploitation will have to be considered on a case-by-case basis and regard will be had to current evidence in relation to vulnerability to gambling-related harm. Operators are encouraged to be aware of the latest research and evidence relating to vulnerability when developing and updating their local area risk assessment for licensed premises

8.29 To further protect vulnerable persons from being harmed or exploited by gambling, premises should not use inducements to encourage customers to gamble, such as alcohol. Premises should not encourage customers to stay in premises longer than they would have done otherwise by offering complementary items such as food and drinks.

8.30 **Provision of Gambling Advice** - Gambling literate customers with access to advice and assistance are less likely to have been harmed or exploited by gambling. TMBC want gambling to be pursued for entertainment, not the expectation of big wins, or chasing losses. As such, TMBC expect premises as a minimum to:

- Provide leaflets aimed at customers and their families/friends, which will include how to identify signs of problem gambling and pathways to advice and assistance e.g. helpline number, online counselling facility, local counselling provider.
- For every 50m² of gambling premises at least one prominent leaflet display must be provided along with a neighbourhood poster to reinforce the message. The ratio of the physical number of gambling promotional leaflets and posters to leaflets and posters advertising problem gambling support services within a premises should not exceed 2:1 (ie no more than 2 promotional advertisements for every one problem gambling support advertisement).
- As per the Senet Group standards, twenty per cent of betting shop window advertisements must be dedicated to responsible gambling messages
- Players who have been on the premises for a significant amount of time or who staff have observed have lost significant sums of money, should be approached in an attempt to understand if they are losing more money than they can afford to lose.
- Display the odds of each gaming machine prominently on the machine.
- Offer players time or monetary limits to help them manage their gambling.

8.31 **Data gathering and sharing** – Keeping track of the incidence and handling of problem gambling in Tameside is a key part of promoting the licensing objectives. TMBC expects all Tameside based gambling premises to maintain a log and share this with the Licensing Department upon request. This data is important to support future research and services that exist to support people who suffer gambling related harm.

Data that this licensing authority considers should be recorded and shared includes:

Interventions

- The number of gambler interventions (e.g. challenging excessive gambling, advising of gambling help services, etc.) that are made in a calendar month.
- The number of interventions that changed a customer's gambling behaviour.

Self-Exclusions

- Provide information regarding the number of self-exclusions during the month (self-exclusion scheme only).
- Number of cases per month where persons who have decided to voluntarily exclude themselves from the premises have tried to gain entry.

Children and Young Persons

- Attempts to enter the premises or gamble by those who are underage.
- Attempts to enter the premises or gamble by those who are underage accompanied by an adult during the month, along with a short description of the incident and action.
- Record the number of people who having gambled were unable to prove they were 18 when challenged.

8.32 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;

- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

8.33 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc.

There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

8.34 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

8.35 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- physical barriers to segregate areas should not impede the escape routes from that or other areas

8.36 These considerations will apply to premises including buildings where multiple premises licences are applicable.

8.37 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

8.38 It is noted that there are conditions which the licensing authority cannot attach to premises licences which is:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winning or prizes.

8.39 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

9. Adult Gaming Centres

- 9.1 TMBC will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 9.2 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the council will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 9.3 This licensing authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes.
 - CCTV.
 - Supervision of entrances / machine areas.
 - Physical separation of areas.
 - Location of entry.
 - Notices / signage.
 - Specific opening hours.
 - Self-barring schemes.
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10. (Licensed) Family Entertainment Centres

- 10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the

applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the Premises.

10.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.4 TMBC will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. TMBC will also make itself aware of any mandatory or default conditions on these premises licenses, when they have been published.

11. Bingo premises

11.1 TMBC notes that the Gambling Commission's Guidance states:

Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

TMBC also notes the Guidance at paragraph 18.5 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight categories B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

11.2 This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.

- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

12. Betting Premises

- 12.1 The Act contains a single class of licence for betting premises. However, without this single class of licence, there are different types of premises which require licensing, for instance – off course betting (i.e. licensed betting offices) and betting offices on tracks. It is acknowledged that gaming machines are permitted in betting premises.

The Council specifically have a regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises.

- 12.2 *Betting machines* - TMBC will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It should be noted the persons under 18 years old are not able to go into premises with the benefit of a Betting Premises Licence.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes.
- CCTV.
- Supervision of entrances / machine areas.
- Physical separation of areas.
- Location of entry.
- Notices / signage.
- Specific opening hours.
- Self-barring schemes.
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- The number of machines used on the premises for the purpose of making or accepting bets
- The number of counter positions for person to person transactions and
- The ability of staff to monitor the use of machines by vulnerable persons

This list is not mandatory, nor exhaustive, and is merely indicative of example measures

13. Tracks

- 13.1 TMBC is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling

Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 13.2 TMBC will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 13.3 TMBC will expect applicants to offer their own measures to meet the licensing objectives; however, appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes.
 - CCTV.
 - Supervision of entrances / machine areas.
 - Physical separation of areas.
 - Location of entry.
 - Notices / signage.
 - Specific opening hours.
 - Self-barring schemes.
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 13.4 *Gaming machines* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 13.5 *Betting machines* - TMBC will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.
- 13.6 *Applications and plans* - The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, paragraph 20.28).
- 13.7 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations. (See Guidance to Licensing Authorities, paragraph 20.29).
- 13.8 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance to Licensing Authorities, paragraph 20.31).

- 13.9 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (see Guidance to Licensing Authorities, paragraph 20.32).
- 13.10 TMBC appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.33).

14. Travelling Fairs

- 14.1 TMBC is responsible for deciding whether, where category D machines and /or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 14.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighboring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded. In any event neighboring authorities will be consulted to ensure best practice and consistency is applied.

15. Provisional Statements

- 15.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 15.2 S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.
- 15.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

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

16. Reviews

- 16.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 16.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence or whether it is substantially the same as previous representations or requests for review.
- 16.3 The licensing authority can also initiate a review of a particular premises licence on the basis of any reason which it thinks is appropriate.
- 16.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 16.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

- 16.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 16.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 16.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 16.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder.
 - the applicant for review (if any)
 - the Commission.
 - any person who made representations.
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs.

PART C

PERMITS/TEMPORARY & OCCASIONAL USE NOTICES

17. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

17.1 Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

17.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits....., licensing authorities will want to give weight to child protection issues." (24.6)

17.3 Guidance also states..."An application for a permit may be granted only if the licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief of police has been consulted on the application..... Licensing authorities might wish to consider asking applicants to demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- That the applicant has no relevant convictions (those set out in schedule 7 of the Act; and
- That staff are trained to have a full understanding of the maximum stakes and prizes (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

17.4 **Statement of Principles** TMBC will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

18. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

18.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Other matters TMBC consider relevant may include:

- the location of gaming machines on the premises and ability to supervise their use;
- whether under 18s are permitted on the premises;
- previous convictions of the applicant;
- Any other further risks indicated by the application.

Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However, premises must ensure under 18s do not play category C gaming machines or limited equal chance gaming which are restricted to over 18s. It should be noted that the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Permit 3 or more machines

18.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and *“such matters as they think relevant.”*

18.3 This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only, gaming machines. Measures which will satisfy the authority that there will be no access, may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

18.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

- 18.5 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 18.6 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

19. Prize Gaming Permits

- 19.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 19.2 TMBC has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
 - that the gaming offered is within the law.
 - Clear policies that outline the steps to be taken to protect children from harm.
- 19.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 19.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

20. Club Gaming and Club Machines Permits

- 20.1 Members’ Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D)

Commercial clubs may not site category B3A gaming machines offering lottery games in their clubs

- 20.2 Members’ Clubs and Miner’s welfare institutes (But not commercial clubs) may apply for a Club Machine Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Equal chance gaming and games of chance to be as set out in forthcoming regulations.

TMBC notes that the Gambling Commission's Guidance states:

25.46 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.47-25.49 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

20.3 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

20.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

20.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

21. Temporary Use Notices

21.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according the Gambling Commission, would include hotels, conference centres and sporting venues.

21.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

- 21.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 21.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 21.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 21.6 TMBC expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

22. Occasional Use Notices

- 22.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

23. Small Society Lotteries

- 23.1 TMBC will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- submission of incomplete or incorrect returns
- breaches of the limits for small society lotteries

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes.
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this Licensing Authority on 0161-342 4262 within working hours to seek further advice.

PART D

Licence Conditions & Codes of Practice (LCCP)

24. The Code

- 24.1 The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk
- 24.2 The code requires operators;
- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
 - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
 - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
 - With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

25. Risk Assessments

- 25.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence and are to be presented to the licensing authority upon application. The code requires all operators of; Casinos, AGCs, Bingo Premises, FECs, Betting shops and remote betting intermediaries to assess the local risks to the licensing objectives posed by the provision of gambling facilities at the premises, and to have policies, procedures and control measures in place to mitigate those risks.
- 25.2 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the council's inspection regime and may be requested when officers are investigating complaints.
- 25.3 The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council expects the following matters to be considered by operators when making their risk assessment:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
 - Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
 - Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices.
 - Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
 - Levels of poverty and deprivation in the region

- Levels of crime and disorder, particularly where this is related to an existing gambling premises
- 25.4 TMBC expects the following matters to be considered by operators when making their risk assessment:

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted,
- Areas which are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, food banks, homelessness services, job centres, places where alcohol or drug dependant people may congregate, etc.

26. Local Area Profile

- 26.1 TMBC has considered the local area profile and feels the main issues will be covered by the risk assessments required under the LCCP.

PART E

GAMBLING RELATED HARM

Introduction

Between 61 and 73 percent of British adults gamble to some extent each year. For the majority of these people, gambling is a harmless and sociable activity. However, between 0.4 and 1.1 percent of British adults are estimated to be 'problem gamblers' who experience harm as a consequence of their gambling. A further 4 percent are estimated to be 'at-risk gamblers' who may go on to become problem gamblers.¹ For an area with a demographic like Tameside, this could mean approximately 3,500 problem gamblers live in the region.

Figures published in November 2015 showed that 17% of children between ages 11-15 have gambled in the previous week. In addition to this, approximately 0.6% of children aged 11-15 were problem gamblers. This shows the importance of vigilance by all licence holders in minimising young person's ability to take part in gambling activities to help reverse these alarming statistics.

Problem gambling has been defined as "gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits"². Males are 5 times more likely than females to be problem gamblers. Problem gambling also varies by age with young people aged 16-24 the most likely to be affected. Problem gambling disproportionately affects people on low incomes and those from ethnic minorities. Individuals of Asian/Asian British heritage and Black/Black British heritage are more likely to be problem gamblers than people who identify as White/White British³.

For problem gamblers, harms can include higher levels of physical and mental illness, debt problems, relationship breakdown and criminality. Problem gambling is also associated with domestic violence and substance misuse. Harms from gambling affect far more people than just the problem gambler: it is estimated that for every harmful gambler, between 6 and 10 additional people are directly affected (such as friends, family or colleagues)⁴. Problem gambling also has a significant impact on public finances due to increased costs to the welfare, housing, health and criminal justice sectors. For these reasons, gambling-related harm is increasingly recognised as a public health issue.

¹ Institute for Public Policy and Research (2016). Cards on the table. The cost to government associated with people who are problem gamblers in Britain.

² Lesieur, H. R. & Rosenthal, M. D. (1991). Pathological gambling: A review of the literature (prepared for the American Psychiatric Association Task Force on DSM-IV Committee on disorders of impulse control not elsewhere classified). *Journal of Gambling Studies*, 7 (1), 5-40.

³ See 1 above.

⁴ Local Government Association and Public Health England (2018). Tackling gambling related harm A whole council approach.

Gambling in Tameside

There are 265 premises where people can legally gamble in Tameside, plus multiple premises where people can buy lottery tickets and scratch cards. The majority of the 265 venues are pubs; however, there are 37 licensed betting shops, 6 adult gaming centres and 3 bingo halls. In line with national trends, it is likely that many more people are now gambling online. While the Authority does not regulate online gambling, it is still recognised as a potential source of harm. The overall prevalence of gambling and problem gambling is currently unknown in Tameside. However, there is evidence to indicate that online gambling activity is higher in Tameside than the England average and that activity is higher in more deprived areas of the borough.

Support and advice

The National Gambling Helpline provides confidential advice, information and emotional support to anyone experiencing problems with gambling. The helpline number is 0808 8020 133. Residents who are experiencing gambling-related harm can also seek advice and support from a number of local agencies.

Beacon Counselling Trust (BCT) is the Gamcare accredited treatment provider for problematic gambling issues in Greater Manchester. BCT are commissioned to provide face to face counselling support for gamblers or their families and a clinic has been established in Ashton-under-Lyne. For more information please see - <http://beaconcounsellingtrust.co.uk/free-gambling-counselling/>

**APPENDIX A
RESPONSIBLE AUTHORITIES**

Any application must be sent to:

**Licensing Department
Tameside MBC
Licensing Office
Tame St Depot
Tame St
Stalybridge
SK15 1ST**

Copies of the application must also be sent to the following responsible authorities:

**Watch Commander Fire Protection
Tameside Borough HQ
Hyde Fire Station
Railway Street
Hyde
SK14 1DF**

**HM Customs and Revenue
National Registration Unit
21 India Street
Glasgow G2 4PZ**

**Social Services
Conference and Review Section
QA Unit
Hyde Town Hall
Hyde
SK14 1AL**

**Environmental Health (Environmental Protection)
Tame St Depot
Tame St
Stalybridge
SK15 1ST**

**Chief Superintendent
Greater Manchester Police
Tameside Partnership Team (Licensing)
Manchester Road
Ashton-Under-Lyne
OL7 0BG**

**Planning and Building Control
Clarence Arcade
Stamford Street
Ashton-under-Lyne
Tameside
OL6 7PT**

**Gambling Commission
Victoria Square House
Victoria Square,
Birmingham B2 4BP**

APPENDIX B

TAMESIDE METROPOLITAN BOROUGH COUNCIL SCHEME OF DELEGATION

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of three year licensing policy	x		
Policy not to permit casinos	x		
Fee setting (when appropriate)	x		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		x	
Application for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

