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EXECUTIVE CABINET

Day: Wednesday
Date: 14 December 2022
Time: 1.00 pm
Place: Tameside One, Market Square, Ashton-Under-Lyne, OL6 6BH

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.	MINUTES OF THE PREVIOUS MEETING To consider the Minutes of Executive Cabinet held on 23 November 2022	1 - 10
4.	MONTH 7 INTEGRATED FINANCE REPORT To consider the attached report of the First Deputy, Finance, Resources and Transformation / Director of Finance.	11 - 22
5.	CONTRACT AWARD FOR HELPING PEOPLE TO LIVE AT HOME, EXTRA CARE AND HOMECARE FRAMEWORK TENDER To consider the attached report of the Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adult Services.	23 - 28
6.	ALLOCATION OF WINTER PRIORITISATION FUND 2022/23 To consider the attached report of the Executive Member, Adult Social Care, Homelessness and Inclusivity / Director of Adults Services.	29 - 36
7.	FAMILY HUBS AND BEST START FOR LIFE PROGRAMME To consider the attached report of the Deputy Executive Leader, Children and Families / Director of Children's Services.	37 - 80
8.	REVIEW OF REGULATION OF INVESTIGATORY POWERS POLICY AND PROCEDURE (RIPA) To consider the attached report of the Executive Leader / Head of Legal Services.	81 - 130

From: Democratic Services Unit – any further information may be obtained from the reporting officer or from Carolyn Eaton, Principal Democratic Services Officer, 0161 342 3050 or carolyn.eaton@tameside.gov.uk, to whom any apologies for absence should be notified.

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9. DATE OF NEXT MEETING

To note that the next meeting of Executive Cabinet is scheduled to take place on Wednesday 25 January 2023.

10. URGENT ITEMS

To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.

EXECUTIVE CABINET

23 November 2022

Commenced: 1.00pm

Terminated: 1.30pm

Present: Councillors Cooney (Chair), Choksi, Fairfoull, Feeley, North, Sweeton, Taylor, Ward and Wills

In Attendance:

Sandra Stewart	Chief Executive
Kathy Roe	Director of Finance
Stephanie Butterworth	Director of Adult Services
Alison Stathers-Tracey	Director of Children's Services
Julian Jackson	Director of Place
Debbie Watson	Director of Population Health
Caroline Barlow	Assistant Director of Finance
Lorraine Kitching	Performance, Intelligence & Scrutiny Services Manager

Apologies for absence: Councillors Jackson and Kitchen (ex officio)

76. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Cabinet Members.

77. MINUTES OF EXECUTIVE CABINET

RESOLVED

That the Minutes of the meeting of Executive Cabinet held on 26 October 2022 be approved as a correct record.

78. MINUTES OF THE STRATEGIC PLANNING AND CAPITAL MONITORING PANEL

Consideration was given to the minutes of the meeting of the Strategic Planning and Capital Monitoring Panel meeting held on 17 November 2022. Approval was sought of recommendations of the Strategic Planning and Capital Monitoring Panel arising from the meeting.

RESOLVED

- (a) The minutes of the meeting of the Strategic Planning and Capital Monitoring Panel held on 17 November 2022 be noted; and
- (b) That the following recommendations be approved:

EDUCATION CAPITAL PROGRAMME: UPDATE

That the Executive Cabinet be recommended to APPROVE:

- (i) A contribution of £120,000 from Basic Need to provide a full size artificial pitch at St Thomas More as detailed in paragraph 3.9.
- (ii) Funding of £110,000 from Basic Need to remodel two classrooms and playground fencing within Discovery Academy for pupils from Thomas Ashton School and to remodel classroom provision at Corrie Primary School to enable the Pupil Support Service step out classroom to move from Discovery Academy as detailed in paragraph 3.10.
- (iii) Additional funding of £40,000 for underfloor heating at St Johns CE from Condition Grant funding as detailed in paragraph 4.14.

- (iv) Funding of £650,000 from High Needs Provision Capital Fund be allocated to establish a 15 place resource base at Longdendale High School through a grant agreement with the Stamford Park Trust as detailed in paragraph 6.4.

ADULT SERVICES CAPITAL PLAN

That Executive Cabinet be recommended to APPROVE:

- (i) Programmes 5 to 15 contained in Section 3 of the report
- (ii) to progress to full business case for Programmes 16 to 20 identified in Section 4 of the report and feedback to Executive Board for final approval.

OPERATIONS AND NEIGHBOURHOODS CAPITAL REPORT

That Executive Cabinet be recommended to:

- (i) Approve the allocation of the Integrated Transport Block funding, £631,000 to road safety initiatives and £1,600,000 of the Highways Maintenance funding be added to the Highways Revenue Budget for 2022/23, as set out in section 2.2.
- (ii) Approve the list of highway maintenance schemes identified in Appendix 1 that are to be funded from the Highway Maintenance Grant Allocation.

79. ENVIRONMENT AND CLIMATE EMERGENCY WORKING GROUP

RESOLVED

That the Minutes of the meeting of the Environment and Climate Emergency Working Group held on 16 November 2022 be noted.

80. CONSOLIDATED 2022/23 REVENUE MONITORING STATEMENT AT 30 SEPTEMBER 2022

Consideration was given to a report of the First Deputy, Finance, Resources and Transformation / Director of Finance, which reflected actual expenditure to 30 September 2022.

Members were advised that Tameside & Glossop CCG formally closed down on 30 June 2022, with responsibilities transferring to either Greater Manchester ICB or Derby & Derbyshire ICB. As such the scope of the report was different to that of previous months.

Reporting for TMBC and ICFT continued as usual, but the CCG position had been replaced by budgets delegated to the Tameside Locality by GM ICB. The report no longer included any health spend relating to Glossop, where commissioning responsibility was transferred to Derbyshire.

Plans for Tameside were submitted for delivery of a £595k surplus in 22/23. At Month 6 it was assumed that the plan would be delivered, which was in line with wider ICB reporting for Month 6. The plan to deliver a surplus required savings of £7.8m to be found, and whilst there was risk of achievement, it was currently expected that Tameside would be on target, however work continued to ensure that savings identified became recurrent.

As highlighted previously, the Council was facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a significant forecast overspend by 31 March 2023 of (£8,198k). This represented a £2,919k improvement since Month 5. The movement was driven by a reduction in the level of overspend forecast on Adults and Children's services, combined with a significant forecast underspend on Population Health budgets and further additional investment income due to rising interest rates.

Ongoing demand and cost pressures on Council budgets would have implications for the 2023/24 budget and work was in progress to identify mitigations for 2022/23, whilst planning for 2023/24.

Further detail on the financial position was detailed in appendices to the report, including the latest forecast for the Collection Fund in 2022/23.

The latest position and forecast for the Dedicated Schools Grant funding and deficit position was summarised in an appendix to the report. If the 2022/23 forecasts materialised the deficit would further increase to £5.496m. A deficit recovery plan had been developed and submitted to the DfE. Discussions were continuing with the DfE and were ongoing.

RESOLVED

- (i) That the forecast outturn position and associated risks for 2022/23, as set out in Appendix 1 and Appendix 2 to the report, be noted;**
- (ii) That the reserve transfers set out in Appendix 2 to the report, be approved;**
- (iii) That the budget virements set out in Appendix 2 to the report, be approved;**
- (iv) That the forecast position on the Collection Fund, as set out in Appendix 3 to the report be noted; and**
- (v) That the current position in respect of the Dedicated Schools Grant deficit as set out in Appendix 4 to the report, be noted.**

81. TREASURY MANAGEMENT ACTIVITIES

The First Deputy, Finances, Resources and Transformation / Director of Finance submitted a report providing a mid-year review of the Council's Treasury Management activities for 2022/23.

The report provided an overview of the Treasury Management activities of the organisation over the first 6 months of the year. At 30 September, the total investment balance was £131m and total long term borrowing was £141m.

The current strategy was designed to ensure that borrowing costs were kept low over the longer term, rather than subject to volatility that a high risk strategy may deliver. Where investments were involved, the policy was to ensure the security of the asset rather than pursue the highest returns available.

In summary, due to borrowing being taken up at a time of favourable interest rates, there had been a forecast saving on the Council's borrowing costs of £0.1m. The Council had been able to take advantage of rising interest rates in year and interest earned on day-to-day investments was forecast to be £1.8m against a budget of £0.3m, an over performance of £1.5m. This additional investment income could now be invested in Council activities.

RESOLVED

That the treasury activity and performance be noted.

82. CORPORATE PLAN SCORECARDS UPDATE – NOVEMBER 2022

A report was submitted by the Executive Leader/ Chief Executive providing evidence to demonstrate progress towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality.

It was explained that the Corporate Plan outcomes scorecard, (as appended to the report) followed the structure of the Corporate Plan, and contained indicators focused on long term outcomes across the plan's priorities. There were a number of proxy indicators for issues related to the pandemic which would take significantly longer to be reflected in the regular long term measures.

Members were advised that the percentage of 3 and 4 year olds in Early Years settings which had been rated 'Good' or 'Outstanding' by Ofsted in the Summer Term 2022/23 was 91.3%, up from 88.0% in the previous term in the Spring. The number of 2 year olds in funded early education, measured as a percentage of the Department for Education-set target, was 83% in the Summer term, up from

81% in Spring.

With the return of in-person school assessments following the coronavirus pandemic, educational attainment measures had begun to be reported normally for the first time since 2019. In Key Stage 2, the percentage of pupils meeting the expected standard in reading, writing, and mathematics had fallen from 63% in 2019 to 57% in 2022, just less than the national average of 59%. Focusing on reading in particular, however, the percentage of pupils meeting the expected standard had risen slightly from 72% in 2019 to 75%, above the national average of 74%.

In Key Stage 4, the average Attainment 8 score achieved by Tameside pupils was 45.1, down from 48 in 2019 and below the national average of 48.8. The percentage of pupils achieving grades 9 to 4, i.e. a passing grade, in their English and mathematics GCSEs was 64.9%, down from 69.4% in 2019 and below the average of 68.8% across England.

The percentage of Children's Services audits, which received a rating of 'Good' or 'Outstanding' in the year to August 2022 was 34%; this was a notable improvement on the same period in 2021, where just 19% of audits received these ratings.

The percentage of Tameside's working age residents in employment across 2021/22 was 75.8%, up four percentage points from 2020/21 and fractionally higher than the national average of 75.4%. The number of Tameside residents in receipt of Universal Credit in September 2022 was 25,828, 216 more people than in September 2021. The percentage of Universal Credit recipients in Tameside in employment had also increased, climbing from 38.6% in August 2021 to 39.7% in August 2022, which remained below the national average of 41.0% across England.

Data on apprenticeship starts and completions for the 2021/22 academic year had been revised since the previous update. Figures now stated that 1,460 apprenticeships were started throughout the year in Tameside, a rate of 103.5 per 10,000 working age residents; this was higher than the national average of 82.0 per 10,000 but a fall from the previous year's rate of 112.6. The rate of apprenticeship completions had also fallen, with 29.1 achievements per 10,000 in 2021/22 compared to 60.2 the previous year. The latest year's rate equated to 410 achievements in Tameside and was higher than the national average of 25.0 per 10,000 working age residents.

The proportion of Tameside residents walking or cycling for any reason three or more times each week over the year to October 2021 was 34.3%, significantly lower than the national average of 45.6%, and a fall from the same period the previous year, when 39.0% of Tameside residents walked or cycled at least three times a week.

The rate at which Tameside residents died due to suicide, which was reported annually over a rolling three year period, had fallen on the previous year. The rate per 100,000 people in the period 2019-2021 was 7.2, compared to the national average of 10.4. The previous rate of deaths due to suicide in Tameside, for the time period from 2018-2020, was 8.3 per 100,000.

The number of food bank enquiries made to the council in September 2022 had increased by 71% since September last year, with 113 enquiries made about a food bank referral. Whilst not a comprehensive measure of food bank usage within the borough, the increase in enquiries could indicate a significant increase in demand for support with food among the borough's residents.

The number of contacts made into the adult social care system in August 2022 was 883, a 39.7% increase on the same month in 2021, when 632 contacts were made into the system.

RESOLVED

That the content of the report and scorecard be noted.

83. TAMESIDE AND STOCKPORT PARTNERSHIP REVIEW

Consideration was given to a report of the Executive Member, Lifelong Learning, Equalities, Culture and Heritage / Deputy Executive Leader, Children and Families / Director of Children's Services, which gave details of Tameside & Stockport Partnership review in light of SEND inspection outcome and education policy changes.

It was explained that, on the 24 March 2021, the Executive Cabinet agreed to a single Director of Education operating across Tameside and Stockport and that Director be the existing Assistant Director for Education at Tameside to support the exploration of how things could be done differently in education services with less money and share best practice across traditional boundaries.

Members were advised that, given the significant demand and extra pressure on the Council to reform and improve systems for children, it was essential that the previous Partnership sharing decision be revisited and all available resources and expertise be focused on the needs of children in Tameside.

Since the original decision to share services, Tameside had had a full Inspection of SEND services in November 2021, requiring the Council to commit to a formal written statement of action with ten priority areas of improvement to be addressed.

Tameside was currently remodelling the service delivery of early help and prevention, social care and 0-19 Health Services in to Family Hubs. Schools provided essential anchors in local communities, Tameside was identified as one of 75 Family Hub pilot areas, this would require the Council to reset its relationship with Early Years settings, Schools and Colleges to work better in terms of offering more effective Early Help to respond to the Family Hub funding requirements and offer a more joined up service that addressed the needs of Children before problems occurred.

OFSTED Inspected Children's Social Care and Early Help services through a Focussed Visit to the Integrated Front Door in April 22. They found that some areas of services had deteriorated since the previous monitoring report meaning that there was a significant way to go to improve the service across the Children's Directorate.

Members were further advised that Tameside and Stockport had a track record of working successfully together in Children's Services over the past four years, which continued with Stockport acting as Tameside's Partner in Practice. This would continue in parts, however with all of the additional demands and pressure to reform the system, there was no longer the capacity to share services beyond 2022 with the exception of the approach to Early Years Service in order to maximise expertise and support the well-developed concept.

RESOLVED

That the giving of notice under the service level agreement with Stockport to end the shared Director of Education arrangement resulting in Tameside's Assistant Director for Education returning to his substantive post to lead the work required by Tameside Children's Services in the context of significant changing policy and SEND Improvement work, be approved.

84. STALYBRIDGE BUS STATION STUDY

The Executive Member, Planning, Transport and Connectivity / Director of Place submitted a report seeking approval of the Stalybridge Bus Station Study which had identified the need for and options to create, improved public transport infrastructure that would provide enhanced connectivity between public transport modes and better accessibility to destinations in Stalybridge Town Centre and beyond.

It was explained that options had been developed to be complementary to the wider ambitions for the town centre and accommodate future development aspirations. The options identified within the Study focused on the relocation of the bus station, or the provision of enhanced bus infrastructure, in order to provide cost effective, sustainable and deliverable potential solutions. Whilst not an immediate

factor to be incorporated within the options identified, the aspiration was that the study should be cognisant of the potential for Metrolink services and/or tram-train operations to be extended to serve Stalybridge at some point in the future.

An objective setting workshop for the Study was held and the following objectives were adopted:

- Improve connectivity between bus and rail travel modes for public transport users.
- Improve connectivity for public transport users to key destinations within Stalybridge Town Centre.
- Support wider regeneration efforts within Stalybridge.
- Encourage greater levels of public transport and active travel usage within Stalybridge and the wider region.
- Avoid impacting (increasing) bus journey times.
- Consider provision for micro-mobility in all options.

This in turn informed the main aims of the Study as follows:

- To provide enhanced connectivity for multi-modal journeys comprising bus and rail travel;
- To provide more convenient access for public transport users to and from the key destinations within Stalybridge Town Centre;
- To support the wider regeneration of Stalybridge Town Centre;
- If possible, to enable the existing bus station site to be redeveloped for the benefit of the town centre; and,
- To encourage greater take up of public transport within Stalybridge and the surrounding area, in order to bring about benefits in terms of air quality, highway congestion, and public health.

The Study then identified a long list of options, with the intention of these options being to meet the overall aims as ascertained through the objective setting workshop. The options identified had been further categorised into three broad concept areas as follows:

- Concept 1 – the provision of a co-located bus and rail interchange facility;
- Concept 2 – the provision of a re-located bus station within the town centre; and,
- Concept 3 – the provision of a series of high-quality on-street bus stops at key points across the town centre in the place of a singular centralised bus station.

The initial option appraisal process resulted in a shortlist being identified as follows:

- Option 4 - New Bus Station to the north side of Rassbottom Street (Current Car Park);
- Option 9 - New Bus Stops utilising Parking Area to immediate North-East of Station Entrance forecourt;
- Option 10 - Enhance Existing Bus Stops on Rassbottom Street; and
- Option 12 - New Bus Stops at Key Locations in the Town Centre (Including by Station) and Redevelop Existing Bus Station.

The shortlist identified had been appraised further based on stakeholder acceptability, land ownership impact, forecast timescales for implementation and Town Centre wide impact. The process identified Option 12 - New Bus Stops at Key Locations in the Town Centre (Including by Station) and Redevelop Existing Bus Station as the highest scoring option, and therefore this had been identified as the recommended preferred option. The option was considered to be cost effective, deliverable, and was forecast to deliver tangible town-centre wide improvements to bus and rail connectivity and to bus infrastructure generally within Stalybridge. The option would also allow the existing bus station site, owned by TfGM, to be redeveloped to support wider regeneration efforts within the town centre.

In terms of next steps, Members were advised that the outputs of the study would support development of a pipeline of schemes across GM for delivery against anticipated future capital funding streams. The Council would continue to engage with TfGM to explore how the preferred option could be developed in more detail to secure funding and enable delivery. Once more work had been undertaken and there were specific proposals then these would be subject to a formal consultation process. The Council would continue to engage with the GM Station Alliance, TfGM and TransPennine Express to ensure that the outputs of the study were aligned with and considered in any emerging work for further improvements to Stalybridge rail station. The Council would also continue to engage

with TfGM to understand/influence the potential longer term delivery of new infrastructure linked to any future Metrolink or train-tram provision and the role of the rail station.

RESOLVED

- (i) That the Stalybridge Bus Station Study that will guide future decisions to improve bus-rail connectivity and general bus based provision within Stalybridge Town Centre, be approved; and**
- (ii) That the next steps in relation to further work with partners, including TfGM, TransPennine Express and the GM Stations Alliance, be noted.**

85. GM STATIONS ALLIANCE

A report was submitted by the Executive Member, Planning, Transport and Connectivity / Director of Place providing an update on the emerging work of Tameside Council with the Greater Manchester (GM) Stations Alliance and sought approval to progress initial feasibility work at Ashton Rail Station and continue engagement in relation to opportunities at Stalybridge Rail Station.

It was explained that in April 2019, Transport for Greater Manchester (TfGM), formally entered into the Rail Station Alliance Framework Agreement with Network Rail, London Continental Railway (LCR), TransPennine Express and Northern Rail. The agreement established the framework for governance and operation of the Alliance, including formally setting out the Vision, Aim and Objectives.

The Council had engaged with the Alliance to understand how the group might support, establish and progress regeneration and development opportunities within Tameside. It had been identified that the Alliance could initially support Tameside with specific feasibility work for potential development at Ashton Rail Station and further engagement in relation to potential works at Stalybridge Rail Station.

The report sought approval for Tameside to enter into a Memorandum of Understanding (MOU) with the GM Stations Alliance for initial feasibility stage work at Ashton Rail Station and surrounding land.

At Stalybridge the Council had prepared the Stalybridge West Phase 1 Masterplan which identified the potential for significant residential led mixed use development on brownfield land in the vicinity of Stalybridge Rail Station. There was now an opportunity to engage proactively with the Alliance, and specifically TfGM and TransPennine Express, to further explore how potential improvement works at the Station could support the emerging proposals for Stalybridge West and the wider regeneration of the Town Centre through improved accessibility and greater integration with other transport modes.

In addition to the emerging work at Ashton and Stalybridge, the Council would maintain regular engagement with the Alliance in respect of any opportunities that may arise in relation to the other 11 rail stations in Tameside.

In terms of next steps, Members were advised that the Council would enter into an MOU with the GM Stations Alliance for initial feasibility stage work at Ashton Rail Station and surrounding land. Once the work had been undertaken a further report would be shared recommending whether there was an opportunity to progress any options to support the wider regeneration of Ashton Town Centre.

The Council would continue to engage with the Alliance in relation to the emerging work for further improvements to Stalybridge Rail Station to ensure that this was properly aligned with the wider programme of regeneration activity for the Town Centre and any opportunities for external funding were maximised.

RESOLVED

- (i) It be approved for the Council to enter into a Memorandum of Understanding (MOU) with the GM Stations Alliance to undertake initial feasibility work at Ashton Rail Station; and**
- (ii) That the next steps in relation to further work with the GM Stations Alliance at Stalybridge Rail Station, be noted.**

86. REVIEW OF HACKNEY CARRIAGE FARES

Consideration was given to a report of the Executive Member, Climate Emergency and Environmental Services / Assistant Director, Operations and Neighbourhoods, which gave details of an application received from Tameside Owners and Drivers Association to increase the maximum fares for Hackney Carriages.

It was explained that the current fares were last reviewed in March 2022. A copy of the current table of fares was appended to the report. On 16 August 2022, a request was received from the Tameside Owners & Drivers Association (TODA) for a further variation to the fare structure. The proposal included:

- Increase on all Tariffs
- Soiling charge increase from £30 to £40
- A requirement for the passenger to pay costs incurred at Manchester Airport (drop off/pick up charges).

Members were advised that there were currently 148 Hackney Carriages licensed by the Council. An informal consultation with all licensed Hackney Carriage vehicle proprietors was completed on 2 September 2022. 45 replies were received by Licensing, all supporting the variation. A summary of the comments was appended to the report. A comparison of the current and proposed tariffs was also provided, which showed the impact of the proposed changes.

Due to significant increases to the cost of fuel, many Councils across Greater Manchester and England had either recently processed, or were currently considering Hackney Carriage fare reviews.

The Speakers Panel (Licensing) considered this matter on 13 September 2022 giving their support to the fare increase proposal. Public advertisement of the application was now sought.

RESOLVED

That the public advertisement of the revised Hackney Carriage Fares be approved.

87. THE MAYOR'S CHALLENGE FUND – TRANCHE 1 (PHASE 2) PROGRESS UPDATE

The Executive Member, Planning, Transport and Connectivity / Assistant Director, Operations and Neighbourhoods submitted a report providing an update on the walking and cycling schemes previously approved, in principle, as part of the Mayor's Challenge Fund (MCF) programme – Tranche 1 (Phase 2). The schemes were located at Rayner Lane (Droylsden), Stamford Drive (Stalybridge), Clarendon Road (Audenshaw) and Ross Lave Lane (Denton).

The purpose of the report was to obtain approval to undertake public consultation on the proposed schemes and to approve the de-prioritisation of the Ross Lave Lane, Denton scheme at this time. The decisions would ultimately support the MCF business case approval process, which if successful, would result in the approval of MCF construction funding.

RESOLVED

- (i) That the plans to undertake public consultation, for a 4-week period, on the Mayor's Challenge Fund (MCF) Tranche 1 (Phase 2) schemes be approved; and**
- (ii) The de-prioritisation of the development of the Ross Lave Lane scheme in Denton be approved, due to affordability within the overall MCF programme and due to technical challenges associated with agreeing a Bee Network compliant scheme with stakeholders.**

88. CONSULTATION RE: DISCHARGE OF HOMELESS DUTIES THROUGH THE PRIVATE RENTED SECTOR

Consideration was given to a report of the Executive Member, Adult Social Care, Homelessness and

Inclusivity / Head of Community Safety and Homelessness explaining that tackling homelessness and reducing the number of households in temporary accommodation was a key priority for the Council's Homelessness Service. The report proposed a change in policy to increase options available to the council to house those who were at risk of homelessness.

Members were advised that Tameside MBC did not currently have a private rented sector policy and so could not currently legally discharge its main homeless duty via a suitable offer of private rented accommodation.

It was explained that, during 2019-20, 365 households were accepted as being owed a main homeless duty. For the majority of those cases, the duty would end when the household was made an offer of social housing. The shortage of social housing and existing nomination agreements, which required registered providers to provide just 30% (20% in the case of Jigsaw Homes to the Housing Register) contributed to rising numbers of people and families being accommodated in temporary accommodation.

It was, therefore, vital that the Council explored a wider range of options to increase move on opportunities. Alongside this, the development of the (non-statutory) Rough Sleeper Service in Tameside had led to closer working relations with the private rented sector and in 2021, 200 single households were offered move on accommodation in the private rented sector. The work provided an opportunity to enhance the role of the private rented sector in meeting the needs of people to whom the Council held a main homeless duty. The proposed policy would be reviewed following the consultation process, taking into account the feedback and views of those consulted.

RESOLVED

That permission be given to commence a 12 week consultation on a draft policy which would allow the Council the flexibility to seek to end the main homeless duty towards a household by the offer of suitable Private Rented Sector accommodation, in accordance with the provisions of the Localism Act 2011.

89. URGENT ITEMS

The Chair reported that there were no urgent items for consideration at this meeting.

90. DATE OF NEXT MEETING

RESOLVED

It be noted that the next meeting of the Executive Cabinet is scheduled to take place on Wednesday 14 December 2022.

CHAIR

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Report To: EXECUTIVE CABINET

Date: 14 December 2022

Executive Member / Reporting Officer: Cllr Jacqueline North –First Deputy (Finance, Resources & Transformation)
Kathy Roe – Director of Finance

Subject: **STRATEGIC COMMISSION AND NHS INTEGRATED CARE FOUNDATION TRUST FINANCE REPORT**
CONSOLIDATED 2022/23 REVENUE MONITORING STATEMENT AT 31 OCTOBER 2022

Report Summary: This is the revenue financial monitoring report for the 2022/23 financial year, reflecting actual expenditure to 31 October 2022. Tameside Council (TMBC) forecasts are for a full 12 months, but only 9 months of budgets are included for the Tameside Locality of the Greater Manchester Integrated Care Board (ICB). The Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT) position looks at Year To Date only.

Reporting for TMBC and ICFT continues as usual, but the CCG position has been replaced by budgets delegated to the Tameside Locality by the Greater Manchester ICB. The report no longer includes any health spend relating to Glossop, where commissioning responsibility was transferred to Derbyshire.

Month 7 is the fourth month in which the ICB has been operational. As such final approved delegated budgets at locality level have not yet been confirmed. Work is ongoing to finalise budgets, but in the meantime this report presents indicative locality budgets for the nine months 1 July 2022 to 31 March 2023.

