

## BOARD

3 June 2020

<b>Present</b>	<b>Elected Members</b>	<b>Councillors Warrington (In the Chair)</b> <b>Bray, Cooney, Fairfoull, Feeley, Gwynne,</b> <b>Kitchen, Ryan and Wills</b>
	<b>Chief Executive</b>	<b>Steven Pleasant</b>
	<b>Borough Solicitor</b>	<b>Sandra Stewart</b>
<b>Also in attendance</b>	<b>Section 151 Officer</b>	<b>Kathy Roe</b>
	<b>Dr Asad Ali, Tracy Brennand, Jeanelle De Gruchy, Richard</b>	
	<b>Hancock, James Mallion, Dr Ashwin Ramachandra, Ian Saxon,</b> <b>Sarah Threlfall, Jayne Traverse and Jessica Williams</b>	

### **163 DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **164 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting on the 20 May 2020 were accepted as a correct record.

### **165 TEST & TRACE PROGRAMME FOR COVID**

Consideration was given to a presentation of the Consultant of Public Health which outlined the National Contract Tracing Programme.

Members were informed that Tameside had seen a steady increase in line with the national trend of cumulative cases of Covid-19, an average daily increase of 5%. The data on new cases were updated daily by Public Health England based on lab testing. The overall trend showed that the number of confirmed cases based on weekly averages was decreasing.

It was reported that by the 28 May 2020 there had been 235 Covid-19 deaths in Tameside, of which the majority of deaths were in older age ranges.

The Consultant in Public Health explained the process for Contact Tracing, identifying cases, finding out who had been in contact with the case and isolating the case and contacts to prevent further transmission. Members received a detailed diagram of breaking the chain of infection. The aims of the Test and Trace Service would be to reduce the R rate to below 1, save lives and allow the safe release from lockdown. It was reported that the National Contact Tracing Programme went live on the 28 May.

The Test and Trace Programme would test anyone with symptoms, people would be encouraged to get a test. Those who tested positive would be told to isolate and information would be collated on their contacts. Contacts would be made aware of the need to isolate. Within England there would be national call handlers and NHS professionals contact tracing at scale and local teams who would follow up complex cases and issues.

As part of GM there would be a focus on early innovation and sharing best practice, there would be a development and testing of local outbreak control plans. Further Tameside was connecting to the GM hub with a Tameside Single Point of contact (SPOC) to pick up issues to be handled locally.

It was explained that there would be a slow start of the national system while data flows were established. The GM hub was pulling more resources in to support localities. The SPOC had been

established, scenario and capacity planning would continue. The next steps would include: continued contribution into the GM design; ongoing scenario and business continuity planning; the continued development of the operational delivery plan for Test and Trace in Tameside; Work would continue on the Communications Plan "*Don't be a contact*"; development of enhanced Outbreak Control Plan; and better clarity on resource and capacity demand once data flows improved.

Tameside was one of 11 areas taking part in the pilot for the national track and trace programme. The pilots would focus on early innovation, sharing best practice and developing and testing local outbreak control plans.

## **AGREED**

**That the presentation be noted.**

## **166 HEALTH & SAFETY - ENSURING COMPLIANCE WITH 'COVID-19 SECURE' GUIDELINES**

Consideration was given to a report of the Assistant Director of Operations and Neighbourhoods that summarised the additional health and safety responsibilities on the organisation to comply with the Health & Safety at Work Act 1974 and the 'Covid-19 secure' guidelines. The report also identified the practical steps which must be taken to ensure compliance and the additional resources which would be required to support this.

Members heard that as an employer Tameside Council had a legal duty under Section 2 and 3 of the Health and Safety at Work Act 1974 to provide, so far as was reasonably practicable, a safe and healthy working environment for employees and members of the public.

It was stated that all employers had a legal duty under Regulation 3 of the Management of Health and Safety at Work Regulations to carry out a suitable and sufficient risk assessment of the risks to the health and safety of their employees to which they were exposed to whilst they were at work; and the risks to the health and safety of persons not in their employment arising out of or in connection with the conduct by him of his undertaking. In response to the Covid-19 outbreak the Government published on 12 May 2020 additional 'Covid-19 Secure' guidelines.

The UK government, in consultation with industry, had produced 'COVID-19 Secure' guidance to help ensure workplaces were as safe as possible. The new guidance covered 8 workplace settings which were allowed to be open, from outdoor environments and construction sites to factories and takeaways. This set out practical steps for businesses focused on 5 key points, which should be implemented as soon as practical:

- Work from home if you can;
- Carry out a COVID-19 risk assessment, in consultation with workers or trade unions;
- Maintain 2 metres social distancing, wherever possible;
- Where people cannot be 2 metres apart, manage transmission risk; and
- Reinforcing cleaning processes.