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APPENDIX 2

EVALUATION OF CONSULTATION RESPONSES

RESPONDENT	PARA	COMMENTS	CONSIDERATION
Public Health	Part A 1.1	Suggest additional point under 1.1 - Regardless of the type of licence or permit applied for, Tameside MBC is looking to maintain high standards to ensure responsible gambling and protection of the licencing objectives in Tameside. Where appropriate, based on a local area's specific issues and needs, additional measures, protections or licence conditions may be applied to protect those who are most vulnerable from being harmed by gambling	1.1 covers the Licensing Objectives as set out in the Gambling Act 2003, the Council cannot amend the objectives.
	6.4	Suggest additional point under 6.4 - There are a number of issues in relation to harmful gambling which we may wish to review during pre-planned or proactive compliance visits, including but not limited to: •details of training policies and training undertaken by staff •records of refusals to serve or admit on age grounds •the premises' approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded •involvement or impact of any work in local gambling such as Betwatch schemes •confirming that appropriate signage and information is in place.	Policy amended to include suggestion
	7.1	7.1 As a Licensing Authority we are required under the Act to: • Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licenses SUGGEST CHANGE TO: • Be responsible for the licensing of premises where gambling activities are to take place by deciding whether to grant or reject premise licence applications and decide any conditions to apply where the decision is taken to grant. Decisions are based on the Gambling Act 2005, relevant guidance, Codes of Practice, our Gambling Policy and the three licencing objectives highlighted in section 1.1.	7.1 of the policy sets out the Council's statutory functions and the types of Licences, Permits and Notices that can be issued. The suggested amendment is not relevant and is covered in other sections of the Policy
	8.14	Suggest additional points under 8.14 Location Further guidance of what locations are deemed to be higher risk due to their access by vulnerable groups can be found in the risk assessment section of this document. The authority will consider licence applications and existing licences very carefully	As the responses identifies guidance is provided under the risk assessment section 25. The Council does not currently

		where gambling premises will be located in close proximity to other premises frequented by children or other vulnerable persons (as defined in the local area profile), in relation to the third licencing objective. In other local authorities, close proximity has been defined as within 400m of a location where vulnerable person may frequent (2). If an applicant can show how the licencing objectives concerns can be overcome, that will be taken into account.	have a local area profile. All applications are considered "very carefully" and on their merits.
	8.19	<p>Suggest additional points under 8.19 -</p> <p>Whilst regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences; if there are persistent or serious disorder problems that we consider an operator could or should do more to prevent, we will bring this to the attention of the Gambling Commission so that it can consider the continuing suitability of the operator to hold an operating licence</p> <p>Participation in the Safebet Alliance The Authority encourages operators to participate in the Safebet Alliance in order to help ensure the highest standards for the safety and security of staff working at betting premises.</p> <p>Where an operator does not participate in the scheme, it is expected that they can satisfactorily demonstrate the security measures they incorporate are adequate.</p>	Amended to include having looked at other Council's Policies this is a common inclusion
	8.21 – 8.26	<p>Suggested amendments relating to protecting children and younger persons from being harmed or exploited</p> <p>8.23 – suggested requirements and expectations of operators relating to protection of children and younger persons</p> <p>8.25 – Self Exclusion</p> <p>8.26 – other vulnerable groups</p> <p>Inducements to gamble</p> <p>Provision of Gambling Advice</p> <p>Data Collection</p>	<p>This has been included in the gambling related harm section</p> <p>Policy amended to include these points – see 8.25</p> <p>Policy amended see 8.27</p> <p>Policy amended see 8.28</p> <p>Policy amended see 8.29</p> <p>Policy amended see 8.30</p> <p>Data Collection – the obligation for premises to record data has been</p>

		<p>Betting Machines – suggested conditions and considerations relating to betting machines</p> <p>Layout of premises</p>	<p>incorporated into the Policy. The template suggested by Public Health will be provided to premises upon compliance inspections and conversations will be had with staff requesting them to keep the log</p> <p>Policy amended. See 12.2 – conditions measure for consideration to meet the licensing objectives included in the Policy.</p> <p>Comments noted. This is covered elsewhere in the Policy.</p>
	18.1	<p>Other matters TMBC consider relevant may include:</p> <ul style="list-style-type: none"> • the location of gaming machines on the premises and ability to supervise their use; • whether under 18s are permitted on the premises; • previous convictions of the applicant; • Any other further risks indicated by the application. <p>Dependent on the conditions of their Licensing Act licence, premises with consumption of alcohol on the premises may admit under 18s. However premises must ensure under 18s do not play category C gaming machines or limited equal chance gaming which are restricted to over 18s. It should be noted that the holder of a gaming machine permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.</p>	Policy amended to include the relevant considerations.
	25.3	<p>Suggest additional bullet points added to 25.3:</p> <ul style="list-style-type: none"> • Levels of poverty and deprivation in the region • Levels of crime and disorder, particularly where this is related to an existing gambling premises. 	Policy amended

	25.4	<p>Suggest last bullet under 25.4 is changed to: Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, food banks, homelessness services, job centres, places where alcohol or drug dependant people may congregate, etc.</p> <p>Whilst each application and review of existing licences will be treated upon its own merits, applications which the authority feels is in close proximity or on route to the following sensitive locations will require applicants to provide further detailed information as to how their proposals will promote the gambling objectives (in particular protecting children and vulnerable persons from being harmed or exploited by gambling):</p> <ul style="list-style-type: none"> • a school, college, nursery or other similar premises substantially used by or for children or young persons (including children's homes and specialist units); • a park or similar space used for children's play or young people's recreational activity; • a Hospital, Mental Incapacity or Disability Centre or similar premises; • vulnerable adult centres and community buildings (e.g. centre for gambling addicts) • substance misuse treatment services • youth or other children or vulnerable people specialist services. • social housing for vulnerable adults • locations known to attract unaccompanied vulnerable young people or criminals • high crime and disorder hot spots. <p>It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.</p>	Policy amended to include other locations which may be frequented by vulnerable persons.
	26.1	<p>Suggest additional point under 26.1: Should a local area profile be developed at a future point it will be available on the TMBC website and licence applicants will be expected to review this when undertaking their own risk assessment.</p>	Comments noted. Consideration will be given to including a local area profile when the policy is next reviewed in 2022
Novomatic UK	N/A	As the Authority will appreciate, in matters of regulation under the Gambling Act 2005 (the "Act") it is subject to the Regulators' Code. The code imposes a number of obligations on the Authority, including one that it should carry out its activities in a	Comments noted.

		way that it supports those it regulates to comply and grow. Additionally, under the Code when designing and reviewing policies, the Authority must among other things understand and minimise the negative economic impact of its regulatory activities and regulate and minimise the costs of compliance of those it regulates. Further, the Authority should take an evidence-based approach in determining priority risks and recognise the compliance record of those it regulates. We suggest that reference is made in the Draft to the Code's application to the Authority's activities under the Act.	
	4.3	Para 4.3: As is confirmed at paragraph 8.3, moral objections to gambling are not valid reasons to reject an application for a premises licence. We are unsure how this sits with para 4.3 of the Draft and in particular, which "business interests" of faith groups might be affected by the activities – putting aside any moral objections to what is a legal activity. We would therefore suggest the removal of such bodies from the example of those with business interests that might be affected and therefore who can qualify as an Interested Party.	Comments noted.
	8.7	Para 8.7, first bullet point and Paras 8.21 and 8.23: As the Authority appreciates, children are legally permitted to take part in limited types of gambling (Category D machines) and plainly therefore, the reference to preventing children from "being in close proximity to gambling", from "taking part in gambling" and from "accessing gambling premises" is not quite correct and we suggest these provisions are corrected.	Comments noted. The provisions relate to gambling premises generally.
	8.12, 8.13, 8.15	Paras 8.12, 8.13 and 15 : We refer to the 2008 case of R (on the application of Betting Shop Services Limited) –V– Southend on Sea Borough Council, in which it was held that an applicant could apply for a premises licence (without the need for a provisional statement) even though the premises were not fully constructed – the applicant is not restricted to making an application for a provisional statement if the premises are "not yet complete" or that applications can only considered for "finished buildings" as suggested in the Draft. It was held by the court that the then current Guidance issued by the Commission was wrong. The Guidance was subsequently amended. We suggest that this is reflected in the Draft.	Policy amended to reflect updated guidance.
	9.3	Para 9.3: We do not understand the reference to the "physical separation of areas" in the context of AGCs	This refers to AGC's that appear in shopping centres and service stations. Physical separation/barriers are required.
	11 and 12	Paras 11 and 12: We do not understand why the bullet points that are set out for	Policy amended.

		AGCs as potential “measures” are not considered relevant for Betting or Bingo premises where they are at least as relevant. Indeed, the stake/bet that can be made and prizes won are as great and in some instances greater in those premises than in AGCs and FECs. It seems inconsistent not to repeat the points.	
	25.1	Para 25.1: The Local Risk Assessment (LRA) is a creature of the LCCP. The requirement is to “assess the local risks to the licensing objectives posed by the provision of gambling facilities at [the] premises and have policies, procedures and control measures to mitigate those risks.” We suggest that this slightly fuller extract could usefully be included in the Draft.	Policy amended.
	25.3	Para 25.3: Most gambling premises (and AGCs in particular) offer anonymous forms of gambling in the sense that customers’ play is private and not tracked. This is an important factor when considering the 2nd bullet point in the Draft.	Policy amended reference to benefits payments removed.
	25.3	Para 25.3: We query how the proximity of refreshment and entertainment type facilities are relevant to the licensing objectives – which is what the LRA is all about. As the Draft stands, we suggest those references are removed.	Policy amended.
	25.5	Para 25.5: As per 2 above, as moral objections to gambling are not valid reasons to reject an application for a premises licence or indeed relevant to the risks posed to the licensing objectives, we do not understand why “matters of faith” are relevant to the LRA and suggest this paragraph be removed.	Policy amended.

APPENDIX 3

Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

Subject / Title	Revised Gambling Policy 2019-22
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Team	Department	Directorate
Licensing	Public Protection	Neighbourhood and Operations

Start Date	Completion Date
16 July 2018	

Project Lead Officer	Mike Robinson
Contract / Commissioning Manager	Sharon Smith
Assistant Director/ Director	Emma Varnam

EIA Group (lead contact first)	Job title	Service
Emma Varnam	Assistant Director	Neighbourhood and Operations
Sharon Smith	Head of Public Protection	Public Protection
Mike Robinson	Regulatory Services Manager	Licensing

PART 1 – INITIAL SCREENING

An Equality Impact Assessment (EIA) is required for all formal decisions that involve changes to service delivery and/or provision. Note: all other changes – whether a formal decision or not – require consideration for an EIA.

The Initial screening is a quick and easy process which aims to identify:

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Tameside & Glossop Strategic Commission Equality Impact Assessment (EIA) Form

- those projects, proposals and service or contract changes which require a full EIA by looking at the potential impact on any of the equality groups
- prioritise if and when a full EIA should be completed
- explain and record the reasons why it is deemed a full EIA is not required

A full EIA should always be undertaken if the project, proposal and service / contract change is likely to have an impact upon people with a protected characteristic. This should be undertaken irrespective of whether the impact is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Contract / Commissioning Manager and the Assistant Director / Director.

1a.	What is the project, proposal or service / contract change?	Amendments to the Council's Gambling Policy, in line with the Gambling Act 2005, the Council are required to review the policy at least every three years
1b.	What are the main aims of the project, proposal or service / contract change?	The Gambling Act 2005 requires the Council, to update the existing statement of licensing policy in order to keep the policies relevant and up-to-date.

1c. Will the project, proposal or service / contract change have either a direct or indirect impact on any groups of people with protected equality characteristics? Where a direct or indirect impact will occur as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.				
Protected Characteristic	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Age	✓			The Policy seeks to promote the licensing objectives under the Gambling Act 2005, one of which is "Protecting children and other vulnerable people from being harmed or exploited by gambling".

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				<p>The Policy makes reference to the methods that will be used to ensure children are protected, including:</p> <ul style="list-style-type: none"> • Designating the Local Safeguarding Children Board for the purpose of advising the authority about the protection of children from harm • Ensuring premises are configured so that children are not invited to participate in, have accidental access to or closely observe gambling • Making sure entrances to and exits from parts of a building covered by one or more premises licences are separate and identifiable so that the separation of different premises is not compromised and people do not drift into a gambling area • Ensuring no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • A restriction of advertising so that gambling products are not aimed at or are particularly attractive to children • Potential supervision of entrances/machines, segregations of areas in
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				<p>premises “ready for gambling”</p> <ul style="list-style-type: none"> • Requiring operators to ensure all staff are trained at gambling premises • Requiring operators to ensure all customers are supervised when on gambling premises • Requiring operators to have a procedure for identifying customers who are at risk of gambling related harm • That children are not permitted to participate in bingo on bingo premises and if category B or C machines are made available, these must be separated from areas where children and young people are allowed • Require premises licence applicants for tracks to ensure that children do not have access to adult only gaming facilities at the tracks • Expecting operators to consider institutions, places or areas where children or young people might be present; any premises where children congregate; areas prone to youths participating in anti-social behaviour; recorded incidents of attempted underage gambling when completing their risk
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				<p>assessment</p> <p>As these aspects of the policy are designed to prevent children and young people from gambling, they will have a direct impact on children and young people.</p>
Disability			✓	
Ethnicity			✓	
Sex			✓	
Religion or Belief		✓		<p>The Policy states that “Interested parties can make representations about licence applications, or apply for a review of an existing licence” if the party “has business interests that might be affected by the authorised activities”</p> <p>The Policy will also consider the Gambling Commission’s Guidance that ‘business interests’ should be given the widest possible interpretation and include faith groups.</p> <p>The Policy states that other issues that may be considered could include “Matters of faith, including all religious or faith denominations. Including proximity to churches, mosques, temples or any other place of worship” Therefore the policy may impact on religious groups due to the fact they are invited to provide views about licence applications.</p>

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Sexual Orientation			✓	
Gender Reassignment			✓	
Pregnancy & Maternity			✓	
Marriage & Civil Partnership			✓	
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Mental Health			✓	
Carers			✓	
Military Veterans			✓	
Breast Feeding			✓	
Are there any other groups who you feel may be impacted, directly or indirectly, by this project, proposal or service / contract change? (e.g. <i>vulnerable residents, isolated residents, low income households, those who are homeless</i>)				
Group (please state)	Direct Impact	Indirect Impact	Little / No Impact	Explanation
Vulnerable People	✓			<p>The Policy seeks to promote the licensing objectives under the Gambling Act 2005, one of which is "Protecting children and other vulnerable people from being harmed or exploited by gambling".</p> <p>The Policy makes reference to the</p>

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				<p>methods that will be used to ensure vulnerable people are protected, including:</p> <p>The Policy notes “as regards the term ‘vulnerable persons’ it is noted that the Gambling Commission does not seek to offer a definition but states that ‘it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs’. This licensing authority will consider this licensing on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.’</p> <p>In terms of regulation the Policy states:</p> <ul style="list-style-type: none"> • TMBC will take into account the ability of staff to monitor the use of betting machines by vulnerable people when considering the number/nature/circumstances of betting machines an operator wants to offer • TMBC will consider the need of Tracks to ensure that entrances to each type of premises are distinct and the protection of children and vulnerable persons from being harmed or exploited
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APPENDIX 3

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				<p>by gambling</p> <ul style="list-style-type: none"> • In regards to (Alcohol) Licensed premises gaming machine permits, such matters will be decided on a case by case basis, but there will be regard to the need to protect vulnerable persons • As regards the protection of vulnerable persons applicants, for (Alcohol) Licensed premises gaming machine permits may wish to consider the provision of information leaflets/helpline number for organisations such as GamCare • TMBC expects the following matters to be considered by operators when making their risk assessment: information held by the licensee regarding self-exclusions and incidences of underage gambling; gaming trends that may mirror days for financial payments such as pay days or benefit payments; arrangement for localised exchange of information regarding self-exclusions and gaming trends; proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices,
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				<p>addiction clinics or help centres, places where alcohol or drug dependent people may congregate, etc.</p> <p>As these aspects of the policy are designed to prevent vulnerable people from gambling, they will have a direct impact on vulnerable people</p>

Wherever a direct or indirect impact has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact is anticipated, this can be explored in more detail when undertaking a full EIA.