Plans for Tameside locality were submitted for delivery of a £595k surplus in 22/23. At this stage we assume that this plan will be delivered, which is in line with wider ICB reporting for Month 7. The plan to deliver a surplus requires savings of £7.8m to be found, and whilst there is risk of achievement, it is currently expected that Tameside will be on target, however work continues to ensure that savings identified become recurrent.

As highlighted previously, the Council is facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a significant forecast overspend by 31 March 2023 of (£3,548k). This represents a significant improvement of £4,649k since M6 due a number of mitigations now being included within the forecasts. Delivery of these mitigations is vital to ensure the forecast financial position of the Council does not deteriorate over the coming months.

Ongoing demand and cost pressures on Council budgets have implications for the 2023/24 budget and work continues at pace to deliver mitigations for 2022/23, whilst plans are developed to ensure a balanced budget can be delivered for 2023/24.

Recommendations: That Executive Cabinet be recommended to note the forecast outturn position and associated risks for 2022/23 as set out in **Appendix 1**.

Policy Implications: Budget is allocated in accordance with Council Policy

Financial Implications: This report provides the 2022/23 consolidated financial position statement at 31 October 2022 for the Strategic Commission and ICFT partner organisations.
(Authorised by the Section 151 Officer & Chief Finance Officer)

The Council set a balanced budget for 2022/23 in February 2022. This was achieved through the utilisation of one-off funding, very challenging savings targets and an increase in Council Tax. The budget assumed limited pay inflation, no general inflation and funded known demographic and cost pressures in Adults and Children's Social Care, but with a challenging savings target for Children's Services.

Since setting the Council Budget in early February 2022, the economic landscape has changed adversely, with significant inflationary pressures impacting both generally and in specific service areas. These changes present both cost pressures and challenges in delivering savings and additional income targets, presenting risks to the delivery of a balanced position in 2022/23.

2022/23 will be a year of significant change in the NHS, with the formation of Integrated Care Boards which replaced CCGs from 1st July. For Tameside registered patients, responsibilities have transferred to the Greater Manchester ICB. While commissioning responsibility for patients in Glossop has transferred to Derby & Derbyshire ICB, resulting in an alignment of healthcare commissioning footprints to those of the Local Authority, enabling more joined up health and social care services in the future. Due Diligence is still ongoing with colleagues in Derbyshire to ensure a safe transition of services, while calculating a true and fair split of resources between GM and Derbyshire in line with previously agreed principles.

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)

As Members are aware The Local Government Act 1972 (Sec 151) states that "every local authority shall make arrangements for the proper administration of their financial affairs..." and critically the council has a statutory duty to deliver a balanced budget by the end of the financial year.

As such this revenue monitoring report is intended to track the council's progress in delivering this against the budget set at the start of the financial year and to provide Members with the opportunity to understand and probe the Council's financial position.

Members will note from the details in the appendix that the current forecast is predicting an overspend of £3.548m. This position has

improved by £4.649m since month 6 but robust budget management will still be required on order to deliver a balanced budget.

Reserves cannot be relied upon to balance the budget as council has a statutory responsibility to ensure that it operates with sufficient reserves in place. The legislation does not stipulate what that level should be, rather that it is the responsibility of the council's 151 officer to review the level of reserves and confirm that the level is sufficient. Reserves by its very nature is finite and so should only be drawn down after very careful consideration as the reserves are unlikely to be increased in the short to medium term.

Risk Management:

Associated details are specified within the presentation.

Failure to properly manage and monitor the Strategic Commission's budgets will lead to service failure and a loss of public confidence. Expenditure in excess of budgeted resources is likely to result in a call on Council reserves, which will reduce the resources available for future investment. The use and reliance on one off measures to balance the budget is not sustainable and makes it more difficult in future years to recover the budget position.

Background Papers:

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

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1. BACKGROUND

- 1.1 Monthly integrated finance reports are usually prepared to provide an overview on the financial position of the Tameside economy.
- 1.2 The report includes the details of the Integrated Commissioning Fund (ICF) for all Council services and the Tameside Locality of the Greater Manchester Integrated Commissioning Board (ICB). The gross revenue budget value of the ICF for 2022/23 is reported at £674 million. This includes a full 12 month of expenditure for the Council, but only 9 months for the ICB.
- 1.3 Please note that any reference throughout this report to the Tameside economy refers to the three partner organisations namely:
 - Tameside and Glossop Integrated Care NHS Foundation Trust (ICFT)
 - Tameside Locality as part of GM ICB (ICB)
 - Tameside Metropolitan Borough Council (TMBC)

2. FINANCIAL SUMMARY (REVENUE BUDGETS)

- 2.1 This is the financial monitoring report reflecting actual expenditure to 31 October 2022. TMBC forecasts are for a full 12 months, but only 9 months of budgets are included for the ICB. The ICFT position looks at Year to Date only.
- 2.2 From a healthcare commissioning perspective this report looks at 9 months of expenditure based on indicative ICB plans (for the period 1 July 2022 to 31 March 2023). Month 7 is the fourth month in which the ICB has been operational. As such final approved delegated budgets at locality level have not yet been confirmed. Work is ongoing to finalise budgets, but in the meantime this report presents indicative locality budgets. Plans for Tameside were submitted for a delivery of £595k surplus in 22/23. At M7 we assume that this plan will be delivered, which is in line with wider ICB reporting for M7. The plan to deliver a surplus requires savings of £7.8m to be found, and whilst there is risk of achievement, it is currently expected that Tameside will be on target, however work continues to ensure that savings identified become recurrent.
- 2.3 As highlighted previously, the Council is facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children's services, resulting in a significant forecast overspend by 31 March 2023 of **(£3,548k)**. This represents a significant improvement of £4,649k since M6 due a number of mitigations now being included within the forecasts.
- 2.4 Significant work is still required to balance the financial position in 2022/23. Work is in progress to identify mitigating savings to reduce the forecast overspend on Council budgets, and address the forecast budget gap for 2023/24 and beyond. This is being done in the context of growing inflationary pressures, including significant energy cost and pay inflation, with no indication that any additional funding will be provided either in 2022/23 or the next two financial years
- 2.5 Further detail on the financial position can be found in **Appendix 1**.

3. RECOMMENDATIONS

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

Tameside Strategic Commission

Finance Update Report
Financial Year 2022/23
Month 7 – 31st October 2022

Page 15



Kathy Roe
Asif Umarji

Period 7 Finance Report

Executive Summary	3
Integrated Commissioning Fund Budgets	4
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ICFT Position	7 – 8

This report covers spend across the Tameside Strategic Commission (Delegated Tameside Locality budgets from Greater Manchester Integrated Care Board (ICB), Tameside Metropolitan Borough Council (TMBC)) and Tameside & Glossop Integrated Care Foundation Trust (ICFT).

Forecasts reflect a full 12 months for TMBC, but only 9 months for the ICB for the period 1 July 2022 to 31 March 2023. It does not incorporate financial data for Tameside & Glossop CCG, which ceased to exist on 30 June 2022. The CCG closedown position has been reported separately.

The report does not capture any health spend relating to Glossop, where commissioning responsibility was transferred to Derby & Derbyshire ICB from 1 July 2022.

Finance Update Report – Executive Summary

Tameside & Glossop CCG formally closed down on 30th June 2022, with responsibilities transferring to either Greater Manchester ICB or Derby & Derbyshire ICB. As such the scope of this report is different to that of previous months. Reporting for TMBC and ICFT continues as usual, but the CCG position has been replaced by budgets delegated to the Tameside Locality by GM ICB. The report no longer includes any health spend relating to Glossop, where commissioning responsibility was transferred to Derbyshire.

Plans for Tameside were submitted for delivery of a £595k surplus in 22/23. At M7 we assume that this plan will be delivered, which in line with wider ICB reporting for M6. The plan to deliver a surplus requires savings of £7.8m to be found, and whilst there is risk of achievement, it is currently expected that Tameside will be on target, however work continues to ensure that savings identified become recurrent.

As highlighted previously, the Council is facing significant and growing inflationary pressures across a number of areas, combined with demand pressures in Adults and Children’s services, resulting in a significant forecast overspend by 31 March 2023 of (£3,548k). This represents a significant improvement of £4,649k since M6 due a number of mitigations now being included within the forecasts. Delivery of these mitigations is vital to ensure the forecast financial position of the Council does not deteriorate over the coming months

A number of mitigations have been identified to offset against the non delivery of planned savings in year. Assuming that these mitigations are delivered will result in the forecast overspend being reduced from previous forecasts. The impact of further mitigations is set out on page 6.

Ongoing demand and cost pressures on Council budgets have implications for the 2023/24 budget and work continues at pace to deliver mitigations for 2022/23, whilst plans are developed to ensure a balanced budget can be delivered for 2023/24.

ICB Locality Position

Final delegated budgets for localities are not yet in place. As such indicative budgets have been reported, with an assumption that we will deliver a £595k surplus as per plan (and consistent with wider ICB reporting for M7).

Council Financial Position (£3,548k)

The forecast overspend on Council budgets has improved by £4,649k since M6. This assumes that a number of identified mitigations are delivered to offset pressures due to non delivery of planned savings.

ICFT Position

(£4,197k)

M7 YTD adverse variance to plan, driven by a shortfall against efficiency target and continued pressures within Urgent and Emergency care and delayed discharges.

Forecast Position £000's	Forecast Position			Variance		Gross Budget (full year)	
	Budget	Forecast	Variance	Previous Month	Movement in Month	Expenditure Budget	Income Budget
CCG Expenditure	81,569	81,569	0	0	0	81,569	0
TMBC Expenditure	208,609	212,157	(3,548)	(8,198)	4,649	593,219	(384,610)
Integrated Commissioning Fund	290,178	293,726	(3,548)	(8,198)	4,649	674,788	(384,610)

Finance Update Report – Executive Summary

Forecast Position £000's	Forecast Position (Net)			Net Variance		Gross Budget (full year)	
	Budget	Forecast	Variance	Previous Month	Movement in Month	Expenditure Budget	Income Budget
Acute	0	0	0	0	0	0	0
Mental Health	6,794	6,576	218	0	218	6,794	0
Primary Care	36,070	36,004	66	0	66	36,070	0
Continuing Care	8,966	8,848	118	0	118	8,966	0
Community	26,714	27,034	(320)	0	(320)	26,714	0
NHS Estates	3,025	3,107	(82)	0	(82)	3,025	0
ICB Expenditure	81,569	81,569	0	0	0	81,569	0
Adults	43,647	45,306	(1,658)	(1,658)	0	116,566	(72,918)
Children's Services - Social Care	56,433	57,284	(851)	(1,109)	258	68,547	(12,114)
Education	7,097	8,163	(1,066)	(1,066)	0	33,772	(26,675)
Individual Schools Budgets	0	0	0	0	0	130,223	(130,223)
Population Health	14,292	12,927	1,366	1,335	31	15,975	(1,683)
Place	27,333	33,791	(6,458)	(8,424)	1,966	92,127	(64,794)
Governance	9,128	9,098	30	30	0	71,572	(62,443)
Finance & IT	9,677	9,321	356	356	0	11,710	(2,033)
Quality and Safeguarding	97	97	0	0	0	340	(243)
Capital and Financing	4,513	2,743	1,770	1,770	0	8,680	(4,167)
Contingency	612	(2,366)	2,978	584	2,394	7,619	(7,007)
Corporate Costs	5,074	5,075	(0)	(0)	0	5,385	(310)
Levies	30,704	30,719	(15)	(15)	0	30,704	0
TMBC Expenditure	208,609	212,157	(3,548)	(8,198)	4,649	593,219	(384,610)
Integrated Commissioning Fund	290,178	293,726	(3,548)	(8,198)	4,649	674,788	(384,610)

NOTE: Budgets and forecasts for Levies (Transport and Waste Levies payable to GMCA) are now separately identified in the table above. Previously the budgets and forecasts for Levies were included within the Place Directorate.

Integrated Commissioning Fund – M6 ICB Locality Budgets

Tameside Locality

Month 7 is the fourth month in which the ICB has been operational. Work is ongoing to finalise locality delegated budgets, but in the meantime this report presents indicative locality budgets. Plans for Tameside assumed delivery of a £595k surplus in 22/23. At M7 we assume that this plan will be delivered, which is in line with wider ICB reporting for M7.

The plan to deliver a surplus requires savings of £7,800k to be found, and whilst there is risk of achievement, particularly in relation to prescribing savings associated with cost increases, it is currently expected that Tameside will be on target, however work continues to ensure that savings identified become recurrent.

Whilst there are some small pressures within Community contracts and Estate costs, these are being off-set against underspends within Mental Health, Continuing Health Care (CHC) and Primary Care. More detailed variance analysis will be available from M8. On the basis that spend from April – June has been already been reported in CCG closedown accounts, ICB budgets cover 9 months from July 2022 – March 2023.

Greater Manchester Integrated Care

Overall, NHS GM is reporting being on plan delivering a surplus of £63.6m (FOT), including the impact of Q1 delivery in the 10 CCGs.

The key risk to the forecast financial position is the delivery of £118.8m of efficiencies, with a potential under delivery of £61m, when schemes have been subject to risk stratification

The main pressures within the financial position relate to higher than budgeted activity within the private sector and higher volumes and average cost per case than budgeted for mental health placements.

The Month 7 forecast is for a significant net overspend by 31 March 2023 of (£3,548k). This represents a significant improvement of £4,649k since M6 due a number of mitigations now being included within the forecasts.

Council budgets continue to face significant pressures but there has been a positive movement this month due to identified mitigations being reflected in the forecasts. This movement is driven mainly by a reduction in the level of overspend forecast on Children's services and the Place Directorate, and additional income being reflected in contingency.

Continued challenges with the delivery of savings, combined with ongoing inflationary cost pressures around utilities and fuel costs, means that the forecast outturn position by March 2023 remains challenging.

Children's Social Care overspend (£901k): The Directorate forecast position is an overspend of (£851k), a favourable reduction in forecast variation of £258k since M6. The overspend is predominantly due to the number and increased cost of external placements. The reduction in forecast expenditure is predominantly due to a number of young adults moving out of external placements into their own accommodation. In addition there has been a reduction in placement costs for a couple of complex young people, and new grant monies of £50k.

Place overspend (£6,458k): The Directorate forecast position is an overspend of (£6,458k), a favourable reduction in the forecast variation of 1,966k since M6. The reduction in forecast overspend mostly relates to the following key areas:

- Highways repairs and maintenance £312k: a review of the planned capital maintenance programme has resulted in an increased level of grant allocated to support revenue repairs than the value included at M6.
- Temporary Accommodation in the Homelessness Service £770k: Improvements to the available data and projected changes to placements has enabled a more accurate forecast for activity over the remainder of the financial year. Some allowance has been made for movements into the service, however significant winter pressures could result in additional expenditure in excess of the revised forecast.
- Utility costs £274k: This is net movement in forecast which includes increased costs of £188k relating to gas consumption increases net of a £462k reduction in forecast expenditure on street lighting due to LED replacements reducing consumption.
- Accommodation Costs £587k: Release of provisions relating to rental charges which are no longer required.

The Directorate continues to face challenges with the delivery of savings, demand pressures and inflationary pressures in respect of utilities. Mitigations are actively being identified and further reductions in forecast expenditure continued to be pursued over the remainder of the financial year.

Finance Summary Position – T&G ICFT Month 7 2022/23

Income & Expenditure summary	Current month				Year to date			
	Plan	Actual £000s	Variance	%	Plan	Actual £000s	Variance	%
Operating income from patient care activities	22,181	22,321	140	1%	155,261	155,830	569	0.4%
Other operating income	864	1,205	340	39%	7,106	9,016	1,910	26.9%
Total Operating income	23,045	23,525	480	2%	162,367	164,846	2,479	1.5%
<i>Of which COVID-19 Reimbursement</i>	<i>0</i>	<i>108</i>	<i>108</i>	<i>0%</i>	<i>1,264</i>	<i>1,286</i>	<i>22</i>	<i>1.7%</i>
Agency Pay	(660)	(1,242)	(582)	88%	(4,756)	(7,067)	(2,311)	48.6%
All other employee expenses	(16,576)	(17,144)	(568)	3%	(116,719)	(119,246)	(2,527)	2.2%
Operating non pay	(6,310)	(6,899)	(588)	9%	(44,452)	(46,396)	(1,943)	4.4%
Total operating surplus / (deficit)	(500)	(1,759)	(1,258)	251%	(3,560)	(7,862)	(4,302)	120.8%
Non operating items	(546)	(509)	37	(7%)	(3,810)	(3,719)	92	(2.4%)
Surplus/ (deficit) before impairments and transfers	(1,047)	(2,268)	(1,221)	117%	(7,371)	(11,581)	(4,210)	57.1%
Technical adjustments	15	20	5	32%	107	142	34	32.1%
Adjusted financial performance surplus/(deficit)	(1,032)	(2,248)	(1,216)	118%	(7,263)	(11,439)	(4,175)	57.5%
I&E margin including COVID-19 Reimbursement	(4.5%)	(9.6%)	(5.1%)		(4.5%)	(6.9%)	(2.5%)	
Trust Efficiency Programme	1,203	1,675	473	39%	7,293	5,854	(1,439)	(20%)
Of which recurrent	38%	43%			27%	18%	(9.0%)	
Efficiencies as a % of Operating Expenditure	4.8%	6.1%			4%	3%	(1.0%)	
Capital Expenditure	3,703	1,780	(1,923)	(52%)	6,565	3,783	(2,782)	(42%)
CDEL	1,927	552	(1,375)	(71%)	2,719	843	(1,876)	(69%)
PDC	1,776	1,228	(548)	(31%)	3,846	2,940	(906)	(24%)
Cash and Equivalents					18,726	20,909	2,183	12%

Trust Financial Summary – Month 7

Month 7 YTD the Trust is reporting an £11.4m deficit which is an adverse variance against plan of £4.197m

The main driving factors behind the overspend position are unachieved TEP and continued pressures within Urgent and Emergency care and delayed discharges

Efficiency target:

The Trust has set an efficiency target for 2022/23 of £13.628m. In month 7, the Trust delivered efficiencies equating to £1.675m against a plan of c.£1.203m, which is an over achievement of c.£473k

YTD the Trust has delivered c£5.854m of TEP – an underachievement of c.£1.439m versus plan

The Trust continues to review and challenge its efficiency programme and new ideas to close the gap are being worked through with a view to deploying additional efficiency schemes in future months

Agenda Item 5

Report to:	EXECUTIVE CABINET
Date:	14 December 2022
Executive Member:	Councillor John Taylor – Executive Member Adult Social Care, Homelessness and Inclusivity
Reporting Officer:	Stephanie Butterworth, Director of Adult Services
Subject:	CONTRACT AWARD FOR THE PROVISION OF A SUPPORT AT HOME SERVICE
Report Summary:	<p>On 24 August 2022, Executive Cabinet approved an extension to the existing Helping People to Live at Home and Extra Care Service contract from contract end date 30 October 2022 to 31 May 2023. At the same time, approval was given to tender the five contracts that comprise the Support at Home Service, rescheduled to commence 1 June 2023.</p> <p>Following a comprehensive competitive procurement process, the five highest ranking providers have been identified and this report seeks approval by Executive Cabinet to award the contracts as detailed in the report.</p>
Recommendations:	<p>That following the evaluation of tender submissions, Cabinet be recommended to approve the award of contracts to the highest ranking and most economically advantageous providers namely:</p> <ol style="list-style-type: none">1. North Neighbourhood - Provider 2 - Careline,2. East Neighbourhood - Provider 1 - Able Care,3. South Neighbourhood - Provider 8 - Direct Care,4. West Neighbourhood - Provider 6 - Comfort Call,5. Extra Care Housing - Provider 22 - Creative Support.
Financial Implications: (Authorised by the statutory Section 151 Officer)	<p>The financial implications for this contract award span over 6 years with a total council budget of £73m. The financial commitment each year will be dependent upon the number of hours provided by the service suppliers and subject to monitoring.</p> <p>This contract award is following a full tender process through STAR and carried out financial checks and risk assessments on the providers listed in this report.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>The tender process has been supported by STaR procurement to ensure that a compliant procedure has been followed and that best value is achieved.</p>
Policy Implications:	<p>The proposals align with the Living Well, Working Well and Aging Well programmes for action. The service also links into the Council's priorities :-</p> <ul style="list-style-type: none">• Help people to live independent lifestyles supported by responsible communities.• Improve the health and wellbeing of residents• Protect the most vulnerable
Risk Management:	<p>There will be a continued dialogue between commissioners and the providers to ensure that best value is delivered against the contract resource with a view to working towards service</p>

developments. These will be delivered through contract performance management and working in partnership with neighbourhood teams.

Access to Information:

The background papers relating to this report can be inspected by contacting the report writer Dave Wilson:



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1. INTRODUCTION

- 1.1 On 27 October 2021, Strategic Commissioning Board initially approved a tender process to commence in May 2022 with a contract commencement date of 1 November 2022 for the Support at Home Service. Whilst this went ahead, the ongoing challenges and unprecedented circumstances of the pandemic and the impact of this on provider's ability to respond to a tender exercise, alongside the need to ensure a stable care market for the impending winter period, meant the tender exercise was aborted in June 2022.
- 1.2 Subsequently, on 24 August 2022, Executive Cabinet approved an extension to the existing Helping People to Live at Home and Extra Care Service from contract end date 30 October 2022 to 31 May 2023. At the same time, approval was given to tender the five contracts that comprise the Support at Home Service.

2 THE SUPPORT AT HOME SERVICE

- 2.1 The service will comprise five components/contracts:
 - Four contracted zones corresponding with the four Neighbourhood Teams
 - A fifth contract to provide care and support across the borough's four Extra Care Housing schemes
- 2.2 This represents a change to the current arrangement. The intention is to move from six zoned providers to four; each neighbourhood would have one dedicated homecare provider (West and East currently have two). This should further cement the close partnership working between Neighbourhoods and providers fostered over the last five years whilst embedding a more sustainable business model for providers based on, for most, more hours.
- 2.3 Moving to an arrangement where one provider is responsible for the four Extra Care Schemes will allow greater flexibility of the workforce as needs flex and change over time and from one setting to another.
- 2.4 TUPE will apply in two of the four zones – East and West – and on the Extra Care contract. As per usual with TUPE transfers of this kind, service users will, for the most part, retain the carers from under their existing support even though for some, their provider will change. The due diligence process, along with support throughout from Commissioning, working alongside organisations experienced at, and skilled in, managing TUPE transfers, will ensure disruption to service users is kept to an absolute minimum.
- 2.5 There is also the small, but unlikely possibility that Provider 14, one of our incumbent providers, may look to retain the service users they have as they exit their current contractual agreement. Should this become something they look to explore, Commissioning will work closely with them to oversee and help manage, the process.

3 THE PROCUREMENT APPROACH USED

- 3.1 An open tendering exercise commenced on 9 September 2022 and closed on 11 October 2022. The tender was completed fully in accordance with Tameside Metropolitan Borough Council Procurement Standing Orders and in conjunction with OJEU requirements via the CHEST (the North West procurement portal).
- 3.2 The approaches used on this tender were:
 - Tender Submission Questionnaire – The tender questionnaire had eight questions; six 'generic' questions covering partnership working, blended roles, workforce issues, person and community centred working, technology and coproduced care and support, along with one question specifically for organisations tendering for one of the zoned contracts

and one question specifically for organisations tendering for the extra care contract. The tender is structured so that we award to five different providers with providers expressing a preference for which contract/zone they would like if successful (see evaluation tables, below). The final decision as to the allocation of contracts is the Council's.

- Service User Question/Presentation – Commissioners approached three service users to take part in the tender process. Between them, the service users agreed a question which the highest scoring seven tenderers then responded to via a presentation evaluated by the service users. This accounted for 10 per cent of the total score.

4 DETAILS OF PROPOSED CONTRACTUAL ARRANGEMENTS

- 4.1 Tameside Adult Services in its role as lead commissioner is looking to award a six year contract, commencing on 1 June 2023 and expiring on 31 May 2029 with no scope to extend.

5 RESPONSE

- 5.1 Compliant responses were received from twenty-two organisations.
- 5.2 In addition, there were three non-compliant tenders, which were excluded from the evaluation process.

6 EVALUATION METHOD AND OUTCOME

- 6.1 Tender submissions were evaluated by:
- Julie Seel – West Neighbourhood Team Manager
 - Jayne Cooper – East Neighbourhood Team Manager
 - Kerry Woolley - Contracts and Commissioning Officer, Adults
 - Siobhan Gough - Contracts and Commissioning Officers, Adults
 - Dave Wilson - Commissioning Adults Team Manager
- 6.2 The Invitation to Tender was based on a 100 per cent quality weighting. Cost is not part of the evaluation as the Council sets the hourly rate. Social value is integral to the delivery of this service (including employing local citizens, engaging with local community groups/organisations and reducing car mileage via small, local walkable rounds), is a contractual obligation, and therefore has not been scored separately. The requirement to weight tender submissions ensures compliance with European Union Regulations 2006.
- 6.3 All questions were drafted with input from panel members along with the presentation question designed and evaluated by service users. All related to matters pertinent to the contract being tendered.

7 CHECKS ON PROVIDERS

- 7.1 STAR procurement have undertaken a full financial check via Company Watch. The check measures the overall financial health of a company. It is based on a statistical evaluation of a company's publicly available financial results in order to determine the level of financial risk associated with the company.
- 7.2 STAR are satisfied that the Company Watch financial analysis of the five highest ranking tenderers indicates a good level of financial viability. Financial checks are available for scrutiny if required.
- 7.3 All organisations have indicated they have the appropriate levels of insurance on commencement of the service. Insurance documents will be obtained from the successful

bidder on award of the contract.

8. CONCLUSION

- 8.1 A full summary of the evaluation scores is provided in the tables below along with the provider preference. The individual organisation's scores are available for scrutiny.

