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SOUTHEND-ON-SEA BOROUGH COUNCIL

Cabinet

Date: Tuesday, 17th September, 2019

Time: 2.00 pm

Place: Committee Room 1 - Civic Suite

Contact: Colin Gamble

Email: committeesection@southend.gov.uk

AGENDA

- 1 Apologies for Absence
- 2 Declarations of Interest
- 3 Minutes of the Meeting held on 25 June 2019
- 4 Minutes of the Meeting held on 8 July 2019

**** **HERE AND NOW**

- 5 **Fire Safety**
Report of Deputy Chief Executive (Place)
- 6 **Council Preparations for Brexit**
Report of Deputy Chief Executive (Place)
- 7 **Parking on Seafront and High Street Areas**
Report of Deputy Chief Executive (Place)
- 8 **Petition Against New Parking Charges (referred back by Place Scrutiny Committee held 8th July 2019)**
- 9 **Petition relating to High Street and Two Hours Free Parking (referred back by Place Scrutiny Committee held 8th July 2019)**
- 10 **Petition relating to Street Lighting and CCTV in Pleasant Road Area**
- 11 **Notice of Motion - Better Queensway**
(Attached)

- 12 **Notice of Motion - Seaway Car Park**
 (Attached)
- 13 **Notice of Motion - Climate Emergency Declaration**
 Report of Deputy Chief Executive (Place)
- 14 **Notice of Motion - HRA Lundy Close**
 (Attached)
- 15 **Housing and Development Pipeline Update**
 Report of Deputy Chief Executive (People)
- 16 **Selective Licensing of the Private Rented Sector**
 Report of Deputy Chief Executive (People)
- 17 **Ofsted Inspection of Children's Services**
 Report of Deputy Chief Executive (People)
- 18 **School Outcomes Summer 2019**
 Report of Deputy Chief Executive (People)
- 19 **Review and update of Tree Policy**
 Report of Deputy Chief Executive (Place)
- 20 **Admission Arrangements for Community Schools**
 Report of Deputy Chief Executive (People)
- 21 **Real Living Wage**
 Report of Executive Director (Transformation)
- 22 **Journey of the Child - Annual Report**
 Report of Deputy Chief Executive (People)
- **** **PERFORMANCE**
- 23 **Council Debt Position to 31 July 2019**
 Report of Executive Director (Finance & Resources)
- 24 **Southend 2050 Outcomes Success Measures Report - Quarter 1 2019/20**
 Report of Executive Director (Transformation)
- 25 **Corporate Budget Performance 2019/20 - Period 4**
 Report of Executive Director (Finance and Resources)
- 26 **Treasury Management - Quarter One 2019/20**
 Report of Executive Director (Finance and Resources)

27 Governance Update and SIRO Report

Report of Executive Director (Legal & Democratic Services)

28 Annual Comments, Compliments and Complaints

Report of Executive Director (Legal & Democratic Services)

29 Control Environment Assurance

Report of Executive Director (Finance and Resources)

****** MINUTES**

30 Minutes of Meeting of Environment and Planning Working Party, 29th August 2019

(Attached)

****** COUNCIL PROCEDURE RULE 46**

31 Council Procedure Rule 46

32 Exclusion of the Public

To agree that, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below on the grounds that it will involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

33 Control Environment Assurance - Confidential Appendix (Pages 509 - 532)

Members:

Cllr I Gilbert (Chair), Cllr R Woodley (Vice-Chair), Cllr T Harp, Cllr A Jones, Cllr C Mulroney, Cllr K Robinson and Cllr M Terry

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Tuesday, 25th June, 2019

Place: Committee Room 1 - Civic Suite

Present: Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), A Jones, C Mulroney, K Robinson and M Terry

In Attendance: Councillors Boyd, Cowan, Dent, Garne, Jarvis, George, Habermel and Wexham
A Griffin, J K Williams, S Leftley, A Lewis, J Chesterton, J Ruffle, F Abbott, S Baker, E Cooney, A Keating, K Ramkhelawon, C Robinson, J Blackburn, T Holland, P Warren and K Robertson

Start/End Time: 2.00 - 3.20 pm

68 Apologies for Absence

Apologies for absence were received from Councillor T Harp.

69 Declarations of Interest

The following Councillors declared interests as indicated:

(a) Cllr Gilbert – Minute 73 (Town Centre Report) – non-pecuniary interest – place of work is near High Street;

(b) A Griffin – Minute 75 (Southend Town Centre & Seafront Public Spaces Protection Order) – non-pecuniary interest – lives in proposed PSPO area;

(c) Cllr Terry – Minute 75 (Southend Town Centre & Seafront Public Spaces Protection Order) – non-pecuniary interest – lives in proposed PSPO area;

(d) Cllr Robinson – Minute 77 and Minute 79 (Southend Safeguarding Partnership Report, Annual Public Health Report) – non-pecuniary interest – NHS employee in town;

(e) Cllr Mulroney – Minute 90 (Capital Outturn Report) – non-pecuniary interest – member of Leigh Town Council.

70 Minutes of the Meeting held on Tuesday, 12th March, 2019

Resolved:

That the Minutes of the Meeting held on Tuesday, 12th March 2019, be confirmed as a correct record and signed.

71 Revised Southend 2050 - Five Year Road Map

The Cabinet considered a report of the Chief Executive setting out the content of the revised Southend 2050 Five Year Road Map timeline, following the formation of the Joint Administration at Council on 3 June 2019.

Recommended:

That the revised Southend 2050 Road Map time-line as set out in Appendix 1 to the submitted report be agreed, reflecting the policy objectives of the new Joint Administration.

Reasons for Decision:

To not update the document.

Other Options:

Not adopting the recommended approach would mean that the Council's administration policy objectives would not be fully reflected in the Southend 2050 Road Map.

Note: This is a Council Function
Referred direct to all three Scrutiny Committees
Cabinet Member: Cllr Gilbert

72 In the context of the vision for Southend 2050, what is the vision of young people which improves their lives, and what are the pathways to achieve this

The Cabinet considered a report of the Strategic Director (Legal & Democratic Services) presenting the recommendations of the 2018/19 scrutiny project *'In the context of the vision for Southend 2050, what is the vision of young people which improves their lives and what are the pathways to achieve this ambition'*.

Cabinet members expressed their thanks and appreciation to the project team and the young people involved in the project for their contributions.

Resolved:

1. That the report and conclusions from the in depth scrutiny project set out at Appendix 1 to the submitted report, be endorsed.
2. That it be noted that approval of any recommendations with budget implications will require consideration as part of future years' budget processes prior to implementation.

Reasons for Decision:

As set out in the submitted report.

Other Options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function
Referred direct to People Scrutiny Committee
Cabinet Member: Cllr Jones

73 Reimagining the Town Centre in the Context of 2050

The Cabinet considered a report of the Deputy Chief Executive (Place) presenting the recommendations of the 2018/19 scrutiny project '*Reimagining the Town Centre in the context of 2050*'.

Cabinet members expressed their thanks and appreciation to the project team, officers, reference group, business community and external guests for their contributions and support.

Resolved:

1. That the report and conclusions from the in depth scrutiny project set out at Appendix 1 to the submitted report, be endorsed.
2. That a multi-organisation task and finish group be established in line with the principles set out in paragraphs 3.11-3.14 of the report and that the Director of Regeneration and Business Development be authorised, in consultation with the Cabinet Member for Business, Tourism and Culture, to agree membership of the group.

Reasons for Decision:

As set out in the submitted report.

Other Options:

To note the report but not progress any of the recommendations.

Note: This is an Executive Function
Referred direct to Place and Policy & Resources Scrutiny Committees
Cabinet Member: Cllr Robinson

74 Cabinet Working Parties

The Cabinet considered a report of the Chief Executive outlining a revised configuration and composition of Cabinet working parties to help drive the Southend 2050 programme.

A revised Appendix 2 to the report was circulated at the meeting.

Recommended:

1. That the configuration of Cabinet working parties be revised as set out in paragraph 3.10 of the submitted report and the revised Appendix 2.
2. That a vice-chair for each Cabinet Working Party is appointed by the Leader.

3. That the terms of reference for the working parties are reviewed in due course, as appropriate.

Reason for Decision:

To revise the configuration and composition of Cabinet working parties to help drive the Southend 2050 programme.

Other Options:

The Council could retain the current configuration of Cabinet working parties, however, they would not provide the same extent of focus on 2050 outcomes or engage non-Cabinet councillors to the same extent in policy development work.

Note: This is a Council Function

Referred Direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

75 Southend Town Centre & Seafront Public Spaces Protection Order

Resolved:

That this matter be deferred to a special meeting of the Cabinet, to be held on Monday 8th July 2019, beginning at 10 am.

76 Housing Update

The Cabinet considered a report of the Deputy Chief Executive (People) providing an update on two key elements of the Housing, Homelessness and Rough Sleeping Strategy, namely housing supply and a proposed Acquisitions Programme for Council Housing.

Resolved:

1. That the work to develop a regeneration framework and pipeline of housing and regeneration projects, including the potential to establish a revolving investment fund to deliver the pipeline, with a report coming forward to Cabinet in September 2019, be agreed.
2. That the process for responding to third party approaches is agreed for implementation.
3. To proceed with the Acquisitions Programme for Council Housing as agreed in the Council's Housing, Homelessness & Rough Sleeping Strategy.
4. That a capital budget of £4.3M be created within the Housing Revenue Account (HRA) capital programme for 2019/20 to facilitate the Acquisitions Programme, funded 30% from retained Right to Buy Capital receipts and 70% from HRA Capital Investment Reserve.

Recommended:

5. That the delegated authority to the S151 Officer for property acquisitions and disposals for the sign off of the property acquisitions in Part 3, Schedule 3, Section 4 of the Constitution be amended to increase the value from £250,000 to £500,000.

Reasons for Decision:

The Acquisitions Programme for additional council housing is recommended as there is an established need for affordable housing within the Borough as demonstrated by the local Strategic Housing Market Assessment (SHMA), and by our own Homes Seeker's Register data.

The formation of an Acquisitions Programme for council housing would result in an increase in the levels of affordable housing in the short term. This increase in the Borough's affordable housing stock may assist in reducing reliance on more expensive temporary accommodation.

Other Options:

Do Nothing – This option considered not creating an Acquisitions Programme. This approach however would result in a repayment of Right to Buy funds to HM Treasury, would not increase council housing stock and would also not help the Council to meet its 2050 Vision or contribute to the 2050 road map.

Transfer the funds as grant to a Registered Provider (RP) – This option would see the Right to Buy funds given to RP's as a grant to build affordable housing, with nomination rights given to the Council. This approach would not however be achievable in the given timescales.

Note: The decisions in 1-4 above constitute an Executive Function. The decision in 5 above constitutes a Council Function.

Referred direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

77 Southend Safeguarding Partnership

The Cabinet considered a report of the Deputy Chief Executive (People) which gave an overview of Southend Safeguarding Partners response to the changes in governance required by the "Working Together to Safeguard Children - A guide to inter-agency working to safeguard and promote the welfare of children – July 2018".

Resolved:

That the report be noted and approved.

Reasons for Decision:

As set out in the submitted report.

Other Options:

None.

Note: This is an Executive Function
Referred direct to People Scrutiny Committee
Cabinet Members: Cllr Harp and Cllr Jones

78 Housing Allocation Policy Review

The Cabinet considered a report of the Deputy Chief Executive (People) on the Council's Social Housing Allocations Policy review and proposed policy positions.

Resolved:

1. That a consultation upon the proposed policy changes, be approved.
2. That, following consultation, any minor changes to the draft policy be made under delegated authority by the Deputy Chief Executive (People), and the Director for Housing in consultation with the portfolio holder for housing, but that any major proposed changes be returned to Cabinet for decision.

Reason for Decision:

The proposed changes are based on targeted engagement, data insights, legislative requirements and strategic objectives outlined through Southend 2050 and the Housing, homelessness and Rough Sleeper Strategy, and are believed to represent an inclusive and balanced proposal for an updated and amended allocations policy.

Other Options:

None.

Note: This is an Executive Function
Referred direct to Policy and Resources Committee
Cabinet Member: Cllr Gilbert

79 Annual Public Health Report

The Cabinet considered a report of the Deputy Chief Executive (People) which presented the 2018-19 Annual Report of the Director of Public Health.

Resolved:

That the content and recommendations of the 2018-19 Annual Report of the Director of Public Health, be noted.

Reason for Decision:

The Health and Social Care Act 2012 requires Directors of Public Health to prepare an annual report on the health of the local population.

Other Options:

None.

Note: This is an Executive Function
Referred direct to the People Scrutiny Committee
Cabinet Member: Cllr Harp

80 Petition Against New Parking Charges - Referred by Council on 17th April 2019

At the meeting of Council held on the 17th April 2019, Councillor Ayling presented a petition opposing new parking charges. The petition was referred to Cabinet in accordance with Standing Order 15.7 (Minute 874 refers).

Resolved:

That no changes are made to the current pricing structure but consideration be given to parking charges as part of the 2020/21 budget process.

Reason for Decision:

To respond to the petition.

Other Options:

None.

Note: This is an Executive Function
Referred direct to the Place Scrutiny Committee
Cabinet Member: Cllr Woodley

81 Petition Relating to the High Street and Two Hours Free Parking - Referred by Council 17th April 2019

At the meeting of Council held on 17th April 2019, Councillor Ayling presented a petition relating to the high street and 2 hours free parking. The petition was referred to Cabinet in accordance with Standing Order 15.7 (Minute 875 refers).

Resolved:

That the 2 hour free parking in the town centre car parks is not implemented.

Reason for Decision:

To respond to the petition.

Other Options:

None.

Note: This is an Executive Function
Referred direct to the Place Scrutiny Committee
Cabinet Member: Cllr Woodley

82 Review of Statement of Licensing Policy

The Cabinet considered a report of the Deputy Chief Executive (Place) that set out the legal obligations on the Council, acting as Licensing Authority, and the timetable for the review of the Licensing Policy. The report also set out a draft revised Policy Statement, as the basis for formal consultation.

Recommended:

That the draft revised Policy document enabling consultation to commence, be endorsed.

Reason for Decision:

To enable the Council to comply with its statutory duty to publish a timely Statement of Policy in accordance with the provisions of Section 5 of The Licensing Act 2003.

Other Options:

None.

Note: This is a Council Function

Referred direct to the Place Scrutiny Committees

Cabinet Member: Cllr Terry

83 Recruitment of Special Constables

The Cabinet considered a report of the Deputy Chief Executive (Place) on the process to be undertaken to recruit 34 Special Constables to provide additional support and visibility across all Wards in Southend.

Resolved:

1. That the process to be undertaken for the recruitment of Special Constables for Southend, be noted.
2. That officers continue to liaise with Essex Police to develop a suitable model of recruitment of Special Constables for Southend.

Reason for Decision:

To progress the recruitment of Special Constables.

Other Options:

As set out in the submitted report.

Note: This is an Executive Function

Referred direct to the Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Terry

84 The Official Feed and Food Control Service Plan 2019/20

The Cabinet considered a report of the Deputy Chief Executive (Place) which outlined the Official Feed and Food Control Service Plan 2019-20 required by the Food Standards Agency (FSA).

Recommended:

That the Official Feed and Food Control Service Plan 2019-20, be approved. ||

Reason for Decision:

To comply with the Food Standards Agency Framework Agreement.

Other Options:

None.

Note: This is a Council Function
Referred direct to Place Scrutiny Committee
Cabinet Member: Cllr Terry

85 Notice of Motion - Traveller incursions in the Borough - Recommendations from Council 13th June 2019

At the meeting of the extraordinary Council held on the 13th June 2019 a Notice of Motion was considered on traveller incursions in the Borough. The Council resolved to recommend to Cabinet that proposals 1 – 3 of the Motion be adopted, but that proposal 4 in relation to a Borough wide injunction not be pursued (Minute 25 refers).

The Cabinet member for Public Protection confirmed that a stakeholder meeting, to include Council officers and the Police, would be held on 9th July 2019 to determine the best way forward to gather evidence of future illegal traveller encampments on Council land.

Resolved:

1. That the Council will take a proactive approach and take any additional measures that are required to secure our public open spaces in the Borough by working closely with the business community, councillors and local residents on cost effective, practical and innovative solutions that help prevent illegal encampments whilst maintaining access for residents where possible.
2. That the Council will continue to adopt a strong stance in order to permanently prevent travellers from illegally occupying public spaces in the future.
3. That the Council will take measures to improve communication with local residents when unauthorised encampments do occur, to ensure clear and regular communications that Councillors distribute to residents where such issues have arisen in their wards.

4. That the Council will not pursue an injunction at the present time as the evidence to support such proceedings is insufficient. However, going forward evidence will be systematically gathered in respect of illegal traveller encampments on Council land and the harm caused. Such evidence could then be used to support an application for a borough-wide injunction if such proceedings can be justified.

Note: This is an Executive Function
Referred direct to Policy & Resources Scrutiny Committee
Cabinet Member: Cllr Terry

86 Year End Performance Report 2018/19

The Cabinet considered a report of the Strategic Director (Transformation) that outlined the end of year position of the Council's corporate performance for 2018/19.

Resolved:

That the 2018/19 end of year position and accompanying analysis, be noted.

Reason for Decision:

To reflect on the corporate performance for 2018/19 and to now drive the delivery of the Southend 2050 ambition, through robust and strategic performance management arrangements which are mentioned in the Southend 2050 Performance Framework Report.

Other Options:

None.

Note: This is an Executive Function
Referred direct to all three Scrutiny Committees
Cabinet Member: Councillor Gilbert

87 Southend 2050 Corporate Performance Framework for 2019/20 Onwards

The Cabinet considered a report of the Strategic Director (Transformation) which outlined the new Southend 2050 Corporate Performance Framework for 2019/20 onwards.

Resolved:

That the proposed Corporate Performance Framework for 2019/20 onwards, as set out in appendix 1 to the submitted report, be adopted.

Reason for Decision:

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements.

Other Options:

None.

Note: This is an Executive Function
Referred direct to all three Scrutiny Committees
Cabinet Member: Cllr Gilbert

88 Corporate Risk Register

That Cabinet considered a report of the Strategic Director (Finance and Resources) setting out the 2018/19 Corporate Risk Register year end update together with the proposed approach to refreshing the Corporate Risk Framework.

Resolved:

1. That the 2018/19 Corporate Risk Register and the year end updates, set out in appendix 2 to the submitted report, be noted.
2. That the proposed approach to refreshing the Corporate Risk Management Framework, be endorsed.

Reason for Decision:

To refresh the risk management arrangements.

Other Options:

None.

Note: This is an Executive Function
Referred direct to all three Scrutiny Committees
Cabinet Member: Cllr Woodley

89 Revenue Outturn Report 2018/19

The Cabinet considered a report of the Strategic Director (Finance and Resources) on the revenue outturn for 2018/19 and the implications of the outturn for the opening budgetary position for 2019/20 budget and beyond.

Recommended:

1. That the in-year surpluses of £1.836M for the General Fund and £1.510M for the HRA for 2018/19, be noted.
2. That the appropriation of revenue funds to and from earmarked reserves, as set out in paragraph 4.6 (General Fund) and paragraph 5.4 (HRA), of the submitted report, be approved.
3. That the initial budgetary position for 2019/20 and beyond, indicated by the 2018/19 outturn, be noted.

Reason for Decision:

As part of the year end processes, Councillors need to approve any appropriations to or from earmarked reserves. This report fulfils that purpose.

Other Options:

None.

Note: This is a Council Function

Referred direct to Policy and Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

90 Capital Outturn Report 2018/19

The Cabinet considered a report of the Strategic Director (Finance and Resources) concerning the capital investment programme outturn for 2018/19, which sought approval of the relevant budget carry forwards and accelerated delivery requests and in year amendments for the current approved programme.

Recommended:

1. That the expenditure on the capital programme for 2018/19 totalling £50.899m against a revised budget of £52.648m, a delivery of 96.7%, be noted.
2. That the relevant budget carry forwards and accelerated delivery requests totalling a net £3.059m moving into 2019/20, as set out in Appendices 1 and 2 to the submitted report, be approved.
3. That the virements, reprofiles and amendments and new external funding for schemes, as detailed in Appendices 3, 4 and 5 to the report, be noted.
4. That in respect of the A127 Kent Elms Junction Improvements project:
 - (i) That it be noted that the delays to the project have led to an overspend against the scheme budget of £2.446m with £1.075m of this incurred in 2018/19.
 - (ii) That a further budget of £1.371m be added to the capital investment programme to deliver the scheme over the following years, 2019/20 £1.331m and 2020/21 £0.040m, to be financed by borrowing.
5. That in respect of the Priory, Delaware and Viking new build project:
 - (i) That the updated financial business case position, be noted.
 - (ii) That this project be moved from the 'Schemes subject to viable business cases' section into the main capital investment programme.
 - (iii) That the procurement exercise undertaken which has resulted in an additional budget requirement, be noted.
 - (iv) That a further budget of £1.519m is added to the capital investment programme in 2020/21 to be financed by borrowing, to enable the scheme to be delivered.

6. That a budget of £4.3m to be added to the Housing Revenue Account (HRA) capital investment programme in 2019/20 to facilitate the HRA Affordable Housing Acquisitions Programme, funded 30% from retained Right to Buy capital receipts and 70% from the HRA Capital Investment Reserve, be approved.
7. That a budget of £0.250m be added to the capital investment programme, £0.125m in 2019/20 and £0.125m in 2020/21, to undertake a two year programme of street lighting infill, to be financed by borrowing.
8. That the relevant changes to the budget identified since the approved capital investment programme was set at Council on 21 February 2019, as detailed in Appendix 6 to the report, be approved.
9. That it be noted that the above changes will result in an amended Capital Investment Programme of £233.166m for the period 2019/20 to 2023/24, as detailed in Appendix 7 to the report.
10. That the schemes subject to viable business cases for the period 2019/20 to 2021/22 totalling £37m be noted.
11. That the content of the Community Infrastructure Levy (CIL) Annual Financial Report 2018/19 be noted and that the CIL Main Fund receipts from 2018/19 and previous financial years be carried forward until spending plans are reviewed in early 2020/21.
12. That authority be delegated to the Director for Planning and Transport (in consultation with Ward Members and the Executive Councillor for Environment and Planning) to agree how the Ward Neighbourhood Allocations received up until 31st March 2019 (excluding allocation to Leigh Town Council) are to be spent.

Reason for Decisions:

To inform Councillors of the activity in 2018/19.

Other Options:

None.

Note: This is a Council Function
Referred direct to all three Scrutiny Committees
Cabinet Member: Cllr Woodley

91 Council Debt Position to 31 March 2019

The Cabinet considered a report of the Strategic Director (Finance and Resources) that outlined the current position of outstanding debt to the Council, as at 31st March 2019; and the debts that have been written off, or are recommended for write off, in the current financial year as at 31st March 2019;

The report also sought approval to write off irrecoverable debts that are over £25,000 as set out in Appendix B to the submitted report.

Resolved:

1. That the current outstanding debt position as at 31st March 2019 and the position of debts written off to 31st March 2019 as set out in Appendices A & B to the report, be noted.
2. That the write offs greater than £25,000, be approved.

Reasons for Decision:

All reasonable steps to recover the debt have been taken, and therefore where write off is recommended it is the only course of action available.

If the Council wishes to pursue debts for bankruptcy proceedings, it will follow the agreed and published recovery policy that covers this.

Other Options:

None.

Note: This is an Executive Function
Referred direct to Policy and Resources Scrutiny Committee
Cabinet Member: Cllr Gilbert

92 Treasury Management Report 2018/19

The Cabinet considered a report of the Strategic Director (Finance and Resources) presenting the Annual Treasury Management Report covering the treasury activity for the period from April 2018 to March 2019.

Recommended:

1. That the Annual Treasury Management Report for 2018/19 and the outturn Prudential Indicators for 2018/19, be approved.
2. That it be noted that the financing of 2018/19 capital expenditure of £50.899m has been funded in accordance with the schedule set out in Table 1 of section 4 in the submitted report.
3. That it be noted that the Capital Financing and Treasury Management were carried out in accordance with statutory requirements, good practice and in compliance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Prudential Code during 2018/19.
4. That the revised Operational Boundary of £350m and revised Authorised Limit of £360m for 2019/20 as set out in Section 5 of the submitted report, be approved.
5. That the following be noted in respect of the return on investment and borrowing:
 - (i) The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.
 - (ii) £1.588m of interest and income distributions were received during 2018/19. The total investment income (including the movement on the unit price of externally

managed funds) was £2.043m, giving a combined return of 2.93%. This is 2.42% over the average 7 day LIBID rate (London Interbank Bid Rate) and 2.26% over the average bank base rate.

- (iii) The level of borrowing from the Public Works Loan Board (PWLB) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) increased from £227.8m to £267.8m (Housing Revenue Account (HRA): £77.0m, General Fund (GF): £190.8m) by the end of 2018/19.
- (iv) The level of financing for 'invest to save' schemes decreased from £8.74m to £8.73m by the end of 2018/19.

Reasons for Decision:

The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2018/19 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

Other Options:

There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

Note: This is a Council Function
Referred direct to Policy and Resources Scrutiny Committee
Cabinet Member: Cllr Woodley

93 Council Procedure Rule 46

Resolved:

That the submitted report be noted.

Note: This is an Executive Function
Referred direct to all three Scrutiny Committees
Cabinet Member: as appropriate to the item

94 Exclusion of the Public

Resolved:

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

95 Standing Order 46 - Confidential Sheet

Resolved:

That the submitted report be noted.

Note: This is an Executive Function

Referred direct to Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

Chair: _____

Public Document Pack

SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Cabinet

Date: Monday, 8th July, 2019
Place: Committee Room 1 - Civic Suite

Present: Councillor I Gilbert (Chair)
Councillors R Woodley (Vice-Chair), A Jones, C Mulroney and K Robinson

In Attendance: Councillors L Burton, D Cowan, K Evans, George, D Jarvis and H McDonald
A Griffin, J K Williams, S Leftley, A Lewis, J Ruffle, C Gamble, S Ford and A Keating

Start/End Time: 10.00 - 10.20 am

131 Apologies for Absence

Apologies for absence were received from Councillors Harp and Terry.

132 Declarations of Interest

The following Councillors/officers declared interests as indicated:

(a) Cllr Gilbert – PSPO – non-pecuniary interest – place of work within the boundary of the PSPO;

(b) Cllr Jones – PSPO – non-pecuniary interest – lives within the boundary of the PSPO;

(c) Cllr McDonald – PSPO – non-pecuniary interest – place of work within the boundary of PSPO;

(d) Alison Griffin – PSPO – non-pecuniary interest - lives within the boundary of the PSPO;

(e) Simon Leftley – Reconfiguration of Corporate Management – pecuniary interest (withdrew).

133 Southend Town Centre & Seafront Public Spaces Protection Order

The Cabinet considered a report of the Strategic Director (Legal & Democratic Services) requesting that consideration be given to whether the Council should proceed with the making of a Public Spaces Protection Order (PSPO) under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014, taking into consideration the results of the statutory consultation and further evidence.

The Cabinet received a revised Draft Order together with an amended plan showing the exact location of the proposed restricted area.

On behalf of the Cabinet, the Leader of the Council expressed his thanks and appreciation to the relevant officers for their contributions to the report.

Resolved:

1. That the Council makes a Public Spaces Protection Order (PSPO) over the areas identified in the submitted report and in the form annexed at Appendix 3 (as amended).
2. That the existing Designated Public Place Order (DPPO) from 2002 ceases to be enforced following implementation of the new PSPO.

Other options:

The Council could choose not to introduce a PSPO, however this would lose the opportunity to introduce this measure to tackle ASB which is having a damaging effect on the Town Centre, seafront and other areas identified in the report. Additionally, following the support of the PSPO that has been displayed in the consultation, choosing not to implement the Order could negatively impact the reputation of the Council within the communities worst affected by the ASB.

Reasons for recommendation:

A PSPO covering the Town Centre, seafront, Southchurch Hall Gardens, Hamlet Court Road and York Road is believed to be an appropriate additional tool to tackle persistent and unreasonable anti-social behaviour taking place. A PSPO can help provide realistic and proportionate enforceability to help reduce ASB which discourages and prevents the law-abiding majority from feeling safe in, and subsequently using and enjoying, these public spaces.

Note: This is an Executive Function

Referred direct to: Policy & Resources Scrutiny Committee

Cabinet Member: Councillor Terry

134 Reconfiguration of Corporate Management

The Cabinet considered a report of the Chief Executive setting out proposals for a reconfigured corporate management structure.

Recommended:

1. That the reconfigured corporate management structure to spearhead the cultural transformation and increase capacity to deliver Southend 2050 outcomes, as set out in sections 3.6 – 3.14 of the submitted report, be approved.
2. That the new reporting lines for third tier officers, as set out in the report, be approved.
3. That consultation be undertaken with the officers affected in line with employment law and the Council's HR policies.

4. That the arrangements for individual officers as detailed in the confidential part 2 Appendix 3 to the report, be approved.
5. That external recruitment be arranged for the vacant Executive Director posts.
6. That as part of the Council's commitment to developing its own talent, the vacant Director posts be advertised on an internal basis initially, and only if posts remain unfilled would the Council go to market.
7. That the Chief Executive, in consultation with the Leader, be authorised to make further adjustments to the corporate management structure, following the consultation process.

Other options:

No changes are made to the current corporate management arrangements. The risk with this option is that the two Deputy Chief Executive roles become increasingly unwieldy and will increase risk exposure both for the Council and individual post holders.

Reasons for recommendations:

To enable the proposals and rationale for the proposals set out in section three of the report to be implemented. The recommendations will ensure, provided the Council is successful in recruitment, that Councillors' priorities are delivered and high risk services managed more effectively.

Note: This is a Council Function

Referred direct to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

135 Exclusion of the Public

Resolved:-

That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the item of business set out below, on the grounds that it would involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

136 Reconfiguration of Corporate Management

Recommended:

That the confidential appendix, be endorsed.

Note: This is a Council Function

Referred direct to: Policy & Resources Scrutiny Committee

Cabinet Member: Cllr Gilbert

Chairman: _____

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Southend-on-Sea Borough Council

**Agenda
Item No.**

Report of Deputy Chief Executive (Place)

**to
Cabinet**

**on
17th September 2019**

Report prepared by: Mark Murphy, Group Manager –
Property and Estate Management

Fire Safety Report

Place Scrutiny Committee

**Cabinet Members: Councillors Ian Gilbert and Martin Terry
Part 1 (Public Agenda Item)**

1. Purpose of Report

This report sets out progress in delivering the Council's Fire Safety Review, which was established following the Grenfell Tower fire on the 14th June 2017.

This is a further interim report, which also sets out the Council's response to the Government Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system' that sets out the Government's proposals to implement the Independent Review of Building Regulations and Fire Safety.

2. Recommendations

2.1. Note and endorse the work undertaken by the Council and South Essex Homes in respect to Fire Safety including independent fire engineer assessments of two typical tower blocks and proposals to undertake Type 4 Fire Risk Assessments in a further two typical blocks.

2.2. Note and endorse the Council's response to the Government Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system'.

2.3 Request that a further update be provided to Cabinet to spring 2020.

2.4 Note that a request to increase the Fire Improvement Works capital budget for 2019/20 has been included in the Corporate Budget Performance – July 2019/20 report.

2.5 That £750k p.a. be added to the Fire Improvement Works capital budget for the five years from 2020/21 to 2024/25, to be financed by corporate borrowing.

3. Background

- 3.1 The Council immediately commissioned a Fire Safety Review following the tragedy, which occurred as a result of the fire at Grenfell Tower. The Review Group comprises representatives of the Council, South Essex Homes and Essex County Fire and Rescue Service. In addition, the Council established an internal Fire Safety Meeting Group, chaired by the Deputy Chief Executive (Place) to examine any Council-specific actions identified as a result of the Review and to co-ordinate responses sought by Government Departments.
- 3.2 The Council and South Essex Homes have already confirmed their commitment to progressively bring their properties in line with current Building Regulations, where appropriate, particularly in respect to fire safety and accessibility.

Fire Risk Assessments

- 3.3 All of the Council's operational buildings, alongside those managed by South Essex Homes, meet the regulatory standards in place when they were constructed, extended or altered and have up to date and reviewed Fire Risk Assessments in place. Where appropriate these risk assessments are undertaken in liaison with Essex Fire and Rescue Service.
- 3.4 The Council has commissioned an independent Consultant to undertake a series of fire safety reviews on one of each style of block constructed in its portfolio. The blocks selected at random were:
- Grampian – a 15 storey block with 77 self-contained flats; and
 - Malvern – a 15 storey block with 105 self-contained flats.
- 3.5 The following has been undertaken for each block:
- A Type One Fire Risk Assessment as required by the Regulatory Reform (Fire Safety) Order 2005 and further defined in the publication 'Fire Safety in Purpose-Built Blocks of Flats – Local Government Association'.
 - A comprehensive, non-destructive Compartmentation Survey of the common areas including plant areas, stores, risers and all circulation areas.
 - A Fire Risk Strategy in accordance with the British Standards Institution document (PAS 911).
- 3.6 The appointed Consultant holds an independent registration with, or certification from, a professional or certification body whilst all works were undertaken by a suitably experienced and qualified Fire Engineer who met the competency criteria established by the Fire Risk Assessment Competency Council.
- 3.7 At the time of completing the report the Fire Risk Assessments and Compartmentation Surveys had been received for both blocks with the Fire Risk Strategy documents due in August 2019.
- 3.8 The Fire Risk Assessments for each block set out a series of recommendations, which are being actioned by South Essex Homes. The priority actions identified were:

- Clear debris and stored items from the basement area of Grampian
 - Keep basement store rooms at locked at all times
 - Ensure that the fixed wiring and other fire safety systems installed are subject to regular maintenance and inspection
- 3.9 The overall level of risk for both blocks was determined as 'Moderate' based upon an 'ignition probability' of medium (defined as 'normal fire hazards for this type of occupancy, with fire hazards generally subject to appropriate controls (other than minor shortcomings)) and a 'consequences of fire' assessment of 'moderate' (defined as 'a fire could result in injury to one or more occupants, but unlikely to involve major fatalities').
- 3.10 The Compartmentation Surveys have identified a number of remedial works, which are being progressed by South Essex Homes.
- 3.11 Following completion of the above studies, whilst the undertaking of Type 4 Fire Risk Assessments is not a recommendation, in order to maximise the assurance that may be provided to residents the Council has commenced the appointment of external consultants to undertake Type 4 FRAs initially in one of each style of high rise residential block.
- 3.12 The results of the above assessments along with the recommendations arising from the Fire Risk Strategy documents will inform future investment priorities and will be reported to Members in the next Fire Safety Report due in early 2020.

Capital Investment Programme

- 3.13 South Essex Homes has progressed a number of fire safety works in addition to those previously reported in Fire Safety Reports and remedial actions identified in the consultants reports identified in the previous section.
- 3.14 A comprehensive review of fire doors across all high rise residential blocks has been completed and remedial works are in progress. This review identified a large number of minor remedial works although it should be noted that this does not mean that fire doors would not perform their primary function.
- 3.15 Floor levelling works are currently being tendered with works expected to commence in September across all high rise residential blocks in order to reduce the gap below fire doors and improve the performance of the cold smoke drop down seals.
- 3.16 Works have commenced to investigate options for the installation of a pilot 'annunciation systems' in two of the high rise residential blocks. These works will be completed in the financial year 2019/20 and the pilot will then inform a roll out of the works across all high rise residential blocks.
- 3.17 South Essex Homes is appointing a Fire Safety Manager to co-ordinate all fire safety activities across its stock with a focus on high rise blocks including a specific role to enhance resident engagement and respond to resident questions and concerns.

- 3.18 South Essex Homes continues to work with Essex Fire and Rescue in relation to the role of sprinklers in its high rise buildings and reviews this position on a regular basis as part of its programme of Fire Risk Assessments.
- 3.19 The Council is continuing to take forward a range of fire safety works across its operational property estate initially focused on buildings identified as high priority and on improving fire compartmentation, means of escape, fire information and alarm systems.
- 3.20 Initial fire door and compartmentation works have been completed at Civic One, Project 49, Viking; Priory House and Delaware House. Works have also been undertaken at Civic two, the Tickfield Centre, Shoebury Leisure Centre, Chase Sports Centre; Cemetery Lodge and the Crematorium.
- 3.21 Works are in progress at Southend Leisure and Tennis Centre and the Cliffs Pavilion with additional funding of £250k sought from the capital programme to progress high priority works at the Cliffs Pavilion.
- 3.22 Premises Information Boxes have been installed at all high priority buildings.
- 3.23 It is proposed that the existing programme is extended for a five year period for the Council's operational buildings commencing 2020/21 with £750k allocated per annum in the Council's General Fund Capital Programme. This will enable the current schedule of works across high and medium priority buildings to be completed on with works programmed based upon fire risk assessments and condition surveys.

Independent Review of Building Regulations and Fire Safety

- 3.24 The Government published a consultation on its proposals in response to the Independent Review of Building Regulations and Fire Safety entitled 'Building a Safer Future – Proposals for reform of the building safety regulatory system'.
- 3.25 The Government has said it has accepted all 53 of the recommendations set out by Dame Judith Hackitt. However, in reviewing the consultation document the Council has raised a number of concerns particularly regarding the proposals for the building safety regulator, which appear to have diluted the role of this body envisaged in the Hackitt Report.
- 3.26 The Council's response, written in conjunction with South Essex Homes was submitted on 31st July 2019. This is attached at Appendix A.
- 3.27 The Ministry of Housing, Communities and Local Government (MHCLG) has established the Building Safety Programme, as a co-ordinated national response to ensure that residents of high-rise buildings are safe and feel safe, and made changes to fire safety related legislation and guidance under the Building Regulations.
- 3.28 In light of the updated guidance and requirements of the Building Regulations the Council has written to all owners of high rise residential buildings in the Borough requesting confirmation as to what steps they have taken to ensure that their property meets the relevant building fire safety requirements and details of any

professional advice they have taken on fire safety matters. The Council has also offered its support through this process, to ensure residents of the borough both are safe and feel safe.

4. Other Options

- 4.1. The Council could decide to maintain all operational properties in their current condition with fire improvement works and, where practicable, to bring them up to the requirements of the latest Building Regulations when they next undergo major alterations and/or extension. All operational buildings would still meet statutory requirements although it could be argued that the Council would not be meeting the section of the Regulatory Reform (Fire Safety) Order 2005 that requires Employers to 'put in place, and maintain, appropriate fire safety measures'. This option has, therefore been discounted.
- 4.2. The Council could maintain the current arrangements whereby individual building managers are identified as responsible for the buildings within which they operate. However, they will not necessarily have the knowledge and expertise to assess the impact of works on the overall fire strategy for the building whilst the majority of the Council's operational buildings do not have a permanent staff presence on site. This option has, therefore, been discounted.
- 4.3 The Council could commit to the immediate adoption of all recommendations set out within the Independent Review of Building Regulations and Fire Safety. However, whilst the Government has published a consultation in response to the Independent Review, it has yet to make any policy changes. The Council could, therefore, take action that is contrary to the Government's formal policy. This option has, therefore, been discounted.

5. Reasons for Recommendations

- 5.1.1 The Council has undertaken a fundamental review of its fire safety policies and procedures; reviewed its property stock; and put in place appropriate resources (financial and other) to ensure that it maintains its buildings in a safe condition whilst upgrading them where this is appropriate and practicable.
- 5.1.2 The Council has also recognised its 'community leadership' role in respect to fire safety and engaged with partners and the private sector to ensure residents, employees and visitors across the Borough are housed in, work in or visit safe premises.
- 5.1.3 The Council has considered the recommendations of the Independent Review of Building Regulations and Fire Safety and determined that it should take immediate steps to assess and enhance its duty holder requirements and to enhance opportunities for members of the public to raise concerns.

6. Corporate Implications

- 6.1 Contribution to Southend 2050 Roadmap

6.1.1 Within the Southend 2050 Roadmap is an outcome that ‘People in all parts of the borough feel safe and secure at all times’. Ensuring all of its buildings meet fire safety standards is a key element in delivering against this priority.

6.2 Financial Implications

6.2.1 The Council has allocated £500,000 in each of 2018/19 and 2019/20 specifically for fire improvement works to the Council’s operational buildings. Other capital projects such as the Library Review Programme have also enabled the Council to invest in improving its corporate property stock.

6.2.2 To note that a further £250k has been requested in 2019/20 to enable high priority works at the Cliffs Pavilion to be completed with the programme then extended for a five year period commencing 2020/21 with £750k allocated per annum. This will enable fire improvement works to be completed across all high and medium priority operational buildings. These works are to be financed by borrowing. The revenue consequence of £4M of borrowing is approximately £280k p.a. which will need to be factored into the Council’s Medium Term Financial Forecast.

6.2.3 South Essex Homes has an agreed capital programme for enhancement across its property portfolio. The two Type 4 risk assessments are estimated to cost circa £70k and to be funded from the Housing Revenue Account.

6.2.4 Should the Council determine that sprinklers should be installed in all high rise properties this will have budget implications outside of the above allocations.

6.3 Legal Implications

6.3.1 Buildings are required to comply with the relevant Building Regulations in place at the time of their construction or when they are extended or altered. These requirements are set out in the Building Regulation 2010 and the accompanying suite of Approved Document that support the technical “Parts” of the building regulations’ requirements.

6.3.2 As Building Regulations are not retrospective whilst buildings will comply with the regulations in place when they were built, extended or altered they are unlikely to meet the requirements of the latest Building Regulations. This is best illustrated by the issue of smoke alarms. Current Building Regulations require that new dwelling houses (residential properties) have mains supplied smoke detectors, which are linked to each other. However, the majority of residential properties have battery supplied detectors at best and many have no smoke detection at all.

6.3.3 In relation to fire safety employers (and/or building owners or occupiers) are required to comply with the Regulatory Reform (Fire Safety) Order 2005. This principally requires that employers (and/or building owners or occupiers):

- carry out a fire risk assessment of the premises and review it regularly
- tell staff or their representatives about the risks you’ve identified

- put in place, and maintain, appropriate fire safety measures
- plan for an emergency
- provide staff information, fire safety instruction and training

6.4 People Implications

- 6.4.1 The Council has a statutory requirement to ensure that all staff, tenants, residents and visitors/service users are using a safe building that complies with the Regulatory Reform (Fire Safety) Order 2005.

6.5 Property Implications

- 6.5.1 All of the Council's operational buildings, alongside those managed by South Essex Homes, meet the regulatory standards in place when they were constructed, extended or altered and have up to date and reviewed Fire Risk Assessments in place.

- 6.5.2 It is the aim of the Council and South Essex Homes to progressively bring their properties in line with current Building Regulations, where appropriate and practicable, particularly in respect to fire safety and accessibility.

6.6 Consultation

- 6.6.1 The Council has established a Tri-Partite Review Group to examine fire safety including representatives from across the Council, South Essex Homes and Essex County Fire and Rescue Service, chaired by the Deputy Chief Executive (Place). As individual building works are taken forward consultation is undertaken with tenants, employees and service users as well as with statutory bodies such as Historic England where this is appropriate.

- 6.6.2 The Council, in conjunction with South Essex Homes, has responded to the Government's Consultation 'Building a Safety Future: Proposals for reform of the building safety regulatory system'.

6.7 Equalities and Diversity Implications

- 6.7.1 Fire Risk Assessments take account of the needs of all employees with Personal Emergency Evacuation Plans (PEEPS) in place for any employee who requires one. This is a bespoke 'escape plan' for individuals who may not be able to reach an ultimate place of safety unaided or within a satisfactory period of time in the event of any emergency.

6.8 Risk Assessment

- 6.8.1 The Council and South Essex Homes undertake a programme of Fire Risk Assessments across their operational property portfolios. All of these assessments are up to date and area reviewed on an annual basis. Additional independent Type One Fire Risk Assessments have been completed for each

type of high rise residential block managed by South Essex Homes. The Council is in the process of commissioning Type 4 Fire Risk Assessments for each type of high rise residential block managed by South Essex Homes

6.9 Value for Money

6.9.1 All capital works are procured in accordance with the Council's Corporate Procurement Rules 2015 to ensure best value is obtained.

6.10 Community Safety Implications

6.10.1 The Council has a statutory requirement to ensure that all staff, tenants, residents and visitors/service users are using a safe building that complies with the Regulatory Reform (Fire Safety) Order 2005. The Council currently complies with its obligations under the Order but will be undertaking fire safety enhancements/improvements across a number of its operational buildings to, where practicable, bring them up to the requirements of the latest Building Regulations.

6.11 Environmental Impact

6.11.1 There are no direct environmental implications arising as a result of the works proposed in this report.

7. Background Papers

- Report to Cabinet on 19 September 2017 'Fire Safety Measures following the Grenfell Tower Tragedy' – Minute 307
- Report to Cabinet on 13 March 2018 'Fire Safety Report' – Minute 819
- Report to Cabinet on 18 September 2018 'Fire Safety Report' – Minute 260
- Fire Risk Assessment Report – Grampian Residential Block 11th June 2019
- Fire Risk Assessment Report – Malvern Residential Block 20th June 2019
- Technical Note (Compartmentation Survey) – Grampian 11th June 2019
- Technical Note (Compartmentation Survey) – Malvern 20th June 2019

8. Appendices

Appendix A - Council response to 'Building a Safer Future – Proposals for reform of the building safety regulatory system'.

Building a Safer Future – Proposals for reform of the building safety regulatory system

Southend-on-Sea Borough Council and South Essex Homes

Joint Response to Consultation

Chapter 2 – Stronger requirements for multi-occupied high-rise residential buildings

Q1.1	Do you agree/ that the new regime should go beyond Dame Judith's recommendation and initially apply to multi-occupied residential buildings of 18 metres or more (approximately 6 storeys)? Please support your view.
	<i>Yes as there are substantial fire risks associated with a multi-occupied residential building of 18m or higher particularly where these have a single escape staircase. In order to make the regime clearer to residents the description could be based upon number of floors/storeys. We would also suggest that certain high risk residential buildings such as HMOs, hostels and residential care homes should also come under the regime, regardless of height, if they have more than a specified number of residents. This is particularly the case if their evacuation plan relies on a single escape staircase.</i>
Q1.2	How can we provide clarity in the regulatory framework to ensure fire safety risks are managed holistically in multi-occupied residential buildings?
	<i>Local authorities are best placed to co-ordinate the regulatory framework and ensure a holistic approach at a local level as they bring together the various regulatory functions. This could be based on a similar model to Community Safety Partnerships with the Fire and Rescue Service and others engaged on this body.</i>
Q1.3	If both regimes are to continue to apply, how can they be improved to complement each other?
	<i>Clearly define all roles and responsibilities and ensure the language and terminology used in all regulations and/or guidance is clear and consistent.</i>
Q1.4	What are the key factors that should inform whether some or all non-residential buildings which have higher fire rates should be subject to the new regulatory arrangements during the design and construction phase? Please support your view.
	<i>Substantial risks are also present in other buildings where people sleep and other buildings such as entertainment venues (clubs/pubs) where occupant's decision making process may be impaired and places of assembly where risks can be increased and occupants are slower to respond. The Council's safety of sports ground work highlights the significant oversight required by the local authority to ensure public safety during the occupation of a premises; there are many examples of where the necessary works would not have been carried out at the sports ground, had it not been for the oversight by our local authority.</i>

Q1.5	Linked to your answer above, which of the ‘higher-risk workplaces’ in paragraph 42 would you consider to be higher-risk during the design and construction phase?
	<i>The definition of a ‘high risk workplace’ for buildings such as halls of residence and sheltered housing could lead to confusion as a large number of people would consider these residential. We would suggest that any building of over 18m where multiple people sleep should be brought within the remit of the new regulatory framework including hospitals, sheltered accommodation, hotels and student accommodation. However, as per our response to Q1.4 certain other high risk buildings could also be brought within the regulatory framework in the future.</i>
Q1.6	Please support your answer above, including whether there are any particular types of buildings within these broad categories that you are particularly concerned about from a fire and structural perspective?
	<i>Any building over 18m where people sleep, or particularly where their response to an incident could be impaired, will be of increased fire risk.</i>
Q1.7	On what basis should we determine whether some or all categories of supported/sheltered housing should be subject to the regulatory arrangements that we propose to introduce during the occupation stage? Please support your view.
	<i>Supported housing and, in particular, sheltered schemes, are traditionally occupied by elderly persons who, during their time within the scheme, can see their health deteriorate. We are also seeing more people with varying levels of mental and physical disability living within them. Whilst these buildings may not be high rise they are still high risk. Using an assessment based upon number of residents could be an appropriate way forward.</i>
Q1.8	Where there are two or more persons responsible for different parts of the building under separate legislation, how should we ensure fire safety of a whole building in mixed use?
	<i>There should be a single named person who is responsible for the building in occupation. See answer to Q2.3 below</i>

Chapter 3 – A new dutyholder regime for residential buildings of 18 metres or more

Part A - Dutyholder roles and responsibilities in design and construction

Q2.1	Do you agree that the duties set out in paragraphs 61 to 65 are the right ones?
	Yes

Q2.2	Are there any additional duties which we should place on dutyholders? Please list.
	<i>No</i>
Q2.3	Do you consider that a named individual, where the dutyholder is a legal entity, should be identifiable as responsible for building safety? Please support your view.
	<i>Yes. The Council's work under the Building Safety Programme highlighted how difficult it was to identify the owners of high rise residential buildings (e.g. registered to an address in the Channel Islands), so naming a dutyholder will address this.</i>
Q2.4	Do you agree with the approach outlined in paragraph 66, that we should use Construction (Design and Management) Regulations 2015 (CDM) as a model for developing dutyholder responsibilities under building regulations? Please support your view.
	<i>Yes</i>
Q2.5	Do you agree that fire and rescue authorities should become statutory consultees for buildings in scope at the planning permission stage? If yes, how can we ensure that their views are adequately considered? If no, what alternative mechanism could be used to ensure that fire service access issues are considered before designs are finalised?
	<i>It is logical for the fire service to be consulted at the planning stage and it should stop/reduce the risk of a building obtaining planning permission for something that does not comply with the Building Regulations. Planning Officers do not have the appropriate technical knowledge to review a consultation response, but they could be supported by the local authority building control team.</i>
Q2.6	Do you agree that planning applicants must submit a Fire Statement as part of their planning application? If yes, are there other issues that it should cover? If no, please support your view including whether there are alternative ways to ensure fire service access is considered.
	<i>Yes, we agree that a Fire Statement should be submitted as part of the planning application. However, this should go significantly beyond service vehicle access and access to water supplies. Other issues should include compartmentation strategy (including external cladding details), means of escape and fire suppressant (where appropriate). There have been examples (such as a school building) where fire safety and means of escape had not been fully considered by the designers, so planning permission was granted for a building that then had to go back to planning when an additional (external) staircase was required to ensure building regulation compliance.</i>

Q2.7	Do you agree that fire and rescue authorities should be consulted on applications for developments within the 'near vicinity' of buildings in scope? If so, should the 'near vicinity' be defined as 50m, 100m, 150m or other. Please support your view.
	<i>Yes and we would support a 150m radius as buildings within this area could affect or be affected by the building within scope.</i>
Q2.8	What kind of developments should be considered? <ul style="list-style-type: none"> • All developments within the defined radius, • All developments within the defined radius, with the exception of single dwellings, • Only developments which the local planning authority considers could compromise access to the building(s) in scope, • Other.
	<i>All developments within the defined radius.</i>
Q2.9	Should the planning applicant be given the status of a Client at gateway one? If yes, should they be responsible for the Fire Statement? Please support your view.
	<i>Yes, there needs to be an identified person from the beginning that should carry through until completion and occupation.</i>
Q2.10	Would early engagement on fire safety and structural issues with the building safety regulator prior to gateway two be useful? Please support your view.
	<i>Yes as this is the start of the 'golden thread'. The earlier that fire safety can be brought into the process, and the potential risks assessed, the better chance there is that risks will be mitigated and/or removed.</i>
Q2.11	Is planning permission the most appropriate mechanism for ensuring developers consider fire and structural risks before they finalise the design of their building? If not, are there alternative mechanisms to achieve this objective?
	<i>Yes, local authorities are well placed and will ensure a record is kept and passed onto the Regulator.</i>
Q2.12	Do you agree that the information at paragraph 89 is the right information to require as part of gateway two? Please support your view.
	<i>Whilst we agree with the information it is unlikely that such a full design package will be available at this stage for large projects, particularly those being procured under a Design and Build route. Indeed, this is recognised at Paragraph 94.</i>
Q2.13	Are these the appropriate dutyholders to provide each form of information listed at paragraph 89?
	<i>Yes</i>

Q2.14	Should the Client be required to coordinate this information (on behalf of the Principal Designer and Principal Contractor) and submit it as a package, rather than each dutyholder submit information separately?
	<i>All of the documentation set out in a to c would normally be submitted by the Principal Designer on behalf of the Client. This should continue in this process. The Construction Control Plan is submitted by the Principal Contractor and this responsibility and accountability should remain with the Principal Contractor.</i>
Q2.15	Do you agree that there should be a 'hard stop' where construction cannot begin without permission to proceed? Please support your view.
	<i>Yes as if changes are required and construction has commenced this could be both problematic and expensive. It should also lead to safer buildings. However, it should also be recognised that this is a major change to the current system and is likely to add time to the construction programme.</i>
Q2.16	Should the building safety regulator have the discretion to allow a staged approach to submitting key information in certain circumstances to avoid additional burdens? Please support your view.
	<i>As noted in our response to Q2.12 this will clearly be necessary in large complex builds. However, it should only be agreed if the Fire and Emergency File has been agreed and signed off including the base means of escape strategy.</i>
Q2.17	Do you agree that it should be possible to require work carried out without approval to be pulled down or removed during inspections to check building regulations compliance? Please support your view.
	<i>Yes provided is it reasonable and proportionate with appropriate justification as many passive fire protection measures would not be visible for inspection.</i>
Q2.18	Should the building safety regulator be able to prohibit building work from progressing unless non-compliant work is first remedied? Please support your view.
	<i>Yes, otherwise issues with non-compliant work may be compounded provided that this action is justified and is reasonable and commensurate with the issue.</i>
Q2.19	Should the building safety regulator be required to respond to gateway two submissions within a particular timescale? If so, what is an appropriate timescale?
	<i>Yes, using the same timescale as currently in place for Full Plans approval would be sensible although a system such as that followed for the planning application validation process would be required to ensure all information is submitted before the timescale for determination commences.</i>
Q2.20	Are there any circumstances where we might need to prescribe the building safety regulator's ability to extend these timescales? If so, please provide examples.
	<i>Yes, if incomplete information is submitted or there are particularly complex issues. The latter would need to be in agreement with the applicant.</i>
Q2.21	Do you agree that the Principal Contractor should be required to consult the Client and Principal Designer on changes to plans?
	Yes

Q2.22	Do you agree that the Principal Contractor should notify the building safety regulator of proposed major changes that could compromise fire and structural safety for approval before carrying out the relevant work?
	<i>Yes, the approach will not work if this is not in place.</i>
Q2.23	What definitions could we use for major or minor changes? <ul style="list-style-type: none"> • Any design change that would impact on the fire strategy or structural design of the building; • Changes in use, for all or part of the building; • Changes in the number of storeys, number of units, or number of staircase cores (including provision of fire-fighting lifts); • Changes to the lines of fire compartmentation (or to the construction used to achieve fire compartmentation); • Variations from the design standards being used; • Changes to the active/passive fire systems in the building; • Other – please specify.
	<i>We would suggest not using the definition minor or major. All of the above should constitute a material change.</i>
Q2.24	Should the building safety regulator be required to respond to notifications of major changes proposed by the dutyholder during the construction phase within a particular timescale? If yes, what is an appropriate timescale?
	<i>Nominally an eight week period should suffice but the regulator could agree a longer timescale for complex alterations.</i>
Q2.25	What are the circumstances where the Government might need to prescribe the building safety regulator's ability to extend these timescales?
	<i>See response to Q2.24</i>
Q2.26	Do you agree that a final declaration should be produced by the Principal Contractor with the Principal Designer to confirm that the building complies with building regulations? Please support your view.
	<i>We agree with this approach as both the Principal Contractor and Principal Designer are central to the process.</i>
Q2.27	Should the building safety regulator be required to respond to gateway three submissions within a particular timescale? If so, what is an appropriate timescale?
	<i>Yes although it should be noted that this will add time to the construction/handover phase. A period of four weeks would seem reasonable.</i>
Q2.28	Are there any circumstances where we might need to prescribe the building safety regulator's ability to extend these timescales? If so, please support your view with examples.
	<i>Yes, when this is deemed appropriate due to the complexity of the build and in consultation with the applicant.</i>
Q2.29	Do you agree that the accountable person must apply to register and meet additional requirements (if necessary) before occupation of the building can commence? Please support your view.
	<i>Yes in order to ensure all safety concerns have been addressed. This should run in parallel with the Gateway Three sign off.</i>

Q2.30	Should it be an offence for the accountable person to allow a building to be occupied before they have been granted a registration for that building? Please support your view.
	<i>Yes to ensure all safety issues have been addressed.</i>
Q2.31	Do you agree that under certain circumstances partial occupation should be allowed? If yes, please support your view with examples of where you think partial occupation should be permitted.
	<i>This should only be allowed where it has been established from the outset based on sectional completions to ensure all fire safety and other systems are operating appropriately.</i>
Q2.32	Do you agree with the proposal for refurbished buildings? Please support your view
	<i>Yes, this seems a reasonable and commensurate approach.</i>
Q2.33	Do you agree with the approach to transitional arrangements for gateways? If not, please support your view or suggest a better approach?
	<i>Yes</i>

Chapter 3 – A new dutyholder regime for residential buildings of 18 metres or more

Part B – Duties in occupation

Q3.1	Do you agree that a safety case should be subject to scrutiny by the building safety regulator before a building safety certificate is issued? Please support your view.
	<i>Yes as this will ensure safety is a core part of the building management process.</i>
Q3.2	Do you agree with our proposed content for safety cases? If not, what other information should be included in the safety case?
	<i>Yes</i>
Q3.3	Do you agree that this is a reasonable approach for assessing the risks on an ongoing basis? If not, please support your view or suggest a better approach.
	<i>Yes</i>
Q3.4	Which options should we explore, and why, to mitigate the costs to residents of crucial safety works?
	<i>Where urgent, safety-critical work is identified as being required the apportionment of cost must be a secondary consideration to getting the safety works completed. The works should initially be undertaken by the landlord with cost apportionment then considered. Options could include interest free loans and RSL grants. The Government could also consider VAT treatment of works.</i>
Q3.5	Do you agree with the proposed approach in identifying the accountable person? Please support your view.
	<i>Yes as control of the building is essential to provide the ability to undertake works and gain access. However, a single named contact person should also be named within the accountable body.</i>
Q3.6	Are there specific examples of building ownership and management arrangements where it might be difficult to apply the concept of an accountable person? If yes, please provide examples of such arrangements and how these difficulties could be overcome.
	<i>Yes, large multi-use buildings particular where there are a mix of use classes including residential, commercial and leisure. A single body should be named as accountable for the entire structure.</i>
Q3.7	Do you agree that the accountable person requirement should be introduced for existing residential buildings as well as for new residential buildings? Please support your view.
	<i>Yes as the level of existing building stock significantly outnumbers new build and these buildings are likely to have undergone substantial alteration during their life.</i>
Q3.8	Do you agree that only the building safety regulator should be able to transfer the building safety certificate from one person/entity to another? Please support your view.
	<i>Yes as this is central to ensuring records of responsibility and accountability are maintained and up to date.</i>