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
			✓

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<p>1e.</p> <p>What are your reasons for the decision made at 1d?</p>	<p>Although the Policy will directly impact young people and vulnerable people, and also indirectly impact religious groups all of these have been assessed as a positive impact as detailed in Table 1C.</p> <p>The aspects of the policy that aim to prevent young people and vulnerable people from being harmed by gambling are to their benefit. Similarly the aspects that relate to religious groups allow these groups more scope to be considered in operator's risk assessments and for the religious groups to challenge applications as "interested parties".</p> <p>Furthermore the Gambling policy is being renewed because it is a legal requirement for local authorities to revise these policies every 3 years (Gambling Act)</p> <p>The primary legislation for this policy is the Gambling Act 2005 this has been subject to comprehensive equality impact assessments and there is limited scope within the statements of licensing policy to add additional local requirements.</p> <p>With reference to the Gambling Act policy, the policy affects existing licensed premises and gambling premises and anyone who wishes to apply for a new licence. As such, the policies are designed to provide opportunities for all applicants and licence holders so that no group of people (protected or otherwise) will be adversely affected by the contents of the policies.</p> <p>The policy is designed to encourage licence holders and applicants to promote clear and unambiguous licensing objectives which are intended to protect all members of the public from the potential adverse effects of licensed premises or gambling premises.</p> <p>Additionally the draft policy has all been subject to a full 12 week public consultation and all responses to the consultation have been considered and included in the final decision report. The consultation was widely promoted including via the local voluntary, community and faith sector to encourage responses from different protected characteristic groups.</p>
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APPENDIX 3**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Signature of Contract / Commissioning Manager	Date
S Smith	19. 3.2019
Signature of Assistant Director / Director	Date
E Varnam	19.3.2019

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Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Brenda Warrington – Executive Leader Pat McKelvey, Head of Mental Health and Learning Disabilities and Jacqui Dorman, Public Health Intelligence Manager
Subject:	SUICIDE PREVENTION STRATEGY 2019/2023
Report Summary:	<p>The number of deaths to suicide in Tameside and Glossop is significant, with 75 deaths occurring in 2015/17 alone. This strategy builds on our work to date and sets out an ambitious five year plan for reducing and ultimately eliminating suicides in Tameside and Glossop. To do this will require a co-ordinated effort so that suicide prevention becomes ‘everyone’s business’.</p> <p>Our vision is that no-one will see suicide as a solution, and our ambition is therefore that there will be no more suicides in Tameside and Glossop.</p> <p>This strategy sets out how we will go about preventing suicide in Tameside and Glossop, in line with our ambition. In order for this to be achieved, all partners in every organisation in Tameside and Glossop will need to understand and support this strategy.</p>
Recommendations:	To approve the suicide prevention strategy and its ambition and objectives
Financial Implications: (authorised by Section 151 Officer)	<p>On 30 January 2018 the Strategic Commissioning Board approved an investment programme in Mental Health services by an additional recurrent value of £ 5.791 million by 2021/22, £ 5.691 million of which is within the Section 75 of the Integrated Commissioning Fund, with £ 0.100 million within the aligned fund. The aligned fund investment was approved at the CCG Governing Body on 28 March 2018.</p> <p>Whilst this report is not specifically requesting any further additional funding, it should be acknowledged that there is a clear investment plan which sets out the level of funding available for each programme of work. The investment programme included funding to support the prevention strategy as explained in this report.</p>
Legal Implications: (authorised by Borough Solicitor)	<p>It is important to ensure that individual cases and the outcome of inquest, which are an inevitable consequence, are taken into account when devising this type of strategy. The Coroner will require sight of and may require details of the governance and rationale behind the strategy, the policy and any procedures and processes which flow from this decision when considering this category of death. They therefore must be kept under regular review and linked to all agencies involved with inquests.</p>
Corporate Plan:	The suicide prevention strategy sets out the strategic direction to reduce suicides in Tameside and Glossop. It directly aligns with our priority to increase healthy life expectancy and reduce inequalities.

Policy implications:

The suicide prevention strategy sets out the strategic direction to reduce suicides in Tameside and Glossop. It aligns with the direction being taken by the GM Health & Social Care partnership and the locality plan which aims to increase healthy life expectancy and reduce inequalities

Risk Management:

This report fulfils the commitment for the delivery of a suicide prevention strategy as part of our public health statutory duties and aligns with the ambition for Greater Manchester to substantially reduce deaths from suicide

Access to Information :

The background papers relating to this report can be inspected by contacting Jacqui Dorman, Policy, performance and intelligence



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Tameside & Glossop Suicide Prevention Strategy 2019-2023



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Report of	Suicide and self-harm prevention group
On behalf of	Health and Wellbeing Board, Strategic Commissioning Board and the Mental Health and Wellbeing Strategic Group
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1. FORWARD

- 1.1 In England, one person dies every two hours as a result of suicide. When someone takes their own life, the effect on their family and friends is devastating. Many others involved in providing support and care will feel the impact. Suicide is often the end point of a complex history of risk factors and distressing events; the prevention of suicide has to address this complexity.
- 1.2 There are marked differences in suicide rates according to social and economic circumstances, so suicide is also a marker of how fair our society is. Those who are out of work, in poor housing, and/or with a significant health issue, (particularly those who are dependent upon drugs and alcohol) are more at risk. Reducing risk requires system change to address the wider determinants of mental health in addition to high quality health and social care in its widest sense. This presents us with a considerable challenge at a time when resources are more stretched than ever.
- 1.3 It is clear that nationally and locally our collective goal is that ***no-one will see taking their own life as a solution***, and to this end our commitment in Tameside and Glossop is that we will do everything in our power to achieve this.
- 1.4 In developing our strategy we have taken inspiration from the Greater Manchester Suicide prevention strategy¹ and thus we take the opportunity here to acknowledge the excellent work of all our all colleagues working on this agenda across the region.

2. EXECUTIVE SUMMARY

- 2.1 The number of deaths to suicide in Tameside and Glossop is significant, with 75 deaths occurring in 2015/17 alone. The majority of suicides occur in men, with increased risk seen in those within the lowest socioeconomic groups and living in the most deprived geographical areas. Other at risk groups includes those who self-harm, children and young people and those with untreated depression. Individuals who have been bereaved by suicide, those who are isolated, and those who misuse drugs and alcohol are also at increased risk.
- 2.2 Less than a third of all suicides occur in individuals who are known to mental health services, thus preventing suicide requires a co-ordinated whole system approach.
- 2.3 This strategy builds on our work to date and sets out an ambitious five year plan for reducing and ultimately eliminating suicides in Tameside and Glossop. To do this will require a co-ordinated effort so that suicide prevention becomes 'everyone's business'.
- 2.4 We have sought direction from the Suicide Prevention Strategy for England² from 2012, the Five Year Forward View for Mental Health³, and the recently published PHE resources for local Suicide Prevention Planning⁴.

¹ <https://www.gmhsc.org.uk/wp-content/uploads/2018/05/GM-Suicide-Prevention-24.02.17.pdf>

² <file:///N:/Transformation/MH%20&%20LD/Suicide/GM/Preventing-Suicide-England.pdf>

³ <https://www.england.nhs.uk/wp-content/uploads/2016/02/Mental-Health-Taskforce-FYFV-final.pdf>

2.5 In Tameside & Glossop we are aiming for Suicide Safer Communities Accreditation and have therefore based our strategy objectives in line with the 'Nine Pillars of Suicide Prevention'. These are:

1. A leadership/steering committee
2. A robust background summary of the local area to support goal setting
3. Suicide Prevention Awareness raising
4. Mental Health and Wellness promotion
5. Training for community members, lay persons and professionals
6. Suicide intervention and ongoing clinical support services.
7. Suicide bereavement support and resources
8. Evaluation measures including data collection and evaluation system
9. Capacity building/sustainability within communities

3. WHAT WE WANT TO ACHIEVE IN TAMESIDE AND GLOSSOP?

- 3.1 Our vision is that no-one will see suicide as a solution, and our ambition is therefore that there will be no more suicides in Tameside and Glossop.
- 3.2 We recognise that from the evidence that suicides are mainly preventable and avoidable. With this in mind, our strategy sets out our plan to ensure that we harness the support and contribution of all services and agencies so that we can reduce risk, proactively intervene when needed, and effectively respond to those in crisis.
- 3.3 Our primary focus for the first two years of our strategy (2018/19 – 2019/20) will be to meet the challenge set out within the Five Year Forward View for Mental Health i.e. to reduce the rate of suicide by 10% by 2020. Thereafter we will seek to stretch this target further.

4. WHAT IS THE PURPOSE OF THIS STRATEGY?

- 4.1 This strategy sets out how we will go about preventing suicide in Tameside and Glossop, in line with our ambition that there will ultimately be no more suicides. In order for this to be achieved, all partners in every organisation in Tameside and Glossop will need to understand and support this strategy.
- 4.2 Our strategy is intended to stimulate a social movement for change in the way we think and act in relation to suicides and suicide prevention. We aim to enhance the skills of our wider workforce in relation to assessing and managing risks and supporting those who are affected or bereaved, to reduce the stigma attached to talking about suicide and mental health more openly, and to promote suicide safer communities.
- 4.3 As previously stated this strategy is based primarily on the Greater Manchester suicide strategy but with a focus on the outcomes and priorities for Tameside and Glossop. It will

also link with the priorities and strategic framework developed for Derbyshire 2018/21, as the Glossop resident population fall under the responsibility of Derbyshire County council within the local authority area of High Peak⁵. However from a registered population perspective, patients registered with a Glossop GP are the responsibility of the Tameside & Glossop Strategic Commission and therefore this strategy encompasses the Tameside resident population and the Tameside & Glossop registered population.

5. WHY WE NEED A SUICIDE PREVENTION STRATEGY?

5.1 *Key drivers*

- 5.1.1 Suicide is a major mental health, social, economic, and public health issue.⁶ It is a major cause of early death and an indicator of underlying poor mental health at a population level and represents a devastating loss for individuals, families and communities and carries a huge financial burden.⁷ The highest numbers of suicides are found in men aged 45–54 years, and in women aged under 45 years.
- 5.1.2 By 2020/2021 our local health and social care system faces an estimated financial deficit of £42 million to £180 million⁸ indicating the need for radical transformation. The impacts of mental health on our wider health care system are considerable: we know that poor mental health worsens physical illness and raises total health care costs by at least 45%, for example, an estimated 12% - 18% of all NHS expenditure on long term conditions is linked to poor mental health and wellbeing.
- 5.1.3 Most importantly, this strategy recognises that suicide has a significant toll on others – i.e. estimates suggest that for every person who dies from suicide at least 10 people are directly affected.⁹ Also for each case of suicide we know that there are around nine others that will have attempted suicide. Thus each suicide is an indication of a significant number of individuals who need help and support.
- 5.1.4 The key national driver for the development of local suicide prevention strategies and action plans was set out within the 2012 strategy for England Preventing Suicide in England, a cross government strategy to save lives¹⁰. The requirement for a comprehensive local suicide strategy is considered to be an effective mechanism in reducing deaths by suicide by supporting the combination of a range of interventions.
- 5.1.5 More latterly, the Five year forward view for Mental Health¹¹ set a requirement for all local areas to have Suicide Prevention plans in place by 2017.

⁵ [Derbyshire self-harm and suicide prevention framework 2018/21](#)

⁶ <https://www.mentalhealth.org.uk/a-to-z/s/suicide>

⁷ Pitman AL, Osborn DPJ, Rantell K, King MB. 2016 Bereavement by suicide as a risk factor for suicide attempt: a cross-sectional national UK-wide study of 3432 young bereaved adults. BMJ Open 2016 Jan 1;6(1)

⁸ Greater Manchester Suicide prevention strategy 2016

⁹ <https://www.mentalhealth.org.uk/a-to-z/s/suicide>

¹⁰ Preventing Suicide in England: A cross government strategy to save lives (2012)

<https://www.gov.uk/government/publications/suicide-prevention-strategy-for-england>

¹¹ The five year forward view for mental health (2016)

5.1.6 A Tameside and Glossop approach that follows the Greater Manchester approach also presents an opportunity to achieve parity of access for all our residents, through a combination of a framework for action to which all boroughs can pledge their support and the potential for economies of scale when commissioning interventions for Tameside and Glossop with the whole of Greater Manchester. It will also allow us to promote the prevention of suicide as everyone's business; with key stakeholders (including the media) joining forces to support workers and residents to reduce the stigma surrounding suicide, and to take action.

5.2 Outcomes we want to achieve in Tameside and Glossop Suicide Prevention.

5.2.1 Our strategy supports us in focusing on all six areas of the national strategy in the long-term, however the outcomes we want to achieve for the whole system in the short term are¹²:

1. Reducing the risk in Men
2. Preventing and responding to self-harm
3. Improving outcomes for children and young people and women during pregnancy and postnatally
4. Treating Depression more effectively in Primary Care
5. Improving Acute Mental Health Care Settings
6. Tackling High Frequency Locations
7. Reducing Isolation and Loneliness
8. Improving Bereavement Support /Postvention

6. THE NATIONAL, REGIONAL AND LOCAL PICTURE

6.1 National

6.1.1 The recent publication of the 2016 National Confidential Inquiry into Suicide and Homicide by People with Mental Illness⁷ (NCISH) shows that suicide is the biggest killer of men under 49 years and it remains the leading cause of death in people aged 15-29¹³. The majority of people (two thirds) who die by suicide are not in contact with mental health services¹⁴ and in England one person dies as a result of suicide every 2 hours.¹⁵

6.1.2 For every one person who dies from suicide, at least 10 others are directly affected. In 2017, there were 4,451 deaths from suicide in England, of which 224 were in Greater Manchester and 19 were in Tameside. From 2004 to 2017 there was a 26% fall in suicide rates in men aged 30 to 34. However since 2006, suicide rates in men aged 45-59 have risen by 11%. We also know that specific groups appear to be at higher risk. The following risk factors have become more common as antecedents to suicide.¹⁶

¹² Appleby, L (2016) 'Priorities for Suicide Prevention action plans' in Local Suicide Prevention Planning – A Practical Resource. Public Health England.

¹³ Office of National Statistics, What do we die from? (2015)

¹⁴ HM Government Preventing suicide in England A cross-government outcomes strategy to save lives (2012)

¹⁵ Self-harm, suicide and risk: helping people who self-harm (2010) Royal College of Psychiatrists

¹⁶ Appleby L et al (2016) National Confidential Inquiry into Suicide and Homicide by People with Mental Illness. The University of Manchester. Commissioned by the Healthcare Quality Improvement Partnership (HQIP)

- Isolation
- Economic adversity
- Alcohol and drug misuse
- Recent self-harm

6.1.3 People in the most deprived areas are ten times more at risk of suicide than those in the most affluent group living in the most affluent area. The strongest predictor of suicide is previous episodes of self-harm with the most common antecedent to suicide being alcohol use.