It was explained the 8 guides covered a range of different types of work. The Council operated many of its services within a range of these workplace settings. The Council must comply with the governmental guidelines and within its regulatory responsibilities advise local businesses on compliance standards to keep employees and residents safe. The workplace settings included: Construction and other outdoor; factories, plants and warehouses; Homes; Labs and research; Offices and Contact Centres; Restaurants offering takeaway or delivery; Shops and Branches; Vehicles.

The Chief Executive / Accountable Officer had overall responsibility for ensuring that the organisation met the duties imposed on it by Health and Safety legislation and associated regulations.

The report stated that Council Service Managers must, at the earliest opportunity, complete a Covid-19 risk assessment in relation to the work activities their teams were involved in. This must be done in consultation with the workforce and unions. Service Unit Managers would be communicated to directly via email to advise them of the new guidelines.

Training on the completion of Risk Assessments would be available via the Me-Learning intranet and a bespoke Webinar Conference. The Health and Safety Team would support all managers within the Council in completing the risk assessments and identifying appropriate control measures.

It was further explained that it was important that there was close co-operation and communication between the Health and Safety Team, Human Resources and Growth Directorate (Strategic Property Services). It was the responsibility of Growth Directorate to facilitate the control measures specified in risk assessments and to ensure that building facilities and layouts complied with 'Covid-19 Secure' guidelines. The Health and Safety Team would need to be kept up to date on the plans to open buildings, any changes made to buildings and any limitations on potential modifications to buildings as this would inform risk assessments and any changes needing to be made to control measures. Similarly, any further changes to the delivery of services should include a review of the risk assessments.

#### **AGREED**

**That Executive Cabinet be recommended to agree that:**

- (i) Every Service Unit Manager carries out a Covid-19 risk assessment for each workplace and activity undertaken by their Service.**
- (ii) The unions are informed of the process that the organisation is taking to ensure compliance via the Employment Consultation Group.**

#### **167 GREATER MANCHESTER'S CLEAN AIR PLAN – TACKLING NITROGEN DIOXIDE EXCEEDANCES AT THE ROADSIDE – PREPARATORY IMPLEMENTATION AND CONTRACT ARRANGEMENTS**

Consideration was given to a report of the Executive Member for Neighbourhoods, Community Safety and Environment / Director of Operations and Neighbourhoods, which summarised the procurements that needed to be undertaken to deliver the Clean Air Zone (CAZ) and other GM Clean Air Plan (CAP) measures and to seek approval for TfGM to undertake the preparatory procurement arrangements on behalf of the 10 Local Authorities in accordance with the GMCA and TfGM's existing Constitutional arrangements.

Members were informed that although TfGM had been leading on the development of the Full Business Case (FBC) on behalf of the ten GM local authorities, the formal legal powers and duties relating to the GM CAP, including the duty to secure compliance with the March 2020 ministerial direction fall on the GM authorities themselves.

For any procurements intended to be undertaken by TfGM on behalf of the GM authorities, appropriate delegations would need to be put in place by the GM authorities to TfGM via the GMCA.

Members were presented with a table containing a number of procurements that were required to deliver the CAZ and other GM CAP measures. This included the procurement of: CAZ Signage; CAZ Service; CAZ Debt Recovery; Vehicle Funds Grant Administration; Vehicle Funds Vehicle Financier; Funds Platform; and Diffusion Tube Procurement. The approach that had been used to develop procurements for the GM CAP was set out to Members of the Board.

It was stated that TfGM's Constitutional arrangements ensured that there was appropriate governance in place. As procurement sourcing options for the GM CAP would be above OJEU threshold activities would be managed through TfGM's Strategic Procurement Group who reported into TfGM's Executive Board and met as part of TfGM's monthly Finance & Corporate Services Functional Board.

The Strategic Procurement Group was the body within TfGM that was responsible for approving to proceed (or rejecting) through the various stages of relevant procurements, from initiation stage through to award of contract and would work within the rules laid down in the TfGM Constitution and Scheme of Delegation.

It was explained that for the GM CAP the Strategic Sourcing Document (SSD) would be reviewed and approved by: the GM CAP Programme Board, chaired by the GM CAP Senior Responsible Officer; the Strategic Procurement Group during the monthly Functional Board, chaired by the Director of Finance and Corporate Services; and TfGM Executive Board, chaired by TfGM's Chief Executive. The sequence of the approval stages would remain and each stage approvals were a prerequisite for submission to the next. The proposed governance was fully auditable and transparent in accordance with the TfGM Constitution.

It was recognised that all procurements detailed would be subject to the current national emergency regarding COVID-19. TfGM were monitoring this situation with the application of clear guidelines that formal procurements could only commence on the "normalisation" of the market. No tenders would be issued to market during a period of national emergency unless specific market conditions indicate an ability of all bidders to effectively bid.