Q3.9	Do you agree with the proposed duties and functions of the building safety manager? Please support your view.
	<i>Yes, although if the building safety manager is an organisation it is unclear how they would demonstrate competence.</i>
Q3.10	Do you agree with the suitability requirements of the building safety manager? Please support your view.
	<i>Yes, although there will be a period of training and 'competence proving' to ensure appropriate individuals are in place.</i>
Q3.11	Is the proposed relationship between the accountable person and the building safety manager sufficiently clear? Please support your view.
	<i>Yes, the responsibilities appear well set out in principle although these will need to be reviewed and assessed regularly during the implementation period.</i>
Q3.12	Do you agree with the circumstances outlined in which the building safety regulator must appoint a building safety manager for a building? Please support your view.
	<i>Yes, these 'step in' arrangements look reasonable provided a suitable period has been allowed for the existing building safety manager role to be addressed where shortcomings have been identified.</i>
Q3.13	Do you think there are any other circumstances in which the building safety regulator must appoint a building safety manager for a building? Please support your view with examples.
	<i>No</i>
Q3.14	Under those circumstances, how long do you think a building safety manager should be appointed for?
	<i>Until such time as the accountable person has demonstrated that they have put in place a suitable building safety manager role.</i>
Q3.15	Under what circumstances should the appointment be ended?
	<i>Once the accountable person has demonstrated that they have put in place a suitable building safety manager role.</i>
Q3.16	Under those circumstances, how do you think the costs of the building safety manager should be met? Please support your view.
	<i>They should be charged to the accountable person.</i>
Q3.17	Do you agree that this registration scheme involving the issue of a building safety certificate is an effective way to provide this assurance and transparency? If not, please support your view and explain what other approach may be more effective.
	<i>Yes</i>
Q3.18	Do you agree with the principles set out in paragraphs 180 and 181 for the process of applying for and obtaining registration?
	<i>Yes</i>
Q3.19	Do you agree with the suggested approach in paragraph 183, that the building safety certificate should apply to the whole building? Please support your view.
	<i>Yes as this is the only way to ensure the building's systems are appropriate and maintained. The Fire Safety Order may require amending to reflect this approach.</i>

Q3.20	Do you agree with the types of conditions that could be attached to the building safety certificate? Please support your view.
	<i>Yes, the mandatory conditions cover the main areas and the ability to add voluntary and/or special conditions enable building-specific or other issues to be identified and included.</i>
Q3.21	Do you agree with the proposals outlined for the duration of building safety certificates? If not, please support your view.
	<i>Yes, although it should be revised if any works are undertaken which affect the fire safety of the building. These should be the same circumstances listed against question 2.23.</i>
Q3.22	Do you agree with the proposed circumstances under which the building safety regulator may decide to review the certificate? If not, what evidential threshold should trigger a review?
	<i>Yes, although any request from an interested party or occupant must provide reasonable justification and evidence as to why they believe a review is necessary.</i>

Chapter 3 – A new dutyholder regime for residential buildings of 18 metres or more

Part C – Duties that run throughout a building's life cycle

Q4.1	Should the Government mandate Building Information Modelling (BIM) standards for any of the following types and stages of buildings in scope of the new system? a) New buildings in the design and construction stage, please support your view. b) New buildings in the occupation stage, please support your view. c) Existing buildings in the occupation stage, please support your view.
	<i>BIM is a very effective tool to assist in building management but can also be expensive. It is reasonable to expect its use for new buildings in the design and construction stage. However, it would be costly for existing buildings and these costs would be transferred to tenants. An agreed phased approach to its introduction could be appropriate.</i>
Q4.2	Are there any standards or protocols other than Building Information Modelling (BIM) that Government should consider for the golden thread? Please support your view.
	<i>No</i>
Q4.3	Are there other areas of information that should be included in the key dataset in order to ensure its purpose is met? Please support your view.
	<i>No</i>
Q4.4	Do you agree that the key dataset for all buildings in scope should be made open and publicly available? If not, please support your view.
	<i>Yes</i>
Q4.5	Do you agree with the proposals relating to the availability and accessibility of the golden thread? If not, please support your view.
	<i>Yes</i>

Q4.6	Is there any additional information, besides that required at the gateway points, that should be included in the golden thread in the design and construction stage? If yes, please provide detail on the additional information you think should be included.
	<i>No</i>
Q4.7	Are there any specific aspects of handover of digital building information that are currently unclear and that could be facilitated by clearer guidance? If yes, please provide details on the additional information you think should be clearer.
	<i>No</i>
Q4.8	Is there any additional information that should make up the golden thread in occupation? If yes, please provide detail on the additional information you think should be included.
	<i>No</i>
Q4.9	Do you agree that the Client, Principal Designer, Principal Contractor, and accountable person during occupation should have a responsibility to establish reporting systems and report occurrences to the building safety regulator? If not, please support your view.
	<i>Yes</i>
Q4.10	Do you think a 'just culture' is necessary for an effective system of mandatory occurrence reporting? If yes, what do you think (i) Industry (ii) Government can do to help cultivate a 'just culture'? Please support your view.
	<i>Yes</i>
Q4.11	Do you agree that, where an occurrence has been identified, dutyholders must report this to the building safety regulator within 72 hours? If not, what should the timeframe for reporting to the building safety regulator be?
	<i>Yes</i>
Q4.12	Do you agree that the scope of mandatory occurrence reporting should cover fire and structural safety concerns? If not, are there any other concerns that should be included over the longer term?
	<i>Yes</i>
Q4.13	Do you agree that mandatory occurrence reporting should be based on the categories of fire and structural safety concern reports identified in the prescriptive list in paragraph 222? Please support your view
	<i>Yes although they should be a material defect. For example, a fire door that is one millimetre outside tolerance for its drop down smoke seal or a single telecommunications cable that has not been appropriately fire stopped should not result in a report.</i>
Q4.14	Do you have any suggestions for additional categories? Please list and support your view.
	<i>No</i>
Q4.15	Do you think the proposed system of mandatory occurrence reporting will work during the design stage of a building? If yes, please provide suggestions of occurrences that could be reported during the design stage of a building.
	<i>Yes, if there are areas that contradict safety principles or where statutory consultee advice is not being taken on board.</i>

Q4.16	Do you agree that the building safety regulator should be made a prescribed person under Public Interest Disclosure Act 1998 (PIDA)? If not, please support your view.
	<i>Yes</i>
Q4.17	Do you agree that the enhanced competence requirements for these key roles should be developed and maintained through a national framework, for example as a new British Standard or PAS? Please support your view.
	<i>Yes, a national framework that underpins this standard should be put in place. Initially we are concerned that there will be an industry shortage of suitably trained and accredited people.</i>
Q4.18	Should one of the building safety regulator's statutory objectives be framed to 'promote building safety and the safety of persons in and around the building'? Please support your view.
	<i>We agree with this statement for the regulator.</i>
Q4.19	Should dutyholders throughout the building life cycle be under a general duty to promote building safety and the safety of persons in and around the building? Please support your view.
	<i>This could be read as giving dutyholders responsibility for areas outside of their control. A better description would be 'in and within the curtilage of the building'.</i>
Q4.20	Should we apply dutyholder roles and the responsibility for compliance with building regulations to all building work or to some other subset of building work? Please support your view.
	<i>Yes, as this would provide a consistent approach to all elements of work on an 'in scope' building.</i>

Chapter 4 - Residents at the heart of a new regulatory system

Q5.1	Do you agree that the list of information in paragraph 253 should be proactively provided to residents? If not, should different information be provided, or if you have a view on the best format, please provide examples.
	<i>We agree with the list of information. This should be supplied in written form at point of occupation and could also be made available through a central electronic portal.</i>
Q5.2	Do you agree with the approach proposed for the culture of openness and exemptions to the openness of building information to residents? If not, do you think different information should be provided? Please provide examples.
	<i>We agree as this should provide reassurance to residents and enable them to constructively challenge, where appropriate, based upon factual and up-to-date information.</i>

Q5.3	<p>Should a nominated person who is a non-resident be able to request information on behalf of a vulnerable person who lives there? If you answered Yes, who should that nominated person be?</p> <p>a) Relative, b) Carer, c) Person with Lasting Power of Attorney, d) Court-appointed Deputy, e) Other (please specify).</p>
	<p><i>Yes and there is no reason why all of the information set out in Paragraph 258 should not be made publicly available as it does not contain any personal data. Ideally all of this information should be made available via a suitable website.</i></p>
Q5.4	<p>Do you agree with the proposed set of requirements for the management summary? Please support your view.</p>
	<p><i>Yes although there appears some overlap with the content of the Resident Engagement Strategy. Could these effectively be combined into a single document where the first chapter (management summary) is common to all of a building safety manager's stock and the second chapter, whilst following a common format, be specific to individual buildings?</i></p>
Q5.5	<p>Do you agree with the proposed set of requirements for the engagement plan? Please support your view.</p>
	<p><i>Yes although there appears some overlap with the content of the Resident Engagement Strategy. Could these effectively be combined into a single document where the first chapter (management summary) is common to all of a building safety manager's stock and the second chapter, whilst following a common format, be specific to individual buildings?</i></p>
Q5.6	<p>Do you think there should be a new requirement on residents of buildings in scope to co-operate with the accountable person (and the building safety manager) to allow them to fulfil their duties in the new regime? Please support your view.</p>
	<p><i>We strongly agree. In practice it can be challenging to access individual properties, which would inhibit the accountable person and/or building safety manager from fulfilling their obligations. Resident support and engagement will be essential to enabling the building safety manager to undertake their duties. This could be underpinned with a similar regime to that used to undertake gas safe certificates (i.e. magistrate's warrants) although any approach would need to be efficient both in terms of time and cost.</i></p>
Q5.7	<p>What specific requirements, if any, do you think would be appropriate? Please support your view.</p>
	<p><i>As set out in response to Q5.6.</i></p>

Q5.8	If a new requirement for residents to co-operate with the accountable person and/or building safety manager was introduced, do you think safeguards would be needed to protect residents' rights? If yes, what do you think these safeguards could include?
	<i>This may not be necessary in renter accommodation as most tenancy conditions include a clause to enable access but residents' rights to quiet enjoyment are also enshrined in housing law. For leasehold properties there will need to be clear reasons allowing the BSM access for fire safety purposes (for example to check installations) included in the lease agreement. This will also need to be included in existing leases.</i>
Q5.9	Do you agree with the proposed requirements for the accountable person's internal process for raising safety concerns? Please support your view.
	<i>We agree with the general approach and would suggest that this could follow a similar approach to that used by the Social Housing Regulator including the definition of 'serious detriment'. Other complaints could follow similar approach to that used in the Local Authority Sector with the complaint ultimately escalating to the Fire Safety regulator as opposed to the LA Ombudsman.</i>
Q5.10	Do you agree to our proposal for an escalation route for fire and structural safety concerns that accountable persons have not resolved via their internal process? If not, how should unresolved concerns be escalated and actioned quickly and effectively?
	<i>We agree with the escalation route proposed.</i>
Q5.11	Do you agree that there should be a duty to cooperate as set out in paragraph 290 to support the system of escalation and redress? If yes, please provide your views on how it might work. If no, please let us know what steps would work to make sure that different parts of the system work well together.
	<i>We agree that there should be a duty to cooperate as it would be more straightforward for the complainant to know that their complaint would be directed to the appropriate body without having to understand a complex system. The system should not rely on a body against whom a complaint has been made to escalate it. A system could be based upon the existing local authority (ombudsman) system or that used by the Social Housing Regulator.</i>

Chapter 5 - A more effective regulatory and accountability framework for buildings

Q6.1	Should the periodic review of the regulatory system be carried out every five years/less frequently? If less frequently, please provide an alternative time-frame and support your view
	<i>We agree that this is a reasonable period for review AFTER an effective implementation period during which review of effectiveness should be undertaken more frequently.</i>

Q6.2	Do you agree that regulatory and oversight functions at paragraph 315 are the right functions for a new building safety regulator to undertake to enable us to achieve our aim of ensuring buildings are safe? If not, please support your view on what changes should be made.
	<i>The Hackitt Report repeatedly referred to the role of Local Authority Building Control as the 'third pillar' in the Joint Competent Authority. This implied that the inspection and local enforcing role of JCA for buildings in scope would be undertaken by LABC with the Fire and Rescue Service also taking a leading role. Paragraph 315 DOES NOT take such a perspective and implies that approved inspectors could be involved in the inspection of buildings in scope and signing off gateways and safety cases. We do not believe that this would establish the regulatory independence needed for this process and would be contrary to Dame Judith Hackitt's recommendations. Impartiality and independence MUST lie at the heart of the new system of regulation and inspection. This can only be achieved by removing commercial interest from the process.</i>
Q6.3	Do you agree that some or all of the national building safety regulator functions should be delivered ahead of legislation, either by the Joint Regulators Group or by an existing national regulator? Please support your view.
	<i>Yes, provided that this is delivered with appropriate resource and by individuals with the necessary technical and statutory knowledge. As noted in our response to question 6.2 this consultation appears to have watered down Dame Judith Hackitt's JCA approach by continuing to imply competition for the inspector role based, often, upon the lowest bidder. LABC can provide this resource at the local level and are best placed to provide the inspection and safety case review role. This should be addressed in any final proposal.</i>
Q7.1	Government agrees with the Competence Steering Group's recommendations for an overarching competence framework, formalised as part of a suite of national standards (e.g. British Standard or PAS). Do you agree with this proposal? Please support your view.
	<i>Yes as a standardised competency framework is the best method of ensuring consistency across the sector.</i>
Q7.2	Government agrees with the Competence Steering Group's recommendations for establishing an industry-led committee to drive competence. Do you agree with this proposal? Please support your view.
	<i>Yes, this works in other areas and we recognise that the national LABC has been engaged in the process.</i>
Q7.3	Do you agree with the proposed functions of the committee that are set out in paragraph 331? Please support your view.
	<i>Yes, in principle, although more work is required on the competence of work undertaken within existing buildings in scope. This will need to cover, for example, the work of telecommunications installers who, in our experience, regularly undertake works that potentially could compromise compartmentation.</i>
Q7.4	Do you agree that there should be an interim committee to take forward this work as described in paragraph 332? If so, who should establish the committee? Please support your view.
	<i>Any approach put in place must involve appropriate experts in this field of work.</i>

Q8.1	Do you agree with the approach of an 'inventory list' to identify relevant construction products to be captured by the proposed new regulatory regime? Please support your view.
	<i>We agree provided that the Inventory list is effectively reviewed and managed as this should make procurement and product specification more straightforward. However, the approach must recognise the role of sub-components and the relationship between components, for example, in complex systems such as cladding.</i>
Q8.2	Do you agree that an 'inventory list' should begin with including those constructions products with standards advised in Approved Documents? Please support your view.
	<i>Yes but this should be led by suitable qualified technical experts to ensure a pragmatic perspective is taken and that all products that need to be within the inventory list are included. At present a number of products specifications are outside the regulations despite them being a key component in the overall build.</i>
Q8.3	Are there any other specific construction products that should be included in the 'inventory list'? Please list.
	<i>Please refer to our response to Q8.2.</i>
Q8.4	Do you agree with the proposed approach to requirements for construction products caught within the new regulatory regime? Please support your view.
	<i>Yes although independent testing must recognise, and take account of, on site installation factors.</i>
Q8.5	Are there further requirements you think should be included? If yes, please provide examples.
	<i>Please refer to our response to Q8.4.</i>
Q8.6	Do you agree with the proposed functions of a national regulator for construction products? Please support your view.
	<i>We agree as this should provide consistency and clarity.</i>
Q8.7	Do you agree construction product regulators have a role in ensuring modern methods of construction meet required standards? Please support your view.
	<i>We agree as they will be best placed to understand the role of new method of construction.</i>
Q8.8	Do you agree that construction product regulators have a role in ensuring modern methods of construction are used safely? Please support your view.
	<i>We agree as they will be best placed to understand the use and implementation of new methods of construction.</i>
Q8.9	Do you agree with the powers and duties set out in paragraph 350 to be taken forward by a national regulator for construction products? Please support your view.
	<i>Yes, although there will need to be effective communication with the Building Safety Regulator.</i>
Q8.10	Are there other requirements for the umbrella minimum standard that should be considered? If yes, please support your view.
	<i>The standard should also consider effective maintenance regimes and not just focus on performance at the date of installation as it is often poor maintenance that can lead to performance being compromised.</i>

Q8.11	Do you agree with the proposed requirements in paragraph 354 for the umbrella minimum standard? If not, what challenges are associated with them?
	<i>We agree.</i>
Q8.12	Do you agree with the proposal for the recognition of third-party certification schemes in building regulations? Please support your view.
	<i>We agree as this, in theory, would lead to a level of independent assurance. However, it needs to be recognised that work can often be compromised by subsequent trades that could either remove or damage installation particularly in relation to passive fire protection measures.</i>
Q8.13	Do you agree that third-party schemes should have minimum standards? Please support your view.
	<i>Yes as this would provide a level of consistency and assurance.</i>
Q8.14	Are there any benefits to third-party schemes having minimum standards? Please support your view.
	<i>Yes, the provision of minimum standards ensures accountability and provides the client with assurance.</i>
Q8.15	Are there challenges to third-party schemes having minimum standards? Please support your view.
	<i>Potentially industry will push for lowered minimum standards to meet their commercial interests. Fire safety standards must be set at an agreed level by independent assessors with the regulator confirming these levels.</i>

Chapter 6 - Enforcement, compliance and sanctions

Q9.1	Do you agree with the principles set out in the three-step process above as an effective method for addressing non-compliance by dutyholders/accountable persons within the new system?
	<i>We believe there are more effective models such as those used by local authorities that would provide a focus on processes that are intended to get work put right and projects moving forward on site safely.</i>
Q9.2	Do you agree we should introduce criminal offences for: (i) an accountable person failing to register a building; (ii) an accountable person or building safety manager failing to comply with building safety conditions; and (iii) dutyholders carrying out work without the necessary gateway permission?
	<i>We agree.</i>
Q9.3	Do you agree that the sanctions regime under Constructions Products Regulations SI 2013 should be applied to a broader range of products? Please support your view.
	<i>We agree as they should apply to all products that could compromise fire or structural safety.</i>

Q9.4	Do you agree that an enhanced civil penalty regime should be available under the new building safety regulatory framework to address non-compliance with building safety requirements as a potential alternative to criminal prosecution? Please support your view.
	<i>We agree that civil penalty will often be a more appropriate response than criminal prosecution.</i>
Q9.5	Do you agree that formal enforcement powers to correct noncompliant work should start from the time the serious defect was discovered? Please support your view.
	<i>Yes although a period needs to be given to correct non-compliant work.</i>
Q9.6	Do you agree that we should extend the limits in the Building Act 1984 for taking enforcement action (including prosecution)? If agree, should the limits be six or ten years?
	<i>This could be aligned with latent defects periods for standard works contracts. In JCT this would be 6 years for signed contracts and 12 years for sealed contracts.</i>

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

To

Cabinet

On

17th September 2019

Report prepared by: Emma Cooney, Director of Regeneration
and Business Development
Senior Officer Lead for Brexit

Council Preparations for Brexit

Relevant Scrutiny Committee(s): Policy and Resources

Cabinet Member: Councillor Ian Gilbert

Part 1 (Public Agenda Item)

1. Purpose of Report

The purpose of the report is to provide Cabinet with an update on the Council's preparations for leaving the European Union (EU) ("Brexit") following the report received by Cabinet on 17th January 2019 and in light of the Secretary of State's letter of 6th August 2019 to council leaders.

2. Recommendations

- 2.1 That Members note the work done by the Council to date to prepare for the UK's exit from the European Union (EU).

3. Background

- 3.1 The Cabinet report of 17th January 2019 (minute 606 refers) set the context and outlined the risks and opportunities for the Council and the borough in regards to EU Exit, which at the time was scheduled to take place on 29th March 2019.
- 3.2 In the intervening period an extension period for Brexit was approved by the EU to finalise and agree an exit deal. However, the deal was not supported by Parliament and following the resignation of Theresa May, Boris Johnson, as the new Prime Minister, has committed to leaving the EU on 31st October with or without a deal. Consequently preparation for a no deal exit is regaining greater focus as now, a very possible outcome.
- 3.3 The new Secretary of State for Housing, Communities and Local Government (MHCLG) wrote to all local authority leaders on 6th August 2019 (**Appendix 1**). The letter asked each authority to identify a named senior officer as Brexit lead for the Council and set out a range of responsibilities they expect the Council, led by the officer, to meet in the context of the expected impacts of EU Exit on the local area.

- 3.4** In January 2019, following the Cabinet report, the Director of Regeneration and Business Development was identified to take the lead for the Council's preparations for EU Exit and a cross-Council working group was established. Since then this working group, chaired by the Brexit lead, has met on a regular basis.
- 3.5** The activity of the working group, and its resulting impact on the Council's preparations, broadly correlate with many of the responsibilities identified in the letter from the Secretary of State; however, there are some aspects which will require review and further action in light of the letter and the expectations detailed therein.

4. Summary of preparations undertaken to date

4.1 Staff

- A cross-organisation working group has been in place since January meeting on a regular basis. The working group is increasingly considering impacts of EU Exit in the short to medium term following Exit day in addition to preparations for potential issues which may arise immediately around 31st October.
- Information about EU Exit and the EU Settlement Scheme (the scheme to process the applications of EU citizens currently living in the UK to allow them to remain in the UK after Brexit) is available on the intranet and support is available through HR for affected staff.
- Across Essex there are a number of sites where the impact of EU Exit, particularly in a no-deal scenario, might require greater response, such as ports, so mutual aid may be called upon to assist.
- Cyber Security workshops have been available for staff as part of general upskilling and awareness raising but also in recognition that the Exit period may be seen as an opportunity for increased cyber-crime.
- Organisation-wide weekly reporting was in place in the lead up to and in the wake of 29th March to capture any issues and opportunities to be dealt with accordingly. This weekly reporting has been paused in line with the reporting which was in place with the Essex Resilience Forum and the East of England Local Government Association (EELGA) and is being reinstated from September.
- The March exit date fell during school Easter holiday time so annual leave, particularly at CMT level, was managed to ensure sufficient capacity should pressures arise. This will be reviewed again in relation to the 31st October exit date.

4.2 Community Leadership and Service Delivery

- Businesses – following an independent piece of work which was undertaken last year to understand the challenges and opportunities for

local businesses, a task and finish group was established through the Southend Business Partnership, chaired by a business representative. Through the BEST (Business Essex, Southend and Thurrock) Growth Hub engagement, businesses are now asked to complete a survey about their consideration of and preparation for EU Exit, the results of which are shared via the national Growth Hub network and the Council's working group. Opportunities to provide further support through national funding being made available are being explored.

- Regulatory Services – there are some significant changes in regards to this service and for the businesses it engages with including product labelling, food exports and new systems.
- Community – through the Community Action Group (CAG) and Hate Crime Champions the working group continues to review whether EU Exit is resulting in any community tensions and increases in hate crime reporting. To date no impact has been seen. The inter-faith working group has also been engaged about the subject. The Council is also in conversation with the Citizens Advice Service (CAS) regarding the demand they are seeing for support with the Settlement Scheme.
- Communication – The Council has fully participated in the two-way reporting with Whitehall via the nominated regional Chief Executive representative (via EELGA). Until 31st March reporting was weekly, this has been stood-down for the time being with reports by exception and is expected to be reinstated soon. Links to Government information relating to EU Exit are provided on the Council's website. The Council has also undertaken to promote key messages as appropriate, however to date there has been little engagement on social media when items have been posted.
- Contracts and suppliers – Prior 29th March the Council's largest and main contractors were approached in regards to their preparations for EU Exit and labour impacts both in the context of community leadership and to understand potential impacts on Council services. Most were receptive and no particular concerns were raised. This will be revisited in the run-up to 31st October. The Council has also had to review where contractors and suppliers, which hold personal data relating to the Council's services, store the data to meet data security requirements and have found that all will be compliant post EU Exit.
- Indirect services - through officers and partners a watching brief is being kept on services which are not delivered by the Council but are of a wider interest and significance.

4.3 Emergency Planning and Business Continuity Planning

- Business Continuity Planning – all services across the Council have reviewed their business continuity plans in the context of EU Exit, with support provided through the emergency planning service where needed.

A further review of these will be requested in the period leading up to 31st October.

- Emergency Planning – The Emergency Planning team has led on liaison with the Essex Resilience Forum (ERF) which has had a specific focus on EU Exit, particularly implications of a no-deal scenario, across the member organisations. A number of staff have attended training days, including one specifically focussed on media and communication. Weekly reporting was in place at the start of the year which was a two way cascade; this has been stood down with reporting by exception and will be reinstated in due course. Similarly the weekly calls which were set up prior to 29th March exit date.

5. Meeting the responsibilities detailed in the Secretary of State's letter

5.1 The Secretary of State's letter of 6th August to all Council Leaders sets out a number of responsibilities expected of Local Authorities through the identified lead officer. These are detailed below with an overview of how these are being met together with additional steps the Council may wish to take.

- A) Ensuring the council has taken all reasonable steps, in line with relevant guidance and messaging coming from Government and its agencies, to prepare for our exit from the EU on 31 October. This should include clear communication to local residents and businesses to support their own preparations for Brexit and a plan for how the council would communicate important messages to stakeholders;
- *The Council has a dedicated webpage for Brexit which provides information for residents and employers, with links to further information from government or sector sources.*
 - *The Council has used some of the Government's 'communications toolkit' to share messages about Brexit on social media however has had no response or engagement in these instances. As further communications material becomes available and the leave date approaches the Council's media and communications team will increase communication, targeting messages where appropriate. It is important that the Council is a trusted source of information without causing unnecessary alarm.*
 - *Businesses have been engaged with via multiple routes including Regulatory Services, the BEST Growth Hub, the Southend Business Partnership, and through discussion with suppliers to the Council to understand their preparation and expected impact of Brexit. This will continue over coming weeks. Government is keen to gain greater intelligence about local business impacts and trends.*
 - *The Council's Media and Communication team is represented on the cross-organisation working group and has attended county-wide ERF exercises and workshops specifically aimed at communication.*
- B) Ensuring the Council has a team in place which is equipped to support the delivery of Brexit, ready for the period around 31 October;

- *Following the January 2019 Cabinet report a cross organisation working group was established to inform and support the Council's preparations for Brexit. This working group is still in place and meeting regularly.*
 - *In the two months prior to 29th March weekly reporting was in place via the Senior Leadership Group to capture information from across the organisation which was then used to inform the working group, ERF reporting and EELGA reporting. This was stood down in line with external arrangements following the extension announcement and will be reinstated at the end of August. In the interim reporting by exception arrangements have been in place. Internal reporting is being reinstated from September.*
 - *Preparations for the 29th March exit date resulted in all Business Continuity Plans (BCPs) being reviewed across the Council in the context of Brexit so each individual team should also be equipped, as far as is reasonable, to respond in relation to their service as well as the organisation as a whole. These will be reviewed again in the run up to 31st October to take any changes into consideration.*
- C) Overseeing the expenditure of the specific Brexit funding allocated to their council and ensuring it is effectively contributing to local preparations;
- *Requests for a funding allocation from the Brexit monies have been discussed at the working group and agreed with the lead officer. This will continue and will include any further funding the Council receives in support of Brexit preparation following the Secretary of State's announcement.*
- D) Playing a full part in your Local Resilience Forum to ensure that its plans for No Deal take account of relevant local circumstances and potential impacts on local communities.
- *The Council's Resilience Team has led on engagement with the Essex Resilience Forum (ERF) and has actively engaged in their preparation, working arrangements and reporting. This has included involving other colleagues in training sessions and group calls. The Resilience Team is represented on the cross-Council working group and their engagement there and with the ERF will continue going forward.*
- E) Bringing together local public service providers, the voluntary and community sector, community groups and businesses to effectively prepare for the potential local impacts of leaving the EU without a deal;
- *The Council has engaged with different groups in different ways to date – such as Council suppliers, the interfaith working group and the Southend Business Partnership.*
 - *Through the working group the Council will engage with partners across Southend to understand the preparations underway, the systems which may be effected and if support from the Council is needed, without stepping into a space which is already occupied by organisations who are well placed to meet the particular needs of those who they engage with. This will need to be an ongoing conversation as the range of possible impacts will extend beyond Exit day, particularly in a no deal scenario.*

- F) Acting as the principal contact point for your regional lead chief executive and central Government;
- *As the Council identified a lead officer at the start of 2019 this arrangement has been in place since January, prior to the letter. The Director of Regeneration and Business Development has chaired the working group which has coordinated responses to the regional chief executive lead and the ERF as well as attending ERF training and update calls. The Director of Regeneration and Business Development has been confirmed as to the lead officer to central Government and since then has joined the first of a series of webinars with other lead officers.*
 - *Further, Council officers have represented the Council and the East of England in central Government engagement sessions held in August on specific themes.*
- G) Proactively raising with central Government or your regional chief executive representative any emerging trends, issues and other local intelligence that might assist in No Deal preparations.
- *Using information gathered from the weekly updates at the start of the year and information available through the working group, relevant local intelligence, concerns and trends have been shared with the regional chief executive, via EELGA. This will continue to be the case noting the potential for increased frequency of reporting the closer to 31st October. Consequently there will likely be an increased ask of staff across the Council and its partners to respond to requests for more information more regularly.*

6. Other Options

- 6.1** To reduce or cease the Council's preparations for Brexit. The result of this would significantly compromise the Council's ability to respond as the consequences of Brexit are realised which in turn can destabilise community engagement and cohesion. Failure to engage in Brexit preparations could potentially result in legal challenge or affect future funding opportunities for the Council.
- 6.2** To dedicate further staff time and resources to preparations for Brexit. The result of this would have an impact on the day to day delivery of services as resources are diverted to focus on Brexit preparations.

7. Reasons for Recommendations

To enable the Council to respond to Brexit in the services it delivers and as a community leader.

8. Corporate Implications

8.1 Contribution to the Southend 2050 Road Map

The range of implications of Brexit, in both deal and no deal scenarios will impact on Southend 2050 in myriad ways. The aim of the planning, which has been underway since January, has been to minimise disruption and negative impacts where it is practicable to do so.

8.2 Financial Implications

In 2018 £210k was granted to the Council on a formula basis to support its preparation. To date a new fuel bunker has been purchased to provide resilience for key Council services should there be a short term fuel shortage. Funding has also been earmarked for fixed term additional Regulatory Services capacity in recognition that there will be greater demand with respect to product safety, e-commerce, fair trading and import/export which is expected to exceed the existing capacity of the team, as well as there being potential calls for mutual aid in other locations.

Funding from other sources has been sought with £10k secured from the Food Standards Agency to date.

The Secretary of State's letter also set out that the £20m funding to support Local Authorities in their preparation for Brexit. A press release issued on 21st August states that unitary authorities will receive £104,984 each.

Over a number of years the Council has been successful in securing UK Government and European funding for a range of projects. Treasury has underwritten European Structural Funds until the end of 20/21 following which the UK Shared Prosperity Fund (UKSPF) is due to go live, however there are currently no details as to the value, nature and timing of this fund. In the meantime there are a number of projects which will reach the end of their funding cycle for which extensions are being sought. However it is possible that in the context of everything that is happening in relation to Brexit preparations, decisions on these will not be made swiftly enough to provide staff with confidence that contracts will be extended resulting in them looking for alternative employment. The loss of such staff would diminish the Council's capacity to respond to and provide support in the case of local economic shocks.

8.3 Legal Implications

The Civil Contingencies Act 2004 sets out the framework for responding to emergency situations. The term "emergency" is widely defined as being an event or situation which threatens serious damage to human welfare, to the environment or to national security. The Council has a duty to assess and plan in relation to an emergency which may occur as a result of Brexit.

The Council will need to remain mindful of the State Aid rules in the provision of any loans, grants or other assistance resulting from any contingency financial

provision should EU Exit delay funding announcements for projects. Advice will be provided if and when required upon a case by case basis.

8.4 People Implications

For staff needing to go through the EU Settlement scheme there is information available on the intranet and support via Human Resources.

It is estimated that the staff time spent on Brexit preparations in relation to the working group exceeds 220 hours to date. Additionally officers have been engaged with communication and reporting, emergency planning, business engagement and in-service preparations. The amount of time spent is not calculable but is estimated to represent at least one and a half times that. These figures do not include preparation for, and holding European Elections in June 2019.

The staff resource involved going forward will depend on whether the UK leaves with a deal and the issues and opportunities which arise as a result.

8.5 Property Implications

The issues log managed by the working group has identified a range of possible property implications, such as a possible increase in the cost of materials used to maintain buildings due to exchange rate changes and tariffs. These will have to be managed on a case by case basis.

8.6 Consultation

The Council has not undertaken a consultation on Brexit, though the BEST Growth Hub surveys businesses engaging with it at the request of central Government.

8.7 Equalities and Diversity Implications

The range of implications of Brexit from both deal and no deal scenarios are vast. Particular attention is being paid to those needing to access the EU Settlement Scheme and possible hate crime incidents. Support and a watching brief will be maintained as appropriate.

8.8 Risk Assessment

The Cabinet report of 17th January highlighted the potential risks and opportunities for the Council and the revision of the Council Risk Register accordingly. An issues log is maintained and regularly reviewed by the Brexit working group.

8.9 Value for Money

Not applicable

8.10 Community Safety Implications

The risk of increased hate crime and community tensions has been highlighted nationally in relation to Brexit. There is ongoing communication with the police to understand and identify any incidents locally.

8.11 Environmental Impact

The Cabinet report of 17th January identified a range of environmental issues to which there has been no change.

9. Background Papers

Brexit – Implications: Cabinet report of 17th January 2019 (minute 606 refers)

10. Appendices

Appendix 1 – Letter from the Secretary of State, 6th August 2019

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Ministry of Housing,
Communities &
Local Government

Rt Hon Robert Jenrick MP

*Secretary of State for Housing, Communities and
Local Government*

**Ministry of Housing, Communities and Local
Government**

4th Floor, Fry Building
2 Marsham Street
London SW1P 4DF

To: Leaders of all local authorities in England

Tel: 0303 444 3450

Email: robert.jenrick@communities.gov.uk

www.gov.uk/mhclg

06 August 2019

I was honoured to be appointed as the Secretary of State. I am looking forward to meeting you and to working with you.

The UK will be leaving the European Union on 31 October. Although we would prefer to leave with a deal, we are making all necessary preparations to leave without a deal if the EU refuses to negotiate a new arrangement.

Local Government has a vital role in ensuring our departure is as smooth as possible. I want to thank you, your councillors and your officers for all the hard work you have already done, particularly in advance of the March and April deadlines. Just as central government is urgently intensifying preparation in advance of 31 October, it is right that together we work to do the same in every community.

To help us to better co-ordinate our efforts, I am asking all of you to designate a senior officer in your authority as Brexit Lead Officer.

That officer's role should include:

- Ensuring the council has taken all reasonable steps, in line with relevant guidance and messaging coming from Government and its agencies, to prepare for our exit from the EU on 31 October. This should include clear communication to local residents and businesses to support their own preparations for Brexit and a plan for how the council would communicate important messages to stakeholders;
- Ensuring the council has a team in place which is equipped to support the delivery of Brexit, ready for the period around 31 October;
- Overseeing the expenditure of the specific Brexit funding allocated to their council and ensuring it is effectively contributing to local preparations;
- Playing a full part in your Local Resilience Forum to ensure that its plans for No Deal take account of relevant local circumstances and potential impacts on local communities. I will be writing separately to all LRF chairs to set out how I propose to work with them to prepare for Brexit and to ask that they liaise with you to assess relevant impacts;
- Bringing together local public service providers, the voluntary and community sector, community groups and businesses to effectively prepare for the potential local impacts of leaving the EU without a deal;

- Acting as the principal contact point for your regional lead chief executive and central Government; and
- Proactively raising with central Government or your regional chief executive representative any emerging trends, issues and other local intelligence that might assist in No Deal preparations.

Please provide the name and contact details for your Brexit Lead Officer to LGEengagement@communities.gov.uk by 16 August 2019.

On Saturday, I announced £20 million of funding for all local authorities in England to aid Brexit preparations, which will support the work of this critical post. The Government recognises that certain areas face more acute pressures, and I am currently considering how best to allocate this funding. This is in addition to the £40 million previously allocated to all local authorities.

I am keen to listen to your ideas and concerns and to promote collaboration and best practice on how councils can effectively prepare for Brexit. To kick things off, I will be hosting the first of a series of webinars next week for all Leaders, Chief Executives and Brexit Lead Officers on 13 August at 9.00am. My officials will circulate details of how to participate shortly. I would encourage as many of you as possible to attend. I want to ensure the Government communicates with you in a co-ordinated and clear manner and that your legitimate concerns and queries are answered as swiftly as possible.

I look forward to working closely with you on this important issue.

A handwritten signature in black ink that reads "Robert Jenrick." The signature is written in a cursive, slightly informal style. Below the signature is a single horizontal line.

RT HON ROBERT JENRICK MP

Southend-on-Sea Borough Council

Report of Deputy Chief Executive (Place)

To

Cabinet

on

17th September 2019

Agenda
Item
No.

Report prepared by:
Peter Geraghty, Director of Planning and Transport

Scheme Commitments from Cabinet

Place Executive Briefing
Cabinet Member: Councillor Woodley
A Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 At Full Council on the 18th July 2019 a commitment was made to look at items that were raised as opposition business. This report outlines the proposals and officer recommendations.

2. Recommendations

- 2.1 That Members note the content of this report and the risks associated with the implementation.
- 2.2 That Members agree with Officers' recommendations to progress and not to progress the proposals, as outlined below.

3. Background

Below are the requests and findings to be considered:

Item	Findings	Recommendation	Costs (estimated)
To increase connectivity between the Seafront and the High Street, reinstate the right-hand turn at Chancellor Road and Church Road junction	To progress this would mean removing the build-out. Should any issues be found as a trail there will need to be additional funding to re-instate	To proceed to informal consultation and bring back results to TRWP	£20,000
Allow the straight-ahead maneuver at the Chancellor Road and Church Road junction			
Allow a right turn into Tylers Avenue Car Park from Chichester Road			
Removal of the yellow lines by the businesses under Pier Hill on Western esplanade	The existing bay on the east side of Pier Bridge could be extended up to the controlled zone of the crossing with the addition of approx. 8 spaces.	To be progressed for consultation	£4,800
Introduce parking bays on the soft verge area on Chancellor Road	Uneconomic proposal; civil works would provide 3 to 4 spaces and would cost in the region of £5k and removal valuable green space.	Not to progress	N/A
By the coach bay near the Pier	The area suggested is now marked out as a bus stop and is used by the open top bus during the summer months. No opportunity for additional parking.	Not to progress	N/A
Remove yellow lines outside the Yacht Club	Outside Alexandra Yacht Club on the north side there is a Coach Set Down bay which could be changed to additional parking for approx. 4 spaces.	To be progressed for consultation	£4,600

Remove the yellow lines on Eastern Esplanade outside the Vaping Shop	<p>Section of yellow line provides the nearby businesses with the opportunity to load and unload and would most likely attract objections.</p> <p>3 additional spaces potentially to be gained.</p>	To be progressed for consultation	£4,600
Provide parking on the area opposite Electric Avenue on Marine Parade	There are road safety issues with this proposal; to enter and leave the area would require vehicles to cross a shared use pedestrian / cycleway. To agree this would mean allowing vehicles to drive through a very busy pedestrian area and also reversing into pedestrians when leaving.	Not to progress	N/a
White lines outside Three Shells on Western Esplanade	<p>Western Esplanade Area used by the Three Shells to load and unload – therefore consider a shared use bay loading up to 9am and 9am – 6pm pay and display.</p> <p>Up to 3 additional spaces</p>	To be progressed for consultation	£4,600
Yellow lines outside the Marriott's on Western Esplanade	<p>Would recommend that only 15m is used at the western end of the double yellow lines as the remaining lines should remain to enable large vehicles to turn through the intersection if required.</p> <p>Up to 3 additional spaces.</p>	To be progressed for consultation	£4,600

4. Other Options

- 4.1 Do nothing; however this is clearly not what the administration or businesses want to see.
- 4.2 To consider other locations around the borough as part of the parking strategy.

5. Reasons for Recommendations

- 5.1 The recommendations are outlined in the table above.

6. Corporate Implications

- 6.1 The Council has also has an Air Quality Action Plan (https://www.southend.gov.uk/downloads/file/5973/low_emission_strategy_2018) whereby priorities include:

- Reducing emissions via the Local Transport Plan (LTP3), Southend Local Plan and the Joint Spatial plan;
- Reducing emissions from commercial vehicles, passenger cars and light goods vehicles, borough wide access and parking strategy;
- Reducing emissions from taxis and buses.

- 6.1.1 By increasing spaces we risk increasing traffic congestion and carbon emissions. We are therefore encouraging car use when we should be promoting other forms of transport

6.2 Financial Implications

- 6.2.1 Total income from Transport Projects are laid out in Section 55 of the Road Traffic Regulation Act 1984 which deal with financial provisions relating to income & expenditure of local authorities in connection with parking places. It sets out what Council can spend their car parking surplus on. Any additional parking spaces will generate additional revenue:

- s4(d)(ii) states: (for) the purposes of a highway or road improvement project in the local authority's area.

6.3 Legal Implications

Traffic Regulation Orders to be consulted and advertised with any objections following the usual sign off process at Traffic and Working Party.

6.4 People Implications

N/A

6.5 Property Implications

N/A

6.6 Consultation

N/A

6.7 Equalities and Diversity Implications

An Equality Impact Assessment will be carried out before any changes are taken into consideration.

6.8 Risk Assessment

Any appropriate risk assessments will be carried either as part of any changes relating to parking

6.9 Value for Money

N/A

6.10 Community Safety Implications

High tension levels could be reduced as more spaces will be available.

6.11 Environmental Impact

Increasing dependency on the car, will contribute to reducing the environmental impact and improving air quality.

7. Background Papers

N/A

8. Appendices

N/A

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NOTICE OF MOTION: COUNCIL 18th July 2019

Better Queensway Development

Better Queensway is the largest regeneration project that this Council has undertaken for many years, and has been supported by both administrations since it was started.

The rebuilding of better homes for our tenants in the multi-story blocks and providing at least 600 new affordable homes, as well as producing a boost for our town centre, is to be commended.

In the light of the National Housing Shortage, this Council resolves,

1. To fully support our partners Swan Housing Association to expedite commencement and completion of the project at an early stage thus supporting this Council's 2050 ambition.
2. To deliver updates at least twice a year to elected members to ensure that progress is not impeded in any way.
3. To hold regular meetings with our tenants so that they are fully aware of the progress to date.

Proposed By:

Cllr Davidson
Cllr Garston

Seconded By:

Cllr Boyd
Cllr Bright
Cllr Buck
Cllr Burzotta
Cllr Cox
Cllr Dear
Cllr Evans
Cllr Folkard
Cllr Garne
Cllr Habermel
Cllr Jarvis
Cllr McGlone
Cllr Moring
Cllr Nelson
Cllr Salter
Cllr Walker

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To Full Council: 18th July 2019

Notice of Motion

Seaway Car Park Development

A viable development on Seaway Car Park must satisfy the seafront's parking needs. The proposed development comprises a 1370 seat multi-screen cinema, 10 restaurants, an 80 bedroom hotel, bowling alley and an amusement centre. Currently, there are 661 car parking spaces at Seaway Car Park. The proposals only contains provision for 555 car parking spaces.

This Council therefore resolves that it should:

1. Provide additional parking spaces either at, or in the immediate vicinity, of the proposed Seaway Car Park Development to meet the shortfall of parking spaces.
2. Be in addition to any proposed increase of spaces at Tylers Avenue/York Road Car Park.

Proposed Cllr Buck
By: Cllr Davidson

Seconded Cllr Boyd
By Cllr Bright
Cllr Burzotta
Cllr Davidson
Cllr Dear
Cllr Evans
Cllr Folkard
Cllr Garne
Cllr Garston
Cllr Habermel
Cllr Jarvis
Cllr McGlone
Cllr Moring
Cllr Nelson
Cllr Salter
Cllr Walker

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Southend-on-Sea Borough Council

Report of Deputy Chief Executive (Place)

To

Cabinet

On

17th September 2019

Report prepared by: Jeremy Martin, Energy and Sustainability
Manager

Notice of Motion: Climate Emergency Declaration

Relevant Scrutiny Committee(s): Place Scrutiny

Cabinet Member: Councillor C Mulroney

1. Purpose of Report

- 1.1. To present the Notice of Motion: Climate Emergency Declaration which was referred to Cabinet from the Council meeting in July.

2. Recommendation

- 2.1 That in taking forward the Motion, Cabinet note the current position in respect to the Council's own CO2 emissions which have already been reduced by 75%. Subject to completion of the current capital programme and that proposed in the 2050 outcomes, the Council is expected to achieve net-zero by 2024/5.
- 2.2 That in taking forward the Motion, Cabinet should note the implications of the proposed Declaration of Climate Emergency and its potential impact on all areas of the Council.
- 2.3. That in taking forward the Motion, Cabinet should note the Council's leadership opportunity but that achieving net-zero for the Borough by 2030 will require coordinated actions across all parts of the Borough and will be an enormous undertaking which may take resources from other priorities.
- 2.4. That Cabinet should lobby Government (via LGA) with other Local Authorities to ensure that funds are made available to increase the work towards achieving carbon neutral status.

3. Background

- 3.1 The Intergovernmental Panel on Climate Change published its Report on Global warming in October 2018 describing the damage that warming at 2°C would inflict compared with 1.5°C and recommending that net-zero emissions be reached by 2030. The Notice of Motion referred to Cabinet seeks to commit the Council to achieve net-zero for its own operations by 2030 (or earlier) and to

work with all other relevant agencies towards making the Borough net-zero by 2030.

- 3.2 A large number of Councils have declared a Climate Emergency and much of the language used has been negative which may reduce the impact of the message by focussing too much on the risks. There is an opportunity to take a leadership role in this work and to assist households, businesses and agencies in Southend to take advantage of the opportunities associated with achieving net-zero.
- 3.3 In the context of the Southend 2050 ambition, the main focus of this work will fall primarily within the Safe and Well Category and the 'Green City' outcome. However, to truly achieve the whole Borough outcome, most parts of the Council and 2050 Outcomes will be involved.
- 3.4 The work on emissions reduction and climate adaptation is currently managed through the Low Carbon Energy and Sustainability Strategy 2015-2020 for which an annual report is published and attached as an Appendix. The report is planned for publication on 17 September to coincide with the Cabinet meeting considering the Climate Emergency Declaration. During the next year, a new Sustainability Strategy will be brought forward linked to the 2050 outcomes and covering all aspects of energy, climate change, green infrastructure and adaptation.
- 3.5 Emissions within Southend were:

2005	904,000 tCO ₂ e
2010	806,000 tCO ₂ e
2012	717,000 tCO ₂ e
2014	644,000 tCO ₂ e
2016	591,000 tCO ₂ e
2017	568,000 tCO ₂ e

Source: ONS dataset Local Authority CO₂ emissions estimates 2005-2017

Based on 2012 data, this equated to the lowest or equal lowest per head of population in England (Cities Outlook 2014). This largely reflects the nature of the business activity in Southend and the relatively dense population. The 2019 publication of Cities Outlook placed Southend as 6th in the league table of CO₂e per head (based on 2016 data) but the overall emissions were down to 591,000tCO₂e – a 35% reduction from 2005. It should be noted that most of this will have resulted from the reduction in grid emissions from electricity. The CO₂ by source within Southend can be broken down in 2 ways – by sector or by fuel (2017 data):

By Sector

Sector	Percentage
Industry and Commercial	23%
Domestic	48%
Transport	29%

By Fuel

Fuel	Percentage
Electricity	27%
Gas	41%
Other	32%

- 3.6 The Council's own emissions from buildings were baselined at 8,000tCO₂e in 2014 and projects have been delivered directly or indirectly reducing these by around 75%. It should be noted that the cost to the Council of these projects to date has been £19m achieved at a profit over 20-25 years. The Council will be responsible for additional emissions but as its own vehicle fleet is small and does very low mileage, these emissions will be small in comparison.
- 3.7 Work proposed within the 2050 Outcome Delivery Plans for 2020/21 contain enough to move the Council to a net-zero position or better following completion.
- 3.8 Achieving net-zero emissions within the whole borough will require contributions from all parts of Southend, households, business, charities and public sector. This undertaking will need to form part of the communications and strategies across all parts of the Council and Borough agenda.
- 3.9 The Council should also recognise that a drive towards eliminating emissions is only a part of the Climate Equation and may conflict with the other priorities of the Council. Adaptation to Climate Change already embedded in the system will be as important as Climate Mitigation through emissions reduction.
- 3.10 Whilst the concept of improving environment and cutting emissions may be welcomed by most of the public, some actions that are necessary to achieve the objective of net-zero may not be so popular.

4. Other Options

- 4.1. To note the Notice of Motion but not to declare the Climate Emergency.
- 4.2. To note the Notice of Motion but to declare the Climate Emergency targeting a later date for implementation.

5. Reasons for Recommendation

- 5.1. Major reductions in emissions are required across the world to mitigate against climate change and hold global warming to less than 2°C, preferably 1.5°C.

6. Corporate Implications

6.1. Contribution to the Southend 2050 Road Map

The primary 2050 outcome that the Climate Emergency Declaration will affect will be *Safe and Well: We act as a green city with outstanding examples of energy*

efficient and carbon neutral buildings, green open spaces, streets, transport and recycling.

It is likely that to achieve the commitments made in the declaration actions will be needed in every 2050 outcome and every function of the Council.

6.2 Financial Implications

The total value of implementation of the commitments has not been costed and not all will fall onto the Council but are likely to be very large – almost certainly above £1-1.5bn. Some could be delivered within existing resources as part of work underway to deliver the Southend 2050 ambition while others could be achieved through reprioritisation of existing resources. There are some actions which must involve partners and their resources including households and businesses. Some of the large, significant interventions would likely require additional funding through borrowing, grant funding or private sector funding which is available for profitable projects in this arena. It may be that the Council will need to act as a co-investor and/or be prepared to guarantee counter-party risk especially within early projects. It is likely that many of the projects required to meet the commitments will also have economic advantages in revenue available and potential economic growth.

Any proposals for additional investment and/or disinvestment will need to be considered as relevant as parts of outcome delivery plans and our outcome based budgeting approach, as part of Council budget setting and in year financial management.

6.3 Legal Implications

None at this time. In delivering individual delivery actions the legal implications of each action would be considered.

6.4 People Implications

It is likely that delivery of the recommendations would require refocussing of officer time in a substantial way. Another aspect that should be considered is that the current team leading on Energy and Climate Change are almost wholly funded from the projects that they deliver including EU project funds. Over time, this funding approach may not be sustainable.

6.5 Property Implications

None at this time. Some of the actions to reduce emissions and generate electricity will have property implications and the usual process would be followed at the appropriate time.

6.6 Consultation

The Notice of Motion was presented to Council in July and consultation has been restricted to the Climate Change/Sustainability team, the 2050 'Green City' leads and the Corporate Management team.

6.7 Equalities and Diversity Implications

An Equalities Assessment has not been undertaken on the totality of the project report and individual assessments would need to be undertaken for the various projects and policy changes as part of their development.

6.8 Risk Assessment

A risk assessment has not been undertaken on the project report as, where appropriate, risk assessments would be undertaken in relation into the various interventions.

6.9 Community Safety Implications

Community Safety will need to be reviewed as part of each intervention considered.

6.11 Environmental Impact

The Climate Emergency Declaration will have very large environmental impacts only when the actions are taken to deliver on the commitments made. A net 560,000tCO₂ will be required to be removed from direct sources in Southend. It should be noted that reaching net-zero in Southend will contribute to reduction in global warming but will not, of itself, protect the Borough from future climate change impacts. This is both because there are substantial impacts already baked into the system but also because similar, effective action would be required by every other local authority and nation across the globe.

7. Background Papers

None.

8. Appendices

2018/19 Annual Report – Low Carbon Energy and Sustainability Strategy

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To Full Council: 18th July 2019

Notice of Motion

HRA Housing – Lundy CLoose

This Council resolves to:

"abandon the HRA Housing build intention as being entirely unsuited to the Lundy Close (Off Western Approaches) site and although supporting affordable housing entirely, notes that the Lundy Close residents have presented a coherent and logical case as to why this build should not happen".

Proposed	Cllr Flewitt
By:	Cllr McGlone

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Southend-on-Sea Borough Council

Report of Executive Director (Finance and Resources) and Deputy Chief Executive (People)

To

Cabinet

On

17 September 2019

Agenda
Item No.

Report prepared by:

Glyn Halksworth – Interim Director of Housing
Alan Richards – Head of Corporate Property & Asset
Management

Housing and Development Pipeline Update

Relevant Scrutiny Committee(s): Policy and Resources Scrutiny Committee
Cabinet Members: Councillor Ian Gilbert and Councillor Ron Woodley

Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 To update members on the work underway looking at the pipeline of housing and development opportunities across the Borough and to present recommendations setting out the proposed way forward.

2. Recommendations

- 2.1 To note the progress of the first phase of housing and development pipeline sites currently in delivery as set out in Section 3.11.
- 2.2 To note progress on the Acquisitions Programme for Council Housing as set out in Section 3.3.
- 2.3 To note the work undertaken to date on the development land pipeline as set out in Section 3.5 and allocate £645,000 from existing capital reserves held within the General Fund and Housing Revenue Account as appropriate, in the first phase to enable the necessary initial site feasibility, due diligence, survey and high level design work to be commissioned to demonstrate viability (or otherwise) and enable a more detailed assessment of the number of units which could be delivered across the sites and, in relation to those suitable for joint venture opportunities, to establish appropriate objectives and bundling of sites. Following detailed feasibility, those sites which are proved to be viable will be presented to Cabinet for agreement on the preferred way forward for development in due course.
- 2.4 To agree that PSP Southend LLP be invited to undertake the next stage of feasibility (to e2) for sites which the pipeline assessment work has indicated

would be suitable for PSP delivery and for the Council to commission valuations for these sites to establish the baseline values. At this stage PSP will work at their risk. Once these sites have been assessed in detail by PSP Southend LLP, recommendations will be made to Cabinet for the sites to be opted in to the LLP for delivery or for alternative approaches to be considered.

- 2.5 To agree for negotiations to progress to update and re-brand PSP Southend LLP as set out in 3.21. In particular so that the board and reporting structure can be aligned with other Council LLPs and companies, reporting in to the Shareholder Board and to delegate the agreement of the detailed arrangements to the Strategic Directors (Finance and Resources and Legal and Democratic Services) in consultation with the Leader of the Council.
- 2.6 To note the proposed amendments to the Ilfracombe Avenue site, specifically that the Library will not be located within the proposed housing development which is proposed to provide a housing-for-rent scheme which will include a planning policy level of affordable housing for rent (capped at Local Housing Allowance levels). Income from the development will be used to finance the capital borrowing required to complete the necessary condition works at the existing Southchurch Library.
- 2.7 To agree the principle that the Council is minded to enter into an income strip lease transaction in relation to the proposed residential development at Roots Hall subject to subject to the completion of the relevant due diligence and to ensuring the long-term financial sustainability for the Council. To note that if a suitable transaction can be agreed, the terms of that transaction will be put to Cabinet for consideration.

3. Background

- 3.1 Cabinet agreed a report on 25 June 2019 and made the following resolutions: (minute 76 refers)
 - **Resolution 1.** That the work to develop a regeneration framework and pipeline of housing and regeneration projects, including the potential to establish a revolving investment fund to deliver the pipeline, with a report coming forward to Cabinet in September 2019, be agreed.
 - **Resolution 2.** That the process for responding to third party approaches is agreed for implementation.
 - **Resolution 3.** To proceed with the Acquisitions Programme for Council Housing as agreed in the Council's Housing, Homelessness & Rough Sleeping Strategy.
 - **Resolution 4.** That a capital budget of £4.3M be created within the Housing Revenue Account (HRA) capital programme for 2019/20 to facilitate the Acquisitions Programme, funded 30% from retained Right to Buy Capital receipts and 70% from HRA Capital Investment Reserve.

- 3.2 This report updates on the work undertaken subsequently and on the next phases of work which will be required to support the Council's ambitious housing and land development programme.

Acquisitions Programme Update

- 3.3 In terms of progress in relation to the Acquisitions Programme and the associated £6.3m budget, officers have agreed the methodology and process for dealing with these acquisitions. Presently 13 properties are under offer and with solicitors and a further 3 have completed at the time of writing.
- 3.4 The table below sets out the properties currently under offer (not identifiable here as they are all subject to contract), the total acquisition cost and total anticipated spend.

Bedrooms	Type	Purchase price, works and Stamp Duty cost (£000 (rounded nearest £1k)
4	semi-detached	£ 353
3	semi-detached	£ 275
1	flat	£ 142
3	terraced house	£ 252
3	end of terrace house	£ 285
3	semi-detached	£ 267
2	end of terrace house	£ 255
3	semi-detached	£ 258
3	semi-detached	£ 273
3	terraced house	£ 253
3	semi-detached	£ 280
2	bungalow	£ 274
2	flat	£ 196
2	flat	£ 192
3	semi-detached	£ 336
2	semi-detached	£ 250
Total		£ 4.14m

Regeneration Framework and Development Pipeline

- 3.5 In relation to the first recommendation, 31ten Consulting (31ten) have been engaged to bring some independent advice and rigour to the process of analysing individual sites, their development potential and how they can most beneficially fit in to a comprehensive development pipeline within which capital receipts can be recycled to improve the sustainability of the overall programme. This includes sites for housing, wider regeneration and a range of other land uses.

- 3.6 31ten have also been commissioned to support the Council with the delivery of an overarching Regeneration Framework for the Borough to provide a spatial representation of Southend 2050 and set local action on sites with development potential within a regional and sub-regional context.
- 3.7 A single list of sites and opportunities have been identified to form the pipeline, including Council owned and private sites. A series of regular workshops and sessions have been held with a wide cohort of officers from Assets, Strategic Planning, Housing, Development Control, Regeneration and Finance to advance this work. During these sessions the methodology and tools have been devised to enable the site analysis work to be undertaken.
- 3.8 A site appraisal tool has been trialled and refined to record key information and build a knowledge base of individual sites. As well as capturing the development potential of individual sites, the site appraisal process has been designed to determine which development opportunities are best delivered through which development vehicle ranging from Council led delivery either internally, or through its wholly owned company to joint venture partnerships with the private sector. This work has identified an emerging timeline for the development of sites and provided a detailed pipeline programme which is currently being reviewed.
- 3.9 The next stage of the pipeline work is to undertake further due diligence through the commissioning of survey, feasibility, and high-level design work to demonstrate viability of both individual sites, and bundles of sites, in order to enable a more detailed assessment of the number of units which could be delivered across the sites and the appropriate delivery vehicle to be used.
- 3.10 At this stage, the pipeline will also be reviewed against the emerging Regeneration Framework to ensure that development opportunities are aligned to deliver wider outcomes. Once this due diligence work is completed it is intended that those sites which are proved to be viable will be presented to Cabinet for agreement on the preferred way forward for development in due course. It is estimated that this due diligence work requires a budget of £645,000 of funding as referenced in recommendation 2.3.
- 3.11 A number of sites within the Pipeline are currently underway and this section sets out those sites which are approved to proceed and which are now in the delivery phase.