Home Care	%	Rank	North	East	South	West	Extra Care
Provider 1	96.25	3	5	2	3	4	1
Provider 2	87.50	4	1	4	3	2	x
Provider 3	70.00	7	1	2	4	3	x
Provider 4	60.00	12	2	1	3	4	x
Provider 5	33.75	17	3	5	4	1	2
Provider 6	97.50	2	2	4	3	1	x
Provider 7	32.50	18	1	3	2	4	x
Provider 8	100.0	1	2	4	1	3	x
Provider 9	28.75	19	4	2	3	1	x
Provider 10	50.00	14	3	4	1	2	x
Provider 11	86.25	5	x	1	x	x	x
Provider 12	67.50	8	2	5	4	3	1
Provider 13	45.00	15	1	2	4	3	x
Provider 14	67.50	9	1	2	4	5	3
Provider 15	78.75	6	4	2	5	3	1
Provider 16	45.00	15	1	5	4	3	2
Provider 17	61.25	11	1	3	4	2	x
Provider 18	65.00	10	4	1	3	5	2
Provider 19	23.75	20	4	1	2	3	5
Provider 20	51.25	13	1	3	4	2	5

Extra Care	%	Rank	North	East	South	West
Provider 1	96.25	2	5	2	3	4
Provider 21	58.75	7	x	x	x	x
Provider 5	31.25	11	3	5	4	1
Provider 22	97.50	1	x	x	x	X
Provider 12	67.50	4	2	5	4	3
Provider 14	65.00	6	1	2	4	5
Provider 15	81.25	3	4	2	5	3
Provider 16	45.00	10	1	5	4	3
Provider 17	53.75	9	1	3	4	2
Provider 18	67.50	4	4	1	3	5
Provider 19	26.25	12	4	1	2	3
Provider 20	56.25	8	1	3	4	2

Award summary:

Extra Care Schemes Provider 22 namely Creative Support
 North Neighbourhood Provider 2 namely Careline
 East Neighbourhood Provider 1 namely Able Care and Support
 South Neighbourhood Provider 8 namely Direct Care

West Neighbourhood Provider 6 namely Comfort Call

9. RECOMMENDATION

9.1 As set out at the front of the report.

Agenda Item 6

Report to:	EXECUTIVE CABINET
Date:	14 December 2022
Executive Member:	Councillor John Taylor – Executive Member, Adult Social Care, Homelessness and Inclusivity
Reporting Officer:	Stephanie Butterworth, Director of Adult Services
Subject:	ALLOCATION OF WINTER PRIORITISATION FUND 2022/23
Report Summary:	<p>DHSC has made additional funding available to health and social care systems to ensure required capacity and resilience across the winter period 2022/23. This takes the form of one off grant funding namely the Health Winter Prioritisation Fund.</p> <p>This reports sets out the conditions of the grant, the allocations to Tameside Adult Social Care and the recommended onward use of allocated funds</p>
Recommendations:	<p>That it be DETERMINED that:</p> <ol style="list-style-type: none">(i) Approval is given to accept the allocation of £1.195k funding from GM Integrated Care Board as part of GM £12m Winter Pressures to Care Home and Voluntary Sector Providers to increase in capacity in the workforce to enable us to use the “available” beds we have in our system.(ii) Approval of allocation of the above funding as follows:<ul style="list-style-type: none">• £1.15k to the care home sector as outlined in section 3.9 of this report.• £80k to support third sector providers as identified in section 3.10 of this report.(iii) That further such allocations of funding will be considered by the Locality Board chaired by the Executive Member for Health.
Financial Implications: (Authorised by the statutory Section 151 Officer)	<p>The financial implications in this report cover three separate funding streams.</p> <ul style="list-style-type: none">• GM ICB Winter Pressures Funding £1.15m Tameside.• GM ICB Winter Pressures Funding £80k Tameside. <p>Funding has been approved through GM SORT (system operational response task force) to allocation the GM share of £12m for Winter Prioritisation between Health & Social Care and £80k to third sector providers.</p> <p>Tameside MBC has been granted the allocation of GM Winter Pressures of which funding has now been received.</p> <p>As this is a passport of funds from Health to Care Sector providers, there is no financial risk to Tameside MBC core budgets as the proposal is up to the value of the allocation.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>This report sets out the proposal to utilise budget from separate funding streams being the GM ICB Winter Pressures Funding and DHSC National Discharge Grant Funding.</p> <p>The funding streams are intended to be passported to the care homes and voluntary sector providers through existing contracts</p>

by way of an addendum. This will be subject to any requirements for modification of those contracts, with the appropriate advice being obtained through STaR procurement.

3.12 of the report refers to a risk based sourcing exercise being carried out to provide additional transport services again with support from STaR Procurement.

Any addendum or new contract will need to ensure that adequate monitoring and clawback provisions (should the funding not be used for the purpose it is given) are included and to mirror any requirements from GM or DHSC.

It is not anticipated that any formal grant agreement will be entered into between the Council and GM or DHSC but if there is a requirement to do so, these agreements will need to be reviewed by Legal.

It is not considered that the funding being passported is a subsidy within the meaning of the subsidy control regime given

- (a) The workforce resilience funding is being allocated across the board
- (b) Funding is being given for additional services or to increase capacity

Where potentially more targeted support is being given, it would likely be considered de minimis under the provisions of the Trade and Co-operation Agreement and it would be appropriate to seek a declaration from the recipient of the funding in relation to this. Further advice in relation to this will be sought at the appropriate time from Legal services.

Policy Implications:

In line with Council Policy.

Risk Management

As set out in the Report.

Access to Information:

The background papers relating to this report can be inspected by contacting the Report Writer, Tracey Harrison:



Telephone: 0161 342 3414



E-mail: tracey.harrison@tameside.gov.uk

1.0 BACKGROUND:

- 1.1 DHSC has made additional funding available to health and social care systems to ensure required capacity and resilience across the winter period 2022/23. This reports sets out the conditions of the grant, the allocations to Tameside Adult Social Care and the recommended onward use of allocated grant funding.
- 1.2 Funding has been received through two grant allocations to the health and Social Care Sector:
 - Health Winter Prioritisation Fund
 - Adult Social Care Discharge Fund

Part One Health Winter Prioritisation Fund

- 1.3 The total funding across Greater Manchester for Winter Prioritisation is £12.029m. This paper is to support Tameside Council's allocation of this funding with the distribution of the moneys to care homes and the voluntary sector to support discharge from hospital (£1.150m for Tameside Council).
- 1.4 Funding is part of NHS England approach to ensuring a resilient system over the winter period by providing extra bed capacity and supporting staff. Currently no formal guidance describes the utilisation of the allocated £1.15m. The GM ICB governance that supports the funding allocation and "**terms of use**" will be managed through GM SORT (system operational response task force). These terms will be in line with the invited bids from localities, and SORT will manage and review progress against those plans.
- 1.5 As part of winter capacity planning and the 'green schemes', a further £80k has been paid to the local authority that will passport to third sector providers. The plan is to increase the Community Support element of our current arrangements with third sector providers (see section 3.10) locally with a specific emphasis on supporting people's discharge from hospital in a timely way thereby reducing unnecessary delays and boost the whole system through a co-ordinator.
- 1.6 The deputy placed based lead for Tameside is a member of the SORT group.

2 CURRENT POSITION

Care Homes

- 1.1 There are 34 operational care homes in Tameside – 25 residential homes and 9 nursing homes, with a total operating capacity of 1,469 beds.
- 1.2 As of the 24 October there were 150 vacant beds in the sector but 110 of these were not available for new placements for a variety of reasons such as:
 - Two homes with 'Inadequate' CQC ratings (32 beds)
 - One care home is undergoing major refurbishment (15 beds)
 - Three care homes had issues with recruitment (43 beds)
 - Increasing complexity of need and risk to existing residents (20 beds)

Care Sector Workforce Resilience

- 1.3 Recruitment and retention of staff is very challenging within the independent sector. The Skills for Care Adult Social Care Workforce¹ data shows that the proportion of new starters in a twelve month period was 32.4%, with 53% of the workforce being in their current post for less than 2 years.
- 1.4 Historically the workforce has seen a decline over the Christmas period as care workers don't wish to work over the festive period.

¹ [ASC-Workforce-Statistical-Appendix-2021.xlsx \(live.com\)](#)

- 1.5 The independent sector also needs to compete with other sectors when recruiting (and retaining) staff. For example, some supermarkets have increased its pay to staff with a minimum hourly rate of £11/hour². This is in excess of the National Living Wage of £9.50, which is currently paid to care sector workers.

2 PROPOSAL – HEALTH WINTER PRIORITISATION FUND:

- 3.1 The proposal for the distribution share of ‘Health Winter Prioritisation Fund’, of which £1.15m is allocated to Tameside MBC is detailed below: £462k of agreed schemes and £687k to support recruitment and retention in the care homes to sustain and bolster capacity.
- 3.2 For the care homes sector the agreed schemes are:
- 3.3 To fund an additional five care workers (in five different care homes) to ensure that vacant beds can be filled with people needing to move out of hospital;
- 3.4 To offer incentives to prospective care workers to work nights
- 3.5 To support additional residential beds for residents whose behaviours challenge services
- 3.6 To ensure continued stability of The Lakes Care Centre, as this is one of the largest care homes in the borough (77 beds) with 50 residents currently. The Council is working closely with all stakeholders to both maintain the existing provision and improve the quality of care to release the remaining beds into the system from February 2023.
- 3.7 The workforce retention payments to the care homes will be allocated in two tranches – one on the 1 December 2022 (40% of the £687k) and the second on 1 March 2023 (60% of the remaining fund). The 70% will only be paid to those staff who have worked over the winter period with the same organisation, so it is expected that staff will remain with the provider to receive this bonus.
- 3.8 A further £80k would be passported to third sector providers (see section 4). The plan would be to increase the Community Support element of our current arrangements with Age UK and to support third sector providers (section 3.10) locally with a specific emphasis on supporting people’s discharge from hospital in a timely way thereby reducing unnecessary delays and boost the whole system through a co-ordinator.
- 3.9 Tables 1 & 2 show the proposed allocation of funding for Care Home and Voluntary Sector hospital discharge support. Please note that the staffing numbers for domiciliary care are approximate and further work will be done to clarify these prior to any funding being sent to the providers.

² [Aldi increases staff pay for third time this year as cost of living soars | Aldi | The Guardian](#)

delivering an efficiency into the system).

- Improved experience of the patient arriving home with the additional support ie making sure the home is warm; a basic supply of food is available; any practical issues such as moving beds; making beds etc to ensure that the person arriving home is safe and settled.
- In addition the increased capacity would allow for additional calls and/or support to the individual for up to three weeks, to ensure that they continue to feel safe and supported and wherever possible avoid readmission to hospital.

3.12 The Project will be delivered in partnership with Age UK Tameside, Tameside, Oldham and Glossop Mind (TOG MIND) and potentially Lifeline Ambulance Service and the adult commissioning team will co-ordinate the delivery. Both Age UK and TOG MIND have current contracts in place with Adult Services, which will be varied as required with appropriate advice sought from STaR Procurement. Due to the speed required to identify potential providers, discussions took place with a number of local transport providers and Lifeline Ambulances was identified as the only provider locally with the infrastructure, skills and capacity in place to deliver the transport element of the project. This is currently being formalised through a Risk Based Sourcing exercise with the support of STAR Procurement.

3.13 The project performance will be monitored against the outcomes listed at 3.11 and reported back to GM ICB and SORT using the following KPI's:

- No of admission avoidances
- No of hospital discharges
- Length of time people are in receipt of service
- No of people referred to other services
- Spend to date against 22/23 forecast
- Case studies and good news stories
- Service user feedback

4. COMMISSIONING AND MONITORING OF THE FUNDING ALLOCATION

4.1 Funding for additional services is to be allocated to existing providers and therefore will be issued as an extension or modification to existing contracts with the appropriate advice sought from STaR Procurement.

4.2 Where funding is intended to be passported directly to the staff, or where funding is agreed to sustain or open new beds that the funding is spent as intended the providers will be required to enter into an agreement with the council confirming the purpose of the funding and that there will be clawback provisions in the event that the funding is not appropriately used.

4.3 The increase in care home provision and number of hours home support commissioned will be undertaken by Adults Services Commissioning Team by using a combination of contacting the care homes directly, the NECS Capacity Tracker and data on commissioned domiciliary care packages.

4.4 This information will be collected weekly and reported to the Director of Adults Services. Appropriate records will be kept to enable both internal and external audit as required under the conditions of the grant.

5 CONCLUSION:

5.1 The support from the two funding streams will help to alleviate the increased demand across the health and social care system by increasing capacity, as well as the historical lower staffing levels over the Christmas period, to ensure a resilient the workforce over the winter period.

5.2 It is also hoped that the retention payments will also help moral in a sector which has, for some months, been feeling the stresses/strains of the last 2½ years in trying to deliver services during very challenging times.

6 **RECOMMENDATIONS:**

6.1 As set out on the front of the report

ⁱ [NHS England » Going further on winter resilience plans](#)

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Report to:	EXECUTIVE CABINET
Date:	14 December 2022
Executive Member:	Councillor Bill Fairfoull, Deputy Executive Leader (Children's)
Reporting Officer:	Ali Stathers- Tracey – Director of Children's Services
Subject:	FAMILY HUBS AND BEST START FOR LIFE PROGRAMME
Report Summary:	<p>The report details the delivery plan and projected expenditure for the Family Hubs Programme over the grant period. The DfE requires the Council to submit a delivery plan by 31 December 2022 in order to release the funding. The grant allocation for 2022/23 has been confirmed as £799K. For 2023/24 and 2024/25 the DfE have provided a lower and upper range of indicative funding allocations. Funding for these financial years will be confirmed once the formal sign up process is complete.</p> <p>The total grant allocation is divided into specific strands. Each strand has a separate cost centre so that expenditure can be recorded, monitored and reported on.</p>
Recommendations:	<p>That it be DETERMINED that:</p> <ol style="list-style-type: none">i The delivery plan is approved in principle for submission to the Department for Education (DfE);ii The delivery plan be agreed taking note that the financial spend proposed is subject to change from partners and DfE. The Delivery Plan is expected to be a live document through the programme timeframe and will change over time, however the main themes and principles contained will remain the same;iii the proposed commissioning intentions be agreed as outlined in section 4 of the report;iv Agreement to receive a further report detailing progression and further spending plans in March 2023.
Financial Implications: (Authorised by the statutory Section 151 Officer)	<p>The report details the delivery plan and projected expenditure for the Family Hubs Programme over the grant period. The DfE requires the Council to submit a delivery plan by 31 December 2022 in order to release the funding. The grant allocation for 2022/23 has been confirmed as £799K. For 2023/24 and 2024/25 the DfE have provided a lower and upper range of indicative funding allocations. Funding for these financial years will be confirmed once the formal sign up process is complete.</p> <p>The total grant allocation is divided into specific strands. Each strand has a separate cost centre so that expenditure can be recorded, monitored and reported on.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>The ambitions and expectations of the Family Hubs and Best Start for Life Programme are clearly articulated in the main body of the report together with the expected benefits for the council and residents of Tameside.</p> <p>A condition for the funding is to submit a programme plan that in essence sets out how these ambitions will be met and the</p>

programme managed.

The project officers have worked closely with partners and the DfE to develop the programme as attached and positive feedback has been received from the DfE. Given the aspirations of the council the programme is challenging but is also considered achievable. This is important as the DfE will be reviewing the progress made to deliver the programme and monitoring the project in accordance with the terms of the Memorandum of Understanding already entered into by the council.

Under the terms of the Memorandum of Understanding the DfE can withhold future funding if the council fails to progress the plan as intended or the overall objectives of the programme are not being met. The project team is confident that through the robust project management and governance this situation should not arise.

Furthermore, both the Council and the DfE acknowledge that the programme plan is a living document which will develop over time and in collaboration with all partners and the DfE.

With regards to the capital spend advice has already been sought from procurement to ensure that any commissioning is undertaken compliantly and represents best value for the project and the council. As the work programme progresses further advice will be sought as and when required and both legal and financial services are part of the project's working group in order to provide assistance and assurance when required.

Policy Implications:

In line with Policy.

Risk Management

Asset out in the report.

Access to Information:

The background papers relating to this report can be inspected by contacting the report writer, Lorraine Hopkins, Head of Service for Early Years and Early Help.



E-mail: Lorraine.hopkins@tameside.gov.uk

1. INTRODUCTION

- 1.1 In May 2022, Tameside Council was one of seventy-five (75) Local Authorities identified to receive a share of the £301.75 million (a joint venture from the Department for Education (DfE) and Department of Health and Social Care (DHSC) to implement the Family Hubs and Best Start for Life Programme in the years 2022-25.
- 1.2 Following approval at Executive Cabinet on 26 October 2022, Tameside Council submitted the sign up form to the DfE, on behalf of the partnership, which was formally accepted on 24 November 2022 that resulted in Tameside Council entering into a Memorandum of Understanding with the DfE.
- 1.3 In order for funding allocation to be released to the Council, a delivery plan must now be submitted to the DfE by the 31 December 2022. Therefore, this report sets out Tameside Council's progress to date against the Programme, an overview of the delivery plan currently in draft with detail in respect to a proposed approximate spending plan, and confirmed commissioning intentions (See Appendix A).
- 1.4 For the purpose of reference, Tameside Council's indicative allocation aligned to each strand of the Programme is tabled as following:

Strand	%	2022-23	2023-24		2024-25	
		Total	Lower	Upper	Lower	Upper
		799,000	1,356,000	1,423,000	1,140,000	1,193,000
Family Hubs Programme Spend	19%	151,810	257,640	270,370	216,600	226,670
Family Hubs Capital Spend	5%	39,950	67,800	71,150	57,000	59,650
Parenting Support	15%	119,850	203,400	213,450	171,000	178,950
Home Learning Environment	9%	71,910	122,040	128,070	102,600	107,370
Parent-Infant Relationships and Perinatal Mental Health	31%	247,690	420,360	441,130	353,400	369,830
Infant Feeding Support	17%	135,830	230,520	241,910	193,800	202,810
Publishing Start for Life Offers and Parent Carer Panels	4%	31,960	54,240	56,920	45,600	47,720
	100%	799,000	1,356,000	1,423,000	1,140,000	1,193,000

- 1.5 The table above outlines a lower and upper range of indicative funding in the financial years 2023/24 and 2024/25. Once all Local Authorities delivering the programme have been confirmed through the formal sign up process, the DfE will calculate each Local Authority's relative population size, and at this point, will confirm the funding allocations for these years. Until such a time, exact spend cannot be confirmed. The proposed spending plan contained within the attached delivery plan has been calculated on the lower range of indicative funding confirmed by the DfE.

2. TAMESIDE'S PROGRESS TO DATE

- 2.1 In addition to the completion and agreement of the sign up form, Tameside Council has a well-established Family Hubs Steering Group that has the strategic and operational overview of delivery of the Programme in Tameside. The remit of this Group was described in the Executive Cabinet report dated the 26 October 2022.
- 2.2 The Tameside Family Hubs Programme Team and identified Lead Officers for the programme strands are working to a detailed project plan, in addition to the DfE delivery plan. At each Family Hubs Steering Group, Lead Officers provide a highlight report outlining progress. The Steering Group meets monthly demonstrating regular oversight.
- 2.3 A DfE Advisor has been identified for Tameside Council, with a local visit scheduled to take place on the 30 November 2022, during this meeting feedback will be sought and will be reflected in the final plan. Furthermore, Tameside Council was notified on the 25 November 2022, that they were successful in their application to have support from the Early Intervention Foundation in the planning and evaluation of the Programme.

3. DEPARTMENT OF EDUCATION DELIVERY PLAN

- 3.1 The DfE Delivery Plan at Appendix A, is a live document, evolving with the engagement of partner agencies being vital to the success of the Programme. It is therefore expected that the DfE Delivery Plan will be subject to change, before the deadline date provided by the DfE and thereafter.
- 3.2 As it stands the DfE Delivery Plan sets out, the following:
 - Tameside Council's current landscape in respect of Early Help and Best Start for Life Services, including outcomes from the Joint Strategic Needs Assessment;
 - Tameside's medium to long terms goals against the delivery of the Family Hubs and Best Start for Life Programme;
 - Tameside's SMART outcomes against the delivery of the Family Hubs and Best Start for Life Programme, aligned to minimum expectations and go further options of [Programme Guidance](#);
 - Tameside Council's planned activity and outputs against the delivery of the Family Hubs and Best Start for Life Programme;
 - Tameside Council's approach to partnership working and governance;
 - Tameside Council's identified risks and mitigations associated with the Programme delivery;
 - An outline of approximate costs associated with the Programme delivery.
- 3.3 The DfE Delivery Plan is due to be submitted to the DfE by the 31 December 2022.
- 3.4 As part of the terms and conditions of grant and to provide assurance that expenditure is in line with the grant determination letter, including agreed programme outcomes, there is a requirement to complete two financial returns per year.

4. PROPOSED SPEND AND COMMISSIONING INTENTIONS

- 4.1 Contained within Appendix C of the Delivery Plan (**Appendix A**) a table with more detailed approximate spend against the Programme delivery is set out. The table below summarises the specific commissioning intentions and recruitment proposals aligned to each strand of the Programme, some of which are specific to spend in 2022/2023 and others over the lifetime of the Programme. A further report will be produced to outline further commissioning intentions once specified in March 2023 as agreed by Cabinet in their meeting of 26 October 2022.

Family Hubs Programme and Capital Spend

Item	Brief Description	Spend Type	Amount			Comments
			Year 1 2022/2023	Year 2 2023/2024	Year 3 2024/2025	
Accessibility	Increase the capacity through current provider, Action Together to enable families to access community support.	Contract Variation	15,000	30,000	30,000	Working with STAR Procurement a variation starting January 2023 and ending on the 31 March 2025 is permitted over the 3 year period. The current contract with Action Together (£65,000 – annual value) provides the ability to apply a variation as it does not exceed 50% of the value of the contract, therefore does not require any tendering or procurement exercise. Monitoring of this additional capacity will continue through existing monitoring arrangements.
	Capital works to ensure Family Hubs are able to be accessed and can deliver the variety of support and services.	Capital Spend	39,950	57,800	47,000	Capital funding to enable adaptations and the purchase of large equipment to enable the delivery of the core offer from partners to families across the Family Hubs.
Investment within the Early Help Module (EHM)	To work with the current provider Liquid Logic to develop the IT capability within the Early Help Module to enable partners to access the case management system.	Programme Spend		15,000	15,000	The EHM is the case management system used within Early Help – This additional investment with our current provider Liquid Logic will allow for the required changes to enable access to the system by key partners. This is critical to increase the volume of early help assessments and for the monitoring of quality of assessments. The DfE programme stipulates the need for a single case management system for the partnership.
	Purchase computers/tablets to assist	Capital Spend		10,000	10,000	To support communities to access online resources and support at each of the Family Hubs.

	community access to IT at each FH and set up.					
Training and workforce development	Support the culture change and strengthen skills within the Family Hub workforce.	Programme Spend	3,000	6,000	6,000	<p>This offer would be developed alongside the implementation of the new thresholds framework and the current transformation work being undertaken in early help. We would build on the training and development offer we currently undertake with Tameside Safeguarding Childrens Partnership (TSCP) through identifying, sourcing and delivering training in response to developments in both external policy and internal service changes and need.</p> <p>Costs are split between various providers. All costs are below the threshold for tender.</p>
Project Lead (SUM 3)	Dedicated Head of Service resource to drive the programme and provide assurance through governance.	Staff Spend	54,800	95,600	97,500	Already in place.
Part Time (18 hrs) Project Officer (Grade G)	Dedicated resources to work with work stream leads to ensure progress is on track and to support reporting through governance and highlight any risks.	Staff Spend	8,000	20,000	20,500	Already in place.
Full Time Project Administrator (Grade D)	To provide dedicated business support for the programme.	Staff Spend	7,200	30,00	30,600	Recruitment commenced.

Full Time Data Analyst (Grade G)	To ensure the DfE requirements for reporting are fulfilled.	Staff Spend	6,600	41,400	42,200	Recruitment commenced.
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Parenting Support

Item	Brief Description	Spend Type	Amount			Comments
			Year 1 2022/2023	Year 2 2023/2024	Year 3 2024/2025	
Solihull Parents License	To purchase a 3-year license enabling families to access a range of courses termed 'Understanding Your Child'.	Programme Spend	20,000			University Hospitals for Birmingham are the only supplier.
Solihull Professionals License	To purchase a 3-year license enabling professionals to access a range of courses including: <ul style="list-style-type: none"> • Understanding Trauma • Understanding Attachment • Understanding Brain Development 	Programme Spend	12,375			University Hospitals for Birmingham are the only supplier.

Training	To refresh training for practitioners delivering the Solihull approach, including the '2 day foundation course' and 'train the trainer'.	Programme Spend	11,000			University Hospitals for Birmingham are the only supplier.
Training	To increase the number of practitioners trained to deliver the evidence based Mellow Parenting Programme.	Programme Spend	16,000			Mellow are the only supplier.
Parenting Co-ordinators (Grade F)	To recruit to 2.0FTE Parenting Co-ordinators (Grade F) to increase the capacity to develop borough wide offer and enable sustainability.	Staff Spend		72,500	73,900	

Parent-Infant Relationships and Perinatal and Parent Infant Mental Health (PIMH)

Item	Brief Description	Spend Type	Amount			Comments
			Year 1 2022/2023	Year 2 2023/2024	Year 3 2024/2025	
Launch of the coproduced resources - 'Your Baby and You', and development of phase 2 - 'Your Toddler and You'.	Launch and roll out of 'Your Baby and You' resource and a contribution towards the development of 'Your Toddler and You' resource.	Programme Spend	18,000			This funding is split into smaller envelopes covering the costs of design, print, resources, a launch event, digital asset development and content development. Costs are split between various providers. All costs are below the threshold for tender.

PIMH capacity to be integrated into the HomeStart Peer Support Service.	To increase the capacity within the HomeStart 0-5 Peer Support Service by increasing the number of paid peer supporters to support families where needs of mild to moderate PIMH impacted by the cost of living has been identified in the Service.	Contract Variation	25,000			<p>HomeStart HOST are the current provider and are commissioned at an annual value of £125,000. The current contract started on the 1 April 2022 and is due to end on the 31 March 2025. The overall contract value is £375,000.</p> <p>Working with STAR Procurement a variation of £25,000 starting from the 1 January 2023 and ending on the 31 March 2023 is permitted.</p> <p>STAR Procurement are engaged, and this variation is permissible as it is less than 50% of the overall contract value.</p>
Training	To refresh the evidence based training - Newborn Behavioural Observations (NBO) and Neonatal Behavioural Assessment Scale (NBAS) for Health Visiting.	Programme Spend	5,000			<p>Brazelton Centre UK are the only supplier of this training.</p> <p>The costs associated with the training are below the threshold for tender.</p>

Infant Feeding Support

Item	Brief Description	Spend Type	Amount			Comments
			Year 1 2022/2023	Year 2 2023/2024	Year 3 2024/2025	
Breastfeeding Peer Support Service	To review, remodel and expand the Service by increasing the number of paid peer supporters to ensure reach into each of the Family Hubs, and further build on the programme of work to develop Tameside into a breastfeeding welcome borough.	Contract Variation	57,355	55,000	55,000	<p>HomeStart HOST are the current provider.</p> <p>Working with STAR Procurement a variation of £110,000 over 2023/24 and 2024/25, starting on the 1 April 2023 and ending on the 31 March 2025 is permitted as it is less than 50% of the contract value.</p> <p>Please note this Service is joint with Oldham MBC, with Tameside MBC as the lead Commissioner, therefore the value of the variation may change subject to Oldham MBC's intention. However, the contract variation will remain 50% less than the overall contract value.</p>
Social Marketing Campaign	To launch the 'Breastfeeding Victories' Campaign, co-produced with local parents.	Programme Spend	15,000			<p>This funding is split into smaller envelopes covering the costs of design, print, resources, digital asset development and content development.</p> <p>Costs are split between providers including 438 Marketing and Tameside MBC's design and print team. All costs are below the threshold for tender.</p>
Purchase of Breast Pumps	To support people who breastfeed to express and aid milk supply, enabling maintenance rates.	Programme Spend	5,000			All costs are below the threshold for tender, however, relevant searches will be made to ensure quality and value for money.
Programme Co-ordinator (Grade I)	Lead Officer 'start-up cost' for the Infant Feeding and PIMH Programme strand.	Staff Spend	34,154	57,000	58,200	The cost is split across the Infant Feeding and PIMH strand. 75% PIMH and 25% Infant Feeding.