Mitigation to current circumstances was being undertaken through the development of all procurement documentation to a position of imminent release once the market stabilised and the supply chain were positioned to respond in a fair and competitive manner. Market engagements in compliance with Public Contract Regulations 2015 were being undertaken to assess supplier capabilities, mitigate risk and ensure outsourced service requirements were aligned to industry standard to reduce design, build and implementation timescales for services post contract award.

Extensive market engagement across all key procurements had been undertaken which could allow for remote tendering practices to be implemented if the market confirmed they supported this approach.

#### **AGREED**

**That the Executive Member (Neighbourhoods, Community Safety and Environment) be recommended to approve that Greater Manchester Combined Authority (acting by its officer, Transport for Greater Manchester (TfGM) through the TfGM Strategic Procurement Group) is authorised to undertake the preparatory procurement arrangements that are needed to deliver the Clean Air Zone (CAZ) and other Greater Manchester Clean Air Plan (GM CAP) measures on behalf of Tameside Council in accordance with TfGM's existing Constitutional arrangements.**

#### **168 ASSISTED CONCEPTION COVID-19 IMPACT**

Consideration was given to a report of the Executive Member for Adult Social Care and Health / Clinical Lead / Director of Commissioning, which sought agreement on a way forward that mitigated the negative impact of the Covid-19 pandemic on couples eligible for IVF under the Assisted Conception policy.

It was stated that national guidance resulted in IVF treatment being suspended on 15 April 2020 including for those couples part way through a cycle. New guidance issued in May permitted the resumption of treatment from 11 May subject to individual providers demonstrating that they could provide a safe service for patients and a safe working environment for clinic staff that complies with recommendations from professional guidance.

The Tameside and Glossop Policy for Assisted Conception stated that for women aged 39 and under the CCG funded 3 cycles, if the woman turned 40 before all cycles were complete then no further treatment would be funded after the current cycle was completed. For women aged 40-42 all

CCG's offer 1 full cycle provided they had never previously had IVF and there had been a discussion about the implications of IVF at this age.

Across Greater Manchester, commissioners had been asked to agree to honour the original number of cycles agreed at the start of treatment with replacement cycles taking place when the original cycle had to be cancelled or abandoned and to allow an extension of the cut off age to enable completion of the original number of cycles.

It was explained that under normal contracting arrangements the provision of IVF services would be paid to providers on a cost per case basis with cancelled cycles being paid at 1/3 tariff and abandoned cycles at 2/3 of the tariff. This process was technically still in place in 20/21, with some changes to NHS Providers.

It was explained that the CCG did not have data on the number of patients who may need replacement cycles or who may be impacted by the cut off age and for some they may have a successful pregnancy that negates the need for a replacement cycle or extension related to age.

The financial impact in total for IVF would be difficult to calculate at this stage as there were unknown factors. It was explained that, whilst NHS block payments would inevitably contribute towards IVF services that got suspended, there was no current guidance about how CCGs and providers would reconcile payments to actual service delivery in the future and at what point. Whereas with the Independent Sector providers, payments had been halted on a cost per case basis, yet the CCG still had a full years' budget plan in place based on expected throughput of patients and mitigates some of the risks highlighted in this report.

## **AGREED**

**Strategic Commissioning Board are asked to approve:**

- (i) A replacement treatment cycle if the original cycle had to be abandoned due to the service pause.**
- (ii) Patients who reach the cut-off age before receiving all their cycles because their treatment start has had to be delayed are permitted to have those cycles missed provided no additional delays requested by the couple.**
- (iii) Patients who restart treatment in 20/21 who have a treatment cycle stopped due to coronavirus symptoms developing during**

## **169 PARENTAL BEREAVEMENT LEAVE SCHEME**

Consideration was given to a report of the Executive Leader / Assistant Director of People and Workforce Development, which provided details of the entitlements and obligations of those affected by the loss of a child.

It was stated that there was no qualifying period of employment for the right to bereavement leave. Therefore, from day one, employed parents would be entitled to 2 weeks leave following the loss of a child below the age of 18, or who suffer a stillbirth after 24 weeks or pregnancy.

The definition of a qualifying parent was outlined in the proposed scheme. Those who fall in scope included:

- A child's legal parents, so both natural and adoptive parents
- A parent's partner, in an enduring family relationship i.e. step parent.
- Others with a caring relationship to the child, such as a 'parent in fact', who are defined as a person who for a continuous period of at least four weeks before the child's death has lived with the child in the person's home, and had day to day responsibility for the child's care (provided they are not paid for that role, foster payments excepted).