Site	Number of Units	Delivery Vehicle	Progress comment	Estimated completion
Friars, Constable Way	Nursery plus 9 houses	PSP Southend LLP	Nursery completed. Housing due to start on site during September.	Q4 2020
Ilfracombe Avenue Car Park	24 flats	PSP Southend LLP	Subject to agreement of recommendation 2.6 of this report, a detailed proposal is ready to be signed off by the LLP Partnership Board to enable a planning application to be worked up for	Q4 2021

			submission.	
Modern Methods of Construction (MMC) Pilot Project	4-5 Units	Strategic Housing	Employers Agent (EA) & Architect have been appointed. Site investigation has been carried out. Outline planning permission anticipated by end of the year.	2021/22 Q1
HRA Phase 3	25 Units	Strategic Housing	Site investigation has been carried out. EA to be appointed by September 2019.	2021/22 Q3
HRA Phase 4	20-31 Units	Strategic Housing	Site investigation has been carried out. EA to be appointed by September 2019.	21/22 Q4
HRA Phase 5 & 6	Tbc	Strategic Housing	Funding agreed for feasibility work to determine phases 5 & 6	tbc

PSP Southend LLP Update

- 3.12 On 14 June 2011, Cabinet agreed to establish a Limited Liability Partnership (LLP) which has 50:50 representation and ownership by the Council and BV Strategies Facilitating Ltd. (now PSP Facilitating Ltd) respectively. On 12 December 2011, the LLP was formally incorporated as PSP Southend LLP ("the LLP").
- 3.13 An Operations Board and a Partnership Board were established and have met periodically since incorporation to review and agree projects for the LLP to progress.
- 3.14 PSP Southend is one of the key delivery vehicles that has been considered through the pipeline work and is a key tool in delivering the Council's ambitious growth programme. The Operations Board of the vehicle considers pipeline projects and makes recommendations to the Partnership Board which then decides whether to progress to delivery. As the Partnership Board is convinced of the merits of projects, they move through the key stages of the LLP project pipeline. These key stages are:
- Stage 1 (e1) Exploration
 - Stage 2 (e2) Evaluation
 - Stage 3 (e3) Examination
 - Stage 4 (e4) Engage
- 3.15 As part of the 14 June 2011 Cabinet decision, it was agreed that any sites to be progressed through the LLP would be opted in by the Cabinet and thereafter, their progress through to delivery would be managed by the LLP to deliver the optimum commercial return.
- 3.16 To date, the LLP has delivered:

- 32 Units of market housing at the former Hinguar Primary School
 - The 9 units of affordable housing required for Hinguar plus a further 6 units on the site of the former Saxon Lodge. All 15 of these were sold to Moat Housing Association.
 - A new nursery on Constable Way
 - The demolition and site preparation of Friars Community Centre, Library and the Pupil Referral Unit in preparation for development.
 - An updated planning permission has just been issued for the construction of 9 houses for market sale on the site (to cross-finance the nursery) and Tern Developments is mobilising for construction to commence imminently.
- 3.17 The LLP has also reviewed a number of further sites which present good opportunities for development and it continues to offer a good alternative delivery vehicle for the Council.
- 3.18 Since the LLP was established at the end of 2011, PSP has substantially evolved its model as it has developed partnerships with many more Local Authorities. PSP now has 3 offices, much greater resources and new equity funders (Cobalt Square). PSP has also refined the areas which it is particularly effective and whilst it can be used to provide a range of property related solutions, the primary focus is aligning with that of local authorities around the delivery of good quality, low carbon, and energy efficient homes. In this regard, it has also developed its own housing model which can be used across its partnerships.
- 3.19 The PSP housing model enables the Local Authority to loan capital to finance housing development which is designed, built and then managed by PSP companies for an agreed period of time. The Council in return owns the development, receives the rent from the housing (net of management costs) and has the benefit of capital growth. PSP has access to a variety of traditional and modern methods of construction along with a partnership with modular contractors who are proto-typing energy contributing housing.
- 3.20 Alongside the evolution of the PSP model, the Council now has several more companies and is moving to ensure that these operate with consistency of reporting in to the Shareholder Board.
- 3.21 PSP Southend LLP was originally established for a 10 year period. Given that this period has only 2 years to run, it is recommended that:
- The objectives of PSP Southend LLP are reviewed and updated to align with the Council's 2050 roadmap and ambition
 - That the LLP is rebranded for a new 10 year period
 - That the PSP Southend LLP board structure is updated so that both Operations Board and Partnership Board (or their equivalents) are officer boards reporting in to the Shareholder Board
 - That the agreement of the detailed arrangements be delegated to the Strategic Director (Finance) and the Strategic Director (Legal and Democratic Services) in consultation with the Leader of the Council.
- 3.22 In relation to the proposed Ilfracombe Avenue development of c.24 units of housing, the initial intention of accommodating a replacement for Southchurch

Library in the ground floor has been proved to be unviable therefore recommendation 2.6 seeks agreement for the scheme to progress as a housing only site (with a Planning Policy compliant level of affordable housing for rent (capped at Local Housing Allowance levels) and for the revenue generated from the scheme to be used to finance the capital required to deal with the existing condition issues which need to be addressed at Southchurch Library. These are estimated at approximately £200,000. This ensures that the site delivers an appropriate level of affordable housing whilst also enabling the wider community benefit arising from the necessary improvements to Southchurch Library.

- 3.23 Moving forward, there is good potential for the LLP to serve the Council well in the delivery of the small to medium sized sites leaving the Council resources available to focus on the continued direct delivery of smaller sites through the Strategic Housing Team and importantly, to focus resources on the very resource-intensive delivery of major schemes such as the next phases of tower block development and other major sites which have the potential to deliver many hundreds of homes and associated development but which will require significant and sustained resources. As always, the use of the LLP is only recommended where it can be demonstrated that it provides the best option for the Council in relation to a given site.
- 3.24 It is recommended at 2.4 that PSP Southend LLP be invited to undertake the next stage of feasibility (to e2) for sites which the pipeline assessment work has indicated would be suitable for PSP delivery This next stage of feasibility will be progressed and, subject to the outcome of that work, recommendations on the way forward will be presented to Cabinet. It is important to note that this feasibility work is non-committal at this stage and also that in relation to most of these sites, delivery via PSP is only one of a number of possible options.

Roots Hall Proposed Development

- 3.25 Roots Hall Limited has recently presented proposals to all councillors for the latest scheme of development at Roots Hall. This development is principally on land belonging to the football club but it also brings in land owned by the Council at 291-301 Victoria Avenue.
- 3.26 The proposed development comprises approximately 500 new homes including c.170 units of Affordable Housing in line with the Council's planning policy DM7 (The initial proposal is for 60% social rented and 40% affordable rented). (NOTE: The scheme is still being refined and has not yet been submitted for planning.)
- 3.27 Officers are currently undertaking due diligence with property advisers Cushman Wakefield's specialist investment and residential teams to assess a proposal for the Council to enter in to an income strip lease of the development.
- 3.28 The proposal is that the Council takes a leasehold interest in the entire scheme at Roots Hall. Under the lease, Citizen Housing Ltd would be responsible for the facilitation and delivery of the development. The Council would be responsible for all maintenance and management and, for the payment of an index-linked rent to Citizen Housing. The Council would then receive all the rents received from the scheme (net of management costs). At the end of the

lease term the full value of the whole development and all future income would transfer to the Council for £1.

- 3.29 It is clear that the delivery of this scheme would make a significant impact on housing delivery numbers both in terms of affordable, and market housing. Homes England are aware, and are supportive of the proposal in principle subject to the Council taking the lease.
- 3.30 The proposal does however present some risk for the Council and it is these which the Council is working with Cushman Wakefield on to fully understand and mitigate if possible.
- 3.31 Subject to the acceptable mitigation of these risks, completion of all necessary due diligence and the refinement of the overall deal (with independent specialist advice), it is hoped that the Council will be able to reach a position whereby the deal can progress as broadly outlined above. The proposal will also need to be checked and ratified by the Council's external auditors for financial prudence and the scheme will require planning permission.
- 3.32 Once the fine details are settled, given the scale and financial impact risks of this proposed transaction the matter will be brought back to Cabinet for agreement.
- 3.33 The recommendation at this stage at 2.6 is therefore that officers prioritise the due diligence work on this proposal so that, assuming it can be worked in to an acceptable position, that it is ready to be presented to Cabinet for a decision.
- 3.34 Members are asked to note that there is potential for the same arrangement to be employed in relation to some or all of the residential element of the proposed Fossetts Farm development and that assuming the proposal can be made to be acceptable for Roots Hall, the work and the principles established in relation to Roots Hall will be portable to that scheme also.

4. Other Options

- 4.1 The Council could opt not to use PSP for further developments although in order to continue the delivery of the range of sites, alternative resourcing considerations would be required.
- 4.2 The Council could opt not to pursue negotiations for an income strip lease for the development at Roots Hall.

5. Reasons for Recommendations

- 5.1 To update Cabinet on progress on the HRA infill sites and acquisition programme.
- 5.2 To allocate funding for the next stages of feasibility work on the pipeline of sites.
- 5.3 The updating and re-branding of PSP Southend LLP will enable it to report in to the Shareholder Board in line with the other Council companies.

- 5.4 Removing the library from the scheme at Ilfracombe Avenue will significantly improve viability and deliverability and enable investment in to the existing library building.
- 5.5 To enable officers to progress negotiations in relation to the Roots Hall development proposals.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

The development of the housing and regeneration pipeline, the proposed acquisition of property to be utilised for affordable housing in the borough both work towards the Southend 2050 Safe and Well outcome of **“We are well on our way to ensuring that everyone has a home that meets their needs”**.

The development of a regeneration framework and pipeline are also key contributors to the Opportunity and Prosperity outcomes “We have a fast-evolving, re-imagined and thriving town centre, with an inviting mix of shops, homes, culture and leisure opportunities” and **“Key regeneration schemes, such as Queensway, seafront developments and the Airport Business Park are underway and bringing prosperity and job opportunities to the Borough”**.

Southend’s *Housing, Homelessness & Rough Sleeping Strategy* aims to provide ‘decent high quality, affordable and secure homes for the people of Southend’ and the development and purchase of affordable contributes to this.

6.2 Financial Implications

A capital budget of £645,000 is required for the first phase of feasibility of the Pipeline schemes. This is an initial estimate is based size specific costs and will cover the necessary title investigations, valuations, site and environmental investigations, architectural feasibility and high level development appraisal work required to progress these opportunities. The capital budget will be funded from capital reserves held within the General Fund and HRA as appropriate to the scheme under consideration

The report identifies approximately £200,000 of capital works required to improve Southchurch Library and that these will be funded through borrowing with the financing costs covered by the income from the Ilfracombe Road site.

6.3 Legal Implications

Initial consultation has been undertaken with the Council’s Legal Team and ongoing work is being undertaken with Essex Legal Services for the Acquisitions Programme.

6.4 People Implications

No People Implications regarding the Pipeline or the re-branding of PSP Southend LLP.

There are resourcing implications in the delivery of the pipeline which will need to be addressed as the project develops, some of which will be addressed through the management restructuring proposals currently being implemented.

6.5 Property Implications

The main purpose of the pipeline work is to review, and develop a strategic approach for the Council's forthcoming or latent development opportunities and this will of course generate many strategic and details property implications as the work progresses.

6.6 Consultation

Consultation has taken place with internal colleagues for the pipeline as referenced in 3.5 above. As schemes develop further consultation will be undertaken with the Planning department, local residents and ward members as appropriate.

6.7 Equalities and Diversity Implications

The relevant equality assessments will be undertaken where necessary.

6.8 Risk Assessment

Risk register and issue logs will be used as part of the development of the sites within the Pipeline and are continued to be used for the Acquisitions Programme.

6.9 Value for Money

Value for money assessments will be undertaken by through the pipeline project alongside the relevant Council departments and this will be informed through the feasibility work.

6.10 Community Safety Implications

Potential regeneration and pipeline opportunities will look to meet with Secured by Design standards where possible.

6.11 Environmental Impact

New pipeline schemes will look to improve environmental standards in the build process where possible and also will look to improve landscaping and environmental and economic sustainability where possible.

7. Background Papers

Cabinet Report. *Future Phases of Affordable Housing Development Programme Update*, 17th January 2019

Cabinet Report, *Housing Update*, 25th June 2019

Southend-on-Sea Borough Council

Report of Deputy Chief Executive People

To

Cabinet

On

17th September 2019

Report prepared by: Faith Nassuna, Projects & Policy
Support Officer, Housing & Social Inclusion

Introduction of Selective Licensing of the Private Rented Sector

Policy and Resources Scrutiny – Cabinet Member: Councillor Ian Gilbert
A Part 1 Public Agenda item

1. Purpose of Report

- 1.1 To inform Cabinet of the preliminary work underway to introduce Selective Licensing in parts of the borough and to seek agreement for next steps, including resources required to undertake the preparatory research and other work needed ahead of implementation.

2. Recommendation

That Cabinet agrees:

- 2.1 A one off resource of £50k in order to undertake in-depth preparatory work ahead of any implementation of Selective Licensing within the borough through a service delivery partner.
- 2.2 That targeted consultation is progressed on the adoption of powers of Selective Licensing within parts of the borough identified as experiencing antisocial behaviour (ASB) problems, crime and deprivation associated with poorly managed Private Rented Sector (PRS) accommodation.
- 2.3 That following the above work, a further report is brought before Cabinet relating to the introduction of Selective Licensing in parts of the Borough.

3. Background

- 3.1 There are two types of licensing schemes for the PRS which the Council can adopt, these being the additional licensing scheme for houses in multiple occupation (HMOs) which is already in operation and a Selective Licensing scheme for *any* properties within the private rented sector. Section 80 of the Housing Act 2004 allows local authorities to apply for Selective Licensing of privately rented properties in areas experiencing low housing demand and/or suffering from anti-social behaviour. These powers were further extended in 2015

with the publication of *Selective licensing in the private rented sector: a guide for local authorities*, to cover areas experiencing poor property conditions, large amounts of inward migration, a high levels of deprivation or high levels of crime.

- 3.2 The above regulations require that for an area to be designated as subject to selective licensing, it must contain a high proportion of properties in the private rented sector. Further, at least one of the above conditions must be demonstrated to be satisfied for selective licensing to be introduced. In recognition of this it is a requirement that consultation is carried out with interested groups such as landlords, tenants, letting agents, local businesses and any other interested parties. Local authorities can designate an area for selective licensing for five years, following demonstration of evidence for the requirement, consideration of alternative approaches and having undertaken consultation.
- 3.3 A selective licensing scheme would enable the Council to impose legal requirements in designated areas requiring all landlords to register, apply for a licence for each property they rent out and comply with specific licence conditions. This would give the Council more power to tackle irresponsible landlords and drive up management standards. Poorly managed properties can result in unacceptable levels of antisocial behaviour, which can be damaging to local neighbourhoods if not dealt with appropriately. Within the poorly managed PRS there are also concerns about the standard of housing conditions and unacceptable landlord practice, including abuse of tenants' rights.
- 3.4 Nationally the PRS has doubled in size since 2002¹. Southend's PRS has also grown and it is believed that 25% of dwelling places within the borough fall within the PRS. Southend has a higher proportion of households classified as overcrowded compared with the East of England².
- 3.5 Selective licensing designation requires agreement from the Secretary of State where the proposal covers either 20% or more of the geography of the local authority area, or 20% or greater of the total private rented stock in the borough. In Southend, according to data drawn from the 2011 Census approximately 3000 properties could be subject to a selective licensing designation before Secretary of State approval would be required.
- 3.6 As of 1st January 2019 there were reportedly 44 selective licensing schemes in operation, including 4 that cover the entirety of the local authority area, and a further 9 that exceed the 20% requirement and thus have been approved by the Secretary of State³.
- 3.7 It is noted that the "process of evidence gathering and consultation prior to designation is rigorous and challenging"⁴ and that there is a lack of national guidance to support this process, with most local authorities considering the introduction of selective licensing reliant on other local authorities for support. The process of applying for selective licensing designation has been identified as complex and highly bureaucratic, and often takes over a year to complete. Included within the requirements are: the undertaking of research in order to

¹ *English Housing Survey Headline Report 2017-2018*

² BRE Client Report, March 2017

³ MHCLG, *An Independent Review of the Use and Effectiveness of Selective Licensing*, July 2019

⁴ *Ibid.*

establish the scale of the local PRS and evidence of any associated problems that may be grounds for selective licensing; preparation and undertaking of extensive consultation over a period of at least 10 weeks (this can be slightly shorter if it is already known a scheme would not exceed 20% of geography or PPRS), followed by detailed analysis and presentation; and following declaration of designation there is a 12 week statutory period before a scheme can start.

- 3.8 Selective licensing schemes are required to be self-supporting and cannot be used as a means to raise additional income for local authorities. The fees raised are required to cover all costs of operation but it is unclear what upfront costs can be recouped from these fees and again there is no guidance in this area. Establishing the correct fee is imperative to effective delivery as setting it too low can impact the ability to undertake inspections and issue licenses. It is noted that the number of schemes that are genuinely self-supporting are in the minority and that many required subsidising⁵. Research has indicated a range of fees are in operation with an average of around £750 per licence per 5 year period.
- 3.9 Guidance regarding costs of establishing and operating selective licensing schemes is again not available from MHCLG, but in preparing for this report indications from other local authorities and from desk research have suggested that resourcing is a critical consideration. The MHCLG's *Independent Review of the Use and Effectiveness of Selective Licensing* (July 2019) identified that it was not uncommon to require initial research costs of £30k and publicity costs of up to £20k. Additionally there are costs for data and ICT changes and software requirements to be considered, along with the need to resource landlord engagement and training, additional work by other Council teams (for example, legal services, social care, environmental health, community safety).
- 3.10 Following the introduction of selective licensing, it is important that this is robustly enforced and that staffing is sufficient to allow for this. Failure to provide for this is likely to result in slower processing of licenses, reduced inspections and a greater propensity for unscrupulous landlords to continue to operate. Where landlords do not comply with the requirements of the selective licensing designation a range of options are available to the local authority, including the imposition of civil penalties of up to £30k, banning orders which prevent landlords from letting property, or rent repayment orders respect of properties that should be licensed but are not. A breach of a licence condition can render a landlord liable to a fine for each offence. Additional powers such as Interim Management Orders or Final Management Orders are also available to local authorities.
- 3.11 There is somewhat limited evidence of the effectiveness of selective licensing⁶ with the result that it is difficult to be conclusive in how well they work. In the MHCLG Select Committee inquiry 2017-18 local authorities and their representative bodies said that selective licensing allowed authorities to better regulate the PRS and were thus effective⁷. This was disputed by landlord bodies consulted as part of that inquiry, but the local authority view was echoed within the *Independent Review of the Use and Effectiveness of Selective Licensing* (MHCLG, July 2019). Additionally recent research from The Chartered Institute of

⁵ *Ibid.*

⁶ Rugg, J. & Rhodes, D. *The Evolving Private Rented Sector*, 2018

⁷ MHCLG Select Committee, Private rented sector, HC 440, 19 April 2018

Housing (CIH) and the Chartered Institute of Environmental Health (CIEH) also identified selective licensing as effective in tackling property conditions and problems with anti-social behaviour⁸. Further information about the characteristics of effective selective licensing schemes is included within the appendix to this report.

- 3.12 There have suggestions made that selective licensing will lead to displacement of unscrupulous landlords into non-designated areas, with the effect of reducing housing standards in those areas. Further, there has been suggestion that landlords will pass on any licensing costs to their tenants via increased rent. In both cases the recent MHCLG Independent Review failed to find any evidence which supported these claims.

Designation and timescales

- 3.13 In accordance with Section 82 of the Housing Act 2004, any designation made by the Council cannot come into force within three months of the designation date so the timing would need to be worked out accurately to avoid legal challenges. This means that for the scheme to be implemented from May 2020, all the preparatory work would need to be completed by January 2020.
- 3.14 The consultation period would need to be at least 10-12 weeks but it can be as little as 6 weeks if the area covered is under the 20% guideline. Given the timeframe, this process would need to be underway in September. Once the consultation is done, the results would need to be published and made available to the local community.
- 3.15 The Council would need to publish the notice of the designation once confirmed. This must be done within 7 days of the designation being confirmed. All the stakeholders consulted must also be notified within two weeks of the designation being confirmed.
- 3.16 The designation will cease on 30 April 2025 unless it is revoked sooner for any other reasons.

4 Other options

- 4.1 Some of the options to tackling substandard and problematic properties within the borough would include but (not limited to) the following;
- **Do nothing** -The Council could opt not to intervene in the private rented sector, leaving the housing market as the driver for landlords carrying out improvements to their properties.
 - **Do the minimum** – This would mean a limited intervention by the Council and this could be through responding to complaints and taking action by other departments on ad hoc basis using the various powers available to them.

⁸ CIH and CIEH *A licence to rent*, January 2019

- **Informal area action** - A non-statutory Action Range, taking in portion of the Borough where sub-standard properties are concentrated, would be declared. The momentum for lodging change would come from a combination of the Council's movement within the area through a blend of advisory overviews, Council-landlord discourse and, where vital, the threat of follow-up enforcement action.
- **Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs)**. The Housing Act 2004 provided tools like IMOs & FMOs to deal with non-licensable HMOs or Special Interim Management Order for other properties to address anti-social behaviour in selected properties where conditions are sufficient to justify use of the powers.
- **Area based voluntary accreditation** – This would involve a localised accreditation scheme, tailored to the characteristics of the properties and the problems associated with them.
- **Borough wide selective licensing** – The Council could consider introducing licensing for all private rented properties across the borough as some other local authorities have done.
- **Borough wide additional licensing** - Licensing introduced for all HMOs not covered by mandatory licensing (i.e. two or more storeys with three or more households) across the whole Borough.

5 Reasons for Recommendations

- 5.1 It is recommended that research continues to gather evidence for the introduction of selective licensing and that detailed consultation is prepared and undertaken as part of this evidence collation. It is further recommended that this research investigates opportunities that may exist to work with other local authorities and / or to outsource the provision of licensing to a Delivery Service Partner as one of the available options to the Council. These recommendations are made on the basis of the potential for selective licensing to augment management of the PRS in Southend where poor landlord practice is contributing to negative impacts, as described above. Further support for the recommendations is included within the appendix, which is a reproduction of the key findings of the MHCLG Independent Review.

6 Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

Improving the Private Rented Sector would assist a number of Safe and Well themes for Southend 2050 such as ensuring that *everyone has a home that meets their needs*, ensuring people *feel safe and secure at all times* and *improving the quality of life for the most vulnerable in our community*. It would also more broadly support other key themes around Pride & Joy (*Our streets and public spaces are clean and inviting*) and Active and Involved (*Communities coming together to enhance their neighbourhood*).

Southend's *Housing, Homelessness & Rough Sleeping Strategy* aims to provide 'decent high quality, affordable and secure homes for the people of Southend'. An important priority within the strategy is to improve and make best use of the existing housing stock. To help achieve this the strategy is underpinned by a range of actions including advice, financial assistance, enforcement, bringing long term empty homes back into use and delivering demonstrable improvements to private rented homes through the use of licensing schemes.

Prioritising the supply of safe, locally affordable homes is a key priority within the *Housing, Homelessness & Rough Sleeping Strategy*. Improving access to good quality, well managed accommodation in the private rented sector is one of its key strategic priorities.

6.2 Financial Implications

The Council would need to have the relevant resources in place before implementing any designation in order to set up, administer and enforce the scheme. Details of some of the options are included in appendix A.

Consideration must be given to the full financial implications if the scheme is adopted, including the calculation of a cost-neutral fee and any implications of that fee impacting on rents and this will be fully considered in the next report to Cabinet.

Without the necessary start-up cost, the Council's ability to operate and enforce the scheme would be inhibited. This would be exacerbated by lower than expected income from licensing fees.

The one off cost of the research and options analysis of a Selected Licensing scheme is estimated at £50k and this can be met from the Council's Business Transformation Reserve.

6.3 Legal Implications

If the necessary background work is not done before implementation of the scheme, it could result in a Judicial Review. Such areas of challenge may include, inter alia, the following:

- Incorrect basis for the implementation of the scheme
- Ability to administer and enforce the scheme for said period
- The quality of the data that informs the decision to designate

6.4. People Implications

In order to implement the scheme, more staffing would be required in order to conduct research and gather relevant data for consideration of a selective licensing scheme, and coordination of the relevant Council services in order to implement the scheme. A concurrent recruitment strategy will be undertaken between the Housing and Regulatory Services teams to assist in this process and ensure that requisite skilled resources are available should a selective licensing scheme be designated. Initial preparatory work would be supported by

additional officer resource, either from a contracted delivery service partner or via interim staff recruited for this purpose.

During the scheme designation, several officers would be required to both administer the designation, issue licenses, carry out inspections, undertake enforcement activities as well as attending court for prosecutions. This would require coordinated action between several Council departments, such as Private Sector Housing team, Planning, Regulatory services, Community Safety as well as Legal team.

To ensure timely response, proper verification to applications and to undertake technical verification, inspections and any consequent enforcement would all require increased staff members including technical staff to deal with knowledge in the field.

Collaborative working with other teams within the Council would be key to the scheme's success. Teams like Early Help, Adult & Children Social Services, Environmental Health, Private Sector Housing, Housing Solutions and others that engage with the general public would be able to share information which would contribute in identifying housing issues that could be impacting local residents in order for the Council to address them.

6.4 Property Implications

By making the designation, all privately rented accommodation in the designated areas will require a licence. Owners of rented properties will be required to make an application to the Council or through a Delivery Service Partner for a licence and will need to nominate either the manager or the property owner to be the licence holder.

Section 79(2) details those houses that are covered and this is defined as a whole house that is occupied either under:

- a) A single tenancy or licence,
- b) Under two or more tenancies or licences in respect of different dwellings contained in it.

The overall property conditions in the borough would be improved thereby increasing property demand in the designated areas.

6.5 Consultation

Consultation must take place in order to demonstrate the evidence for the areas of concern and this would include giving due considering alternative options to selective licensing before designation.

If the Council opts for the option of using a Delivery Service Partner, they can carry out the consultation and provide a report to the Council which would indicate the areas that should be licensed.

6.6 Equalities and Diversity Implications

An equality analysis would need to be carried out to assess the impact of introducing selective licensing. This would be need to be included in the consultation process.

6.7 Risk Assessment

There is a risk of Judicial Review which means the rationale, data and process followed for implementation must be robust and accurate.

There is an unsubstantiated risk of alienating local landlords who may not be in favour of the scheme which could force them to take their business elsewhere or sell, thereby reducing the supply of much needed accommodation within the borough.

Local rents may increase as the landlords may wish to recoup the cost of a license fee. It is important that licensing schemes that already exist are robustly enforced and if a local housing authority is unable to show compliance this will cast doubt on its ability to ensure compliance with the application scheme.

Some Local authorities were challenged on the decision to introduce selective licensing as it was felt that good landlords were being made to pay for the problems caused by the bad landlords.

6.8 Value for Money

A cost benefit analysis would need would need to be undertaken to determine whether the scheme would work out cost neutral or would need to be supplemented with additional funds from the Council.

6.9 Community Safety Implications

Improvements within private stock conditions are intended in part to reduce antisocial behaviour and other property associated community safety concerns.

6.10 Environmental Impact

Improved energy efficiency standards and enhanced enforcement of environmental health standards within the PRS may have beneficial environmental outcomes for the borough.

7. Background Paper

Selective Licence Scrutiny paper - July 2018

8. Appendices

Appendix 1 – Options for Service Delivery

Appendix 2 - Summary of key findings of *An Independent Review of the Use and Effectiveness of Selective Licensing* (MHCLG, July 2019)

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Appendix 1 – Options for Service Delivery

Below are some of the options to consider on how the service can be delivered;

Options and appraisals for this would include;

1. In-house staff members

Looking in-house to see what skills are available within the Council's various teams and whether they could be pulled together to prepare and implement the scheme.

- This would save time on going through lengthy recruitment processes by offering secondment opportunities to staff with relevant experience.
- The challenge would be getting enough interest from staff members with the required skills willing to take on extra responsibility and whether the scheme would realistically be delivered on schedule in this way.
- There would also be the issue of their teams being left without enough cover which would mean that their normal duties would be left undone.
- Using the apprenticeship schemes to do some of the administrative tasks of the scheme

2. New staff members

The Council could opt to recruit new staff members to form a Selective Licensing team. The number of staff would depend on the area designated. This could be a long process and would be hampered by the recruitment challenges within this sector.

- It would be unlikely to have the scheme delivered within the envisaged time frame.
- Recruiting just a couple of admin staff members to deal with the basic admin aspects of the scheme whilst the other aspects are automated through an online application system.
- There would be a challenge in retaining staff for the period of the scheme as some staff may choose to leave before the full term of the scheme.
- The estimated cost of this would vary depending on the area of designation and the number of private sector properties in that area so it hard to estimate.

3. Online application systems

Licensing could be done through an online application system. Some councils use the Gov.UK application system as it is free but they have also advised that it is not the best system to use.

- One of the drawback for the free application system is that landlords would have to complete an application for each property which would be time consuming for those with several properties to license.
- Some delivery partners have online application systems that would be free to use which would reduce the initial set-up cost needed. And some just take one application with multiple properties included which would be quicker to use.

- Other online providers for application systems would come at a cost and this would vary depending on who the council opts for as a provider.
- Due to the procurement exercise, there could be a delay in getting the right system in place.

4. Delivery Service Support Partners

Using Delivery Partners to prepare and manage the scheme. The level of their involvement would need to be agreed by the Council.

Some of the benefits of this option would include;

- No cost to the council to be part of the scheme as the scheme is paid for through landlord membership fees.
- Support to the Council from the scheme providers to enhance the outcomes of the licensing scheme whilst providing support to landlords on the scheme.
-
- The scheme would provide support and development to engaging landlords whilst the Council focuses on enforcement of non-engaging landlords.
- The scheme provider would conduct an agreed number of property inspections for the duration of the designation.
- It should be noted that the council would still need to have a small team within to deal with the direct applications for those landlords who may not wish to join the scheme and to carry out enforcement.
- It should also be noted that this is not an alternative to licensing and does not replace the Council's powers as the licensing and enforcing authority.
- To change landlord's behaviour through development and support for those who sign up to the scheme.
- As the service is free to the Council, there would be no need to go through procurement as the contract can be done as a concession.

5. Consultants

Consultants could do the data analysis to determine the areas of designation and any other preparatory work needed and then let the team run the scheme.

6. Multi-agency working

Collaborative working with other departments within the Council for instance Early Help, Social Services, Community Services team, Police and other teams who would be able to identify problems within the PRS and inform the Council to address.

- This would ensure that properties with problems are identified and brought to the Council's attention this way, reducing the need for more field officers to be employed.

Appendix 2

Summary of Key Findings of *An Independent Review of the Use and Effectiveness of Selective Licensing* (MHCLG, July 2019)

Summary of effectiveness of selective licensing

The research overall indicates that selective licensing can be an effective policy tool with many schemes achieving demonstrable positive outcomes. However, this study also indicates that when implemented in isolation, the effectiveness of selective licensing is often limited. Schemes appear to be more successful as part of a wider, well planned, coherent initiative with an associated commitment of resources – a finding entirely consistent with the aims of the Housing Act.

Characteristics of effective schemes

The research identified a number of characteristics commonly found in effective schemes:

- Careful planning, in particular with respect to anticipated costs and also to mitigate the potential impact of underestimating the number of licensable properties;
- Well thought through and diligent approach to evidence gathering and consultation;
- A realistic approach to area definition with boundaries carefully drawn to focus on areas with demonstrable problems, although it was clear that problems could genuinely be district wide in some authorities;
- Licensing forming part of a wider suite of community-based measures aimed at effecting change consistent with the aims and objectives of selective licensing, with a clear political will to support the scheme;
- Effective engagement with both landlords and tenants, but especially raising, through dialogue and training, landlord awareness of their responsibilities;
- An inspection regime that is robust, consistent and targeted – dealing with contraventions firmly but fairly, where possible dealing with the worst first;
- Regular and open publication of progress against targets and outcomes - this encourages trust and support from stakeholders.

Factors that can impede the effectiveness of licensing

- One factor repeatedly raised by local authorities was that they are not permitted to include conditions on the licence relating directly to property conditions, despite that often being the key reasons for designation. The issue is compounded by the requirements for 24 hours notice for formal action under the Housing Health and Safety Rating System (HHSRS).
- One of the primary difficulties for local authorities is identifying the true extent of the private rented sector. Virtually all local authorities reported finding more privately rented properties than anticipated, with consequent pressure on resources causing delays and other difficulties.
- To be effective, any scheme must maintain a focus on identifying unlicensed properties; the research highlighted a high correlation between failure to license and unsatisfactory management and property conditions. An effective

policy for identifying such properties (with intelligence gathering a key factor) should be developed at the planning stage.

- Local authorities consistently highlighted the need for examples of best practice in a range of areas and for formal guidance in respect of evidence requirements, fee setting, enforcement policy, licence conditions, etc.
- The process of making a designation is perceived to be highly complex and unnecessarily bureaucratic, requiring significant time, money and other resources. However, the importance of thorough consultation was stressed by numerous stakeholders.
- Where there is a clear and demonstrable case for re-designation after the initial five-year period, the authority needs to repeat the full process required for designation before expiry of the first five years. This diverts resources from the initial scheme and hampers effectiveness. In cases where Secretary of State approval is required, delays to this process can also cause significant concerns, especially to staff working on fixed contracts.
- Size of the scheme - as schemes get larger, any problems caused by unanticipated circumstances are magnified. Many costs cannot be set directly against the licence fee (e.g. landlord training, tenant support, increased workload for the legal department) and the larger a scheme is, the more problematic resourcing such services can prove. Larger schemes also tend to suffer particular difficulties with recruitment and retention of staff. Any inadequacies in initial fee setting can be severely exposed.
- Inflexible licence fees - most licence fees take no account of the remaining time of the licensing designation, with landlords required to pay the full cost of re-licensing after holding a licence for a short time only. This can result in understandable resentment and increased non-compliance from landlords.
- Genuinely self-supporting (no subsidy) schemes are in the minority and typically have higher licence fees.³ The largest single cost of operating a scheme is staffing; setting a fee too low can have significant consequences – usually a reduction in the percentage of properties inspected, delays in issuing licences etc.
- The 20% criterion was criticised by some contributors for the disproportionate impact it can have on small local authorities. There is also a perceived lack of clarity about the process of validation itself, along with concerns about potentially significant delays.
- Several respondents reported that completion of the application form was often undesirably onerous, with a typical application form comprising 15-25 pages. The length is dependent on the extent of information required by local authorities in addition to extensive mandatory questions required by legislation. Many considered several of these mandatory questions to be of limited relevance or utility.
- Currently the only legal mechanism available to challenge a designation is an application for judicial review. This is a complex and extremely expensive process and in reality limits the opportunity for external review, whilst the threat of such action in some cases is sufficient to dissuade authorities from introducing licensing even where there is a legitimate need.

Southend-on-Sea Borough Council

**Agenda
Item No.**

Report of Deputy Chief Executive (People)

to

Cabinet

on

17th September 2019

Report prepared by: Ruth Baker, Head of Children's Service
Transformation

Ofsted Inspection of Local Authority Children's Services

**People Scrutiny Committee
Cabinet Member: Councillor Anne Jones
Part 1 (Public Agenda Item)**

1. Purpose of Report

- 1.1 To advise Cabinet of the outcome of the Inspection of Local Authority Children's Services

2. Recommendations

- 2.1 That the report is noted
- 2.2 That the action plan and revised Strategic Children's Services Improvement Plan is brought to Cabinet in January 2020 to enable Cabinet to provide scrutiny and challenge of, and support for, progress

3. Background

- 3.1 Ofsted undertook an ILACS full inspection of Children's Services between 15 and 26 July. An inspection team of 4 inspectors, with 2 additional inspectors for education, fostering and adoption being present for 3 days in total, were on site for 8 days across the 10 day inspection period.
- 3.2 The inspection focused all areas of statutory children's social work services and early help services delivered by the Council. It did not inspect the work of partners.
- 3.3 During the week before the inspection team arrived on site they accessed a large of amount of performance and child level data, documents describing the work we do and reports to corporate parenting group, children's services improvement board, success for all children group, annual reports and report to LSCB.
- 3.4 The inspection team spoke to a number of schools attended looked after children and to 8 foster carers and adoptive parents. In addition they met with

the Young Experts Group (children in care council) and a group of 20 young people aged 16 to 25 years who are in or have left care.

- 3.5 For the majority of the time spent on site inspectors sat with social workers in all teams, and with their team managers, looking at the records of children. The inspectors also spent time accessing children's records on our electronic case management system alone.
- 3.6 Each day the lead inspector met with the Deputy Chief Executive, Director of Children's Services and some Heads of Service to give feedback on what they had seen during their previous day's activity.
- 3.7 ILACS result in graded judgements, an overall judgement for effectiveness and sub-judgements for the impact of leaders on social work practice for children, the experiences and progress who need help and protection and the experiences and progress of children in care and care leavers. The inspectors stated that services for children in Southend require improvement to be good across all areas.
- 3.8 The inspectors highlighted areas of significant improvement and many areas which they describe as excellent, effective and highly effective. This is contained in the opening statement within their report which says:

"Services for children in Southend-on-Sea require improvement to be good, as was the case at the last inspection in 2016. While senior leaders have made significant progress in some areas in improving the quality of practice, despite a challenging local context, there is more work to do. Leaders have concentrated heavily on strengthening the 'front door' multi-agency response to contacts and referrals, planning for children in need and services for vulnerable adolescents, following learning from a joint inspection. These services are now highly effective".

- 3.9 Other areas which were described as very strong include the work of the virtual school, planning for children in need, using the voice of children in assessments, the quality of evidence presented before the courts when we make applications to remove children from their parents care and the work of our adoption team.
- 3.10 The cross party political commitment, and the role of the lead member for children and learning, were identified as an area of strength within the inspection report.
- 3.11 The inspection report details main areas for improvement. This compares with 12 areas for improvement following the inspection in 2016. The areas for improvement are:
 - Managers' and leaders' oversight, and evaluation, of the quality of frontline practice, and translating this into timely planning for improvements for children within their timeframe.
 - The quality of planning for children in need of protection.
 - The oversight and challenge from independent chairs of children's child protection conferences and children's care reviews.
 - The timeliness and effectiveness of pre-proceedings under the public law outline (PLO) arrangements.

- 3.12 We are required to produce an action plan based on the four areas to improve within 60 days. The action plan will be included in a revised children's services improvement plan. It is of note that the areas identified are areas that we had been working to improve prior to the inspection within the improvement plan, at Children's Services Performance Board and in individual service plans.
- 3.13 The progress of our improvement plan will continue to be challenged, monitored and scrutinised by the Children's Services Improvement Board, Improvement Board Scrutiny Panel and People Scrutiny Committee.

4. Other Options

- 4.1 No other options are available

5. Reasons for Recommendations

None

6. Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map

Improved outcomes for the most vulnerable children in Southend contributes to all Southend 2050 ambitions and outcomes as these are children who will be the leaders, workers, business owners, citizens and users of services in 2050. The outcomes of Safe and Well, Active and Involved and Opportunity and Prosperity are those which have the strongest link to the work we are undertaking to improve outcomes for children.

- 6.2 Financial Implications

None identified at present

- 6.3 Legal Implications

None identified at present

- 6.4 People Implications

None identified at present

- 6.5 Property Implications

None identified at present

- 6.6 Consultation

Not required

- 6.7 Equalities and Diversity Implications

No implications relating to equalities and diversity were identified during the inspection

6.8 Risk Assessment

Not required at this time

6.9 Value for Money

Not identified at present

6.10 Community Safety Implications

No specific Community Safety Implications were identified as part of the inspection. The work with vulnerable adolescents, which relates to criminal and child sexual exploitation, was identified as an area of strong practice

6.11 Environmental Impact

None identified.

7. Background Papers

None

8. Appendices

Appendix 1 - Final report, ILACS inspection of Southend on Sea Borough Council

Southend-on-Sea Borough Council

Inspection of children's social care services

Inspection dates: 15 July 2019 to 26 July 2019

Lead inspector: Brenda McInerney
Her Majesty's Inspector

Judgement	Grade
The impact of leaders on social work practice with children and families	Requires improvement to be good
The experiences and progress of children who need help and protection	Requires improvement to be good
The experiences and progress of children in care and care leavers	Requires improvement to be good
Overall effectiveness	Requires improvement to be good

Services for children in Southend-on-Sea require improvement to be good, as was the case at the last inspection in 2016. While senior leaders have made significant progress in some areas in improving the quality of practice, despite a challenging local context, there is more work to do. Leaders have concentrated heavily on strengthening the 'front door' multi-agency response to contacts and referrals, planning for children in need and services for vulnerable adolescents, following learning from a joint inspection. These services are now highly effective.

However, progress has been uneven, and some improvements are not yet making enough difference for children. Senior leaders had recognised many of the weaknesses found during the inspection, but action plans are not driving improvements at a sufficient pace. While initial work to protect children at risk of harm is prompt and of a consistently good quality, too many children with longer-term plans are not made safe quickly enough. Progress in improving permanence planning for children with a plan of long-term fostering has been slow. Support and training for foster carers is starting to improve following significant challenges within the service.

Although leaders have increased management capacity, the quality of oversight and decision-making that managers provide is not yet consistently effective. As a result, weaker practice is not always recognised or challenged, and delays in making changes for children are not always addressed decisively.

A well-embedded performance management system has helped to sustain improvements in the timeliness of core social work practice, most of which is well matched to the needs of children. Senior leaders recognise that the quality assurance framework they have recently put in place is not yet providing them with a wholly accurate understanding of the quality of front-line practice or of whether children have better outcomes because of the help and support they receive.

What needs to improve

- Managers' and leaders' oversight, and evaluation, of the quality of frontline practice, and translating this into timely planning for improvements for children within their timeframe.
- The quality of planning for children in need of protection.
- The oversight and challenge from independent chairs of children's child protection conferences and children's care reviews.
- The timeliness and effectiveness of pre-proceedings under the public law outline (PLO) arrangements.

The experiences and progress of children who need help and protection: requires improvement to be good

1. While many of the services that keep children safe are effective, the inconsistent management oversight and grip on some key child protection processes mean that change for children is not always timely or sustained. Too many families experience repeated assessments. When risks do not reduce for children, ineffective monitoring means that there can be delay in children's cases being brought before the court.
2. Children and their families benefit from a wide range of early help services in Southend which work effectively with families to promote children's welfare and reduce risk. Partners take the lead in completing early help assessments and play an active role in planning and reviewing early help services for families. Families are involved in evaluating the help they receive; they report that things are better following intervention.

3. Initial responses to concerns about children at risk are prompt and thorough, and thresholds applied within the multi-agency safeguarding hub plus (MASH+) are proportionate and consistent. Well-considered initial decisions are made, including out of hours, about the help and protection that children need. Partners make timely and detailed referrals when they are concerned about children. Decisions and discussions about risks to children are well informed by the history of previous interventions and a wide range of partner information, including from health providers and GPs.
4. The practice of undertaking statutory visits by MASH+ social workers to establish the need for an assessment in a small number of cases means that some children and their families are having to tell their stories more than once. In other examples, duty visits delay the start of meaningful work by the allocated social worker. Leaders do not have a clear understanding of the experiences of children and families subject to this practice.
5. The risks to victims and children affected by domestic abuse are well understood. The dedicated multi-agency risk assessment team (MARAT) supports effective information-sharing on high-risk incidents and ensures that safety planning results in children's situations improving. Where risks are less acute, children and families are identified and connected to targeted support, such as groups for parents and children.
6. Assessments are timely, and children and families are connected to targeted help and support during the assessment process. This is making a difference for parents, who are being helped to address mental health or substance misuse difficulties. Children's views inform assessments through sensitive direct work with their social workers. This is supported by a flexible needs-led approach to the number of assessment visits by social workers. There is particularly strong practice in pre-birth assessment and early permanence planning. However, chronologies are not used to understand the patterns of neglect experienced by a high number of children in Southend-on-Sea.
7. The process of automatically re-assessing any family referred to the MASH+ within six months of social care involvement ending is not always proportionate to the presenting risk. Some families are subjected to unnecessary social care intervention when initial enquiries could have better established risks and informed a more appropriate response.
8. The majority of child in need planning is helping to improve children's circumstances. Social workers have time to spend with children, visits are purposeful and capture children's views, and workers build trusting relationships with children and parents. Families are given enough time and support to make and sustain changes in their parenting, an improvement since the previous inspection. Social workers plan carefully for children and families in order to ensure that they continue to receive help after their involvement comes to an end. For a small number of children, there is delay in escalating to

child protection planning where child in need work is not reducing risks quickly enough.

9. A wide range of partners participate in well-chaired and well-recorded strategy meetings, ensuring that child protection enquiries are child-centred and identify the risks to children and result in immediate safety planning. Decisions to progress to initial child protection conferences are proportionate and these meetings are now consistently timely for children and families.
10. Some child protection plans are not of a good quality. In these cases, children experience delays before receiving the level of help and intervention they need. When children are not being made safer, there is a lack of direction by managers, and limited challenge by child protection conference chairs. This means that some children are remaining in neglectful circumstances for too long, exposed to cumulative risk of harm from domestic abuse and parental ill-health and/or substance misuse. In better practice, child protection planning is more effective and helps produce positive change. Skilled social workers are able to forge working relationships with families, even where there have been high levels of resistance.
11. Practice in pre-proceedings under Public Law Outline (PLO) work is inconsistent. Poor tracking by managers and delays in commissioning assessments hamper timely decision-making about applications for court orders. At times, urgent legal planning is being delayed because of a lack of clarity about which meetings and panels make decisions. This means that some children are left in situations of risk for too long. In better managed cases, assessments are timely, and progress is closely monitored by managers. Letters to parents at the start of pre-proceedings work are too long and do not clearly explain the change required from parents to care for their children successfully.
12. Most children with disabilities are well supported by their social workers, who understand their needs well. Social work visits are purposeful and well recorded. However, inconsistent practice means that, for a very small number of children subject to a child protection plans, risks are not identified and responded to soon enough.
13. Children at risk of exploitation experience highly effective help and support from a range of skilled practitioners within the Adolescent Intervention and Prevention Team (AIPT). Children and young people benefit from persistent efforts to engage them. Risk is assessed well, and effective support services contribute to multi-agency planning. In most cases, this significantly reduces the risk of harm, and children's situations improve.
14. When children go missing from home or care, they are consistently offered return home interviews. Although these are not always completed within the required statutory timescales, they are prioritised in line with the level of risk

being presented. However, children's records do not always demonstrate that intelligence from these interviews is being shared with key professionals to inform work to prevent further missing episodes.

15. Referral pathways for homeless 16- and 17-year-olds are under-developed, resulting in an inconsistent level of response. While the number of young people presenting as homeless is small, they do not all have their needs formally assessed. Homeless young people are not always informed of their rights to become accommodated where appropriate and in line with their wishes.
16. Robust systems are in place to safeguard children who are home educated or missing from education. The work of the Fair Access Panel is ensuring that pupils do not change schools unless this is in their best interests and there is sufficient support to meet their needs.
17. Arrangements to ensure the suitability of care for privately fostered children are well established. Children's welfare is monitored, and support is provided when required.
18. There is an effective system in place for the management of allegations against adults working with children. Individual risks to children are identified and responded to swiftly.

The experiences and progress of children in care and care leavers: requires improvement to be good

19. Most children live in placements that meet their needs. When care proceedings are issued, they are concluded within recommended timescales, and timely legal permanence is secured for children. The local judiciary and CAFCASS spoke positively about the quality of evidence and care plans put before the court.
20. Wherever possible, children are matched appropriately to carers. Most children receive high-quality care in stable placements. However, when this is not the case, independent reviewing officers are not always effective in recognising and challenging children's experiences. While some children benefit from timely matching with permanent carers, delays for children in achieving permanence through long-term fostering are not being picked up and addressed effectively.
21. The overall quality of care planning is not yet good. While plans are comprehensive, too many actions are too broad and have no date for completion. Social workers' reports to children's reviews are too limited. Records of reviews are frequently missing from or are added very late to children's records. As a result, key decisions for children are not well informed by their current circumstances and delays are not always followed up by their social workers and reviewing officers. There has been little progress in

addressing these weaknesses, which were already identified at the last inspection.

22. Only a small number of children live a long way from Southend-on-Sea and for those that do there is no detriment in the quality of care and support they receive. Children in care are helped to stay in touch with family and friends; planning is sensitive and regularly reviewed to ensure that contact is a positive and fun experience for children.
23. A small number of children have experienced a high number of changes of care placements without there being any learning from disruption meetings or any pause to improve the quality of matching children to the right carers. This means that there is limited planning to reduce the risks of future placements breaking down. Very few children benefit from an up-to-date holistic social work assessment to inform their care planning reviews, even when their care plans or circumstances change.
24. The quality of the fostering service is improving, from a low base, following recent action taken by leaders. Assessments and reports to the fostering panel do not always consider foster carers' abilities to care for two or three children. As a result, decisions to place children in foster placements with other children are not always informed by current knowledge of the carer's capacity. A small number of children experience unplanned moves because, as one of several children in placement, their needs are not being met.
25. Annual reviews of foster carers have not all been completed in time or to required standards. As a result, opportunities are missed to identify how carers will be supported to undertake ongoing training and development appropriate to their experience. Not all foster carers receive regular supervision from their supervising social worker. Inspectors saw a very small number of examples of children's placements ending in an unplanned way due, in part, to a lack of earlier intervention for children and focused support for carers.
26. Children in care and care leavers get good support to keep themselves safe. This includes, where appropriate, the provision of specialist placements to address risks from exploitation. Children at risk from misusing substances get prompt support from the co-located youth drug and alcohol team (YDAT).
27. Assertive action is improving educational outcomes for children in care. The virtual school is effective and works in close partnership with social workers and carers to ensure that each child's educational needs are met and prioritised. This is an area of significant progress since the last inspection. There is challenge as well as support to schools to promote children's success, and personal education plans are of a good quality and include children's views. A specialist worker within the virtual school is helping to reduce school exclusions for children in care.

28. Inspectors saw many examples of children in care not having timely access to mental health and therapeutic support. In some instances, there were unacceptable waiting times of up to 30 weeks from referral to receiving a service. There is no dedicated pathway for children in care to access the locally commissioned mental health service for children. This causes significant problems as children already enter care with a high degree of trauma and attachment difficulties. To address this gap, senior leaders have funded a mental health practitioner who provides valuable interventions to children and their carers. Leaders recognise that they need to do more to improve children's access to therapeutic support and its impact for children and their carers.
29. Children and young people have access to advocates to take forward their concerns and complaints. Senior leaders take these representations seriously and issues are resolved, for example when children wish to change or maintain their care placement. While a small number of children have the benefit of an independent visitor, a much larger number are still waiting for this support.
30. Children's need for life-story work is clearly recognised within their care plans. In practice, however, the arrangements that the local authority has made with a dedicated service for this to be completed can lead to delays for some children whose plan is other than for adoption. Too many young people are being asked to plan for their future beyond care without a clear understanding of their past.
31. There is effective planning for children to return home from care when reunification is in their best interests. Decisions are based on thorough assessments of the needs of the children and carers concerned. This includes effective use and monitoring of planned placements with parents on a care order. After returning home, flexible support, including at evenings and weekends, ensures that children remain appropriately cared for within their families.
32. Practice for children with a plan of adoption and for adoptive parents is an area of excellence. The oversight by the agency decision-maker is thorough and robust. The service is using a virtual reality tool to help prospective adopters to understand typical early childhood experiences of those children being considered for adoption. There has been no disruption to any adoption arrangements in 10 years.
33. Care leavers in Southend benefit from strong relationship-based practice. Services are centred around a drop-in centre from where young people can access a wide range of support. Staying put with foster carers is increasingly available as an option for those care leavers for whom it is relevant. For others, there is a range of good-quality accommodation available with support as needed. Concerted efforts are made to help young people stay and thrive in their education or employment, including going to university or taking up job opportunities provided within the council. While the young people spoken to

were positive about the help they get, they did not all have complete information about their entitlements.

34. Case records for children in care are too variable in quality. Too many records are either incomplete or delayed. This can hamper the ability of a new social worker, auditor or practitioner undertaking life-story work, or even a child accessing their records in later life, to gain a clear overview of the key events in a child's life.

The impact of leaders on social work practice with children and families: requires improvement to be good

35. There is strong cross-party political and corporate support for children's services. At a time of budget pressures, elected members have agreed additional investment in children's services and have protected non-statutory early help services. The lead member, although new in the role, is already providing effective challenge to the senior leadership team. Strategic planning for children's services is aligned well with wider corporate planning, helping to ensure that children's services are given a high priority.
36. An improvement board has driven some service developments since the last inspection. However, some areas for improvement have not yet been sufficiently addressed. The key strategic priorities and plans for improvement are well focused and emphasise the need for a better understanding of children's experiences and of measuring impact rather than just outputs. However, strategic ambition is not always translating into clear action plans at an operational level and at the pace that children deserve.
37. A case model of restorative practice is being embedded, but is too recently introduced to have positively influenced the inconsistencies in quality of practice. Leaders in Southend-on-Sea work closely with high-performing partners in practice from within the social care sector in order to inform their improvement planning.
38. Governance arrangements are effective, and the chairs of all the key boards meet regularly to plan together. Despite working within a challenging local context, senior leaders have been proactive in building a coherent multi-agency strategic framework to guide efforts to improve outcomes for vulnerable children.
39. Partnerships are a strength in Southend-on-Sea. Arrangements for vulnerable groups, such as children at risk from exploitation or domestic abuse, are highly effective. Leaders work collaboratively with CAFCASS and the family courts, and this is helping to secure early permanence for children. Partners have a high degree of trust in the senior leadership team. However, the multi-agency strategic approach to identifying and responding to neglect is underdeveloped,

despite this being a concern for many children in Southend-on-Sea. While planned initiatives around assessments and tools to measure neglect are appropriate, these are not being implemented quickly enough.

40. Progress in corporate parenting since the last inspection has been uneven. Senior leaders recognise that they need to be more ambitious in their expectations of outcomes for children in care and care leavers. Very few children are engaged in the children in care council or care leavers group, so their views are not routinely used to inform the work of the corporate parenting group. The local authority has clear plans to promote these groups and increase children's participation. The corporate parenting group is providing some successful challenge, for instance by improving timeliness of health assessments. However, it has not sufficiently focused on other key areas, such as the impact for children in care of waiting for mental health and well-being services.
41. Senior leaders understand the needs of the wider community and generally commission resources that are making a positive difference for children and their families. These include, for example, programmes for perpetrators of domestic abuse and responses to child exploitation. However, the current sufficiency strategy is not informed by a needs assessment which analyses the range and complexity of the current and future needs of children in care and care leavers. As a result, the strategy narrowly focuses on increasing the numbers of fostering households rather than on increasing residential care and accommodation for care leavers.
42. Leaders have made considerable progress since the last inspection in developing a reliable performance management framework. First-line managers now have the tools to maintain oversight of performance within teams. This is helping to sustain significant improvements in the timeliness of social work visits, assessments and child protection processes. A suite of reports, including a weekly dashboard for the chief executive and lead member, is helping leaders and managers at all levels to accurately track compliance and activity.
43. A recently revised quality assurance framework is having an impact on improving social work practice from the low base seen at the last inspection. It provides the building blocks towards a better understanding of practice and focuses on outcomes for children, rather than just inputs. However, inconsistencies in auditing have meant that senior leaders have an overly optimistic view of the quality of practice. The low number of case audits of child protection planning has made it harder to recognise weak practice in this area.
44. Senior leaders have increased management capacity since the last inspection. This has resulted in more frequent management oversight and supervision. However, the quality and effectiveness of this oversight is too inconsistent and, where drift and delay are evident in children's planning, decisive action is not

always taken by managers at all levels. As leaders have recognised, not all supervision is yet providing a reflective space. They are currently implementing a new model of 'restorative' supervision in order to secure improvement.

45. The social care workforce in Southend-on-Sea is stable and experienced, with lower than average numbers of temporary staff. While caseloads for social workers are mostly manageable, for a small number of social workers caseload complexity is not always commensurate with their level of experience.
46. Social workers told inspectors that they enjoy working in Southend-on-Sea, that they work in supportive teams and they feel valued by managers and senior leaders. Social workers see themselves as very much part of the community of Southend-on-Sea and are committed and motivated to get the best outcomes for children.

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Southend-on-Sea Borough Council

**Agenda
Item No.**

Report of Deputy Chief Executive (People)

to

Cabinet

on

17th September 2019

Report prepared by: Brin Martin, Director of Learning

Report on School Outcomes Summer 2019

**People Scrutiny Committee
Cabinet Member: Councillor Anne Jones
Part 1 (Public Agenda Item)**

1. Purpose of Report

- 1.1. The purpose of the report is to inform Cabinet of the early high level performance data from Southend schools following the summer 2019 examinations and tests.

2. Recommendations

- 2.1 That Cabinet note the overall performance of Southend schools at each key stage, in particular relative to the emerging national benchmarks.

3. Background

- 3.1. It should be stressed that at this stage, the majority of the outcomes are “raw” and unvalidated. Whilst the overall scores are unlikely to change significantly, results for individual schools may fluctuate, which may affect the overall figures. However, in view of likely public interest, it is important that Cabinet are aware of the emerging picture of the Borough-wide outcomes.
- 3.2. Results for individual schools are not yet in the public domain until validated, later in the autumn term (October). At this stage, Officers will be able to provide far greater detail in relation to national and regional benchmarks, and the performance of different groups including those in receipt of free school meals, CLA and SEND for example. This information will be presented back to Cabinet through the more detailed Annual Education Report.
- 3.3. In summary, the results by key stage in relation to the 2019 results and the national benchmark is shown below.

KS	Measure	Outcome (2018)	National	Comparison; Trend
EY	% pupils achieving a good level of development	74% (73.9%)	71.8%	Above; up
Y1	Phonics expected standard	82.6% (82.2%)	82%	Above; up
KS1	Expected standard in reading, writing and maths	65.6% (64.6%)	65.3%	Above; up
KS2	Expected standard in reading, writing and maths	67.7% (68.2%)	65%	Above; down
KS2	Progress	Read +0.11 (0.0) Write +0.12 (0.4) Maths +0.64 (0.6)	N/A	Up Down Up
KS4	% 4-9 in English & Maths % 5-9 in English & Maths	73.0% (71.5%) 56.5% (55.3%)	N/A N/A	Up
KS5	%A*-A	28.6%	25.5%	Above
KS5	%A*-E	98.5%	97.6%	Above

4. Other Options

4.1. None

5. Reasons for Recommendations

5.1. Previously Cabinet has not been sighted on the performance of Southend Schools at each Key Stage. Whilst this report is based upon the early outcomes subject to validation, it is important that Cabinet is able to take a view on the relative performance of schools.