Project Support (Grade G)	Support Officer 'start-up cost' for Infant Feeding.	Staff Spend	14,417.60			
Communications Officer (Grade H)	<p>The recruitment of 1.0FTE Senior Communication Officer to develop and lead the delivery of a Communications Plan for the Programme.</p> <p>This is where the Social Marketing Campaign would be managed.</p>	Staff Spend	6,600	48,500	49,500	The cost is spilt across the Infant Feeding and the PIMH strand. 75% PIMH and 25% Infant Feeding.

Home Learning Environment (HLE)

Item	Brief Description	Programme Spend	Amount			Comments
			Year 1 2022/2023	Year 2 2023/2024	Year 3 2024/2025	
Home Learning Co-ordinator (Grade F)	Recruit to 2.0FTE (Grade F) posts to develop capacity across the Family Hubs to develop a HLE offer for families These posts will work with partners including Voluntary Sector to develop a range of accessible HLE opportunities through the Family Hubs that complement and promote the home learning. The posts will work both with professionals and families in the coproduction of this offer delivering both a physical and virtual resource.	Staff Spend		72,500	73,900	The costs for these posts are based initially on a Grade F. The current cost is based on guidance provided by finance colleagues and is in line with similar existing roles. However this will be subject to job evaluation as these will be new posts.
Resources for families	Print of the co-produced home learning cards to support families with activity they can support their child's development.	Programme Spend	6,000			All costs are below the threshold for tender. Funding will be spent via Tameside MBC's design and print team.

Make it Real	Train school staff, Private/ Voluntary/ Independent (PVI) childcare staff and Early Years Workers in 'Make it Real'.	Programme Spend	10,000			Training in Making it Real has been a programme Tameside has invested in through schools that supports staff to engage parents in their children's early literacy development. Evaluation has been shown to improve children's outcomes and help to narrow the gap between disadvantaged and other children.
	Dedicate funding to resource improvement e.g. physical materials, parenting support video clips to develop the virtual offer across the neighbourhoods.	Programme Spend	5,000			Learning from COVID-19 has allowed us to be more creative in our virtual offer for parents and families. Feedback has told us that the online offer of videos, pre-recorded learning opportunities have been both welcomed and beneficial for all. We intend through an in-house model with the communications team extend and develop this further to ensure our offer across all strands is accessible for all. All costs are below the threshold for tender and will be delivered in-house.

Parent and Carer Panels & Publishing the Best Start for Life Offer

Item	Brief Description	Spend Type	Amount			Comments
			Year 1 2022/2023	Year 2 2023/2024	Year 3 2024/2025	
Establish and deliver Parent Carer Panels	Extend current provision to establish and maintain the Parent and Carer Panels.	Contract Variation	30,000			To work with Action Together to establish purposeful and proactive parent carer panels. To ensure this is developed, maintained and sustained investment is planned across the course of the programme for a dedicated resource that will provide the insight we need to understand what parents, carers and their families need from this service. The investment will provide support initially to establish the panel and then enable robust training, development, mentoring, coaching and supervision for all parents and

						carers involved to ensure longer term sustainability of the panel to establish it as an ongoing resource. It will also fund the means by which we capture, understand and disseminate information gleaned through the panels against which we can make decisions on the design and running of the service.
Best Start for Life Physical Resource.	To meet the minimum requirements on the Programme, a physical resource is to be designed and printed.	Programme Spend	10,000			All costs are below the threshold for tender. Funding will be spent via Tameside MBC's design and print team.
Social Media and Media Costs to promote the Best Start for Life Offer before the Family Hubs open by March 2023.	Costs associated with the media cover to promote the Best Start for Life Offer, co-ordinated by Tameside MBC's Communication Team.	Programme Spend	5,000			All costs are below the threshold for tender and will be delivered in-house.

- 4.2 Joint work with STAR procurement has been ongoing throughout the development of the DfE Delivery Plan and associated commissioning intentions. Where relevant, a Project Initiation Document (PID) will be completed, as well as contract variations.

5. CONCLUSION

- 5.1 Tameside Council and partners have now had formal approval of the sign up form from the DfE and are now required to submit a delivery plan by 31 December 2022 on a template provided. The DfE Delivery Plan has and continues to be developed in partnership with members of the Family Hubs Steering Group, and therefore it is important to acknowledge the detail in the plan is subject to change. Tameside Council and its partners are committed to deliver the full expectations of the Family Hubs and Best Start for Life Programme and are working closely with the DfE Advisor, and the Early Intervention Foundation.

6. RECOMMENDATIONS

- 6.1 As set out at the front cover.

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Tameside Metropolitan Borough Council
Family Hubs and Best Start for Life Delivery Plan

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Section 1a – Current Landscape

Please set out the current position of your Local Authority's (LAs) Early Help and Public Health services for children and families' and outline your local population needs to provide context for why change is needed.

This should include:

- An assessment/description of the extent to which you are currently meeting the minimums and go further (i.e. the current maturity of your system delivery and current Start for Life service offer) - and any steps taken to date to transform towards a family hubs model
- The strengths of your present service model

This must include:

- A description of how services are currently delivered, highlighting each of the programme's funded strands (i.e. family hubs, parenting support, infant feeding, perinatal mental health/parent-infant relationships, home learning environment support, parent-carer panels and publishing your Start for Life offer) - you may find it helpful to use subheadings for each strand
- A description of your existing provision, including number of children's centres/family hubs and what services are currently offered from them, and how they're delivered
- The areas that need development, or gaps/inequalities with your current service delivery - i.e. what you will be targeting with the funding – this should then link to the changes that you aim to make (section 1b and 1c)

Remember to include information on all of the elements that are receiving additional funding: family hubs, parenting support, perinatal mental health & parent-infant relationship support, infant feeding support, home learning environment support, parent-carer panels and publishing your Start for Life offer.

30% of the Tameside population is aged 0-24 years, with the number of children and young people living in area increasing year on year, approximately with 2,400 births per year. In general, health outcomes for children in the borough are worse than the average in England. This is in particular relation to school readiness, oral health, breastfeeding, obesity and hospital admissions (mainly relating to asthma), as well as significant challenges with the number of children who experience adverse childhood experiences, such as direct or indirect abuse or neglect. A high level JSNA for children and young people in Tameside can be found here:

<https://www.tameside.gov.uk/TamesideMBC/media/PublicHealth/CYP-JSNA-final-report.pdf>

Public Health commission a range of services in Tameside, including Health Visiting, Infant Feeding Co-ordinator, School Nursing, Family Nurse Partnership and a Children's Nutrition Team. All these services are delivered by Tameside and Glossop NHS Integrated Care Foundation Trust. Public Health also commission Pennine Care for the Early Attachment Service, with a primary focus on Parent Infant Mental Health.

Public Health commission in the voluntary and community sector, specifically for our Breastfeeding Peer Support Service, our 0-5 Core Peer Support Service and the Children and Young People's Mental Wellbeing Community Offer. The health improvement service such as smoking cessation support is delivered by Tameside Council, which includes the 0-5 Oral Health Programme. Sexual health services are delivered by Locala and our drug and alcohol service by Change, Live, Grow. Public Health also contributes to the commissioned delivery of Children's Centres (6 centres in Tameside) offer and outcomes, for example, the Speech, Communication and Language pathway. Many of these partners, co-delivery on pathways, share workforce development, such as the Solihull approach, and collaborate through strategic and operational partnerships on a neighbourhood level. These partnership and services, together make up our 'Best Start for Life' Offer, which we term 'Grow'.

Tameside have an Early Help model that describes how services are set up in the Borough. Requests for support come through the Early Help Access Point, which is co-located with the Multi-Agency Safeguarding

Hub (MASH). Requests are screened in order to identify the level of support required for each individual family. There are several pathways for support including, Team Around the Setting (TAS), Parenting, Early Years Children Centre GROW offer, Family Intervention Workers (FIW), Neighbourhood Coordination support, as well as wider early help support through the voluntary and community sector.

The family intervention services are neighbourhood based in each of the four localities (As illustrated in Appendix A). The teams work closely with key partners to build a team around the family approach – this includes voluntary sector, Early Years, CAMHS, Job Centre plus and Active Tameside and work with families 0-19 (25 with SEND). The FIW take a lead on Early Help Assessments (EHA) delivering evidence-based interventions within our Signs of Safety (SOS) model of practice.

There is a workforce development plan across the partnership for training in SOS and the Solihull parenting approach. There is also a neighbourhood team that are neighbourhood based and linked to schools within the area, the team delivers support to partners through TAS to undertake early support with families at the earliest opportunity and initiate an EHA. Families identified as having more complex needs are referred to the multi-agency Early Help panel for allocation.

Tameside already have Early Help teams working with families 0-19 (25) based in each of the four neighbourhoods and this will be strengthened through the Family Hub implementation across the partnership.

Tameside's overall service model is strong in its sense of leadership, partner commitment, passion and expertise, as well as the implementation of evidence based programmes and a well-established voluntary sector offer. Weakness to the model, is lack of co-location with and between partners, as well as limitation is what digital system permit, for example, lack of data sharing.

The areas of development, include build on, and increasing the capacity in existing provision, but broadly to improve system and enablers to integrated working (Please see section 1b and 1c for more information).

Section 1b – Medium to Long-Term Goals

Please set out the overall medium- to long-term goals that you want to achieve for your local authority using the Start for Life and Family Hubs funding. This section should outline what your goals are at a strategic level, what change you want to see and how the experience for families will be improved.

Please note, we expect to see reference to each of the funded strands for the programme in your answer.

This must include:

- A description of your overall vision for the programme, including details of all the funded strands for the programme i.e. family hubs, parenting support, perinatal mental health and parent-infant relationship support, infant feeding support, home learning environment support, parent-carer panels and publishing your Start for Life offer

Family Hubs

Tameside has an established Neighbourhood Early Help offer that has been developed across the partnership. There are four neighbourhoods, North, South, East and West that have key locations within each.

The four designated Children Centres currently have Early Years, Health, CAMHS, SEND, JC+ advisors, Community sector champion and Family Help teams collocated and delivering in each. We are looking to develop this model further through utilising data information sharing systems and consultation with families to implement the Family Hub model. This is being mapped with partners across statutory and VCSFE services and communities to include face to face, outreach, and virtual access for families. This will enable greater access to families across each neighbourhood.

We are working to build upon the model and utilise community, library and leisure building which will increase opening to 7 days per week and accessibility later in the evening and reduce stigmatisation.

The goal is to develop further the collocation of teams so services are better connected and informed within each of the four Family Hubs and to ensure there is a clear and simple way that families can access help and support at a local level.

The change we want to see is that families feel they can easily access services in a supportive and non-stigmatised way and that there is evidence of increased access to early help services. Furthermore, we aim to see evidence that communities are receiving support the right time. We want to see more families accessing support through the Family Hubs and that more practitioners are confident in their delivery across the partnership.

Parenting Support

Tameside has a well-developed parenting offer that has been developed alongside a five-year plan as set out in the Parenting Strategy. Tameside's goal together with strategic partners and parents is to review the strategy to build on the successes and identify further areas for development such as aligning more closely to Tameside's perinatal and PIMH integrated pathway. In turn, the funding will enable Tameside to expand the current offer by building on evidence based interventions (Solihull, Mellow and Riding the Rapids) both physically and virtually, as well as include areas such as workforce development through training, consultation and reflective supervision. Are goal is to build capacity to enhance peer-support networks, access to a key contacts and support for a greater range of targeted outreach interventions. Working within the heart of the community, we will build a parenting offer that is trauma informed and relationship focused, better attuned to demographics, and inclusivity for all minority and hard to reach families, taking into consideration SEND gaps to delivering the right support at the right place (physical and virtual) and time.

The change we want to see is that families feel they receive tailored and evidence based support, and feel confidence in parenting their child. We want to see more families accessing support through our offer and that more practitioners are confident in their delivery.

Perinatal and Parent Infant Mental Health

Tameside has demonstrated specialist perinatal and parent infant mental health (PIMH) services, that are strengthened through integrated working and strong partnerships with the Voluntary Community and Social Enterprise (VCSE) sector. These services benefit all families with mild to moderate need and those at greater risk. Our goal is to strengthen, expand and build on existing developments throughout our emerging integrated pathway. Ensuring expertise is embedded through training, consultation, co-location and joint delivery. Upskilling our workforce and communities to deliver a seamless offer for families in person and virtually as well as expanding capacity to provide consistent evidence based support. Championing and expanding peer support is crucial, working within the heart of the community, we want to offer improved partner support and better outreach and attunement to demographics, to ensure inclusivity for all minority and underrepresented groups.

The change we want to see is that families feel they are able to access early support in their community without stigma and support for perinatal and parent infant mental health is embed across the system as a 'make every contact count' approach. We want to see more families accessing support through our offer and that more practitioners are confident in their delivery, ensuring the experience is evidence based and consistent.

Infant Feeding

Tameside has a well-established Infant Feeding Programme managed via the Infant Feeding Management Group, including a Breastfeeding Peer Support Service. However, Tameside rates are below England average. It is Tameside's goal to develop a Strategy outlining Tameside Infant Feeding Plan, and in particular, increase capacity in our maternity unit and our healthy child programme to deliver whole workforce training and one to one family support aligned to the Baby Friendly Initiative, as well as reduce waiting lists for frenulotomy, and outreach to our underserved communities. Our goal is also to expand the Peer Support Service by enabling wider options of access, and increase capacity in our schools, social marketing and breastfeeding friendly communities programme. The funding would support increased capacity to enable tailored antenatal education both physically and virtually to our underserved populations including Dads, young parents and ethnic minority groups.

The change we want to see is that more families see breastfeeding as the norm, and more babies are breastfed, whilst those who formula feed are led by evidence to increase responsive feeding and skin-to-skin. We want our services to be consistent in their support and advice to parents. We want to see more families accessing support through our offer and that more practitioners are confident in their delivery, ensuring the experience is evidence based and consistent. We want families to have a positive infant feeding journey and celebrate their achievements, we want their experiences to be stigma free, and be able to access support and advice as early as possible.

Home Learning Environment

Tameside has a growing early language and home learning environment offer, including speech, language and communication (SLC) pathways within the children centres, digital support via our best start for life offer (called Grow in Tameside), and through our educational settings such as Private Voluntary and Independent settings (PVI) and schools. This offer is shaped by a range of partners and expertise including speech and language therapists.

Our goal is to ensure that HLE support is available universally for all local parents and families by building on and developing the current offer as well as identifying additional evidence-based interventions to support the HLE. Alongside a face-to-face offer delivered within family homes and the family hub we will also have an HLE offer through a variety of online platforms that are accessible and easily navigated. To

work with partners including the VSFE to develop a range of accessible HLE opportunities through the family hubs that complement and promote the HLE offer. The offer will be delivered through a range of services and partners to ensure families receive have access to a wide selection of HLE opportunities and experiences dependent upon their individual needs and preferences. In turn we hope to see parents who have the skills, knowledge and confidence to support and encourage their child's learning at home and see positive effect it has on their development, thus leading to happier, healthier children ready for school.

Parent Carer Panels

Tameside had developed a coproduction framework called 'LISTENing', which primarily seeks to involved children and young people in the commissioning and development of services on a population and individual level. Tameside's goal is to develop this further with parents and carers of young children (0-2) and develop panels by building on existing partnerships within the borough (for example the Maternity Voices Partnership). Tameside's goal is to ensure that parents and carers outside of the panels will have their voices heard, and that they are supported to be involved in multi-layer business planning. Tameside has already enabled parents and carers to co-produce services, such as the Breastfeeding Peer Support Service. Tameside intends to build on existing engagement tools, such as the Partnership Engagement Network (PEN) conference and the Big Conversation platform.

The change we want to see is that more families are able to feed into system and service development and improvements through co-production approaches. We want families experience to positive so they tangible change they suggested through the panels and wider means.

Start for Life Offer

Tameside has an established Start for Life Offer called Grow in Tameside which was co-produced with local families. This offer is well embedded across health and education. Tameside's strategic goal is to develop and delivery a strong communications plan that will expand over social media platforms and coverage via several key partners within Tameside, and will also include the development and provision of physical resources that are provided universally. We will also bring together a campaign that connects our Grow Offer with the Local Offer and Family Information Service (with improvements to be made in the navigation of the Local offer and Family Information Service). Finally, Tameside has good relationships with neighbouring authorities (as well as across Greater Manchester), and so we aim to ensure that information is accessible for those living 'on the boarder'.

The change we want to see is that families feel they can easily access information and guidance, that is evidence based and trusted. We want their experience to be easy access, easy to navigate, easy to understand and is up to date. We want to see more evidence based messages and promotion of services and Family Hubs through our virtual platforms, but also through practitioners and physical resources.

Section 1c – Programme Delivery Outcomes

Please set out the outcomes that you want to achieve for each of the programme delivery strands (family hubs, parenting support, perinatal mental health and parent-infant relationship support, infant feeding support, home learning environment support, parent-carer panels and publishing your Start for Life offer) over the length of the programme.

This should reflect your goals outlined in section 1b, including where you'll be meeting the minimums and go further based on your starting point in section 1a, and show the change that you want to make as a result of the programme.

Using the table below, please ensure that you reference the following when providing your answer:

- Programme objectives outlined in the Programme Guide (pages 9-18)
- Delivery Areas and Key Criteria outlined in the Family Hub Model Framework (Annex E), and Family Hubs Service Expectations (Annex F, which includes those areas not directly funded through the programme, for example Maternity, Health Visiting, Birth Registration or Oral Health Improvement)
- Funded services: delivery expectations (pages 33-51) of the programme guide and Annex H-L

Please use SMART targets as far as possible to articulate your intended outcomes.

- Specific – clear, precise and unambiguous
- Measurable – how will success be demonstrated either in quality or broad quantity (i.e. improved, reduced, more, not necessarily specific percentage changes)
- Achievable – will be realised within programme delivery
- Relevant – there is a clear connection to achieving your medium- to long-term goals above
- Timely – shows good progression over the programme duration and not all to be completed by programme end

Overarching Programme Delivery	Delivery Area & key Criteria	Programme Delivery Outcomes
	<p>Delivery area: Access</p> <p>Key criteria 1 There is a clear, simple way for families to access help and support through a hub building and approach.</p>	<p>Each Overarching Programme Delivery area will have detailed project plan and assigned lead which will sit underneath the DFE delivery plan</p> <p>1.1 Comms, information and brand</p> <ul style="list-style-type: none"> • By April 2023 there is an identified Family Hub branding which clearly identifies the 4 Family Hubs in Tameside for families with children and young people. By 2025 there will be data to inform how families access the information around Family Hubs – social media / website via survey links. <p>1.1 Single access point</p> <ul style="list-style-type: none"> • By April 2023, there will be 4x Family Hubs established and open. • By March 2024, there will be a blended offer across each neighbourhood for families and young people. <p>By June 2023 there will be a singular Early Help And Safeguarding Hub (EHAS) including Families Information Service/ MASH and Early Help Family Hub information.</p> <ul style="list-style-type: none"> • March 2025 Family user data will be used within each neighbourhood to plan and develop services ongoingly to meet local needs.

<p>Family Hub Transformation</p>		<p>1.2 Outreach</p> <ul style="list-style-type: none"> • By April 2023, Tameside will continue to have, HomeStart / Health Visiting/ Portage outreach linked to the Early Help teams based at each Family Hub. • By Dec 2023, Tameside will implement practice standards and referral processes from universal services (HV) to ensure home visiting outreach for our most vulnerable families. • By October 2023, each Family Hub will have parent carer forum to feed into access and inclusion. • Each Family Hub will link to the health services and Action Together (voluntary sector) to evaluate use and accessibility to targeted groups. <p>1.3 Family Friendly Culture</p> <ul style="list-style-type: none"> • By December 2023, each Family Hub will have data available to include demographical data at a neighbourhood offer. • There will be an agreed data dash board in place that will gather evidence of reach, sustained engagement and access numbers and user feedback and satisfaction. <p>1.4 Accessibility and equality</p> <ul style="list-style-type: none"> • 2025 - All 4 Family Hubs will have a universal offer through healthy child programme/ midwifery/ youth being delivered at each hub. • Each of the four neighbourhoods will have community buildings that offer a range of services to minimise stigma. This includes birth registrations, leisure facilities, library services etc. • Tameside’s offer currently is both virtual and face-to-face – this will continue to be developed and coproduced with families and communities. • By 2025, each family hub will be open 7 days per week and evenings. <p>1.5 Going beyond the Start for Life and 0-5</p> <ul style="list-style-type: none"> • By March 2023, Tameside will have 4 family hubs identified and operating across the Borough. This will be extended upon the current offer of 4 key Children Centres and colocation of Early help, voluntary sector and Early Years staff where the midwifery and Healthy child programme is already delivered. • There is already a workforce development plan and model of practice – SOS/ Solihull etc for staff and partners and this will be extended across the reach by Dec 2023 • In Tameside we have several websites and information for professionals and families around services including FIS/ Service Information Directory / Local Offer and voluntary and community offer
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		<p>which we are reviewing and working with families to coproduce an accessible platform.</p> <ul style="list-style-type: none"> • By March 2025 Tameside will have fully operational Family Hubs that will be delivering a range of Early Help services in each neighbourhood including, sexual health service, welfare rights, family support etc.
	<p>Delivery area: Connection</p> <p>Key criteria 2 There are services working together for families with a universal ‘front door’, shared outcomes and effective governance.</p>	<p>2.1 Co-location</p> <ul style="list-style-type: none"> • Some services are currently collocated within the neighbourhoods and we are currently undertaking a review to develop this and strengthen this further by March 2024 with Children Social Care/ Early Help/ Health Services Voluntary Sector / leisure and libraries. • The hub and spoke model being developed in Tameside will ensure the environment within the family hub is appropriate to different age groups and resources are appropriately located to take account of different users’ needs and accessibility by offering outreach, virtual and a physical offer across each of the four neighbourhoods. • Currently Tameside are undertaking a review of their front door arrangements and by June 2023, there will be a fully integrated Early Help and Safeguarding Hub (EHASH) in place developing a stronger early help framework and pathway for families and neighbourhoods linked into the Family Hub model. <p>2.2 Governance & Leadership</p> <ul style="list-style-type: none"> • There is a multi-agency Family Hub Steering Group in place chaired by the Assistant Director for Early Help and Partnerships. The Steering Group is closely linked to, strategic oversight of other core functions of integrated early help, such as Supporting Families, aligning the current refresh and review of the Early Help strategy and thresholds we are undertaking in Tameside. • There are clear alignments and governance through to Tameside Children’s Safeguarding Partnership and Starting Well Strategic Partnership and Health and Wellbeing Board. <p>2.3 Commission & Funding</p> <ul style="list-style-type: none"> • Tameside currently have some singular agency commissions and some joint – the development of a single commissioning arrangement is in development and is part of the Family Hub project plan – this will include working across the partnership to pool resources and redesign services to develop a joint commissioning plan around the family hubs for budget setting 2024 and beyond. <p>2.4 Outcomes</p>

		<ul style="list-style-type: none"> • April 2023 - Services that are part of the family hub network share a local theory-of-change and population level and/or cohort outcomes framework. Measurement of family level outcomes through the Supporting Families programme feeds into local population level outcomes. There is commitment to develop this further. <p>2.5 Evidence led practice, evaluation and quality improvement</p> <ul style="list-style-type: none"> • By June 2023, we will have a workforce development plan in place using evidence-based approaches. • Utilising the parent panels and forums and virtual platforms there will be regular reviews and evaluations of practice to be shared at the strategic FH Board to improve and develop practice. • Each neighbourhood will continue to have Neighbourhood learning circles where good practice / reflection/ data / themes can be discussed and developments and priorities agreed – this is already in place and will be expanded in each neighbourhood.
	<p>Delivery area: Connection</p> <p>Key Criteria 3 There are professionals working together, through co-location, data-sharing and a common approach to their work. Families only have to tell their story once, the service is more efficient, with safeguarding at its core, and families get more effective support.</p>	<p>3.1 Data sharing</p> <ul style="list-style-type: none"> • This is currently underway and awaiting Data Protection Impact Assessment sign off for the Early Help Module to be utilised and a platform for partners to access and input Early Help Assessments onto. • There is senior commitment and a strategic dialogue underway to improve data-sharing to benefit the family hub through existing agreements amongst education, health and social care partners. <p>3.2 case management</p> <ul style="list-style-type: none"> • There is a case management system in place for recording – Early Help Module – accessibility to this across the partnership is currently being worked on. • There are weekly multi agency Early Help panels and Team Around in place with written consent from families for the sharing of information between partners to assess need and develop the support plans and key leads – this is all recorded on the Early Help Module. <p>3.3 Common assessment</p> <ul style="list-style-type: none"> • There is an agreed Early help Assessment in place for all partners to use • Each area have neighbourhood coordinators and EHA advisers to support and audit and look at quality and training needs. This ensures individual case-level monitoring and impact, using valid and reliable measurement tools in Supporting Families Outcomes

		<p>Plan and effective closure support to services with key connections , including tracking over time of paths between family hub and wider universal or specialist services.</p> <ul style="list-style-type: none"> Practitioners across all agencies in the family hub network use the EH panel as the agreed approach to ensure effective targeting and support is in place. <p>3.4 Safeguarding</p> <ul style="list-style-type: none"> Tameside have a clear agreement and training programme for partners in place that all agencies access. There is oversight through the TSP and the training unit There are information sharing pathways in place across the partnership to support safeguarding and information sharing protocols in pace between all partners through EH panels – team around and the front door (Early Help Access point and MASH).
	<p>Delivery area: Connection</p> <p>Key Criteria 4 Statutory services, the community, charities, and faith sector partners are working together to get families the help they need.</p>	<p>4.1 Partnerships and colocation with VCFSE sector</p> <ul style="list-style-type: none"> Tameside have a developed model of partnership working with strong partnerships across the Vol sector. There is a dedicated person who is collocated within the teams to support access to families within the community. There is representation from the Action Together organisation in Tameside representing the VCSFE sector at the front door, EH panels and TAS – this ensures signposting and support for families to access early help and community offer. <p>4.2 Integration and connection</p> <p>4.3 Community ownership and co-production Tameside have an Early Help model which supports the join up and team around the family approach with a key worker model.</p> <ul style="list-style-type: none"> The TAS supports the join up of education and EH and Health alongside other key partners and this will be enhanced and developed across the partnership by Dec 2023 to ensure integrated referral pathways are in place and VCSFE sector are fully embedded into the Family hub offer . Parent panels will be established by June 2023 to support the development and coproduction of the FH model and pathways moving forward. By Dec 2023 there will be regular established user feedback and evaluations in place to improve and develop further.
	<p>Delivery Area: Relationships</p>	<p>5.1 Whole-family, relational practice model 5.2 Training and development</p>