It was explained that leave could be taken either as one block or in two one week blocks, at any time within 56 weeks of the child's death. Where the leave was to start within 56 days of the child's

death, the employee must provide notice before the day the leave would start, or where that was not possible as soon as was reasonably practicable. Where the leave was to start after that 56-day period, at least one week's notice must be given. The notice must include the date of the child's death, the date on which the employee intends the leave to start, and whether the period of absence is for one week or two weeks.

The Statutory Parental Bereavement Pay (General) Regulations 2020 stated that in order for an employee to be eligible for pay for Parental Bereavement Leave, the employee must have 26 weeks' continuous service, and weekly average earnings over the lower earnings limit (£118 per week for 2019 to 2020). The regulations also state that leave is paid at the statutory rate of £151.20 per week, or 90% of the employee's normal weekly earnings; whichever is lower. The regulations allowed for employers to offer more leave and pay, but only 2 weeks' payment could be recovered for each employee and for each death.

It was proposed that Parental Bereavement Leave would be paid at the employee's normal rate of pay, in order to demonstrate the Council and CCG's recognition of the terrible effect that the loss of a child can have, and to its commitment to supporting employees in these tragic circumstances.

The proposed scheme stated that employees who suffered the loss of a child below the age of 18, or who suffered a stillbirth after 24 weeks of pregnancy; were entitled to two weeks Parental Bereavement Leave, to be taken in blocks of one or two full weeks, paid at their normal rate of pay, where the employee has 26 weeks' continuous service.

Where the employee does not have 26 weeks' continuous service, they are entitled to two weeks unpaid Parental Bereavement Leave, to be taken in blocks of one or two full weeks. The employer can offset the statutory pay against any contractual pay paid for the leave period.

Parental Bereavement Leave was in addition to any other forms of family leave that the employee was entitled to, including: Maternity; Paternity; Adoption Leave; Shared Parental Leave; and Compassionate Leave.

In order to be paid for parental bereavement leave (where eligible), notice must be given to the employer in writing within 28 days of the start of the first week's leave or, as soon as was reasonably practicable. That notice must include the parent's name and the date of the child's death.

Further, on the first occasion leave was taken, the parent must also provide a written declaration that they meet one of the qualifying conditions in terms of their relationship with the child. If notice was given before the start of the leave, it would be possible to withdraw that notice.

## **AGREED**

**That the Executive Leader be recommended to agree that:**

- (i) To implement the proposed Parental Bereavement Leave Scheme as detailed in Appendix A for all Tameside Council and Tameside & Glossop CCG employees.**
- (ii) The Council recommends the Parental Bereavement Leave Scheme as detailed in Appendix A for adoption by all Governing Bodies of all community, voluntary controlled and voluntary aided schools.**
- (iii) To pay eligible employees Parental Bereavement Leave at their normal rate of pay for a maximum of two weeks.**

## **170 LA DISCRETIONARY GRANT FUND**

Consideration was given to a report of the Executive Member for Finance and Growth / Director for Growth, which sought approval for the Tameside Local Authority Discretionary Grant Fund and to delegate decisions to the Director for Growth in consultation with the Executive Member for Finance and Economic Growth on the operation of the fund.

Members were reminded that in March 2020, the Chancellor had announced a series of additional reliefs for non-domestic rates, and business rates support grants to alleviate the impact of COVID-19. These additional reliefs and business support grants were all fully funded by Government Grant. The total reliefs awarded in Tameside to 4,739 premises was an estimated £34.9m, which meant that businesses in receipt of a relief did not have any business rates to pay in the current financial year. A total of £53m was identified for business support grants in Tameside with £10k or £25k being awarded subject to satisfying eligibility criteria and the rateable value of the premises.

As of 28 May 2020 a total of £41.04m had been awarded to 3,723 eligible business accounts which was 99% of all applications received. It was evident that Tameside, like most other local authorities expected to pay approximately 75% of funding received, as a number of potentially eligible businesses were not eligible due to ceasing trading or no longer occupying the premises.

In early May 2020, the Secretary of State for Business, Energy & Industrial Strategy (BEIS) and Secretary of State for Housing, Communities and Local Government (MHCLG) had announced that further funding would be available to businesses to target small businesses with high fixed property-related costs but that are not eligible for the current grant schemes.

It was highlighted that the scheme should be launched in early June to ensure that Tameside met the timetable set out by Government and communicated to the public of making payments in June to support micro and small businesses with property costs impacted by COVID19.

The government confirmed an additional 5% uplift to the £12.33 billion previously announced for the Small Business Grants Fund and the Retail, Hospitality and Leisure Grants Fund, or up to £617 million, available to Local Authorities. In Tameside this equates to £2,345,250.