5.2. Following Cabinet and scrutiny consideration, members may wish to consider the support and challenge that Officers provide to all schools, maintained and academy, through the operation of the Southend Education Board, in terms of the relative priorities emerging.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

6.1.1 Within Opportunity and Prosperity, “Our children are school and life ready and our workforce is skilled and job ready” reflects member’s ambitions relating to improving pupil and school performance.

6.2 Financial Implications

6.2.1 Support from the Council for improving school performance is commissioned through the core budget. It should be noted that all schools, and in particular academies/trusts are ultimately responsible for their own improvement journey and resource.

6.3 Equalities and Diversity Implications

- 6.3.1 Once further pupil level data is both available and validated, further work will be undertaken to analysis and if require act upon the relative performance of vulnerable groups.

7. Background Papers

- 7.1. None

8. Appendices

- 8.1. Appendix One, Key stage Outcomes 2019 for Southend schools.

Appendix One, Key stage Outcomes 2019 for Southend schools. By Key Stage

Early Years

In Early Years (reception year), the percentage of pupils achieving a good level of development is 74.0% (71.8% nationally), which has risen very slightly from results in 2018. This figure is 2.2 percentage points higher than the emerging national figure.

This indicates no significant change from last year, but remains above the national figure.

Key Stage One

At the end of Key Stage One (years 1-2), the percentage of Southend pupils achieving the expected standard or above in combined reading, writing and maths is 65.7%, which is an increase of 1.1 percentage points compared to 2018. The emerging national based on results from 152 LA's for KS1 reading, writing and maths combined is 64.9%, a decrease of 0.4 percentage points compared to 2018. The Southend figure is currently 0.8 percentage points higher than the emerging national picture. This is important as Southend schools have addressed the slight "dip" in relative performance against the national figure achieved in 2018.

This indicates improvement upon last year, and remains above the national figure.

The results in the year one phonics remain broadly similar to last year, with a slight rise to 82.6% compared to the national figure of 82%.

Key Stage Two

The percentage of Southend pupils at the end of Key Stage Two (years 3-6) achieving the expected standard or above in combined reading test, writing teacher assessment and maths test is 67.7%. This is a slight decrease of 0.5 percentage points compared to 2018, but remains some 2.7% above the emerging national figure of 65%.

Slight decline upon last year, above the national.

Provisional outcomes in terms of progress made from Key Stage One to Key Stage Two show that Southend pupils made average progress in reading (+0.11) and maths (+0.12) but were significantly above average in writing (+0.64). A progress score of zero indicates that pupils on average do about as well at KS2 as those with similar prior attainment nationally.

Key Stage Four

At Key Stage Four (year 11), the recently announced results are still subject to variation. The means of calibrating outcomes is in the third year of transition. In essence, the previous benchmark of A*-C in both English and mathematics is broadly equivalent to the new numerical measure of a grade 4 or better in both subjects. Provisional figures suggest that 73% of pupils achieved the benchmark of 4+ in both English and maths. This is compared to 71.5% for the similar measure last year. There was also an improvement in the percentage of pupils achieving 5-9 in English and maths, with 56.5% achieving this threshold in 2019 compared to 55.3% in 2018.

Improvement on last year.

Key Stage Five

At Key Stage Five (end of sixth form), provisional results for 10 schools in the borough with sixth forms suggest that 28.6% of entries were A* or A grades, compared to national figures of 25.5%, with 98.5% of all grades being A*- E grade, above the national equivalent of 97.6%.

Above the national.

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (Place)

to
Cabinet
On

Date 17 September 2019

Report prepared by: Paul Jenkinson Head of Parks and Open
Spaces

Review and update of Southend's Tree Policy

Relevant Scrutiny Committee(s)

Cabinet Member: Cllr C Mulroney

Part 1 (Public Agenda Item) / Part 2 (Confidential Agenda Item)

1. Purpose of Report

- 1.1. To seek approval on the approach to be taken to review the current tree policy.
- 1.2. To seek approval to adopt a new tree policy as per the approach set out in Appendix 1.
- 1.3. To make councillors aware of the likely release by DEFRA of requirements and guidance on the production of tree management strategies and consultation of tree removal.

2. Recommendations

- 2.1. **Agree** to adopt an interim approach to tree management, including planting as set out in Appendix 2, until the a new tree policy for the borough is adopted.
- 2.2. **Agree** to adopt a new tree policy as per the approach set out in Appendix 1.
- 2.3. **Agree** to fund planting and maintenance of an additional 1,000 standard trees in the next three planting seasons. This is in addition to the usual c300 replacement trees planted each year.
- 2.4. **Agree** to promote and enhance the donated tree scheme working alongside residents, businesses, organisations and other interested parties who would like to support tree planting within the borough.

3. Background

- 3.1. Southend-on-Sea Borough Council's current tree policy was adopted in 2003 and was introduced to formalise the approach taken for the management of council-owned trees across the borough.
- 3.2. The town has approx. 28,000 urban trees made up of 20,000 recorded street trees and 8,000 trees planted in 'Green Corridors'. In addition, there is a significant tree population in the parks, open spaces and woodlands.
- 3.3. Since the introduction of the tree policy in 2003, interest in the environment and climate change has increased with the approach taken to manage our trees being of increasing interest to many residents and local groups.
- 3.4. The presence of trees within the borough brings many benefits and the approach taken by the council to manage its trees is to maintain and enhance the level of canopy cover. However, the management of trees does include their removal when no other options are available.
- 3.5. To help with the management of trees, a database of council managed street trees is maintained. Council managed parkland trees and woodland are also recorded. However, as only areas managed directly by the council are noted the overall canopy cover of the town is not able to be considered when considering a strategic approach to tree management and elements such as locations for tree planting.
- 3.6. A tree canopy assessment is a tool to help analyse the current canopy cover of an area, such as a borough, and plan for future tree canopy cover. Urban trees can be considered part of the green infrastructure that complements our grey infrastructure and should be managed with equal importance.
- 3.7. Tree canopy assessments can help determine how much land area is covered by trees, identify the location of those trees and where there are new opportunities to plant trees. Tree canopy assessments also determine the amount and location of impervious cover in a community.
- 3.8. To assist with the development of a new tree policy for the town, a canopy assessment has been commissioned.
- 3.9. Local groups and individuals have always shown an interest in the management of trees and especially why highways trees are removed. However, recently, increased activity on social media has occurred with people posting their views on our tree management.
- 3.10. Tree management has become a high profile subject in recent years due to a contract let by Sheffield City Council, which linked highways maintenance with tree management.
- 3.11. In July 2012 Sheffield City Council entered into a 25-year city-wide highways maintenance PFI contract with Amey, to deliver what is known as

the 'Streets Ahead' programme of highway maintenance. The contract is worth over £2bn and includes upgrading and maintaining the city's roads, pavements, street lights, bridges and other items on or around the streets. It also includes the management of highway trees as part of the 'other items'. The contract contains a commitment to fell 200 trees per annum, and 5,474 trees were felled between 2012 and 2018.

- 3.12. As a result of the Sheffield City Council, a national review and public consultation were undertaken concerning tree management, and it is expected that DEFRA will be releasing new requirements and guidance relating to tree management and the production of tree strategies for local authorities.
- 3.13. It should be noted that Southend-on-Sea Borough Council does not have any commitment to remove a set number of trees annually and tree management does not form part of the highway surfacing contracts.
- 3.14. All tree inspections in Southend are undertaken by qualified arboriculturalists directly employed by the council and tree removals are based on an inspection of the individual tree.
- 3.15. Tree removals are only undertaken when no other form of management is appropriate. Removals are based on the following:
 - a. Decay in any part of the tree has reached an advanced stage and the tree cannot be considered safe for retention.
 - b. The tree has a disease known for its unpredictable or rapid progression that renders the tree unsafe. For example the root and butt decay fungi Giant Polypore (*Meripilus giganteum*).
 - c. Wind action has severely loosened the tree's anchorage. (storm damage)
 - d. Broken branches in the crown have caused the centre of gravity to be shifted heavily away from the main stem to render the tree unsafe.
 - e. The tree is dead or dying.
 - f. The tree has been hit by a vehicle leaving large wounds in the crown and or stem and possibly affected the tree's stability and anchorage.
 - g. A heavily leaning stem is causing an obstruction to vehicles and or pedestrians using the highway and or footpath.
 - h. The growth of the tree's roots are severely disrupting the surface of the adjacent highway and/or footpath and no other engineering solutions are practicable.
 - i. Stem and or root growth is severely restricting rights of way along the highways.
- 3.16. Trees may sometimes be removed as a result of agreed private and highways developments. However, before trees are removed, engineering options to enable their retention will be investigated. When the tree/s cannot be retained funding for replacement planting will be sought.

- 3.17. Trees may sometimes be removed where it has been verified, through ongoing investigations, site surveys and other relevant technical data supplied by the property owner, that a tree within Council ownership is a significant contributor to property damage.
- 3.18. Situations do occur when the roots of a tree are causing direct damage to property or an adjoining or hard surface. In these situations, root pruning will be investigated. However, if this is not an option or root pruning would result in the tree being unstable, removal may be the only option.
- 3.19. Due to this increased interest in tree removals on 29 July, the Cabinet Member for Environment and Planning announced that all non-emergency tree removals were suspended, excluding where there has been a commitment to the removal as part of an insurance claim or planned highways maintenance works, pending the agreement of a new tree policy.
- 3.20. Trees planted on the highway require ongoing maintenance to ensure the safety of the public and to help retain trees in challenges locations which pose to the trees. The management of trees also helps maintain a level of canopy cover across the town.
- 3.21. When referring to tree management, it should be noted that this includes all aspects of maintaining the town's trees, including, habitat benefits and planting new trees.
- 3.22. Once a tree is dead or has been identified with a condition meaning it is no longer suitable for maintaining on the highway, the predictability of how that tree will behave becomes more unpredictable with the risk of branch drop or the tree falling increasing. This is a risk which must be managed now and in the new tree policy to ensure the safety of the public and or property.
- 3.23. In regards to tree planting the current tree policy states that we will plant two trees for each one removed where practicable. Many factors adversely impact on the opportunities to plant trees, particularly in streets including underground and overground utilities, adjoin structures and available space. The 2 for 1 aim cannot always be fulfilled and often not 1 for 1 in the precise location of a street tree removal a more specific planting total is included in this proposal
- 3.24. On average, over 300 standard trees are planted each year. In addition to standard trees, a number of young trees in the form of whips are also planted averaging 200 to 500 per year.
- 3.25. To continue with the management of council-owned trees across the borough, it is recommended that a new tree policy is introduced setting out clearly the approach that will be taken with regard to the management of trees, including planting and also how residents and other interested parties will be kept informed about tree removals and planting. For details of the approach to the new tree policy and anticipated development program, please see Appendix 1.

3.26. It is also recommended that an interim tree management approach, including planting, is adopted and published, to ensure the continued good management of the town's trees. Appendix 2 This interim policy would be replaced once the new tree policy has been developed.

3.27. The 2050 vision includes a number of outcomes in which trees play a part. Committing to and funding the planting of 1,000 trees over three years not only reaffirms the council's commitment to maintaining tree canopy cover across the borough but also delivers on 2050 outcomes in Pride and Joy and Safe and Well.

3.28. The intention to introduce a new policy has been made public and aspects for inclusion have been publicised.

4. Other Options

4.1. Continue managing council trees as per the existing tree policy without review.

4.2. Continue managing council trees as per the existing tree policy until the guidance from DEFRA is available.

5. Reasons for Recommendations

5.1. Reviewing the current policy, adopting an interim approach and subsequently reviewing and adopting a new tree policy once the DEFRA guidance is released will ensure the appropriate continual management of the town's trees, the safety of the public and property and allows interested parties to become involved at different stages.

5.2. By committing and funding the planting of an additional 1,000 trees over three years this not only reaffirms the council's commitment to maintaining tree canopy cover across the borough but also delivers on 2050 outcomes in Pride and Joy and Safe and Well.

6. Corporate Implications

6.1. Pride and Joy. "Our Streets and Public Spaces are clean and inviting."

6.2. Safe and Well. "Green City - We act as a green city with outstanding examples of energy-efficient and carbon-neutral buildings, streets, transport and recycling".

6.3. Financial Implications

- 6.3.1. A commitment to fund the planting of 1,000 trees over three planting seasons will require an investment of £317,000. The investment across revenue and capital is shown in the table below:

Description of works		No. of trees	19/20	20/21	21/22	22/23	23/24	23/24
			£(000)	£(000)	£(000)	£(000)	£(000)	£(000)
Purchase of standard trees	Capital	400	40					
		300		30	30			
Planting of standard trees		400	26					
		300		19.5	19.5			
Root barrier. Selected locations		*	9	7	7			
Total Capital - £188,000			75	56.5	56.5			
Watering	Revenue	300					16	
		400		22				
		600				32		
		700			38			
Maintenance		300						2
		400		3				
		600					4	
		700			5			
	1,000				7			
Total Revenue - £129,000				25	43	39	20	2

- 6.3.2. The total capital amount of £188,000 is recommended for addition to the Capital Investment Programme. The revenue amounts commencing in 2020/21 will be included as part of the Council's revenue budget setting.

- 6.3.3. Any change to the current approach taken to tree management as part of a new tree policy may have resource implications such as additional staffing requirements and will be allocated at the appropriate time.

- 6.3.4. Not managing the council's tree stock effectively could result in claims against the council for damage to property or person.

6.4. Legal Implications

- 6.4.1. The council has an obligation and duty of care to inspect and maintain trees under its control.

- 6.4.2. Not managing the council's tree stock effectively could result in action being taken against the council.

6.5. People Implications

6.5.1. No people implications have been identified at this time.

6.6. Property Implications

6.6.1. Not managing the council's tree stock effectively could result in damage to council assets or private property.

6.7. Consultation

6.7.1. No consultation has been undertaken at this time. However, an approach to consultation is set out in Appendix 1.

6.8. Equalities and Diversity Implications

6.8.1. An equalities impact assessment will be undertaken on the new tree policy.

6.9. Risk Assessment

Risk	Mitigation
Injury, death or damage to property from trees currently identified for removal remaining onsite.	Trees in a dead or declining condition should be removed.
Reputational loss from not removing dead, dying or diseased trees for which residents have already advised of the removal.	Adopt an interim approach as per appendix 2.
Increase in misinformed or incorrect information being posted on social media	Communications team to monitor and respond to social media as required.
Lack of understanding of why we manage our trees, including pruning, planting and removal.	Update FAQs on the council website. Provide presentation to councillors and others in September.

6.10. Value for Money

6.10.1. Any associated works will be procured in line with Council policies and procedures

6.11. Community Safety Implications

6.11.1. No community safety implications have been identified at this time.

6.12. Environmental Impact

6.12.1. A well maintained and managed tree stock enhances the environment and helps provide an attractive and pleasant place to live.

6.12.2. Urban trees provide the following benefits:

- Cool air by 2 0C to 8 0C.
- Reduce the need for air conditioning by 30% and save energy used for heating by 20 to 30%.
- Absorb up to 150kg of CO2 per year and consequently help mitigate climate change.
- Urban trees can help filter urban pollution and fine particulates.
- Provide habitat, food and protection to plants and animals, increasing biodiversity.
- Improve physical and mental health.
- Increase property values by 20%.

7. Background Papers

7.1. Southend-on-Sea Borough Council Tree Policy 2003

7.2. Southend-on-Sea Vehicle Crossing Policy and Application Guidance

8. Appendices

8.1. **Appendix 1 Approach for New Tree Policy for Southend-on-Sea**

8.2. **Appendix 2 Interim approach for the management and maintenance of Council maintained trees**

Appendix 1

Approach for New Tree Policy for Southend-on-Sea

To ensure Southend-on Sea has a tree policy that continues to be in line best arboriculture practice, maintains and improves the canopy cover of the town and helps deliver the Southend 2050 aspirations, the following approach will be followed when updating the towns tree policy:

1. Commission a canopy assessment of Southend-on-Sea to give a baseline to help assess the current canopy cover and set aspirations for the duration of the life of the tree policy.

A tree canopy assessment is a tool to help analyse the current canopy cover and helps plan for future tree canopy cover. Urban trees can be considered part of the green infrastructure that complements our grey infrastructure and should be managed with equal importance. Tree canopy assessments can help a determine how much of the area is covered by trees, identify the location of those trees and where there may be opportunities to plant new trees.

A canopy assessment will also help gain a better understanding of the effective percentage of tree cover per head of population

2. Review new DEFRA guidance and requirements on tree strategies and consultation on tree removals. This information from DEFRA is anticipated. However, it is not confirmed, and the date that this will be released has not yet been confirmed.
3. Review guidance issued by other government bodies.
4. Review policies and legislation associated with the management of trees and ensure these are fully considered.
5. Review best arboricultural practices and ensure these form the bases of the tree policy.
6. Review and assess recognised tree inspection and risk assessment techniques to ascertain if these should be included in the tree policy.
7. Draft a new tree policy for Southend-on-Sea that includes the following:
 - The benefits of trees to the urban environment and the part they play in a joined-up approach to green infrastructure.
 - The benefits of trees to health and wellbeing.
 - The challenges faced by trees in an urban environment, including our changing climate.

Appendix 1

- The benefits of trees to the health and wellbeing of residents and visitors.
- How trees can help with the Southend 2050 ambitions.
- The canopy cover of Southend-on-Sea.
- The council's responsibility with regards to managing its trees.
- The approach to inspections and the frequencies these occur.
- The approach to managing and maintaining established trees.
- Tree removals and the situations this may be required.
- How the towns tree canopy will be maintained and enhanced through tree planting
- The consultation process to be used when trees are to be removed (new DEFRA guidance may dictate this).

It is anticipated that the new tree policy will also consider other areas which impact on trees including development, the council's Vehicle Crossing Policy and Application Guidance (currently under review), insurance claims for damage to property and requests to remove trees for non-arboriculture reasons such as fruit, light and leaves.

8. Publish draft tree policy to give interested individuals, groups and businesses an opportunity to comment on the policy before adoption.

- The draft policy made available on the council's website.
- People invited to submit feedback on the draft policy. (Six weeks).
- Results of feedback collated (Three weeks).
- Review feedback and consideration given to if the policy should be amended. (Two weeks).
- Results published on the council website. (one week).
- New tree policy adopted and published on the council website.
- If DEFRA guidance has not been released the policy will be updated when guidance is available.

9. Program for development of new tree policy:

Task	Start Date	Finish date	Notes
Review policies and legislation associated with the management of trees	19 th August 2019	1 st October 2019	Release of guidance from DEFRA during the drafting of the policy may impact on the program.

Appendix 1

Tree canopy assessment is undertaken.	1 st September 2019	11 th October 2109	
Consider the outcome of Cabinet meeting.	18 th September 2019	25 th September 2109	
Review and assess findings of canopy assessment.	14 th October 2019	25 th October 2019	
Draft policy published on the council website for comment. Comments reviewed, and policy reviewed.	31 st January 2020	13 th March 2020	
New tree policy adopted and published on the council website.	18 th March 2020	20 th march 2020	

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Appendix 2

Southend-on-Sea Borough Council

Interim approach for the management and maintenance of Council maintained trees

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1. Tree Management Statements

Concerning tree management, Southend Borough Council will:

- Maintain and manage the existing stock of trees in Council ownership.
- Maintain a database of its highways and parks trees.
- Take all reasonable measure to reduce and or eliminate the incidence of growth from, or of, trees obscuring the safe visibility of warning and regulatory street signs or traffic signals.
- Maintain council managed trees in a condition that helps keep our highways and public spaces safe.
- Safeguard council managed trees during construction work in compliance with the British Standard for tree works, BS 5837.
- Work with, and monitor, statutory undertakers and or utility companies to ensure minimal damage to trees.
- Maintain and enhance the towns canopy cover by undertaking tree planting in appropriate areas subject to funding.
- Support and encourage community involvement in tree planting and offer a donated tree scheme
- Promote the benefits of tree in the urban environment.

2. Management of Council Trees

There will be a continuation of the current street tree maintenance programme. This includes cyclical inspections that determine which trees require pruning to keep the highways in a safe condition for users and will require appropriate works to be undertaken. Trees will be assessed individually, in a manner that reflects current best arboricultural practice.

There will be a continuation of street tree planting, in suitable sites, to help maintain and enhance the tree canopy cover across the borough.

There will be a presumption against the removal of healthy trees subject to complaints unless the basis of a complaint has an over-riding justification, and no alternative management practice is practicable. Trees protected by Tree Preservation Orders are subject to planning regulations.

It will be assumed that trees will not be removed for the installation of a permanent vehicle crossing (PVX) unless exceptional circumstances are proven.

The Council will not carry out tree removal or crown reduction work upon a tree that has been the basis of a complaint in relation to allegations that it 'restricts' views, light, T.V. reception, satellite dish reception, and other perceived nuisances such as fruit, leaf fall and light, unless exceptional circumstances are demonstrated.

The Council will take steps to protect its trees from threats such as the activities of statutory undertakers (including gas, water, electric and communications) and other excavation activities or building works.

3. Tree Management and Maintenance

1. Inspect and manage Council-maintained tree in line with best arboricultural practices.
2. The inspection will be undertaken to the following frequency
 - a. Main routes – every 18 months
 - b. Minor a quiet roads- every 3 years
 - c. Parks trees – every 6 years (depending on the level of use of the park)
3. Inspections will be undertaken using the visual tree assessment (VTA) technique, a non-invasive and internationally recognised method of tree inspection, recognised by the UK Arboricultural Association.
4. As required additional methods of decay detection will be used, including probes, sounding mallet, resistograph decay drilling and sonic tomography
5. As a result of inspections, works will be programmed in line with arboricultural specifications. The works are based on the individual tree but may include the following:
 - a. Prune the tree to keep the road clear of vegetation to a height of 5.5m for major roads and 4.5m for minor roads.
 - b. Lift the crown of the tree to remove any growth obstructing pedestrians using the footway to a height no less than 2.5m.
 - c. Prune the crown to remove any deadwood.
 - d. Prune the crown to reduce any excessive encroachment of adjacent private property.
 - e. Re-pollarding
 - f. Crown reductions
 - g. Crown thinning
 - h. Formative pruning
 - i. Remedial pruning (in response to vehicle strikes, storm damage etc.)
6. Occasionally Council trees have to be removed. This is a regrettable but necessary action carried out usually on the grounds of health and safety. Reasons for this type of action include:
 - a. Decay in any part of the tree has reached an advanced stage, and the tree cannot be considered safe for retention.
 - b. The tree has a disease known for its unpredictable or rapid progression that renders the tree unsafe — for example, the root and butt decay fungi Giant Polypore (*Meripilus giganteum*).
 - c. Wind action has severely loosened the tree's anchorage. (storm damage)
 - d. Broken branches in the crown have caused the centre of gravity to be shifted heavily away from the main stem to render the tree unsafe.
 - e. The tree is dead or dying.

- f. The tree has been hit by a vehicle leaving large wounds in the crown and or stem and possibly affected the tree's stability and anchorage.
- g. A heavily leaning stem is obstructing vehicles and or pedestrians using the highway and or footpath.
- h. The growth of the tree's roots are severely disrupting the surface of the adjacent highway and/or footpath, and no other engineering solutions are practicable.
- i. Stem and or root growth is severely restricting rights of way along the highways.

Tree removals for the above reasons are a last resort and only undertaken when no other form of management is appropriate.

- 7. Trees may sometimes be removed as a result of agreed private and highways developments. However, before trees are removed, engineering options to enable their retention will be investigated. When the tree/s can not be retained, funding for replacement planting will be sought.
- 8. Trees may sometimes be removed where it has been verified, through on-going investigations, site surveys and other relevant technical data supplied by the property owner, that a tree within Council ownership is a significant contributor to property damage.
- 9. Situations do occur when the roots of a tree are causing direct damage to an adjoining property or hard surface. In these situations, root pruning will be investigated. However, if this is not an option or root pruning would result in the tree being unstable, removal may be the only option.

The environment in which a tree is growing impacts on its health, growth and management — trees on the highway face greater challenges than those in parks or woodland. Heat, buildings, traffic and soil compaction are just some of the challenges faced by highways trees. As a consequence of the environment highways trees grow in they can not be considered in the same way as trees in a park or woodland.

- 10. Update and maintain a database of council trees.
- 11. Manage council trees in line with current health and safety requirement and other legislation.
- 12. Work with, and monitor, statutory undertakers and or utility companies (including gas, water, electric and communications) to ensure that damage to trees during their work is prevented or kept to a minimum.
- 13. Residents will be advised when a tree in their street is going to be removed by the following:
 - a. Hand-delivered letters to houses in the street within a 30-metre radius from the tree (not flats with over three residences) and affix a notice to the tree.
 - b. If the tree is close to a block of flats or has no residential properties, a notice will be put on the tree a minimum of 10 working days before the tree is to be removed

- c. Where a tree is to be removed in an emergency, no letter notice will be provided.
- d. Trees to be removed will be publicised on the council website (excluding emergencies).
- e. Ward councillors will be emailed advising on tree removals. (excluding emergencies).

14. Trees will be planted annually during the autumn-winter planting season, usually between November and the end of March.

15. When assessing suitable sites in the highway for tree planting, any necessary consultation with appropriate borough Council officers will take place, and the arboricultural officer will make a decision based on the following guidelines:

- a. The presence of underground and overhead services and utilities.
- b. Is the site too close to a junction, which could lead to visibility problems now or in the future for road users?
- c. Is the site too close to a designated pedestrian crossing?
- d. Is the site too close to street furniture such as traffic lights, road signs and lamp columns?
- e. Will the planting of the tree leave a passable width of the footpath/pavement and comply with the equalities act.
- f. Will the planting of the tree affect the visibility now or in the near future of CCTV camera locations?
- g. Available space and the potential impact of the growing tree on adjoining surfaces and structures.
- h. Select a tree species appropriate to the location (ultimate size, invasive rootstock, habit/form, fruit production).

16. Where practicable and resources allow an average of 300 standard trees will be planted a year. In addition to this, the planting of whips will be undertaken in suitable locations.

17. Newly planted standard trees will undergo the following maintenance:

- a. Checking the stake is secure and reducing its height if required.
- b. Checking the tree ties are not causing constriction, and repositioning if necessary.
- c. Formative pruning of the tree to create a balanced, natural crown.
- d. Corrective pruning to remove any branches obstructing the footpath or road.
- e. Remove any weed growth from the tree pit.
- f. Watering during the summer annually.

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Southend-on-Sea Borough Council

Agenda
Item No.

Report of Deputy Chief Executive (People)

to
Cabinet

on

17 September 2019

Report prepared by:

Catherine Braun, Head of Access and Inclusion

Chrissy Papas, Pupil Access Manager

**School Admissions Arrangements for Community Schools 2021/22,
the Coordinated Admission Scheme for Academic year 2021/22 and
review of the relevant area**

**People Scrutiny Committee
Executive Councillor: Councillor Anne Jones
Part 1 (Public Agenda Item)**

1. Purpose of Report

- 1.1. To confirm the admission arrangements for community schools for the academic year 2021/22.
- 1.2. To confirm the Coordinated Admissions Scheme for 2021/22.
- 1.3. To review and agree to the relevant area

2. Recommendations

- 2.1. That Cabinet approves the proposed Admissions Arrangements for Community Schools for the academic year 2021/22 as set out in Appendix 1 and agree no requirement for public consultation as no further changes are proposed.
- 2.2. That consultation with governing bodies of community schools takes place on the published admission number (PAN) for community infant, junior and primary schools for September 2020 as set out in the Admission Arrangements in Appendix 1
- 2.3. That Cabinet approves the proposed Coordinated Admissions Scheme for 2021/22 onwards, as set out in Appendix 2.
- 2.4. That the relevant area for schools is reviewed and agreed as follows: Southend, Castle Point and Rochford for the years 2021 and 2022 (item 6 below).

3. Background

Statutory Framework

- 3.1. The Council has the responsibility to determine the following in relation to school admissions:

- a) the Admission Arrangements for Community Schools (admission numbers, admission criteria and catchment areas); and
 - b) the Coordinated Admissions Scheme, which sets out the way in which admissions for all schools (including academies and other own admission authority schools) will operate.
- 3.2. A reminder of the School Admissions Code 2014, item 15 states:
*“Admission authorities **must** set (‘determine’) admission arrangements annually. Where changes are proposed to admission arrangements, the admission authority **must** first publicly consult on those arrangements. If no changes are made to admission arrangements, they must be consulted on at least once every 7 years..., consultation must be for a minimum of 6 weeks and must take place between 1 October and 31 January of the school year before those arrangements are to apply”.*
- 3.3. For community schools, if there are no changes, the local authority (as the admission authority) must consult on the admission arrangements every 7 years. The Council last consulted on the 2019 arrangements. **There are no changes proposed for 2021.** The next time we have a duty to consult will be for the 2026 arrangements (unless changes are proposed before this time).
- 3.4. The local authority (as the admission authority for community schools) must consult the governing body of each community school where it proposes either to increase or keep the same published admission number (PAN). **The proposal is to keep the same PAN for all schools.**
- 3.5. Schemes for coordinating all admission applications to schools must be formulated and submitted to the Department for Education (DfE) by 1 January in the determination year. For the school year commencing September 2021, submission to the DfE must be submitted by 1 January 2020. Consultation on the scheme is mandatory every seven years or where substantial changes are being made. Southend-on-Sea Borough Council consulted admission authorities for the 2019 scheme. Due to no substantial changes being made for the 2021 scheme (only minor clarifications), consultation for 2021 is not required.
- 3.6. The School Admissions guidance requires Local Authorities to determine every two years a “relevant area” for the purposes of admissions. This defines the area in which admission authorities consult on admission arrangements. The area of Southend, Castle Point and Rochford has been in place for many years and is most appropriate for consultation given that a significant number of pupils access provision in schools in those areas.

Admission Arrangements for 2021/22

Admission/oversubscription Criteria

- 3.7. There are no proposed changes from the previously consulted 2019/20 admission arrangements. There is therefore no requirement to consult for 2021/22. The admission criteria for community primary schools for September 2021/22 are shown in **Appendix 1**.

Published Admission Numbers

- 3.8. There are currently no proposed changes to the Admission Limits from 2019/20. However, Governing Bodies of community schools will have the opportunity to inform the local authority if they wish to comment on the proposal of no change. The proposed admission limits for all community primary schools for September 2021/22 are shown on **Page 2** of the Admission Arrangements for Community Schools at **Appendix 1**.

Catchment Areas

- 3.9. The proposed catchment areas for primary schools for September 2020 are identified within the Admission Arrangements in **Appendix 1**. **There are no proposed changes from the last full public consultation for 2019/20.**

Primary and Secondary Co-ordinated Admissions Scheme for the September 2021 round of admissions

- 3.10. Consultation rules for coordinated arrangements require the local authority to consult with other admission authorities in the area and other local authorities if there are changes from the previous year's scheme. Minor changes are proposed for the coordinated scheme for 2021.
- 3.11. As the coordinated admission scheme has not changed significantly from the version adopted for 2019 and for 2020 schools in the borough will be consulted and feedback will be sought.
- 3.12. It is not anticipated that there will be significant comments for changes to the coordinated admission scheme from schools and therefore it is requested that the final version is ratified by the Deputy Director for People in December for publication as required by law, 1 January 2020.

Background information on the relevant area

- 3.13. The "relevant area" for Southend, must include all of the Borough of Southend but may include parts of Essex. An area could be included in more than one "relevant area", which would be the case if any part of Essex was included.
- 3.14. In view of the considerable cross border movement it is recommended that the "relevant area" for Southend includes the areas of Castle Point and Rochford in addition to the Borough of Southend-on-Sea.

4. Other Options

- 4.1. The Council could decide to publically consult on 2021/22 Admission Arrangements for Community Schools and Coordinated Admissions Scheme. Due to proposing no changes to arrangements and only changes to tighten clarifications within the scheme, public consultation is unnecessary.

- 4.2. Not undertaking a public consultation does not change the requirement that Southend-on-Sea Borough Council must consult Governors of community schools on their PAN and inform schools of the minor changes to the coordinated scheme.

5. Reasons for Recommendations

- 5.1. The Council is not proposing any changes for admission criteria or catchment areas for community schools. Due to no change, there is no requirement for a public consultation.
- 5.2. The Council will consult individually the Governing Bodies of community schools as required for increased or unchanged PAN's. No changes have been proposed.
- 5.3. The Council is required to publish the Co-ordinated Admissions Scheme 2021/22, by 1 January 2020. Cabinet is asked to approve the proposed scheme.
- 5.4. The relevant area will be adopted as proposed, no consultation required.
- 5.5. A report will be presented to the January Cabinet to formally approve the PAN's and to formally determine the admission arrangements.

6. Corporate Implications

- 6.1 Contribution to the Southend 2050 Road Map
These arrangements will assist pupils within the Borough to access quality learning opportunities to achieve the best possible outcomes for all children. It fits well into the ambition of opportunity and prosperity, in that it supports sharing our prosperity amongst all of our people. It further supports the ambition in that our children are school and life ready and our workforce is skilled and job ready.
- 6.2 Financial Implications
There are no direct financial implications for the Council. The administration of school admission, and core revenue funding for the running of a School is funded through the Dedicated Schools Grant.
- 6.3 Legal Implications
The determination of admission arrangements for community schools and the provision of a coordinated admissions scheme is a statutory requirement.
- 6.4 People Implications
None
- 6.5 Property Implications
None
- 6.6 Consultation
A full public consultation for community schools which reviewed the catchment areas and admission limits was undertaken for the admission arrangements

2019/20. As there are no changes for community school admission arrangements proposed for 2021 there is no requirement to consult.

A consultation on the coordinated scheme was undertaken, with all schools in the area, for the 2019/20 round and as there are minor changes to the 2021 scheme no consultation is proposed. The law on admissions requires consultation once every seven years even if there is no change to either policies therefore the next statutory consultation is due in 2025 for the 2026 admission round.

6.7 Equalities and Diversity Implications

A coordinated admissions scheme and clear oversubscription criteria are necessary to ensure fair access to school places. Admission Arrangements for Community Schools and the Coordinated Admission Scheme for Southend Schools have been written in line with mandatory requirements set by the Admissions Code 2014. The code determines that authorities must ensure that the practices and criteria used to decide the allocation of school places are fair, clear and objective and that parents should be able to easily understand how places are allocated.

In line with the Equality Act 2010, the arrangements and scheme are reviewed annually against an expanded list of protected characteristics as identified within the Admission Code: disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

The proposed Scheme, arrangements and decisions made through their administration are clear that there is no discrimination on the grounds of disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; or sexual orientation, against a parent who is applying for a school place or offered admission as a pupil.

There are limited exceptions to the prohibition of discrimination on grounds of religion or belief and sex. Schools designated by the Secretary of State as having a religious character are exempt from some aspects of the prohibition of discrimination on the grounds of religion or belief and this means they can make a decision about whether or not to admit a child as a pupil on the basis of religion or belief. Single-sex schools are lawfully permitted to discriminate on the grounds of sex in their admission arrangements.

6.8 Risk Assessment

If the Council does not agreed a scheme, one will be imposed by the DfE, and the Council's reputation will suffer.

6.9 Value for Money

No direct implications.

6.10 Community Safety Implications

None envisaged.

6.11 Environmental Impact

None envisaged

7. Background Papers

- 7.1. School Admissions Code 2014 —
<https://www.gov.uk/government/publications/school-admissions-code--2>
and School Admission Appeals Code 2012 -
<https://www.gov.uk/government/publications/school-admissions-appeals-code>

8. Appendices

- 8.1. Appendix 1 — Proposed Admissions Arrangements for Community Schools for September 2020 including Published Admission Numbers on Page 2.
- 8.2. Appendix 2 - Proposed Co-ordinated Admissions Scheme for September 2020 onwards.

**Determined Admissions Arrangements
for Community Schools
for September 2021/22 round of
admissions**

For office use – statutory process: The School Admissions Code 2014

September 2019	Arrangements for Admission forum
September/Oct 2019	Cabinet draft consultation proposals,
19 th Sept – 31 st October 2019	PAN consultation with Governing Bodies
19 th January 2020	Admission Forum
January - 28 th February 2020	Admission arrangements to Cabinet/council for Determination Final Determined Admission Arrangements
15 th March 2020	Publication of Composite Prospectus of Determined Arrangements
16 th March – 15 th May 2020	Window for Objections to the School Adjudicator.
12 th September 2020	Final arrangements for 2020 are published in the Primary booklet

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1. Introduction

Southend-on-Sea Borough Council is the admission authority for all community schools in the borough. This document sets out the formal policies for all borough community. The arrangements below, including the explanatory notes, are in line with government legislation and guidance (School Admissions Code 2014) and designed to ensure there is a fair, clear and reasonable admissions procedure for all applicants, and to help guide parents through the application process.

These arrangements apply to all admissions, including in-year admissions for the admission year 2021.

2. Community Schools Published Admissions Number 2021/22

Community Primary Schools	Proposed admission limit for 2021/22, for each year group
Barons Court Primary School & Nursery	35
Chalkwell Hall Infant School	120
Chalkwell Hall Junior School	120
Earls Hall Primary School	90
Edwards Hall Primary School	60
Fairways Primary School	60
Heycroft Primary School	60
Leigh North Street Primary School	90
West Leigh Infant School	120

3 Oversubscription criteria for community schools

Criteria are set for each individual school below and apply to all year groups for the year 2021. Explanatory notes, below, apply to all community school arrangements. The published admission limit for community schools is provided above.

If at the closing date for applications, there are not enough places for all those who have expressed a wish to have their child admitted to a community school; places will be allocated using the admission criteria as below. This will not apply to children with a statement of special educational needs (SEN) or Education, Health and Care (EHC) plans as the plan/statement names the school and therefore the child must be admitted to the named school. The admission criteria are listed below by school with explanatory notes following:

Barons Court Primary School & Nursery

1. Looked after children and previously looked after children;
 2. Pupils who live in the catchment area who have a sibling attending the school;
 3. Pupils who live in the catchment area;
 4. Pupils who live outside the catchment area who have a sibling attending the school;
 5. Pupils of staff at the school;
 6. Pupils who live outside the catchment area.
- (for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Chalkwell Hall Infant School

1. Looked after children and previously looked after children;
2. Pupils who live in the catchment area who have a sibling attending the school or Chalkwell Hall Junior School;
3. Pupils of staff at the school;
4. Pupils who live in the catchment area;
5. Pupils who live outside the catchment area who have a sibling attending the school or Chalkwell Hall Junior School;
6. Pupils who live outside the catchment area.
(for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Chalkwell Hall Junior School

1. Looked after children and previously looked after children;
2. Pupils attending year 2 at Chalkwell Hall Infant School;
3. Pupils who live in the catchment area who have a sibling attending the school or Chalkwell Hall Infant School;
4. Pupils of staff at the school;
5. Pupils who live in the catchment area;
6. Pupils who live outside the catchment area who have a sibling attending the school or Chalkwell Hall Junior School;
7. Pupils who live outside the catchment area .
(for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Earls Hall Primary School

1. Looked after children and previously looked after children;
2. Pupils who live in the catchment area who have a sibling attending the school;
3. Pupils of staff at the school;
4. Pupils who live in the catchment area;
5. Pupils who live outside the catchment area who have a sibling attending the school;
6. Pupils who live outside the catchment area .
(for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Edwards Hall Primary School

1. Looked after children and previously looked after children;
2. Pupils who live in the catchment area who have a sibling attending the school;
3. Pupils who live in the catchment area;
4. Pupils of staff at the school;
5. Pupils who live outside the catchment area who have a sibling attending the school
6. Pupils who live outside the catchment area
(for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Fairways Primary School

1. Looked after children and previously looked after children;
2. Pupils who have a sibling attending the school;
3. Pupils who live in the catchment area;
4. Pupils of staff at the school;
5. Pupils who live outside the catchment area .
(for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Heycroft Primary School

1. Looked after children and previously looked after children ;
 2. Pupils who live in the catchment area and have a sibling attending the school;
 3. Pupils who live in the catchment area;
 4. Pupils of staff at the school;
 5. Pupils who live outside the catchment area who have a sibling attending the school;
 6. Pupils who live outside the catchment area.
- (for all criteria, catchment area map and additional information please see explanatory notes and maps below)

Leigh North Street Primary School

1. Looked after children and previously looked after children;
 2. Pupils who live in the catchment area who have a sibling attending the school;
 3. Pupils of staff at the school;
 4. Pupils who live in the catchment area;
 5. Pupils who live outside the catchment area who have a sibling attending the school;
 6. Pupils who live outside the catchment area.
- (for all criteria, catchment area map and additional information please see explanatory notes and maps below)

West Leigh Infant School

1. Looked after children and previously looked after children;
 2. Pupils who live in the catchment area who have a sibling attending the school or West Leigh Junior School;
 3. Pupils of staff at the school;
 4. Pupils eligible for pupil premium who live in the catchment area;
 5. Pupils who live in the catchment area ;
 6. Pupils who live outside that catchment area who have a sibling attending the school or attending West Leigh Junior School;
 7. Pupils who live outside the catchment area.
- (for all criteria, catchment area map and additional information please see explanatory notes and maps below)

4. Explanatory notes, including maps, apply to all community schools in Southend-on-Sea

Parents must make a separate application for transfer from nursery to primary school and from infant to junior school. Parents must complete a Southend-on-sea Common Application Form (CAF) for applications to year reception and year 3 between 14th September and 15th January.

4.1 Pupils in public care and children that were previously in public care

Any reference to looked after children refers to children who are in the care of local authorities as defined by Section 22 of the Children Act 1989. In relation to school admissions legislation a 'looked after child' is a child in public care at the time of application to the school'. Any reference to previously looked after children means children who were adopted (or subject to residence or special guardianship orders) immediately following having been looked after. Looked after and previously looked after children are given the highest priority for each relevant age group and in all ranking.

The admission into school for children previously in care but outside of England will be ranked in the same category as LAC/PLAC for all schools. (ref to letter dated 4th Dec 2017, Rt Hon Nick Gibb MP). Letter on SBC website http://www.southend.gov.uk/downloads/file/5484/rt_hon_nick_gibb_mp_-_letter_re_admission_of_children_adopted_from_care_outside_of_england

- 4.2 Pupils with Education, Health and Care Plans** All children whose statement of special educational needs (SEN) or Education, Health and Care (EHC) plan names the school must be admitted. Children with a statement or a plan will follow a different process for admission. Further information can be found on http://www.southend.gov.uk/info/200225/children_with_disabilities/290/special_educational_needs
<http://www.southendinfopoint.org/kb5/southendonsea/fsd/localoffer.page>
- 4.3 Pupils eligible for pupil premium – Early years pupil premium (West Leigh Infant School)** Nurseries and schools are given a pupil premium/early years pupil premium for children who have qualified for free school meals at any point in the past six years. Parents will need to tick on the application form and/or supplementary information form or notify the Local Authority in writing if they are eligible or registered for pupil premium. Any disclosure for pupil premium will be used only to rank applications against the admission criteria and will not be held for any other purpose.
- Parents can check their eligibility by filling out the LA online form on:
<https://southend.firmstep.com/default.aspx/RenderForm/?F.Name=ofyiMHFi7J8&span%20id=> or www.southend.gov.uk/fsm
- Parents that are in receipt of one of the following may be eligible for pupil premium:
- Income Support
 - Income-based Job Seekers Allowance
 - Income-related Employment and Support Allowance
 - Support under Part VI of the Immigration and Asylum Act 1999
 - The Guaranteed Element of State Pension Credit
 - Child Tax Credit (if they not entitled to Working Tax Credit and have an annual income under £16,190)
 - Working Tax Credit 'run-on' - the payment someone may get for another 4 weeks after they stop qualifying for Working Tax Credit and Universal Credit
- 4.4 Pupils of staff of the school** Children will be ranked in this admission criteria if they are children of staff at the school in either or both of the following circumstances:-
- (a) where the member of teaching staff (including, staff that are at the school in positions, such as: Senior Leadership Team/level, Head of Year Group, Head of Department, Office Manager or Senco) that has been employed at the school for two or more years at the time at which the application for admission to the school is made,
- and/or
- (b) the member of staff is recruited to fill a vacant post for which there is a demonstrable specialist skill shortage.
- 4.5 Distance:** In the case of over subscription in any one category “straight line” distance will be used to measure the distance between the pupil’s home and the nearest pupil entrance to the school. Distances will be measured using the Local Authority’s computerised measuring system. The pupils living closest will be given priority. If the pupil’s home is a flat the distance will be measured to the main external entrance to the building.

- 4.5.1 Tie-Break** To be used to decide between two applications that cannot otherwise be separated: If the same distance is shared by more than one pupil, and only one place is available, the place will be awarded on the basis of a computerised random allocation process (supervised by someone independent of the Council / governing body). In the case where the last child offered is a twin or sibling of a multiple birth sibling both/all children will be offered and the sibling will be an 'excepted pupil'.
- 4.6 Distance where parents have separated** The distance is measured the same for all applications. Only one application can be received. The LA should not have the details of both parents or know of the marital status of the parents. If more than one application is received from parents, applications will be placed on hold until such time that:
- an application is made that both parents agree to; or
 - written agreement is provided from both parents; or
 - a court order is obtained confirming which parent's application takes precedence'.
- Details on address checks and which address is relevant are also provided in the admission booklet. In all cases the child's normal place of residence is applicable for the purposes of the application.
- 4.7 Infant to partner Junior admissions** Parents must apply in the main round to transfer from an infant school to the junior school. Parents must use the Council common application form (CAF) and submit the application between 14th September to 15th January. The Council offers a full coordinated process for admission to year 3.
- 4.8 Siblings** Siblings are considered to be a brother or sister, half-brother or half-sister, step-brother or step-sister, adopted brother or sister, living at the same address, who attends the school at the time of application with a reasonable expectation that he or she will still be attending at the time of the proposed admission. In the exceptional situation where one twin or one or two triplets are refused a place, in order to keep family members together and in line with the School Admissions Code 2014, the additional pupil(s) will be admitted even if this results in the admission limit for the year group being exceeded.
- 4.9 Waiting lists** Children's names will automatically be on the waiting list for schools that are higher on the rank list and for which they do not receive an offer (for years Reception and year 3). Parents will also have the opportunity to appeal against the refusal for schools for which they did not receive an offer. Appeals must be lodged within 20 school days of the date of the letter. Parents can access the information on appeals and also submit an appeal online on the council's web site www.southend.gov.uk/admissions or email admissions@southend.gov.uk to request an appeal application form. All appeals are considered by an Independent Appeals Panel.
- Waiting lists for all year groups for community schools are closed at the end of each school year.
- 4.10 Over and Under age applications** Parents may seek a place for their child outside of their normal age group, for example, if the child is gifted and talented or has experienced problems such as ill health. In addition, the parents of a summer born child may choose not to send that child to school until the September following their fifth birthday and may request that they are admitted out of their normal age group—to reception rather than year 1.
- Applications for over or under age applications in-year are handled in line with the School Admissions Code 2014, 2.17 (a & b). Such requests for Schools in Southend-on-sea are directly to the school and the school advises the LA of their decision. Requests for year 6 must have been submitted by the parent and considered by the admission authority before the closing date for applications to year 7, i.e. 31st October of any given year. Admission authorities must make decisions on the basis of the circumstances of

each case and in the best interests of the child concerned.

This will include documenting the following:-

- the parent's views;
- information about the child's academic, social and emotional development;
- where relevant, their medical history and the views of a medical professional;
- whether they have previously been educated out of their normal age group;
- and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.
- They must also take into account the views of the head teacher of the school concerned.
-

When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision. (2.17a School Admissions Code 2014)

In circumstances where a child transfers from another school already 'outside of normal age group', community schools and the LA will support any over or under age application where the above has been met and the LA is satisfied that the child should continue to be educated out of normal age group.

4.11 Admission of children below compulsory school age and deferred entry to school.

Most children start school on a full time basis, however parents can request that their child attends part time until reaching compulsory school age (the term after their 5th birthday). Once parents receive an offer and accept a place for their child during the normal admission round they can ask to defer the admission until later in the same academic year. Schools must accommodate these requests where it appears to be in the best interest of the child. Parents wishing their child to attend part time must discuss this with the headteacher of their allocated school. The approved deferment means that the place is held open and is not offered to another child and the parents must take up the place full time by the start of the Summer Term in April. Part-time agreements should include core teaching.

In the case of children born prematurely or the late summer months parents may request admission outside the normal age group. There is no statutory barrier to children being admitted outside their normal year group (DfE Guidance, Dec 2014). Due to the impact on future years for a child's schooling, requests to delay admission are very carefully considered by both the admitting authority and the parents. The decision to admit outside of a child's normal age group is made on the basis of the circumstances of each case. Any decision will seek a decision in the best interest for the child and be considered by a Panel of relevant persons. Parents applying for schools outside the Borough of Southend will need to consult the respective LA's policy in this regard. Parents submitting a request for admission outside the normal age group must also complete the Single application Form during the main admission round, 14th September – 15th January for the 'usual age group for their child'.

Requests for deferment of admission to community schools should be sent to the Council and for Academy and Voluntary aided schools directly to the school. Parents will need to provide the detailed reasons for their request including any supporting evidence from relevant professionals to enable their request to be given proper consideration. For community schools, parental requests to be addressed and sent to the Pupil Access Manager, School Admissions Team, Southend Borough Council.

The Pupil Access Manager will constitute a panel to consider the submission and the panel will only consider 'admission outside the normal age group', that is, whether or not a child can start school in the Reception year the year after they turn 5 years of age and not in year 1.

The panel will not consider requests for deferment within the reception year as requests can be made by parents directly to the Headteacher of the allocated school (School Admissions code 2012 section 2.16).
The panel will meet by the last week in February to consider applications from parents of children born prematurely or in the last summer months for admission outside the normal age group.

Admission authorities must make decisions on the basis of the circumstances of each case and in the best interests of the child concerned.

This will include documenting the following:-

- the parent's views;
- information about the child's academic, social and emotional development;
- where relevant, their medical history and the views of a medical professional;
- whether they have previously been educated out of their normal age group;
- and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.
- They must also take into account the views of the head teacher of the school concerned.

When informing a parent of their decision on the year group the child should be admitted to, the admission authority must set out clearly the reasons for their decision. (2.17a School Admissions Code 2014)

In circumstances where a child transfers from another school already 'outside of normal age group', community schools and the LA will support any over or under age application where the above has been met and the LA is satisfied that the child should continue to be educated out of normal age group.

4.12 In-year admissions

As permitted by law parents can make an application at any time to any school outside the normal admissions. Parents can submit applications for community schools to the Admissions Team at the Council. Where places are available at preferred schools places will be offered. Where there are no places applicants will be refused and have the opportunity to join the waiting list for the schools. Waiting lists are ranked according to the admission criteria for schools. In some cases where a child is already on a school roll locally the place may be offered for the start of the next term.

4.13 Home Address

For all applications the address used will be the child's habitual normal place of residence as at the closing date for applications, i.e., 15th January (reception and year 3). Changes to address will be updated after all on time applications have been processed.

The relevant Coordinated Admissions Scheme and Primary Admission booklets should be read in conjunction to the Determined Admission Arrangements for all schools in the Borough of Southend-on-Sea. The Primary Admission booklet contains further details, provides more information and is written to support parents through the rounds.

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Southend-on-Sea Borough Council Determined Co-ordinated Admissions Scheme for admission 2021/22

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1. Introduction

- 1.1 The School Admissions Code places a duty on local authorities to formulate a single scheme for co-ordinating all applications to all publically funded schools from parents in their area. In the Borough of Southend-on-Sea, the scheme applies to admissions into reception, year 3 and year 7. Schemes for admission to schools must be formulated by 1 January in the determination year.
- 1.2 Determined admission arrangements to be provided to SBC, for the inclusion in the composite prospectus, between 28 February and no later than 7 March.

2. Aims and scope of the scheme

- 2.1 Aims of the scheme
 - 2.1.1 To facilitate the offer of one school place to each pupil.
 - 2.1.2 To simplify for parents the admission process into schools through the use of a Common Application form (CAF).
 - 2.1.3 To co-ordinate with neighbouring local authorities to avoid more than one school place being allocated to the same pupil.
- 2.2 Scope of the Scheme
 - 2.2.1 The scheme applies to families who are resident in Southend who are seeking admission into: reception year in primary and infant schools; year 3 in primary and junior schools and year 7 in secondary schools. The scheme excludes post 16 pupils.

3. Key Aspects of the Scheme.

- 3.1 As required by the School Admissions Code (SAC), Southend Borough Council (SBC) co-ordinates with other local authorities to ensure that a pupil only receives one offer.
- 3.2 SBC will co-ordinate admissions, for all schools including academy, community, foundation, free school and voluntary aided schools. Co-ordination is for all pupils into reception year, year 3 and year 7.
- 3.3 SBC will send offers of places to Southend residents even if the school is in another local authority. This includes offers on behalf of academy, community, foundation, free school and voluntary aided schools.
- 3.4 The CAF will enable parents to express:
 - up to 3 preferences for admission to a primary school; or
 - up to 5 preferences for admission to a secondary school.
- 3.5 Only SBC will know the ranking of the parental preferences. Preferences will be shared with other local authorities in so far as they relate to their schools. Parental

preferences may be shared with Admission Authorities for the purposes of admission appeals.

- 3.6 SBC will provide each school with a breakdown of preferences for their own school as on offer day.
- 3.7 In all cases academies, foundation, free school and voluntary aided schools will continue to be their Admission Authorities, will apply their own criteria and will continue to be responsible for the organising of admission appeals unless they wish to commission the school admissions team for this service.

4. General details of the scheme

- 4.1 Primary and secondary admissions up to the offer date
- 4.1.1 Parents will complete a Common Application Form (CAF) on which they will be able to express a preference for up to:
- 3 primary schools in order of priority; or
 - 5 secondary schools in order of priority.
- 4.1.2 Parents will be advised to apply on-line for a school place at www.southend.gov.uk/admissions but will be able to complete a paper common application form if they wish.
- 4.1.3 All CAFs must be sent to SBC which is the only body that can make offers to Southend parents on behalf of primary and secondary schools.
- 4.1.4 Alerts of pupils that have not applied will be made available to current settings, on request from Nursery Schools, but completed by default with schools to identify any barriers preventing on-time applications being submitted. Where a school does not share their on roll data with SBC they will need to provide the admissions team with a list of pupils on roll to identify the pupils who have not yet submitted an application.
- 4.1.5 Parents can express a preference for a school in another local authority as Southend co-ordinates admissions with other authorities. The offer of a place at a school in another local authority will be made by SBC on behalf of that local authority. Similarly other local authorities will offer places to their residents on behalf of Southend schools. The scheme requires councils to liaise before any offers are made on behalf of schools in the other council area.
- 4.1.6 The Southend coordinated scheme considers all preferences against the admissions criteria for the individual schools.
- 4.1.7 The booklets will detail which schools also require Supplementary Information Forms (SIFs). These may be obtained from either the school or the website. SIFs must be sent back to the individual school. SIFs for the Consortium of Selective Schools in Essex (CSSE) need to be downloaded from the CSSE website or by contacting the CSSE and completed forms need to be returned to the CSSE. These forms are not application forms and parents must complete the CAF. (See section 4.7 on SIFs and section 4.1.6 for the SIF for the Consortium of Selective Schools in Essex).

- 4.1.8 For each admission round there is a national closing date for receipt of the CAF. The deadline for receipt of any SIFs is set by individual schools and the Consortium of Selective Schools in Essex (CSSE). The date may be later than the national closing date. For registration for the selective test the closing date will be much earlier. Parents are encouraged to send in the CAF to SBC and any SIFs (if required) to the school as early as possible prior to the closing date. SIFs submitted after the closing date may not be used in the processing of that application until after national offer day.
- 4.1.9 Pupils taking the selective test, or aptitude tests or auditions will need to register with CSSE or schools to make the necessary arrangements.
- 4.1.10 If SBC receives any SIFs these will be forwarded onto the school or, where appropriate CSSE. Similarly if any school receives by mistake any CAFs these must be sent onto SBC. The responsibility for submitting of SIFs or CAFs rests with the parent.
- 4.1.11 Preliminary lists will be shared with voluntary aided schools to check CAFs against SIF's submitted before the closing date and just after to ensure applicants have completed the CAF as well as the SIF.
- 4.1.12 On-line applications will be downloaded into the admissions database. SBC will input into the admissions database all information shown on any paper CAF's, including any reasons for the application, and will provide details to all academy, foundation, free school and voluntary aided schools.
- 4.1.13 SBC will send to other local authorities details of pupils who have applied to schools in their area and will receive from other local authorities details of their pupils who have applied to Southend schools. The respective councils will send to their own schools a list of pupils who have applied to the school which will include both Southend and their own residents. It has been agreed by schools that are part of the CSSE that both SBC and Essex will send information on those pupils who have applied to take the selective test direct to the consortium.
- 4.1.14 SBC will exchange information with other Local Authorities who will provide details of the ranking of Southend pupils who have applied to their schools.
- 4.1.15 Academy, foundation, free school and voluntary aided schools and, where appropriate CSSE, are required to rank in order of the schools' criteria **all** pupils who have applied to their school and to return these lists to SBC by the agreed date. Applications that are not matched to a SIF (or where there is no SIF), must still be ranked against the schools oversubscription criteria i.e./ distance.
- 4.1.16 SEN pupils will be accommodated if the named school is identified in the finalised EHCP by 15 February for Secondary and 27 March for Primary (or next working day) of any given year.
- 4.1.17 SEN and LAC pupils may need to be admitted over number on initial allocation (for offer day) and the School Admissions Team will manage the school back to the PAN until the last week of August at which time the school takes over except for community schools or for schools that commission SBC for their in-year admissions.

- 4.1.17 SBC will match the parental preferences against the rank order lists returned by Southend schools.
- 4.1.18 The scheme operates according to the order in which parents select preferences. The order of preferences should reflect the order parents wish to be offered a place, but if for example parents are unsuccessful in gaining a place for the first preference school they are not disadvantaged in obtaining their second preference or their third preference etc. Schools do not receive details of the preference and have to put pupils in order of their admission criteria without knowing the preference. The process will continue until all preferences are exhausted.
- 4.1.18 SBC will provide any other local authority with details of any pupils resident in their area who can be offered places at schools in the Borough (and vice versa).
- 4.1.19 Where possible SBC will share allocation lists to schools and the CSSE as appropriate, before offer day. This will be dependent on the process being complete before offer day. Schools will be notified if it is not possible to send the lists to them. When lists can be sent, schools will be reminded of section 2.10 of The School Admissions Code 2014, in that school must not contact parents about the outcome of the applications until after these offers have been received. Schools must be mindful that parents that made a paper application may not receive the offer of a place for one or two days after the offer date.
- 4.1.20 SBC will send an offer of a single place to pupils applying for a school places on the offer day.
- 4.1.21 Parents who completed an online application will be advised of the outcome of their application by email on offer day, unless they indicate on the CAF that they would prefer a response by letter.
- 4.1.22 Parents who completed a paper CAF will be advised of the outcome of their application by 1st class post on offer day. Parents should expect to receive the letter within 1 to 2 days of the offer day.
- 4.1.23 Offers are automatically recorded as 'accepted' and parents will be given 10 school days to notify SBC if they wish to reject an offer of a school place. Parents who applied online will be able to do this by using the online facility.
- 4.1.24 Refusals must be received in writing from the applicant to SBC, refusals sent to the schools cannot be actioned by SBC until confirmation is received by the parent or the home LA if an out of area pupil.
- 4.1.25 SBC will not log a refusal unless the parents can provide details of the educational arrangements they are putting in place for their child.
- 4.1.26 For any pupil who has not been allocated a place at one of their expressed preferences SBC will offer them a place at the school in the Borough nearest to the home address with vacancies at that time. Such offers will not be made to selective or faith schools (unless arranged with the school/s)
- 4.1.26 Offer letters for the main round to years R, 3 and 7 will remind parents not to call schools on offer day and to call SBC

- 4.1.27 Only the LA will disclose offers and waiting list positions to parents. As lists are updated schools might not have accurate information (section 2.10 School admissions Code states duty lies with LA).
- 4.1.28 Schools that send welcome letters/packs will only do so four weeks after offer day to provide parents with the opportunity to consider offer and allow for any post offer day activity at SBC
- 4.1.29 Any places (that are in demand) will be reallocated if parents advise SBC that they no longer require a place.
- 4.1.30 SBC will adhere to the requirements of section 86, SSFA in regard to the management of preferences.