	<p>Key Criteria 5 Family hubs prioritise strengthening the relationships that carry us all through life, and building on family strengths, recognising that this is the way to lasting change. This idea is at the heart of everything that is done.</p>	<p>Each Family Hub will have staff trained in Every Contact Counts and families will have a consistent point of contact through the Key worker approach in each neighbourhood.</p> <p>All staff will have SOS training and systems will have up to date accessible information on the Local Offer and Community activities by 2025.</p>
	<p>Family Hub Wider Services (including 0-2 age range)</p>	<p>Tameside have a strong foundation to build the family hubs on, currently there are four neighbourhood centres in each area that offer family support 0-19 (25 SEND) through the Family Support teams based there. The FIW are all trained in various programmes around Domestic abuse and Reducing Parental Conflict. This will continue and be part of the workforce development upon the launch of Tameside's Family Hub in March.</p> <p>Each Family Hub already have Early Years activities from universal to targeted, Healthy Child programme delivered, midwifery, mental health support advisors from JC+ . There are strong links with youth, leisure and the voluntary sector.</p> <p>Supporting Families, currently fund Employment Advisor that are co-located and provide employment and welfare advice, and signpost to national and local debt services</p> <p>There are strong links to the Action Together organisation (VCS) with a worker co-located on site to offer community access and support.</p> <p>By March 2025 there will be a developed offer through collocated multi agency teams building on the current collocation to include Health Visitor, Social workers and police. Over the next 12 months there is plan to consult with communities to widen the accessibility of birth registrations within each neighbourhood.</p> <p>Each of our intervention teams based at the centre are trained in domestic abuse and each team have a champion. There are programmes of support already offered through the centres which includes Freedom Programme and linked to the Domestic Abuse strategy within Tameside.</p> <p>Building upon the Early help and Tameside Early Years Grow website we are developing this further and by June 2023 there will be an online resource that is accessible for parents,</p>

		<p>professional and young people informing of the Local Offer, universal services and access to information and advice.</p> <p>Tameside already have a Health and Active programme working with a key leisure provider and schools which is built on the HAF funding – Fuel 4 Fun, the Family Hubs will be strongly linked to this and promote the nutritional advice and menu cards and access healthy activities to ensure families and staff are aware of healthy lifestyles and nutritional advice. This is available online through the Fuel 4 Fun website.</p> <p>All centres will continue to provide advice and support to parents and carers on keeping children’s mouths healthy (diet, oral hygiene, fluoride).</p>
Funded Services	Parenting Support	<ul style="list-style-type: none"> • There is increased confidence in staff and partners in their referrals to various parenting support services and courses. • Parents feel confident where to access information and services, in person or online. • There is an increase in the number of partners in delivering and co-delivering a range of parenting courses.
	Parent Infant Relationships and Perinatal Mental Health Support	<ul style="list-style-type: none"> • Staff are confident in providing high quality and evidence based support to parents/carers with their mental wellbeing during the perinatal period and beyond. • Family have access to arrange of support interventions including a Peer Support Service in their community offering both physical and virtual means of support. • More families from under-served populations are support through the services and interventions, including Dads and Co-parents. • There is addition capacity in the Early Attachment Service to support families with moderate needs, aligning to the Parent Infant Mental Health Pathway.
	Early Language and the Home Learning Environment	<ul style="list-style-type: none"> • More children are accessing HLE opportunities. • Evidence shows that there is satisfaction with the services. • More staff across all partners skilled within delivering HLE and completing early language assessment tools.
	Infant Feeding Support	<ul style="list-style-type: none"> • Tameside and Glossop Integrated Care Foundation Trust have achieved Baby Friendly Accreditation, in the acute and community sector. • Staff are confident in supporting parents with their infant feeding journey, and advice is consistent and evidence based. • Tameside is a breastfeeding Friendly Borough, evidence through educational programmes, friendly spaces, and celebrating the small wins, ensuring stigma is reduced.

		<ul style="list-style-type: none"> • There is additional capacity in the Breastfeeding Peer Support Service to align to the Family Hubs model. • More families from under-served populations are supported through the services and interventions, including Dads and Co-parents.
	<p>Parent and Carer Panels</p>	<ul style="list-style-type: none"> • Tameside have greater clarity on what Parents/Carers and their families need from the Family Hub and start for Life model • There is increased awareness of the existence and opportunity to partake in parent-carer panels in the community. • There is ongoing communication between Tameside and parents - including opportunities to ask questions, to receive feedback. • Tameside have greater understanding of the different perspectives within different groups and neighbourhoods and to use – and this drives the entire approach to parenting services. • The Panel is representative of our communities.
	<p>Publishing the Start for Life Offer</p>	<ul style="list-style-type: none"> • Families can easily find and navigate the Start for Life Offer including information about services, online or physical. • Families are aware of the Start for Life Offer through the universal provision of a physical resource. • The Start for Life Offer is better connected with the Local Offer and Family Information Service. • The Local Offer and Family Information Service is improved through co-production with families; • The Start for Life Offer is on-goingly promoted through a strong partnership communication plan, utilising social media platforms to communicate key messages and services with families; • The Start for Life Offer is communicated well with under-served populations.

Section 2 - Programme Activity and Outputs

Please set out how you will achieve the goals and outcomes detailed in section 1 by giving a high-level outline of the activities and outputs required over the 3 year programme* to meet these and associated costs (where exact costs are not yet known please provide approximations).

Please provide outputs which demonstrate how you plan to meet both the minimum expectations and your chosen go further options from the Programme Guide for each delivery area. You may wish to use subheadings to set this out clearly for each strand. This should include the detail beneath this which sets out the activities required to deliver those outputs, including but not limited to workforce recruitment, training, and data sharing improvements. A new drop-down facility in this section has been created to improve read across between tabs. This allows you to select the outcomes from section 1c and associate them with specific activities and outputs. We have provided two outcome columns, the second is optional, where one output attaches to multiple outcomes.

Trailblazer LAs should demonstrate how they will meet additional delivery expectations.

* we understand that your longer-term milestones will be more uncertain than the nearer term ones and may be revised in light of your early work on planning and needs assessment. Your delivery plan should capture your ambition and will act as a live document which we expect will iterate over time, with changes discussed and agreed with your Regional Delivery Assurance Leads. We will also build in official touch points throughout the programme to ensure plans are sufficiently developed ahead of future funding releases.

This must include:

- A description of planned activity, outputs and costings [this should link to information provided about the minimums and go further that you will be focussing on, showing how you will deliver them and the change in order to meet your outcomes/goals]
- Alignment with the programme vision and objectives, including appropriate use of funding which aligns with the programme aims and intended audiences (e.g. 3-4 year olds for home learning environment support)
- All of the services funded in the programme (family hubs, parenting support, perinatal mental health and parent-infant relationship support, infant feeding support, home learning environment support, parent-carer panels, publishing your Start for Life offer)
- Description of activity, milestones and costings for year 1 which is clear and appropriate
- A description which is clear on how your local authority and partners will develop and firm up activity and costings for years 2 and 3 of the programme, if this is not yet determined - including the 'go further' that will be taken forward, or the steps that will be taken to determine this

Please see Appendix C for table.

Section 3 - Family Hub Opening Milestone

Through the family hubs transformation funding, we are asking you to open family hubs as quickly as possible to support families, within the first half of 2023. You will not necessarily meet all the minimum expectations at the point of opening your family hubs, but you will be expected to do so by the end of the three-year programme funding period (end of 2024-25).

Please outline what the 'Family Hub Opening Milestone' will look like in your area and what change you will deliver to ensure that milestone is met. This should include how many sites meeting the Family Hub Site Requirements (see the text immediately below) will open and when. If you have already met the minimum expectations in your local authority, please outline how you will 'go further' within this timeframe.

A Family Hub site is a physical place a family can visit and speak to a trained staff member, face to face, who will provide them with straightforward information or advice on a wide range of family issues spanning the 0-19 (25 with SEND) age range and connect them appropriately to further services across the 0-19 (25 with SEND) age range if they need more targeted or specialist support.

This must include:

- A description of the family hubs opening milestone and how this will be achieved
- A description which explains how your local authority will increase visibility of the change locally - whether to signal the opening of a new family hub, or to enhance an existing family hub
- A description which specifies how many sites will meet the definition of a family hub physical site by summer 2023

Tameside have a strong foundation of partnership working and delivery of services through each of the four neighbourhoods. Tameside will work to align the Local Offer, Families Information services and Tameside Start for Life Offer and be published by March 2023.

To strengthen community voice and coproduction we have started to map existing Parent Carer Panels and are working closely with partners to establish a Family Hub Community and Parent voice by March 2023. This will be consulted on to ensure we are delivering what is required with families. This forum will feed directly and challenge the Family Hub and Early Help strategic partnership steering group.

Tameside Family Hub model is currently being consulted on and will be opened by March 2023, this will include engagement, co-production, adaptations and signage so that they are visible in communities, and the Family Hubs Model will be further developed over the funding period. This will be a hub and spoke model in each of our four neighbourhoods in Tameside, building upon our current Children Centre buildings. A communication plan is currently being developed to launch the Family Hubs and branding is to be consulted on with the parent forums, to be finalised by March 2023.

Within the implementation Tameside has established a governance reporting structure through to the Starting Well Partnership. There will be themed task and finish groups with strategic leads which will have project management oversight to ensure timescales and risks are managed and kept to.

Currently a mapping is being undertaken and this will ensure we can increase the number and range of services delivered through the family hub network that ensure the best outcomes for families. This includes co-location of services and professionals, where possible, which will improve the way that professionals, services and partners, including the voluntary and community sector, work together.

In addition, by the end of 2023 we will have a whole workforce development plan which will ensure we increase the number of professionals and practitioners working in a whole-family, relational way that builds on families' existing strengths through evidence based interventions such as Solihull approach and Signs of Safety.

Section 4a – Governance

Please outline how governance of this programme will be managed, including whether this will be through existing structures, or newly created, and the participation and engagement of key senior personnel.

This must include:

- A description of the governance structure that will support programme delivery
- An identified senior responsible officer (SRO)
- A description of how decisions will be made, finances managed, risks and issues identified, escalated and resolved

The Family Hubs and Best Start for Life Programme is managed by a newly established Family Hubs Steering Group, chaired by the Strategic Lead (SRO) and Project Lead – Paula Sumner (SRO) and Lorraine Hopkins respectively. For each element of the programme, there is a subgroup each with a designated lead officer. The lead officers tend to have a connection into the wider system regarding that element of the programme. For example, Charlotte Lee is the lead officer for infant feeding and is the chair of Tameside Infant Feeding Management Group.

A full terms of reference for the Family Hubs Steering Group has been developed and signed off by the Group members.

The Family Hubs Steering Group formally reports to the Early Help Partnership, chaired by Paula Sumner, the Assistant Director of Early Help and Partnerships, and then to the Starting Well Partnership, chaired by the Director of Children’s Services, and Health and Wellbeing Board, chaired by the Executive Member for Health and Wellbeing. Both Executive Members and Executive Directors across the partnerships are in attendance at all these meeting.

As relevant, highlight reports will be provided to Children’s Improvement Board, Tameside Provider Partnership and SEND Improvement Group to enable discussion and reduce silo working across the wider local system.

Equally as relevant, the Council will be required to report to Senior Leadership Team, Board and Executive Cabinet, for example, where decisions are taken regarding commissioning intentions.

To aid with visualisation and understanding of the aforementioned network of governance, Appendix B illustrates the Family Hubs Steering Group and its various connections to the system, both internal and external.

Section 4b - Partnership Working

Please outline the key local partnerships and partners that will be drawn upon to co-produce and deliver your goals, including where you are dependent on a partner for successful delivery. Please include a summary of engagement with these key partners and where you identify this will be strengthened.

This must include:

- A description of partnership working arrangements
- A descriptions which demonstrates proper consideration of partnership working to support delivery of the programme (for example, NHS partners)
- A description which signals that important partners are supportive of the plan

Drawing on the governance model outlined in section 4a, the successful delivery of Family Hubs and Best Start for Life Programme is closely aligned to the engagement and the delivery on several key partnerships and partners in Tameside.

Firstly, there are partnership groups already established in Tameside in relation to Parenting, Parent Infant Mental Health and Infant Feeding. These groups are well attended by various organisations bringing expertise, collaboration and system integration. This is an identified strength to the programme, as it will ensure that the delivery of the Family Hubs and Best Start for Life Programme does not sit in isolation locally.

We are dependant of several partners for the successful delivery, namely, but not exclusive too:

- Tameside and Glossop Integrated Care NHS Foundation Trust, provider of the Maternity Services and the Healthy Child Programme. Whilst they are central to many conversations in relation to the programme, they are required to support and deliver against the minimum expectations and some of the 'go further' options in relation to infant feeding (BFI Accreditation for example) and perinatal and parent infant mental health in particular.
- Tameside Early Attachment Service, NHS Pennine Care. The service is vital to the successful delivery of the minimum expectations and some of the 'go further' options in relation to perinatal and parent infant mental health. Their model has been widely recognised and adopted at a Greater Manchester level. Their expertise will be required to support the wider system for example supervision models, and the building of peer support programme through the voluntary sector.
- HomeStart HOST. HomeStart provides the Breastfeeding Peer Support Service, they will be necessary for delivery at the scale of the Family hubs model as well as for the delivery for the 'go further' options in relation to creating breastfeeding friendly environments.
- Active Tameside. Active Tameside provide Tameside's leisure facilities amongst many health and social care services. They are critical to the delivery of the Family Hubs as a number of their buildings have been identified within our Family Hub Model in each neighbourhood and their staff are vital in supporting parents and carers.
- Action Together. Action Together are Tameside's umbrella third sector organisation and are commissioned to deliver its core function in addition to an Early Help Community Navigator. They are vital to the delivery as they support the parent and carer panels.

All of the above partner are active members of the Family Hubs Steering Group, and have proactively engaged in the development of its Terms of Reference, the completion of the sign up form, including mapping of existing local provision, as well as inputted into the detail of this delivery plan.

Section 4c – Programme Delivery Team

Please outline your local implementation team including a summary of key personnel and their responsibilities, capacity and skills. See the Family Hubs and Start for Life Programme Guide Annex N (additional delivery expectations) for guidance on who this may include.

This must include:

- A description of the programme delivery team
- A description which demonstrates there are the skills/resources in place, or there is a plan from year 1 to address any significant skills shortages or lack of resources

Strategic Lead (SRO) – embedded with core role

(Paula Sumner, Assistant Director – Early Help and Partnership)

Key responsibilities/skills: Overall reporting responsibility of the programme, key contact for the Department of Education, strategic system enabling including chairing of partnerships where relevant, and accountability to the observed corporate processes.

Project Lead (Programme Co-ordinator) – 1.0 FTE

(Lorraine Hopkins, Head of Early Years and Early Help)

Key responsibilities/skills: Chairing of the Family Hubs Steering Group, guidance and programme direction to work stream lead officers, lead officer for the delivery against Family Hubs Transformation and Capital spend, overall budget management, line management of the Project Officer and Administrative Officer, facilitator of the programme delivery team, accountable to the Strategic Lead (SRO).

Programme Manager (Programme Co-ordinator) – 1.0 FTE – Set up period from 1st September 2022-31st March 2023

Charlotte Lee, Population Health Programme Manager

Key responsibilities/skills: Public Health lead on programme, providing expertise and guidance to lead officers on the Best Start for Life Funded Services.

Project Officer (Support Officer) – 0.5 FTE

(Eleanor Sumner, Family Hubs Project Officer)

Key responsibilities/skills: Maintenance of detailed project plan, to support work stream lead officers in the completion of highlight reports, assisting the Project Lead in overall project management duties.

Administrative Officer (Support Officer) – 1.0 FTE

Key responsibilities/skills: Arrangement of meetings including Family Hubs Steering Group, preparing and sending of papers, minutes of meetings.

Work Stream Lead Officers (x5) – embedded within core role

Key responsibilities/skills: Ensuring the timely delivery of minimum expectations and 'go further' options, as agreed in work stream scope and delivery plan, providing highlight reports, budget management of relevant responsible work stream (reporting to Project Lead), connecting to wider system partnerships and programmes of work, and reporting risks to the Project Lead and Officer.

Policy Lead – embedded within core role

(Tom Hoghton, Policy & Strategy Service Manager)

Key responsibilities/skills: Capacity and support of resident co-production and engagement, support of evaluation with Data Lead, research and supporting of evidence-based programmes, support in the completion of Equality Impact Assessments, and Health Equity Assessment Tools.

Data and Evaluation Lead (Analytical Support) – 0.5 FTE

Key responsibilities/skills: To be responsible for the collation, monitoring, reporting, analysis and oversight of data around the programme implementation. To support the Project lead to develop and produce reports for internal and external needs.

Communications Officer (Digital Support) – 1.0 FTE

Key responsibilities/skills: To lead the delivery of a communication plan with internal staff, partners and residents of Tameside regarding the Best Start for Life Offer and Family Hubs, including building on digital platforms.

Finance Lead – embedded within core role

(Caroline Barlow, Assistant Director for Finance)

Key responsibilities/skills: To aid financial planning of the Strategic Lead, Project Lead and Lead Officers, to ensure the programme budget is monitored on a regular basis – escalating risks, and supporting the completion of grant usage returns.

Legal Lead – embedded with core role

(Suzanne Antrobus, Head of Legal Services)

Key responsibilities/skills: To aid governance and legal planning with the Strategic Lead, Project Lead and Lead Officers e.g. commissioning intentions and risk management, , and supporting the completion of grant usage returns.

Procurement Leads – embedded within core role

(Rachael Tither & Peter Walpole, STAR Procurement Officer)

Key responsibilities/skills: To advise, support and assist the Project Lead and Work Stream Lead Officers in the procurement of goods and services in relation to the Programme spend.

Section 5 – Risks and Mitigations

Please summarise the key risks that might impact the successful delivery of your plan, and their associated mitigations. Please include any risks associated with significant interdependencies between different strands of your delivery activity.

This must include:

- A description of risks and mitigations
- An adequate description of upfront, risks, mitigations and plans for escalation

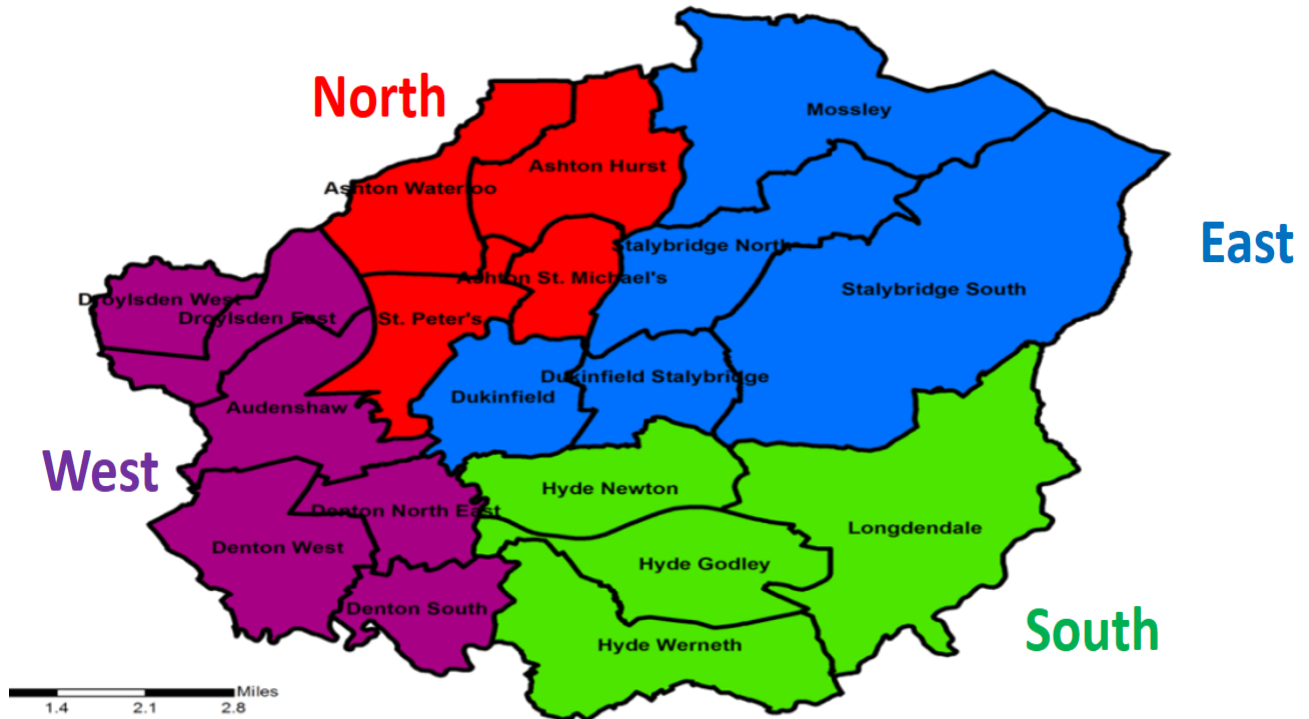
Risk Descriptor	Impact	Probability	Mitigation
Recruitment	Recruitment has been an issue in Tameside and local government generally. Failing to recruit timely and adequately has the potential to derail the progression of family hubs delivery i.e. if services can't recruit staff the scope and depth of the provisions will be limited and fail to meet FH criteria.		To mitigate: Tameside will ensure that the need for recruitment is recognised early and that adverts are created quickly with sufficient information and scoping of the offer. Furthermore, Tameside will ensure that adverts are properly distributed in appropriate places for a wide and suitable audience to witness (internally and externally).
Capacity of services to grow	In conjunction with the overarching concern for recruitment potential – there is a potential risk for services to lack capacity in terms of growth within the family hubs model. Failing to recruit could inhibit the ability of FH to deliver on all promises around family hubs. For FH to be successful the various services need to expand their offer which could be stifled by lacking resources or capacity to do so.		Ensuring the success of recruitment is a big part of mitigating this risk. Furthermore, Tameside will pay close attention to the efficiency of resource use. For example, ensuring that resources are pooled where possible to ensure that two services are not tackling the same issue or that one service is complimenting rather than overriding another. This will be done via the extensive communication network established between the work stream leads, project officer and programme coordinators – ensuring that resources are used effectively and economically.
Poor feedback	As family hubs are implemented, there is a chance that poor user feedback will be received. In keeping with the model framework, continuous evidence-based measures will occur that allow for user feedback. There is a likely chance that some shortcomings or failing will be		Receiving criticism on various services is quite likely, especially in the cases of parent-carer panels for example where the model is based around feedback. This will not pose a big issue for Tameside and FHs, as we will ensure a robust framework for dealing with and adequately responding to feedback and complaints. Stream leads will

	uncovered in this process and problematic areas will be uncovered.		develop a programme for acknowledging and reviewing feedback in relation to their services; operating in a cyclical process of communication and solution implementation. Leads will also ensure that all staff in the service are aware of how to report feedback as well as how to implement the necessary changes.

		Probability (That risk will occur during the lifetime of the activity)				
		< 10%	>10% - <30%	>30% - <60%	>60% - <80%	>90%
Descriptor		Very Unlikely	Unlikely	Possible	Likely	Very Likely
Crisis	Cannot deliver programme objectives; Failure of mission critical activity					
Critical	Significant Impact to Delivery; Significant and sustained disruption to activities.					
Moderate	Delivery Compromised; project delay/ overrun					
Marginal	Limited Impact on delivery; Deviations from project resource, timescale or targets.					
Negligible	Minimal impact of delivery; Minimal impacts to project / programme efficiency.					