6.1.4 Nationally the most common methods of suicide are hanging and strangulation (47%), self-poisoning (overdose) (21%) and jumping and multiple injuries (mainly jumping from a height or being struck by a train) (11%). Less frequent methods are drowning (4%), gas inhalation (including carbon monoxide poisoning (3%), cutting and stabbing (3%) and firearms (2%).

6.1.5 Suicides amongst those who are under the care of mental health services appears to be decreasing overall, although this picture is not uniform – with inpatient suicides falling significantly (by 60%) following the decree by government in 2003 to eliminate ligature points on inpatient mental health wards, although there are still in excess of 75 inpatient deaths each year.

6.1.6 An increase in suicides under the care of crisis teams is clear from the data which is considered to be as a result of pressure on the system i.e. as a consequence of community crisis teams taking on more complex clients as a result of scarcity of inpatient beds.¹⁷

6.1.7 The NCISH report indicates that effective crisis teams can have an essential role in reducing suicides - a third of suicides amongst those under the care of mental health services have been discharged from hospital within the preceding 7 days. 30% of suicides in this group occur in the space between discharge and the first outpatient appointment at 7 days plus, reducing this gap to 2-3 days can reduce this to 11%¹⁸.

6.2 Greater Manchester

6.2.1 The total population of Greater Manchester is approximately 2.8 million people. In 2017 there were 224¹⁹ deaths by suicide in Greater Manchester. The greatest number (31) were seen in Bolton and Salford, with the lowest in Trafford (N=15) (table 1)

¹⁷ Greater Manchester suicide audit 2017

¹⁸ Appleby L et al (2016) National Confidential Inquiry into Suicide and Homicide by People with Mental Illness. The University of Manchester. Commissioned by the Healthcare Quality Improvement Partnership (HQIP)

¹⁹ ONS:

www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/datasets/suicidesbylocalauthority

Table 1 Numbers of suicides by Borough (2017)

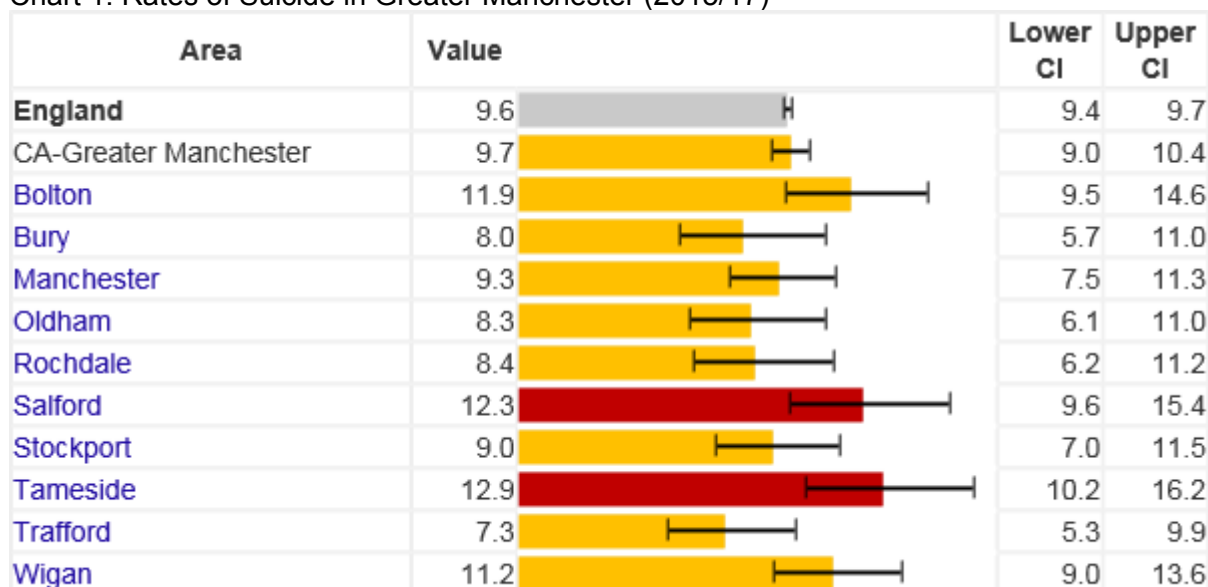
Local Authority	Number of Suicides
Bolton	31
Bury	13
Manchester	30
Oldham	18
Rochdale	18
Salford	31
Stockport	19
Tameside	19
Trafford	15
Wigan	30
Greater Manchester	224

6.3 Tameside and Glossop

- 6.3.1 As the Locality of Tameside and Glossop covers two local authority areas and as previously stated this Strategy covers both Tameside and Glossop, however as the public health responsibility for suicide prevention sits with the local authorities the majority of the publicly available statistics reported in this strategy are at a Tameside level only. Further work will take place with Derbyshire County Council to ensure the whole system approach is embraced equally in Glossop as in Tameside. As also previously mentioned, this strategy will link closely with the priorities for suicide prevention for Derbyshire using their Suicide prevention framework 2018/21 as a reference in the development of our suicide prevention action plans.²⁰
- 6.3.2 Of the 4,451 deaths registered in 2017 for suicide in England, suicides in Greater Manchester constituted around 5% (n=224) of these, reflecting the significant regional and national burden of suicide within the population.
- 6.3.3 In 2017 there were 19 deaths registered for suicide in Tameside, this is nineteen too many and places Tameside 5th highest across Greater Manchester for numbers of suicides in 2017. Between 2015/17 there were 5 suicides across Glossop.
- 6.3.4 Of the 224 deaths from suicide in Greater Manchester in 2017, suicides in Tameside constituted around 8% of these, reflecting the significant local burden of suicide within our population.

²⁰ Derbyshire self-harm and suicide prevention framework 2018/21

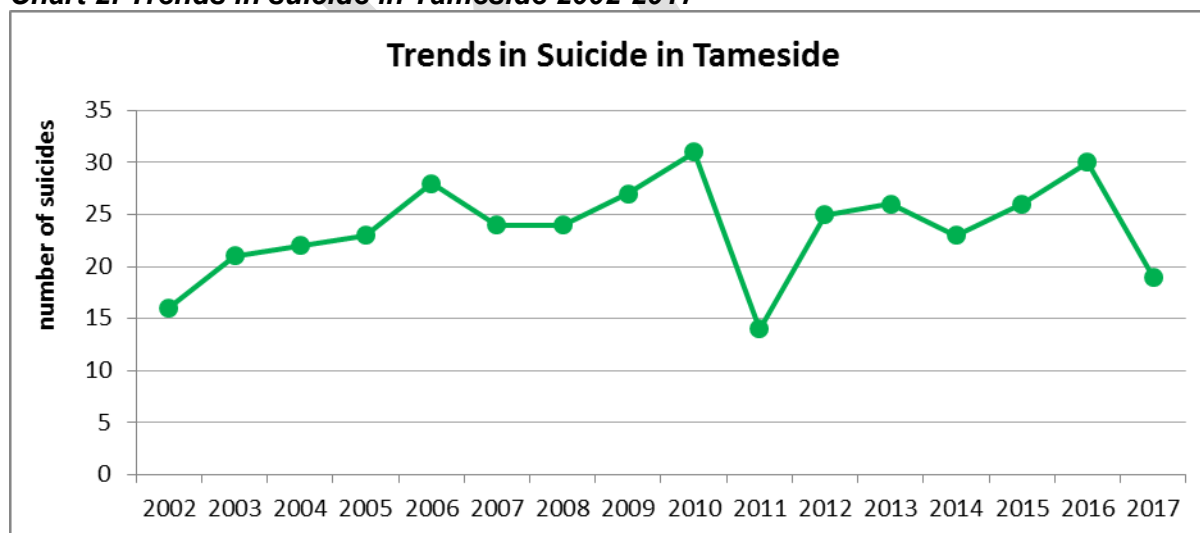
Chart 1: Rates of Suicide in Greater Manchester (2015/17)



Source: Public Health England (based on ONS source data)

6.3.5 Rates of suicide in Tameside have fluctuated somewhat but overall have been on the rise since 2002, peaking in 2010, but rising again from 2011. (Chart 2) The overall rate of suicide in Tameside between 2015/17 was 12.9 (per 100,000 residents),²¹ (chart 1) making this the highest rate in Greater Manchester over the 3 year period, with significant variation between wards and different population groups.

Chart 2: Trends in suicide in Tameside 2002-2017



Source ONS

7. KEY RISKS FACTORS TO SUICIDE

7.1 Understanding the key risks in relation to suicide enables targeted approaches to those most in need of intervention. A local suicide audit suggested that Tameside fits the national and regional picture with regard to overarching demographic, social and economic factors which place residents at higher risk of suicide.

²¹ Suicide prevention profiles_ PHE_ 2014/16

7.2 Men are five times more likely to die by suicide than women in Tameside,²² three times higher on average in England²³ and people in the lowest socio-economic group and living in deprived areas appear to be more at risk of suicide than those in the most affluent groups living in the most affluent areas.²⁴

7.3 Local evidence suggests that those most at risk are:

- Men
- People with prior mental health issue such as depression and anxiety
- Relationship breakdown
- Loss of job
- Chronic pain or disability
- People with longstanding issues with drugs and or alcohol
- People with financial issues/debt

These are similar to what the national evidence suggests that those most at risk nationally are:

- Men
- Individuals aged 35-49
- People with a recent history of self-harm
- People in the care of mental health services
- People in contact with the criminal justice system
- Specific occupational groups, such as doctors, nurses, veterinary workers, farmers and agricultural workers²⁵ and veterans.

7.4 The incidence of self-harm as a precursor to suicide has seen a steep rise, calling for better assessment of those presenting to services. In 2016/17 there were 512 hospital admissions due to self-harm in Tameside.²⁶ Of these, evidence suggests that patients can often present with a complex history of risk factors and events leading up to admission including:

- Untreated depression
- Unemployment
- Debt
- Relationship breakdown and bereavement including by suicide
- Drug and alcohol misuse
- Social isolation²⁷

²² A suicide audit for Tameside 2013-2016

²³ <http://web.ons.gov.uk/ons/rel/subnational-health4/suicides-in-the-united-kingdom/2014-registrations/>

²⁴ Platt, S. Inequalities and suicidal behaviour; In O'Connor, R.C. et al. International handbook of suicide prevention: research, policy and practice. 2011

²⁵ Op.cit. HM Government (2012)

²⁶ <https://fingertips.phe.org.uk/profile-group/mental-health/profile/suicide/data#page/4/gid/1938132834/pat/126/par/E47000001/ati/102/are/E08000008/iid/21001/age/1/sex/4>

²⁷ PHE Local suicide prevention planning A practice resource (2016)

7.5 Key risk factors for the under 25s are:²⁸

- Family factors such as mental illness
- Abuse and neglect, Bereavement and experience of suicide
- Bullying, Suicide-related internet use
- Academic pressures, especially related to exams
- Social isolation or withdrawal
- Physical health conditions that may have social impact
- Mental ill-health, self-harm and suicidal ideas

7.6 In contrast, certain protective factors are evident from the data on suicides, which include:

- Effective coping and problem solving skills
- Presence of reasons for living, hopefulness and optimism
- Physical activity and health
- Family connectedness
- Supportive schools and Social support
- Religious participation, Employment
- Lack of exposure to suicidal behaviour
- Traditional social values
- Access to health treatment²⁹

7.7 It is reasonable to assume therefore that strategies which seek to increase these protective factors at a population level are likely to be of benefit in reducing overall risk.

8. STRATEGIC APPROACH

8.1 National Strategy

8.1.1 The Five Year forward view for Mental Health (2016) sets out the challenge to reduce suicides by 10%, and several strategies around the UK have clearly stated their intent to go much further than this – toward a zero suicide approach. This too is our ambition. We intend to adopt a focused approach to achieving this goal by targeting those deaths which are most preventable by identifying specific at-risk groups, communities or settings for action. We will use the intelligence gathered via the GM and local Suicide Audits to inform where our efforts might be best targeted in addition to national priority groups. This strategy acknowledges and builds on a substantial body of work in relation to suicide prevention in Greater Manchester and reflects the learning of a programme of sector led improvement undertaken in 2013. Our overarching objectives are aligned with the six national priorities (2012) and national refresh (2017).

²⁸ National Confidential Inquiry into Suicide and Homicide by People with Mental Illness (NCISH) Suicide in children and young people. (2016)

²⁹ Scottish Government Social Research Risk and Protective Factors for Suicide and Suicidal Behaviour: A Literature Review (2008)

8.1.2 The strategic priorities nationally are set out below and this strategy principally focuses on actions that support those objectives which can be delivered or supported by utilising a Greater Manchester and local approach.

8.2 National Priorities for Action

8.2.1 The National Suicide Prevention strategy of 2012 set out six priority areas for action:³⁰

1. Reduce the risks in key-high risk groups
2. Tailor approaches to improve mental health in specific groups
3. Reduce access to means of suicide
4. Provide better information and support to those bereaved or affected by suicide
5. Support the media in delivering sensitive approaches to suicide and suicidal behaviour
6. Support research, data collection and monitoring

8.2.2 These six areas for action have been used as a framework for this Strategy, and to develop our overarching aims and objectives and supporting action plan.

8.2.3 The more recent national strategy refresh (January 9th 2017) stays true to these themes with an additional emphasis on

- Better and more consistent local planning and action by ensuring that every local area has a multi-agency suicide prevention plan by 2017, with agreed priorities and actions.
- Better targeting of suicide prevention and help seeking in high risk groups such as middle-aged men, those in places of custody/detention or in contact with the criminal justice system and with mental health services
- Improving data at national and local level and how this data is used to help take action and target efforts more accurately
- Improving responses to suicide
- Expanding the scope of the national strategy to include self-harm prevention in its own right.

³⁰ <https://www.gov.uk/government/publications/suicide-prevention-strategy-for-england>

9. TAMESIDE & GLOSSOP MENTAL HEALTH APPROACH

9.1 The overarching Tameside & Glossop Mental Health Approach

9.1.1 This suicide prevention strategy forms part of an overarching approach for mental health in Greater Manchester and in Tameside and Glossop. This broader strategy for GM is summarised in **Appendix 2**, and sets out the vision to improve child and adult mental health, narrow the gap in life expectancy and ensure parity of esteem with physical health. The vision also commits to shifting the focus of care toward prevention, early intervention and resilience and toward delivering a sustainable mental health system. Simplified and strengthened leadership and accountability is at its core, as is the enablement of resilient communities, the engagement of inclusive employers and close partnership working with the third sector.