4.2 Summer Born Children

- 4.2.1 In the case of children born prematurely or late summer months* parents may request admission outside the normal age group.

*Summer born age: DfE 'Advice on the admission of summer born children' July 2013: 'Children born from the beginning of April to the end of August reach compulsory school age on 31 August. It is likely that most requests for children to be admitted out of their normal year group will come from parents of children born in the late summer months or those born prematurely'.

- 4.2.2 There is no statutory barrier to children being admitted outside their normal year group. Due to the impact on future years for a child's schooling, requests to delay admission are very carefully considered by both the admitting authority and the parents. The decision to admit outside of a child's normal age group is made on the basis of the circumstances of each case.

Parents may submit requests to SBC for any community schools and directly to Admission Authorities for Academy and voluntary aided schools. As the code requires that a decision is provided to the parents before offer day the on-time closing date for submissions is end February.

Any decision will seek an outcome in the best interest for the child and for community schools will be considered by a Panel of relevant persons. Parents applying for schools outside the Borough of Southend will need to consult the respective LA's policy in this regard.

The following items apply to SBC, for community schools only:-

- 4.2.3 Parents submitting a request for admission outside the normal age group must also complete the Common Application Form during the main admission round, 14 September – 15 January. Parents will need to provide the detailed reasons for their request including any supporting evidence from relevant professionals to enable their request to be given proper consideration.
- 4.2.4 The panel will only consider 'admission outside the normal age group', that is, whether or not a child can start school the year after they turn 5 years of age in the Reception year and not in year 1. The panel will not consider requests for deferment within the

reception year as requests can be made by parents directly to the Headteacher of the allocated school (School Admissions Code 2014 section 2.16).

- 4.2.5 The panel will normally consider applications from parents of children born prematurely or in the last summer months for admission outside the normal age group.

The following items apply for all applications, LA or OAA decision:-

- 4.2.6 If the parents case for delayed admission into reception is upheld by the panel, or the Own Admission Authority a new application for a place in the next cohort **must** be made in the following round (between September and mid-January) and would be considered along with all the other applicants for admission in that year. There would be no guarantee that a place would be offered in the preferred school.
- 4.2.7 If the parents request for delayed admission into reception is refused, the submitted application would follow due process in the round for the child's normal age group. After the offer of a place has been made the parent could then still request the allocated school to delay entry, attend part-time within the reception year group or the parent can delay admission to the following year for admission to year 1. The Head Teacher would need to consider each case and make a decision that is in the best interest of the child.
- 4.2.8 The full policy on applications to admit outside the normal age group for summer born children will be available in the primary admission booklet on the SBC website.
- 4.2.9 All admission authorities must keep a record of the decision to admit out of normal age group/delay starting school and the record should contain the following and must be provided to SBC for main rounds or on request:
- the parent's views;
 - information about the child's academic, social and emotional development;
 - where relevant, their medical history and the views of a medical professional;
 - whether they have previously been educated out of their normal age group;
 - and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.
 - They must also take into account the views of the head teacher of the school concerned.

4.3 Co-ordination of pupil admissions to Year 3 of Southend junior schools 2021/22

The following paragraphs relate to pupil admissions to Year 3 in primary and junior schools and should be read in conjunction with the full scheme for the co-ordination of pupil admissions to infant/primary schools.

4.3.1 Applications will not be necessary for children moving from Year 2 to Year 3 in their existing primary school as this is a single legal establishment and Year 3 in that case is not a 'relevant age group'. However, parents of children in Year 2 of an infant school must complete and submit a form of application for their child to be admitted into Year 3 of another school, even if that is the 'partner' junior school.

4.3.2 The closing date for completing a common application form for a Year 3 place is 15 January 2021

4.3.3 SBC will liaise with infant schools in the area with lists of children that have applied to the 'partner' junior school. Schools will encourage parents that have not applied for year 3 to apply.

4.3.4 SBC will provide an initial list of application received via common applications forms to all junior schools by 26 January 2021

4.3.5 SBC will provide a list of all applications received via common application forms to all junior schools by 9 February 2021

4.3.6 Schools must rank applications according to their admission criteria and return the ranked list to SBC on the agreed dates. 26 February 2021

4.3.7 For all applications received by the closing date, from parents of Year 2 children (including children attending year 2 in an infant school), SBC will inform parents of the outcome of that application on 16 April.

4.3.8 There is full co-ordination for admission to year 3 as a normal admission round. This is because we have infant and junior schools in the borough and additional places at Bournes Green Junior School and West Leigh Junior School.

4.3.9 Applications submitted for children that are in the primary school that wish to remain in the same school will be withdrawn and parents will be advised that no application is required.

4.4 Co-ordinated arrangements between the offer date and start of autumn term.

4.4.1 From the offer day until the last week of August SBC will continue to co-ordinate admission arrangements and make all offers on behalf of primary and secondary schools in Southend.

4.4.2. Late and new preferences/applications will be slotted into the waiting lists by SBC in line with school admission arrangements. This will include using new address details where relevant and re-ranking applications to appropriate positions.

4.4.2 Where parents have refused the offer of the place then the vacant place will be offered in strict order of the waiting list until the place is accepted.

4.4.3 The offer of school places as they become available will continue to be made by SBC.

4.4.4 Once the final list is sent to schools on 22 August the coordination procedures for reception year, year 3 and year 7 will cease. SBC will continue to administer waiting lists and in-year admissions for all Community and identified Own Admission Authority schools as agreed. Admission Authorities wishing to manage their own waiting lists will do so from 22 August onwards. Waiting lists must be held at least until the end of the first term (December 2021).

4.5 Year 7 - Under and over age applicants

4.5.1 For admissions into year 7, an applicant is under age if he or she will be under 11 years of age on 31st August immediately prior to admission in September. SBC will only accept applications from under age applicants who have been registered in year 6 of their primary schools from the first day of the school year in which they apply for

a secondary school place. This effectively requires that the decision to promote the child to the year group above his/her chronological age group must be taken by the primary school prior to the end of the summer term in the calendar year in which the child applies for a secondary school place. Confirmation of this is likely to be sought from the headteacher of the primary school concerned by SBC.

- 4.5.2 An applicant is over age if he or she is 12 years of age or over on 31st August immediately prior to admission in September. SBC will not accept over age applicants for year 7 admissions unless there are verified exceptional circumstances for a child to repeat one of the primary school years, for example, extended illness. SBC will seek verification from the headteacher of the primary school concerned that an over-aged applicant has medically certifiable reasons or some other exceptional reason for being an over-aged applicant. SBC will wish to investigate especially thoroughly the circumstances through which any child is found to be studying in Year 6 for the second time, especially if this should involve an application to sit the CSSE selection tests for a second time. Medical evidence will be required for such applicants.
- 4.5.3 Ideally children should not miss a main round and be admitted to year R, 3 or year 7 outside their usual age group (in-year). Any exceptional decisions made must be well documented and meet the requirements of the School Admission Code in that they are in the 'best interest of the child'. Once a child, of statutory school age, has started the year and completed at least one term as an out of normal age group, they cannot apply via the coordinated round/main round for a second opportunity to year 6. Admission mid-year to move from year 7 back to year 6 would not be deemed in the best interest of a child due to the disruption and impact on emotional, social and mental health wellbeing.
- 4.5.4 All admission authorities must keep a record of the decision to admit out of normal age group and the record should contain the following and must be provided to SBC for main rounds:
- the parent's views;
 - information about the child's academic, social and emotional development;
 - where relevant, their medical history and the views of a medical professional;
 - whether they have previously been educated out of their normal age group;
 - and whether they may naturally have fallen into a lower age group if it were not for being born prematurely.
 - They must also take into account the views of the head teacher of the school concerned.

4.6 Overseas applicants – applications from children whose parents are living abroad and do not have a “home authority”

- 4.6.1 Parents who are living abroad and who wish their child to apply for a Southend school have no “home authority” (through which the regulations stipulate that all applications should be made). They can nonetheless apply through what is a proxy home authority (i.e. the Council area in which they intend to buy a house or settle the child with relatives). However, although they may apply in this way, no place will be offered until they can provide clear evidence of residency in this Borough and this may include the relevant immigration documents. In addition, proof of the home address/normal place of residence through either a house purchase, through exchange of contracts, or a long term letting agreement. The School Admissions Team would have to be satisfied that the child's normal place of residence would be at the address provided.

- 4.6.2 The CSSE will arrange for overseas applicants for year 7 to sit the selection tests overseas under invigilated conditions at an agreed test centre.
- 4.6.3 The admission into school for children previously in care but outside of England school be ranked in the same category as LAC/PLAC for all schools (ref to letter dated 4th Dec 2017, Rt Hon Nick Gibb MP). Letter on SBC website http://www.southend.gov.uk/downloads/file/5484/rt_hon_nick_gibb_mp_-_letter_re_admission_of_children_adopted_from_care_outside_of_england

4.7 New applications, late applications, changes of preferences and additional applications – for coordination of reception, year 3 and year 7

4.7.1 New applications:

Applications from parents moving into the area, who in the view of SBC could not have made an application by the closing date, will be slotted into the system when received but might only be processed after all on time offers are made. These will be regarded as new applications and will only apply for parents that could not have applied on time such as moving into the country.

Exceptional circumstances will be considered at the discretion of SBC. Moving from one borough to another would not normally be considered as an exceptional circumstance without additional circumstantial information.

If parents, that could not have made an application by the closing date but move and are living within the borough before 31 October for secondary applications and 15 January for primary applications, they will be slotted into the system and processed with on-time applications where possible.

4.7.2 Change of address/New applications/preferences for secondary, infant, junior and primary schools

Due to the high variations of address policies across the various LAs and Admission Authorities, regardless of home LA, addresses for schools in Southend-on-Sea are as per the child's normal place of residence (address) at 30 November, for Secondary Admissions a month after the closing date (31 October), and for Infant, Junior and Primary Admissions as at the closing date (15 January). Any change of addresses and new application that could not have reasonably been made by these dates would be at the discretion of the LA. Any addresses after these dates are updated after offer day for the transfer group (ie. 1 March or 16 April) and the applications re-ranked accordingly. Parents that could not have applied by the deadlines for the main rounds will be considered under 4.7.1.

4.7.2 Late applications

Applications received after the closing date from those who could have made an application on time, will be regarded as late and will therefore not be considered until all "on time" applications have been considered and the initial allocation of places are notified to parents. SBC will be the final arbiter, under the coordinated scheme, as to whether an application is late or not. Schools should apply their admission criteria to such late pupils but identification as "Late" by SBC will prevent schools from putting a ranking against these pupils when the full list is sent back to SBC.

4.7.3 Changes in preference

Changes in the order of preferences already expressed will not be accepted after the closing dates unless, the circumstances are deemed to be exceptional and the changes can be accommodated. Change of preference for schools under another local authority will be consulted on with the appropriate LA. Changes received after the closing date will be considered after the appropriate national offer date.

4.7.4 Additional preferences

Any additional preferences received after the closing dates will be considered after the offer date.

4.7.5 Southend-on-Sea Borough Council takes very seriously any attempt to gain unfair advantage in the admissions process by giving false information (for example providing a false address). Checks will be made with other departments in the Council and, where it is suspected that the family actually live outside Southend, contact will be made with the relevant Council. Where there is reasonable doubt as to the validity of a home address, the Council reserves the right to take additional checking measures including, in some cases, unannounced home visits. If, after offers of school places have been made, it is established that fraudulent or intentionally misleading information has been provided in order to gain a place at a primary or secondary school, the Council/own admission authority will withdraw any school place offered. If an offer of a school place is withdrawn under these circumstances the application would be considered afresh, (with proof of address or other relevant information) unless a new application form is deemed necessary and the parent advised of their right of appeal to an Independent Appeal Panel (2.12 of the Code) . If appropriate the withdrawal letter will be signed by both SBC and the admission authority.

4.7.6 Changes of address between offer day and the last week of August will be checked by SBC. Parents will need to provide proof of the home address in the form of; a house purchase; exchange of contracts, or a long term letting agreement. In all situations, SBC must be satisfied that it is the child's normal/habitual place of residence.

4.7.7 Places can be withdrawn up to the end of December in the situation where an offer is made in error or the application has been found to be fraudulent. Admission Authorities must inform SBC of any places withdrawn for the coordinated round up to December of each year and vice versa.

4.7.7 Schools must inform SBC of address, sibling or any other discrepancies in ranking lists or in information provided by parents on the enrolment forms post offer day.

4.8 Supplementary Information Forms

4.8.1 In order that they may seek further information to apply their admission criteria, the following schools require parents to complete a Supplementary Information Form (SIF) in addition to the appropriate application form.

School	Details
Primary:	
Our Lady of Lourdes Catholic Primary	For all applications
Sacred Heart Catholic Primary	For all applications
St George's Catholic Primary	For all applications
St Helen's Catholic Primary	For all applications
St Mary's, Prittlewell, C of E Primary	For all applications
Secondary:	
St Bernard's High School	For all applications
St Thomas More High School	For all applications
Shoeburyness High School	For year 7 applications for selective places
Southend High School for Boys	For all applications for selective places
Southend High School for Girls	For all applications for selective places
The Eastwood School	For year 7 applications for Sport / Performing Arts places
Westcliff High School for Boys	For all applications for selective places
Westcliff High School for Girls	For all applications for selective places

- 4.8.2 The SIFs for year 7 applications for selective places must be returned to the Consortium of Selective Schools in Essex (CSSE), for all rounds of admissions SIFs must be returned direct to the school.
- 4.8.3 Parents are encouraged to send in the CAF and any SIF as early as possible prior to the closing date. The SIF for selective and aptitude testing will be before the CAF closing date (also refer to sections 4.1.5 and 4.1.6).
- 4.8.4 All SIFs must clearly indicate that they are not application forms and that the appropriate application form must be completed. SIFs cannot request:
- any personal details about parents and families, such as maiden names, criminal convictions, marital, or financial status (including marriage certificates);
 - the first language of parents or the child;
 - details about a parent's, parent's or a child's disabilities, special educational needs or medical conditions;
 - parents to agree to support the ethos of the school in a practical way;
 - both parents to sign the form, or for the child to complete the form (School Admission Code 2014 section 2.4).
- 4.8.5 Schools must consult the School Admissions Code 2014 sections 1.9 and 2.4 when developing their supplementary information forms.
- 4.8.6 Schools must be mindful of siblings from multiple births in oversubscription criteria and where possible admit them.
- 4.8.7 Applicants must 'submit' online forms. Unsubmitted forms will not be processed. Applicants must have evidence of submitted forms therefore if application forms were posted they must have proof of postage and if applied online they must produce the automatic online receipt.
- 4.8.8 Applications must be submitted to local authority where council tax is paid (home authority). If an application is made to the wrong local authority the

application will not be processed and the applicant must submit an application to the home authority before the closing date, for it to be treated as on time.

4.9 Waiting lists

- 4.9.1 For the reception, year 3 and year 7 rounds of admissions, on offer day SBC will have a waiting list for each Southend oversubscribed school which will exclude any late applicant and late changes in preference. In most cases SBC will be able to rank the pupil from existing information, for example distance. Depending on the admission criteria a new application would then be slotted into the waiting list as appropriate.
- 4.9.2 SBC will maintain the waiting list as ranked by schools. Where any new pupil, such as a late application, is added to the waiting list SBC should be advised within 10 working days of where such pupils fit in relation to other pupils on the waiting list.
- 4.9.3 Where a vacancy does arise the place will be offered by SBC to the pupil on top of the waiting list.
- 4.9.4 A parent of a child at the top of the waiting list offered a place as a result of a vacancy having arisen will be expected to confirm, within 10 working days, whether or not they wish to accept the place.
- 4.9.5 SBC will maintain waiting lists for all community schools in the Borough for the full school year. Waiting lists for academy, foundation, free school and voluntary aided schools must be maintained by the school for at least the autumn term. Waiting lists will be maintained strictly in accordance with the admission criteria of the school concerned.
- 4.9.6 SBC will remove pupils from the waiting list who are offered and accept a place at a higher ranking school.
- 4.9.7 SBC will rank/re-rank pupils with address changes, late and new applications according to school admission arrangements after all on time offers are made or on the waiting list as appropriate.
- 4.9.8 Where, as part of the school admissions process, a parent is required to complete a SIF, SBC should be advised by the school within 10 working days of where such pupils fit in relation to other pupils on the waiting list. New pupils will not be added to the waiting list but will be at the bottom of the school list until this information has been provided by the school and the application can be slotted into the waiting accordingly.
- 4.9.9 All admission authorities must specify, in their arrangements, the period a child remains on a waiting list for each school year. For main round Reception, year 3 and year 7 it must be at least to December of the admission year. Community school waiting lists are held for the full school year that the application was made. Waiting lists, for all year groups close on the last day of the school year. Parents must reapply for the new school year if they wish to be added to the waiting list for the next school year, applications can be submitted from the start of the Summer Term.

4.10 Appeals

- 4.10.1 Parents have the right of appeal against a decision to refuse admission to a school which they had put as a preference.
- 4.10.2 Parents will initially be given 20 school days to appeal against the decision to refuse their application for a place at a particular school. However in line with the School Admissions Appeals Code 2012 any appeals submitted after the appropriate deadline must still be heard within statutory requirements.
- 4.10.3 Parents wishing to appeal for a place at any school in the Borough will be advised by SBC to read the on-line appeals information and complete the online appeal form which will be submitted to SBC. Paper copies of the appeals information and form will also be available if required. If the appeal relates to an academy, foundation, free school or voluntary aided school the form will immediately be sent to the school concerned for them to arrange the appeal unless the school have commissioned SBC to administer the schools appeals. Appeals for places at community schools will be organised by SBC.
- 4.10.4 SBC will advise parents wishing to submit an appeal in respect of a school outside the Borough to contact the Local Authority where the school is located to enquire about the appeal arrangements.
- 4.10.5 Schools will send lists of submitted appeals to SBC. SBC will record the appeal against the admission record and provide the school with all relevant documentation to enable the School to prepare for the appeal.
- 4.10.6 Academy, foundation, free school and voluntary aided schools must inform SBC within 5 school days of the outcome of any appeal. The outcome of any appeal does not mean that the parent will necessarily take up a place as they may have other appeals or may prefer the original place offered.
- 4.10.7 Having received notification from the school, parents will have 5 school days to confirm in writing to SBC which place they wish to accept following the outcome of any appeals. Once a place is released that place will be reallocated.
- 4.10.8 Admission authorities must comply with the School Admissions Appeals Code 2012 and must record all appeals and provide the data to SBC after all appeals are heard. In the main rounds appeals must be lodged at least 20 days from the date of notification of the refusals and must be heard within 40 school days.

5. Annual Review of the Scheme

- 5.1 Each year all local authorities must formulate and publish on their website a scheme by 1 January in the relevant determination year to co-ordinate admission arrangements for all publicly funded schools within their area.
- 5.2 The School Admissions Code confirms that if the Local Authority decides to continue to use the scheme from the previous year, this will fulfill the legal requirement to formulate a scheme. Local Authorities must consult admission authorities for schools affected by the scheme and other Local Authorities every 7 years as a minimum. If the scheme has changed substantially since the previous year, the Local Authority must

consult school governing bodies and other admission authorities in the area even if that is less than 7 years since the last consultation.

- 5.3 A local authority must inform the Secretary of State whether they have secured the adoption of a qualifying scheme by 15 April. If this is not achieved the Secretary of State may impose a scheme.

6. Council and school duties under the scheme

- 6.1 These are set out in the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2014 and schools should refer to these if they have any queries.

- 6.2 In summary the main duties are:

Southend Borough Council

- To forward details submitted on the Common Application Form, together with any supporting information provided by the parent to the school or to any other local authorities as appropriate;
- To sort the lists received from schools, or other local authorities, and according to the preference expressed by the parent determine which school place should be offered;
- To forward onto schools information received from other local authorities pupils who have applied to Southend schools;
- To notify schools and other local authorities of the offers to be made;
- To make an offer to parents on national offer day on behalf of schools, including for schools in other local authorities.
- Maintain the waiting list and any subsequent offers for all schools in the borough until the end of August.
- To perform the full duties of an admission authority for community schools.
- To run appeals as required.

Admission Authority

- To notify Southend Borough Council, admissions team of any application made direct to the school;
- To notify Southend Borough Council, admission team of any in-year application and its outcome;
- To determine all applications in line with the school's admission criteria and to notify the Council of this.

7. List of schools to which the scheme applies

- 7.1 Southend Borough Council is the admission authority for community schools. The governing body is the admission authority for academy, foundation, free school or voluntary aided schools.

SECONDARY		
School Name	DfE Number*	Status**
Belfairs Academy	5434	Academy
Cecil Jones Academy	4001	Academy
Chase High School	4000	Academy
Shoeburyness High School	4034	Academy
Southchurch High School	4002	Academy
Southend High School for Boys	5446	Academy
Southend High School for Girls	5428	Academy
St Bernard's High School	5465	Academy
St Thomas More High School	5447	Academy
The Eastwood Academy	5414	Academy
Westcliff High School for Boys	5401	Academy
Westcliff High School for Girls	5423	Academy

PRIMARY		
School Name	DfE Number*	Status**
Barons Court Primary School & Nursery	2124	Community
Blenheim Primary School	2387	Academy
Bournemouth Park Academy	3822	Academy
Bournes Green Infant School	2128	Academy
Bournes Green Junior School (partner school)	2123	Academy
Chalkwell Hall Infant School	2022	Community
Chalkwell Hall Junior School (partner school)	2019	Community
Darlinghurst Academy	2127	Academy
Earls Hall Primary School	2023	Community
Eastwood Primary School	3825	Foundation
Edwards Hall Primary School	3826	Community
Fairways Primary School	2407	Community
Friars Primary School & Nursery	3824	Academy
Greenways Primary School	2104	Academy
Hamstel Infant School	2093	Academy
Hamstel Junior School (partner school)	2092	Academy
Heycroft Primary School	2126	Community
Hinguar Community Primary School	2094	Academy
Leigh North Street Primary School	2096	Community
Milton Hall Primary School	5273	Foundation
Our Lady Of Lourdes Catholic Primary School	2002	Academy
Porters Grange Primary School & Nursery	2001	Academy
Prince Avenue Academy	2000	Academy
Richmond Avenue Primary School	3823	Academy
Sacred Heart Catholic Primary School & Nursery	3326	Academy
St George's Catholic Primary School	3329	Academy
St Helen's Catholic Primary School	3327	Academy
St Mary's Prittlewell Church of England Primary School	3325	Voluntary Aided
Temple Sutton Primary School	2132	Academy
Thorpedene Primary School	5225	Academy
Westborough Academy	2004	Academy
West Leigh Infant School	2109	Community
West Leigh Junior School (partner school)	2108	Academy

*DfE codes and status for schools may be subject to change if status of school changes (e.g. Community to Academy).

8. Definitions

Academies – Schools funded directly by Central Government where the academy trust employs the staff and is the admission authority.

Admission Authority - The body responsible for setting and applying a school's admission arrangements. For community or voluntary controlled schools, this body is the local authority. For foundation or voluntary aided schools, this body is the governing body of the school. For Academies, this body is the Academy Trust.

Additional applications - An application from a parent who has already submitted an application and is requesting an additional school(s). This will normally be after the initial offer of places in March.

Admissions Forum – A body comprising of representatives from various groups which advises admissions authorities on admission arrangements in the area

Catchment area – A defined geographical area served by a particular school

Changes in preference - Changes in the order of preferences already expressed (that is not an additional application).

Community schools – Schools wholly funded by SBC, where the Council employs the staff and is the admissions authority.

CSSE – The Consortium of Selective Schools in Essex – a group of schools that are responsible for the selection test (11+) arrangements. The 10 schools below operate a consortium whereby only one test needs to be taken even though an application is being made to several schools. The schools are:

- Shoeburyness High School
- Southend High School for Boys
- Southend High School for Girls
- St Bernard's High School
- St Thomas More High School
- Westcliff High School for Boys
- Westcliff High School for Girls
- King Edward VI Chelmsford (Boys) – school in Essex
- Colchester County High School (Girls) – school in Essex
- Royal Grammar School, Colchester (Boys) – school in Essex

DFE - Department for Education – Central government department responsible for education matters.

Foundation schools – Schools funded by the Council, where the Governing body employs the staff and is the admissions authority.

Free School - are state-funded schools normally set up in response to parental demand. They have the same legal requirements as academy schools.

Late applications - Applications received after the closing date from those who could have made an application on time.

Looked After children and Previously looked after children – (LAC/PLAC) - Any reference to looked after children refers to children who are in the care of local authorities as defined by Section 22 of the Children Act 1989. In relation to school admissions legislation a 'looked after child' is a child in public care at the time of application to the school'. Any reference to previously looked after children means children who were adopted (or subject to child arrangements or special guardianship orders)

immediately following having been looked after. Looked after and previously looked after children are given the highest priority for each relevant age group and in all ranking.

The admission into school for children previously in care but outside of England will be ranked in the same category as LAC/PLAC for all schools. (ref to letter dated 4th Dec 2017, Rt Hon Nick Gibb MP). Letter on SBC website

http://www.southend.gov.uk/downloads/file/5484/rt_hon_nick_gibb_mp_-_letter_re_admission_of_children_adopted_from_care_outside_of_england

National Offer Day – the day on which all offers of places are made. For year 7 this is on or about 1 March and reception year and year 3 this will be on or about 16 April. In each case if the day falls on a weekend or bank holiday it will be next working day. The offer day will therefore be 1 March 2021 for secondary applications and 16 April 2021 for primary applications.

New applications - Parents who in the view of SBC could not have made an application by the appropriate closing date, for example, when moving into the area from abroad. Refer to item 4.7.1.

Non-selective places – school places offered without reference to the selective (11+) procedure.

Normal round of admissions – Under the Southend Coordinated Admissions Scheme, the normal round of admissions refers to admissions to reception, year 3 and year 7 up to 22 August.

Potential year 7 admissions – All pupils in year 6 in primary schools (whether or not that is their age appropriate cohort) who will transfer to secondary schools in the following September.

Common Application Form (CAF) – the common application form on which parents indicate their preferences

Selective places – places offered at certain schools as a result of the pupils' performance in the selection (11+) procedure.

SIFs – Supplementary Information Forms – forms on which parents are asked to provide additional information in support of their applications in order to provide more information to enable the school to apply their admission criteria. These are not application forms.

Southend Borough Council (SBC) – In the areas pertaining to this scheme the function of the Council will be undertaken by the School Admissions Team within the Department of People.

Specialist places – School places offered to a small number of pupils at certain schools as a result of an aptitude in certain areas of the curriculum

Voluntary Aided schools – Schools set up and owned by a voluntary body, usually a church body, largely financed by the Council. The governing body employs the staff and is the admission authority.

9. Key dates – Infant, Primary and Junior admissions September 2021

1st January 2020	Date for formulation of scheme
1 September to 11 September 2020	Publish Admissions Information Advertisements, fliers and letters to registered parents of early years children
14 September 2020	Admission round opens for applications
Early October 2020	Distribution of year 3 “letter/fliers” to year 2 pupils
Mid December 2020	Preliminary lists to faith schools for SIF follow up
14 September – 22 January	SBC admissions team verifying applications
15 January 2021	Closing date for admission applications
22 January 2021	Follow up list to faith schools for SIF follow up
31 January 2021	Initial list of preferences sent to admissions authorities and other local authorities for ranking. Initial list is a pre-ranked list.
9 February 2021	Final list of preferences sent to admissions authorities
15 February 2021	SEN pupils will be accommodated if the named school is identified in the finalised EHCP
26 February 2021	Closing date for schools to return ranked preferences
End February 2021	Closing date for on-time summer born requests
16 April 2021	Where possible, final offer lists and offer data will be sent to schools under embargo.
16 April 2021	National Offer Day.
30 April 2021	Closing date for responses to offers (refusals)
20 May 2021	Closing date for appeal forms (reference to the code 2.3 of School Admissions Appeals Code 2012 – must be submitted up to 20 days for one time appeals after offer day – date is in outcome letter to applicants)
16 July 2021	All on-time appeals completed
22 August 2021	The administration of waiting lists for years R and 3 and all in-year admissions handed over to academy, voluntary aided, and foundation schools.

10. Key dates – Secondary admissions September 2021

1st January 2020	Date for formulation of scheme
1 week in July 2020	Publication of Secondary Admissions Information (booklet) Admissions information distribution to year 5 pupils. Open evenings at schools that admit pupils as a result of testing / auditions
1 July – 7 September 2020	Registration for testing / audition
1 September 2020	Opening of on-line admissions facility for transfer to secondary school
Week beginning 1 September 2020	Distribution of reminder flier to year 6 pupils
XX September 2020*	11+ test (to be confirmed by the CSSE – dates will be available in the Admissions booklets)
XX September 2020*	Alternative test date (for religious, illness or exceptional circumstances) 11+ test (to be confirmed by the CSSE – dates will be available in the Admissions booklets)
5 October 2020	List of pupils not applied will be made available to current primary/junior schools to identify any barriers preventing on-time applications being submitted.
XX October 2020*	Testing results to be sent to parents by CSSE / schools (to be confirmed by the CSSE – dates will be available in the Admissions booklets)
w/c 19 October 2020	Follow up list of pupils not applied will be made available to current primary/junior schools to identify any barriers preventing on-time applications being submitted.
w/c 19 October 2020	Preliminary list to be sent to faith schools for SIF follow up
31 October 2020	Closing date for admission applications
w/c 9 November 2020	Follow up list to be sent to faith schools for SIF follow up.
w/c 23 November 2020	List of preferences to be sent to schools and other authorities for ranking.
w/c 4 January 2021	Closing date for schools to return ranked preferences
15 February 2021	SEN pupils will be accommodated if the named schools is identified in the finalised EHSP by 15 February
1 March 2021	Where possible, final offer lists and offer data will be sent to schools and CSSE under embargo.
1 March 2021	National Offer day
1 March 2021	Year 6 destination lists sent to primary/junior schools under embargo.
15 March 2021	Closing date for parents to refuse offer in writing.
w/c 22 March 2021	Updated lists sent to secondary schools post offer responses.
After 1 April 2021	Secondary schools to send welcome letter/packs a month after offer day

1 April 2021	Closing date for appeal forms (reference to the code 2.3 of School Admissions Appeals Code 2012 – must be submitted up to 20 days for one time appeals after offer day – date is in outcome letter to applicants)
w/c 24 May 2021	Updated lists sent to secondary schools and primary/junior schools for year 6 transfer.
14 June 2021	All on-time appeals completed – refer to School Admissions Appeals Code 2012 (reference to the code 2.3 of School Admissions Appeals Code 2012 – must be heard within 40 days for one time appeals after 1 April)
w/c 21 June 2021	Updated lists sent to secondary schools and primary/junior schools for year 6 transfer.
22 August 2021	The administration of waiting lists handed over to academy, voluntary aided, and foundation, free schools.



Southend on Sea Borough Council, Department of People, Civic Centre, Victoria Avenue,
Southend on Sea SS2 6ER

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Southend-on-Sea Borough Council

Agenda
Item No.

Executive Director (Transformation)

To

Cabinet

On

Tuesday 17th September 2019

Report prepared by: Karen Melville HR Services Manager

Real Living Wage

Relevant Scrutiny Committee(s) Policy & Resources
Cabinet Member: Leader of the Council
Part 1 (Public Agenda Item)

1. Purpose of Report

- 1.1 This report provides an overview of the Real Living Wage, and also explains what would be required to become an accredited Real Living Wage employer.
- 1.2 The report also outlines both the financial and non-financial implications to the Council and bodies of becoming a Real Living Wage employer.

2. Recommendations

The Council make the following declarations:

- The Council is a Real Living Wage employer
- And that we actively work towards obtaining the Real Living Wage accreditation

3. Background

- 3.1 The national minimum wage is statutory and is based on recommendations from the Low Pay Commission. The Living Wage which is discretionary is a separate rate calculated independently each year by the Resolution Foundation and overseen by the Living Wage Commission, based on the best available evidence about living standards in London and the UK. A basket of goods is used to benchmark and draws on the Minimum Income Standard to identify everyday living costs through public consensus. The real living wage is normally higher than the national minimum wage
- 3.2 More than 5000 employers, including 55 local authorities, have chosen to go further than the national minimum wage and voluntarily pay the real Living Wage to all of their staff including their contracted staff. These include companies and household names like; IKEA, Nationwide, Aviva, Everton and Chelsea Football Clubs, Majestic Wine, LUSH, and the House of Commons, Cambridge City Council and Harlow Council.

3.3 Explaining UK Wage Rates

	THE MINIMUM WAGE Government minimum for under 25s	NATIONAL LIVING WAGE Government minimum for over 25s	REAL LIVING WAGE The only wage rate based on what people need to live	SOUTHEND ON SEA COUNCIL MINIMUM WAGE (directly employed staff)
What is it?	£7.70	£8.21	£9.00 except in London £10.55	£9.00
Is it the law?	Statutory	Statutory	Voluntary	
What age group is covered?	21 and older	25 and older	18 and older	
How is it set	Negotiated settlement based on recommendation from businesses and trade unions	A % on medium earnings, currently at 55%, it aims to reach 60% of median earnings by 2020	Calculation made according to the cost of living, based on a basket of household goods and services	

3.4 The Living Wage Foundation celebrates employers that sign up for accreditation by awarding them the mark of a responsible employer, which they may display on their materials and in their buildings.

3.5 In order to be accredited employer, the Council must pay all directly employed staff the Living Wage and have an agreed plan in place for third party contracted staff such as catering, cleaning, security, parks or ground staff.

3.6 Where contracted staff cannot be moved onto the Living Wage immediately, organisations can choose to roll out the Living Wage across third party contracts over time, as the contracts come up for renewal.

3.7 For the purposes of Living Wage accreditation, self-employed workers are treated the same as sub-contracted workers. This means that if they work for the Council for more than two hours for eight consecutive weeks they must be paid the Living Wage.

3.8 Statutory apprentice wages are lower than the minimum wage as a contribution to the cost of training, particularly in the earlier stages where apprentices may spend more time training than working. As a result, there is no requirement for

apprentices to be paid the Living Wage. However, many accredited employers have chosen to extend the full Living Wage to apprentices.

3.9 To become an accredited Living Wage Employer the Council must:

- Pay the real living wage to all directly employed staff
- Have a plan to pay our contractors a living wage
- Apply for accreditation

3.10 The cost of being accredited varies according to the size of the organisation, starting at £60 per year for those with fewer than 10 employees.

3.11 The Living Wage Foundation will monitor our compliance with payment of the Living Wage to our staff, and our implementation of our plan to pay our contractors a living wage.

4. The Benefits and challenges of becoming an accredited Living Wage employer

4.1 There are a number of benefits for employers obtaining the accreditation, including:-

- Enhanced reputation as an employer
- Differentiates the employer from other employers and provides a role model for other local employers
- Improved employee relationships
- Increased motivation and retention rates, particularly with lower paid employees who benefit from the higher wage
- Improved recruitment and quality of candidates as well as improving the skills of those employees in the lower paid jobs.
- Reduced sickness
- Improved quality of subcontracted services, as the accreditation seeks to ensure not only directly employed employees are paid the living wage, but also applies to sub-contractors
- With improved employee relations, retention and motivation, and reduced sickness absence, reduction in incidental HR costs, normally required to support such matters.

4.2 There are also benefits for the local community including:-

- helping tackle inequality and helping families become more independent by lifting low-paid workers out of poverty.
- Encouraging local employers and sub-contractors to also adopt the Living Wage, improving the prosperity of the local community

4.3 In addition to positive effects of becoming an accredited employer the challenges include:-

- Increased wages
- Reduced wage differentials across the pay structure which may impact on recruitment to higher paid roles. However given that the Council already pay at the real living wage rate, the impact of this will be negligible,
- Implications for sub-contracting such as increased costs and difficulty in out sourcing or identifying sub-contractors
- Increased monitoring costs to ensure compliance and maintaining the accreditation

5. Implications for the Council of becoming an accredited living wage employer

Directly employed employees

- 5.1.1 Following the implementation of the 2019/2020 nationally agreed pay award, the Council's minimum annual salary paid to staff became £17, 364 per annum, which equates to £9.00 per hour. Therefore we already pay at least the Living Wage of £9.00 per hour to directly employed staff.
- 5.2 The real living wage is reviewed and set independently in November each year and LG pay settlements are achieved via a separate process and normally implemented each April. Whilst there are no current financial implications, this would need to be reviewed again in November once the real living wage has been reviewed and depending on the outcome of the review the Council may have to increase our hourly rates to remain accredited. Employers who have signed up to the accredited scheme will need to implement any increase as soon as possible and within 6 months.

Arms length organisations

- 5.3 Since South Essex Homes was established they have continued to implement the national pay agreement and therefore there are no current financial implications for them if the Council became an accredited employer

- 5.4 Southend Care has based their business plan and financial projections on paying their employees above the living wage, however they currently have 52 staff who are receiving less than the real living wage payment of £9.00 an hour. These staff are predominately in Housekeeping or caring roles
- 5.5 South Essex Property services, a subsidiary of South Essex Homes, currently has 68 staff receiving less than the real living wage payment, these staff are predominately in cleaning and security roles. It is these roles which are likely to benefit from the Council becoming an accredited employer.

3rd Party Contracted Providers

- 5.6 It is difficult to predict the exact impact on 3rd party providers. As this depends on the nature and duration of the contract and whether they are already paying the living wage. For example the current waste management contract, managed by Veolia, whilst they pay above the minimum wage, this still falls short of the current living wage. In terms of Social Care contracts, Sanctuary who the Council works in partnership with to provide the Single Homeless Accommodation and Support Provision pay higher than the real living wage. However in terms of Ashley Community Care Ltd who provide care and support at Home as part of the domiciliary care provision, depending on the role, will pay a range of salaries some on the national minimum whilst other employees will receive more than the living wage.
- 5.7 In general terms if the contractor is not currently paying the real living wage, as an accredited employer we would need to have a plan in place to ensure that when the contract is next renewed they implement the real living wage and that relevant funding is in place to deliver this.
- 5.8 Many facility management, catering and cleaning contracts are very price driven and for the 3rd party providers this potentially could be very challenging for them as they could see an increase in costs. The cost of obtaining these services is likely to increase unless the provider is able to absorb the increased cost rather than pass them onto the Council.
- 5.9 Living Wage contracts may set a precedent for other parts of the sub-contractors operations and they may have to apply the living wage to all employees. They may also incur additional costs with the erosion of differentials, resulting in difficulty in recruiting to team leader or supervisory roles or increasing pay rates across all salary bands

6. Options

- 6.1 Continue to pay the nationally agreed pay scales

- 6.2 Ensure we pay the living wage to directly employed employees, but do not seek to obtain the real living wage accreditation
- 6.3 Seek the real living wage accreditation and work with arm's length organisations and 3rd party suppliers to ensure that they are paying the real living wage

7. Corporate Implications

- 7.1 Contribution to the Southend 2050 Road Map and contributes to Southend 2050 ambition for 'Southend to be a successful city and share our prosperity amongst all of our people'.

8. Financial Implications

The estimated financial costs outlined below will start to apply as and when the current contracts expire and new contracts are commissioned and procured.

Directly employed employees

- 8.1 With our current pay settlement, agreed until March 2020, there are no financial implications to implementing the real Living wage, within the Council, at the moment. However this would need to be reviewed each year to ensure we continue to pay the living wage. Depending on the outcome of the review the Council may have to increase our hourly rates to remain accredited and fund this accordingly. . Employers who have signed up to the accredited scheme will need to implement any increase as soon as possible and at the latest within 6 months. If necessary we would need to pay a supplement to those employees if their hourly rate fell below the living wage

Arms length organisations

- 8.2 Based on the current salaries, South Essex Property Services would see a total increase of £70K pa (increase in annual Salary £62K and pension and NI costs of £8K)
- 8.3 Based on the current salaries Southend Care would see a total increase of £25K pa (increase in annual Salary £22K and pension and NI costs of £3K)
- 8.4 Both companies would need to meet these additional costs from within their relevant budgets.

3rd Party contractors

- 8.5 The Council works in partnership with a wide range of contractors to provide our services and it is difficult to provide exact figures as to the likely implications of becoming an accredited employer, however based on the current waste management contract, managed by Veolia, which is in place until 2023, based

on current salaries this would see a total increase of £250k per annum an estimated total increase of 3.3% on the current annual contract of £7.5m pa.

8.6 In terms of the domiciliary care contract which is in place until 2022, due to the complexities of this contract it is difficult to provide a clear indication of any potential increase. The Council currently commissions in the region of 12,000 hours of care per week and pays providers an hourly rate of £15.24 for mainstream homecare (we are not aware what percentage is passed onto their employees). This figure includes tangible and intangible overheads of providing a care service for example, redevelopment, training and investment in care. When the National Living Wage (Government minimum wage for over 25s) increased in April 2019, based on the Council's 2018/19 provider rates and the clients the Council had at the time, we calculated that we needed to find a further £1m on the adults third party budgets in 2019/20 to allow providers to increase their staff rates in line with the new rate. This was based on an increase of 38p per hour. With the current hourly rate for the Real Living Wage set at £9 per hour, this would represent an increase of 79p per hour, which is double the hourly increase the Council had to address in 2019/20.

8.7 The impact on the waste management contract will need to be factored into the contract price of the new contract in 2023. The expectation for the domiciliary care contract is that this is contained within current contract values. However further work will need to be undertaken to examine any potential costs implications to the Council. For adults third party providers the Real Living Wage is expected to add an estimated £1m pa to these contracts, when they expire and are re-procured. This will be in addition to the normal annual uplift of circa £1m pa. As we progress through the accreditation process and identify the full cost of the impact on external providers and the Council, they will need to be factored into the Council's Medium Term financial plan at the appropriate time.

9. **Legal Implications**

Paying the Real Living Wage is voluntary and therefore there are no legal implications

10 **People Implications**

Paying the living wage may enable the Council and their third party contractors to attract and retain employees and may well result in increased motivation and performance. Higher pay may see improved staff retention and lower turnover which ultimately could reduce recruitment and induction costs.

Being an accredited employer may well improve our reputation as an employer and differentiate the Council from other authorities who have not signed up to the scheme.

11 **Property Implications**

None

12 **Consultation**

None

13 **Equalities and Diversity Implications**

We currently pay above hourly rate for the living wage and we only have a total of 9 employees (5 male and 4 female) who are employed on scale point 3 (£18,065), scale point 4 (£18,426) and scale point 5 (£18,795) at the bottom of our pay scales. If any adjustments are made to the living wage, these employees are likely to benefit. Therefore any changes will only impact a small number of employees with no significant benefit to either gender.

14 **Risk Assessment**

In order to understand the implications for our 3rd party providers a more detailed assessment of all current contractors would be required to identify the full financial risk, and any possible impact on the supply chain locally

Southend-on-Sea Borough Council

Agenda
Item No

Report of Deputy Chief Executive (People)

to
Cabinet
on
17th September 2019

Report prepared by: Diane Keens, Head of Service & John
O'Loughlin, Director of Children's Services

The Journey of the Child July 2019

People Scrutiny Committee
Cabinet Member: Councillor Anne Jones
Part 1 (Public Agenda Item)

1. Purpose of Report

To present the "The Journey of the Child" end of year report covering 2018/19 financial year.

2. Recommendations

That Cabinet agrees the end of year report following previous agreement to a consolidated approach to Children's Services reporting.

3. Background

The number of reports presented through the cabinet cycle has increased over recent years. These are presented in isolation and do not show the overall activity and impact outcomes for the whole service.

In 2017 this new format of reporting was agreed. This report consolidates fully several reports including the Adoption and Fostering Annual Reports, Private Fostering Report and Marigold Assessment Plus and summarises others.

4. Other Options

To continue reporting with individual reports through the cabinet cycle.

5. Reasons for Recommendations

This overarching report allows for a more holistic oversight of service delivery and gives senior managers and members an ability to see the overall impact for the Council of the work of the children's service.

6. Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

This report allows better oversight by members of activity, impact and outcomes in improving outcomes for our children and families in Southend

6.2 Financial Implications

None

6.3 Legal Implications

None

6.4 People Implications

None

6.5 Property Implications

None

6.6 Consultation

None

6.7 Equalities and Diversity Implications

None

6.8 Risk Assessment

None

6.9 Value for Money

None

6.10 Community Safety Implications

None

6.11 Environmental Impact

None

7. Background Papers

None

8. Appendices

App !: The Journey of the Child Annual Report” July 2019

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Children's Social Care

The Journey of the Child Annual Report

Report to Members
July 2019

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Introduction

This report highlights activity in Southend Children's Social Care in 2018/19, what difference we have made for children and young people and outlines our priorities moving forward. This is the Third Annual report which covers the full year 2018/19. This report incorporates updates on all service areas and includes our six monthly adoption report, annual looked after children report, quarterly fostering report and annual private fostering report.

Elected councillors have a crucial role to play in setting the strategic direction of Council services and in determining policy and priorities for the local community. All elected councillors share a responsibility to safeguard children and young people within the borough. This includes a corporate parenting responsibility towards the children the Council looks after. Councillors champion the cause of looked after children and care leavers when carrying out their duties, keeping themselves appraised of important national issues and developments in policy and practice.

Recent reports, including "No good options: Report of the inquiry into children's social care in England" (March 2017) and Improving Social Care Services (2016) highlight the need to develop frameworks to drive practice improvement and for this to be effective, challenge to Children's Services by elected councillors is vital.

This report is produced to support councillors in discharging their responsibilities towards children and families in Southend. The report will be tabled for discussion at the Corporate Parenting group, Cabinet, Full Council, People Scrutiny Committee and the Southend Local Safeguarding Children Board.



Southend Corporate Parenting Group

There are a number of strategic groups as well such as Success for All Children, the Local Safeguarding Children Board and The Corporate Parenting Group. The role of these boards requires ownership and leadership at the most senior levels. In Southend the Corporate Parenting group going forward is to be chaired by the Lead Member for Children's Services, (2018/19 Councillor Helen Boyd, 2019/20 Cllr Anne Jones), supported by the Director of Children's Services, John O'Loughlin. The group plays a key strategic role in ensuring that the Council and its partners meet their corporate parenting responsibilities for children who are looked after.

Throughout 2018/19 the Corporate Parenting group has focused on a number of important topics: safeguarding of looked after children, including from criminal exploitation; foster carer recruitment; health needs of looked after children; educational attainment of looked after children with reports from the virtual school; work of the Improvement Board, Work experience for LAC, work of NYAS and the annual IRO report.

The Corporate Parenting Group has had a particular focus this year on young people and their families understanding better their experiences of life and working with Southend Children's Social Care and how the changes made to service delivery have impacted on their lives. This year has focused specifically on outcomes for children and this focus will continue into 2019/20.

For more information see Corporate Parenting annual report 2017/18

National context

Southend continues to contribute to shaping national policy and debate related to Children's Social Care. Senior Leaders are Members of the Association of Directors of Children's Services (ADCS). The ADCS is the national leadership association in England for statutory directors of children's services and other children's services professionals in leadership roles.

Key topics that continue to receive attention nationally include the cumulative impact of welfare reform on children and families; criminal exploitation and gangs, county line, children who are electively home educated or not in school, children leaving care and the Regional Adoption programme. Many of these issues are covered in more detail in this report in the relevant sections.

Revised 2019 Working Together to Safeguard Children Guidance

Working Together to Safeguard Children is the key statutory guidance for professionals working with children in England. It sets out how organisations and individuals should work together and how practitioners should conduct the assessment of children and is the basis of the majority of work children's social care do. The revised guidance was published in July 2018, updating the previous versions published in 2013 and 2015 and taking into account the findings of the Wood review¹ of local safeguarding children boards to have a different type of safeguarding strategic partnership. In February 2019 a further update was completed.

Extremism and Radicalisation

In the working together to Safeguard children 2015 guidance local authorities were required to establish channel panels from April 2015 to assess the extent to which identified individuals are vulnerable to being drawn into terrorism and to arrange support to those individuals identified as high risk. Panels must include the local authority and the chief officer of the local police. Southend's Channel Panel has been in place since autumn 2015, in line with the Council's Prevent strategy.

Children's Statutory Social Care in Southend

Children's statutory Social Care works with families to support safe and effective parenting where, without the support, the welfare and safety of a child would be compromised. The aim of Southend is to help families to help themselves and to always work with families at the right level at the right time, promoting early help services. The core focus of the service is child protection, supporting families where children are on the edge of care, securing positive long term life chances for children permanently looked after by the Council and supporting care leavers.

Southend continue to embed a clear model of practice for Southend based on a restorative approach, to ensure that we can improve the lives of children and families cost effectively and intervene with families at the right time and at the right level. The leadership team are specifically focused on driving forward improvement; balance risk and have an ability to manage the complex issues that this brings.

Whilst we continue to develop our ways of working, there are some key principles and beliefs that continue to underpin our approach.

These include:

- That children are best cared for within

¹ <https://www.gov.uk/government/publications/wood-review-of-local-safeguarding-children-board>

their families wherever this can be safely achieved

- We work with families at the earliest opportunity to prevent needs from escalating
- We have an honest, open and transparent approach to supporting children and their families
- That in investing in providing services that are able to promote change within families is more effective and efficient in general than removing children and placing them in alternative care
- The restorative approach of working with families ('doing with' rather than 'doing to') is more likely to be effective in sustaining long term change than more directive interventions
- That in most cases decisions about interventions should be made by those who understand the child and families/carers best, which will normally be the practitioners who are working with them. However, responsibility for decisions that have life-long implications for the child (for example the decision to remove a child from the care of their family) should always be held by senior managers
- That social work is a skilled and highly responsible task and that to

perform well, practitioners need to feel well supported within their work setting and to have opportunities for regular supervision and reflection on their interventions with others

- That having a multi-agency perspective on a situation enhances assessments and helps to mitigate risk by ensuring that alternative viewpoints are explored.

Significant changes were made in 2016/17 to the structure of Children's statutory Social Care to ensure a more seamless journey for children and their families. Further changes were introduced in the past year to ensure more management capacity to allow for improved oversight and case management. This has been in place for nearly 3 months at the point of writing this report and is at an early stage of embedding, but already we are seeing further improvements to the service provided and oversight.

Financial Performance

Children Social Care is funded through the Council's general fund and the financial spend to budget position in 2018/19 for

Children services and learning was reported throughout 2018/19 to cabinet in the Revenue Budget Monitoring report.

And please note, any costs, relating to the direct educational support of a child is funded through the Dedicated Schools Grant.

The 2018/19 closing spend position to budget for Children Social Care, closed the financial year 2018/19 with a financial overspend pressure of £2.4 mil, despite stringent efforts to plan for, and ensure statutory duties were delivered in the most cost effective way possible. The children Social Care Final Net controllable Budget for 2018/19 was £22.9 mil (after approved in year budget adjustments), with a closing net spend position of £25.3 mil.

Children Social Care pressures are being experienced locally and nationally, and are related to an increase in both complexity of cases, as well as increase required in the number of children looked, including the associated cost of looked after care services provided in the external care provision. The Council had responded to this pressure throughout 2017/18 and 2018/19, and provided additional in year funding to increase front line social work staffing, additional support to children on the cusp of care and early intervention measures where safe to do so.

The £2.4mil pressure, remained mainly due to cost pressures on external looked after placements costs and increased children

numbers requiring externally sourced provision, which was not helped by our current local provision of employed foster carers running at over 115% capacity for most of the year. In line with many local authorities, Children Social Care has also required the assistance of frontline agency social work staff which has increased the cost of funded provision. 2019/20 is expected to continue to be a challenging year financially for Children Social Care, but again the Council had responded by agreeing increased funding to support looked after children providing in 2019/20 by providing a further £2mil to invest in front line services permanently, whilst also facing the requirement to find savings council wide.

The increases in Private, Voluntary and Independent (PVI) commissioning costs has been driven by an increase in care numbers and a consequent rise in the number of relatively more expensive independent fostering and residential placements required in the past 18 months. Alongside this, due to reduced capacity nationally within the private sector and a national increase in demand, we have seen an unprecedented rise in external costs for many of these placements.

Southend has supported a fee paid fostering team in-house for a number of years. This was fully reviewed and updated in 2015 and fees further increased from April 2019 to allow more carers to become fee paid in line with private agencies and to assist with

recruiting new foster carers. Whilst this has increased the unit cost of an in-house carer, it remains significantly less expensive than private provision.

Our Structure – how we deliver our services

Over the past year, there has also been further significant changes to the structure of children's services teams and their responsibilities within the overall structure. These changes have been made in line with our vision of being able to provide the right service, to the right child, at the right time.

This joined up approach enables proportionate and timely decisions about the type and level of services children need and facilitates timely access to resources.

We now have smaller teams to allow for a higher level of management oversight and to help improvements to the quality of assessments and plans.

Accessing services (the 'front door')

In April 2016 the two front doors (Early Help and Family Support and the statutory First

Contact Team) co-located to help to drive forward the above vision. In late 2017 Southend moved to a formal MASH + model, involving a more co-ordinated single front door.

The Southend MASH+ team model is a collaborative arrangement between Southend Borough Council Children's services, Essex Police and Health (EPUT are the health organisation providing the staff). The key principle is to offer a multi-agency approach to responding to contacts and referrals to Southend Children's Social Care through co-locating representatives from Children's Social Care, police and Health alongside the existing Early Help Front Door. Governance arrangements are via an Operations Board with membership from key partner agencies and chaired by the Director of Children's Services.

Early Help Single Point of Contact

What have we done?

The Early Help Single Point of Contact (SPOC) is a gateway that provides children and families regardless of age, with help as soon as needs present themselves to prevent those needs from escalating and requiring more intensive help and support later on.

During 2018/19 the SPOC received 3410 referrals. The SPOC is accessible at all

times by a dedicated e-mail address and is staffed 5 days per week from 9am to 5pm.

Extensive checks are undertaken on all family members to inform the decision making process carried out by the SPOC manager. Referrers are contacted within 24 hours of making the referral to confirm that the referral has been received and actioned.

The SPOC is co-located with the MASH+ this ensures that professionals from a range of services are working closely to provide the most appropriate level of support.

How well have we done it?

During 2018/19, 99.8% of the referrals received were processed within timescales and sent to the correct destination. Where referrals are returned to the SPOC – they are processed within 24 hours of being returned.

The SPOC were involved in the development of recent improvements to the Early Help module of Liquid Logic in Southend Children's Services. They continue to support further development of systems to support and improve their processes.

What difference has it made?

With such a high percentage of referrals being directed to the most appropriate support and within timescales this helps to ensure the smooth running of Children's Services. This enables young people and families to access the services they require sooner which enhances the lived experience of the children and families.

Early Help Family Support and Youth Offending Service

The Early Help Family Support, YOS Service, Integrated Locality and Streets Ahead Services came together under the single line management in October 2015 and was fully integrated in April 2016. Since then the service has grown from strength to strength. All professionals are fully aware of the single front door process and there is very positive feedback as to how it has improved services and with the addition of the MASH+, decisions are made timely ensuring that the family gets the best possible service at the right time.

The Early Help service aims to enable all Southend-on-Sea's contributors to early intervention to:

- act before the needs of children and families escalate;
- focus on achieving priority outcomes for those children, young people and families who need it the most;
- give every child the opportunity to reach their full potential; and to have flexible services that provide the right support, at the right time and at the right level.

Building on existing best practice and processes, it provides:

- a single, integrated system and ‘front door’ for the identification, referral, assessment, and monitoring of Early Help.
- a core offer to schools, early year’s settings and GPs to support them to fulfil their statutory duties with regard to Early Help.

Early Help Family Support Team:

What have we done?

The Family Support team provides support and services to vulnerable families in Southend. 667 Families were referred for support in 2018/19 and were able to access support at the earliest opportunity.

631 Families closed to the family support team and 73% were reported as a successful intervention. Only 9% of families who have worked with Early Help have been escalated to Social Care for assessment.

327 Adults have been offered a service due to a medium risk DV report enabling vulnerable adults and children to access information and advice without delay.

The community team has offered personalised support to 73 families (October 2018 – March 2019) and continue to offer drop in services at St Luke’s Community Hub, over 1200 people have accessed this drop in support between April 2018 and March 2019.

Over 100 children and their families attended the International Day Festival in June 2018 (picture below) Feedback is positive.



What have we done well?

Families accessing Family support complete an Outcome Star at the beginning and end of intervention. 70% of families self-reported a positive improvement in their situation.

We have run 3 Empowerment Programmes with over 50 participants completing the course.

Feedback from parents is positive:

'I know I am not alone and I am making more effort with my kids and friends' (March 2019)

We have established an effective community support team where help can be accessed without referral. We have re-developed the way we work to ensure families can access support without delay.

What have we achieved?

We are able to offer Early Help services to every family who wants support.

Community support has enabled families and individuals to access support when they need it to solve a particular issue or sustain a change.

Family support is enabling families to make changes to theirs and their children's lives which lead to positive and sustainable changes.

Dedicated practitioners are able to work with family's complex needs and ensure the needs are met at the lowest possible level.

Feedback from families and professionals

Young People have experienced positive changes in their lives:

"I am better at keeping calm; the worker was friendly, supportive and easy going."

Ryan, Feb 2019

Parents have felt supported:

"Practitioner's approach had enabled me to make positive changes for me and my children which will be forever lasting."

Anna, July 2018

Professionals from other organisations have stated:

"It has been a roller coaster ride and it is fantastic that the outcome has been so positive. Thank you to Early Help for helping the family realise the importance that they needed to make these changes themselves."

Primary School, May 2018

Troubled families

To March 2019 Early Help Family Support have achieved:

- Completed the Service Transformation Maturity Model Self-Assessment Toolkit which aligns to the Children's Improvement Plan and Children's Services Service Transformation.
- 549 families achieved significant and sustainable progress outcomes to date in Phase 2 (Jan 15 – Mar 2019) and submitted for Payment by Results
- 56 additional families achieved Continuous employment (26 weeks); MHCLG stated this is "above" national average Therefore the total families attracting a Payment by results claim = 605
- 1,922 Families have been attached to Troubled Families Programme against a target of 1480 by 2020. This target has now been met.
- 1,279 family referrals have been received from other Local Authorities, Southend Social Care and Southend Safeguarding (Domestic Abuse). Without the intensive family support many of these will have remained in, or returned to statutory services.