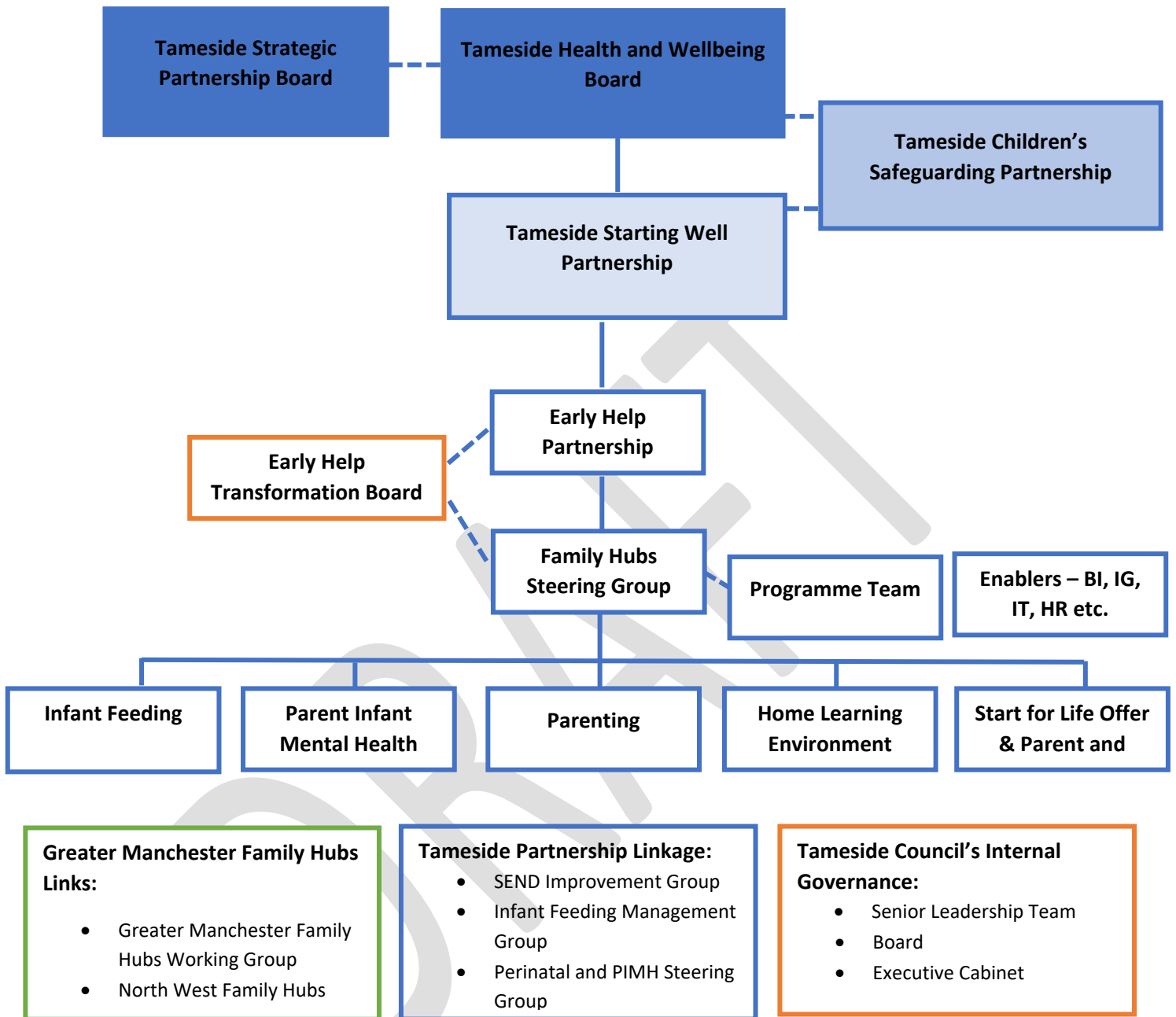
Appendices

Appendix A – Tameside Neighbourhoods Illustration



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Appendix B – Tameside Family Hubs and Best Start for Life Programme Governance Chart



Appendix C – Section 2 Programme Activity & Outputs Table

	Delivery Area and Key Criteria	Activity/Outputs Required	Date of Completion	Cost if known (or approx. if cost not yet known)			
				Year 1	Year 2	Year 3	Total
Family Hub Transformation	Access Key Criteria 1	- Four Family Hubs Open - Increase capacity across outreach through Vol Sector through contract variation to support access for families	March 2023 March 2023	£15,000	£30,000	£30,000	
	Connection Key Criteria 2, 3 & 4	- Colocation of teams established and purchase of equipment - adaptations to buildings to support colocation - Training in Every Contact Counts - Development and access to partners to the EHM - Purchase computers/ tablets to assist community access to IT at each FH	Dec 2023	£39,950 -C	£57,800 -C	£47,000 -C	
			March 2024 March 2024		£15,000 £10,000 -C	£15,000 £10,000 -C	
	Relationships Key Criteria 5	- Relationship training	March 2023	£3,000	£6,000	£6,000	
Family Hub Wider Services (including 0-2 age range)	- Recruit to Project Lead - Recruit to Project Officer 0.5FTE Grade G - Recruit to Project Admin 1.0 FTE Grade D - Recruit to Data Analyst 1.0 FTE Grade G	Sept 2022 Oct 2022 Jan 2023 Jan 2023	£42,000 £15,500 £5,560 £7,540	£71,000 £31,000 £22,370 £30,151	£71,000 £31,000 £22,370 £30,151		
Funded Services	Parenting Support	- Purchase the Solihull Online Parent License - Purchase the Solihull Online Professional License - Solihull Training - Mellow Training - Employ 2.0FTE Parenting Coordinators Grade F	Nov 2022 Nov 2022 March 2023 March 2023 April 2023	£20,000 £12,375 £11,000 £16,000			
	Parent-Infant Relationships	- Recruit to Programme Co-ordinator 1.0FTE Grade I (75%)	Sept 2022	£25,615.50			

	and Perinatal Mental Health Support	<ul style="list-style-type: none"> - Recruit to a Communications Officer 1.0 FTE Grade H (75%) - Launch of the 'Your Baby and You' Resource - Development of the 'Your Toddler and You' Resource - Expand the 0-5 Peer Support Services to increase capacity support families with early needs of PIMH affected by cost of living (HomeStart – contract variation) - Purchase NBO an and NBAS Refresher Training for Health Visiting - To develop a detail commissioning perinatal and PIMH strategy aligned to minimum expectation and go further option of Programme guidance, in partnership with key stakeholders (Board Report due March 2023) 	Feb 2023 March 2023 March 2023 March 2023 March 2023 March 2023	£7,500 £10,000 £8,000 £25,000 £5,000	£34,858.50 £385,501.50	£35,755.50 £317,644.50	
	Early Language and the Home Learning Environment	<ul style="list-style-type: none"> - Employ 2.0 FTE HLE Co-ordinators (Grade F) - Print Home Learning Cards -Train school staff, PVI staff and EYW staff in 'Make it Real'. - Dedicate funding to resource improvement e.g. physical materials, parenting support video clips etc. 	March 2023 March 2023 March 2023 March 2023	£6,000 £10,000 £5,000	£77,000	£77,000	
	Infant Feeding Support	<ul style="list-style-type: none"> - Recruit to Programme Co-ordinator 1.0FTE Grade I (75%) - Recruit to a Support Officer 1.0FTE Grade G (100%) - Development and launch of Breastfeeding Victories Campaign - Recruit to a Communications Officer 1.0 FTE Grade H (25%) - Expand the Breastfeeding Peer Support Service via contract variation -Purchase additional breast pumps - To develop a detail commissioning infant feeding strategy aligned to minimum expectation and go 	Sept 2023 Dec 2023 March 2023 Feb 2023 March 2023 March 2023	£8,538.50 £14,417.60 £15,000 £2,500 £57,355 £5,000	£11,619.50 £55,000	£11,918.50 £55,000	


		further option of Programme guidance, in partnership with key stakeholder (Board Report due March 2023)	March 2023		£163,900.50	£126,881.50	
	Parent and Carer Panels	- Commission or vary an existing contract to deliver the Parent and Carer Panels.	March 2023	£30,000	TBC	TBC	
	Publishing the Start for Life Offer	- Print and design of the physical resource required as a minimum expectation. - Delivery of a media and social media plan before the Family Hubs open in March 2023.	March 2023	£10,000	TBC	TBC	
			March 2023	£5,000	TBC	TBC	

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Agenda Item 8

Report To:	EXECUTIVE CABINET
Date:	14 December 2022
Reporting Officer:	Councillor Denise Ward – Executive Member Suzanne Antrobus, Head of Legal Services
Subject:	REVIEW OF REGULATION OF INVESTIGATORY POWERS POLICY AND PROCEDURE (RIPA)
Report Summary:	<p>This report is brought to Members for a formal review of the Council’s Policy in relation to the Regulation of Investigatory Powers legislation and guidance. The Policy was last amended on 17 April 2019.</p> <p>The Council recently underwent a recent desktop inspection undertaken by the Investigatory Powers Commissioner’s Office [‘IPCO’] on 28 March 2022. The revised RIPA policy incorporates the recommendations from the inspection.</p> <p>Members and Officers should be alert to all activities which involve investigation of any kind, carried out by or on behalf of council officers in the course of their work, and its potential to attract the use of any form of surveillance</p>
Recommendations:	<ul style="list-style-type: none">(i) To consider the attached revised policy and recommend it to Cabinet with any other changes or otherwise as they consider necessary; and(ii) Agree that Officers across the Council continue to engage in a corporate programme of refresher training led by the Director of Governance and Pensions in relation to the Regulation of Investigatory Powers legislation and guidance.
Policy Implications:	All enforcement action is taken within the context of Council and Crime and Disorder Reduction Partnership policies. The policy will also need to be added to the Information Governance Framework and disseminated across the Council.
Financial Implications: (Authorised by the Chief Finance Officer)	Not to comply with the RIPA legislation could have financial implications should court proceedings be unsuccessful or civil claims be brought against the Council as a result of non-compliance.
Legal Implications: (Authorised by the Borough Solicitor)	<p>Non-compliance with the RIPA legislation could cause court proceedings to be compromised, human rights to be breached, and reputational damage to the Council.</p> <p>Member should note this legislation applies to all types of surveillance and investigations carried out on behalf of the Council.</p>
Risk Management:	Risk assessments in relation to enforcement activity have been carried out and all recommendations form part of current reporting practices.
Background Information:	The background papers can be obtained from the author of the report, Margaret Warner, Principal Solicitor, General Law by

contacting:

 Telephone:0161 342 3045

 e-mail: margaret.warner@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Council is required to review its policy in relation to surveillance on a regular basis, and ensure that all officers engaged in investigatory work understand the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA).
- 1.2 The draft current policy was revised on 17 April 2019, which was subsequently reviewed by, the Investigatory Powers Commissioners Office (IPCO) Inspector, on 13 June 2019. There were no formal recommendations arising from this inspection. This was the last full RIPA inspection.
- 1.3 Members will recall that the Investigatory Powers Commissioners Office is a non departmental public body (NDPD) which was established to oversee the authorisation and use of covert tactics by statutorily empowered public authorities, of which the Council is one. The IPCO team supports the Investigatory Powers Commissioner and Judicial Commissioners in fulfilling their duties under the Investigatory Powers Act 2016. Funding for the IPCO is provided by the Home Secretary. However, the IPCO carries out its functions independently of the Government and is not part of the Home Office.
- 1.4 Inspections are usually every three years. Since the last RIPA inspection, the Council approved the 2019 Policy and the Council has continued to review, provide training and monitor any RIPA related activity undertaken by the authority. There has been no requests for RIPA authorisation at the Council since 2013.

2. IPCO DESKTOP INSPECTION. 28 MARCH 2022

- 2.1 On 4 February 2022, the Monitoring Officer received notification from the IPCO, that our authority was due for its next programmed inspection of the use of covert surveillance in accordance with the provisions of the Regulation of Investigatory Powers Act 2000. The following information and documentation was required to be sent in advance to the Inspector:
 - If any use of RIPA has been made since the last inspection (CHIS/DSA) the exact numbers and if possible (redacted names/premises are fine) a small selection of the RIPA applications/authorisations/cancellations.
 - Details of any training undertaken since the last inspection
 - A copy of your RIPA policy
 - Details of any data assurance measures/training in place to comply with the safeguarding chapters of the codes of practice
- 2.2 On 28 March 2022, a video and desktop-based inspection took place following the Inspector's examination of the relevant documentation, thereby obviating the need for a visit by a Surveillance Inspector.
- 2.3 On 29 March 2022, the IPCO wrote to the Chief Executive with details of the Inspector's findings and in particular: *The information provided has demonstrated a level of compliance which removes, for the present, the requirement for a physical inspection. Your authority has been found to be in a good place. Your RIPA policy, as was the case in 2019, was found to be well formed. It was noted that your policy is due to be reviewed, imminently. This is timely, as my Inspector has identified that whilst our RIPA policy contained references to the keeping and management of records (Section D), the policy should also carry details regarding the data safeguards contained within each Code of Practice, and to advise the reader as to the minimum standards required; who will undertake the required review of covertly obtained material; and the time period within which this review will take place, to determine if the material gathered will be retained or destroyed.*

- 2.4 The proposed revised Policy is attached at **Appendix 1** to this report. It builds on the Policy previously revised in 2019 and contains information within the above recommendation at Section D, pages 20-22, within the Policy in red. Further changes in red, within the revised Policy follow the updated guidance contained in the IPCO newsletter dated October 2022.
- 2.5 Officers within Directorates should therefore continue to keep under review how investigations are carried out in relation to their specific disciplines and ensure their officers are complying with the requirements around surveillance.
- 2.6 Whilst Elected Members of a local authority should review their authority's use of the RIPA and its policy at least once a year it should be noted that there have however been no requests for authorisation here to use the powers under the RIPA since 2013.

3 RECOMMENDATION

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

TAMESIDE METROPOLITAN BOROUGH COUNCIL

**POLICY AND
PROCEDURAL GUIDE**

**To be read in conjunction with the Covert Surveillance and Property interference
Revised Code of Practice and the Covert Human Intelligence Sources Revised
Code of Practice August 2018**

Revised **October 2022**

**FOR THE USE OF COVERT SURVEILLANCE
AND
COVERT HUMAN INTELLIGENCE SOURCES ("CHIS")**

To comply with the Regulation of Investigatory Powers Act 2000, all its Regulations, the Human Rights Act 1998 and having regard to the Codes of Practice published by the Secretary of State under S71(3)(a) of the Regulation of Investigatory Powers Act 2000

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A. GENERAL INTRODUCTION

This Policy along with the statutory Codes of Practice published by the Secretary of State, revised in August 2018 and the Office of Surveillance Commissioners Procedures and Guidance must be readily available at Tameside Metropolitan Borough Council, Civic Centre (hereinafter referred to as the Council) for consultation and reference by Investigating Officers, Members of the Council and the public and/or their representatives.

The Policy may be amended from time to time by the Executive Director Governance and Resources, to reflect the most up to date and relevant guidance, and will be kept under review by the Council's Enforcement Coordination Panel and as directed by the Executive Director Governance and Resources.

If the Council receives an FOI request for an IPCO inspection report of our organisation, this should be brought to the attention of IPCO's Data Protection Officer at info@ipco.org.uk before making any disclosures.

If we wish to publish an IPCO Inspection Report, please note that the Council must first contact IPCO's data protection officer at info@ipco.org.uk.

These documents can be obtained from and as directed by the Executive Director – Governance and Resources Tameside One, Market Place, Ashton-Under-Lyne sandra.stewart@tameside.gov.uk.

1. This Policy applies to **any** covert surveillance or use of CHISs by Council employees whose duties include investigation under properly delegated powers and by private investigators engaged to act as agents by those employees. It should be emphasised that RIPA will only apply if the surveillance or use of CHIS is '**covert**'; quite often such activities will be done overtly and so will fall outside RIPA 2000 so it is advisable to be familiar with the definition of 'covert' under RIPA as a starting point. **A local authority may only use covert surveillance for the purpose of the prevention or detection of crime the offence of which must attract a custodial sentence of six months or more or criminal offences relating to the underage sale of tobacco or alcohol.**
2. This Policy has been drafted specifically for Tameside Council and has regard to the provisions of the Codes of Practice issued by the Secretary of State under S71 RIPA 2000. It should be noted that S72(1) RIPA states that a person exercising or performing any power or duty in relation to which provision may be made by a code of practice under Section 71 shall, in doing so, have regard to the provisions (so far as they are applicable) of every code of practice for the time being in force under that section. This Policy has been compiled especially for the Council only omitting elements which are not applicable to the Council. For example, there is no power of authorisation for '**intrusive surveillance**' (see definition B6 in the Code) so references to such authorisations have been omitted.
3. **All** covert surveillance or use of CHIS's should be authorised in writing and in accordance with this Policy and should only be authorised if it is necessary for the purpose of preventing or detecting crime or of preventing disorder. It should then be carried out in accordance with the authorisation.
4. In addition, covert surveillance and the use of CHISs should only be used by the Council where the Authorising Officer believes it is "**proportionate**" (see definitions section below).

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5. **Before** authorising covert surveillance properly appointed **Authorising Officer** should also take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (collateral intrusion) and take measures wherever practicable to avoid it. Similarly they should also be aware of the possibility (though rare) of obtaining confidential information and take measures to avoid it.
 6. As far as surveillance is concerned this Policy is only concerned with '**directed**' surveillance (see definitions below). This authority must not carry out 'intrusive surveillance' unless the Police are involved and the surveillance is conducted by them in accordance with their authorisation procedure. In cases of joint investigations with the Police, SOCA or CTU no covert activities should take place **unless** the Council is satisfied that the Police, SOCA or CTU have obtained their own authorisation under RIPA. In order to be 'satisfied, the Council's **Senior Authorising Officer** should be allowed to have sight of the particular RIPA authorisation and ensure that a written record has been made on the Council's file that such authorisation has been checked. The purpose of this procedure is to safeguard the Council against potential claims by persons who allege their actions are unlawful or without authorisation. Should such authorisation not be available for inspection the Council shall not continue with any covert activities without its own RIPA authorisation.
 7. There should be no situation in which an **Investigating Officer** has to engage in covert surveillance or using aCHIS without obtaining authorisation. **However**, it should be noted that Section 80 of the Act provides that without an authorisation the actions of the public authority would **not** be made unlawful by RIPA. Nonetheless, such unauthorised covert surveillance or use of a CHIS could contravene **Article 8** European Convention of Human Rights (the right to respect for one's private and family life) brought into force in the UK by the Human Rights Act 1998. Evidence obtained by covert means could also be challenged in court for a breach of **Article 6** of the European Convention on Human Rights (right to a fair trial) on the grounds that it was unlawfully obtained, thus jeopardising a criminal prosecution with potentially expensive and reputationally damaging consequences., Having an authorisation therefore makes it less likely that the covert surveillance or use of CHIS could be held to breach the Human Rights Act 1998, or be challenged in the Courts because it then becomes "**lawful for all purposes**" (Section 27(1) RIPA 2000).
 8. For the avoidance of doubt, surveillance notified to the subject is **not** covert and so does not fall within the provisions of RIPA. The same applies if information is obtained in an **overt** way, for example, when an officer behaves as an ordinary member of the public making test purchases or when checks are made on labelling etc which can only be made when overtly looking or asking questions. Such actions are often already authorised specifically by other legislation in any event.

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9. In addition common-sense of course dictates that no surveillance will be undertaken from a property e.g one situated next door or nearby the subject's property, **unless** the person who occupies the premises from which the surveillance is to take place has been notified and their consent obtained.
 10. Where an Authorising Officer receives an application for covert surveillance or CHIS which he considers should not be granted, he should strike the form through with two black lines and send it to the Surveillance Monitoring Officer with a note giving reasons for refusal. This will then be logged and a record kept. It will prove useful when inspected by the office of Surveillance Commissioners to show that the quality assurance system is operating at the source.
 11. It has been made clear in the Covert Surveillance and Property Interference (Revised Home Office Code of Practice August 2018) pursuant to Section 71 of RIPA that Members should not be involved in making decisions and specific authorisations. The Surveillance Monitoring Officer may want to keep members informed of the processes followed under RIPA through for example the Enforcement Co-ordination Panel, as and when they arise, and in any event, Elected Members of a local authority should review their authority's use of the 2000 Act and its policy annually.

B. DEFINITIONS

1. Authorisation

An authorisation is the final part of a completed R1/DS or R1/CHIS form authorising covert surveillance or use of a covert human intelligence source. It is the part of the form headed 'Authorising Officer's Section'.

Critically it must contain the Authorising Officer's view of **why** the activity is necessary for the prevention or detection of crime or disorder and why it is proportionate. It also contains the details of what the Authorising Officer actually wants to authorise, namely how many Officers, type of activity, how they will carry it out, what equipment eg cameras, CCTV, vehicles they will use, where it is to take place and strategy such as positioning so as to avoid unnecessary intrusion.

It contains the time and date it is to commence and the time and date 3 months later (unless it is a CHIS – then it is 12 months) when it is to finish. It contains review dates, usually monthly. S/He will sign their name, rank and date.

There is also provision for the Head of Paid Service/Chief Executive to authorise if there is a risk of obtaining confidential information, and an explanation of how it will assist the investigation.

The Protection of Freedoms Act 2012 introduced an additional stage in the process. **After** the form has been countersigned the local authority must seek judicial approval for the RIPA Authority.

A Justice of the Peace will decide whether a local authority grant or renewal of an authority or notice to use RIPA should be approved and it will not come into effect unless and **until** it is approved by a JP.

The officer must complete forms for judicial approval which can be found at RIPA Home Office Guidance for Magistrates Court. Copies of the forms are also kept within the Central Record retained in Legal Services. These forms must not be amended and applications will not be accepted if the approved forms are not completed. <https://www.gov.uk/government/collections/ripa-forms--2>

The forms must be submitted with the authorisation to the Head of Legal Services and a suitable date and time for an application for judicial approval will be made. Authorisations are also subject to judicial approval.

2. **Authorising Officer**

2.1 This can be 'a Director, Head of Service, Service Manager or Equivalent' (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 SI No 521 in force on 06/04/10). Therefore for the purposes of this Policy the authorising Officer shall be an officer of one of those ranks who may be appointed by the Council's Monitoring Officer (the Executive Director of Governance and Resources) to hold the position of 'Authorising Officer'. At the moment only the Monitoring Officer and the Assistant Executive Director of Place hold this rank.

3. **Covert**

This is **defined** in Section 26(9)(a) of the RIPA as follows:

'Surveillance is covert if and only if it is carried out in a manner that is calculated to ensure that the persons who are subject to the surveillance are unaware that it is or may be taking place'.

Therefore, if you notify a person that they are to be monitored in a particular way, or if you put up CCTV cameras and erect public notices it is not covert and, therefore, RIPA is not engaged.

4. **Confidential Material**

This has the same meaning as is given to it in sections 98-100 of the Police Act 1997.

It consists of matters subject to legal privilege, confidential personal information, or confidential journalistic material:

Matters subject to legal privilege includes both oral and written

Communications between a professional legal adviser and his or her client or any person representing his or her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege.

Confidential personal information is information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relating:

- either to his or her physical or mental health; or
- to spiritual counselling or other assistance given or to be given, and
- which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office. It includes both oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if:
 - it is held subject to an express or implied undertaking to hold it in confidence; or
 - it is subject to a restriction of disclosure or an obligation of secrecy contained in existing or future legislation.

Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

NOTE: Only the Head of Paid Service has the delegated power to authorise directed surveillance or the use of a CHIS which will result in the obtaining of Confidential Material.

5. **Covert Human Intelligence Source ("CHIS")**

This is defined in S26 (8) RIPA as follows:

'...a person is a CHIS if -

- (a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- (b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or
- (c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.'

(The RIPA also says that references to the use of a CHIS include inducing asking or assessing a person to engage in the conduct of a CHIS or to obtain information by means of the conduct of a CHIS.

6. **Directed Surveillance**

This is defined in Section 26(2) of the RIPA which says surveillance is directed if it is covert but not intrusive and is undertaken:

- (a) for the purposes of a specific investigation or specific operation;
- (b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- (c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under this part to be sought for the carrying out of surveillance'.

Therefore, by way of a summary, it is covert surveillance which is planned in advance to further a particular investigation and which is likely to result in the obtaining of information about a person's private or family life.

7. **Intrusive Surveillance**

Section 26(3) states that intrusive surveillance is covert surveillance that:

- '(a) is carried out in relation to anything taking place on any residential premises or in any private vehicle; and

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- (b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device’.

However, Section 26(5) says that surveillance which

- (i) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle; but
- (ii) is carried out without that device being present on the premises or in the vehicle is NOT intrusive, **unless the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle’.**

However the Local Authority have no power to authorise intrusive surveillance.

8. **‘Necessary’**

In order for an Authorising Officer to decide whether an authorisation is necessary it must fall within ground (b) which is set out in Section 28 sub-section 3 of the RIPA namely :-

- (b) for the purpose of preventing or detecting crime or of preventing disorder;
- (c) Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010. mean that a local authority can **now only grant** an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more **or** criminal offences relating to the underage sale of alcohol or tobacco.

9. **Private Information**

This is defined in the Act as including, ‘in relation to a person’, any information relating to his or her private or family life.

10. **Private Vehicle**

This is defined in the Act as any vehicle used primarily for the private purposes of the person who owns it or of a person otherwise having the right to use it (from the latter, paying passengers are excluded). From the point of view of a paying passenger therefore, the vehicle is **not** private.

11. **Proportionate**

There is no statutory definition but in order for covert surveillance or use of CHIS to be proportionate, it **must not be used** in cases where other more open methods of investigation will suffice. This is a very important concept and all relevant officers should be aware of it.

The following points should be considered:

1. Such methods must also only be used in cases where they are likely to result in the gathering of **cogent evidence** and in cases where there is dependable intelligence to support its use.
2. The subject's situation and any known history should also be taken into account and the seriousness of the offence.
3. It is about **balancing** the seriousness of the crime being investigated and the threat to the general public against the interference with the privacy of the individual concerned.
4. Interference with a person's right to privacy will **not** be justifiable if the means used to achieve the aim are excessive in all the circumstances.
5. For example, it could be justified on the ground that there may be no other way of obtaining the evidence or perhaps a short period of surveillance could be justified on the grounds that it would be a quicker and easier way of obtaining evidence.
6. The risk of **collateral intrusion** should also be considered when looking at proportionality as a high risk of this may tip the balance in favour of not using surveillance at all unless the risk can be minimised satisfactorily. One way of reducing the risk of collateral intrusion is to target particular times for the surveillance when the subject is at large and it is good practice to detail on the RI application the times in the day when the surveillance is to be carried out eg "6.30 am to 7.45 am".

12. **Residential Premises**

Section 48 subsection (1) provides that 'residential premises' mean (subject to subsection (7)(b)) so much of any premises as is for the time being occupied or used by any person, however temporarily, for residential purposes or otherwise as living accommodation (including hotel or prison accommodation that is so occupied or used). RIPA states that the words 'residential premises' do not include a reference to so much of any premises as constitutes any common area to which the resident has access in connection with his use or occupation of any accommodation (Section 48(7)(b) RIPA). Therefore, surveillance from a

common area is technically not intrusive, but there may be a higher risk of obtaining private information about someone so this must be considered when deciding whether or not to authorise the surveillance. For example, the entrance hall, stairs and lift in a block of flats is not counted as residential premises and this is important when assessing whether surveillance is intrusive or not.

13. **Subjects**

A member of the public or group thereof in respect of whom surveillance or the use of a CHIS has been authorised and such observed contacts of that individual or group of individuals as may come to notice during the course of the authorised surveillance or the use of a CHIS.

14. **Surveillance**

This is defined in the Regulation of Investigatory Powers Act 2000 (i.e. the RIPA) as including:

- (a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- (b) recording anything monitored, observed or listened to in the course of surveillance; and
- (c) surveillance by or with the assistance of a surveillance device.

15. **'Surveillance Device'**

This is defined in Section 48(1) of RIPA as meaning 'any apparatus designed or adapted for use in surveillance'.

This therefore includes cameras, video cameras, listening and recording devices etc.

16. **Monitoring Officer**

The Surveillance Monitoring Officer for Tameside Council is also the Council's Executive Director for Governance and Resources.

C. AUTHORISATIONS

1. **Application**

The application must be made by the Investigating Officer to the Authorising Officer (see definition B2 above) using the forms downloaded from the intranet site. Search under the words 'Regulation of Investigating Powers' to locate the site or the Home Office website.

2. **Written Authorisations** (See also definition at B1 & B2 above)

Authorisations or renewals of authorisations must be given by the Authorising Officer in writing. At the time, an authorisation is given the Authorising Officer should diary the matter for a review in a month's time. The only Officer officially able to authorise surveillance or CHIS where confidential material is likely to be obtained is the Executive Director of Governance and Resources.

Amendments in the Protection of Freedoms Act 2012 mean that local authority authorisations can only be given effect once an Order approving the authorisation or notice has been granted by a Justice of the Peace (JP).