9.1.2 To achieve these goals in Tameside and Glossop we intend to strengthen our mental health system, and this will be achieved through four key characteristics which run throughout our plans:

- Prevention
- Access
- Integration
- Sustainability

9.1.3 A number of 'golden threads' also run throughout our strategy, including

- Parity of Esteem
- Research deployed to inform best practice
- Using technology to provide new and innovative forms of support
- Leverage the learning from successful programmes (e.g. Troubled families)
- Workforce Development,

This Suicide Prevention strategy stays true to these principles

9.2 As one of four national sites chosen by the Innovation Unit our local Living Life Well Programme, supported by the Big Lottery Fund, will design a new model of care that ensures that people with mental health conditions will

- Have no gap between services
- Have no wrong door and no silo working
- Get swift and easy access to life changing support and interventions
- Get help in a crisis and get the right support required
- Have access to early support to prevent crises from happening
- Have less need for in-patient care
- Have access to alternatives to hospital admission

9.3 Starting with the 101 Days for Mental Health Project in summer 2018 we have co-produced a new model of care in the neighbourhoods that meets the currently unmet mental health care needs of individuals in Tameside and Glossop. We are expanding the principles of this model into our work on mental health crisis care.

- 9.4 All of this new development is supported by the Strategic Commissioning Board's commitment to improving the mental health of the Tameside and Glossop population by agreeing to prioritise increasing investment to improve parity of esteem.
- 9.5 The Board has agreed to a plan to invest £6million recurrently from 2018 until 2021 on a phased basis in order to support the following objectives:-
- Affordability;
 - Development of robust business cases for each scheme;
 - Phased approach to building complex services;
 - Recognition of the time lag in recruitment to mental health posts.
- 9.6 The investment is focussed on:
- Increasing opportunities for people to stay well in the community
 - Increasing opportunities to get help before/during a crisis
 - Making effective use of secondary care

10. SUICIDE PREVENTION OUTCOMES WE WANT TO ACHIEVE

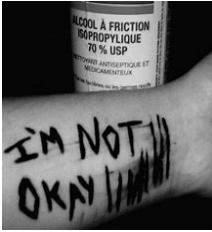
- 10.1 Our key priority areas for actions and outcomes for preventing suicide in Tameside and Glossop are described in the recent Public Health England resource for suicide prevention³¹. Following the completion of the Tameside and Glossop suicide audit this will be enhanced to reflect the findings. It is also important to note that this suicide prevention strategy cannot operate in isolation. As stated previously, suicide is complex and intrinsically linked to deprivation, unemployment, debt, substance misuse, social isolation and other adverse experiences people in Tameside and Glossop live with. Therefore this strategy needs to work alongside the corporate plan, (**Appendix 3**), the local poverty strategy and the health and wellbeing strategy.



1. Reducing the risk in men

We will reduce risk in men, in particular middle aged men, we will do this by focusing on economic disadvantage such as debt and or unemployment, social isolation and drugs and alcohol misuse. A focus on developing treatment and/or support settings that are more acceptable and accessible by men

³¹ Appleby, L (2016) 'Priorities for Suicide Prevention action plans' in Local Suicide Prevention Planning – A Practical Resource. Public Health England



2. Preventing and responding to self-harm

- We will develop a care pathway and services for adults and young people in crisis, and psychological assessment for self-harm patients.
- Acknowledgement that support for young people will be distinct from that of adults.



3. Mental Health of Children and Young People (and parents in pregnancy and first two years of life)

We will work in partnership with health, social care, schools and youth services, including maternity and health visiting to increase awareness and training of professionals so they are able to identify those at risk of suicide and intervene where necessary.



4. Improved Care, pain management and mental health in people with long term conditions

This includes ensuring people with long term conditions are managing their condition and any pain effectively through self-care and regular condition and medicine reviews, and using social prescribing to enhance quality of life.



5. Improve the general mental wellbeing and resilience in the Tameside population through opportunities

- To be more physical active and socially included
- To learn and engage and have access to Improved employment opportunities
- To have access to good public transport links
- To have access to help and support early when needed



6. Improve Economic opportunities for the Tameside population

Including opportunities to attract good employers that offer well paid jobs, reduced unemployment, in particular in those in long term unemployment in people with mental health conditions, learning disabilities and physical health conditions



7. Tackling high frequency locations

This includes making high risk public areas safer and working with the local media organisations and groups to prevent imitative suicides



8. Bereavement Support and Media engagement

We will ensure there is better provision of information and support for those bereaved or affected by suicide and support the media in delivering sensitive *approaches to suicide and suicidal behaviour*

11. OUR OBJECTIVES

- 11.1 The action plan for 2019/20 to support the delivery of this strategy can be found in **Appendix 1**. The action plan will be the parameter by how we ensure the implementation of our objectives to achieve the outcomes we aspire to. The measure of success of both the strategy and action plan will be a substantive reduction in suicide in Tameside & Glossop over the course of the strategy. Below is a summary of our strategic objectives and associated 'pledges' that this strategy makes for 2019-2023.

Strategic Objectives

- 11.2 Our strategic objectives are described against the Suicide Safer Communities Accreditation '*Nine Pillars of Suicide Prevention*'. These are

1. A leadership/steering committee
2. A robust background summary of the local area to support goal setting
3. Suicide Prevention Awareness raising
4. Mental Health and Wellness promotion
5. Training for community members, lay persons and professionals
6. Suicide intervention and ongoing clinical support services.
7. Suicide bereavement support and resources
8. Evaluation measures including data collection and evaluation system
9. Capacity building/sustainability within communities

11.3 Pillar 1: A leadership/steering committee

- (a) Securing high level political support for suicide prevention, with support from local political mental health champions within Tameside and Glossop
- (b) We will establish an executive chair and review the Terms of Reference for the Tameside & Glossop Suicide and Self Harm Prevention Group
- (c) The Group is responsible for developing and delivering this Strategy and be held to account by the Tameside and Glossop Mental Health Strategy Steering Group. The

Group will also provide an annual update to the Tameside Health and Well-being Board

- (d) Membership of the group will include people with lived experience, voluntary sector groups, health providers, blue light services and commissioners.

11.4 Pillar 2: A robust background summary of the local area to support goal setting

- (a) This Strategy is based on the Tameside audit of suicides registered between 2013 and 2017
- (b) We will redo the audit every 5 years and share learning across Greater Manchester and support the production of a GM annual audit
- (c) We will use the audit process to identify high risk locations and or new and emerging means of suicide and put in place plans to reduce related risks.
- (d) We will support and attend the annual suicide prevention conference for Greater Manchester to share learning, good practice and strengthen links between agencies

11.5 Pillar 3: Suicide Prevention Awareness raising

- (a) We will work to develop and deliver the Greater Manchester Suicide Prevention Campaign 2019 and deliver a local boost to the campaign
- (b) In partnership with Greater Manchester and Public Health England, we will look at the potential for a social marketing initiative that will stimulate a social movement for change with regard to eliminating the stigma associated with suicide and self-harm.
- (c) We will review the learning from other localities and work with local residents to design a campaign to target men in particular
- (d) We will work with colleagues in the media to agree standards of reporting of suicide and maximise opportunities to signpost and raise awareness
- (e) We will work together to develop a World Suicide Prevention Day
- (f) Being open, receptive and supportive of social movements that improve public awareness of suicide prevention through campaigns or social media platforms

11.6 Pillar 4: Mental Health and Wellness promotion

- (a) We will embrace Public Health England's new 3-year mental health campaign in 2019.
- (b) Working with colleagues in schools to raise awareness of emotional wellbeing amongst young people
- (c) Working with the GM Parent Infant Mental Health Programme to promote mental well-being of parents in pregnancy and beyond
- (d) Promoting mental health in our workplaces and amongst our staff, especially those in higher risk occupations, and promote approaches that reduce stigma
- (e) We will work with local faith group leaders to share knowledge and understanding of suicide in relation to culture and faith.

11.7 Pillar 5: Training for community members, lay persons and professionals

- (a) We will develop a Training Ladder and establish a rolling programme of training at all levels, monitoring the uptake each year

- (b) We will support staff groups who wish to develop their knowledge skills and confidence such as primary care practitioners and pharmacies, and in management of risks in primary care
- (c) We will work with primary care professionals such as GPs and practice nurses to better understand risk by utilising models such as the five Ps psychological assessment tool.³²
- (d) Working with the community and voluntary sector by supporting collaboration such as a voluntary sector Health and Wellbeing Alliance in Tameside and Glossop

11.8 **Pillar 6: Suicide intervention and ongoing clinical support services**

- (a) We will ask Pennine Care to demonstrate its work toward the elimination of suicides in in-patient and community mental health care services through reporting on a bi-annual audit of quality improvement in Tameside and Glossop services in relation to the 10 ways to improve patient safety, listed below.³³
 - Safer wards (e.g. prescribing, eliminating ligature points)
 - Early follow up on discharge (within 2-3 days)
 - No out of area admissions
 - 24 hour crisis teams (sign up to the crisis care concordat)
 - Family involvement in 'learning lessons'
 - Guidance on depression
 - Personalised risk management
 - Outreach teams
 - Low staff turnover
 - Dual Diagnosis support (i.e. Alcohol and Drugs)
- (b) Our neighbourhood mental health Minds Matter service will offer swift and easy access to people wanting support and advice regarding their mental health across all five neighbourhoods
- (c) We will develop a STORM pathway within our Minds Matter service; ensuring people identified with high risk of suicide are offered comprehensive support
- (d) We will improve crisis services including establishing a mental health observation and assessment room and increasing the capacity of the Home Treatment Team support people at home in place of a hospital admission
- (e) Review the management of depression in primary care and scope the potential for a minimum/optimal standard for risk assessment tools in primary care
- (f) We will establish an All-Age RAID service at Tameside Hospital, including a service for vulnerable children and young people, working in partnership with the GM CYP Crisis developments
- (g) We will review of Parent Infant Mental Health Pathway following the roll out of the new GM Perinatal Community Mental Health team in order to strengthen further comprehensive support to both parents in pregnancy and the two years following birth.
- (h) We will finalise our review of Psychological Therapies with the goal of continuing to improve access to and waiting times for psychological therapy. This includes IAPT for long term conditions.

³² <https://www.psychologytools.com/worksheet/friendly-formulation/>

³³ Appleby, L et al (2016) Making Mental Health Care Safer: Key findings from the National Confidential Inquiry into Suicides and Homicides. Manchester University.

- (i) We will review local self-harm care pathways against NICE guidance (CG133) and complete a self-harm audit to enable us to better understand the reasons behind self-harm and to assess outcomes against evidenced standards.
- (j) We will establish a process for triangulating serious incidents in our mental health services and publishing outcomes.
- (k) We will seek to standardise post-incident reviews in line with Greater Manchester
- (l) We recognise the need to build on access to information online and through other means. Greater Manchester are developing an online resource so we will build into our online resources locally including the Life in Tameside and Glossop website.

11.9 Pillar 7: Suicide bereavement support and resources

- (a) We will develop a Suicide Bereavement Pathway with people with lived experience including consideration of need for group based and 1-1 interventions. This will include
 - The GM wide suicide bereavement service and associated website
 - support offered to families by Pennine Care teams following a suicide of patient

11.10 Pillar 8: Evaluation measures including data collection and evaluation system

- (a) A SMART Action Plan for 2019/20 is included in **Appendix 1**, the populated version will be updated each year
- (b) We will agree key data and develop a bi-annual review of this to track our progress and use the learning to improve our understanding, our communications, our strategy and our services
- (c) We will support the GM approach to the use of 'Real-Time Data' in maximising our response to suicides.
- (d) We will develop our processes across Tameside and Glossop to foster a culture of learning from suicide attempts and the avoidance of a blame culture

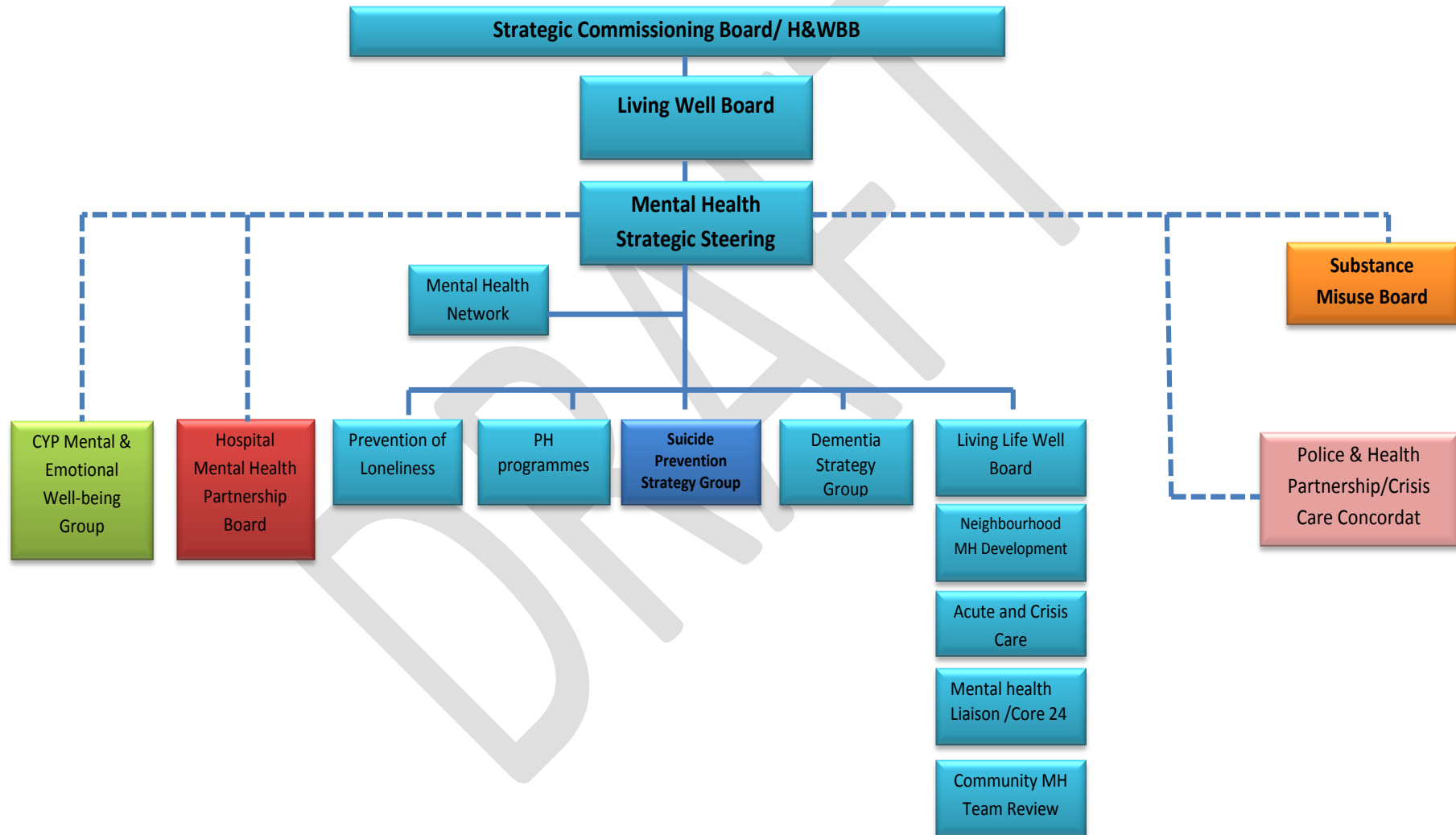
11.11 Pillar 9: Capacity building/sustainability within communities

- (a) We will consult with community and voluntary sector colleagues about the needs of specific groups such as LGBT, Asylum seekers, those with a Long-term condition, drugs and alcohol treatment clients and individuals in contact with the justice system to identify options for improving outcomes in these groups

12. GOVERNANCE INFRASTRUCTURE

- 12.1 The strategy will be delivered by the Tameside & Glossop Suicide and Self Harm Prevention Group which will identify partners to deliver progress against each work stream. The suicide prevention work stream is closely aligned to the mental health and wellbeing 'Living Life Well' programme of work, the Locality Plan and the One Corporate Plan (**Appendix 3**).
- 12.2 A programme management approach will be utilised to focus on delivery and measurement of impact during 2018/19 and 2019/20 which will form the basis of the work of the Suicide and Self-Harm Prevention Group.