There is a new enhanced community offer which included Cluny Square hub being

open for families to easily access practical advice and guidance to prevent escalation and reduce demand on services. Between 1/1/2017 and 31/3/19 there were 1,296 attendances at the 'English class' and the 'Culture & language around the table' group, the former being both an accredited course leading to qualification and one for beginners. In the same time period 658 adults attended the 'Help and Support drop in' which provides housing and financial advice to local people and is supported by Family Mosaic, a new data management system has been recently implemented to improve the way data is captured for the community offer.

Impact:

The above figures confirm our focussed work with the families to achieve a better quality of life, and support the need to reduce demand on statutory services.

The Adolescent Intervention and Prevention Team

The Adolescent Intervention and Prevention Team focuses on children who are at contextual risk mostly from child exploitation in its many forms. The team is multi-disciplinary and has a strong Early Help Offer which aims to identify and prevent child exploitation by using a range of

different strategies and interventions. The throughput and feedback from the different activities of the last financial year can be found below:

Street Engagement Deployments:

During the last financial year our Street Engagement Officers undertook **385** street based deployments engaging with **3,997** children and young people in the community.

Impact:

Engaging with young people in their own communities has led to a number of outcomes including:

- Better relationships with children and young people
- Ability to divert young people into positive activities
- Understand first-hand the contextual risks within our communities
- Increased gang and county line intelligence
- Increased visibility of uniformed staff within key locations of the borough.

Operation Red Bull was undertaken on **9** occasions over the last year in conjunction with Essex Police, these were joint operations on key nights of the year running till midnight (GCSE results, Halloween, end of term) to engage with children and young people and ensure that they were safe whilst in the community. This resulted in over **20** litres of alcohol being confiscated, cannabis grinders and knuckle dusters also being removed from children in the community.

Children Missing Education (CME):

The team undertake the safeguarding checks and home visits for children identified as missing education within the borough as part of its statutory functions. Locating children missing from education as early as possible is a key function and local guidelines have been strengthened to ensure that those deemed CME are located as quickly as possible. The team have dealt with **416** referrals for **493** children resulting in the following outcomes:

- **349** children have been found here or passed onto another local authority between 1st April 18- 31st March 2019
- **114** children have been added to the DfE school to school database 1 April 18- 31 March 2019
- **30** children are still being located and are open cases

Operation Red Bull:

Child Sexual Exploitation and Online Protection Workshops:

Awareness workshops have been undertaken to a variety of audiences to help raise awareness and provide education around CSE and online protection; these sessions have been presented to teachers, parents, foster carers and school children amongst others.

- **59** workshops undertaken
- **2,682** people attended

A range of talks are undertaken depending on the audience, there is some feedback from teachers at schools below:

“Thank you for taking the time to speak to the children about internet safety. The children really enjoyed it and I think what was really helpful was being very open and honest with the children. Everybody was engaged in the discussions as evidenced by numerous children in the class participating and contributing their thoughts and ideas. They enjoyed getting a chance to ask questions and all of their comments were valued and answered very well- you provided lots of different contexts so I feel the children really understood the serious topics that were discussed.”

Teacher, Primary School

County Lines/Criminal Exploitation and Knife Crime Awareness:

The team have developed a workshop to be delivered in schools to be educational and raise awareness of knife crime, gangs and county lines. Three separate programmes have been designed to meet the needs of different age groups across both primary and secondary age ranges. These workshops have been named “See the Signs” to tie in with the local county lines publicity campaign.

- **57** workshops undertaken
- **2,148** pupils and teachers

What the teachers say:

“I have to say that I think your sessions with our Year 11 boys have been fabulous. With this in mind, would you be interested in coming in to school to run a session with interested parents?”

Local Grammar School

“I just wanted to let you know, that we are having such positive feedback from the groups you and your team has seen so far. So much so, that I have had requests from other departments for your email. I have had a special request from a teacher who has a very lively group of year 11 boys, but who we feel have little awareness of the dangers that they are putting themselves in. We feel they would really benefit from having your expertise to explain to these boys of the potential harm they are putting themselves

in, outside of school. Do you think this is something you could do? Hard hitting is what we need for these boys.”

Local Academy

Take 3 Parenting:

The Take 3 Parenting course has been delivered twice per term, this is a ten week parenting programme aimed to improved relationships within families and to improve behaviours within the home. Below are some statements from feedback forms from the course and a full evaluation has also been completed for the financial year with more details.

- 6 x 10 week programmes delivered
- 55 parents attended and completed the programme

“I have been given the tools to use, seems to be working for me.”

“I have met some nice people on the course who I hope to stay in touch with. I feel like I have reflected on how I parent and feel things are now a lot better for us as a family.”

“I have found all the strategies very useful especially using the active listening and the ‘I’ statements. These 2 strategies in-particular have brought calmness into the household.”

Non Violent Resistance Parenting Course:

The NVR course was rolled out due to the increased level of referrals regarding child to parent abuse/violence and the course has been very effective in supporting parenting to change behaviours in the home. It was identified that parent’s subject of physical and verbal abuse from the children was having significant impacts on not only the parent’s health but the families’ ability to function; the use of this course has proved successful for a number of parents, some of whom now volunteer on the programme to help other parents.

- 6 x 8 week programmes undertaken
- 83 parents attended the course

Some of the key comments from participants are below:

- “I feel more like a parent”
- “Less physical violence in the home”
- “I went to show willing but realised it works”
- “Have faith, this course works”

Truancy Patrols – Operation Newcastle:

Truancy patrols are undertaken by the team whereby lists of absent/truant pupils are sent to the team and home visits are undertaken to establish the reasons for non-attendance. During these visits and where

appropriate children may be returned to school or the parents are spoken to and educated about the importance of school attendance and reporting absence, relevant referrals are also completed where concerns are identified during the home visits.

- **63** days of truancy operations undertaken
- **424** home visits undertaken
- **9** children returned to school
- **164** parents educated

Missing and Return to Home

Interview:

The team undertake all return to home interviews for Southend residents within the borough and those for Looked after Children placed within the borough.

We no longer record children as absent however are pragmatic when considering offering Return to Home Interviews, for some recorded episodes of very short period's; interviews will not be offered; also some of the interviews undertaken are for multiple episodes which is not reflected in the attached figures as the top 10 most frequent missing children were responsible for 209 (40%) of the missing episodes in this period.

A number of the missing episodes are for unborn or very young children who were often missing with an adult family member and in some of these circumstances it was

not in the best interests for a RHI to take place.

- **511** Reported Missing Episodes in Period
- **196** Individuals reported missing during this period
- **424** Offered a RHI
- **297** Return to Home Interviews undertaken

Casework:

The team manage a caseload of young people on Early Help Plans deemed to be at risk of child exploitation, frequently reported missing or those requiring AIM interventions due to displaying problematic sexual behaviours. Over the last financial year **113** children were referred into the service and opened as cases on Early Help Plans.

The two social workers within the team manage a caseload of children subject to Child In Need/Protection Plans who are identified as being at risk of child exploitation or are frequently reported missing. The team have opened **55** children during this time period and have a current caseload of **44** children.

The ethos of the team is to take referrals direct from the MASH+ or the Early Help Single Front Door and to work with them without transferring the cases or there being transition points. The team use a range of tools and tactics to engage with young

people and often engage with children out the home, in school, in their communities and use positive activities to help divert and engage them.

The children and young people said:

What have we done / how we engage:

“It is a really good thing that I get to go out him out to eat; the team is the best team to work with.”

“Without everyone being involved I would be in a lot of trouble or probably in prison.”

“I have never had a Social Worker that I trust and can have a laugh with, I know that you actually care, thank you for all the things you do.”

What’s different about AIP Team?

“I know they report stuff but we understand that – I would do the same if I was worried about someone.”

“Other people talk about how bad you are but they don’t – they tell me when my behaviour is unacceptable but they don’t moan at me – they’re trying to help me.”

I feel like they care what happens to me –

“Don’t just see your behaviour; they see why you behave like that”

“Others don’t ask why I do it”

What do you like about the team and your workers?

“They know me and can tell when something is wrong without me saying – I like that.”

“I know someone is there.”

“They care about me – ask why you did things because they care what happens to you.”

“I trust them (all YP talked about the importance of trust) – one YP spoke about how you get to a point where you have to take a risk and trust someone to help you stop what you’re doing.”

What has changed for you?

“Helped me to get into college/school.”

“I trust them – they are nice to you when most people aren’t” - YP described ‘only trusted one person before but I trusted X and X (workers) and now I have trusted some other people.’

One YP described how they used alcohol to manage feeling low or angry but doesn’t do that now – “workers gave advice on other things to try – tried it and it worked (music) – I trust what they say.”

“If it hadn’t been for my caseworkers help, I wouldn’t have made the changes I am proud to have made, and that I would still be stuck in my old lifestyle. I know my Caseworker is always there for me.”

Children living with Domestic Abuse

The Southend Multi Agency Risk Assessment Team (MARAT) is a multi-agency team, established in June 2016, which seeks to transform how high risk domestic abuse (DA) is responded to within Southend through partnership working. The team includes representatives from social care, health, police and Independent Domestic Violence Advisor (IDVA) services and works alongside representatives from National Probation service (NPS), Community Rehabilitation Company, housing, substance misuse and domestic abuse support projects.

Prior to the team being set up, all high risk incidents of DA in Southend were managed via the Essex Community MARACs. However, due to volume of cases, there were significant delays which resulted in many of the action plans produced by a MARAC being ineffective, as life had moved on for the victim and the family by the time a plan to reduce risk levels had been agreed.

The Southend MARAT process does not change the expectations of all agencies in Southend in relation to their roles in safeguarding children and adults. Each agency continues to follow their safeguarding procedures and take

necessary action on high risk DA cases to ensure there is no delay in offering interventions to protect and support the children and adults involved.

Partner agencies make a referral to MARAT when there has been a high risk incident of DA. This is often via a Police referral but other partners can also refer when a disclosure of a high risk incident is made to them directly – this should be assessed using the DASH risk assessment tool.

The Southend MARAT will:

- Research the information known about the family within their agency
- Share information together that is proportionate and relevant to the incident,
- Support the formation of a safety and action plan to reduce risk and seek to protect the victim, children, vulnerable adults and family members and also members of the community.

The aim is for all victims to have an action plan agreed at a multi-agency risk assessment conference (MARAC) within 14 working days of the referral to the MARAT.

By working collaboratively and sharing appropriate information, the Southend MARAT can improve timely risk identification and safety planning for victims and their families, which is co-ordinated via the multi-agency risk assessment conferences (MARAC). These are held weekly.

The Southend MARAT representatives and key partners (listed above) attend the weekly multi-agency conference (the MARAC). In addition, where other key agencies or individuals are working with a victim and family they may be invited to attend a MARAC when the safety and action plan for that victim is being discussed and agreed. The co-location in the Southend Police Station continues to work well

In the year April 2018 to March 2019, MARAC received 470 referrals of which 382 progressed to full MARAC and were discussed. The difference between the two figures were cases that were not heard due to either:

1. The case did not meet threshold (very few now)
2. The victim moved out of area
3. The perpetrator was sentenced to an extended period of custody

Of the 382 discussed only 13 were heard outside 14 working days and they were

heard within 21 days. This is down to capacity and an influx on particular weeks.

MARAT has become more integrated with social work teams, including the new MASH+ team, and providing specialist resource to discuss cases and a referral route for those that are at high risk. There is a new Perpetrator Group work programme provided via Southend Domestic Abuse Project and facilitated by the Change Project.

The MARAT has undertaken training in PREVENT and in Honour Based Abuse and having developed the relevant processes, is now taking referrals for both of these areas of concern.

Evaluation of the impact of the service evidences that social work staff have become more able to effectively and confidently engage perpetrators and support victims. The skill and knowledge base of social workers undertaking statutory assessments in families where domestic violence is a serious issue has been strengthened and the MARAT will continue to develop their role as a Domestic Abuse specialists to support effective case work for victims and their families.

Edge of Care

The Edge of Care Team has now been in existence for two years and we have four very clear remits for working with children and their families/carers.

- Stabilising foster placements – supporting foster carers and children to ensure they experience high quality, stable, emotionally rewarding placements that meet the needs of the children and foster carers and avoid escalation in crisis, leading to placement breakdown.
- Support families and children to remain at home wherever safe to do so – working with families on the edge of care proceedings in order to enable families/parents to understand what is required of them, make changes, engage with social care but also to ensure that change can be maintained in order to support better outcomes for children in the home.
- Reunification – assess and support children to return to families from local authority care when safe to do so.
- Welfare visits – completing visits and supporting the local authority to either gather evidence of a child's situation prior to proceedings, or support families at difficult times (outside of normal working hours) to ensure that children are safe and families are managing pressure, change and crisis.

From the beginning, Edge of Care have consistently worked hard to achieve a good working relationship with multiple professional networks, social workers, family support resources already in place, fostering agencies and carers, Independent Reviewing Officer's and team managers in order to plan interventions that would best meet the needs of the families we all support in the LA. As such the team has changed some of the remits originally identified in order to incorporate elements of work that have evidenced the best results.

This has meant that we have increased the welfare visits that are undertaken at weekends and evenings. The families may not be necessarily open to Edge of Care however it has been identified and agreed at service manager level that the risks are high for the children remaining in the home, however there has not been effective management of this identified as yet and therefore visits are needed to gather evidence of the child's experiences when services are not in place and therefore reporting back what this is like for the child.

This supports the hopes of the LA to have children and young people becoming looked after in a timely manner and in their best interests. This involves the wishes and feelings of the children and those of their parents as this is always reported in as descriptive a way as possible, concentrating

on the 'day to day lived experiences of children'.

During the period of April 2018 to March 2019 Edge of Care, at the request of Social Care, supported 9 family cases via emergency welfare visits. These family cases came via group manager agreement outside of Panel and did not result in being opened as part of family support offer by Edge of Care. Edge of Care were however, able to offer welfare visits outside of normal working hours. In total there were 156 welfare visits completed by Edge of Care to these 9 families to assist in social care's plan to safeguard.

Edge of Care also completed 118 emergency welfare visits to a total of 12 families prior to agreement at placement panel and allocation. Following these requested welfare visits, and clear discussions around the support that can be provided by Edge of Care to work toward change, these cases were presented at Panel for Edge of Care involvement to be formally agreed and continued work as open cases to support the families for the children to remain at home, as per Edge of Care remit.

Edge of Care offered a further 682 welfare visits out of normal working hours, such as evenings and weekends, to cases allocated within the team.

VIG (Video Interaction Guidance) has been a recognised and effective tool in supporting parents to understand and achieve emotional responses towards their children. Very often it is identified during a psychological assessment that a parent may benefit from the approach and therefore we have been able to deploy this effectively with various parents (particularly with very young children) as an intervention that has had positive results for the children but also the parent's feedback. Regular feedback suggests that this approach is consciously received and understood and parents are able to consider this and change parenting approaches with other children in the family or deploy it effectively with their child more consistently.

Motivational Interviewing (MI) has been offered as a valuable intervention with parents that have mental health issues. Alongside the solution focused work that we complete with all families MI has helped parents consider issues and actions that have been identified for them to commence but they may not see or accept the validity or need for such actions. This approach helps parents particularly re-frame and motivate themselves to success and explore what has held them back and how they could sustain positive changes.

The team consistently offer a Solution Focused approach to work with all families, carers and children. It helps to endorse the

restorative approach committed to by the whole of the LA and seeks out high support high challenge when considering the opposition to change and barriers to committed engagement with families on plans (CP, CIN or LAC) in order to sustain change where other interventions have been unsuccessful.

The Edge of Care team seek to ensure that children, young people and families benefit from stable and meaningful relationships with key workers. Families and children are consistently seen not only as a family group but are also seen alone by workers. Our practice and therefore plans of support are based on understanding each child's day to day lived experience. Parents are encouraged to listen to what the social worker wants to see change and then complete their own actions that would address this, therefore achieving a more productive working environment that can sustain change and therefore enable children to be safer as a result of the help they receive.

The team strive to ensure that all the children we work with have opportunity to complete direct work with their key workers. Their experience is essential to understand, their hopes, dreams, desires and thoughts about what they would like to change is fundamental to the work we do and therefore the plans we put in place.

Since being operational Edge of Care has worked with 189 families on a voluntary basis, there have only been 13 families of these who have either not engaged or not required our service, which equates to a 93% success rate in engaging families positively.

Out of the 118 families referred to Edge of Care for family support, 53 of these cases have resulted through our involvement, to the children remaining in the family home. In a further 13 cases the children were supported to alternative care arrangements in their extended families. It should be noted within this figure that of the 118 families that Edge of Care have worked with, not all of these are currently closed, and continue to receive support from Edge of Care as the families work to make positive and sustained change. To date, there have only been 20 cases which have escalated into children coming into Local Authority care, which would equate to an 87% success rate of supporting families to remain together.

Of the 42 fostering cases referred to Edge of Care for support to stabilise the foster placement, at the point of closure 26 of these placements have been stabilised, with only 10 escalating to residential care. This shows a 76% success rate to date in supporting placements and providing children with an opportunity for continued stability and consistency in their lives.

Comments about Edge of Care:

“The ability of your staff to approach the family in a holistic way and to tirelessly and appropriately balance perceived risk with the abilities and needs of the family has enabled us today to de-plan the two children from Child Protection to CIN status with a clear continued plan of support.”

“I would like to offer my sincere thanks for a successful outcome for these children due to your team’s intervention – along with the consistent and supportive roles of health, schools.”

“I am sure that it will not be all plain sailing with this family due to their ongoing needs – however all professionals concurred that it would no longer be proportionate for these children to remain on a CP plan and for CIN to be implemented.”

“We would like to thank you for helping us and my granddaughter this past year. Especially to K, S and S for the time that came out to help us get through a bad time and also for taking the time to show her how to play guitar! It has been the 1st time anyone has listened to us and that has made a big impact in our lives. It will be sad not to see you anymore K as you’ve been a lifeline to us. Your team does a fantastic job and we thank you for being there for us.”

“Whole experience has helped her find her voice, really happy and encouraged to do the healthy eating course. Feel more confident.”

What did we do well? – “Everything!”

How has Edge of Care Supported you? – “With building a bond between me and J, I feel so much more confident as a mother, with my parenting and in myself. I feel more confident; have a meeting at the jobcentre for hairdressing and nursery placement.”

The social workers employed within the team undertake comprehensive reunification assessments that comprise the Placement with Parent Assessment and regulations, to ensure that when the plan is for a child to return home, there is purposeful work carried out with the family and child in order to ensure that it is safe for the child to return home and that this is supported for a period of time following reunification.

The reunification assessments look at the reasons and circumstances behind a child coming into care and the Parents & the child’s understanding of these concerns and what they need to do to allay concerns or act appropriately in order to safeguard in the future.

Edge of Care has also provided a yearly weekend camping experience for some of the families they work with. This has been

devised with the understanding that not all families are able to have a space away from their day to day lives and it is important to allow for a moment of reflection and celebration in a new environment. Through the camp new experiences are offered, in which it is hoped families can be given the opportunity to see the effectiveness of their skills as a family in practice within this new environment, whilst building positive shared memories together.

The YEGS (Young Experts Group Southend) are a group of looked after children that the Local Authority are proud of and wish to include in any and all plans to develop the experiences children have in our care. The YEGS is a participation group for children in care and therefore has high expectations for our Young Experts to be involved in not only Southend's progress but that of the Eastern Region and Children's Commissioners projects.

Looked after children from other local authorities placed in Southend

In 2015 the Association of Directors of Children's Services (ADCS) led on the development of a national resource with information about services for looked after children in every local authority in the country. Southend complied by circulating every local authority in England with Southend's offer to looked after children from other areas placed in our Borough. As

well as this information that is provided to social workers when children from other areas are placed in Southend, the Virtual School and health services work closely together to ensure that all young people in Southend have their needs met in the best way possible.

Family Group Conferencing (FGC)

FGC is a core component of restorative approaches. It is a decision making approach based on a well-developed model which involves the extended family in making plans for children. Despite national variations most FGC adhere to themes such as taking and sharing responsibility for solutions, culturally competent practice, empowerment and private family time.

During 2016/17 FGC was delivered within Fieldwork Services. There was limited capacity and the approach was only being used with families where care proceedings were issued or likely to be issued. Within the model the use of FGC has now been expanded to include children in need and children in need of protection.

The service was formally implemented from September 2017 with a focus on cases where there are significant child in need concerns or at ICPC stage. This work is in addition to the previous work undertaken. 2

new practitioners were recruited and trained with the Family Rights Group to deliver family group conferences and to offer restorative services to make the meetings more successful. The practitioners both have therapeutic backgrounds and offer mediation; work with domestic violence and sexual abuse.

Impact

Between January and December 2018 the team received 87 referrals with 33 of these progressing to conference. Of the 33 cases which have been completed, 10 have deescalated from CIN plan to be closed to social care; 1 has deescalated from Child Protection to close to social care; 4 cases have deescalated from Child Protection to CIN and 1 deescalated from looked after to closure to social care.

Family feedback:

“Thanks for what you have done for us as a family, it means a lot” SW father 15.11.18

“Thank you for helping D and D to talk to each other.” CB Grandmother 28.11.18

“It centred our thinking and helped us to plan our strategy.” JW grandmother 12.11.18

“Thank you so much for giving me the chance to tell my story and even more so, thank you for listening! You’re a super star!”
LM parent following restorative conference
18.3.18

“I felt we were given good clear advice and everybody had a chance to speak. Everyone now understands each other and will be able to move forward to the benefit of all.”
RH step-mother 21.3.18 following restorative conference.

Young Carers

Young Carers are children and young people under 18 who provide regular or ongoing care and emotional support to a family member who is physically or mentally ill, disabled or misuses substances.

A young carer may do some or all of the following:

- Practical tasks, such as cooking, housework and shopping
- Physical care, such as lifting, helping a parent on stairs or with physiotherapy
- Personal care, such as dressing, washing, helping with toileting needs
- Managing the family budget, collecting benefits and prescriptions
- Administering medication
- Looking after or 'parenting' younger siblings
- Emotional support
- Interpreting, due to a hearing or speech impediment or because English is not the family's first language.

A young carer becomes vulnerable when the level of care giving and responsibility to the person in need of care becomes excessive or inappropriate for that child, impacting on his or her emotional or physical well-being or educational achievement and life chances.

Our priority for young carers in Southend-on-Sea is to ensure that they are safeguarded from inappropriate caring and that they are able to enjoy and achieve in line with their peers and to have time away from their caring role.



All young carers referrals now come through the EHFS &YOS Single front door, ensuring the family and the young carers have the appropriate support. The young carers worker continues to work with various other organisations, schools, health professionals, and teams within the EHFS&YOS, we are working closely with Southend Borough Council, Healthy Schools Award, to increase the awareness of young carers in schools across the borough.

At the end of March, we undertook a database update and contacted via letter, or phone call all young carers known to us, we now have 205 young carers ; 9 Primary Young Carers (4.4%) and 196 secondary young carers (95.6%). 98 are male and 107 female.

We were successful in recruiting a full time young carers youth worker in July 2018, this worker continued with the running of young carers programmes

SYC&MORE/COOL/CHIL, developing this work and increasing attendance to the sessions, and undertaking work in schools (as above) to promote young carers information.

Plans for the future:

- Closer working/information sharing with adult social care.
- Work with Healthy Schools Award
- Attend Young Carers Festival, summer 2019.

Youth Offending Service

What we did:

- Used service users self-assessments to tailor intervention
- Included user voice in our QA to inform future practice
- Involved service users in programme/project design
- Listened to service user feedback to understand effectiveness of interventions
- Worked with partners to agree appropriate Out of Court Disposals
- Offered Courts viable alternatives to custody
- Assessed Risk accurately to prevent likelihood of future offending
- Explored viable ETE options and motivated young people to identify and achieve aspirations
- Worked with children's' social care and accommodation providers to access a suitable, safe home
- Listened to victims and ensured their voice was heard
- Repaired the harm caused to victims
- Addressed young people's addictions
- Worked in schools to educate young people on the dangers of substance misuse.

How well have we done?

Performance – Youth Offending Service

KPI	Target 2018/19	Figure at 31st March 2019	RAG
First Time Entrants	<100	32	G
Reoffending	<36%	36%	G
Use of Custody	<0.96 per 1000 10-17 year olds	0.13	G
Engagement in ETE	>80%	81.0%	G
Suitable Accommodation	100%	97.6%	G
Triage		94	

Performance – Engagement with Victims

The Youth Offending Service Victim Officer has in the last year worked with 41 victims. 11 of these have taken part in a Restorative Justice (RJ) conference with 1 resulting in a young person undertaking direct reparation to the victim. A further 17 letters of apology were also completed during this period.

Performance - Young Persons Drug and Alcohol Team (YPDAT)

During 2018-19, a total number of 218 young people living in Southend-on-Sea

Borough were referred to Young Persons Drug and Alcohol Team. 80% accessed structured treatment including completion of comprehensive assessment and recovery care plan guided by evidence-based interventions. Successful completion of structured treatment accounted for 65%. Of those 41% achieved positive outcomes and were free from substances upon discharge.

What difference has it made for children?

“My work with Ricardo made me think about what I've been doing and makes me think before I do things because I don't want to go through this again. As a result of the work, I have undertaken a knife free pledge. I understand the seriousness of injury and how likely this is to occur even when not intended. I now understand the risk I would be taking if I carry a knife again.”

“Through my work with Tyler I helped him establish and build a relationship with his father, this led to him obtaining stable accommodation with him out of the area away from negative peers and influences. Tyler has also secured full time employment and significantly reduced his substance use. As a result of all these changes Tyler reports his physical and emotional wellbeing has vastly improved.”

Southend Youth Offending Service [YOS] wanted to improve the way Youth Rehabilitation Orders [YRO] are reviewed and explored utilising community panel members for this. As part of the design phase, it was agreed to involve a young person on an YRO to test this and involve their feedback in its development moving forward.

The young person stated he “love’s the idea of being a pilot”, and he could see the benefits of these reviews for other young people.

The young person’s involvement in the pilot, his feedback, thoughts and experiences helped the YOS to implement a meaningful process. All YRO’s are now being reviewed in this way, ensuring the young person’s voice is heard and the objectives set in the intervention plan takes into account their thoughts, perspectives and adequately meets their needs to secure rehabilitation and re-integration.

Victim’s stories

Victims who have received support from the Youth Offending Service have voiced that they feel safer and better informed about the criminal justice outcome received by their perpetrator. One victim gave feedback after a direct Restorative Justice Intervention stating “..how valuable the RJ meeting was,” and that: “from my point of view it was

another reminder that there is a human side behind the offenders as well.”

A second victim stated on his feedback after a direct Restorative Justice Intervention that he felt the process was a “..good opportunity for offenders to put a face to their crime and understand the impact their behaviour has had.”

YPDAT stories

“I learnt about the risks of drugs and alcohol and other ways to deal with my emotions instead of turning to drugs.”

“I never felt left out; I make the suggestions and setting my own goals. I managed to get back into contact with my family and get myself into employment.”

“I found recovery to be very supportive, how to know the signs and the triggers and how to stay off drugs. I understood lapses and relapses which helped me to stop using drugs.”

The Young Persons Drug and Alcohol Team have been implementing preventative work in schools. In 2018-19, a total of 965 students engaged in drug and alcohol awareness sessions provided by YPDAT. Student evaluation feedback reflected 92% positive response stating they found these sessions informative and relevant to their current experiences.

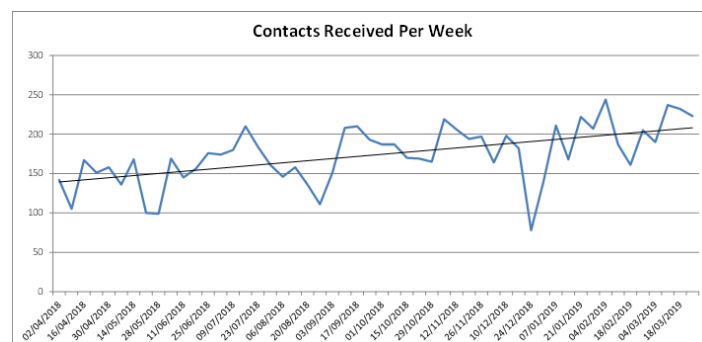
Children's Statutory Social Care

First Contact Front Door

The statutory social care front door is co-located with the Early Help Front Door, which means that referrals to either front door can be discussed quickly to ensure that the needs of the child and family are met in the most appropriate way, ensuring safeguarding of all children. This ensures children are quickly allocated resources to meet their needs or safeguard their welfare, working to a principle of right service, first time.

Average weekly contacts to the First Contact (social Care) front door between 2015/16 and 2018/19 have increased significantly (see table below)

	15/16	16/17	17/18	18/19
Av weekly contacts	70	89	154	174
Annual total contacts	3860	5050		9037
Ratio of contacts to referrals	38.8%	43.7%		30.6%



The above chart shows an increasing trend during the past year.

The First contact Front Door aims to ensure that only those children meeting thresholds for statutory assessments are progressed as referrals to Children's Social Care.

Out of hours Social Work Service

The Out Of Hours Social Work Service, or Emergency Duty Team (EDT), forms part of a 24 hour and seamless front line child protection service delivered to Southend children and their families. The service is commissioned through Essex County Council and meets the local authorities out of hours statutory social care responsibilities in safeguarding the welfare of children.

Demand for the service can vary considerably from day to day. On average between 140 calls from Southend are logged each month. Referrals usually require extensive liaison with children and their relatives in addition to a range of other individuals and organisations including friends and neighbours, foster carers, residential establishments, police, hospitals,

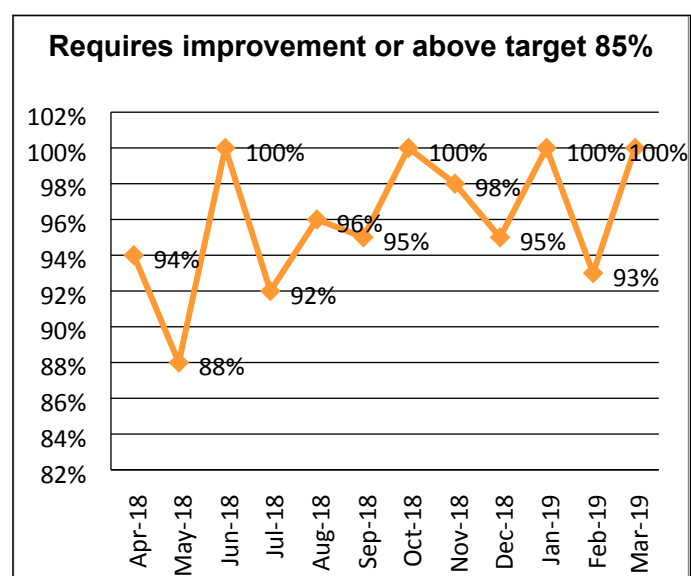
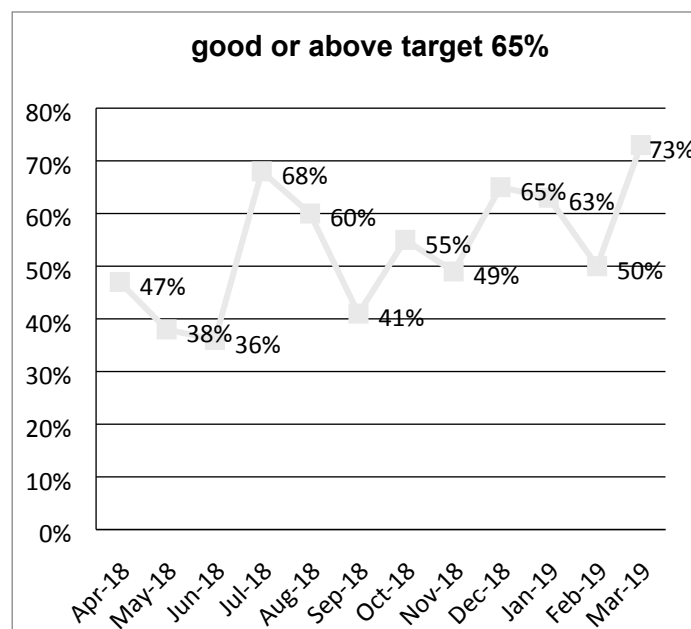
other local authorities, housing providers, solicitors, courts and voluntary sector providers. The service provides advice in both simple and complex situations and also initiates child protection investigations and/or proactive services including admission into care.

The work of the Edge of Care team has helped to support EDT and has reduced some of the crisis calls previously reported to them directly and provided a more local and responsive service availability.

Assessment and Intervention

The assessment & Intervention team alongside the MASH+ team undertake all statutory Children Act child protection investigations and child in need assessments for new referrals to Children's Social Care. The workforce has been more stable over the past year. The appointment of a third Team Manager in the past few months has allowed for more robust support and management oversight and it is hoped will continue to support a stable workforce.

Audit and inspection of the work undertaken through MASH+ and A&I team have consistently evidenced those cases deemed Requires Improvement as quite stable however those rated Good and Above have proven more volatile on a month by month basis.



There has been good feedback from partner agencies regarding the co-located front door and the formation of MASH+. Partners have felt that they have been able to begin to develop stronger relationships with the duty team and feel able to discuss referrals and more easily access the service best able to respond to the identified need.

The higher volume of children requiring statutory assessments can be partly attributed to improved information sharing at

the front door achieved with the development of the co-located front door. The increase in assessment numbers will remain subject to monitoring and analysis.

Percentage of re-referrals within 12 months of a previous referral:

	2016/17	2017/18	2018/19
Southend	16.4%	24.3%	24.6%
Stat Neighbours	23%	23%	Not yet published
England	22%	22%	Not yet published

2,626 statutory social work assessments were completed in 2018/19 which is higher than the number completed in the previous year: (2,430 in 2017/18). However, as noted in the table above, the percentage of re-referrals has remained stable over the past 12 months and is slightly higher than the national average.

In 2018/19, 89.5% of assessments were completed within timescale (45 working days) which was an increase from 65.4% recorded for 2017/18. However, we are beginning to see further improved performance and in the first four months of 2019 this percentage increased to 92.78%.

Percentage of assessments completed within 45 working days:

	2015/16	2016/17	2017/18	2018/19
Southend	96.4%	63.8%	65.4%	89.5%
Stat Neighbours	76.9%	80%	80%	Not yet published
National	83.4%	83%	83%	Not yet published

The Children in Need Service

For a number of years, Southend has worked with a staged model of intervention across early help and child in need, with children and families deemed to be at the highest risk being supported through child in need procedures.

We have reviewed how we deliver services to children assessed to be in need under Section 17 Children Act 1989 so that we can meet need at the earliest possible opportunity, reduce escalation of need and reduce the amount of time families need to access direct service provision from SBC children's services.

A decision to run a pilot to look at a preferred model of intervention was placed on hold in the autumn of 2018, following a decision to change the management structure of the teams dealing with child in need. The number of managers was increased in Assessment and Intervention from 2 to 3 to ensure more robust decision making and management oversight. Once the changes are fully embedded, consideration will be given to moving forward with the through care pilot.

Child Protection and Support Teams (CPS 1, CPS 2 and CPS 3)

These are frontline social work teams that work with vulnerable children and their families that require longer term intervention including children subject of child protection plans and child in need plans. The team will also hold cases that are subject to Public Law Outline (PLO). These are cases that meet the threshold for legal proceedings but the decision is to manage them outside a court arena whilst a plan is being implemented. As part of the management structure changes, a third CPS team was created to ensure more robust management oversight.

Cases are transferred to the team at the point of the first Review Child Protection Conference or at the point where the professional judgement is decided that they

need a longer term intervention under a child in need plan. In the latter case this is agreed by service manager. All cases are transferred to the teams at the 'transfer meeting' unless agreed by Service Managers.

The team will work with families with the aim of reducing risk to the point where a case can be deescalated to Early Help or universal services.

Court and Permanence Team (CAP1 and CAP2)

This social work team manages cases in public law proceedings or children who are long term looked after, until they reach the end of school year 10. The team can also receive referrals for under 16 unaccompanied asylum seekers through the MASH+ team. As a part of the management structure changes, a second Court and Permanence Team was created.

Cases are transferred to the team in public law proceedings at the Case Management Hearing (this is a hearing in the early stages of court proceedings that aims to agree the timetable for proceedings). This will be managed through the 'transfer meetings' unless agreed by a Service Manager.

The team will work with children in legal proceedings until they become adopted or if at the end of legal proceedings the courts

determine that the Local Authority does not require parental responsibility.

Child Protection Plans

Children deemed at risk of significant harm are presented to a multi-agency initial Child Protection Conference after section 47 child protection enquiries have been completed to determine the need for a Child Protection Plan. A Child Protection Plan is made if it is agreed that a child is at continuing risk of significant harm or impairment of health and development.

Number of Child Protection Plans (at 31st March)

2016	2017	2018	2019
189	220	116	171

Rate of Child Protection Plans per 10,000 (at 31st March)

	2016/17	2017/18	2018/19
Southend	56.8	30	43.72
Stat Neighbour average	50	55	Not yet published
National	43	45	Not yet published

As at March 2019, there were 171 children subject of a Child Protection Plan, an increase of 55 from 116 in March 2018 and a rate of 43.72 children per 10,000. This was much higher than in 2018 and more in

line with national averages reported in 2017/18.

Duration of Child Protection Plans:

Monitoring of Child Protection Plans lasting two years or more is used to indicate the effectiveness of the Child Protection Plan in eliminating or significantly reducing the risk of significant harm. The percentage of children subject to Plans for more than 2 years was 4.1% at 31 March 2019, from 2.6% at 31 March 2018. This equates to seven children from 2 families and would suggest that the robust monitoring process developed to quality assure planning in all cases is beginning to ensure quality practice.

Duration of Child Protection Plans, as at 31 March

Duration of Child Protection Plans	2016/17	2017/18	2018/19
Under 6 months	49.5%	21% (49)	61.7% (105)
6-12 months	27.3%	37.4% (26)	27% (46)
1-2 years	20.5%	34.6% (38)	7% (12)
Over 2 years	2.7%	7% (3)	4.1% (7)

It is evident that in 2018/19 many children and families moved through child protection interventions in a timely manner and remained for a shorter time on plans than in the previous year with 61.7% of cases being on Child Protection Plans for less than six months, an increase from 21% at the end of 2017/18. The numbers of children subject to CP plans has increased dramatically in 2018/19 from 116 at the end of March 2018 to 170 at the end of March 2019. This increase in demand is being shown across the whole of social care and reports from partners give the same picture of increased demand.

Children becoming subject of a Child Protection Plan for a second or subsequent time:

This measure indicates whether a Child Protection Plan was successful in effectively reducing risks over time in comparison to the necessity for a further Child Protection Plan. In practice, this is determined by work undertaken with parents and children through the plan, the quality of the assessment of risks of significant harm, and the provision and accessibility of any support services subsequent to the child protection plan. For this performance indicator, a low score is generally seen as indicative of good performance.

The number of children subject of a Child Protection Plan for the second or subsequent time reduced from 15.5% in 2017/18 to 11% in 2018/19. This is much more in line with national figures for previous years and is monitored on a monthly basis with all cases being reviewed.

Percentage of children who became the subject of a child protection plan during the year ending 31 March who became the subject of a plan for a second or subsequent time:

	2015/ 16	2016/ 17	2017/ 18	2018/ 19
Southeast	19%	29.3%	15.5%	11%

Private Fostering

A child under the age of 16 (under 18 if disabled) who is cared for, or proposed to be cared for, and provided with accommodation by someone other than a parent, person with parental responsibility or close relative for 28 days or more is described as being privately fostered. A private foster carer may be a friend of the family, the parent of a friend of the child or someone previously unknown to the child's family who is willing to privately foster a child. They may also be from extended family such as a cousin or great-aunt.

Local Authorities do not approve private foster carers in the same way as general foster carers, but are required to assess and say whether or not they agree and accept a private fostering arrangement to ensure that the welfare of privately fostered children is being safeguarded and promoted. To fulfil this duty Local Authorities must take a proactive approach in partnership with other agencies and other key professionals in raising public awareness of requirements regarding notifications of private fostering arrangements.

Southend has a formal Private Fostering Panel which considers all initial and final assessments in addition to annual reviews where required. Statutory checks are completed in line with the checks which are undertaken for any Local Authority foster carer. This panel ensure quality assurance and safeguarding issues are followed.

All privately fostered children in Southend are deemed to be “Children in need” and as such have an allocated children’s social worker and a formal child in need plan.

- Since 2013, **5** households have been formally prohibited from privately fostering following presentation at the Private Fostering Panel. Thus far, none have appealed the decision to prohibit them.

- At the end of March 2019 there were five children known to be in private fostering arrangements in Southend all of whom were over the age of 10. This is an increase of two from March 2018.

Due to intelligence gathering amongst agencies, prohibitions offer a layer of protection for other young people not just the privately fostered child. Should an individual who has been prohibited allow another young person to reside in their care, this will remain a criminal offence and allow the police to act swiftly and accordingly. The most recent prohibition which came into force in May 2019 has resulted in the young person in question becoming Looked After and the opening of her own family for assessment by Children’s Social Care therefore supporting safeguarding of other children within her household.

As part of the Private Fostering Action Plan January 2019 – December 2019, the following actions have been undertaken thus far with more planned across the year:

A one minute guide for private fostering has been produced and disseminated by Southend Borough Councils School Admissions Team to their admission colleague’s forum which includes school admission colleagues across 17 Infant/Primary Schools and 8 Secondary Schools. This is an ideal opportunity to

identify unknown private fostering arrangements. One Minute guide also sent to the Children with Disabilities Team and a piece will feature in the CWDT Newsletter.

The Senior Fostering Worker has delivered a private fostering awareness session to colleagues in the MASH+ Team which is particularly important given that all private fostering referrals will be made via this team and therefore it is crucial that they are able to recognise these referrals and respond in line with our agreed processes. There is evidence that this has been effective as there is increased contact between MASH+ Team and the Senior Fostering Worker.

Regular briefing sessions are held for Student Social Workers placed in Adults and Children's Services and for the NQSW group. Sessions have previously been held to ensure that new entrants to Southend are fully aware of the issues and processes involved in respect of Private Fostering and the first session for 2019 was delivered on 13/03/2019.

Following the discovery of French exchange students staying with host families in Southend, a meeting was held with Border Control from London Southend Airport to ensure that any young person who would be considered under the private fostering regulations are treated accordingly in line with the regulations. A meeting was held on 15 May 2019 with two representatives

working for Jev Langues (non-profit organisation founded by language Teachers). The next step is to establish if and how JEV Langues processes and Southend Borough Councils private fostering processes can be aligned to prevent duplication whilst still adhering to the regulations.

Bi-annual reports are presented to the Southend local safeguarding board to monitor both compliance and the multi-agency approach to safeguarding these vulnerable children and young people.

The Family Courts

The Family Justice Review Report (FJR) in 2015 attempts to significantly reduce delay within the family courts and in care proceedings from a national average length for the completion of care proceedings in 2013 of 46 weeks. The expectation following the review is that all care proceedings should be completed within 26 weeks. In exceptional circumstances, cases can be extended for a further 8 weeks.

The duration of court proceedings in Southend had improved year on year since the changes were implemented in 2015 to an average of 23 weeks in 2016/17. However there was a rise from 23 weeks in 2017/18 to an average of 26 weeks in 2017/18. This reduced further in 2018/19 to an average of 25 weeks. The national

average rose to 32 weeks in the same period.

The rise in timescales is due to a number of reasons including being adjourned by the courts due to late applications made by family members and some unusual decision making within the courts. Several placement orders have been delayed for many months to give the family a chance, leaving young children in public care for an extended period. These issues have been fully raised with the courts however the expected that improvements in past year with a number of new circuit and district judges being allocated to the Chelmsford courts have not to date been forthcoming. Timescales will continue to be monitored closely.

The pre-proceedings process was introduced in 2008 as the part of the Public Law Outline (PLO) reforms to care proceedings. It has been revised by the Public Law Outline 2014 and the Children and Families Act 2014. There is now a 26-week time limit for the completion of care and supervision proceedings. This places an increased emphasis on pre-proceedings work.

We believe that the majority of children and young people thrive best in their own family environment and help being given at the right time supports this. We aim to identify

concerns about a child early and where possible provide support for the family to address these issues.

Pre-proceedings work is specifically when we are concerned about the welfare of a child, and they are at risk of significant. They are usually cases that are subject to Child Protection Plans and where insufficient progress has been made.

The main area of pre-proceedings is the PLO process. This is where the Local Authority works with parents/carers to see if a plan can be agreed and implemented about what needs to happen to protect the child from harm, so that court proceedings can be avoided.

The pre-proceedings tracker is monitored weekly to identify any drift and delay between the different stages of the PLO process including the completion of the PLO and the process of making an application to the court in a timely fashion.

Should issues be proactively addressed during PLO, 40% of cases are likely to be diverted from court; the other 50% of the cases in court will avoid risk of claims, run more smoothly and finish in court more quickly. It will also help in reducing the cost

of court applications requesting more time to file evidence.

- During 2018/19, pre-proceedings were initiated for 42 children and ended for 13 children and continued to be managed under child protection process which equates to 33.3% of cases diverted from court.
- Recent data received from CAFCASS (the Children and Family Court Advisory and Support Service) shows that the number of court applications in Southend has decreased from 56 in 2017/18 to 54 in 2018/19.

Overview of care population

One of our key principles is that children are best cared for within their families wherever this can be safely achieved. We are always striving to improve practice in respect of care planning to ensure that we can say confidently which children need to come into care and identify which children's outcomes will be improved by entering the care system. We continue to have higher numbers of children in care per 10,000 population under 18 years of age than our statistical neighbours (other local authorities with similar profiles). This rate remained consistent between 2014/5 and 2015/16, but increased significantly during 2016/17 and continued to rise in 2017/18. This trend has continued during the past year.

Number of looked after children at 31st

March 2019:

	2015/ 16	2016/ 17	2017/ 18	2018/ 19
Southend	262	282	295	308

Children looked after per 10,000 population aged under 18:

	2015/ 16	2016/ 17	2017/ 18	2018/1 9
Southend	68	73	76	81
Stat neighbours	66	68	69	Not yet published
National	60	62	64	

There has been a significant rise in the number of looked after children over the past 3 years. At the 31 March 2019 Southend was responsible for looking after (i.e. were corporate parents for) 308 children and young people, an increase of 17% compared to the same time in 2015/16 and a 4% increase on 2017/18. Key to understanding this rise is consideration of the profile, especially the age of looked after children entering care and ages and reasons for leaving care.

Age breakdown of children entering care during the year ending 31st March:

Age	2016	2017	2018	2019
Under 1	34 or 25.9%	22 or 14.4%	31 or 25.2%	23 or 19.7%
1-4	30 or 22.9%	41 or 26.8%	18 or 14.6%	26 or 22.2%
5-9	24 or 18.3%	32 or 20.9%	13 or 10.6%	16 or 13.7%
10-15	33 or 25.2%	40 or 26.1%	27 or 22%	29 or 24.7%
16 and over	10 or 7.6%	18 or 11.8%	34 or 27.6%	23 or 19.7%
Total	131	153	123	117

The number of over 16's and the percentage of this age group within the total number of children entering care has decreased considerably in 2018/19 and the percentage of children aged 1-4 years has increased from 14.6% to 22.2%. There has continued to be unaccompanied asylum seeking males aged over 16 years presenting for services, and in addition we have identified a number of females in this category at high risk of criminal exploitation through the work of the Adolescent Intervention and Protection Team.

The largest increase this past year has been in 1-4yrs which has as previously stated increased from 14.6% to 22.2%. Many of

these were a part of large sibling groups.

The change in trend over the past year and has placed considerable pressure on services in this area.

The table below includes an age breakdown of the total number of looked after children at year end which also illustrates the impact on the total number of looked after children between 2016 and 2019.

Age breakdown of total number of looked after children, at year ending 31 March:

Age	2016	2017	2018	2019
Under 1	22	17	25	9
1-4	38	41	29	45
5-9	41	49	55	48
10-15	94	113	115	126
16 and over	67	62	71	80
Total	262	282	295	308

Ethnicity breakdown of looked after children at 31 March 2019:

Ethnic	Southend LAC 2018	Southend LAC 2019	Total Southend under 18 population
White British & Other	84%	79%	91.6%
Mixed	4%	8%	2.1%
Asian or Asian British	3%	3%	3.7%
Black or Black British	6%	5%	2.1%
Other ethnic group	3%	5%	0.5%

(Total under 18 population ethnicity breakdown from Southend 2011 census return)

When compared to the percentage ethnicity breakdown of the Southend population taken from the 2011 census, there continues to be a disproportionality in the ethnic representation of the looked after children population compared to the general population. Much research has been

undertaken about disproportionality in the ethnicity of looked after children in the care system in England compared to the general population. Owen & Stathams's report on Disproportionality in Child Welfare (2009) is widely referenced in relation to this issue and shows that children from black and mixed ethnic backgrounds are usually over-represented in the care system and in the children in needs statistics in England, with children from Asian backgrounds usually under-represented. Southend's population follows this national pattern, but also has under representation of children from white backgrounds.

100 children left care during 2018/19.
Of these:

- 23 (23%) were adopted;
- 8 (8%) were made the subject of a special guardianship order;
- 30 (30%) returned home and
- 39 ceased to be looked after for any other reason (39%) the majority of these turned 18yrs (34).

A child will usually return home as a result of changes that the family have made, either as a result of intervention by Children's Social Care or by the family making

alternative arrangements for example by the making of a Special Guardianship Order/Child Arrangement Order. Positive changes may not always be sustained by families despite the support put in place, so if children are referred back again to Children's Social Care, any previous looked after child episodes are considered as a part of the assessment (as are prior Child Protection Plans) and any management decisions made would need to ensure children are not left in neglectful or abusive environments.

Reunification

As stated earlier in this report, one of our key principles is that children are best cared for within their families wherever this can be safely achieved. As a part of the work undertaken through the Edge of Care team and Marigold Assessment Plus, alongside Fieldwork Services, during 2016/17 work was undertaken to bring together a clear reunification framework. The reunification framework, now fully embedded, identifies the key stages in the process of assessing, deciding, and supporting (with interventions) a child or young person to return to the care of their parents or family members where there have previously been risks or concerns about the care that they are able to offer.

This process begins with the identification of a potential for reunification. The framework identifies the likely triggers that will initiate a conversation about whether there is a possibility of reunification, or taking steps towards reunification for a child. We are always aware that risks change as a young person gets older and positive changes are often made in families over time.

However, it is proposed that reunification is only one part of a much broader approach that will facilitate improved outcomes for children, providing a commitment to strengthening family relationships for all looked after children whether there is a prospect of reunification or not. There is a continuum of parental / family involvement ranging from improving the quality of a very small amount of contact, to increasing opportunities for increased / unsupervised / staying contact, to returning home part time basis and then reunification. It is believed that the above approach will facilitate both improved outcomes for children as well as proactively working with families to create opportunities for reunification, rather than awaiting for 'triggers' to be evident. It is important that services that support this are accessible in a timely way.

The process is based around the NSPCC model for reunification (Wilkins M. and Farmer E. (2015) Reunification: an evidence-informed framework for return

home practice. London: NSPCC & Wilkins M. (2015) How to implement the reunification practice framework: a checklist for local authorities. London: NSPCC) and also using the Return Home from Care Report (DfE 2015).

Where it is decided that now is not the right time to initiate an assessment for reunification, there will always be consideration of what work can be undertaken to strengthen the relationships for a LAC child with their family, with a view to considering the appropriateness of reunification to birth family at a later stage in their life. All cases are considered by the Placement Panel chaired by the Director of children's services.

For more detail see section on Edge of Care.

Marigold Assessment Plus

Marigold Assessment Plus is the overarching term for a range of services that includes Contact Services, Parenting Assessment and Support Services; The Rise Project, Targeted Family Support Services such as Theraplay and MIM's assessments, alongside a range of other family support services. The service offers a high quality assessment and support service, complementing the core social work and early help offer and additionally providing targeted support for families where

their children are looked after or within Child Protection (CP) and Public Law Outline (PLO) processes.

Families may first be referred to the service for assessed contact, which then may move to a parenting assessment, with or without a support programme (reducing the tendency for these programmes to be requested as a recommendation of the assessment and causing further delay for the child) and then, depending on the outcome of the assessment, move onto a Back Together Programme, supported contact or life story work.

Parenting Assessment & PAMS assessments

The service integrates for families the assessment, intervention and supervision elements of parenting assessments. Staff in the different areas of the service work together to ensure that information is collated, and that parenting assessments give a holistic view of a family's abilities and potential for development and change.

Within the service there are three senior practitioners, who lead on parenting assessments, assisted by the Children & Family Workers who have expertise in various areas such as Theraplay.

Between April 2018 and April 2019, 77 parenting assessments (with 102 adults assessed in total) and 6 siblings assessments were completed within time scales of between 2 (addendum assessments) and 12 weeks, including PAMS assessments, especially designed to support parents with any level of learning disability.

The majority of assessments are completed between 8 and 10 weeks and where issues arise during the assessment process, interventions are added to support parents to start to make the changes necessary for them to parent their children into the future. All assessments are completed within Court directed time scales.

The standard of parenting assessments is such that out of the 77 parenting assessments presented to the Court and Independent Reviewing Officers, only in 9 of these the Judge disagreed with the Assessment recommendations. Out of these 9 cases, in 6 of these after subsequent events, the Court changed their decision and followed the Marigold assessment recommendations.

The teaching and intervention elements of the Marigold parenting assessments can contribute significantly to positive outcomes for the family and lead to successful rehabilitation.

Comments from the Courts:

“The evidence of WOC (Senior Practitioner) was very good, balanced and yet very firm.”

“Thank you for the parenting assessment from the Marigold, which I have forwarded onto the Guardian. The Guardian asked me to convey her thanks to the Marigold. She thought it was a really fair and thorough report.”

“Miss B (Senior Practitioner) impressed me as a careful and balanced witness. In my judgement, her parenting assessment was considered and well reasoned.”

Contact services

The Marigold Assessment Plus Service provides contact for looked after children and their birth families as well as holistic, community based parenting assessments based on the Framework for the Assessment of Children in Need and their families (DoS 2000) and a range of parenting programmes which are used to inform parenting assessments or can be commissioned separately as remedial programmes. The team also provides services for children, such as life story work/books, self-esteem/anger management work and wishes and feelings work. In

addition, the service provides sexual risk reduction work; safe sibling work, domestic violence work and mediation with Forensic Therapist, Steve Burr. The service also facilitates the Thames Valley Partners Programme and the Rise Project.

The integration of contact and assessment services reduce delay, ensuring that court deadlines are met, with services streamlined and making sense to service users and stakeholders.

Families may first be referred to the service for Assessed Contact, which then may move to a Parenting Assessment, with or without a support programme (reducing the tendency for these programmes to be requested as a recommendation of the assessment and causing further delay for the child) and then, depending on the outcome of the assessment, move onto a Back Together Programme, Supported Contact or Life-story Work.

Between April 2018 and April 2019, 185 children between the ages of 0 and 16 living in foster care or with extended family under a Special Guardianship Order were provided with contact sessions ranging from two hours twice a week, once a month or school holidays only, either at the Centre or out in the community, and supported by highly trained and qualified contact facilitators. Life story work and positive parenting is

incorporated in contact where appropriate. Assessed Contact may move to Supported Contact where reunification is the plan or where children in foster care have on going contact with their birth families.

After each contact session, the Contact Facilitator completes a detailed and factual report of the contact session which is sent to the family's social worker to aid with decision making.

Service user feedback via the Centre's questionnaires has been consistently positive, with parents commenting on the safety of the centre, the choice of toys for all age groups and the staff's helpful approach.

"We attended for contact with our granddaughter...everyone was always very professional but very helpful and kind....."

16/02/19.

In addition, 3 children referred by CAFCASS/private solicitors received a contact service where Courts ordered that children residing with one parent should have supervised contact with their non-resident parent, a service paid for by parents and offered on Saturdays only.

The Centre seeks regular feedback from children as well as parents and children's suggestions and requests for specific toys and games are followed up. We aim to make children and families safe and comfortable and wherever possible and safe will facilitate supervised outings to child centred venues within the community.

The Centre is open six days a week, from 8.30 until 18.30 with contact being provided for 10 plus families on Saturdays, and on occasions provides contact supervision on Sundays as well.

Back Together Programmes

(Including positive parenting, based on the Triple P enhanced Positive Parenting Programme, including Parent-Child Game interventions).

Where a decision has been made that a child can safely return home after a period of time in foster care, research indicates that a programme of robust support is helpful with this transition, through rebuilding attachment and support parents in resuming their parenting roles. Theraplay and the Triple P based Positive Parenting Programme forms part of the support offered to families. The service works closely with other support teams in preventing further family breakdown.

David and Ward (2012) found that parents participating in the Triple P based Positive Parenting Programmes made significant improvements in the management of problematic situations.

This programme can also be implemented as part of contact sessions to enhance the quality of contact between looked after children and their parents. The Parent-Child Game intervention is particularly effective in helping parents to manage their children's behaviour and develop a more nurturing relationship.

Impact:

Between April 2018 and April 2019, seven Back Together, Parent-Child Game and Positive Parenting Programmes have been completed. Only one of the seven families had subsequent Social Care intervention.

Marschack Intervention Method and Theraplay

Davies and Ward (2012) reporting on the outcomes of Interaction Guiding (an intervention based on the same principles as Theraplay) state that "*A significant decrease in disrupted communication was found between mothers and infants in the interaction guidance group*".

The intervention can be offered to birth parents, as well as foster carers/adoptive parents, to build up attachment between parents/carers and the children in their care.

Between April 2018 and April 2019, the service has delivered the Principles of Theraplay Programmes to 11 families with many of the parents/carers reporting a real improvement in their bond with the children.

Theraplay assessment of attachment sessions (MIM) are also used to inform parenting assessments and between April 2018 and April 2019, 63 MIM sessions were completed.

The Thames Valley Partners Programme

This is a programme which runs for female partners of men attending the Sex Offender Treatment Programme, who may in some capacity have children in their care who are potentially at risk. Within this programme, 'partner' is defined as being in a current or recent relationship. The group is also appropriate for women who have been in a relationship with men where there has been an allegation of sexual abuse against a child that could make their children vulnerable to sexual harm. The term partner can also apply to women who have relationships with the men, such as mother or sister, who would benefit from information and support

to keep children safe and to reduce the risk of men re-offending against children in the future.

The group aims to:

- Assist in making and maintaining informed decisions about their relationship with the offender and their children's safety.
- Assist partners who remain in a relationship with an offender
- In protecting children from sexual abuse by him or another offender
- In contributing to the offenders' new life plan, including monitoring the relapse prevention plan and supporting him in a positive future lifestyle
- Assisting partners who choose not to remain in a relationship with the offender in protecting themselves and their children against any other sex offender
- Help the partners to understand and deal with the effects of their partners' abuse on themselves; the child and the family as a whole.

This year two groups have been completed, one group with 5 participants and one group with 3.

Sexual Risk Reduction Programme/ Sexual Risk Consultations

In addition to the above programme, this programme and associated consultations, work with young offenders, to both assess future risk and to support in a change in lifestyle and behaviour. Between April 2018 and April 2019, six males and two females were supported in this way.