3. **Requirements**

Before giving authorisation for surveillance or the use of a CHIS the **Authorising Officer** must be satisfied that:

- (a) it is **necessary** for the purpose of preventing or detecting crime or of preventing disorder (see definition 8 above). (You must specify the crime being investigated.)
- (b) it is **necessary** in that particular case, i.e. that particular case merits the use of this method of detection over other less underhand methods eg if it is a case where a person is suspected of having committed a crime like theft, justify why is this covert method of detection is necessary to obtain the evidence over other methods
- (c) it is **proportionate** (see definition 11 above) to the seriousness of the crime or the matter being investigated and the history and character of the subject concerned. Balance the likelihood of obtaining private information against the seriousness of the crime being investigated.
- (d) For (a) (b) and (c) the Authorising Officer must be satisfied that there is sufficient intelligence about the suspect and the alleged offence to justify the authorisation.

4. **Authorising Officer Process**

- a. In order to appoint an authorising officer, an application must be made in writing to the Surveillance Monitoring Officer and Borough Solicitor.
- b. Only those who can demonstrate that they have received the appropriate training and/or had operational experience in the use of the procedures during the course of their employment shall be eligible. After proper appointment, the name shall be placed upon a Flow Chart on the

Council's intranet site and that shall be evidence of the appointment having taken place. At the moment that is not necessary.

- c. In order to ensure that an Authorising Officer is equipped with the relevant experience and knowledge to enable them to grant authorisations, where an Authorising Officer is newly appointed, the Surveillance Monitoring Officer should be consulted and should approve the authorisation prior to the surveillance commencing.
- d. Every application must be properly scrutinised by the Authorising Officer and any applications they consider must be refused must be notified to the Surveillance Monitoring Officer in the way prescribed.
- e. Since 1 November 2012, all officer proposals have to be endorsed by the authorising officer and then approved by the Magistrates sitting in the Magistrates' Court. Applications for approval should be made through the legal department.
- f. To obtain this approval, the officer requesting the authority must apply to the Magistrates' Court in person for such approval, taking to Court four copies of the officer approved authority for endorsement by the Magistrates Court and which authority should be duly certified as approved on each of the four copies.
- g. No action may be taken in reliance upon the authorisation unless and until the Court has approved the authority and it has been so endorsed.
- h. Any application for an extension of the authority must be approved by the authorising officer and the Court in the same way. No action should be carried out outside of the approved authority.
- i. The authorisation process involves the following steps:

5. **Officers Roles and Procedures.**

Investigation Officer

- A risk assessment will be conducted by the Investigation Officer before an application is drafted and prior to staff being deployed. Lone workers will not undertake surveillance, unless this has been carefully considered and is appropriate to the investigation. This assessment will include the number of officers required for the operation; whether the area involved is suitable for directed surveillance; what equipment might be necessary, health and safety concerns of all those involved and affected by the operation and insurance issues.
- Care must be taken when considering surveillance activity close to schools or in other sensitive areas. If it is necessary to conduct surveillance around school premises, the applicant should inform the head teacher of the nature and duration of the proposed activity, in advance. A Police National Crime database check on those targets should be conducted as part of this assessment. The risk assessment and any notification to a head teacher will be recorded on the case file.

- The Investigation Officer prepares an application. When completing the forms, Investigation Officers must fully set out details of the covert activity for which authorisation is sought to enable the Authorising Officer to make an informed judgment. Consideration should be given to consultation with Legal Services concerning the activity to be undertaken.
- The Investigation Officer will obtain a unique reference number (URN) from the central register, maintained by the RIPA Co-ordinating Officer (RCO) before submitting an application.
- The Investigation Officer will submit the application form to an Authorising officer for approval.
- All applications to conduct directed surveillance (other than under urgency provisions – see below) must be made in writing in the approved format.

Authorising Officer (AO)

- The AO considers the application and if it is considered complete, the application is signed off.
- If there are any deficiencies in the application, further information may be sought from the Investigation Officer, prior to sign off.
- Once final approval has been received, the AO and the Investigation Officer will retain copies and will create an appropriate diary method to ensure that any additional documents are submitted in good time.
- The application form will form the basis of the application to the Magistrates court.

6. Urgent RIPA Applications

- The law has been changed so that urgent cases can no longer be authorised orally. Approval for directed surveillance in an emergency must now be obtained in written form. Oral approvals are no longer permitted. In cases where emergency approval is required an AO must be visited by the applicant with two completed RIPA application forms. The AO will then assess the proportionality, necessity and legality of the application. If the application is approved, then the applicant must then contact the out-of-hours HMCTS representative to seek approval from a Magistrate. The applicant must then take two signed RIPA application forms and the judicial approval form to the Magistrate for the hearing to take place.
- As with a standard application, the test of necessity, proportionality and the crime threshold must be satisfied. A case is not normally to be regarded as urgent unless the delay would, in the judgment of the person giving the authorisation, be likely to endanger life or jeopardise the investigation or operation.

- Examples of situations where emergency authorisation may be sought would be where there is intelligence to suggest that there is a substantial risk that evidence may be lost, a person suspected of a crime is likely to abscond, further offences are likely to take place and/or assets are being dissipated in a criminal investigation and money laundering offences may be occurring. An authorisation is not considered urgent if the need for authorisation has been neglected or the urgency is due to the authorising officer or applicant's own doing.

Authorised activity

- Authorisation takes effect from the date and time of the approval from the Magistrates court.
- Where possible, private vehicles used for directed surveillance purposes should have keeper details blocked.
- Notification of the operation will be made to the relevant police force intelligence units where the target of the operation is in their force area. Contact details for each force intelligence unit should be obtained in advance.
- Before directed surveillance, activity commences, the Investigation Officer will brief all those taking part in the operation. The briefing will include details of the roles to be played by each officer, a summary of the alleged offence(s), the name and/or description of the subject of the directed surveillance (if known), a communications check, a plan for discontinuing the operation and an emergency rendezvous point.
- Where 3 or more officers are involved in an operation, officers conducting directed surveillance will complete a daily log of activity. Evidential notes will also be made in the pocket notebook of all officers engaged in the operation regardless of the number of officers on an operation. These documents will be kept in accordance with the appropriate retention guidelines and Criminal Procedure Investigation Act.
- Where a contractor or external agency is employed to undertake any investigation on behalf of the Council, the Investigation Officer will ensure that any third party is adequately informed of the extent of the authorisation and how they should exercise their duties under that authorisation.

7. Information to be Included in the Application

The written authorisation should specify

- (1) identities of the subjects eg names (where known) or descriptions of the subjects and any known history and character thereof (including in cases where investigating officers have reason to believe additional subjects are probable but their identities are unknown they must say so but state their identities are as yet unknown.)
- (2) the nature of the surveillance including location of the subject and/or surveillance and (if relevant) the place where CHIS is to be located;
- (3) the type of surveillance device or vehicles/equipment to be used;
- (4) the type of activities, numbers and names of officers who will be the CHISs (if relevant);
- (5) that it is being undertaken for the purpose of preventing or detecting crime or of preventing disorder
- (6) that it is proportionate (see definition No.10 in the Definition Section above) i.e. specifying:
 - (a) the objectives of the surveillance, or the use of a CHIS;
 - (b) the crime or disorder being investigated (indicate the type of breach);
 - (c) the likelihood of obtaining private information about a subject or another person(collateral intrusion) and if the likelihood is high/medium /low, how that can be balance against the seriousness of the crime, so if the crime is not serious and there is a high likelihood of personal information being obtained it may not be proportionate to use this method of detection.
 - (d) the reliability of the intelligence which makes the covert surveillance/CHIS necessary.
- (7) The objectives of the activities;
- (8) The name and nature of the investigation or operation and what makes the Authorising Officer believe surveillance or the use of a CHIS will achieve the objectives referred to;
- (9) The risk of information relating to third parties' private and family life being obtained. This is known as 'collateral intrusion'.
- (10) The likelihood of acquiring any confidential/religious material.

8. Obtaining Judicial Authorisation

- (a) following approval by the Authorising Officer the Council's Legal Services will contact the Magistrates Court to arrange a hearing. At the same time a copy of the RIPA authorisation and supporting documents setting out the case will be supplied to the Court.
- (b) In addition the Authorising Officer should complete a judicial application/order form. The order section of the form will be completed by the JP and will be the official record of the JPs decision.
- (c) The Council will need to keep a copy of the judicial application/order form after it has been signed by the JP. The Court will also keep a copy.
- (d) Renewals also require JP approval. Cancellations do not require JP approval.
- (e) The hearing is a 'legal proceeding' therefore officers must be sworn in and present evidence as required by the JP. The hearing will be in private.
- (f) The form for application/order for judicial approval will be kept by the Council's Legal Services.

9. Additional Subjects/Targets

In cases where additional subject/targets may need to be observed the Authorising Officer should state why based on the intelligence relied upon, such additional subjects/targets are considered likely to appear (ie the intelligence behind it) and state that there are further subjects of the investigation whose identities are not yet known e.g. There may be intelligence that a number of youths whose identities are unknown are regularly appearing near a shop or other premises and smashing windows etc. If you state this in the RI Authorisation you are covered for a number of subjects. Then at Renewal stage any such additional targets can be added as and when their identities become known, should it be necessary to do so.

This would not apply where on any one occasion one subject is joined by a further person unexpectedly and it is apparent that he too should be observed but for whom authorisation has not been obtained. Oral authorisation must in this case be obtained as soon as reasonably practicable and the new name (or description) added by means of a further application if a longer period is required.

10. Covert Human Intelligence Sources (CHISs)

Although it is to be hoped that such methods will be rarely used, in addition to the above it is necessary under S29(5) RIPA that there are in force such arrangements as are necessary for ensuring:

- (a) that there will at all times be a person holding an office, rank or position with the relevant investigatory authority who will have day to day responsibility for dealing with the CHIS on behalf of that authority and for the CHISs' security and welfare;
- (b) that there will at all times be another person holding an office, rank or position with the relevant investigating authority who will have general oversight of the use made of the CHIS;
- (c) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of the CHIS;
- (d) that the records relating to the CHIS that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that the records maintained by the relevant investigating authority that disclose the identity of the CHIS will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

In other words, there must be an officer given direct day to day management of the CHIS to look after his/her needs and another officer in overall control of the use of the CHIS. A record must be made by a specified person of the use of the CHIS. Regulations have been made giving details of the type of particulars needed to be recorded. (See 12 below for details). The identity of CHISs is not to be disclosed unless there is a need to do so. NB - There is no need for 3 different officers. The person responsible for maintaining a record could be the same person with day-to-day responsibility. All relevant Officers involved in the use of CHIS and their management must have the appropriate level of experience and training as may be necessary to undertake the task.

11. Covert Human Intelligence Sources: Criminal Conduct Authorisation Process

First, or at the same time, a use and conduct authorisation under Section 29 of the Regulation of Investigatory Powers Act 2000 (RIPA) (with its necessity and proportionality judgements, must be granted. On top of this, a Criminal Conduct Authorisation (CCA) (must describe why the criminal conduct is necessary for a statutory purpose. The Authorising Officer must consider whether the outcome could be achieved by non-criminal means. The conduct must relate to a specific CHIS, for a specific operation or investigation, and it must be proportionate to what it seeks to achieve.

Taking into account the conditions for granting a CCA, the existing duties to safeguard the CHIS, to make full records, and ensure the CHIS's informed consent, **this means that the authorisation must be clear, specific, time-bound, understood by the CHIS, and the authority must assess that the CHIS is capable of carrying out the activity safely.** Effectively there is a double assessment of aspects of necessity and proportionality, because the CCA must relate to activity which has been authorized under Section 29.

Assessing Proportionality

The draft CHIS Code of Practice mandates proportionality tests including : whether there are reasonable alternatives, and the activity intends to prevent more serious criminality; whether the potential harm to the public interest from the proposed criminal conduct is outweighed by the potential benefit to the public interest; and how the activity will cause the least possible intrusion.

A CCA must comply with the European Convention of Human Rights (ECHR). In addition to the unqualified rights in the ECHR (for instance the right to life and the prohibition on torture and inhuman and degrading treatment and punishment), there are protective obligations on the state. Where the State knows of the existence of a real and immediate threat to a person, the state must take reasonable measures to avoid that risk. No CCA could be granted which did not comply with both the ECHR prohibitions, and its protective duties.

Special safeguards apply to the authorisation of juvenile or vulnerable individuals, and where confidential information (such as legally privileged, or journalistic source information) is likely to be acquired, including a requirement for a higher level of authorisation. These safeguards are set out in the CHIS Code of Practice.

An enhanced authorisation regime also applies to the use of undercover officers as Relevant Sources as detailed in the Regulation of Investigatory Powers (Relevant Sources) Order 2013. The regime implements the recommendations of HM Inspectorate of Constabulary following the examination of the deployment of a former undercover police officer, but whose findings are applicable to any law enforcement organisation who use undercover officers.

Additional Safeguards

All authorities have **internal disciplinary** procedures. An officer found to be operating in breach of legal or guidance obligations is liable to disciplinary procedure and investigation. This can include criminal investigation. There is an offence of 'Misconduct in a Public Office', which may be relevant to a criminal investigation into such activity, but each investigation will be fact-specific.

There is a duty on all officers involved in exercising the powers in RIPA to inform the Investigatory Powers Commissioner of any **relevant error** in the application of those powers.

12. Records Relating to the CHIS

Records must be kept containing the following by reason of the Regulation of Investigatory Powers (Source Records) Regulations 2000:

- (a) the identity of the CHIS;

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- (b) the identity, where known, used by the CHIS (i.e. his or her 'alias');
 - (c) any relevant investigating authority other than the authority maintaining the records;
 - (d) the means by which the CHIS is referred to within each relevant investigating authority (i.e. his or her 'code name');
 - (e) any other significant information connected with the security and welfare of the CHIS;
 - (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a CHIS that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the CHIS(s) have where appropriate been properly explained to and understood by the CHIS(s);
 - (g) the date when, and the circumstances in which, the CHIS was recruited; (or if already employed by the Council and allocated this task);
 - (i) the identities of the authorising officer and the applicant; the periods during which those persons have discharged those responsibilities;
 - (j) the tasks given to the CHIS and the demands made of him or her in relation to their activities as a CHIS;
 - (k) all contacts or communications between the CHIS and a person acting on behalf of any relevant investigating authority;
 - (l) the information obtained by each relevant investigating authority by the conduct and use of the CHIS;
 - (m) any dissemination by that authority of information obtained in that way; and
 - (n) in the case of a CHIS who is not an under-cover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the CHIS activities for the benefit of that or any other investigating authority.

Therefore, the officer in charge of maintaining a record of the use of each CHIS should record all these details. The way these records are kept is designed to try to keep the CHIS safe from discovery by the subjects and safe from any harm which could result from their disclosure and also to keep in the open any money or other benefits paid to a CHIS who is not an employee officer of an authorising body.

13. Reviews

Reviews of the authorisation shall be carried out within a period of one month from the date of the authorisation or last review. The Authorising Officer shall carry out the reviews and these reviews must not be confused with authorisations for renewal. The purpose of a review is simply to decide whether or not the activity authorised should continue.

14. Renewals

An Authorising Officer can renew an existing authorisation using Form R3 at any time up to the expiry date of the original authorisation. On or after the expiry date, the authorisation ceases to exist and a new R1 will have to be completed and a new authorisation given.

It is to be noted that renewal is not just a 'rubber stamping' of what has gone before – the requirements of form R3 ensure that the situation is adequately reviewed prior to renewal. An Authorising Officer must not renew an authorisation for the use of a CHIS unless the Authorising Officer is satisfied that a review of certain matters has been carried out and considered the result of that review.

The matters to be reviewed are –

- ***the use made of the source, tasks given to the source and information obtained.***

One useful way of viewing an Authorisation is to regard it as an **insurance policy** – in force only during the times authorised and once expired, it cannot be renewed – it has to be a new application and new policy.

15. Cancellation

The Authorising Officer must cancel an authorisation as soon as if he or she believes that the activity is no longer necessary or proportionate. A cancellation should describe the activity undertaken, explain what was achieved by that activity and give details of the evidence actually obtained. The Authorising Officer should also give instructions regarding the retention, or destruction of the evidence obtained (e. g. video recordings and the like).

An error must be reported as soon as possible and no later than 10 working days after it has been established to the Investigatory Powers Commissioner that it is a "relevant error". Examples include: Surveillance, property interference or CHIS activity has taken place without lawful authorization or there has been a failure to adhere to the safeguards relating to private information obtained.

16. Errors

Relevant Errors committed by public authorities, in the exercise of their powers and responsibilities under the Investigatory Powers Act 2016, the Regulation of Investigatory Powers Act 2000 and the Police Act 1997, will now need to be reported using the following revised process:

Public authorities must report any Relevant Error to the Investigatory Powers Commissioner (IPC) in accordance with the relevant Code of Practice. All reports should be submitted to Errors@ipco.org.uk.

- Upon receipt of a Relevant Error, an automated acknowledgement will be provided.
- Where any further information or action is required as a result of a Relevant Error report, an IPCO Inspector will make contact with the Council.
- The Relevant Error will then be assessed to determine whether the circumstances could have a) resulted in serious harm or b) call for any urgent changes to national policy or procedures. If this is the case, an investigation will take place.
- If it is not deemed serious, the Relevant Error will be addressed at the Council's next inspection.

Relevant Errors will routinely be examined at each of our inspections.

Public authorities will be required to provide records and confirmation that any material obtained in consequence of the error, that has no connection or relevance to any investigation or operation undertaken by your public authority, has been destroyed.

The Senior Responsible Officer for each public authority is responsible for oversight of reporting errors to the IPC, and the identification of both the cause(s) of errors and implementation of processes to minimise repetition.

D. RECORDS

1. Copies of all written authorities, reviews and cancellations should be kept for a period of 5 years after the conclusion of any Court proceedings arising for which the surveillance or use of the CHIS was relevant or until the next visit by the Assistant Surveillance Commissioner whichever is the later.
2. Oral authorisations should be recorded as soon as reasonably practicable after being granted and kept in as D1 above.
3. The Council's Surveillance Monitoring Officer (SMO) is the Executive Director Governance and Resources and Monitoring Officer, whose duty is to retain all original application forms and any other RIPA forms securely. The SMO shall keep a central record of the forms and keep all the forms in a central place. The SMO shall keep the procedure of each covert activity being authorised under review to ensure they comply with the legislation and Codes of Practice and shall meet the Assistant Surveillance Commissioner when he visits the Council to inspect. Also this officer shall be prepared to advise train and assist the Council's officers to enable them to comply with RIPA 2000.

The records shall only be kept for 5 years after the date of expiry and cancellation of the activity, save those cases where legal proceedings have commenced.

4. All information obtained during surveillance should be recorded in writing, in a criminal investigation by means of a surveillance log. This is a form which can be filled in which gives an account of the events observed and conversations heard at particular times which are recorded on the form or log. These should be kept for as long as may be necessary to comply with the Criminal Procedure and Investigations Act 1996 (ie the rules of disclosure in criminal proceedings).
5. All reviews of authorisations must be done in writing and kept as in D1 above as must grounds for withdrawal of authorisation or refusal to renew.
6. At no time must any of the recorded information be disclosed or used except for the purposes for which it was gathered at the time and for use in any future civil or criminal proceedings brought by or against the Council, unless required to do so by the Freedom of Information Act 2000.
7. All information obtained by the CHIS and by the officer responsible for recording the use of the CHIS should be recorded by means of a daily log similar to the surveillance log referred to in 4 above.
8. Such records referred to in 7 above which also reveal the name(s) of the CHIS should only be disclosed if legally necessary or if desired by any Court.
9. Authorising Officers must ensure compliance with the appropriate data protection requirements and the relevant codes of practice and security procedures in the handling and storage of material. Such procedures are essential when preserving continuity of evidence and ensuring admissibility of evidence in Court.
10. Regular reviews of all authorisations should be undertaken during their lifetime to assess the necessity and proportionality of the conduct.
11. Particular consideration should be given in cases where the subject of the investigation or operation might reasonably assume a high degree of confidentiality (legally privileged, confidential journalistic material, constituency business of an MP)
12. Where material has been obtained by surveillance or the use of a source, which is wholly unrelated to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to believe it will be relevant to future civil or criminal proceedings, it should be destroyed immediately. Please remember though it is a legal requirement to keep the RIPA forms for 5 years and they must all be given to the Surveillance Monitoring Officer.
13. **The mental health and wellbeing of CHIS is a top priority for CHIS units; IPCO continues to engage with those within law enforcement charged with the management of this. IPCO is supporting new processes that are currently on trial and, when on inspection, Inspectors will continue to ensure that issues, risks and needs are identified and addressed appropriately.**

14. This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through directed surveillance or CHIS activity. This material may include private, confidential or legal privilege information.
15. Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. For the purposes of this code, something is necessary for the authorised purposes if the material:
 - Is, or is likely to become, necessary for any of the statutory purposes set out in RIPA in relation to covert surveillance or CHIS activity;
 - Is necessary for facilitating the carrying out of the functions of public authorities under RIPA;
 - Is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunals necessary for the purposes of legal proceedings; or Is necessary for the performance of the functions of any person by or under any enactment.
16. Material obtained through Directed Surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Criminal Procedure and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998.
17. Ensuring the continuity and integrity of evidence is critical to every prosecution Accordingly, considerations as to evidential integrity are an important part of the disclosure regime under the CPIA and these considerations will apply to any material acquired through covert surveillance that is used in evidence. When information obtained under a covert surveillance authorisation is used evidentially, the council will be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.
18. Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements. In a criminal case the codes issued under CPIA will apply. They require that the investigator record and retain all relevant material obtained in an investigation and later disclose relevant material to the Prosecuting Solicitor. They in turn will decide what is disclosed to the Defence Solicitors.
19. There is nothing in RIPA which prevents material obtained under directed or intrusive surveillance authorisations from being used to further other investigations. All material associated and obtained with an application will be subject to the provisions of the Data Protection Act (DPA) 2018 and CPIA Codes of Practice. All officers involved within this process should make themselves aware of the provisions within this legislation and how it impacts on the whole RIPA process. Material obtained together with relevant associated paperwork should be held securely. Extra care needs to be taken if the application and material relates to a CHIS.

20. Material required to be retained under CPIA should be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.
21. Where the accused is convicted, all material which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.
22. If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.
23. If an appeal against conviction is in progress when the release, or at the end of the period of six months, all material which may be relevant must be retained until the appeal is determined.
24. If retention is beyond these periods it must be justified under DPA. Each relevant service within the council may have its own provisions which will also need to be considered to ensure that the data is retained lawfully and for as long as is necessary.
25. The Council's Surveillance Monitoring Officer (SMO) is the Executive Director Governance and Resources must ensure compliance with the appropriate data protection requirements under DPA 2018 and any relevant internal arrangements produced by the council relating to the handling and storage of material.
26. It may be necessary to disseminate material acquired through the RIPA covert activity within Tameside Metropolitan Borough Council or shared outside with other councils or agencies, including the Police. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary. It must also be in connection with an authorised purpose as set out above. It will be necessary to consider exactly what and how much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.

27. The obligations apply not just to Tameside Metropolitan Borough Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from Tameside Metropolitan Borough Council before disclosing the material further. It is important that the Officer In Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
28. A record will be maintained justifying any dissemination of material. If in doubt, seek advice from Legal Services.
29. Material obtained through covert surveillance, and all copies, extracts and summaries of it, must be handled and stored securely, to minimise the risk of loss. It must be held to be inaccessible to persons who are not required to see the material (where applicable). This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT security and an appropriate security clearance regime is in place to safeguard the material.
30. Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
31. In the course of an investigation, Tameside Metropolitan Borough Council must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.
32. Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

33. Telecommunications data -NAFN

The RIPA (Communications Data) Order 2003 came into law in January 2004. The Investigatory Powers Act 2016 (IPA) came into force for local authorities on Tuesday 11 June 2019. It allows Local Authorities to acquire limited information in respect of subscriber details and service data. It does NOT allow Local Authorities to intercept, record or otherwise monitor communications data.

Applications to use this legislation must be submitted to a Home Office accredited Single Point of Contact (SPOC). The Council uses the services of NAFN (the National Anti-fraud Network) for this purpose.

¹ Consideration of whether or not unrelated material should be destroyed is the responsibility of the Authorising Officer. Only those Officers involved in the investigation are entitled to see the material. In cases where collateral intrusion has taken place, those third parties involved shall not have an automatic right to see the material. (Please note that if they choose to exercise their rights under the Data Protection Act 1998 s7 such request would normally be refused by virtue of s29(3) of the Data Protection Act 1998 if compliance with such a request is likely to prejudice the investigation of a crime.

E. EQUIPMENT

All cctv equipment must be kept securely and a Policy should be adopted by all users of this procedure to ensure the equipment is not used for unauthorised purposes. An example of the type of policy required is on the Council's RIPA intranet site under the heading "POLICY FOR THE RETENTION AND STORAGE OF SURVEILLANCE EQUIPMENT"

F. CIVIL LIABILITY

According to s27(2) of RIPA a person shall not be subject to any civil liability in respect of any conduct of his which is incidental to any conduct which is properly authorised provided it is not of itself conduct for which an authorisation or warrant might reasonably be expected to have been obtained under another enactment. An example is where a RIPA authorisation is granted to put a tracking device on a private vehicle. This could give rise to civil liability because a 'property interference authorisation' under the Police Act 1997 is necessary.

Of course if not properly authorised a person could incur personal liability and face disciplinary action.

G. COMPLAINTS

Any complaints about any powers covered by this Procedural Guide can either be made under the Council's existing corporate complaints system or to the Investigatory Powers Tribunal set up under S65 RIPA 2000.

H. 1 FORMS FOR DIRECTED SURVEILLANCE

NB. All forms are on the Council's intranet site – do not save them as they may be updated and you need to ensure it is the most up-to-date copy. Users must access the forms from the intranet site every time without fail.

R1/DS Application for authorisation, authorisation form and record of grant of oral authorisation

R2/DS Review form

R3/DS Application for renewal of authorisation and renewed authorisation

R4/DS Cancellation form

H 2 FORMS FOR COVERT HUMAN INTELLIGENCE SOURCES

R1/CHIS Application for authorisation, authorisation form and record of grant of oral authorisation

R2/CHIS Review form

R3/CHIS Application for renewal of authorisation and renewed authorisation

R4/DS Cancellation form

H.3 FORMS FOR DIRECTED SURVEILLANCE AND CHIS

R5/DS/CHIS Authorisation control sheet for both directed surveillance and CHIS's

For ease of reference these are named forms R1-5. If it is for directed surveillance it has the initials DS after the letter R; if for a CHIS, it has CHIS.