Where Local Authorities anticipated having remaining funding from their initial allocations, having made payments to all eligible businesses, government required this remaining funding to be used first. Additional funding would only be made available where a Local Authority does not have sufficient remaining funds to meet the costs of this additional 5% discretionary grant fund.

Local Authorities had been asked to exercise their local knowledge and discretion as government recognised that economic need would vary across the country, and so national criteria would be set for the funds, but allowing Local Authorities to determine, which cases to support within those criteria. Local Authorities had been asked to prioritise businesses as outlined in the report for grants from within this funding pot.

The national criteria for the funds, which applied to all grants made from this fund, were set out in the report. These grants could only go to: businesses with ongoing fixed building-related costs; businesses which can demonstrated that they had suffered a significant fall in income due to the Covid-19 crisis; business with fewer than 50 employees; businesses with a rateable value below £51,000 (discretionary); and businesses that were trading on 11 March.

Only businesses which were trading on 11 March 2020 were eligible for this scheme. Companies that were in administration, were insolvent or where a striking-off notice has been made were not eligible for funding under this scheme. The Government updated the guidance on the 22 May (Version 2) to make applicants to the Self Employment Income Support Scheme (SEISS) eligible for this grant also.

All grants were capped at £25,000. The next level of grants would be £10,000. Local Authorities had discretion to make payments of any amount under £10,000. It would be for Local Authorities to adapt this approach to local circumstances. Government expected decisions on the appropriate level of funding to reflect the relative costs borne by businesses and to align with the Small Business Grants and Retail, Hospitality and Leisure Grants Funds.

As this was a discretionary fund, government expected Local Authorities would want to use an application process and local guidance criteria to business; Tameside's local guidance would be published on the Council website with an online application form.

It was explained that the scheme had been designed to support the priority businesses set out in the government guidance and local priority sectors. The main principle of the scheme was to support micro and small businesses (as set out in the Government Guidance and our local scheme) with fixed property related costs of £1,000 or more and where they had suffered a loss of income.

The Council would administer a phased approach over 2 rounds to assess and quantify the level of demand for funding from businesses that fall within the priority areas set out in the Government guidance and meet the eligibility criteria and evidence requirements set out in our scheme. If all allocated funding is spent in round 1 then round 2 would not take place.

It was explained that the Council had access to limited funds from Government for this scheme and it was expected that most grant allocations made would be under £10,000. The maximum allocation permitted of £25,000 would only be made in very exceptional circumstances. In order for the Discretionary Grant to benefit the maximum number of eligible small businesses, it was proposed to have 4 levels of grant, which would directly be proportionate to the level of property costs for the business. Should the Council receive more applications than funding available the impact on income due to the Covid19 crisis would also be used to determine new grant levels along with the number of applications received. A business that had property costs below £1000 or experienced a loss of income below 10% since March 11 2020 will not be eligible for the grant.

It was further explained that in the event of over subscription the Council would alter the level (size) of grants awarded to eligible businesses based on the principle that Tameside aim to support as many businesses as possible with this allocated funding. The Council would not be using any other funding other than the amount provided by Government to administer this scheme (£2,345,250).

Following round 1, the second phase – round 2 would enable increased local flexibilities and discretionary elements to be applied to the fund. However, this would need to be considered in light of the level of funding that was remaining from Round 1. Dependent on funding the level of grant paid may be reduced in Round 2 to ensure all applicants received some support rather than none at all.

The proposed discretionary areas we would choose to fund were set out in the report. These areas comprised businesses not eligible in the SBG or RHLG and Tameside's core, emerging or vulnerable key sector business to support long term inclusive economic growth. Based on the estimates in Table 3 below the liability for Round 2 would be minimum £133,000 and maximum of £1,330,000 if the same levels of grant funding were set.

Members were advised that there was a risk of businesses being unsatisfied with the outcome of their application but the Tameside Council Scheme Guidance makes clear that decisions would be final meaning no appeals process.

In response to a question it was stated that the Key Decision report setting out the allocation of grants would be submitted to Board prior to final decision be taken.

#### **AGREED**

- (i) To approve the Tameside Local Authority Discretionary Grant Fund as set out in Appendix A.**
- (ii) To delegate decisions to the Director for Growth in consultation with the Executive Member for Finance and Growth on the operation of the fund including varying the terms of the scheme and amending the grant levels on a pro rata basis to ensure spend is within allocated funding subject to a report being submitted to Board prior to allocation of grants.**



## 171 PLANNING FOR SCHOOL REOPENING

Consideration was given to a report of the Executive Member for Lifelong Learning, Equalities, Culture and Heritage / Assistant Director of Education which stated that in Tameside, the vast majority of schools including special schools and the Pupil Referral Service had stayed open to support vulnerable pupils and children of key workers since the start of lock-down. As a result, school leaders and their staff have worked to operate schools in a way that maintained safe practice and social distancing. However, due to a variation in attendance based solely on the children of critical workers and vulnerable pupils, this has been managed effectively.