Tameside and Glossop Mental Health Strategy Governance



APPENDIX 1: Suicide Prevention Action Plan 2019/20

Number	Objective	Action	By Whom	Timescale	
Page 237	1	a) We will secure a permanent chair to the group, review the membership and terms of reference.	Suicide prevention strategic group	June 1 st 2019	
		b) The group will send regular reports and strategy implementation updates to the Mental Health Strategic Steering Group			
	2	a) A local suicide audit for Tameside & Glossop will be produced every 5 years and we will contribute to the annual GM audit	Jacqui Dorman	April 1 st 2022	
		b) We will produce regular briefings to the suicide prevention group regarding the ‘Real time’ data provision provides via GM	Jacqui Dorman	December 31 st 2019	
	3	To increase suicide prevention awareness	a) We will support and deliver locally the GM and national suicide prevention campaigns	Communication team Tameside & Glossop	a) Spring and Autumn 2019
			b) In partnership with GM we will develop and deliver a social marketing initiative to stimulate a social movement around self-harm and suicide to reduce stigma	Suicide prevention strategy group	b) December 31 st 2020
c) In partnership with GM we will work with local our local media to agree standards for reporting of suicides			c) April 1 st 2020		

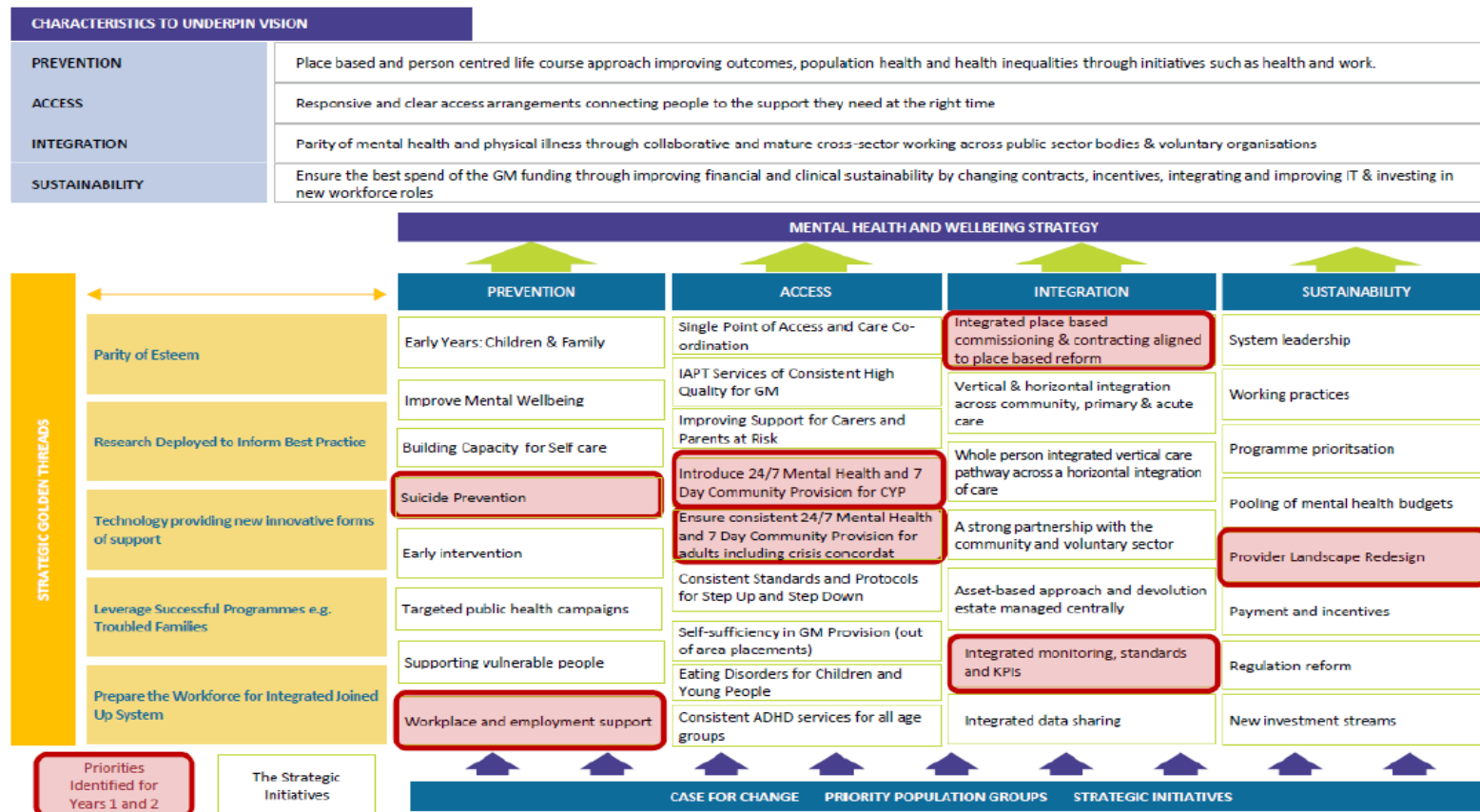
4	To promote mental health and wellness and improve population resilience	a) We will encourage schools to sign up to the 'mentally health schools' programme and school staff will be encouraged to take up the 'zero suicide alliance' e-learning module. We will capture the take up of the e-learning as part of the overall monitoring of take-up of suicide prevention training.	Charlotte Lee (population health)	a) December 31 st 2019
		b) A directory of mental health and suicide prevention support and services will be established and maintained through the 'Life in Tameside & Glossop' Web portal	Jacqui Dorman and Arianne Whitley	b) September 30 th 2019
		c) We will communicate and promote the services and support available to residents who need help relating to suicide risk area such as debt and money advice, housing, relationships and criminal justice etc.	Jacqui Dorman and Communications Team	c) March 31 st 2020
5	To skill up our whole workforce on suicide prevention to help them to be confident to ask/support others	d) We will undertake a focused piece of work within the Living Life Well Programme with men to understand how best to reach them to promote mental wellbeing.	Arrianne Whitley	d) December 31 st 2019
		a) We will develop a comprehensive mental health and suicide prevention training ladder that covers the needs of the whole workforce.	a) Pam Watt and Vicky Broadbent	a) June 30 th 2019
		b) We will identify the training resources needed and develop/ commission an annual rolling programme	b) Pam Watt and Vicky Broadbent	b) August 31 st 2019
6	To increase support for people at risk of suicide	a) We will develop an overnight 'safe haven' for people assessed as requiring immediate support b) We will establish a STORM Pathway within our neighbourhood mental health development for people assessed as needing on-going support. c) We will continue work with GM to develop and roll out the new GM Suicide Bereavement Service and, when operational, review if there are any unmet needs in Tameside and Glossop.	Pat McKelvey and Hayley McGowan	December 31 st 2019

Page 239	7	To ensure coherence across the system	a) We will undertake an audit on self-harm and from this identify any actions within this strategy. b) We will work with the leads for the Children and Young Peoples Emotional and Mental Health Locality Transformation Plan to ensure coherence with this Strategy	Jacqui Dorman Kristy Nuttall	a) 31 st October 2019 b) 31 st July 2019
	8	To improve access to Suicide bereavement support and resources	a) We will scope bereavement support options locally with a view to implement a local offer in line with SOBs standards b) We will implement the Greater Manchester suicide bereavement offer across Tameside & Glossop c) We will develop a bereavement pathway in relation to the 'real time' GM data to ensure people who need support are signposted to appropriate services and interventions	Suicide prevention strategy group Jacqui Dorman and Pat McKelvey	a) 31 st December 2019 b) June 30 th 2019 c) 1 st April 2020
	9	To evaluate and learn from suicides	a) We will ensure that we learn from suicide and episodes of self-harm through an annual review of serious case reviews, CDOP reports and coroner's reports ensuring recommendations from the review are being implemented. This will also be part of the suicide audit process. b) we will complete a bi-annual review of the GM real-time data and report to the suicide prevention group	Suicide prevention group Jacqui Dorman	31 st December 2020 31 st December 2020
	10	To increase capacity building and sustainability within communities	We will work with all our voluntary sector organisations to identify at risk groups within our communities to ensure that suicide prevention is embedded within our high risk populations and that these populations are aware of the help and support available	Suicide prevention group and Action Together	31 st December 2020

APPENDIX 2

Appendix 1 – Greater Manchester Mental Health Strategy.

Compelling Vision Strategic Plan on a Page



APPENDIX 3

Transforming Tameside & Glossop Our People – Our Place – Our Plan For everyone every day

Starting Well

Living Well

Ageing Well



Great Place Vibrant Economy

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Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Executive Member/Reporting Officer:	Councillor Allison Gwynne – Executive Member (Neighbourhood Services) Ian Saxon – Director – Operations and Neighbourhoods
Subject:	GREATER MANCHESTER CLEAN AIR PLAN- Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside – Supplementary Information to accompany the Outline Business Case
Report Summary:	The Greater Manchester's feasibility study and its Outline Business Case (OBC) is intended to reduce nitrogen dioxide exceedances in Tameside MBC and across Greater Manchester in the shortest possible time. This OBC has been developed by Tameside collectively with all Greater Manchester local authorities and the GMCA, and co-ordinated by Transport for Greater Manchester (TfGM) in line with Government direction and guidance. The purpose of this report is to submit further supplementary information to the Outline Business Case.
Recommendations:	Cabinet is recommended to approve the following documents for submission to the government's Joint Air Quality Unit: (a) T1: Local Plan Transport Modelling Tracking Table (b) T2: Local Plan Transport Highway Model Validation Report (c) T3: Local Plan Transport Modelling Methodology Report (d) T4: Local Plan Transport Model Forecasting Report (e) AQ1: Local Plan Air Quality Modelling Tracker Table (f) AQ2: Methodology Report (g) AQ3: Local Plan Air Quality Modelling Report (h) Analytical Assurance Statement (i) Economic model sensitivity analysis (supplied as an Appendix to the Analytical Assurance Statement).
Corporate Plan:	Living Well, Ageing Well – Improve Air Quality
Policy Implications:	None
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	In developing the OBC, it has been assumed that JAQU Implementation and Clean Air Funds will provide funding for all costs relating to scheme's implementation, and that DEFRA/JAQU will underwrite any net operational deficit, as may be necessary, over the life of the scheme until compliance is achieved. There will be therefore no direct financial implication as a result of this report, however if the final business case is implemented this could result in costs to the Council which will need to be managed and a further report will be required.
Legal Implications: (Authorised by the Borough Solicitor)	The recommendations are designed to address a legal direction imposed on this Council and others by the Government to counter the effects of nitrogen dioxide exceedances. Members should familiarise themselves with the documents appended to this report, namely the Feasibility Study and the Outline Business case

(OBC) before they adopt and approve. The OBC must be submitted to the Government by 31 March 2019, so it is vital that members formally engage. It is recognised that there are risks of legal challenge by not going far enough to combat nitrogen dioxide exceedances, and equally that there are risks of challenge if the process is not carried out fairly and reasonably, protecting the vulnerable and those financially affected alike. In the circumstances the Councils have sought to strike a balance which on current understanding appears measured and proportionate in the circumstances. Meaningful consultation properly processed and considered will be key to ensuring that balance withstands successful legal challenge going forward.

Risk Management:

There is both a legal and public health imperative to achieve agreement on the plan. An agreed and co-ordinated approach is vital in order to meet the key objective of improving air quality in the city region and specifically achieve a reduction in Nitrogen Dioxide (NO₂), which has a significant and long-term effect on health outcomes of our residents. The risk of non-compliance or dilatory action needs to be managed and addressed.

Background Information:

BACKGROUND PAPERS

- 11 January 2019, report to GMCA/AGMA: Clean Air Update
- 14 December 2018, report to GMCA: Clean Air Update
- 30 November 2018, report to GMCA: Clean Air Plan Update
- 26 October 2018, report to GMCA: GM Clean Air Plan Update on Local Air Quality Monitoring
- 15 November 2018, report to HPEOS Committee: Clean Air Update
- 16 August 2018, report to HPEOS Committee: GM Clean Air Plan Update
- UK plan for tackling roadside nitrogen dioxide concentrations, Defra and DfT, July 2017

The OBC documents and appendices have now been published and can be viewed at: <https://cleanairgm.com/outline-business-case>.

The background papers relating to this report can be inspected by contacting Sharon Smith

Telephone: 0161 342 2277

 e-mail: sharon.smith@tameside.gov.uk

BACKGROUND

- .1 Tameside Council is legally obliged to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time following the Secretary of State issuing a direction under the Environment Act 1995.
- .2 Tameside Council has been developing the study collectively with the other 9 Greater Manchester local authorities and the GMCA, and coordinated by TfGM in line with Government direction and guidance.
- .3 The key features of Greater Manchester's feasibility study and its Outline Business Case (OBC) to reduce nitrogen dioxide exceedances in [insert Council area name] and across Greater Manchester in the shortest possible time was approved on {insert date} at the Council's Cabinet/ Council meeting for submission to the government's Joint Air Quality Unit (JAQU).
- .4 At this time a delegation was given to Cllr Allison Gwynne Executive Member for Operations and Neighbourhoods the approval of submission of supplementary information.

INTRODUCTION

- .1 The Greater Manchester Clean Air Plan (GM CAP) is underpinned by analysis and modelling using the best data and tools available. The results of this analysis are presented throughout the OBC and have been written up in full in a series of Technical Reports. These Technical Reports have been produced in line with JAQU guidance.
- .2 The purpose of this report is to summarise the purpose and contents of the technical reports that are required to be submitted to JAQU to accompany the OBC.

PURPOSE OF THE ANALYSIS AND MODELLING

- .1 The analysis at this stage is required to support the following decisions:
- he agreement of forecast exceedances that must be tackled by the GM CAP through the Target Determination process and delivered in the shortest possible time;
 - he identification of suitable measures and packages of measures for appraisal; and
 - he decision to proceed with the development of a Full Business Case, including engagement and consultation with the public and stakeholders, on the basis of Option 8.
- .2 The Target Determination process – in which the location of forecast exceedances that must be tackled by the GM CAP have been identified – has been completed and approved by JAQU. The agreed exceedances that must be tackled by the GM CAP are set out in Table 1-2 of the OBC.
- .3 There are nine supplemental reports, listed below, that are required to accompany the OBC and be submitted to JAQU. They are available for viewing by contacting the report officer.