I. THE APPLICATION AND AUTHORISATION FORMS

1. The application

1. R1, the **main application form**, should be completed by the Investigating Officer who wants to apply to the Authorising Officer for authorisation in every case and should also be completed in retrospect as soon as reasonably practicable after an oral authorisation is granted as a record of the grant of oral authorisation.
2. R1 must also be read and signed by the Authorising Officer and completed by him and signed when urgent Oral Authorisation has been granted. If he wishes to refuse the application he can do so by striking it through twice in black, notifying the Investigating Officer and sending it to the SMO with a note of reasons.
3. The application for **renewal** of authorisation R3 should be completed by the Officer in cases where written authorisation is about to end should it be necessary and proportionate to carry on the surveillance or use of CHIS beyond the time when it is due to end. R3 should then be completed by the Authorising Officer.
4. The review form R2 should be completed by the Authorising Officer at regular intervals of his own choosing or whenever the surveillance which has been authorised continues longer than one month. This is where the authorisation control sheet R5 is useful as evidence that reviews have been carried out.
5. A cancellation form R4 should be completed in full in all cases where the Authorising Officer considers that the directed surveillance or use of CHIS is no longer necessary or proportionate.
6. The authorisation control sheet R5 is essential as a monitoring tool for the authorising officer.

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7. The Surveillance Monitoring Officer (SMO) has to maintain a central record sheet of all authorisations which needs to be kept up to date. Authorising Officers need to forward all completed forms to the SMO immediately so that they can be recorded immediately or at least no later than 48 hours after the date of the authorisation.
 8. Any applications for authorisation that are refused by the Authorising Officer should be struck out with two black lines through and stamped "REFUSED". All such refusals should be forwarded to the Surveillance Monitoring Officer to be recorded accordingly, with an accompanying note stating reasons for the refusal.

NB Such applications for authorisation are important and must not be taken lightly. Time needs to be set aside for proper consideration of the matter by both Investigating and Authorising Officers and, if in doubt about any of the legal aspects and the applicability of RIPA to a given situation, advice should be sought from the Surveillance Monitoring Officer.

RESOURCES

Full Codes of Practice can be found on the Home Office website:

<http://www.homeoffice.gov.uk/>

- **Covert Surveillance & Property Interference:**

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

- **CHIS:**

<https://www.gov.uk/government/consultations/revised-covert-human-intelligence-source-chis-code-of-practice>

Acquisition and Disclosure of Communications Data:

<https://www.gov.uk/government/publications/code-of-practice-for-the-acquisition-and-disclosureofcommunications-data>

- Further information can also be found on The IPCO website:

<https://www.ipco.org.uk/>

J. PRACTICAL EXAMPLES, GUIDANCE AND ADVICE IN SPECIFIED CIRCUMSTANCES

A. GENERAL

Detailed guidance is set out in the Home Office Guidance and Office of Surveillance Commissioners (OSC) Procedures and Guidance to which all officers have access, and if unable to locate should contact Legal Services for assistance.

Below are some examples taken from the OSC Procedures and Guidance. Officers should familiarise themselves with the contents of this guidance, and its applicability to their activities.

To recap, surveillance, for the purpose of the 2000 Act, includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained.

Surveillance is covert if, and only if, it is carried out in a manner calculated to ensure that any persons who are subject to the surveillance are unaware that it is or may be taking place.

Specifically, covert surveillance may be authorised under the 2000 Act if it is either directed or intrusive:

Directed surveillance is covert surveillance that is not intrusive and is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of private information about any person (other than by way of an immediate response to events or circumstances such that it is not reasonably practicable to seek authorisation under the 2000 Act);

Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle (and that involves the presence of an individual on the premises or in the vehicle or is carried out by a means of a surveillance device)

Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a public authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites.

Example: *Two people holding a conversation on the street or in a bus may have a reasonable expectation of privacy over the contents of that conversation, even though they are associating in public. The contents of such a conversation should therefore still be considered as private information. A directed surveillance authorisation would therefore be appropriate for a public authority to record or listen to the conversation as part of a specific investigation or operation.*

Example: *Officers of a local authority wish to drive past a café for the purposes of obtaining a photograph of the exterior. Reconnaissance of this nature is not likely to require a directed surveillance authorisation as no private information about any person is likely to be obtained or recorded. However, if the authority wished to conduct a similar exercise, for example to establish a pattern of occupancy of the premises by any person, the accumulation of information is likely to result in the obtaining of private information about that person and a directed surveillance authorisation should be considered.*

The fact that a directed surveillance authorisation is available does not mean it is required. There may be other lawful means of obtaining personal data which do not involve directed surveillance.

Example: A surveillance officer intends to record a specific person providing their name and telephone number to a shop assistant, in order to confirm their identity, as part of a criminal investigation. Although the person has disclosed these details in a public place, there is nevertheless a reasonable expectation that the details are not being recorded separately for another purpose. A directed surveillance authorisation should therefore be sought.

In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.

As set out in paragraph 3.14 of the August 2018 revised code, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.

Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online. See also paragraph 3.6 of the August 2018 revised code.

Example 1: A police officer undertakes a simple internet search on a name, address or telephone number to find out whether a subject of interest has an online presence. This is unlikely to need an authorisation. However, if having found an individual's social media profile or identity, it is decided to monitor it or extract information from it for retention in a record because it is relevant to an investigation or operation, authorisation should then be considered.

Example 2: A customs officer makes an initial examination of an individual's online profile to establish whether they are of relevance to an investigation. This is unlikely to need an authorisation. However, if during that visit it is intended to extract and record information to establish a profile including information such as identity, pattern of life, habits, intentions or associations, it may be advisable to have in place an authorisation even for that single visit. (As set out in the following paragraph, the purpose of the visit may be relevant as to whether an authorisation should be sought.)

Example 3: A public authority undertakes general monitoring of the internet in circumstances where it is not part of a specific, ongoing investigation or 20 operation to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies or deployments. This activity does not require RIPA authorisation. However, when this activity leads to the discovery of previously unknown subjects of interest, once it is decided to monitor those individuals as part of an ongoing operation or investigation, authorisation should be considered.

- Whether the information obtained will be recorded and retained;
- Whether the information is likely to provide an observer with a pattern of lifestyle;
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and therefore constitute collateral intrusion into the privacy of these third parties.

Example: An authorisation under the 2000 Act would not be appropriate where police officers conceal themselves to observe suspicious persons that they come across in the course of a routine patrol or monitor social media accounts during a public order incident.

Example 1: Plain clothes police officers on patrol to monitor a high street crime hot-spot or prevent and detect shoplifting would not require a directed surveillance authorisation. Their objective is merely to observe a location and, through reactive policing, to identify and arrest offenders committing crime. The activity may be part of a specific investigation but is general observational activity, rather than surveillance of individuals, and the obtaining of private information is unlikely. A directed surveillance authorisation need not be sought.

Example 2: Police officers monitoring publicly accessible information on social media websites, using a general search term (such as the name of a particular event they are policing), would not normally require a directed surveillance authorisation. However, if they were seeking information relating to a particular individual or group of individuals, for example, by using the search term "group x" (even where the true identity of those individuals is not known) this may require authorisation. This is because use of such a specific search term indicates that the information is being gathered as part of a specific investigation or operation, particularly in circumstances where information is recorded and stored for future use.

Example 3: Local authority officers attend a car boot sale where it is suspected that counterfeit goods are being sold, but they are not carrying out surveillance of particular individuals and their intention is, through reactive policing, to identify and tackle offenders. Again this is part of the general duties of public authorities and the obtaining of private information is unlikely. A directed surveillance authorisation need not be sought.

Example 4: Intelligence suggests that a local shopkeeper is openly selling alcohol to underage customers, without any questions being asked. A trained employee or person engaged by a public authority is deployed to act as a juvenile in order to make a purchase of alcohol. In these circumstances any relationship, if established at all, is likely to be so limited in regards to the requirements of the Act, that a public authority may conclude that a CHIS authorisation is unnecessary. However, if the test purchaser is wearing recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a directed surveillance authorisation.

Example 5: *Surveillance officers intend to follow and observe Z covertly as part of a pre-planned operation to determine her suspected involvement in shoplifting.*

It is proposed to conduct covert surveillance of Z and record her activities as part of the investigation. In this case, private life considerations are likely to arise where there is an expectation of privacy and the covert surveillance is pre-planned and not part of general observational duties or reactive policing. A directed surveillance authorisation should therefore be considered.

The 'core functions' referred to by the Investigatory Powers Tribunal are the 'specific public functions', undertaken by a particular public authority, in contrast to the 'ordinary functions' which are those undertaken by all authorities (e.g. employment issues, contractual arrangements etc.). These "ordinary functions" are covered by the Data Protection Act 2018 and the Information Commissioner's Employment Practices Code. A public authority may only seek authorisations under the 2000 Act when in performance of its 'core functions'. For example, the disciplining of an employee is not a 'core function', although related criminal investigations may be. As a result, the protection afforded by an authorisation under the 2000 Act may be available in relation to associated criminal investigations, so long as the activity is deemed to be necessary and proportionate.

Example 1: *A police officer is suspected by his employer of undertaking additional employment in breach of discipline regulations. The police force of which he is a member wishes to conduct covert surveillance of the officer outside the police work environment. Such activity, even if it is likely to result in the obtaining of private information, does not constitute directed surveillance for the purposes of the 2000 Act as it does not relate to the discharge of the police force's core functions. It relates instead to the carrying out of ordinary functions, such as employment, which are common to all public authorities.*

Example 2: *A police officer is suspected to be removing classified information from the work environment and sharing it improperly. The police force wishes to investigate the matter by undertaking covert surveillance of the employee. The misconduct under investigation amounts to the criminal offence of misfeasance in a public office, and therefore the proposed investigation relates to the core functions of the police, and the proposed surveillance is likely to result in the obtaining of private information. Consequently, a directed surveillance authorisation should be considered*

Example 3: *It is alleged that a public official has brought their department into disrepute by making defamatory remarks online, and identifying themselves as a public official. The department wishes to substantiate the allegations separately from any criminal action. Such activity, even if it is likely to result in the obtaining of private information, does not constitute directed surveillance for the purposes of the 2000 Act, as it does not relate to the discharge of the department's core functions.*

Necessity and proportionality

The following elements of proportionality should therefore be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 has the following effects:

- Local authorities in England and Wales can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment **or** are related to the underage sale of alcohol and tobacco or nicotine inhaling products. The offences relating to the latter are in article 7A of the 2010 RIPA Order.
- Local authorities **cannot** authorise directed surveillance for the purpose of preventing disorder unless this involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment.
- Local authorities may therefore continue to authorise use of directed surveillance in more serious cases as long as the other tests are met – i.e. that it is necessary and proportionate and where prior approval from a JP has been granted.

B. Specific Examples

1. Use of Social Networking Sites (SNS)

See 3.10 to 3.17 of Covert Surveillance and Property Interference Revised Code of Practice August 2018

The internet may be used for intelligence gathering and/or as a surveillance tool, and it is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation.

However, the fact that digital investigation is routine or easy to condone does not reduce the need for authorisation in relevant circumstances.

Care must be taken to understand how the SNS works. Authorising officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy if access controls are applied.

In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required.

Directed Surveillance: Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance.

CHIS: An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (ie the activity is more than mere reading of the site's content).

It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for covert purposes without authorisation. Using photographs of other persons without their permission to support the false identity infringes the law.

A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (ie the person from whom consent is sought must agree (preferably in writing) what is and is not to be done)."

2. Updating photographs for intelligence purposes

Covertly taking a photograph for the purpose of updating records is capable of being directed surveillance and should be authorised.

3. Covert surveillance of co-habiting couples

The purpose of surveillance is to investigate a crime and not a criminal. It is usually not possible to be certain of a partner's awareness of a criminal situation and proving awareness of a criminal situation and proving co-habitation is sometimes necessary and proportionate. It is appropriate subject to accurately constructed documents, to authorise surveillance against co-habiting parties. Authorising Officers should confine surveillance of the partner to that which is necessary to prove co-habitation. Surveillance of juveniles or other family members should be avoided.

4. The availability of resources

Whilst there may be a public expectation that public bodies will monitor offenders, an Authorising Officer should not grant an activity when he knows there to be insufficient covert surveillance resource to conduct it.

5. Technical feasibility studies

Feasibility studies should be conducted before the application is submitted to the Authorising Officer. Without it the Authorising Officer is unable to know the objectives can be achieved or to accurately assess proportionality or collateral intrusion. It is unacceptable to deny knowledge of technical capability from the Authorising Officer.

6. Private information

An authorisation for directed surveillance is required whenever it is believed that there is a real possibility that the manner in which it is proposed to carry out particular surveillance will result in the obtaining of private information about any person, whether or not that person is or becomes a subject of the operation.

7. Use of noise monitoring equipment

Measuring levels of noise audible in the complainant's premise is not surveillance because the noise has been inflicted by the perpetrator who has probably forfeited any claim to privacy.

Using sensitive equipment to discern speech or other noisy activity not discernible by the unaided ear is covert, likely to obtain private information and may be intrusive surveillance.

The Authorising Officer should consider whether the surveillance equipment is capable of measuring volume only or whether it can identify the perpetrators, mindful that the more sensitive the equipment the greater the potential for intrusive surveillance.

Where possible, the intention to monitor noise should be notified to the owner and occupier of the premises being monitored.

Where notice is not possible or has not been effective, covert monitoring may be considered necessary and proportionate. If monitoring equipment is used as a means also to assess whether a claim is vexatious, any consent provided by the complainant to use monitoring equipment on his premises is vitiated if the capability of the equipment is not explained.

8. CCTV and ANPR systems

It is recommended that a law enforcement agency should obtain a written protocol with a local authority if the latter's CCTV system is to be used for directed surveillance. Any such protocol should be drawn up centrally in order to ensure a unified approach.

The protocol should include a requirement that the local authority should see the authorisation (redacted if necessary to prevent the disclosure of sensitive information) and only allow its equipment to be used in accordance with it.

The use of overt CCTV cameras by public authorities does not normally require an authorisation under the 2000 Act e.g. by virtue of visible signage/cameras, information and undertaking consultation.

Guidance on their operation is provided in the Surveillance Camera Code of Practice, overseen by the Surveillance Camera Commissioner. Regard should also be had to the Commissioner's Code, 'in the Picture – A Data Protection Code of Practice for Surveillance Cameras and Personal Information'.

The Surveillance Camera code sets out a framework of good practice that includes existing legal obligations, including the processing of personal data under the Data Protection Act 2018 and a public authority's duty to adhere to the Human Rights Act 1998. Similarly, the overt use of ANPR systems to monitor traffic flows or detect motoring offences does not require an authorisation under the 2000 Act.

Example: *Overt surveillance equipment, such as town centre CCTV systems or ANPR, is used to gather information as part of a reactive operation (e.g. to identify individuals who have committed criminal damage after the event). Such use does not amount to covert surveillance as the equipment was overt and not subject to any covert targeting. Use in these circumstances would not require a directed surveillance authorisation.*

However where overt CCTV, ANPR or other overt surveillance cameras are used in a covert and planned manner as part of a specific investigation or operation, for the surveillance of a specific person or group of people, a directed surveillance authorisation should be considered. Such covert surveillance is likely to result in the obtaining of private information about a person (namely a record of their movements and activities) and therefore falls properly within the definition of directed surveillance. The use of the CCTV, ANPR or other overt surveillance cameras in these circumstances goes beyond their intended use for the general prevention or detection of crime and protection of the public.

Example: *A local police team receive information that an individual suspected of committing thefts from motor vehicles is known to be in a town centre area. A decision is taken to use the town centre CCTV system to conduct surveillance against that individual, such that he remains unaware that there may be any specific interest in him. This targeted, covert use of the overt town centre CCTV system to monitor and/or record that individual's movements should be considered for authorisation as directed surveillance.*

9. Test purchases of sales to juveniles

Guidance is given in respect of undertaking test purchasing operations by the Code of Practice: Age Restricted Products published by BIS/BRDO in 2014.

The BIS/BRDO guidance states that an enforcing authority should consider the statutory requirements for authorization under RIPA when conducting test purchase operations. The application of RIPA to test purchasing has been debated for some time with guidance and clarification being sought from a number of sources:

Test purchase activity does not in general require authorization as a CHIS under RIPA as vendor-purchaser Test purchase activity does not in general require authorisation as a CHIS under RIPA as vendor-purchaser activity does not normally constitute a relationship as the contact is likely to be so limited. However, if a number of visits are undertaken at the same establishment to encourage familiarity, a relationship may be established and authorisation as a CHIS should be considered.

If the test purchaser is wearing recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a directed surveillance authorisation. The Home Office Code of Practice for Covert Surveillance and Property Interference (December 2014)

The ECHR has construed the manner in which a business is run as private information [see also Covert Surveillance and Property Interference Code of Practice paragraphs 2.5 and 2.6] and such authorisation must identify the premises involved.

When conducting covert test purchase operations at more than one establishment, it is not necessary to construct an authorisation for each premise to be visited but the intelligence must be sufficient to prevent “fishing trips”. Premises may be combined within a single authorisation provided that each is identified at the outset. Necessity, proportionality, and collateral intrusion must be carefully addressed in relation to each of the premises. It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have been considered or attempted and failed. (Sec 245 OSC Procedures & Guidance 2016)

In all cases a prior risk assessment is essential in relation to the young person.

10. Risk Assessments

The authorisation request should be accompanied by a risk assessment, giving details of how the CHIS is going to be handled and the arrangements which are in place for ensuring that there is at all times a person with responsibility for maintaining a record of the use made of CHIS. The risk assessment should take into account the safety and welfare of the CHIS in relation to the activity and should consider the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS after the cancellation of the authorization should also be considered at the outset.

It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have been considered or attempted and failed.

11. Drones

Where surveillance using airborne crafts or devices, for example helicopters or unmanned aircraft (colloquially known as ‘drones’), is planned, the same considerations outlined in chapters 3 and 5 of the August 2018 code should be made to determine whether a surveillance authorisation is appropriate. In considering whether the surveillance should be regarded as covert, account should be taken of the reduced visibility of a craft or device at altitude. (See also 3.36 to 3.39 of this code with regard to overt surveillance cameras.)

Example: *An unmanned aircraft deployed by a police force to monitor a subject of interest at a public demonstration is likely to require an authorisation for directed surveillance, as it is likely that private information will be obtained and those being observed are unaware it is taking place, regardless of whether the drone is marked as belonging to the police force. Unless sufficient steps have been taken to ensure that participants in the demonstration are aware that aerial surveillance will be taking place, such activity should be regarded as covert.*

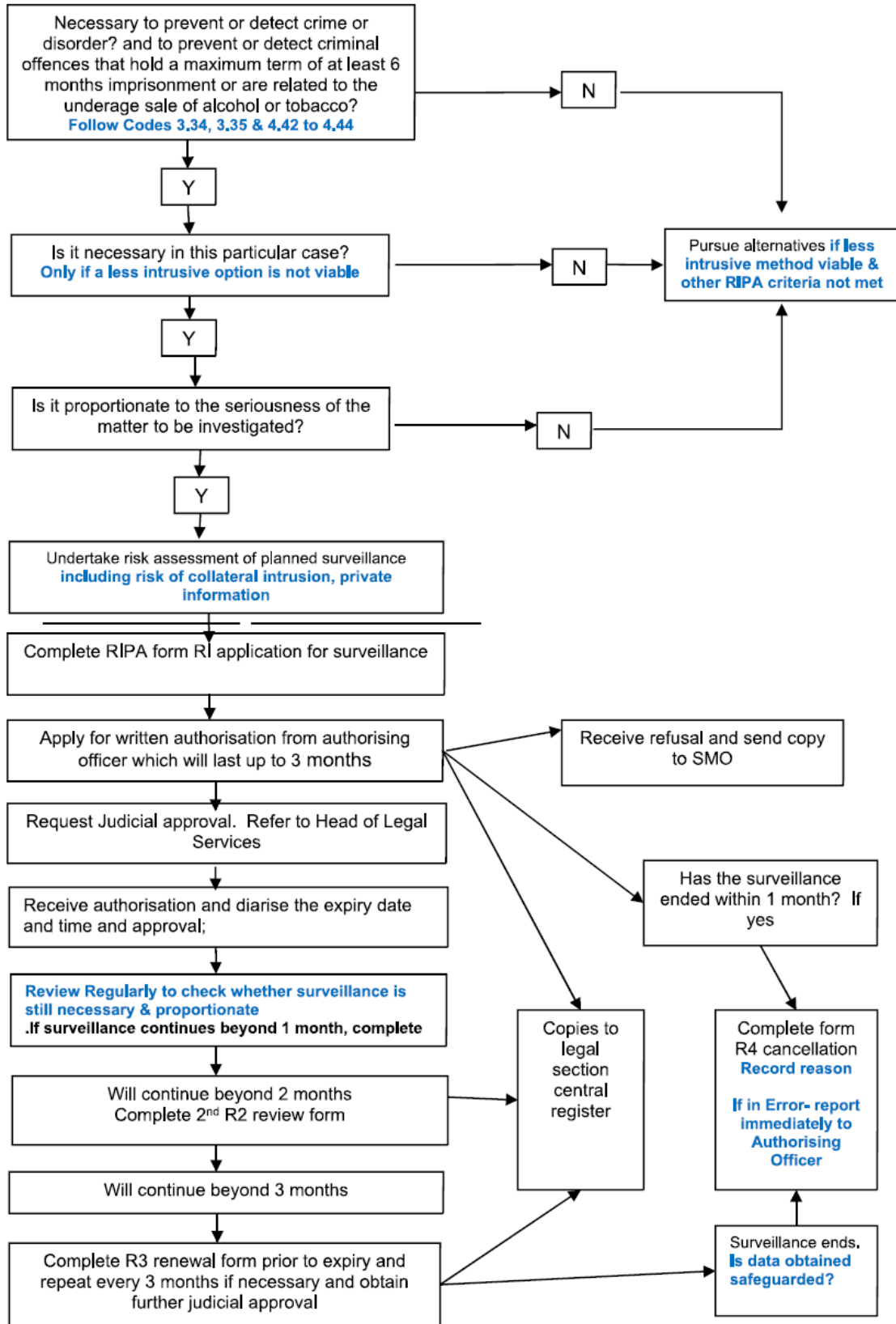
Example: An observation post outside residential premises which provides a limited view compared to that which would be achievable from within the premises does not constitute intrusive surveillance. However, the use of a zoom lens, for example, which consistently achieves imagery of the same quality as that which would be visible from within the premises, would constitute intrusive surveillance.

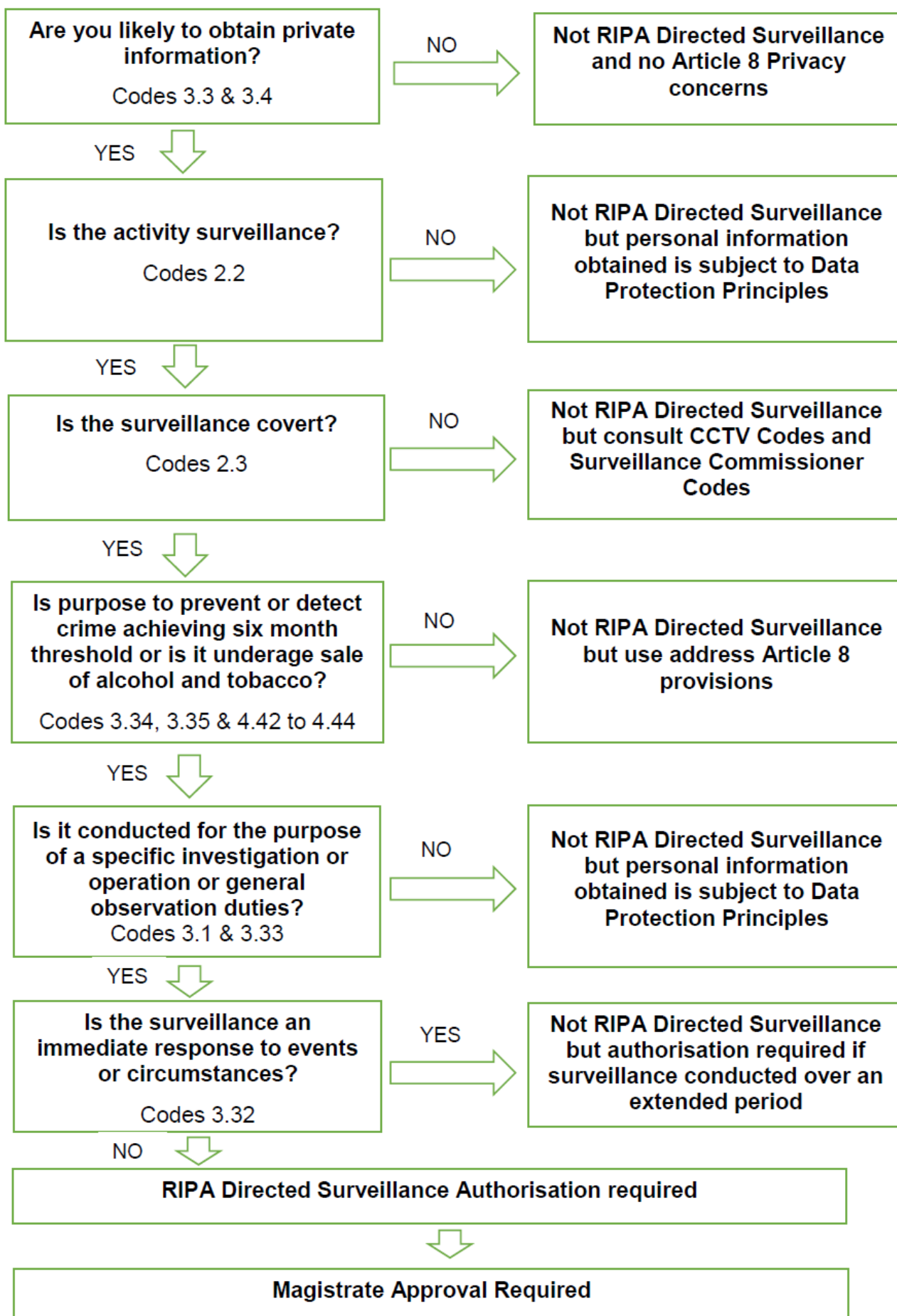
12. Researchers

*A public authority undertakes general monitoring of the internet in circumstances where it is not part of a specific, ongoing investigation or operation to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies or deployments. This activity does not require RIPA authorisation. **However**, when this activity leads to the discovery of previously unknown subjects of interest, once it is decided to monitor those individuals as part of an ongoing operation or investigation, authorisation should be considered.*

Internet searches carried out by a third party on behalf of a public authority, or with the use of a search tool, may still require a directed surveillance authorisation (see paragraphs 3.6 and 4.32 of the August 2018 revised code). Consideration should be given as to whether it is likely to result in obtaining private information about a person or group.

K. RIPA SURVEILLANCE APPLICATIONS PROCESS MAP – DIRECTED SURVEILLANCE





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