Members were informed that the Government had announced on Sunday 10 May 2020 that schools should begin to re-open from 1 June 2020 as follows:

- Nurseries and other early year providers, including childminders, to begin welcoming back all children;
- Primary schools to welcome back children in nursery (where they have them), reception, year 1 and year 6;
- Secondary schools, sixth forms, and further education colleges to begin some face to face support with year 10 and 12 pupils, although we do not expect these pupils to return on a full-time basis at this stage;
- All schools and childcare providers to continue to offer places to the priority groups – vulnerable children and children of critical workers – they have been supporting since the end of March;
- Special schools, special post-16 institutions and hospital schools to work towards a phased return of more children and young people without a focus on specific year groups and informed by risk assessments; and
- Alternative provision to welcome back children in reception, year 1 and year 6 and begin some face to face support with year 10 and 11 pupils (as they have no year 12).

It was explained that so far the Council had quickly implemented daily phone calls to all schools and early years providers through Link Officers drawn from within Education and Early Help Services. These phone calls had been invaluable in providing a good quality and consistent two-way communication channel.

A range of support measures had been issued to schools over the last few weeks to support their provision for vulnerable children and the children of key workers. Further, there was a provision of an EHCP Risk Assessment template and accompanying process in line with updated guidance from the DfE. The process and documentation was developed in consultation with school leaders, colleagues in social care and key health partners. To ensure robust decision-making, quality assurance for this school-led approach a multi-agency assessment process, was completed by the LA and the CCG.

A Scenario Planning Group had been meeting regularly and membership included school leaders and senior council officers. The Group identified six key themes that were leading the thinking: Advice, support and guidance for staff; agreements on logistics; protocols, guidance and processes to support vulnerable children guidance on transitions between schools and back into school; curriculum and support services; and assessing the quality of the current and future offer.

It had been agreed that a series of documents and resources would be made available to schools to support each setting and ensure consistency across the borough on the themes identified. In addition a schools and education risk assessment template has been circulated to schools which focuses on the key areas for safe re-opening. The risk assessments would be reviewed in relation to all schools where the staff were employed by the Council. In all other cases the responsibility for ensuring the adequacy of the risk assessment, prior to the opening of the school, would sit with the school's governing body. Officers were also working to support the safe opening of establishments.

It was explained that it was essential to provide clear communication and support to Head teachers, their staff, parents and carers to outline how a safe re-opening of settings based on local need may be progressed. Schools and their governing bodies were responsible for determining both the strategic and operational direction of the school and not the Local Authority, however, in those schools where the local Authority was the employer it would have a duty in relation to the health and safety of all staff and in relation to other persons on the premises. In reaching a determination as to the re-opening of the school system the safety and wellbeing of pupils staff and the school community would be of paramount consideration. Members were informed that to support this a number of recommendations had been made:

- Act safely and sensibly and maintain a borough-wide approach to identifying collective processes which support local decisions.
- Agree that wider opening was an ambition for all schools. In Tameside this will be from 08 June. There would be no expectation that all eligible children should be in school on this date. Recognise that phased approaches would be needed and that attendance would increase over time.
- Schools should focus on how they could safely begin to open more widely for eligible pupils from this date. It would not be necessary to focus on how schools would open to all pupils.
- Provide a whole school risk assessment template to all schools which should be used alongside all guidance from the Department for Education and other materials to enable each school to assess the level of risk and how it can be mitigated in order to ensure schools could open and operate safely; Provide an advisory review of all school risk assessments to ensure that schools have followed an appropriate and sensible process which has taken into account the national guidance prior to the reopening of the school.
- Recognise that schools would be at different stages in their thinking and planning. No final decisions about the logistics of wider opening need to be made yet. Schools must continue to think, consult and discuss how this can be done locally.
- Wherever possible, ensure consistency in the process on which decision-making was based. To support this the Council would continue to produce local guidance and protocols for schools.
- Ensure that communications with parents and staff were, wherever possible, coordinated and consistent.
- Eligible groups would be prioritised for. These groups were, in order, vulnerable children (those with a social worker and those with an EHCP); the children of key workers; and children in nursery, reception, Y1 and Y6. Only when these groups had been accommodated should we be seeking to broaden our offer.

In considering this item Members considered the wider opening of schools in the context of the safety of children, staff and the spread of the virus. Members noted that circumstances were changing rapidly and the approach to wider school re-opening may change at short notice.