1: Local Plan Transport Modelling Tracking Table

2: Local Plan Transport Highway Model Validation Report

3: Local Plan Transport Modelling Methodology Report

4: Local Plan Transport Model Forecasting Report

Q1: Local Plan Air Quality Modelling Tracker Table

Q2: Methodology Report

Q3: Local Plan Air Quality Modelling Report

analytical Assurance Statement

economic model sensitivity analysis (supplied as an Appendix to the Analytical Assurance Statement).

CONTENTS OF THE TECHNICAL REPORTS: METHODOLOGY REPORTS T1-3 AND AQ1-2

□□□□□□□□.1 The GM CAP is underpinned by a programme of transport and air quality modelling which identified the scale of the challenge and tested the effectiveness of the packages of measures. This process is described in the following reports:

1: Local Plan Transport Modelling Tracking Table is a living document, which demonstrates that the transport modelling requirements for the study are being met;

2: Local Plan Transport Highway Model Validation Report, explains in detail how the road traffic model was validated against real-world data in the base year (2016);

3: Local Plan Transport Modelling Methodology Report, describes the approach taken to forecast traffic in 2021 and beyond to 2023 and 2025;

Q1: Local Plan Air Quality Modelling Tracker Table, is also a live document, that demonstrates that the air quality modelling requirements for the study are being met; and

Q2: Methodology Report, provides an overview of the air quality modelling process.

□□□□□□□□.2 The methodology reports described above were submitted to JAQU as part of the Initial Evidence process, have subsequently been updated to reflect their feedback and to describe any changes that have been made to the modelling process. The most substantive update has been to describe the development of additional tools to model future conditions in 2023 and 2025. The initial modelling suite allowed for analysis of 2021 only.

CONTENTS OF THE TECHNICAL REPORTS: RESULTS REPORTS T4 AND AQ3

□□□□□□□□.1 The results of this analysis are presented in the Strategic and Economic cases of the OBC and associated appendices, and in the following reports:

4: Local Plan Transport Model Forecasting Report, describes the transport modelling process for the Greater Manchester Clean Air Plan Project; and

Q3: Local Plan Air Quality Modelling Report, provides details of modelled NO_x and NO₂ concentrations for the base and forecast years, including comparisons with measured concentrations for the base year.

□□□□□□□□.2 T4 and AQ3 are both supported by appendices describing sensitivity analysis that has been undertaken using the transport and air quality modelling tools.

□□□□□□□□.3 AQ3 is further supported by an appendix presenting numerous tables of detailed results, as requested by JAQU.

□□□□□□□□.4 Both reports reflect the extensive modelling of packages of Options that has taken place between summer 2018 and the completion of the draft OBC in February 2019.

CONTENTS OF THE TECHNICAL REPORTS: ANALYTICAL ASSURANCE STATEMENT

□□□□□□□□.1 The purpose of the Analytical Assurance Statement is to consider the limitations, uncertainties and risks in the evidence base, and the implications of these for decision makers. It considers whether:

n appropriate process has been followed, in terms of the modelling process and the source data, what checks have been carried out, what expertise has been utilized and what time and resources have been allocated to the analysis;

ifferent assumptions in areas of uncertainty could affect when compliance will be achieved in the Do Minimum and Do Something scenarios; and finally

hether there is a risk that the proposals may prove to be excessive or inappropriate, or alter the preferred option.

□□□□□□□□.2 The Analytical Assurance Statement concludes that an appropriate process has been followed and that whilst the forecast date of compliance in both the Do Minimum and Do Something scenarios are sensitive to various assumptions made in the analysis, these assumptions are either:

eyond the reasonable control of local authorities, require ongoing monitoring and if necessary revisions to national guidance; or

he impact is broadly consistent across the three Options under consideration (Options 5(i), 5(ii) and 8) and therefore do not materially affect the recommendations made in the GM CAP.

□□□□□□□□.3 Consequently, the overall conclusion is that the evidence is sufficient to support the decision to proceed to the next stage.

7. CONTENTS OF THE TECHNICAL REPORTS: ECONOMIC APPRAISAL METHODOLOGY AND RESULTS

7.1 The appraisal of the economic impacts and value for money of the GM CAP is presented in the Economic case of the OBC, and the methodology for this analysis is described in the following appendices to the OBC:

- 1 – Economic Appraisal Methodology Report;
- 2 – Economic Appraisal Model; and
- 3 – Distributional Impacts Report.

- 7.2 These documents were considered and approved on {insert date} and do not require further approvals.
- 7.3 An additional appendix has been produced, describing sensitivity analysis that has been undertaken using the economic model. This is supplied as an Appendix to the Analytical Assurance Statement and concludes that the conclusion presented in the GM CAP, that Option 8 is the cheapest option and provides the best value for money, is not considered overly sensitive to the assumptions applied in the economic modelling.

8. RECOMMENDATION

- 8.1 As set out at the front of this report.

Report to:	EXECUTIVE CABINET
Date:	24 April 2019
Reporting Officer:	Richard Hancock - Director of Children's Services
Subject:	PROPOSAL TO AWARD A SECOND CONTRACT FOR INTERIM SOCIAL WORK SERVICES WITH SKYLAKES A SPECIALIST CHILDREN'S SOCIAL CARE AGENCY FOR UP TO A FURTHER SIX MONTHS
Report Summary:	Authorisation is required from the Strategic Commissioning Board because firstly it sets out a different delivery model outside the usual Policy and Financial framework and secondly to agree an exception to Procurement Standing Order F1.4 to direct award a contract to Skylakes for the requirement because competition is absent for technical reasons
Recommendations:	<p>That the Strategic Commissioning Board note the content of this report and approve the following recommendations:</p> <ol style="list-style-type: none">1. To agree the approach set out in the report to deliver support to Children's Services.2. To approve the awarding of a second contract to Skylakes (through the Crown Commercial Services framework agreement: RM3711: Multi-disciplinary Temporary Healthcare Personnel) providing for provision of discreet Social Work capacity to manage 150 cases at any one time, for up to a further six months with a break clause at three months to enable a corporate review to be undertaken. Corporate reviews needs to be undertaken at the end of the First Contract (3 months) and if a second contract entered into – every 2 months thereafter whilst that contract exists by the Statutory Officers (Head of Paid Service, S151, Monitoring Officer & Children's) in conjunction with the Executive Members for Finance and Children's and with support from STAR to determine whether the approach is achieving necessary outcomes and secondly whether there is a need for it to continue and if so in what form and what procurement process needs to be undertaken3. To recommend to Cabinet and the CCG that an estimated expenditure of £0.473 million be allocated to this proposal as explained in section 7.
Corporate Plan:	This project will provide support into teams who although centrally based predominantly provide services on a locality footprint, so it is anticipated that the improvement in service delivery will be seen across localities.
Policy Implications:	There is no planned or permanent change to policy and financial framework. This is an interim arrangement designed to provide targeted support into a specific area of service under pressure.
Financial Implications: (Authorised by the statutory Section 151 Officer)	The total value of the extension for up to 26 weeks is estimated at £472,817 (£18,185 per week) to deliver as a managed service. This sum includes an estimate for business related car mileage claims, at the standard Council rate.

The cost of the contract will be financed via the 2019/20 Children's Social Care Directorate revenue budget. Members are reminded that the Council approved £9.3 million additional revenue investment, funded from reserves to the Directorate budget for 2019/20 on 26 February 2019. However, the estimated cost of this contract extension was not included as a commitment against this investment.

The Directorate will ensure 4 Social Worker posts (agency) included within the 2019/20 budgeted establishment will remain vacant for the duration of this proposed extension to support the related financing.

In addition the contract provider will be expected to deliver key performance measures within the terms of the extension. Some of these measures will deliver cost savings to again support the related financing (all others will deliver capacity benefits). These include the conversion of Independent Agency Foster Carers (IFA) to Special Guardianship (SGO) status and the step down of children currently residing in independent sector residential care to independent agency foster care or semi-independent residential care.

It is anticipated that up to 18 Independent Sector fostering placements could be converted during the life time of the contract together with circa 20 in house foster carers.

The estimated savings are summarised in **table 1** (section 7). The savings are shown for the period of the proposed contract extension together with the remaining period of the 2019/20 financial year.

The contract extension is expected to be self-financing if the performance measures are delivered. In addition the savings that may be realised will also finance the cost of the existing contract.

Members should note however that the savings that are expected to be realised will not contribute towards the financing of any existing or additional demand pressures that may materialise in the current financial year as they are contributing towards the cost of the current contract and proposed extension. The majority of future savings will come through the reduction in the volume of looked after children. It is expected that progress will be made in this area during the year and that the additional savings are possible to enable the delivery of a balanced budget.

Legal Implications:

(Authorised by the Borough Solicitor)

A previous decision was made to enter into a contract with Skylakes to provide urgent support to Children's Services for 14 weeks to assist in the recovery programme required to improve the service to Ofsted's satisfaction.

It is very important that if a further agreement with Skylakes is deemed necessary to ensure continuing urgent external support and business continuity that the Council immediately begins a procurement exercise running alongside, if it considers that this support will be required in the longer term.

Continuing to rely on urgency as a reason to reprocure the services of Skylakes carries inherent procurement risks and the longer the urgent need persists, the less likely it can be argued it is urgent under the Council's Procurement Rules and so warrants a

direct award as opposed to carrying out a procurement exercise under either a framework or an open market testing exercise. The Council will also need to take extreme care to ensure that other potential providers are not disadvantaged through the procurement of Skylakes services. To this end specialist procurement advice on the specification and other contract documentation should continue to be provided and followed through the Council's strategic partner STAR Procurement.

Clearly approval is required not just for additional authority to enter into a further contract, but also to actively seek to procure this type of service to support Children's Services at this critical time.

F4 of the Procurement Rules say that a direct award of a contract i.e. without any competition can only be made if:

1. No suitable tender is received capable of meeting our requirements. or
2. Our requirements can only be met by a single bidder because:
(i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance, or (ii) competition is absent for technical reasons (iii) we have to protect exclusive rights such as intellectual property rights and no reasonable alternative or substitute exists. or
- 3 There is extreme urgency due to events which we could not foresee and are not our fault. This usually means Act of God situations such as fire or flood.

The Director of Childrens has advised that there is no other provider who can deliver this managed service.

A corporate review will need to be undertaken at key miles stones in this contract (1) at end of first contract and (2) every 2 months into second as there can be no further waivers and to determine if this approach is deemed necessary, delivering and if required for longer or different services/support required a procurement process is commenced expediently.

Risk Management:

It is not anticipated that this project will in itself present any specific risks, although the risks associated with the current position which this proposal is designed to in part address are detailed elsewhere in this report.

The contract will be proactively managed through fortnightly performance meeting with the provider and monthly briefings to SLT. This together with the option of a three month break clause will support the management of any risk associated with the contract not delivering on the required outcomes for children, the associated financial savings or capacity building.

Access to Information:

The background papers relating to this report can be inspected by contacting the Director of Childrens by:



Telephone: 0161 342 3354



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1. INTRODUCTION

- 1.1 As members and colleagues will be aware the performance of our front line social work teams has been of concern since the Ofsted inspection in 2016 highlighted the matter and it was as a result of particular pressures and associated performance that an award of a contract was agreed to Skylakes for the provision of additional defined Social Work capacity.
- 1.2 This report will reiterate the basis for this original decision, update on progress over the first seven weeks of the current fourteen week contract and propose the basis for an extension.

2. BACKGROUND

- 2.1 Considerable work has taken place over the last eighteen months or so in order to address front line Social work capacity and performance and there are clear signs of improvement in performance as detailed in our Self-Assessment:

- *“Quality audits show an improving and more consistent standard of casework with a reducing percentage of inadequate judgements. Performance indicators show we are getting the basics right more of the time. Our partners are making fewer inappropriate referrals, an increasing number of cases are receiving early help and fewer are subsequently then escalating to children’s social care. We are managing risk and need with more confidence so that the volume of total referrals is reducing, whilst there has been a more recent rise in Child in Need cases, following a sustained reduction, alongside a reducing number of children subject to a Child Protection plan. The Council has sustained its investment to ensure that there has been additional casework and improvement capacity. We have developed with our staff and articulated “The Heart of Practice” as the Tameside way of doing things, with Signs of Safety at the core of our new practice framework. This has been rolled out across front line, middle and senior managers during September/October and is currently being embedded across the whole workforce and wider partnership December - April which will support us to deliver the quality and standards that we expect”. Self-Assessment*

- 2.2 Despite this generally improving picture significant pressures remain:

- *“At this stage in our improvement, our primary challenges lie in workforce issues and ensuring we have the right staff to drive delivery for us. In particular, we face both the long term challenges over Social Worker and first line manager recruitment and retention, and a more recent acute shortage of supply of locum Social Workers across the region” Self-Assessment*

- 2.3. Permanent staff turnover has been reducing, but reliance on agency staffing remains high (although reducing), but first line management across our Hub/Duty/Safeguarding is now at 90% permanent staffing”.

- 2.4 The significance of our staffing issues was last reported on 9 January 2019 and again on 6 February:

- *“It is extremely positive that in this key area of “children in need of help and protection” our thresholds and decision making are seen to be sound and that referrals are then progressed appropriately. It is also encouraging that positive progress can be seen since Ofsted last inspected this area in January of 2018. There are, as is clear from the report, a number of positives in our performance where significant progress has been made, but also a number of areas requiring further improvement, which had largely already been identified through our own quality assurance processes and regarding which improvement activity is already in*

place. The biggest single risk to the effectiveness, consistency and speed of our improvement though, as recognised by our own self-assessment and clearly reflected, both in the Ofsted judgement and the feedback of our DfE colleagues, is our ongoing difficulties in the recruitment and stability of our Social Work workforce"

- *"Staff recruitment and retention of frontline workers and service unit managers continues to be a significant challenge for the local authority. Senior leaders recognise that workforce instability brings with it a number of vulnerabilities, including inconsistency in the quality of practice. The local authority is actively engaged in a number of relevant initiatives to support social work recruitment and staff development, but at this early stage there has been limited impact". Ofsted November 2018*
- *"The single biggest risk to the Tameside improvement journey (and various action plans) remains the inability of the LA to recruit and retain a stable cohort of good social workers. Despite a range of both traditional and innovative approaches to recruitment at practitioner and team leader levels, the authority is managing to do little more than hold its position on SW numbers" - DfE Improvement Advisors report December 2018*
- *"To date and despite a range of initiatives we have been unable to make any significant inroads into the recruitment of a stable workforce, but it is both positive and helpful going forward that we now have a predominately permanent children's leadership team and an improved position with regard to first line management, which we anticipate will be further bolstered by current recruitment activity. This area remains a priority and a focus of work both within children's services and alongside corporate colleagues". Board Report 9th January/ 6th February 2018*

2.5 This instability in our workforce is not consistent across all areas of practice and although it is more acute within our Locality Teams, who take work from the hub and duty (the subject of Ofsted's November monitoring visit) and implement the necessary interventions across the Child in Need, Child Protection and Looked After continuum), it is also evident in our duty and Looked After Services.