A specialist part time worker has also supported two parents/carers to manage challenging or sexualised behaviours of children in their care and provided mediation within Special Guardianship proceedings. In addition, the specialist worker has provided training for staff assessing/supervising contact with sex offenders.

Domestic Violence Risk reduction Programme

Our therapist, based part time within the team, works with (step) fathers who are deemed at risk of domestic violence or struggling to communicate positively with children/young people in their care. Between April 2018 and April 2019, three males benefited from individual sessions with him.

Life story work/books

Every child who is placed for adoption and many who are in long foster care are provided with a Life-story Book to help them

to make sense of their past as they grow up. For younger children this is a book completed which gives clear information about the child's birth family and their journey through care. For older children, the book will be completed jointly with the child to help them to understand why they are in care and unable to return to the care of their birth family.

Between April 2018 and April 2019, 38 books have been completed and direct work took place with 11 children. The Centre recently has also been commissioned to provide later life letters for young people who have been adopted.

"It really helped the boys put more pieces of their early life together. Completed in a very child friendly manner. The boys loved it..."

Foster carer 20/02/19

Look At Me Programme/wishes and feelings.

This programme (LAMP) is designed to help children who are showing behavioural difficulties with their carers/parents. The children referred often have unresolved feelings of grief and anger about their past and/or current situation.

The programme aims to support the child to express his/her feelings and to provide the child with strategies to cope with overwhelming feelings without having to resort to behaviours which create difficulties.

Between April 2018 and April 2019 a service was provided for six children.

Just Right State

To build on the above some of the staff has been trained to run the “Just Right State”.

This is a programme designed to support children to self-regulate their behaviour and has in the past year been implemented with two children and their carers.

The Rise Project

The Rise Project (based on the Pause Project) started in April 2017. Its aim is to reduce recurrent care proceedings by providing a service to parents who have had one or more children permanently removed from their care. The service provides a space for parents to focus on aspects of life other than having and looking after their children, such as obtaining qualifications, employment, housing, voluntary work, good health care and positive links with their local community. The project allocates a dedicated worker to each parent who assists them with achieving their goals, providing some of the structure, nurture, challenge and engagement that the parents may have

missed out on in their own childhoods. The project has been successful in other areas of the country where parents have been assisted to achieve their own potential before embarking on parenthood again. Each parent receives the support for 18 months. Between April 2018 and April 2019, six women have been supported through the programme. The first cohort of women (four in total) completed the project in October 2018 and none of them had another pregnancy in that time. The programme has been monitored and evaluated by Essex University.

“The Rise project team are clearly meeting their service brief. The staff are dedicated and enthusiastic in making a difference to the lives of the women with whom they work.”

Essex University evaluation report, 10/10/18.

Having successfully completed the pilot project, the service aims to expand the project during 2019/20 following the evaluation recommendations.

Counselling

The service has provided a placement for two fourth year student counsellors within the Centre who have provided a counselling

service for six service users during the year. In addition, one of our Children and Families Workers has a level 2 Award in Counselling skills for working with children which is of real benefit for some of the children attending the Contact Centre when possibly contact with their birth parents evokes difficult feelings for them.

Educational Attainment of Looked After Children and Young People

The Virtual School for looked after children works with children and young people from early years to the age of 18. It prioritises the individual learning or training needs of a child or young people in care, identifies the skills necessary for participation in an education, training or work environment and supports young people to acquire and adapt these skills for learning and for life. The Virtual School have developed and closely monitored the Personal Education Plans for all looked after children to ensure that the support identified drive forward these priorities.

The educational outcomes for looked after children in Southend rely on established integrated partnership working between the Virtual School, social workers, schools and carers. This is supported by the provision of additional targeted support together with the understanding of how the day to day

realities of being in care can affect a young person's capacity to learn and participate.

A breakdown of educational outcomes achieved in 2018 for Southend looked after children was presented in the Autumn 2018/19, as part of the Virtual School Annual Report.

Special Educational Needs (All LAC)

In the cohort of Looked After Children, as at the end of July 2018, 21% had an Education Health Care Plan (EHCP) or Statement of SEN. This is lower than our statistical neighbours 28% and national average of 26.5%.

In addition, a further 25.5% had identified special educational needs supported at school level; SEND Support. This is lower than our statistical neighbours 32% and national average of 29.0%.

In total this means that just under half of the cohort (47%) has additional learning needs.

Early Years Foundation Stage (EYFS)

Children in reception class are assessed in the Early Stage Foundation stage. Schools report this data to the Department for Education but they are not a part of the national indicator set for looked after children. In order to track the educational progress and attainment of our youngest children, the Early Years Team collects data

in a number of areas. The children are judged against the criteria of emerging expectations, meeting expectations and exceeding expectations. The area in which data will be collected in 2018/19 academic year will be:

- Personal social and emotional development
- Physical development
- Communication and language
- Maths
- Literacy

The Early Years Team ensure that the children's identified needs are being appropriately supported using the early years pupil premium and raise any issues directly with the Virtual School.

During 2018/19 there has been continued increased focus on supporting carers to provide quality educational activities in the home. Carers have continued to be supported with resources and home visits with a particular focus on early reading skills.

The fostering service and social workers for the children have been actively ensuring that when appropriate, children are accessing the 15 hours of free nursery that they are entitled to. This is a valuable additional resource that supports the holistic education of the child.

LAC > 1 Year

Four pupils were included in this cohort. Of these, three achieved a good level of development; 75%, up from 50% last year, based on two pupils.

Key Stage 1

LAC > 1 Year

Five pupils were included in the cohort. Of these, two achieved the expected standard in all of reading, writing and maths (40%, down from 75% last year). Three out of the five children had identified special educational needs supported at school level; SEND support.

SFR information based on 92 LAs who have submitted data reports that Southend is above the regional average (36%) and national average (37%).

Key Stage 2




LAC > 1 Year

10 pupils were included in the cohort. Of these, four achieved the expected standard in reading, writing and maths (40%, up from 33% last year).

SFR information based on 92 LAs who have submitted data reports that Southend is above the regional average (35%) and national average (35%) in the headline measure.

- In reading, 70% of the cohort achieved the expected standard, significantly up from 33% in 2017
- In writing, 50% of the cohort achieved the expected standard, up from 44% in 2017
- In maths, 60% of the cohort achieved the expected standard, up from 44% in 2017
- In grammar, punctuation and spelling, 60% achieved the expected standard, up from 44% in 2017

Provisional progress scores were positive in reading and maths (reading: +4.00 and maths: +3.50 respectively) but were negative in writing (-0.90). All progress outcomes are improved from 2017 (reading: -1.64, writing: -4.89 & maths: +0.28)

	Rank (national)	Quartile
Reading: +4.00	6	1 
Maths: +3.50	2	1 
Writing: - 0.90	62	2 

Key Stage 4

LAC > 1 Year

28 pupils were included in this cohort. It is important to note that the cohort size increased from 15 in 2017 to 28 in 2018 (almost double).

- 19 pupils achieved at least one GCSE (68%).
- Eight pupils achieved 4-9 in English and Maths (29%, up from 20% in 2017)

% 5-9 English and Maths pass

- Three pupils achieved grades 5-9 in English and Maths, (11%, up from 7% last year)

SFR information based on 92 LAs who have submitted data reports that Southend is above the regional average (8.0%) and national figure (8.0%) in the headline measure.

% Attainment 8 Average Score

- Attainment 8 average score is 20.1%, down from 24.2% in 2017.

Data from the Looked after Children SFR reports that Southend is above our Statistical Neighbour Average 17.1% and National Average figure 18.9% in the headline measure.

% Progress 8 Average Score

- Progress 8 scores is -1.46%, down from -0.62% in 2017.

Data from the Looked after Children SFR reports that Southend is slightly below our Statistical Neighbour Average -1.23% and National Average figure -1.20% in the headline measure.

Attendance

The attendance of Southend Looked After Children is monitored by Welfare Call under contract to Southend Virtual School.

Attendance school for Southend Looked After Children has improved to 94.7% at peak level.

For the last two reporting years, the Virtual School has consistently performed at or above the Virtual School's target rate for attendance (90%).

Absence Rates %

- Absence rates for Southend Looked After Children is 6.3%, from 4.6% in 2017.

Data from the Looked after Children SFR reports that Southend is below our statistical neighbour average 5% and national average figure 4.5% in the headline measure.

Persistent Absence

The national average for persistent absence of Looked After Children has remained steady over recent years from 9% in 2014 to 10% in 2017.

- Persistent absence rates for Southend Looked After Children is 16.5%, from 11.8% in 2017.

To address this, the Virtual School launched a new 'Attendance and Persistent Absence'

Policy in September 2018. The policy outlines staged levels of interventions and clear escalation of protocols around absence to ensure that Looked After Children with attendance concerns are identified early and before persistent absence becomes entrenched.

Exclusions

a. Permanent Exclusion

Southend local authority has a policy of no permanent exclusions for Looked After Children. Schools are expected to contact the Virtual School when Looked After Children are at risk of permanent exclusion, where arrangements are made to review appropriate support for the individual child and school and to investigate how the situation can be managed without the need for permanent exclusion.

b. Fixed term Exclusion

Reducing exclusion from school continues to be a priority for Southend Virtual School. However, despite significant input this remains a challenge against a backdrop of rising exclusions in the general population. Published data on the SFR for the previous two years shows a national increase for exclusion in 2015/16 and 2016/17.

- Fixed Term Exclusion rates for Southend Looked After Children 2017 was 12.8% from 15.1% in 2016.

Data from the Looked after Children SFR reports that Southend is above our statistical neighbour average 14% and below national average figure 11.8% in the headline measure.

SFR exclusion data for 2018 is not yet available.

Fixed Term Exclusion Rates %

	2015/16	2016/17
Southend-on-Sea	15.1%	12.8%
Statistical Neighbour Average	12.2%	14%
National Average	10.4%	11.8%

There has been considerable input from the Virtual School to work with schools to reduce exclusion and provide additional support. The Virtual School is committed to working with all schools, academies, Pupil Referral Units (PRUs) and other educational establishments to avoid fixed term exclusions, whilst ensuring that the school remains a safe space for the young person, peers and adults alike. For Looked After Children, fixed term exclusions should be used as an absolute 'last resort'.

The Virtual School would like to be made aware of any potential fixed term exclusion before the school makes a decision to exclude to see if any other alternatives could be considered and investigate what support and strategies could be offered.

The Virtual School commissions welfare call to monitor daily attendance of Looked After Children at school, this also includes tracking and recording of fixed term exclusions.

Quality of provision – OFSTED Good and Outstanding Schools

There has been an increase in the percentage of looked after children attending good or outstanding schools. In 2017 this was 69%. In 2018 this had risen to 75.8% and this trajectory continues to move in the right direction towards the target rate of 78%. This has been achieved by developing an effective working partnership with the Admissions Service and creating a more robust process for school placement; including an increase in the number of cases where it has been appropriate to escalate through the various stages of 'direction'.

Pupil Premium Grant (PPG)

Young people are eligible to receive full Pupil Premium of £2,300 per year from their first day in care and the Virtual Headteacher is responsible for ensuring that this is distributed and used in line with a robust educational support plan. Use of this includes a range of interventions including maths and literacy additional support programmes, tutoring, additional equipment and books and counselling.

Looked After Children Awards Ceremony

The looked after children awards continue to be celebrated on an annual basis. In 2018/19 the awards took place to celebrate the achievements of Southend's looked after children and care leavers. Children and young people were nominated for a range of reasons including improved performance at school, achievements in specific areas of the curriculum and having a positive attitude in spite of difficulties like changing school or placement.

Care leavers were recognised for outstanding performance and effort including academic success at University. A total of 58 young people were nominated for an award in recognition of their hard work and commitment to their education.

Some of the nominations:

"Can I nominate H as he is exceeding all targets for a reception class last year and is working at a level above his age."

"P has had the courage to keep persevering, to put her face in the water and try really hard to swim on her own (without floats, aids etc). She can swim approximately 2m on her own now."

"I'd like to nominate KC for an award – K had a difficult start to this academic year as his 'long term' placement unexpectedly changed. However, with the support of his new carers and school staff (K has 1:1 LSA support for his SEN through his EHCP), K has really turned his behaviour around and is making much better behaviour choices. K has made good progress with his reading; he is regularly reading books at home and has successfully passed Accelerated Reader quizzes linked to these. He has also worked particularly hard on learning his target spellings and times tables. K loves coming to school and is keen to do well."

"N made excellent progress in reading and writing. Her highlight in the last few weeks of term was being able to read a real book (library book) to her peers. N struggled at first with the number but she worked really hard to gain the confidence to work with numbers to 100"

"I would like to nominate AC for his consistent and positive attitude to learning at school"

“We have seen a big improvement in J’s behaviour and managing her emotions. She has matured this year, is thoughtful, protective of younger students, is a good role model to others and has developed good relationships with adults in the school. She undertook work experience in primary and completed all her Key Stage four examinations.”

“L’s behaviour has improved at school. He took responsibility of himself to turn things around when transition to mainstream was at make or break point and is now doing exceptionally well with the transition. He has become a good role model to primary pupils and is now more confident and ready to move on.”

Percentage of 19, 20 and 21 year-olds that are in education, employment and training at March 2019:

	2015/ 16	2016/ 17	2017/ 18	2018/ 19
Southend	60%	52.3%	40.5%	41.1%

There has been slight 0.6% increase in the number of young people successfully engaged in education, training and

employment over the past 12 months.

There is 7.5% of young people where there is currently no data. Although the data is very much similar to the previous year, it is not unusual for there to be a drop in the NEET statistics during the summer and autumn months because this is when young people are signed up for courses that are due to start in September

Higher Education

Southend’s support for care leavers to study at a University level on degree courses remains consistently high. At present Southend is supporting 10 young people to attend University. It is projected that Southend will be supporting a similar amount of young people to attend University for the coming year.

Health of looked after children

The Southend looked after children health service is provided by EPUT and Southend University Foundation Trust Hospital. They are commissioned to provide: all statutory health entitlements in a timely manner; an up to date health care plan for all looked after children, designed in partnership with the child where appropriate; and a range of health based interventions, health promotion, advice and information are offered to looked after children and their carers.

Southend Hospital is commissioned to provide initial health assessments for children and young people coming into care.

Looked after children and young people have the same health risks and concerns as their peers. However, they are known to have a higher vulnerability as they often enter into care with unidentified health issues as a result of receiving poorer parenting, histories of abuse or neglect, having an unknown health history and higher levels of social mobility. Therefore they have poorer long term health outcomes than their peers. The National Institute of Clinical Excellence (NICE) reported in 2013 that about 60% of children and young people who are looked after in England are reported to have emotional and mental health problems and a higher proportion experience poor health, educational and social outcomes after leaving care.

It is a requirement for children and young people coming into care to have an initial health assessment within 20 days of becoming looked after and subsequent review health assessments every 6 months up to the age of 5yrs then annually thereafter.

% of children whose initial health assessment was within 20 working days of

them becoming looked after at the end of March:

	15/16	16/17	17/18	18/19
Southend	41.7%	27.4%	26.5%	29%

Whilst only 29% of young people met this target in 2018/19, when we look at those where the medical was undertaken within 30 working days, the percentage increased dramatically to over 50%

We continue to work closely with our health colleagues to identify barriers to achieving this target and continue to have a clear action plan in place for 2019/20.

% looked after children whose health checks were in time at 31st March:

	2016	2017	2018	2019
Southend	92.1%	84.0%	84.5%	73.3%
Statistical neighbours		86%	85%	Not published
National		84%	88%	

73.3% of children and young people had their review health assessments completed at the end of March 2019, a significant decrease from the previous year. This is closely monitored and it is clear that there are currently a high number of older young people who are refusing to attend for formal

medicals and where the health team continue to work at better ways to engage these young people. Southend also has a high number of young people placed for adoption outside of the Borough and due to reliance on external health authorities to undertake this work and provide details once complete, these medical often take additional time to be undertaken and received.

Concerted efforts have been made by the health team and social care to work collaboratively to improve performance on this indicator. There will as stated above also be a small number of young people who do not attend or refuse a health assessment. The looked after nurse follows up all non-attendance and attempts to arrange further appointments at venues convenient for the young person.

To ensure that reporting is accurate and up to date in this area, we now have a dedicated administrator to work alongside health to ensure reporting. We expect to see significant improvement in this area in 2019/20.

% of young people whose immunisations are up to date at end March:

	2015/16	2016/17	2017/18	2019
Southend	76.4%	63%	67.9%	78%

78% of children and young people had received the appropriate immunisations for their age in 2019, again reflecting the challenge for looked after children. This however was a significant improvement on the previous year and we expect through our close links with public health for these statistics to improve in the coming year.

% of young people who have attended the dentist at end of March:

	2015/ 16	2016/ 17	2017/ 18	2018/ 19
Southend	94%	90%	74.1%	63.8%
Stat Neighbour rs		82%	87%	N/A
National		83%	84%	N/A

There was a dip in March 2019 due to recording errors, but by the end of April 2019 this had again risen to 75.8%

The LAC health services across the SET economy including provider nurses and designated nurses are experienced specialist nurses and maintain an Essex wide reciprocal arrangement which is quality driven, reflects the views of children, parents and carers, to ensure that any identified health needs of the children are met in a timely manner.

A specialist field of health work, the practitioners meet regularly to drive the LAC health agenda across the health economy which includes training and development to other health practitioners including GP's, Health Visitors, School Nurses and hospital staff. Continuous professional development opportunities are regularly offered to ensure that the skills and knowledge of the specialist nurses are maintained and are current in the specialist field of LAC.

In addition joint working continues with the local authorities in many forms including attending risk management meetings, child care reviews, acute and complex case panels, multi -agency child exploitation meetings and a LAC Health Steering group which is held quarterly.

The Designated LAC Nurses are currently working within a three year strategy for LAC. Four main areas of focus within the strategy are: Quality and Performance, Emotional

health and well- being/mental health, Voice of Children/Young People engagement, Commissioning of services. The areas of focus are aligned to National Institute of Clinical Effectiveness (NICE) section for Looked After Children and current national priorities.



The Looked After Children Specialist Nurses across Southend Essex and Thurrock are experienced qualified practitioners who recognise the difficulties for some of the older young people to engage with health services.

Working in partnership with the Social Workers, carers and other practitioners they will endeavour to try and engage the young people in various ways. This could include arranging to meet young people at a place of their choice, giving them opportunities to be seen on their own and use various methods of communication to

enable and encourage them to seek advice independently from their General Practitioner, local relevant health services and NHS helplines if appropriate.

Confidentiality is an important part for young people to establish trust with those in health, however if a child/young person is considered to be at significant risk then information will be shared and they are advised accordingly. Sharing information is essential when a child is considered to be at risk, however conversely this can increase the risk of disengagement with health professionals and remains a continual challenge.

In addition in parallel with their peers, young people will perceive their health in relation to seeing a Doctor as needed and not as something they need to review regularly. Health professionals however recognise the importance of the yearly review and will actively try to encourage young people to attend. A health passport is shared with older young people whom are within the leaving care team and this includes their own past medical history, family health history if known and consented to share. In addition a full immunisation record is given.

Whilst a statutory requirement, health are unable to impose an assessment of someone who is unwilling to participate.

However many strategies are used before a refusal to attend is accepted, and will include seeking advice from the Carers and Social Worker and attempting to speak to the young person direct.

Placement activity

The indicators in this section are important measures of the stability of care that a child has experienced. On the whole, stability of placement and care is associated with better outcomes for children. Proper assessment of the child's needs and a sufficient choice of placements to meet the varied and specific needs of different children are essential if appropriate stable placements are to be achieved. Inappropriate placements tend to break down and lead to more frequent moves for a young person.

% of looked after children with three or more placements in one year at end of March:

	2016	2017	2018	2019
Southend	11.5%	9.5%	9.3%	10.3%

For this indicator a lower score is indicative of good performance. Performance in Southend is in line when compared to statistical neighbours and the national average. The criteria for this indicator has changed over the past few years. Previously when a child returned from a missing episode this was classified as a new

placement, even if a child returned to the same placement. These are no longer included in this indicator. The percentage of looked after children with three or more placements in one year has remained fairly stable over the past few years. It was expected that the % would increase slightly during 2018/19 due to the high numbers of children being placed for adoption and where the making of an adoption order is being delayed through changes in the level of court challenge and with a higher number of older children entering care, however the service worked hard with Edge of Care to support placements which enabled the % to only increase slightly.

Placement location and type

There are many reasons why some looked after children are placed away from Southend. Whilst availability of placements is a factor, some young people need to live out of area to help to keep them safe from harm or from dangerous influences closer to home. Others may need specialist care that is not available locally, or may be placed further afield but with family kinship carers.

Over the past two to three years, there has developed a national shortage of placements both fostering and residential which has led to challenges locally to ensure that placements are well matched. For most of 2018/19 In house fostering services have

been running at between 110% and 130% capacity, which leads to pressures within fostering families. The support of the Edge of Care Team has been invaluable to carers during what has been a challenging time. (*See carer comments in Edge of Care section for impact*). This issue of supply and demand has also shown an increase in external prices (this was addressed under financial performance).

Of the 308 children looked after by Southend at March 2019:

- 221 (71.7%) were placed with foster carers and
- 241 (78.2%) were placed less than 20 miles from their home. The majority of those children in placements classified as 'at a distance' were placed in Essex or local authorities bordering Essex, were UASC or were placed for adoption.

It is recognised that children placed away from their home area may need additional support. The quality and impact of care and support that they receive is carefully planned and closely monitored. Where young people in any form of residential care, the placements are monitored through the multi-agency Acute and Complex Placement Panel to ensure that their health, including mental health, education and care need are

appropriately being met with clear exit plans in place.

Number of looked after children by placement type as at 31st March 2019:

Placement Type	Number of looked after children	Percentage
Foster placement (including kinship)	225	73.1%
Placed for adoption	10	3.3%
Placement with parents	11	3.6%
Residential childrens home	18	5.8%
Secure unit	2	0.6%
Youth offender institution*	2	0.6%
Residential school	5	1.6%
Semi independent	35	11.4%
Foster to adopt	0	0%
Total	308	308

*Since December 2012 all young people remanded to custody automatically become looked after children (under the Legal Aid, Sentencing and Punishment of Offenders Act 2012).

The vast majority of looked after children are in foster placements (73.1%). Southend has a low number of children in residential children's homes with approximately 18 children in such placements at any one time. The use of residential placements is linked to the number of older young people coming into care, some with very concerning behaviour who struggle to adapt to living in an alternative family environment and for whom it is very difficult to find the right accommodation and has increased over the past 18 months. Southend makes a conscious decision to only use residential care where we cannot offer a placement in a family setting or where to do so would not be in the best interests identified for the young person. Where a residential placement is considered the 'best fit' for a young person, the service aims to move them on as soon as possible through careful care planning with a long term ambition for family life (at home or within a foster placement). The use of residential placements is constantly scrutinised and monitored both by senior managers and as stated earlier through the multi-agency acute and complex placement panel.

At the end of March 19 there were two young people placed in welfare secure accommodation. Both had very complex needs and were placed in secure accommodation for their own safety and to reduce the risk of absconding; CSE and gang activity. During this time the service continually plans for their next placement to match their complex needs.

Placement costs

Placem ent type	2015/ 6 avera ge weekl y cost	2016/ 17 avera ge weekl y cost	2017/ 18 avera ge weekl y cost	2018/ 19 avera ge weekl y cost
In house foster placem ent	£180 allowa nce per child but avera ge one off fee of £213	£184 allowa nce per child but avera ge one off fee of £213	£187 allowa nce per child but avera ge one off fee of £213	£189 allowa nce per child plus avera ge one off fee of £213
PVI fosterin g placem ent	£700	£900	£1000	£1000

Reside ntial and secure placem ents	£3,10 0	£3,80 0	£4227	£5411
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The table above shows the difference in the average weekly costs in payments for in-house foster placements, independent foster placements and residential and secure placements. The figure for in house includes the average fees and allowances paid to in house foster carers, compared to the payments made to external agencies for placements. Costs over the past year for new external placements have again risen sharply placing pressure on the external purchasing budget.

A comprehensive recruitment strategy continues to attract more in-house foster carers. In 2018/19 we exceeded the target set in the sufficiency strategy for recruitment of in house carers, although due to a rise in care numbers, this success was quickly negated.

Comparative analysis of actual spend in the

2014/15, 2015/16, 2016/17, 2017/18 and 2018/19 financial years:

Look ed after childr en	2014 /15	2015 /16	2016 /17	2017 /18	2018 /19
Place ment activit y	Outt urn	Outt urn	Outt urn	Outt urn	Outt urn esti mate
In hous e foster care	2,183,248	2,476,583	2,816,946	2,850,851	3,072,611
PVI foster care	2,129,900	1,412,435	1,447,431	1,228,010	1,187,778
Resid ential care	2,980,788	2,776,360	3,244,487	3,840,723	4,882,288

Foster carer recruitment

Southend has continued to be able to rely heavily on in house fostering provision against PVI (private, voluntary and independent) provision. Financial restraints mean that there is growing pressure to continue to recruit more in house carers which, as well as having significant financial benefit also facilitates better coordination of support to children.

Eight mainstream households were approved by Southend in the year 2018/19, alongside nine kinship (family) carers. In order to meet the challenge of recruiting foster carers, a comprehensive recruitment and retention strategy has been developed. This has a number of strands and has been amalgamated with the Southend adoption recruitment programme. Southend's fees and allowances structure was reviewed in 2015 which enabled more carers to move into a fee paid status, to match and challenge private agencies who traditionally have paid much higher fees than local authorities. Whilst there remains a discrepancy between the two, it has allowed Southend to begin to compete in the market place. This will be further reviewed in 2019/20 as a part of the Fostering Improvement and Action Plans.

The marketing strategy to recruit foster carers is continuing to develop, with improved usage of social media, targeted recruitment campaigns and drop-in sessions supported by existing foster carers and members of the fostering service. Our marketing officer continues to gain feedback from applicants as to the recruitment activity and it is positive that many say that they have approached Southend through word of mouth. The support over the past year of the edge of care team has been cited as a

positive reason in a number of cases where word of mouth has been the vehicle.



A further successful avenue over the past two years has been in gaining carers from the independent sector through our campaigns and particularly through word of mouth. Local authorities were able when care numbers were stable, to begin to use less and less PVI carers which further encouraged a move to the local authority, Southend does however need to continue to support at a high level if we are going to prevent carers from moving away from the local authority in the future to the private sector, now that the demand for PVI placements is nationally beginning again to increase.

The Corporate Parenting Group monitors fostering recruitment closely and detailed information is regularly presented to the group. From sufficiency research locally, Southend needs to increase its core number of carers by at least five households

annually if we are to begin to increase the number of young people able to remain in-house. If however care numbers begin again to rise at the levels that they have over the past 18 months (263 April 16; 282 April 17; 292 March 18; 308 March 19) then we will need to increase our core numbers by nearer to 10-15 carers annually just to stand still. This remains a real challenge.

Southend's extensive foster carer training is highly valued by in-house carers and was extended to Special Guardians two years ago and is now a core element of all SGO support plans. Training includes sessions by the Virtual School and various therapeutic sessions; attachment and self-harm; first aid and behaviour management; safeguarding and understanding risk; Child Sexual Exploitation and Missing; awareness of gangs and drugs. Some training is delivered face to face, but much is now on line at the request of carers. The service will continue to develop its training programme to meet the changing needs and issues in society.

Additional support for looked after children

An independent visitors and advocacy scheme is available in Southend, commissioned through NYAS (National Youth Advocacy Service). Between April 2018 and March 2019, 8 young people were matched with an independent visitor. At the

end of the year there were 13 young people referred and waiting for an Independent Visitor.

The independent visitor service recruits volunteers who befriend, support and advise looked after children and young people. A careful matching process takes place to understand the interests of the young people and the independent visitor so that both the young person and independent visitor may share a hobby sport or interest. The project provides induction, training and supervision for the volunteers. In the past year there were 15 volunteers who expressed an interest but did not progress and three who went through the NYAS safer recruitment process.

Social workers refer the young person to the service when they think a young person would benefit from developing a supportive relationship with an independent person. The service is explained to young people and it is the young person who makes the final decision about whether they would like to be matched with an independent visitor. The matter is raised by the independent reviewing officer at all looked after reviews where it is felt that such a service could benefit the young person. Independent visitors usually have contact with a young person at least once a month, including telephone calls; text message conversations and face to face contact.

Young people comments on the NYAS service

“I’m not sure I could have kept going without you”

“The volunteer looks fantastic”

“Thanks it’s been really helpful”

Many of the young people currently matched with an independent visitor are teenagers. Most matches last a few years and usually come to a natural end point as young people get older and lead more independent lives themselves.

The NYAS service also offers an advocacy service for looked after children, where it is felt that maybe they are struggling to have their views and wishes heard.

There were 34 referrals for advocacy services during 2018/19 across Essex and Southend, a decrease from the previous year. The main theme of these referrals was generally issues regarding placement moves, attendance at LAC reviews for support and pathway planning. All referrals were picked up by NYAS within 24 hours and contact made with the young person within 72 hours.

Clinical Services

Southend Children's Social Care receives clinical services through the Emotional Welfare and Mental Health Service (EWMHS, previously CAMHS) which is provided through North east London Foundation Trust and is jointly commissioned with Essex and Thurrock.

The clinical service operates on an outreach basis in order to promote accessibility for families, and in the year 2018/19, of referrals received, 85 were from children's social care.

At the end of March 2019 there were 23 looked after children open to EWMHS.

The Children with Disabilities Service

The Children with Disabilities Service is a Children's Social Care resource which offers a targeted service for all children with disabilities who require additional support. The service focuses on providing the additional support required by families with disabled children and is compliant with the Children Act 1989, Chronically Sick and Disabled Act, Disability Discrimination Act and the Special educational needs and disability (SEND) Code of Practice. The team works closely with our partners in health and education to ensure a full wrap around service for some of our most vulnerable children and their families. The

team also has 14 children placed in statutory care and other residential provision.

The team currently support 129 children and young people and their families.

Age and disability breakdown for cases open to the Children with Disabilities service end of March:

Age	Number of children March 2018	Number March 2019
Under 5	11	16
5-9	21	24
10-15	47	56
16+	39	33
Total	118	129

Type of disability many will show in more than one column	Number of children
learning	36
mobility	12
incontinence	5
communication	12
Hearing	5
Behaviour	26
vision	6
Autism/Aspergers	48

Personalised budgets

Personalisation, which is about giving service users choice and control over their lives, particularly in how their needs are met, is an approach that continues to gain popularity as many families choose to take on more control over their lives and the opportunity to choose their own provision to meet family circumstances when it best suits them.

The Children and Family Act 2014 advocates the use of personal budgets, which means that rather than receiving services like accommodation and personal care, disabled people are supported to be able to plan and spend their budget as they choose. This gives families more control over how they use their budget to buy the service that makes sense to them at times that benefit them.

At the end of March 2019 there were **137 (125 in 2018)** children receiving direct payments through Southend.

Short Breaks

Short breaks are defined as any service or activity outside of school hours which gives the family of a disabled child or young person a break from their caring responsibilities, and gives the disabled child or young person an enjoyable experience. Eligible provision therefore includes both

targeted and specialist provision and mainstream activities outside school hours, for example holiday play schemes, after school clubs or one to one outreach support. Southend currently commissions around eight short break providers including providers such as Eco Wings, RE House, Christopher's Cottage and Marvellous Minders.

The Local Authority also financially supports after schools and holiday clubs at Kingsdown and St Christopher's Special School and community based provision, such as Friends and Places and Chris Cross. The community based activities are listed online in the Southend's Children and Families Information Point (SHIP) website. A number of children (60) children are supported by Children with Disabilities from the s17 budget by way of direct services. I.e. the Council receives invoices and pays the providers directly. Where families use their direct payments to access short break provision, they will usually seek support from the children with disabilities team to help to tailor packages to meet their child's specific needs.

Transition

From March 2018 to March 2019, there were 19 young people who transitioned from children's to adult's services as they reached the age of 18. The Children with

Disabilities carries out six monthly Disabled Persons Assessments (DPA) from age 14 to 18 and Adults Services are made aware of 17 year olds that will transition to their Services. There is a Social Services Worker in the Children with Disabilities team who ensures that referrals are made to Adult Services and joint meetings take place to support families through the difficult period of transition, so it is as smooth as possible.

Special Educational needs

The Children and Families Act 2014 introduced significant changes to the special educational needs system that came into effect from September 2014, replacing educational statements with an Education, Health and Care Plan (EHCP). The team have worked closely with the SEN service to ensure a smooth transition and ensure an integrated approach for disability and special educational needs, where social care relates directly to special educational needs.

Acute and Complex Placement Panel

The aim of the Acute and Complex Placement Panel (ACPP) is to ensure that children with very complex needs, their families, and the universal services they access have the necessary support to, wherever possible, maintain their care at home and their education in the community. If it is not possible to maintain care at home,

to ensure that children and young people presented to panel are provided with the opportunity to remain within their community, supported by creative and flexible multi-agency packages of support which will address their care, educational, health and leisure needs.

The panels' strategic function is also to monitor local services and identify gaps in provision in order to inform the development of a range of local provision that is geared to meeting the needs of children and young people. For example:

- a. Consider outcomes of Disruption Meetings
- b. Investigate and report on quality concerns
- c. Report on external placement activity
- d. Initiate strategic discussion

If children and young people are unable to stay within their local community and if it is not possible for them to be placed within a family setting, in some cases they may require a time-limited experience of support within a residential environment or school. Wherever possible these placements should enable young people to maintain links with their community, friends and family networks. The panel ensures that placements, wherever possible, are planned rather than made in crisis, and to avoid crisis decisions which may have long term negative outcomes. It aims to make full use

of the monitoring and review of placements, in tandem with Looked after Reviews and Annual Reviews of EHCP plans, in order to ensure:

- Best value
- A needs-led approach
- A focus on outcomes

The ACPP also ensures that young people, either with disabilities or who are Looked After, who will require an ongoing service into adulthood, are reviewed and brought to the attention of the responsible agencies in a timely fashion (at age 14)

The ACPP meets on a monthly basis and includes Social Care; Continuing Health; Commissioners from Individual Placements; EWMHS; Virtual School and SEN.

Leaving Care Services

The Leaving Care is a team of Social Workers, Personal Advisors, Team Manager, Service Manager and a Head of Service.

The Leaving Care Team is in place to provide 16 and 17 year olds (including unaccompanied minors) in care, and young people who have left care, the support that they may need to get ready to live independently when they are ready.

From the age of 15 ½ to 18 young people allocated a Social Worker and from the age of 17½ to 21 are allocated a Personal

Advisor who will work alongside the Social Worker to ensure that young people are on the right path to independence. Should young people require additional advice or support (health & well-being, relationships, education & training, employment, accommodation and participation in society) it will be available up until the age of 25.

The Children Act 1989 and the Children (Leaving Care) Act 2000 give young people certain rights as a young person leaving care. These laws say that if you have been looked after, the Leaving Care Service must provide you with:

- A Personal Advisor
- A Pathway Plan – which helps to map out your future plans and aspirations which is updated every 6 months
- Regular Contact – to ensure that there is someone there to keep in touch with you
- Make sure that you are ready to move to living independently and the steps you are going to take to do this

Under previous legislation, the Leaving Care Team was only required to provide young people with support until they reach age 21, with that support continuing up to age 25 if a care leaver was engaged in education or training. However, this support was not

available to you if you were a care leaver aged over 21 who was not in education, training or employment.

This duty to provide young people with support has now changed. This means that support is available to young people at any point after the age of 21 up to the age of 25, whether or not engaged in education and training.

The Leaving Care Team will also make sure young people have somewhere suitable to live and help them to get education, training or employment they want/need to prepare them for a successful adult life. The aim is to help young people to be fit and healthy, be safe and enjoy what they are doing and achieve what they want to do in life, contribute to their community, have enough money to live on and to do the things they would wish to do.

Leaving Care Team Aspirations

We hold very high ambitions for young people and are committed to supporting them to:

- to achieve your goals
- to have all the skills to live independently
- to have an apprenticeship
- to study at university

- to be able to make good decisions
- to engage in education, training or employment
- to minimise the frequency of teenage parenting
- to secure, safe, suitable and affordable accommodation

Staying Put arrangements

When a young person reaches the age of 18, they are no longer considered to be “looked after”. Foster carers play an important part in ensuring that young people are prepared for the move to independent living if this is what they choose, or by continuing to support them after the age of 18 through schemes such as Staying Put, where a young person’s foster placement can be extended beyond their 18th birthday. The transition to adulthood is complex for all young people, and staying put arrangements enable young people to experience a transition from care to independence and adulthood that is more similar to that which most young people experience, and is based on need and not on age alone.

The Children and Families Act 2014 introduced the duty on local authorities in England to facilitate, monitor and support staying put arrangements for fostered young people until they reach the age of 21, where this is what they and their foster carers want, unless the local authority considers

that the staying put arrangement is not consistent with the welfare of the young person.

Southend has been successful in driving forward the use of “staying-put” since 2014. The number of care leavers able to make use of this service has remained fairly stable this year with 16 young people remaining in stable family placements post 18 against 14 in March 18.

Special Guardianship Orders

Since 2015/16 there has been a national increase in the use of Special Guardianship as a long term outcome for children leaving care. This has over the past couple of years become more stable however there remains challenges with some outcomes considered by the courts.

During 2018/19 in Southend, nine children and young people became subject to a Special Guardianship Order a slight increase from eight in the previous year. A Special Guardianship Order (SGO) means that while parental responsibility remains with the parents, a carer (including foster carers) or relative can apply for the child to live with them, and make day to day decisions on behalf of the child. The Special Guardian is given over-riding parental responsibility for the child.

Southend work with all SGO families for three years following an order being granted (where the families agree to support) and where appropriate undertake review needs and financial assessments of families to ensure that wherever possibly they are able to meet the needs of the young person throughout their childhood. The training developed by the specialist worker for SGO in conjunction with the adoption team and Marigold Assessment Plus as a preparation training day for prospective special guardians to help them to take stock of the impact on them and their families of a Special Guardianship Order is now well embedded. 61 prospective special guardians have attended the training since March 2017. In addition training for staff was completed in respect of the assessment process; support plans and highlighting the key areas of pressure for families involved. The training was well received during the past year allowing family members to reflect on and fully understand the impact of an SGO on them as a family.

The Southend SGO panel continues to act as a quality assurance panel, advising the local authority on final care planning options. SGO support in Southend continues to develop. The SGO support group continues to thrive, within which training and advice has been available to anyone in Southend holding an SGO. Proactive support is offered where placements are seen to be

under pressure and close links with Marigold Assessment Plus have been further developed during 2018/19 to ensure parenting support and advocacy work where required. In 2017/18 Southend paid £303,556 in SGO/Residence Order allowances to support Southend children.

There has been increasing concern in Southend as to level of disruption or serious concerns raised regarding some SGO placements. Whilst it is not always possible to track the long term outcome of SGO, a research report has this year been completed to review longer term outcomes for special guardianship cases to look at areas of concern or disruption alongside those with a positive outcome for the child and family.

Of the orders made in Southend over the eight year period between 2010 and 2018, we are aware of 11 of the children who have become permanently looked after again following a disruption of the order (12%).

In addition, there have been serious child protection concerns in relation to a number of other children and two returned quickly to the care of their birth parents without social care being informed by the special guardians.

22% (20) of all cases where an SGO was granted in Southend, therefore have subsequently been involved in either Child Protection issues or have returned to LA care.

The information gained in the research undertaken in Southend was presented to the Judiciary and CAFCAS at their annual conference to allow for informed decision making going forward.

Comments from SGO training – pre order

“I wouldn’t change it for the world.....but” is a common sentiment.”

“Thank you for the training, Group Leaders were absolutely fantastic, I felt welcome, relaxed and learned a lot.”

“My eyes were opened to the facts of the child and that they may need a lot more and how I can find help and support.”

“I feel it has made me realise my own pro’s and con’s in which I can now start to process the change.”

Adoption

There continues to be a drive over the past two years to move towards Regional Adoption Agencies, to widen adoption recruitment; improve support for adopters and to place more children with adoptive families within shorter timescales. This has been driven by the DfE in conjunction with the Adoption leadership Board, a national board with a remit to drive significant improvements in the national adoption system of England. Southend are members of the Eastern Region Adoption Board. The Regional Adoption Board brings together Local Authorities and Voluntary Adoption Agencies and adopters, with the purpose of creating more opportunities for children within the region, to have timely access to secure permanent homes and to provide children with the best possible life chances.

In addition, Southend have continued over the past year to work closely with Essex, Hertfordshire, Suffolk, Luton and Adoption plus and Barnardo's (Voluntary adoption agencies) and Adopter Voice to form a Regional Adoption Alliance (Adopt East). The Alliance has now been joined by Bedford Borough, Norfolk and Thurrock. It is hoped that this will create a larger pool of approved adopters with whom to match children and drive performance and outcomes for children.

Children placed for adoption

In 2018/19 a total of 23 Southend children were adopted a decrease from 38 children adopted in 2017/18. This decrease was partly due to a number of Adoptions being carried over to 2019/20 as a result of court adjournments. In addition, 9 children were made the subject of special guardianship orders, where the parallel plan was adoption.

Number of looked after children who ceased to be looked after who were adopted:

	15/16	16/17	17/18	18/19
Southend	25	28	38	23

Of the 23 children in Southend in 2018/19, 13 were girls and 10 were boys. An age breakdown is included below of the children's age at the time of the adoption order being granted (this will be different from the age when the children were placed with their adopters).

Children's age when the adoption order was granted in 2018/19:

Age in years	Number of children
Under 1	3
1-2	9
2-3	3
3+	8

As at the 31 March 2019, there were 10 children placed with their adoptive family but an adoption order had not yet been granted. 17 children had a formal plan for adoption but had not yet been placed with an adoptive family, where either family finding is on-going or we are awaiting the courts ratification of the plan. A further 28 had a potential plan for adoption whilst also having other parallel plans for permanency.

Feedback from adopters:

"We originally chose Southend as our adoption agency after friends had recommended the team's personal and helpful approach, and we definitely found that to be the case. The small team has worked really well for us, and have been helpful throughout the adoption process. We would definitely recommend Southend to others considering adoption. "

"The whole Southend adoption team has been amazing. Before we started the process people warned us that it would be long and arduous journey, however we have really enjoyed every aspect of our adoption journey so far. We enjoyed the workshops and the self-reflection on our lives now and in the past. The CAT and STAG groups have proved invaluable in gaining information about life post adoption and we have found the support from fellow adopters brilliant. We would have no hesitation in recommending Southend Adoption team to couples/individuals who were considering adoption. Thank you so much for your help!"

"We found the craft day to be so beneficial. We have said that we think that all adopters should have to attend one of these as it really opens up your eyes to different types of children. From the start we said we wanted a child aged 0-2, however after attending the craft day our view drastically changed. We were taken aback by how we felt about older/harder to place children, it made them seem more real and not just 'paper children' "

Adoption scorecard

The adoption scorecard aims to show how swiftly children are placed for adoption in each local authority. The local authorities' performance is measured against key indicators which are applied to the number of children who have been adopted over a period of three years. As the numbers of children adopted each year in Southend remains relatively small, one child's journey through the system can have a large impact on the average figures for a number of years.

The average time between a child entering care and moving in with an adoptive family has continued to decrease in Southend from an average of 313 days (2014-17) to 309 days in the latest scorecard. This is well below the national average of 486 days and shows a continuous downward trend. It is expected that average timescales may begin to rise in 2019/20 due to national court delays from adjourned appeals and delays in court dates for final hearings.

Whilst we will continue to work to reduce the average time between a child entering care and moving in with an adoptive family, our approach will always be to take the necessary time to find the right families for our children.

Average time between a child entering care and moving in with its adoptive family, for children who have been adopted (3 year average):

	Adoption Scorecard Outturn 2014/17	Adoption scorecard Outturn 2015/18
Southend	313 days	309 days
Southend's ranked position	1 st of 149	3 rd of 149
England Average	520 days	486 days

Impact:

Southend continues to do significantly better than the national average in the time taken to match a child to an adoptive family once a court decision is received with an average of 107 days against a national average of 201 days. This shows a continued performance from the previous scorecard.

This ensures that where children in Southend require permanency through adoption they are not delayed allowing them to move into their permanent families quickly.

Average time between a local authority receiving court authority to place a child and the local authority deciding on a match to an adoptive family (3 year average)

	Adoption Scorecard Outturn 2014/17	Adoption scorecard Outturn 2015/18
Southend	107 days	107 days
Southend's ranked position	4 th of 149	8 th of 149
England Average	220	201

Recruiting adopters

20 adoptive families were recruited in 2018/19 against 10 in 2017/18. By the 31 March 2019 there were 12 Families approved but not yet matched or linked with children. All other families currently being supported by the adoption team have either had children placed with them or are linked to children and are waiting for the placement to be approved at panel.

Recruiting the right adopters for children remains a challenge for all local authorities and the situation in Southend is no different. Considerable work has been undertaken to attract prospective adopters to Southend which has proven very successful of late, with 22 families attending training in June 18

and February of 2019 and 13 currently under assessment.

Since 2015, Southend has been working jointly with a number of agencies to form a Regional Adoption Alliance (Adopt East). There has been increased activity through this group which includes local authorities and voluntary adoption agencies to ensure the best recruitment across the region of prospective adopters. Our profiles of children have been developed considerably and are well designed, up to date and use good quality dvd's and professional photographs. Responses to requests for information about children are made in a timely way and the team are creative in the way that the matching process is managed to be most effective for individual children. A matching co-ordinator appointed for Adopt East has focused work across the region for the matching of children in a timely manner.

Adoption support

Adoption support was brought back in house several years ago and since that time has developed greatly in speed and quality of the offer. Support for adoptive families is a major event in the life of a child and it has lifelong implications for all of the parties involved. The adoption team recognises that all parties may need support at different stages of the adoption journey.

The adoption service provides support to adoptive parents, their children and birth family members to enable them to remain in touch after an adoption order is granted. The letterbox administrator supports a regular indirect exchange of information between birth families and adopters. The team also provides support to help to maintain direct contact arrangements for adopted children and their birth relatives where this is in the child's interests.

Financial reviews are provided to families in regard to adoption allowance/support payments provided by the service, and adoptive families' needs are assessed when there is a change in circumstances. Ongoing therapeutic support is provided for adoptive families before and after the adoption order has been granted and the team will intervene whenever necessary to prevent the disruption of an adoption. The service works alongside the Marigold Assessment Plus to undertake therapeutic life story work, offers support to adopted adults to access their records and works as part of intermediary services with birth families and adopted adults.

Adoption support is generally provided within the team and therefore is undertaken by staff who have already developed a strong relationship with the adoptive families; the service is diverse in the services offered and support is developed

on an individual basis to meet the very individual needs of each child and their family.

Impact:

Support for post adoption is currently mostly delivered in house by a highly trained team. Services are brought in and funded through the adoption support fund where needed. Given the size of Southend, decisions for support are able to progress in a timely manner and decisions made into services to be provided without any delay. Due to this, Southend has had no adoption disruptions for over 10 years.

Southend adoption team continue to run two post adoption groups. One is a post approval group, for all approved adopters who have not yet been linked with a child. This allows the team to offer ongoing training and to share profiles of children at an early stage. The Southend post adoption group continues to go from strength to strength and is very much adopter led with training and speakers as requested. The post adoption group continues to allow the team the opportunity to identify stresses within certain placements at an earlier stage and to pick up and undertake direct work with the family before a placement disrupts.

Where preschool children are placed for adoption in Southend families are encouraged to attend SPARKLES. SPARKLES is a group in which adopters are shown and encouraged to play with their own child using Theraplay techniques, a therapeutic approach that promotes the development of attachment relationships. SPARKLES has added benefits for adopters who have often gone on to develop supportive relationships and networks.

The need for families to be supported post placement continues to be on the increase as families seek to re-parent children impacted by the trauma experienced in their early childhoods.

In addition to Southend's on-going sparkles group and adopter training programme during 2018/19 over 45 families requested additional post adoption support many of whom continue to engage and access this service. In reality this means over 70 children are receiving on-going support. This has continued to increase with more children being brought into Southend and families seeing the impact of the support offered.

The Southend adoption team have continued to optimise access to the government Adoption Support Fund

Scheme accessing over £25K in 2018/19 despite reduction in availability within the fund. Of this funding additional services are purchased but a significant proportion funds the skilled work the Adoption Team itself is able to provide.



Recognising that most adoptive families will require additional support at different times throughout their child's own journey in this project the Adoption Team is seeking to be proactive and preventative before major crisis occur aiming to minimise the risk of any disruption. For the parents we continued to run an NVR (non-violent resistance) support group, supported by Partnership projects.

The letterbox contact system continues to develop, currently supporting approximately 306 contact plans for under 18yr olds, in several cases including direct contact arrangements.

As young people are themselves approaching maturity it is recognised that the need for them to consider how their own history integrates with their experience of adoption is more prominent. The Southend adoption team seek to support adopted young adults who have been adopted. Before a young person reaches the age of 18, there is a review of the information exchange and direct contact made with the adoptive parents and young person. The numbers of young people reaching 18 is beginning to rapidly grow due to the increase in adoptive placements made over the past few years. It is recognised that just because a young person is reaching the age of 18 they may not be at a point in their lives where they wish to trace their birth family or request access to their adoption files. The team believe however that it is important that they know what services are available to them as young adults. A further 66 young people over the age of 18yrs continue to have a service through the letterbox service.

Southend Adoption Service recognises that when a child joins an adoptive family it is not only the immediate family that are impacted,

but also their extended families and networks. The team regularly hold information sharing evenings for this group, to raise their awareness of the challenges adoption can bring and to explore practical support they may in turn be able to offer. The groups are well attended and continue to prove a great success in supporting placements where difficulties arise and allows the team to tap into the extended support with training to give them the understanding to help. Where families have large support networks or where a child being placed brings additional complexities individual events for families are arranged.



Southend adoption service recognises it can be a challenging and difficult time for existing children within a family who are approved to adopt to wait for a child to be placed in their family. In July 2016 the team started a group for six children aged between 6-8 years. The group gave the children an opportunity to share their feelings, ask any questions, make new

friends and generally have fun together. Theraplay activities were introduced, which the children will be able to play with their new sibling, and help them to understand the importance of these simple games. The feedback from the children was very positive and is a group which the children have asked continue for both themselves and for new children in the same position. The children wanted this group to be called the “super Sibling Group”. In 2018/19 this group did not run due to not having enough children to attend, however with a number of new families now in Southend with siblings, this will be re-introduced during 2019/20.

Southend continues to be successful in recruiting adopters and often being able to utilise these placements for children through the national register forming a positive funding stream for Southend. This is financially beneficial to Southend Council with over £119,000 income generated in 2018/19. This income helps to offset expenditure which in 2018/19 was £160,000. It does however have an impact on the level of post adoption support required. Due to the ongoing development of the Regional Adoption Agency Programme, Southend have continued in 2018/19 a reduction in the number of our families taking placements through the national adoption register which had a negative impact on the funding stream during 2018/19. In March 2019, there was a

reduction in the deficit between income and expenditure for inter-agency costs to around £41,000 (£366,000 in 2017/18). So far in 2019/20 the expected budget for children so far placed has an income of £140,000 against an expenditure of only £72,000 which is a positive move forward.

Birth Parent Support Group

Through 2018/19, Southend adoption team continued to run a birth parent drop in which directly supports birth families who have been affected by adoption. The Birth parent drop in continues to meet on a monthly basis in a local community centre. Evidence has shown that the quantity and quality of letters received has continued to improve and has allowed some children to receive contact with birth families that they otherwise would have missed. The group seeks to offer birth parents a nurturing experience, eg they are offered warm drinks and toast and in turn they present as less defensive and more open to receiving support.

The group is advertised in local community areas to ensure that as many families as possible can be supported. The team have supported several young mums through a second pregnancy and have been able to continue to support several very vulnerable parents, post adoption. They have worked closely with the Marigold Pause project for

several of these vulnerable young mums. During 2018/19 the team again successfully engaged with some birth parents who previously had no on-going contact with the Department, allowing their adopted children to receive information about their birth families and therefore to begin to really make sense of their backgrounds. This service remains small but is well embedded in practice and understood across the community.

During 2018/19, Southend adoption team developed further the “Just Right State” with local schools. In addition NVR training has been run with a number of partner agencies to support further the work that is undertaken across the Borough.

In 2018/19 the team continued to support Mindfulness Meditation Training. This course recognises that in order to manage the continuous challenge of being parents the parents themselves need to be valued and develop strategies. In addition there has been a robust post adoption training agenda looking at parenting techniques and strategies; sharing difficult information; health and social media issues. There has been a clear plan set up for 2019/20 based on the needs and wishes of our adoptive families.

The team have continued the project with Cornerstone regarding the use of virtual reality. Cornerstone a Voluntary Agency set up by adoptive parents to support adoptive families began to develop this project in 2017. The initial focus was to find a way to support prospective adopters and foster carers to achieve a greater understanding of the actual reality that children known to social may have previously experienced, more than intellectual understanding. The adoption team from Southend were involved in this from the start with the opportunity to meet with the film crews and influence how the films were initially developed.

The VR films have been filmed in 360 to give the full immersive experience which allow parents and carers to understand the impact of trauma and attachment from the child’s perspective. In turn this can elicit a greater degree of insight and empathy.

Through the immersive films individuals can open up worlds never seen before. That of a child in the care system. What they have been through, how this affected them and, more importantly, how the parent, adopter, foster carer, social worker and teacher can see things from the child’s perspective.

The VR films engage with a different part of the brain to the cognitive rational side most

function in which means the experience taps in the emotional and physiological parts as well.

The potential has been recognised in terms of training social workers, recruiting foster carers / adopters, supporting schools to gain greater understanding of the roots of presenting behaviours, supporting young people to gain insight into their own history, preventing placement disruption.

During 2018/19, the VR training has been undertaken with staff and senior managers, up to the Chief Exec. In addition it is now fully embedded as a part of adoption and fostering initial training and within the SGO training for potential special guardians.

There are requests for this to be taken into a number of Southend schools during 2019/20 to train staff across all aspects of school life.

Quality Assurance Framework

Children's social care is a complex system and we use many tools to understand learning opportunities, themes and trends within the service to enable the service to continue to adapt and change to new demands. This ensures that we are a responsive and learning service. During quarter 3 of 2018/19 the service moved to sit within Children's Service Transformation.

The audit Framework starts from a number of key principles and assumptions:

- Southend Children's Services are committed to delivering the very best outcomes for the children it works with;
- Ultimately, the delivery of good outcomes will always take precedence over a focus on process or outputs but all are important in the delivery of children's social care services;
- Outcomes for vulnerable children can always be improved upon and no service ever performs perfectly - social care services require a constantly questioning and interrogative approach to ensure their continuing safety and effectiveness;
- Ensuring an ever-improving quality of all we do is the responsibility of all staff but the prime responsibility will always rest with those who deliver front line services to children and their families;
- Safe and effective services depend on the existence of a healthy tension in the system between those charged with the delivery of services and those who have a scrutinising and oversight role. Managing the tension is part of the role of senior managers who need to ensure a balance is maintained between support and

challenge and is always driven by the best outcomes for children.

An effective approach to performance and quality assurance must be characterised by four separate but related strands - quality assurance and review, challenge, management action and practice development.

Quality Assurance and Review - those are the elements of the service designed to review and measure the extent to which the practice is successful, that work is meeting agreed standards and that children are being kept safe within the system and their welfare being promoted;

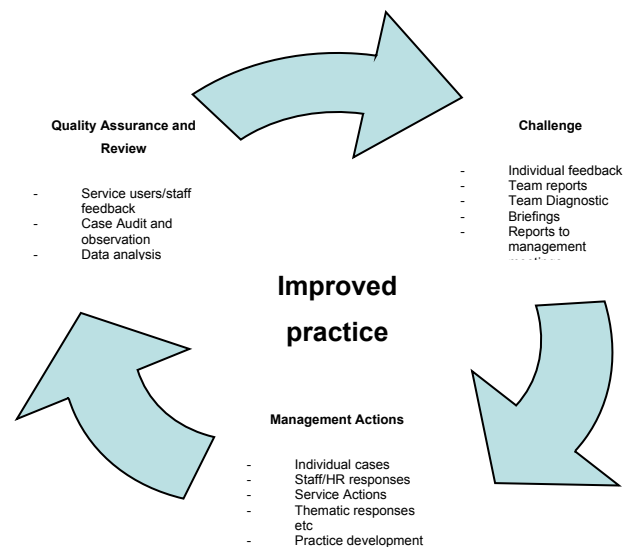
Challenge - these are the internal and external processes and arenas which challenge the service to improve performance and outcomes for children based on the quality assurance and review work.

Management Action and Practice /

Practice Development - these are actions taken both to respond to deficits identified through the quality assurance, review and challenge processes and to ensure that performance improvement activities are constantly refocused to deliver the required changes. These set in place those elements which if properly embedded are designed to improve performance.

The Quality Assurance Framework sets out the quality assurance and review

arrangements for the service and identifies how this is used to challenge the service and how this is linked to management actions and practice development with the overall aim to improve practice and improve outcomes for children. The service is committed to a model continual improvement (see below)



Management and audit oversight

The audit programme for 2018/19 ensured that a number of activities took place within the Quality Assurance Framework to measure and review the progress of delivery of Children's Services linked to the Children Services Improvement Plan (CSIP). In addition to the audits undertaken a number of additional audits were undertaken to inform practice reviews. This included a review of MASH+, work with under 1yr olds and a review of AIPT. We also commissioned an external health check which involved reviewing cases. The findings from these reviews resulted in

action plans which have informed the work of the Practice Unit and the development of the Children's Services Strategic Improvement Plan.

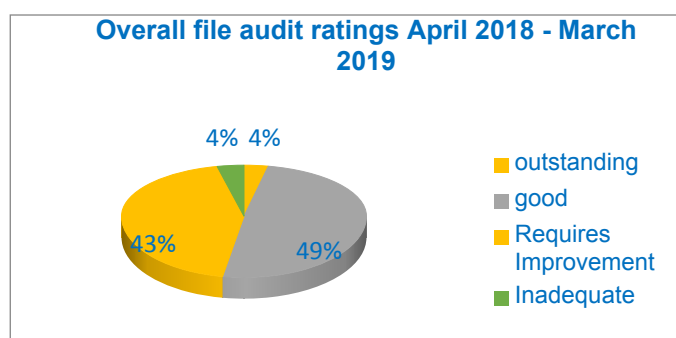
Audits were completed by senior managers within children's services, however of the 211 file audited during the year, the majority were audited by external auditors. The transition around auditing activity continues from predominately external auditors with no contact with social workers and service users, to internal and external auditing alongside social workers and managers. Some audits have included families and young people's views and this is an area for further development over the coming year.

Overall rating	Number 2018/19	Percentage 2017/18	Percentage 2018/19
Outstanding	8	1%	4%
Good	104	29%	49%
Requires Improvement	91	44%	43%
Inadequate	9	26%	4%

There has been an increased focus on themed audits completed within each service area. Trends identified are used to inform themes for future audits and case review days/training days and actions arising from the audits are incorporated into the Children's Social Care Improvement Plan to drive forward service improvement.