#### **AGREED**

**That the Executive Member notes and approves the proposals contained within the report.**

## **172 REASONABLE ENDEAVOURS**

Consideration was given to a report of the Executive Member for Lifelong Learning, Equalities, Culture and Heritage / Assistant Director for Education, which set out the proposed process for Tameside to ensure that provision set out in Education Health and Care Plan was being delivered during Covid-19 lockdown and throughout the phased school re-opening.

The coronavirus (Covid-19) outbreak had put significant extra pressure on local authorities and health commissioning bodies to secure, or arrange, in full the provision set out in EHC plans. Temporary legislation, drafted in response to the current situation, did not absolve Local Authorities or CCGs of their duty to secure or arrange provision for children with Education Health and Care Plans. The guidance set out an expectation that LAs and CCGs must use “reasonable endeavours”

to secure or arrange the provision. This was on the basis that the Local Authorities and CCGs at a local level would be dealing with reduced staffing, children and young people with plans being at home and not in school; the effect of social distancing on delivery; and the lack of effective alternatives.

It was reported that the impact of Covid-19 in Tameside had extended across all these issues. In particular, although all Tameside schools had remained open throughout the “closure” period, attendance had been low. In all schools it has fluctuated between 2 and 3%. For children with an EHCP it had been 6%. Furthermore, the risk assessment process for children in Tameside schools had only identified just over 100 children considered safer at school. Therefore the Council was only able to operate at a reasonable endeavours level.

It was explained that the Council must consider the needs of all children and young people with an EHC plan. A further piece of work would now be required, demonstrating how the Local Authority and CCG were using “reasonable endeavours to secure or arrange provision for children with EHCPs. Whilst it was recommended that educational settings were to lead on this further assessment (in partnership with associated key services), the Council needed to be cognisant that the statutory duty, and therefore any liability lay with it.

Local authorities and health bodies must consider what they could reasonably provide in the circumstances during the notice period for each child/Young Person with an EHCP. For some, this would mean that the provision specified in their plan could continue to be delivered; but for others the provision may need temporarily to be different to that which was set out in their EHC plan. Whilst it was anticipated that the number of children with an EHCP attending school would increase as part of the wider opening of schools. The exact number of children who would require changes to the delivery of the provision outlined in their plan could only be known following a review of their current risk and assessment alongside the process.

Members were informed that as part of the ongoing review Local authorities, health services and other relevant bodies should communicate regularly with the families of those children and young people with EHC plans, or who were being assessed or applying for assessment. Where the temporary Covid related changes affected what families’ experienced, they would need clarity as to:

- What provision will be secured for each child and young person and the reason for any difference from what is specified in the EHC plan.
- When decisions will be made as part of the various processes relating to EHC needs assessments and plans.

Due to these temporary changes and the expectation that schools, LAs and CCGs agree, deliver and record provision to meet needs specified in EHCPs at this time, it would be necessary to establish a robust process to achieve this. There would be a six week timeframe in which to complete this piece of work.

In deciding what provision must be secured or arranged in discharge of its duty, the local authority and health commissioning body should consider:

- The specific local circumstances (such as workforce capacity and skills and that of others whose input would be needed to undertake an EHC needs assessments and plans processes, temporary closures of education settings, guidance on measures to reduce the transmission of coronavirus (COVID-19) and other demands of the outbreak).
- The needs of and specific circumstances affecting the child or young person.
- The views of the child, young person and their parents/carers over what provision might be appropriate.

It was proposed that a school-led process to determine what provision would be delivered for each child with an EHC Plan and to consider if that was reasonable. In addition to robust consultation with key partners, it would be crucial that parents / carers and where possible children / young people be

involved in the decision-making process and fully concur with what has been agreed. These measures would therefore be completed as a partnership between schools, families, the Local Authority, and CCG to ensure we remain faithful to the spirit of co-production, enshrined in the Children and Families Act 2014.

It was stated that whilst this was a significant undertaking, the 6 week time frame should be sufficient to ensure this work could be fully completed. Elements of the template would be completed in cooperation and discussion with key partners from health and social care. Tameside SEND service would provide schools with a named officer until all templates have been completed, and to assist with reviewing arrangements. The officer would support settings in whatever capacity required to alleviate pressure and add resource where necessary.

#### **AGREED**

**That the current local position as a result of the impact of the Covid 19 necessitates the Council using its reasonable endeavours to secure special education provision specified in Education Health and Care Plans in accordance with the Notice issued by the Secretary of State for Education on 28 April 2020 on the following basis:**

- (i) The Council will continue to work with educational settings, the children and young people and parents or carers to determine whether children and young people would be able to have their needs met at home, and be safer there than attending an educational setting.**
- (ii) As part of the on-going assessment of the best way to deliver provision outlined in Education Health and Care Plans the attached document (appendix 1) would be used.**
- (iii) It was noted that monitoring of the local position and individual plans would be an on-going process. 4. In addition the local position and delivery of plans would be subject to a further review in 3 months' time or whenever the Secretary of State for Education's Notice expires, whichever is the sooner.**

#### **173 DIGITAL DEVICES FOR VULNERABLE AND DISADVANTAGED CHILDREN AND YOUNG PEOPLE**

Consideration was given to a report of the Executive Member (Lifelong Learning, Equalities, Culture and Heritage)/Assistant Director of Education, which set out the options to provide digital devices for disadvantaged families, children and young people who did not currently have access to them through another source such as school.