2.6 Good quality and effective Social work interventions are relationship based and the skills necessary to work with the level of complexity which brings families to the attention of a statutory services Child in Need/Child Protection/Looked After, requires both a high degree of professional skills and practice experience. This level of reliance on ASYEs (Social Workers in their first year of practice) and interim workers along with the level of turnover impacts negatively on the effective functioning of the service in a number of ways -

- *Whilst ASYEs bring with them significant benefits to a team and service, an over reliance has less positive impacts:*

2.7 The restricted caseloads required for ASYEs along with the lower level of complexity they are allowed to manage and the increased levels of supervision and support required, both reduces the overall capacity of the workforce and places additional demands on first line managers.

2.8 The restricted caseloads required for ASYEs along with the lower level of complexity that they are allowed to manage requires other team members to pick up a disproportionate number of more complex work rather than a more balanced and therefore manageable caseload.

- Turnover in the workforce will reduce the overall capacity and efficiency of a given number of posts:

- 2.9 Whereas a permanent and established workforce may reasonably be able to manage X number of cases per full time equivalent position filled. A workforce so heavily reliant on interim positions along with such a high turnover of staff reduces this significantly, as cases are reallocated to manage turnover requiring each new case holder to both familiarise themselves with the case and establish new relationships with children, families/carers and often a range of other individuals.
- Consistency of social worker is a key indicator of an effective and stable service and seen as a key to the provision of quality and effective interventions and our performance in this area is of some concern.
 - The competing demands within a social work team in excess of its capacity to cope, will inevitably lead to a prioritisation of work, both at a team and individual level and impact negatively on quality and/or timeliness.
- 2.10 This is the effect that we are seeing in areas of our service, where the impact of the staffing issues as described works through to individual cases where the quality of our interventions remains to inconsistent.
- 2.11 As an interim measure therefore, agreement was given to engage a specialist agency who could within a short timescale provide a self-contained social work team along with its own management, family and business support capacity to lift circa 200 Child in Need cases out of our locality services.
- 2.12 This would, it was anticipated, provide both a moral boost to a workforce who have been under significant pressure for an extended period, with the anticipation that this will also impact positively on the turnover rates and release both social work and management capacity to focus on the quality of the practice.
- 2.13 Below is a brief summary of the original proposal:
- The programme follows intensive intervention with the child/ren and families over a 14 week period. There will be 3 to 4 reviews in this timeframe with a decision made either during (depending on risk and need) or at the end of the programme for de-escalation or escalation. Skylakes will deploy a Team of, 2 Team Managers, 10 Social Workers, 2 Family Support Workers with an accompanying business support function for each cohort of 200 children at any one time. Practitioner caseloads will be capped at 20 children.
 - The programme will have a roll in phased start with the Team Manager starting in week 0 and remainder of the team commencing on week 1. Total duration is 14 weeks
 - This project will be completely remote. The Team Managers will be present in the office for a minimum of 1 day a week to update your allocated project sponsor and to facilitate all transfers under CP, at LPM or Proceedings or LAC.
 - All case transfers to Skylakes will be managed in house by Skylakes and will not require council input, time or resources.
 - The desired outcome would be to manage a CIN service of intensive intervention, with a 14 week turnaround on the majority of cases, allowing 3 to 4 CIN meetings in this time.
 - Specific handover points will be ICPC, LPM in any PLO or planned proceedings cases, LAC placement agreement meetings at 72 hours and proceeding 1st ICO

3. UPDATE

- 3.1 The contract went live on 11 February 2019.
- 3.2 Team one commenced on 11 February 2019 and Team two on 18 February 2019.
- 3.3. 200 cases were allocated.
- 3.4. At the seven week review –
 - 46 cases had been closed, stepped down or escalated as appropriate
 - 31 additional cases had been allocated
 - 18 were to be allocated
- 3.5 It is currently projected that circa 40/50 cases will after updated assessments and planning and review require ongoing work following the current 14 week contract period and as a result pass back to the Local Authority at this point.
- 3.6 Feedback from colleagues has been positive.
- 3.7 The work is judged to be of a good quality.

4. OPTIONS GOING FORWARD

- 4.1 Whilst it is positive that turnover of permanent staffing has reduced, the proportion of agency staff in the service remains high.
- 4.2 Although this is now at a lower level than at any point in the past 18 months plus, it still remains at over 30% (and it should be noted that a proportion of this reduction is caused by carrying vacant posts as a result of ongoing difficulties in recruiting both permanent and interim capacity).
- 4.3 Issues remain in relation to the high turnover rate amongst agency staffing and the inconsistent quality of work.
- 4.4 It is proposed that in order to address the ongoing pressures in the children's social care system, the staffing and associated capacity issues as detailed earlier in this report, that an extension to the current contract is granted for a period of up to six months with a break clause at three months.
- 4.5 The benefits of this are as follows:
 - The quality of the work undertaken to date is seen to be good and more consistent in its quality than that which is currently available through the more usual individual worker/contract agency recruitment.
 - The turnover of staffing over the life of the current contract is projected to be 0%.
 - Maintaining the current contract will enable consistency of staffing and prevent the handover of an anticipated 40/50 cases to other workers with all the inefficiencies associated with this as outlined earlier in this report.
 - This will also prevent a change in Social Worker for this cohort of children.
 - The current staffing complement is now familiar with Tameside policies, procedures and processes and have developed effective working relations, so will be in a position to take forward this work at pace.
 - It will be possible to allocate additional cases that will require interventions to a point past the current contract.

- Whilst significant investment will be required in order to maintain this resource it is anticipated that this cost can in partly be offset by holding four vacancies that would otherwise be filled with individually recruited agency staffing.
 - The savings associated with the proposed targeted case work activities as detailed in section 4.7 of this report will also be set against the contract costs, with a projection that overall the contract will be cost neutral.
- 4.6 Whilst a focus will be maintained on the CIN and associated work as previously outlined which is impacting positively on the service as anticipated. It is recognised that the capacity to effectively take forward timely and targeted Social Work activity linked to our Looked After population would also be of clear benefit to the individual children, capacity, ongoing service improvement and financially.
- 4.6 Although now relatively stable since October 2018, our LAC population remains high and this capacity will allow targeted work to take place as follows:
- Support permanency arrangements for children where appropriate with a significant individual through a Special Guardianship Order application.
 - Seek the discharge of Care Orders where appropriate for children placed at home with parents.
 - Work with a defined cohort of children where it is believed that with support, a step down to a more appropriate and most likely cost effective placement or possibly home to family/friends is achievable.
- 4.8 This targeted activity will support our long term strategy of reducing the Looked After Population by significantly increasing the timeliness and speed at which we will be able to review and update individual care plans if required and then where appropriate secure Special Guardianship or the discharge of Care Orders for children placed at home. Both of which will enable secure long term permanency plans to be achieved in a more timely manner for a number of children together with the associated capacity gains and financial savings.
- 4.9 This targeted and time limited activity will not only enable more timely interventions and first and foremost improved outcomes for a number of our children and young people as outlined above, but also release a level of current staffing capacity to focus more effectively on our longer term improvement journey. This includes fully embedding our practice model Signs of Safety and improvements in the consistency of quality in our assessment, planning and case management.
- 4.10 In progressing work through this route the increased capacity created, or be it temporarily, it is anticipated will reduce some pressures in the system on a more permeant basis, reduce/remove backlog and also provide the opportunity for our managers and staff to focus on the areas of improvement identified in our self-assessment. It is not anticipated that any further such arrangements will be required going forward following the conclusion of this proposed contract.
- 4.11 This arrangement will also afford the opportunity to provide a level of targeted support in discreet areas of pressure, namely Public Law Outline cases where there has been drift and reassessment is required to support progress or potential step down; connected carers assessments to avoid delay and progress children in a timely manner to the care of relatives/ friends where appropriate, and some activity at the front door as required.
- 4.12 Specific cohorts of children will be identified, clear performance indicators, including timescales and outcomes established. It is anticipated that the contract will be cost neutral and to support this, it will be proactively managed through fortnightly performance meeting with the provider and monthly briefings to SLT. This together with the option of a three month break clause will support the management of any risk associated with the contract

not delivering on the required outcomes for children, the associated financial savings or capacity released.

5. PROCUREMENT STANDING ORDER SEEKING TO WAIVE /AUTHORISATION TO PROCEED

- 5.1 This report is prepared in line with Procurement Standing Orders F1.4 where authorisation is required for exception to Procurement Standing Orders on the basis that this activity provides evidence that the exception is necessary to achieve the Council's objectives and will achieve Best Value for the Council.
- 5.2 The instability of the workforce in this area has become more acute in the past few months and requires urgent action in order to seek to stabilise the position. Simply seeking to recruit to social work positions or to fill vacancies with agency staffing has so far not proved successful.
- 5.3 The consistency of the quality of work across this area is of particular concern and has attracted criticism from the Courts.
- 5.4 The Council is due a full Ofsted inspection any day now.
- 5.5 A number of children entering care from 1 December to 18 January had escalated from CIN.
- 5.6 Cases are backlogging in Duty as Locality Teams are unable to manage the demand and in Locality Teams as Looked After Teams are unable allocate, leaving a number of cases that require action to review, update or progress the care plans, either moving them through or in many cases out of the system.
- 5.7 The Council continues to have a statutory responsibility to ensure that services for our children are of a good and consistent standard.
- 5.9 Targeted activity to help address the Local Authorities LAC numbers will be possible with the additional capacity afforded by this contract.
- 5.10 The extension will allow for continuity of work and also allow the Council to look at what are the commissioning requirements going forward. Once this is established the extension will allow time for governance and to go out to the market and procure a service if this is required.

6. VALUE OF CONTRACT

- 6.1 The Services to be provided under the proposed contract fall under the "light touch rules regime" of the EU procurement rules and as such does not need to be advertised in the Official Journal of the European Union (OJEU). The light touch regime applies to a certain category of Health, Social and Education services and certain other service contracts with a threshold value of below £615,278. Based on the information contained in this section of the report the value of the contract is below this financial threshold.
- 6.2 Members should note that the contract value includes a fixed sum of £ 460,817 together with an estimate for business mileage of £ 12,000, total estimated value of £ 472,817. This equates to £ 18,185 per week for the 26 week duration.
- 6.3 The cost of the contract will be financed via the 2019/20 Children's Social Care Directorate revenue budget. Members are reminded that the Council approved £9.3 million additional

revenue investment to the Directorate budget for 2019/20 on 26 February 2019. However, the estimated cost of this contract extension was not included as a commitment against this investment.

- 6.4 The Directorate will ensure 4 Social Worker posts (agency) included within the 2019/20 budgeted establishment will remain vacant for the duration of this proposed extension to support the related financing.
- 6.5 In addition the contract provider will be expected to deliver key performance measures during the extension period. Some of these measures will deliver cost savings to again support the related financing. These include the conversion of Independent Agency Foster Carers (IFA) to Special Guardianship (SGO) status and the step down of children currently residing in independent sector residential care to independent agency foster care or semi-independent residential provision.
- 6.6 The estimated savings are summarised in **table 1**. The savings are shown for the period of the proposed contract extension together with the remaining period of the 2019/20 financial year. The delivery of the estimated savings will be subject to stringent contract performance monitoring on a two weekly cycle throughout the contract duration. **Table 1** also provides details of the estimated placement numbers that will realise expected savings.
- 6.7 The contract extension is expected to be self-financing if the performance measures are delivered. In addition the savings that may be realised would also contribute to, or potentially fully finance the cost of the existing contract, but only if fully achieved.
- 6.8 Members should note however that the savings that are expected to be realised will not contribute towards the financing of any existing or additional demand pressures that may materialise in the current financial year as they are contributing towards the cost of the current contract and proposed extension. The majority of future savings will come through the reduction in the volume of looked after children. It is expected that progress will be made in this area during the year and that the additional savings are possible to enable the delivery of a balanced budget.

Table 1

Estimated No of Placements	£'000	£'000
		472.8

Estimated Contract Value

Estimated Savings - Contract Duration

Existing Establishment Social Worker Posts - Remain Vacant For Contract Duration	4	103.1
Existing IFA Placements - Conversion To SGO	18	25.7
Existing Independent Sector Residential Placements - Step Down To IFA Placement	4	51.7
Existing Internal Sector Residential Placements - Step Down To IFA Placement - Transition Of Independent Sector Residential Placements to Internal capacity	5	26.4
Existing Independent Sector Residential Placements - Age 16 Plus - Step Down To Semi-Independent Placement	4	36.1
Existing Internal Sector Residential Placements - Age 16 Plus - Step Down To Semi-Independent Placement - Transition Of Independent Sector Residential Placements to Internal capacity	2	8.0
Total		251.0
Net Cost		221.8

Estimated Savings - Remainder of 2019/20

Existing IFA Placements - Conversion To SGO	18	109.2
Existing Independent Sector Residential Placements - Step Down To IFA Placement	4	219.7
Existing Internal Sector Residential Placements - Step Down To IFA Placement - Transition Of Independent Sector Residential Placements to Internal capacity	5	112.2
Existing Independent Sector Residential Placements - Age 16 Plus - Step Down To Semi-Independent Placement	4	153.6
Existing Internal Sector Residential Placements - Age 16 Plus - Step Down To Semi-Independent Placement - Transition Of Independent Sector Residential Placements to Internal capacity	2	34.0
Total		628.8
Estimated Net Saving - 2019/20		(407.0)
Estimated Cost of Existing 14 Week Contract		308.5
Estimated Net Saving Of Existing Contract and Proposed Contract		(98.5)

7. GROUNDS UPON WHICH WAIVER /AUTHORISATION TO PROCEED SOUGHT

- 7.1 Other Local Authorities have engaged with this supplier for the same reasons and have provided testimonies that can be made available. The testimonies are very positive and clearly recommend Skylakes as a safe and credible supplier of managed Social work Services.
- 7.2 Skylakes have supplied a bespoke package of support and planned implementation to the Council that can be made available if requested.
- 7.3 Given the timescales involved and urgency it would clearly make no sense to try and go elsewhere for the required service. There would undoubtedly be significant inconvenience in terms of officer time, delay in project implementation as well as additional unnecessary costs. The continuity and efficiencies gained from extending the current arrangements are significant.

8. REASONS WHY USUAL REQUIREMENTS OF PROCUREMENT STANDING ORDERS NEED NOT BE COMPLIED WITH BUT BEST VALUE AND PROBITY STILL ACHIEVED

- 8.1 This new arrangements is necessary to achieve the Council's statutory duties, objectives and will achieve Best Value for the Council.
- 8.2 The council has a statutory duty to ensure that services for our children are of a good and consistent standard.

9. RECOMMENDATIONS

- 9.1 As set out at the front of the report.

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