It was stated that as a consequence of the Covid-19 pandemic schools in England had been closed to the majority of pupils since 23 March this year. Since this closure and the subsequent "lockdown" between 2-3% of pupils nationally had attended. These pupils were the children of key workers and those considered vulnerable. Therefore most children had been learning remotely, with work supplied by their school. The majority of this work was provided online. Pupils therefore required some access to a digital device to access it.

To support schools to deliver a remotely accessible offer, on 19 April 2020 the Department for Education launched a scheme which would provide digital devices (laptops and tablets) for disadvantaged families, children and young people who did not currently have access to them through another source, such as their school.

Digital devices can be requested for: care leavers; children and young people aged 0 to 19 with a social worker; disadvantaged year 10 pupils. The DfE allocated Tameside 144 devices for pupils in maintained schools in year 10, this was inclusive of mainstream, special and PRU. There had been an allocation of 964 devices for pupils with a social worker and 184 4G wireless routers.

Members were advised that Government guidance stated that: Local Authorities would be responsible for ordering and distributing laptops and tablets to: care leavers and children with a social worker; year 10 pupils in maintained schools, including voluntary aided schools, who do not have a social worker. Local authorities should work with schools to assess which pupils required a

laptop or tablet. Academy trusts were responsible for ordering and distributing laptops and tablets to year 10 pupils who: did not have a social worker; were not a care leaver; or did not have access to a laptop or tablet through another source.

Local authorities and academy trusts would own the laptops and tablets they receive, and loan them to children and young people.

Officers had been working with schools since this announcement to identify those children and families most in need of support. It should be noted that the total number of devices allocated to the Local Authority was fewer than the number of eligible children without access to a device.

Children without access to a device would be the highest priority, those sharing access and those accessing via a smartphone only the next highest priority. Those young people who already have access to a device would not be eligible to receive one from the DfE allocation. The Heads of Service LAC and CP/CIN were finalising this list.

Once allocated, if any vulnerable children still do not have access the Assistant Director Education will raise this directly with the DfE.

It was reported that Tameside had ordered 144 windows laptops for Y10 pupils. 300 windows tablets for children under 7 with a social workers and 664 windows laptops for children 7-19 with a social worker. These devices would be due before the end of May 2020.

Distribution of laptops would be managed from the Humanitarian Hub that had been established for supporting residents during the Covid19 period. Insurers had granted a window of 2 weeks cover.

Therefore, hardware needed to be swiftly delivered to schools. There would likely be no insurance for the transit risk to schools. There were excess implications should the items be stolen from site, these would be dependent on security arrangements and range from £100 - £30,000. Officers from Children's Services had held discussions with colleagues from Risk and Insurance, Finance and IT and with Head teachers about how we should manage this process.

It was highlighted that it was important for Members to note the section in the report which clarified that whilst the number of devices was less than those who should be eligible all eligible children and young person would have a device. This was not addressed in the financial implications or as a financial risk, although recommendation 6 makes it clear of the intention to seek to obtain more devices from the DfE. In the absence of an allocation criteria and a commitment to fund all devices required then this must be addressed financially.

## **AGREED**

**That the Executive Member (Lifelong Learning, Equalities, Culture and Heritage) be recommended to agree that:**

- (i) The Council will receive delivery of digital devices and that they will be safely stored until delivery.**
- (ii) Option 4 (subject to a signed agreement, schools will own digital devices for children with a social worker) is agreed.**
- (iii) The Council will deliver these devices to schools.**
- (iv) As outlined in government guidance Secondary schools will own digital devices for pupils in Y10 and will be responsible for their allocation.**
- (v) The Head of Service Looked after Children and Head of Service Child Protection & Children in Need will agree with schools and named social workers a list of eligible children, to be approved by the Assistant Director for Children's Social Care.**
- (vi) Should the allocation of devices from the DfE be insufficient to meet demand a further request will be made to the DfE noting that if there is excess demand an eligibility criteria will need to be determined by the Director of Childrens' in consultation with the schools.**

**174 FORWARD PLAN FOR COVID RESPONSE BOARD**

Members considered the forward plan of items for future meetings of the Covid Response Board.

**CHAIR**