During 2016/17, a Practice Lead was appointed to play a lead role in the quality assurance framework, challenging and supporting practice including mentoring; observing practice, identifying themes and trends and supporting a change in practice to address issues identified, by targeted training through team development periods and one to one support where required. This has continued to prove positive in improving practice during 2018/19.

During 2018/19, of the 211 audits undertaken the following was found:



In line with our Restorative Practice approach we are continuing to review and update our approach to audit to ensure that it reflects our current priorities and approach.

There has been significant improvement in practice within contact and referrals. There is evidence of clear decision making with strong rationale. The outcome of this is a prompt response to concerns and a reduction in the level of delay in children being seen and assessments being undertaken, needs are assessed and services and intervention taking place in a more timely way. The impact on children is likely to be reduction of stress if their needs and those of their parents are addressed. There is likely to be a sense of safety when steps are taken to provide safeguarding and protection demonstrated by improved school attendance and better health outcomes and milestones met.

Strong multi agency working within CP processes ensures that children are receiving a holistic support package. Conference reviews are seen as timely and plans are 60% smart, providing a good framework for the work with the family. However, engagement with the child and family, sharing the report and areas such as diversity are still less than 50% rated good. Given this the likely experience for some of the children subject to CP plans will be one

of having things done to them rather than with them. The outcome of this will be families less likely to engage with any services and make the changes required. Their experience being one of criticism done to them, rather than strengths based intervention and co-production and so there is likely to be less positive and sustainable impact. Plans from CP process are not consistently focused on outcomes for the child. Plans and Assessments continue to be key areas for development in 2019/20.

In assessments there has been a substantial shift from predominately requires improvement to this period of reporting being predominately good. The strongest areas in assessments were multi agency working and gathering information. The three areas that were less than 50% good were engaging and sharing with families and diversity. The possible impact of these outcomes is that children and families are likely to feel that the assessment is the property of professionals. The premise of restorative practice is to work with families rather than do to them or for them. There has been over the past 6 months a programme of training around this with staff and an expectation that it embeds as the culture in Southend working with colleagues and families.

With the launch of the assessment guidance, it is expected that we will begin to

see in audit the areas that are still requires improvement being enhanced over the coming year with the support being provided to practitioners from the practice unit, so giving a more positive experience to the child and family through the assessment process.

Since July 2018 there have been no repeat inadequate audits indicating the improvement by managers in following the process to address issues identified in the audit and ensure improvement in subsequent audit rating.

Based on the quality assurance activity during 2018/19 we have developed a plan of activity to address identified areas of practice improvement. The rolling plan supports the strategic improvement plan for Children's Services and aligns with the Transforming Together outcomes.

Consultation with and participation of young people and their families

The views of children and families using our services are collected in a variety of ways and there are a number of mechanisms in place to ensure that children are supported to represent their views. Children's social care commissions an independent advocacy service, National youth Advocacy service (NYAS), to work with children and young people to ensure

they are able to communicate their wishes effectively to practitioners and managers and within the reviewing process.

LAC Councils – Currently one group of between four and eight young people.

The Young Experts Group (YEGS) formed in 2016/17 following a refresh of the LAC Council. The name of the YEGS group was decided by the Young People and they designed the logo and remit that YEGS would follow. It was important to our young people that this was not a name associated with 'care' and they felt it was important that it reflected that they were 'experts of their own experiences'.

There have been many successes including the development of the 'me manual' the social worker profile and re-joining the Go East- Eastern regional participation network which has led to participation in the Children's Commissioner Events, but also participating in audits so that the children and families (in some cases) fed into the auditors review of the case.

There are two allocated workers holding the YEGS meetings, both of whom are family support workers within Edge of Care. As part of the improvement plan and the Local Authority's continued commitment to

children accommodated by the Local Authority the focus for YEGS this year and for the years to come.

The YEGS group started with seven members and workers continue to attempt to encourage as many young people who are looked after in Southend to attend- including meeting with foster carers and helping with transportation. Meetings have been held with all allocated social workers, workers attended team meetings, shared findings from direct work with young people, met with IRO's- to talk about the positive work that YEGS were conducting in terms of top ten tips for social workers. The group have just completed the Top 10 Tips for social workers and IRO's – this work was a combined effort from all Child in Care Council's in the Eastern Region and was led by the Children's Commissioner.

The YEGS also completed a stop motion animation project in which they demonstrated their understanding of services in Southend that support Looked after Children. In some cases these were emotive short films with one discussing the signs of safety they look for when becoming looked after.

The YEGS completed a bake sale in October 2018 in order to raise money for

HARP the homeless charity as this has been a feature in some of their lives. They are now working towards the development of a photo/film exhibition of Young People in Care's 'Day in the Life'. This will be held at the Beecroft Gallery over the summer of 2019 and will display images that symbolise their experiences. This work will be combined with the Voices 2019; Amplifying the Voices of Children in Care and Care Leavers, which is a competition with a 500 word poem, story, spoken word, rap, song lyrics about Growing Up submitted in February 2019.

The current project is to look at the 'Pledge' that is currently in place for all looked after children in Southend. The group have also been invited to be a part of a new police initiative based at the YMCA. This is a Youth Independent Advisory Group which will focus on concerns from our young people in Southend. The purpose is to provide a platform for young people to ask questions and express concerns around policing in Southend.

Given the planned works for the YEGS it is of paramount importance that we continue to work on increasing the attendance and availability of this group to all young people in care. This is the main focus at this time to ensure that the amount of young people taking part in these incentives increases.

Young Persons Participation within CWD and the wider SEND team.

This was an area of consultation in 2017/18. Visits were undertaken to the four main specialist schools, St Christopher's, St Nicolas's, Lancaster and Kingsdown. These schools currently offer wider participation groups and parents advisory sessions and the aim was to tap into these current resources. Further discussions with the SEN Adviser, School Improvement took place in 2018/19 so that wider SEN areas could be included.

The special schools now have a physical representation on the Resource Allocation Panel (RAP) to ensure that their voice is heard when decisions are being made and to ensure that cases in most need are flagged at an earlier stage for additional support.

Forums for the parents of CP and LAC children in Southend

Two consultation forums run on a quarterly basis for parents of children looked after by Southend and those subject to child protection procedures. These are led jointly between the Placement & Resources Teams and Volunteering Matters. Issues raised are fed back to practitioners and managers. Feedback is then given at following meetings to evidence the impact

on service delivery and therefore the impact for children and their families.

Themes arising from these meetings are around clear communication; sharing information and reports in a timely manner; clear explanation about the processes involved and where to gain independent advocacy services.

Independent Reviewing Service

Participation of children in their review meetings is essential to ensure that children are able to have their say in plans for their lives. Independent Reviewing Officers (IRO) must ensure that the views of children are known before care plan decisions can be made.

Approximately 48% of children attended their reviews in person, which is a decrease from approximately 60% the previous year. The remaining children contributed to their meeting either by completing a consultation form or by giving their views to the IRO, their advocate, or other person they identify to speak on their behalf. For 2019/20, children and young people will also be able to use the Mind of My Own (MOMO) app which was launched in Southend on 10th June 2019.

The IRO Handbook makes it an expectation that the IROs to speak with the child privately before their first LAC review and

thereafter as part of the process. The expectation that IROs speak with children is well embedded for reviews, however, there is still a challenge for IROs speaking with children before their first review meeting when they become looked after.

There were changes in data collection for the period between October 2017 and March 2019, and therefore data is not available for this period, however in April 2019 initial figures indicate that approximately 80% of children were personally consulted by their IRO, and quality assurance audits during 2018/19 rated IRO consultations as Good or Outstanding in 70% of cases.

Where children are not able to communicate their views verbally to their IRO, their IRO will visit them and use observations or other means of communication to form a view of the child's response to their placement and care plan.

Supporting and Developing our Workforce

The provision of high quality services for families and the delivery of improved outcomes for children and young people can only be maintained and improved upon through the continued efforts of a committed and skilled workforce. Children's Social Care is proud of the standard of recruited

staff and the culture of learning which has developed. The continued recruitment of high quality qualified social workers has become a challenge over recent years and this is an area closely monitored and extensive work is being undertaken to ensure that Southend remains at the forefront of practice and development to encourage the best applicants to its service.

There is an aim within Children's Social Care to, as far as possible, 'grow our own' social care workforce, providing a clear progression route, if staff wish to progress within the organisation.

Our NQSW academy encourages students to remain in the authority with the additional support and training offered through the newly developed Practice Unit.

Southend during 2017/18 introduced a clear model of practice, using the Restorative Practice Model. The model of practice for children's services has been developed to improve the experience of children and families who have contact with the service. It supports our aims as described in the continued children's services improvement plan: "working to make children's lives better."



The model's reach is the whole of children's services; statutory social work services, early help services, family support services and the youth offending service.

Restorative practice is an approach which is being used successfully in Leeds and supported them in moving from a service judged as Inadequate to one which is Good. The approach is one of high support and high challenge. It places responsibility for determining need and finding solutions with families, with support from practitioners. Using a restorative approach results in children's services working **with** families rather than **for** them or doing things **to** them.

Restorative practice training was rolled out across all service areas within children's services in the autumn of 2017. The approach has been embedded in practice during 2018/19 and the work continues to ensure that this is a service wide approach and that partner agencies are encouraged to work alongside this approach.

The continued focus on an outcome focussed service is key to developments in 2019/20.

Compliments and Complaints

Children's Social Care monitors compliments received from children and families, external bodies and internally. 22 compliments were received in 2018/19, in comparison to 24 in 2017/18. These compliments are utilised to identify excellence in practice, promote achievements and share learning from good practice across Children's Social Care.

Children's Social Care has a statutory duty to respond to complaints regarding services offered to children and families under the Children's Act 1989. Children Act complaints are an opportunity to learn about what is not working within the service and to implement change and improve practice. Those received in 2018/19 represents a slight increase in the number of complaint-related representations received and the number that progressed to become formal complaints. Reasons for representations not being pursued as formal complaints include the issue was resolved through early intervention, the issue was outside of statutory remits and timescales, or the complainant no longer wished to pursue the matter.

The major of complaints in 2018/19 came from parents or guardians. There has been a year on year decrease in complaints made by advocates on behalf of children or young people as well as by the young people themselves.

A total of 64 new statutory Children Act complaints, were received in 2018/19; a slight increase from 60 the previous year.

In 2018/19 we continued to focus on early resolution of complaints wherever possible. Of the 64 statutory complaints completed as stage 1 complaints, 5 were progressed to Stage 2. Of the 5 Stage 2 complaints in 2018/19, 2 progressed to Stage 3.

Lessons learnt from complaints are shared with managers and staff which shows positive impact with the low numbers progressing to stage 2.

Summary of success and challenge going forward

We are proud of the work we are doing in Southend-on-Sea Borough Council's Children's Services and the recognition that Ofsted gave in the JTAI inspection, however we know we have more to do.

We know that all too often the life chances of children receiving social care services, especially looked after children and care leavers, are inhibited through their circumstances and we are clear that we will not accept this for our children in Southend.

Our ambition is to do all that we can to ensure that their wellbeing and growth is of the highest priority and that they will have every opportunity to achieve the very best that they can in all aspects of their development.

2018/19 saw improvements in:

- Adoption performance continued to be high. Timescales for the key adoption indicators in the most recent adoption scorecard were some of the best in the country.
- Ensuring timely care planning for our children has been very positive
- The Family Group Conference service is now embedded in practice and has shown very positive outcomes and feedback from families
- Edge of Care continues to develop, is well received by foster carers and has prevented some young people entering the care system, while supporting foster carers to prevent placement breakdown.
- Improvements were seen in educational attainment of looked after children
- Timeliness of visits and ICPC have improved significantly
- Improving management oversight of whether we are making a true difference to the lives of children and their families

We continue to strengthen our governance and our Improvement Board, Improvement Plan and transformation of children's services provides support and challenge to help us drive forward improvements.

Our key message

"Working to make children's lives better":

- Children and families are at the heart of all we do
- Children receive the help they need and are safe
- Children in care are healthy, educated and in stable homes
- We use outstanding practice to deliver a consistent quality service
- Managers inspire, support and lead well

Critically, these drivers will help us to improve outcomes for children and young people and their families in Southend.

Our pledge

Southend-on-Sea Borough Council has made a pledge to the looked after children of the borough.

Called 'Our promise to you' it outlines what children can expect from the Children's Social Services Team. Such as:

- We will visit you at least every six weeks or as agreed at you review meeting.
- We will ask you what you think before we make decisions about you. If we cannot do what you want we will explain why to you.
- We will try to keep brothers and sisters together.
- We will make sure your carers have the right skills and knowledge to keep you happy and healthy.
- We won't move you from placement where you are happy and settled unless there is a very good reason, which we will explain to you.
- We will make sure your school works with us to write your personal education plan and do all we can to make the plan run smoothly.
- We will encourage you to enjoy your spare time in a healthy way and find out what activities you enjoy.
- When you are older we want you to be the best you can be. We want you to continue your education and find a job you enjoy.
- We will make sure you have a passport. If this is not possible, we will explain why.

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Southend-on-Sea Borough Council

**Agenda
Item No.**

Report of Executive Director (Finance & Resources)

To

Cabinet

on

17th September 2019

Report prepared by: Bridgette Cowley
Revenues Group Manager

Debt Management - Position to 31st July 2019

**Policy and Resources Scrutiny Committee
Cabinet Member : Councillor Gilbert**

A Part 1 Public Agenda Item

1. Purpose of Report

1.1 The purpose of this report is to apprise Cabinet of the following:

- The current position of outstanding debt to the Council, as at 31st July 2019;
- Debts that have been written off, or are recommended for write off, in the current financial year as at 31st July 2019;
- Obtain approval for the write off of irrecoverable debts that are over £25,000.

2. Recommendation

That Cabinet:-

- 2.1 Notes the current outstanding debt position as at 31st July 2019 and the position of debts written off to 31st July 2019 as set out in Appendices A & B.
- 2.2 Approves the write offs greater than £25,000, as detailed in Appendix B.

3. Background

- 3.1 It was agreed by Cabinet on 19th March 2013 that the S151 Officer would submit regular reports to Cabinet on all aspects of the Council's outstanding debt, along with the required write off position. This is the first report for the financial year 2019/20.
- 3.2 Southend-on-Sea Borough Council is made up of a number of service areas responsible for the collection and administration of outstanding debt. The main areas are Accounts Receivable and Revenues which are linked to the billing and collection of the vast majority of debts that fall due to be paid to the Council for

chargeable services, such as social care (see 4.5) and statutory levies such as Council tax and Non Domestic Rates (Business Rates).

However, there are other areas of debt that are included in this report, namely recovery of Housing Benefit Overpayments, Parking and Enforcement penalties and library fines. In addition, there are also debts for the Housing Revenue Account for rent arrears and service charges.

- 3.3 The process and legislative framework for the collection and write off of debt were detailed in the report to Cabinet on 17th September 2013. However, it is worth noting that the Council has a good success rate in collection of debt, and the collection targets are agreed annually as part of the Councils service planning process.
- 3.4 Debts are only considered for write off where all other courses of recovery available have been undertaken or explored and the debt is considered irrecoverable.

4. Councils Debt Types

4.1 Council Tax

£100.3m of Council Tax is due to be collected in 2019/20, with a collection target of 97.5%. Of this sum the Council has collected £35.9m of this debt for the first four months, equating to 35.9%, meaning the service end of year target for Council Tax is likely to be achieved.

Collection continues for the outstanding arrears for that year and for previous years. The chart below shows the actual in year collection rate over the past 4 years, and the collection rate of each year's charge to date, including debts that have been written off.

	Council Tax Performance	
	As at 31st March of relevant year	As at 31st July 2019
1st April 2015 - 31st March 2016	97.2%	99.5%
1st April 2016 - 31st March 2017	97.5%	99.3%
1st April 2017 - 31st March 2018	97.5%	99.0%
1st April 2018 - 31st March 2019	97.5%	98.1 %

4.2 Non Domestic Rates (Business Rates)

£46.2m of Non Domestic rates is due to be collected in 2019/20, with a collection target of 98.3%. Of this sum the Council collected £18.1m of this debt in the first four months, equating to 39.3%, meaning that the service end of year financial target for Business Rates is likely to be achieved.

Collection is continuing for outstanding arrears for previous financial years. The chart below shows the actual in year collection rate over the past 4 years, and the collection rate of each year's charge to date, including debts that have been already written off.

	Non-Domestic Rates Performance	
	As at 31st March of relevant year	As at 31 st July 2019
1st April 2015 - 31st March 2016	97.8%	99.9%
1st April 2016 - 31st March 2017	98.0%	99.9%
1st April 2017 - 31st March 2018	98.6%	99.7%
1st April 2018 - 31st March 2019	98.3%	98.7%

4.3 Housing Benefit Overpayment

This is any entitlement to a rent allowance or rent rebate that a person has received but is not entitled to. Most commonly this accumulates when there is a change to a person's circumstance and they fail to notify us in good time. The overpayment will be invoiced unless they are in receipt of Housing Benefit in which case their benefit entitlement is reduced to enable recovery of the overpayment. The vast majority of Housing Benefit overpayment is due to claimant error.

4.4 Libraries

Library debt is made up of overdue fines and replacing lost or non-returned books.

4.5 Adult Services

Adult Services make charges for the following services;

- Contributions to residential accommodation
- Charges for non-residential services i.e. Home Care, Community Support, Day Services and transport to services
- Charges to other local authorities
- Charges to National Health Service

Adult Social Care debt as at 31/07/19 was £4,698,902

It should be noted that of the total amount outstanding;

£2.56m is debt deferred against property;
£0.32m is under 30 days old.

4.6 Parking

The recovery of unpaid Penalty Charge Notices is undertaken by semi-judicial process under the current Traffic Management Act 2004.

From 1st April 2019 to 31st July 2019 a total of 17,303 Penalty Charge Notices (PCNs) have been issued identifying a projected income of £555,206. It should be noted that PCNs are issued at a higher rate and lower rate (£70.00 and £50.00 respectively) depending on the seriousness of the parking contravention. PCNs may be paid at a discounted rate of 50% of the charge if paid within 14 days of the date of issue.

This value is continuously being amended as payments are received and it should be recognised that payments made at the 50% discount amount will reduce the projected income level. Generally, 75% of paid PCN's are paid at the discounted payment.

The value of cancelled notices is £81,105 and cases written off where no keeper has been identified totals £7,127.

4.7 Miscellaneous Income

This will include a range of services that the Council will charge for including such areas as rental income on commercial properties, recharges to other bodies for services we have provided, and recovering overpaid salaries from staff that have left.

It is important to note that collection can vary month by month depending on the value of invoices raised as a reasonable period needs to be allowed for payment to be made.

4.8 Housing

Under the management of South Essex Homes there are the arrears of outstanding debt of Rent and Service Charges. The cost of any write-offs for this category of debt is specifically charged to the Housing Revenue Account and not to Council Tax Payers.

5. Write-Off Levels

Write off approval levels currently in place are shown in the tables below, which are in accordance with the Financial Procedure rules set out in the Constitution and the latest corporate debt recovery policy.

Debt Type: Council Tax/ Accounts Receivable/Adult Services/ Housing and Council Tax Benefit

Designation	Amount
Assistant Manager	under £5,000
Manager	Up to £10,000
Director	Between £10,000 and £25,000
Cabinet	£25,000 and above

Debt Type: NNDR (Non Domestic Rates)

Designation	Amount
Assistant Manager	under £5,000
Manager	Up to £10,000
Director	Between £10,000 and £25,000
Cabinet	£25,000 and above

Debt Type: Parking

Designation	Amount
Notice Processing Officer & Section Leader	under £5,000
Section Leader	Between £5,000 and £10,000
Group Manager	Between £10,000 and £25,000
Cabinet	£25,000 and above

Debt Type: Housing Rents and Service Charges

South Essex Homes, as managing agent, submit proposed write-offs to the Council, following which the following approval levels are exercised.

Designation	Amount
Head of Service	Under £25,000
Cabinet	£25,000 and above

6. Council Debt Position (as at 31/07/19)

Appendices A and B show the current debt position within each service area, and the amount that has been written off in the current year.

For Council Tax and Non Domestic rates there is a net collectable debt at the beginning of the year. Although this can change depending on changes to liability or property being removed or introduced to the lists, it is fairly consistent.

However other service areas may see greater fluctuations as new debts are created during the financial year.

7. Other Options

This is a report notifying members of the current position of the Council's debt and related write offs, and therefore there are no other options.

8. Reasons for Recommendations

All reasonable steps to recover the debt have been taken, and therefore where write off is recommended it is the only course of action available.

If the Council wishes to pursue debts for bankruptcy proceeding, it will follow the agreed and published recovery policy that covers this.

9. Corporate Implications

9.1 Contribution to the Southend 2050 Road Map

Efficient write off of bad and irrecoverable debts, where appropriate, is good financial practice and reduces the bad debt provision and financial impact in the Authority's accounts and helps towards financial self-sustainability of the organisation.

9.2 Financial Implications

Debts that are written off will have been provided for within the Councils bad debt provision and as such there should be no specific financial implications. However it is possible that unforeseen and unplanned additional write offs occur, which lead to the value of debts written off in any year exceeding the bad debt provision.

Where this is likely to happen, this report will act as an early warning system and will enable additional control measures to be agreed and taken to either bring the situation back under control, or to make appropriate adjustments to the bad debt provision.

Relevant service areas have to bear the cost of debts that are written off within their budget.

9.3 Legal Implications

If there are debts to be written off that exceed the level at which officers have delegated powers to deal with the matter, authorisation is required from the Cabinet.

9.4 People Implications

The people implications have been considered and there are none relevant to this report.

9.5 Property Implications

The property implications have been considered and there are none relevant to this report.

9.6 Consultation

Consultation is not required for write off of debt.

9.7 Equalities and Diversity Implications

Debt Collection is managed through a Corporate Debt Management Policy and is based on an approach of "Can't Pay Won't Pay". Each write-off is considered on an individual basis through a standard approach.

9.8 Risk Assessment

There is a financial implication to the bad debt provision if write offs are not dealt with within the current financial year.

9.9 Value for Money

It is a matter of good financial practice and good debt management to regularly report on the value of debt outstanding, collected and written off.

9.10 Community Safety Implications

There are no Community Safety Implications.

9.11 Environmental Impact

There is no environmental impact.

10. Background Papers

Full details of recovery action against each recommended write-off are held within the services computer systems.

11. Appendices

Appendix A Summary of outstanding debt

Appendix B Summary of Write offs

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Summary of Outstanding Debt**Outstanding Debt pre 1st April 2019 (arrears)**

Debt pre 1/4/2019	Council Tax (a) £'000	Business Rates (a) £'000	Housing Benefit Overpayments (b) £'000	Adult Services £'000	Miscellaneous Income £'000	HRA (Care Line/Service Charges) £'000	Parking (c) £'000	Libraries (d) £'000	HRA Current Tenants (e) £'000	HRA Former Tenants (e) £'000
Net Collectable Debt	6,565	1,676	6,191	5,486	3,290	142	14,218	n/a	-	307
Amount Paid @ 31.07.2019	1,011	540	1,243	2,335	2,071	44	12,519	533	-	51
Number of Accounts	14,993	315	2,248	1,311	1,050	199	n/a	n/a	-	368
Total Outstanding	5,554	1,136	4,400	3,151	1,219	98	1,699	n/a	-	256

Current Year Debt (Debt raised in respect of 2019/20)

Debt post 1/4/2019	Council Tax (a) £'000	Business Rates (a) £'000	Housing Benefit Overpayments (b) £'000	Adult Services £'000	Miscellaneous Income £'000	HRA (Care Line/Service Charges) £'000	Parking (c) £'000	Libraries (d) £'000	HRA Current Tenants (e) £'000	HRA Former Tenants (e) £'000
Net Collectable Debt at 31.07.2019	100,305	46,225	850,00	4,480	11,950	1,117	613	n/a	11,071	95,208
Amount Paid @31.07.2019	35,973	18,037	1,243	2,933	9,854	519	351	11	11,050	9
Number of Accounts	75,592	2,563	1,067	1,094	742	2,849	n/a	n/a	1,740	116
Total Outstanding	64,332	28,451	1,006	1,547	2,096	598	262	n/a	616	86

NOTES

- (a) Council Tax and Business Rates includes adjustments for write offs, credits and outstanding court costs.
- (b) HB Overpayment is not attributable to a financial year in the same way that Council Tax or NDR are i.e. a yearly debit is not raised. It is also not feasible to state when a payment is made which age of debt it has been paid against. For these reasons the outstanding amounts in the report reflect the actual outstanding debt at the date requested, it does not reflect the outstanding debt against current year and previous year debts.
- (c) Parking total outstanding is net of PCNs cancelled and written off.
- (d) The figure of £533k relates to total payments received since January 2005 until 31/07/2019.
- (e) HRA tenancy debts (residential rent accounts) are rolling amounts, with no breaks in years or rollovers. Any cash received is applied to the oldest rent week outstanding. The figures shown are total arrears outstanding, and therefore include arrears still outstanding from prior years.

Summary of Write Off's

Debts written off in 2019/20

Period 1 April 2019 – 31 March 2020 relating to any year

Write Offs	Council Tax £	Business Rates £	Housing Benefit Overpayment £	Adult Services £	Miscellaneous Income £	HRA (Care Line/Service Charges) £	Parking £	Libraries £	HRA Tenants £
Under £5k	179,481.38	24,139.51	85,018	34,692	11,318	2,397	7,127	581	51,030.69
£5k-£25k	41,232.97	10,979.80	62,616	7,713	0	0	0	0	0
Over £25k	0	0	27,158	0	0	0	0	0	0
Total	220,714.35	35,119.31	174,792	42,405	11,318	2,397	7,127	581	51,030.69

Note: Cabinet approved write off's excluding those recommended for write off as listed below

Write off's greater than £25,000 recommended for Cabinet approval

Amount of write off £68,800.51 2018/19	<u>Afm Bowl Realisation Ltd (in Administration)</u> <u>MFA Fantasy Park, Kursaal Building, Eastern Esplanade, Southend-on-Sea. SS1 2WW</u> <u>Period of Liability – 3rd September 2018 – 12th February 2019</u> Company entered administration on 13/02/2019. Claim has been submitted in the proceedings and debt no longer collectable by other methods.	Service Area Business Rates
£ 27,113.88 2018/2019 and 2019/2020	<u>Kursaal Southend Limited in liquidation</u> <u>Kursaal Function Suite 1, Eastern Esplanade, Southend-on-Sea. SS1 2WW</u> <u>MFA Fantasy Park, Kursaal Building, Eastern Esplanade, Southend-on-Sea. SS1 2WW</u> <u>Kursaal Function Suite 2, Eastern Esplanade, Southend-on-Sea. SS1 2WW</u> <u>Period of Liability – 1st March 2019 to 29th April 2019</u>	Business Rates

	<p>On 6th March 2019 we were advised that Kursaal Southend Limited became occupants of the Kursaal Building from 1st March 2019 after AFM Bowl Realisation Limited went into administration.</p> <p>We were advised that the company vacated the property on 29th April 2019 and the account was closed.</p> <p>The demand and reminders were sent to the registered office address as quickly as possible within NDR regulations</p> <p>On 6th June 2019 we were advised that the company had a proposal for a CVL. We were advised that the company had no assets. On 11th June 2019 the CVL as granted.</p> <p>Debt is now part of the CVL and as no assets no dividend will be paid.</p>	
<p>£ 29,078.31</p> <p>2018/2019</p>	<p><u>Ctg Bdcom Limited</u> <u>159-163 High Street, Southend-on-Sea. SS1 1LL</u></p> <p><u>Period of Liability - 3rd May 2018 to 31st August 2018</u></p> <p>Company made liable in accordance with 1 year lease received. Correspondence was sent to the companies registered office but returned as 'Gone Away'. Director of the company made contact following the issue of a summons and advised that he would be making payment to the account, unfortunately this was not received. He also requested an empty exemption retrospectively but not awarded as no evidence provided to confirm premises were unoccupied. Account was issued to Enforcement Agents who attended the premises September 2018 who found a new occupier at premises. Landlord confirmed lease ended on 31st August 2018.</p> <p>Further checks were carried out, no other trading premises identified. Registered office address is a disused building which has been empty since 2015. Landlord unable to provide any forwarding address or any additional information for the company/Director. Company search shows this is a maximum risk company with no assets. No prospect of debt being enforced.</p>	<p>Business Rates</p>
<p>£ 37,625.11</p> <p>2017/2019</p>	<p><u>Sp Trade Limited</u> <u>159-163 High Street, Southend-on-Sea. SS1 1LL</u></p> <p><u>Period of Liability – 19th October 2017 – 21st March 2018</u></p> <p>Company made liable in accordance with a 1 year lease received. First contact by ratepayer was after summons was issued in February 2018, requesting an exemption and a repayment plan (monthly instalments were offered on</p>	<p>Business Rates</p>

	<p>the initial demand). We were then advised in February 2018 that they had vacated, this was confirmed by subsequent checks.</p> <p>The account was sent to Enforcement Agents to visit urgently but the company had vacated. Possible alternative trading addresses identified but not verified when visited by Enforcement Agents. Unable to locate the company trading elsewhere, company search by eProcurement shows it is a maximum risk company, insufficient assets identified for winding-up action.</p> <p>Company was dissolved on 26th February 2019.</p>	
<p>£ 44612.02</p> <p>2018/2019</p>	<p><u>Southend Fashion Limited</u> <u>147 High Street, Southend-on-Sea. SS1 1LL</u></p> <p><u>Period of Liability 17th September 218 – 24th January 2019</u></p> <p>Company made liable as advised by landlord. Records updated to confirm company trading at the address and in occupation as advised by SBC Community Safety and Trading Standards department. Bill initially sent to registered office but registered office (also on Southend High Street) a closed premise so amended to send bill, reminder and summons to the premises. No contact at all from Ratepayer and no contact e-mail/telephone details provided by landlord. Landlord confirmed in January 2019 company had vacated. Director of the company applied for voluntary strike-off in February 2019, we objected to this as company has outstanding debt, Strike-off has currently been suspended until 19.7.19.</p> <p>Debt was passed to Enforcement Agent. As company had vacated by time liability order obtained for the debt enforcement agent visited registered office in Chelmsford but was unable to make contact with anyone associated with this company.</p> <p>No other premises found , company search by eProcurement shows a maximum risk company with no identified assets</p> <p>Company was dissolved on 6th August 2019.</p>	<p>Business Rates</p>

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Southend-on-Sea Borough Council

Report of Chief Executive
to

Cabinet

on

17 September 2019

Report prepared by:
Nicola Spencer & Louisa Thomas
Data & Insights Analysts

Agenda
Item No.

Southend 2050 Outcomes Success Measures Report - Quarter 1 2019/20

Cabinet Member: Councillor Gilbert

All Scrutiny Committees

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To report on the first quarter of the Southend 2050 Outcomes Success Measures for 2019/20.

2. Recommendations

- 2.1 To note the Quarter 1 performance from 1 April – 30 June 2019.

3. Background

- 3.1 The Council's Corporate Performance Framework has been reviewed to provide robust and transparent performance management to drive the delivery of the five Strategic Delivery Plans. Cabinet agreed that corporate performance for 2019/20 onwards shall consist of three different functions, to enable the Council to robustly monitor and measure the progression of the desired outcomes against the five themes, which are outlined in the 2050 Road Map. The three functions are:

- a Corporate Performance Dashboard (CMT and Cabinet Members)
- a Southend 2050 Outcomes Success Measures Report
- an Annual Place-Based Report.

4. Southend 2050 Outcomes Success Measures Report

- 4.1 The Southend 2050 Outcomes Success Measures Report is a high level summary of the Council's corporate performance and progression over the quarter on the high level strategic priorities. Outcome Delivery Teams provide a strategic narrative once per quarter on the progress made with the delivery of the Southend 2050 outcomes and activity on the Road Map.

The report also contains a snapshot of key place data which will be updated as available throughout the year.

The agreed timetable for reporting is as follows, with additional reporting aligned to the scrutiny cycle in January 2020.

		To be presented to Cabinet:
Quarter 1	April – June 2019	September 2019
Quarter 2	July – September 2019	November 2019
Quarter 3	October – December	February 2020
Quarter 4	January – March 2020	June 2020

- 4.2 The development of outcomes-focused measures is an iterative process, to enable the measures to be reviewed and developed regularly.

5. Further Developments

A number of the measures included in the report have catalysed plans to work collaboratively across the organisation to improve their outcome focus. The development work planned to date is as follows:

5.1 Temporary Accommodation

A working group is to be formed to better understand and monitor the outcomes of interventions for those the Council is supporting to access housing.

5.2 Child development and Children's Centres

Further collaboration with the Early Years and Health Visitor services will be undertaken, to develop a set of outcome-focused measures regarding the range and success of interventions and services for children aged between two and five, and the use of Children's Centres.

5.3 Protecting and nurturing the coastline

Development work is required looking in to litter collections on our beaches especially during the peak months; the protection of nature reserves and sea defences, and educating children on the nurturing and protection of our coastline.

5.4 Fibre broadband and WiFi

The data currently received from the Council's WiFi and Fibre broadband suppliers will be developed to better monitor whether the intended benefits to residents and visitors, in terms of service availability, are being realised.

5.5 Businesses, skills and employment and high street occupancy

This will be a considerable area for collaboration between the Planning, Economic Growth, Revenues, GIS and Insights teams, with an aim to share and / or integrate the data and systems held and used by the teams to provide a meaningful picture of activity and outcomes in the borough to support and evidence the vision of the Council's Economic Growth Strategy 2017-2022, and to evidence Opportunity and Prosperity outcomes.

5.6 Independent living and care homes

Further work will be done to measure the independency of those living in supported living and care homes across the borough.

5.7 Volunteering

A mapping exercise will be undertaken to ascertain which parts of the Council uses volunteers and to capture the full breadth of volunteering activity, with further plans to broaden the dataset to include demographic data on volunteers, give insight on the barriers and enablers to volunteering, and the inclusion of SAVS data.

5.8 Voters

Development work is planned to map and improve the data and insights available regarding voters' registration rate, turnout, demographic, residential ward, accessibility and other social factors affecting registration.

5.9 Transport

The data currently collected annually via the National Highways and Transport Survey will be developed to increase the frequency of data collection regarding smart signalling, traffic flow optimisation, passenger transfer trends and experience, and the experiences of people who use public transport of all kinds in the borough.

5.10 Air Quality and recycling

At present, data for air quality is available via a live feed but validated on an annual basis to provide an annual mean. Further work is needed to collect data that can indicate the outcomes for residents resulting from the improvement works being undertaken at various major junctions.

5.11 Tree planting and removal

As trees are only planted in the winter months, data is currently reported annually at the end of the planting season. A register of tree removals is maintained on an on-going basis. Further development work will be done with the Parks Management teams to increase the frequency and completeness of data collection on tree planting and removals and to devise meaningful, outcomes-focused measures.

6. Reasons for Recommendation

To drive the delivery of the Southend 2050 ambition through robust and strategic performance management arrangements.

7. Corporate Implications

Contribution to Council's Ambition and corporate priorities:

To strategically monitor the Council's corporate performance and achievements against the 2050 Road Map and Outcomes.

8. Financial Implications

There are no financial implications.

9. Legal Implications

There are no legal implications.

10. People Implications

People implications are included in the monitoring of performance relating to the Council's resources where these relate to the Council's priorities.

11. Consultation

The new performance framework and measures to be included in future performance reporting are included in the Strategic Delivery Plans which were developed through extensive consultation and engagement to articulate the Southend 2050 ambition.

12. Equalities Impact Assessment

The priorities and outcomes contained with the 2050 Five Year Road Map are based upon the needs of Southend's communities. This has included feedback from consultation and needs analyses.

13. Risk Assessment

The Corporate Risk Management Framework shall be managed alongside the new monitoring for corporate performance. This information shall form part of the new corporate risk register that is managed by the Internal Audit team.

14. Value for Money

Value for Money is a key consideration of the Southend 2050 Performance Framework, including the outcome-based investment work, to help assist in identifying Value for Money from services.

15. Community Safety Implications

Performance Indicators relating to community safety are included in the Strategic Delivery Plans as well as the Southend 2050 Annual Place-based Report.

16. Background Papers

16.1 Monthly Performance Reports (MPRs) from April 2018 to March 2019.

17. Appendices:

17.1 Appendix 1: Outcomes Success Measures Report – 1 April–30 June 2019

OUR
SHARED
AMBITION

SOUTHEND
2050
it all starts here

Outcomes Success Measures Report
1 April - 30 June 2019

Southend 2050: Five Themes and 23 Outcomes for 2023

Pride & Joy

PJ 01 - There is a tangible sense of pride in the place and local people are actively, and knowledgeably, talking up Southend.

PJ 02 - The variety and quality of our outstanding cultural and leisure offer has increased and we have become the first choice English coastal destination for visitors.

PJ 03 - We have invested in protecting and nurturing our coastline, which continues to be our much loved and best used asset.

PJ 04 - Our streets and public spaces are clean and inviting.

Safe & Well

SW 01 - People in all parts of the borough feel safe and secure at all times.

SW 02 - Southenders are remaining well enough to enjoy fulfilling lives, throughout their lives.

SW 03 - We are well on our way to ensuring that everyone has a home that meets their needs.

SW 04 - We are all effective at protecting and improving the quality of life for the most vulnerable in our community.

SW 05 - We act as a Green City with outstanding examples of energy efficient and carbon neutral buildings, streets, transport and recycling.

Active & Involved

AI 01 - Even more Southenders agree that people from different backgrounds are valued and get on well together.

AI 02 - The benefits of community connection are evident as more people come together to help, support and spend time with each other.

AI 03 - Public services are routinely designed, and sometimes delivered, with their users to best meet their needs.

AI 04 - A range of initiatives help communities come together to enhance their neighbourhood and environment.

AI 05 - More people have active lifestyles and there are significantly fewer people who do not engage in any physical activity.

Opportunity & Prosperity

OP 01 - The Local Plan is setting an exciting planning framework for the Borough.

OP 02 - We have a fast-evolving, re-imagined and thriving town centre, with an inviting mix of shops, homes, culture and leisure opportunities.

OP 03 - Our children are school and life ready and our workforce is skilled and job ready. Leads

OP 04 - Key regeneration schemes, such as Queensway, seafront developments and the Airport Business Park are underway and bringing prosperity and job opportunities to the Borough.

OP 05 - Southend is a place that is renowned for its creative industries, where new businesses thrive and where established employers and others invest for the long term.

Connected & Smart

CS 01 - It is easier for residents, visitors and people who work here to get around the borough.

CS 02 - People have a wide choice of transport options.

CS 03 - We are leading the way in making public and private travel smart, clean and green.

CS 04 - Southend is a leading digital city with world class infrastructure.

Annual Information

Unemployment
3,200 - 3.4%
(April 2018 - March 2019)

4,400 4.6%
(April 2017 - March 2018)

£280,350.00
Average House Price Southend

£245,817.00
Average House Price England
(May 2019)

182,500
Mid-year Population Estimate
for Southend
(Nomis July 2018)

1,035
New businesses (2017/18)
1,115
Businesses closed (2017/18)

Teenage conception for under
18's rate of 24.3 per 1,000
(number 70)
(2017)

Transport

75% of people found it
easy to get around
the borough
(2018/19)

63% of people with a
disability found it
easy to get around
the borough
(2018/19)

72% of people who do
not have a car
found it easy to get
around the borough
(2018/19)

88.1% of children in good or
outstanding schools
(June 2019)

Early Years Foundation Stage
Profile
Achieving a Good Level of
Development
74.0%

Trees

Figures do not include whips

In 2016/17 we planted 322
trees and removed 310

In 2017/18 we planted 279
trees and removed 373

In 2018/19 we planted 384
trees and removed 412

56% Agree people from different
backgrounds get on well
together*

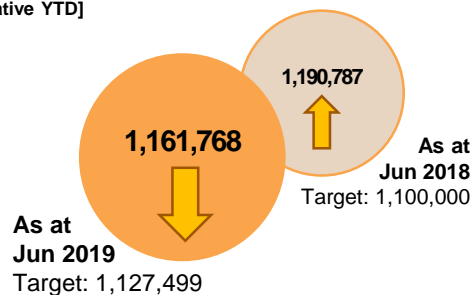
75% Satisfied with local area
as a place to live*

*2018 residents' perception survey, sample 1239 Southend residents



Participation and attendance at Council owned / affiliated cultural and sporting activities and events and the Pier

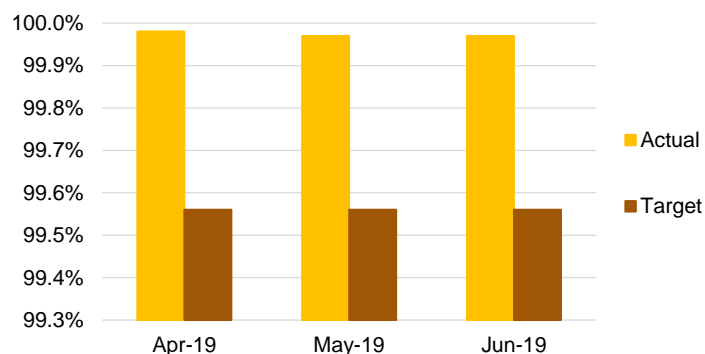
[Cumulative YTD]



Key insights:

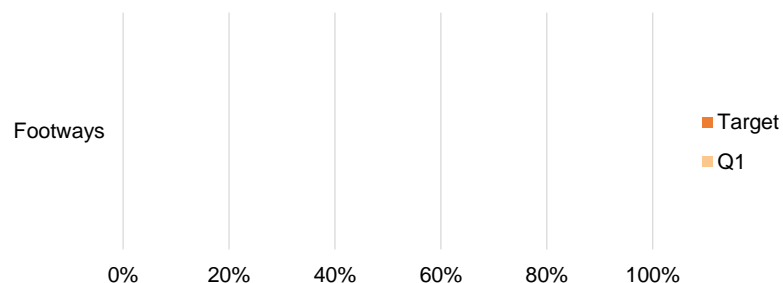
- Instagram reach: 9,906. Other social media channels: 72,658 = Total: 82,564
- Pier numbers: 38,370 (June admissions) and 6,853 attended in the last weekend of June alone
- Veolia carry out over 1.8m waste collections across the borough every month, equating to a collections success rate of 99.97%
- Litter: 97.79% against the target of 94%

Waste collections success rate



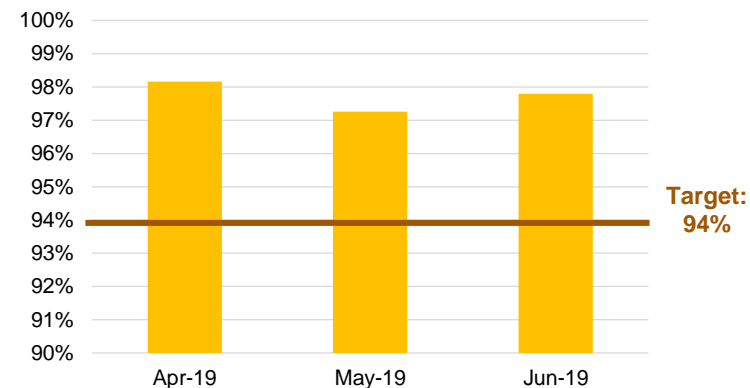
Safety Inspections completed on time

[Awaiting data]

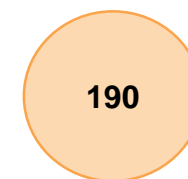


Acceptable standard of cleanliness: litter

[Cumulative YTD]



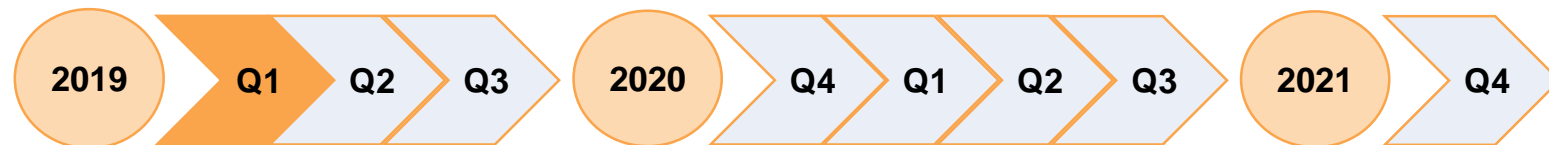
Social Media Campaigns



Number of Instagram photos tagging the Council
As at June 2019



Skate park – number of votes on name
As at June 2019



Quarter 1: Update

The Council and Veolia supported a number of volunteer activities in relation to beach cleaning litter picks, approx. 300 street champions, of which 104 were recruited in this quarter. Additional street washing has taken place in high footfall areas and, as part of a spring clean campaign in the High Street, a visual media campaign "my street is your street" has continued.

Various amendments on the Seaway Development were agreed at Cabinet in January 2019. The relevant documentation has been completed with Turnstone and the planning application continues to go through the planning process, which will be heard at the Development Control Committee in the autumn.

Discussions have been had with the fund manager and property agent for the Kursaal to understand the issues and their plans for the property.

Work between the property team and Focal Point Gallery in partnership with South Essex College continued to complete the internal layout and finishes of the spaces to complete to RIBA stage 4, ready to be submitted to full planning consent. The development will see Focal Point Gallery expand its offer and launch digital art production spaces and studios to support the creative community. Facilities will include editing and sound recording suites, green screen and photographic studios and significant creative workspace.

The #PrideAndJoy campaign has been very popular on several social media channels. With the objective to flood the internet with positive images of Southend-on-Sea at its best, and to spread the sense of pride and joy in the borough. Through Instagram alone the number of people who have seen the material and photos is 9,906 people; and other social media channels such as Facebook and Twitter was seen by over 72,000 people. In the short time, this campaign is already starting to flood social media with positive images on the borough, enabling and encouraging people to visually 'talk-up' Southend.

The Council also held a competition for naming the new skate park, now named Skatey McSkateface. Various channels of engagement were done through social media, media and PR and new signage in key locations. As a result there was wide spread media coverage from the BBC and local and national newspapers.

Future milestones

Additional beach litter bins will be placed out to support summer cleaning activities, accompanied by a "my beach is your beach" campaign. Work will also take place to highlight the need to avoid litter and plastics ending up in the marine environment, building a fish sculpture that visitors can fill with litter to publicise the issue. 20 new cigarette bins will be placed out in the High Street and Veolia will continue to deploy additional seasonal resources, including putting out a call for more volunteers.

Dialogue is to continue with an open-door for the discussion of options and initiatives with the Council regarding securing a viable future for the Kursaal.

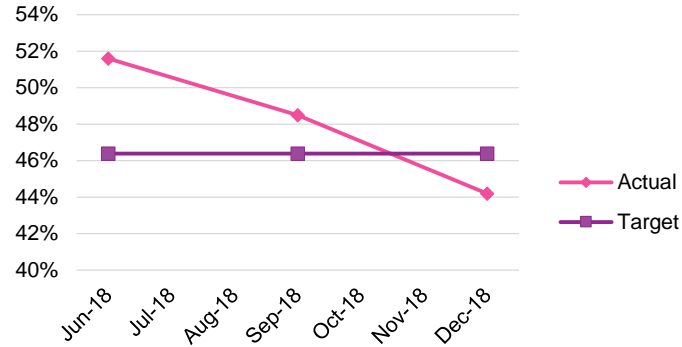
SAFE & WELL

Key insights:

- A total of **406** street begging / vagrancy / rough sleeping engagements and **179** Anti-Social Behaviour (ASB) Incidents were attended to by the Council's Community Safety Unit team
- Q3 2018/19 household waste and recycling was 44.20% (DEFRA dataset) – this has fallen due to the dry summer last year
- The rate of households per 1000 households in temporary accommodation has increased to 2.51, up 0.78 compared to a rate of 1.78 in June 2018
- 65.8% (132/202) successfully completed Looked After Children health assessments. 7% (15) children refused and 17% (36) were over the age of 15
- 102 new affordable homes added in 2019/20 to Southend, building the new housing supply
- The LAC child's voice case note is now live on Liquid Logic and a survey of LAC and care leavers was carried out in June 2019, with analysis of results being completed
- 318 LAC under 18 years old as at June 2019

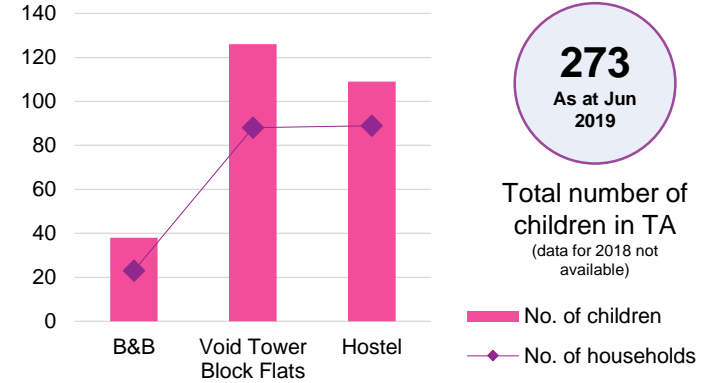
Percentage of household waste sent for reuse, recycling and composting

[Cumulative YTD]



Temporary Accommodation

As at June 2019

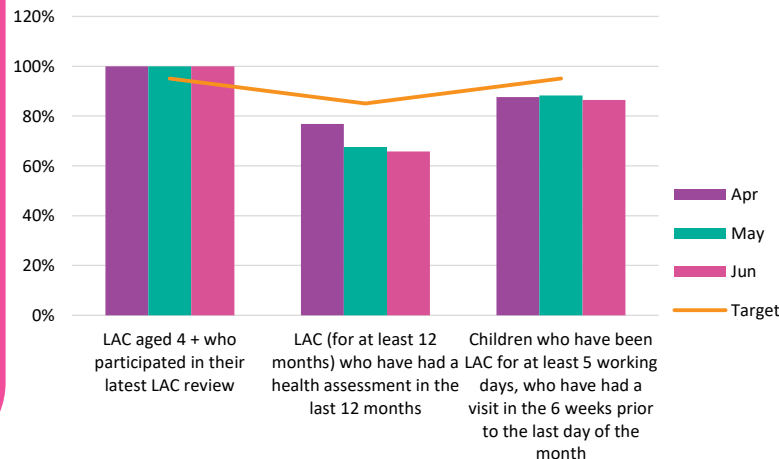


New Education Health Care plans issued within 20 weeks excluding exception cases (SEND)

Total plans issued: 47
Period: Q1 2019
Target: 96%

100%

Looked After Children (LAC)



Mental Health

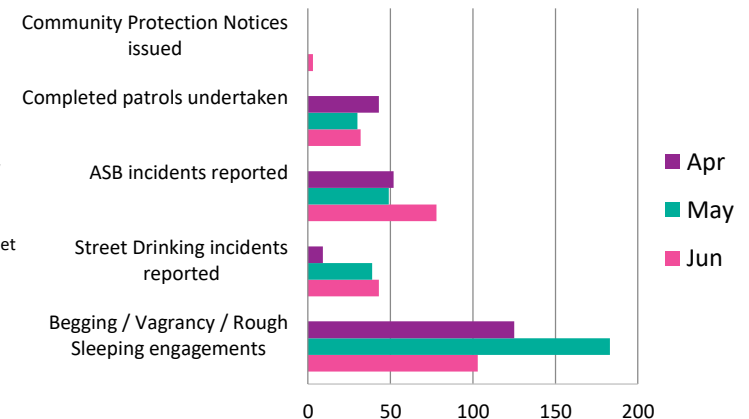
83.3%
May 2018

71.9%
May 2019

Proportion of adults in contact with secondary mental health services who live independently with or without support (EPUT)
2019/20 target: 74%

The Council's Community Safety Unit activity

This dataset does not include data from the Police or other agencies





Quarter 1: Update

Plans are underway to introduce a specific community hub in York Road and undertake a feasibility study on introducing an intelligence or operation hub within the CCTV centre. Work to embed social work in the community continues, with seventeen GP practices having increased their level of Social Worker presence this quarter. This equates to coverage of approximately 78% of the patient population.

Specialist LD Hubs pilots have started in the Attic Café and Mencap offices, and Trust Links launched their Mental Health and Wellbeing Hub at Growing Together Westcliff.

The Rough Sleeper Initiative secured a second year of Ministry of Housing, Communities & Local Government grant for 2019/20, which will continue to fund various Rough Sleeper-focused services. Newly acquired Rapid Rehousing Pathway funding will be used to develop the Council's tenancy sustainment offer. Recent bimonthly counts of rough sleepers have shown an increase from the winter months, and active partnership with Community Safety teams and others is allowing the Council to develop a more seasonally responsive approach as a result.

A Housing Allocations policy consultation has been undertaken, with changes to the existing approach being accepted by Council in July 2019. The proposed changes are now subject to further consultation and include a proposal to provide enhanced support for young people, up to the age of 25, to whom the Council has acted as a corporate parent. The Homelessness Reduction Act continues to be implemented, with the Housing team working closely with Children's Services to jointly assess and support Looked After Children to access suitable and appropriate accommodation.

A community paediatric transformation programme has begun, made up of eleven interlinked projects. A Joint Paediatric Clinic in East Central locality is being tested, with feedback having been very positive to date. Approval has been received to implement a new Cow's Milk Protein Allergy pathway from September 2019 onwards (subject to governance processes). Two pilots are in train with the voluntary sector to support Family Action at three Children's Centres. Overall, figures show increased use under the current arrangements.

Funding sources have been identified to undertake retro-fitting works to the Council's buildings. The EU-funded "Cool Towns" project aims to manage overheating in urban areas, with pilot sites having been identified in the High Street and the skate park, tree pits and solar water bench.

Southend's reduction in conception rates has plateaued since 2013 and is not falling in comparison with rates for the East of England region and England that are 16 and 17.8 per 1000 respectively. As national teenage pregnancy statistics have a significant lag time and do not reflect the full teenage age group, a local data dashboard is being explored to see how we can look at the local data differently. A Family Nurse Partnership qualitative review of 38 cases was undertaken to understand the lived experience and journey of the teenage parents to date,

Future milestones:

Begin a consultation that will include local young people on introducing a Cadet Scheme in Southend.

Two further GP surgeries will be approached to increase their social worker presence in Q2, which (if achieved) will increase the percentage of the patient population that can access community-embedded social work practitioners to 86%.

The next phase of the specialist LD Hubs pilots will be a review of the pilots and development of a strategic approach to community hub development.

The Selective Licensing project has started, with a draft position paper being considered by Cabinet in the autumn. A wider report is now being drafted that will incorporate a broader range of other interventions that could be pursued to improve the private rented sector in the borough.

Six paediatric pathway "Task and Finish" groups to be established to focus on asthma, allergies, constipation / incontinence, Down's Syndrome, Cerebral Palsy and Epilepsy.

The "Climate Resilient Urban Nexus Choices" project, exploring how the links between food, water and energy can be exploited to make urban environments more resilient and sustainable in the face of climate change, is focused on "Urban Living Labs" in six cities around the world in Europe, Taiwan, USA and here in Southend-on-Sea.

A new Young Parents pathway is being explored between ABSS and Public Health for the universal health service provision, with a planned stakeholder event in the autumn and a deep dive scheduled for December 2019 to inform the JSNA.

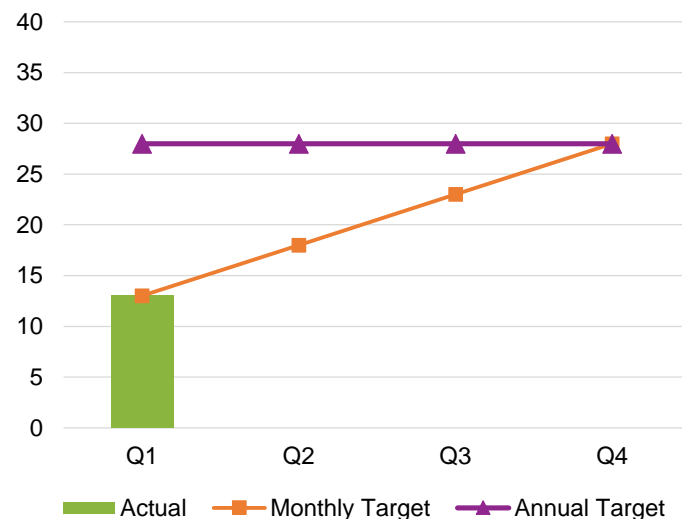


Organisations signed up to Physical Activity-related pledges of the Public Health Responsibility Deal (PHRD)

Total organisations signed up to PHRD: 16

8 Quarter 1 2019/20
-33%
 vs Quarter 1 2018/19

Number of schools signed up for the Daily Mile Programme or equivalent



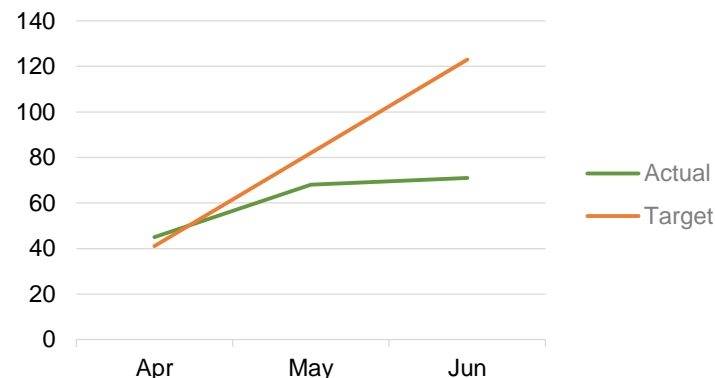
Falls Prevention activity

~12,520 individuals aged 65+ at risk of falling annually in Southend

151

individuals starting 36 week strength and balance programme to date during 2019/20

Number of individuals completing 12 weeks of the Exercise Referral Programme



Number of hours of volunteering within Culture, Tourism and Property (inc. Pier and Foreshore events)

[Cumulative YTD]

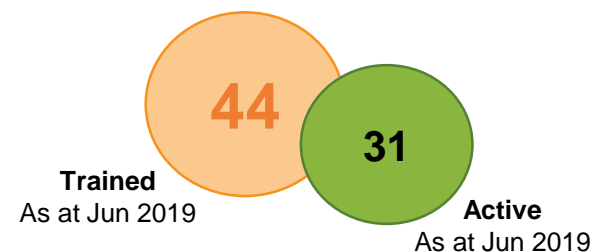


Jun 2019
Actual: 5003
 Target: 4875



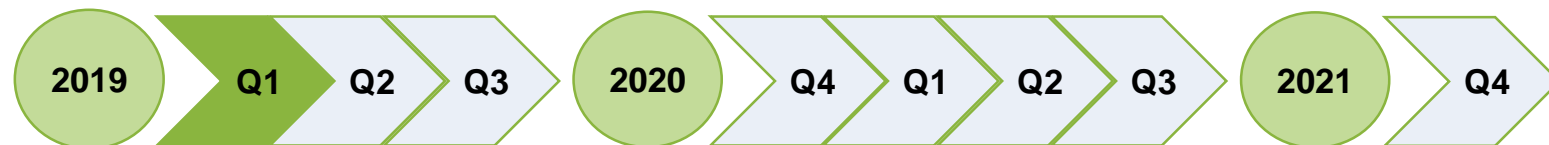
Jun 2018
Actual: 4229
 Target: 4875

A Better Start Parent Champions



Key insights:

- 5003 volunteering hours (208 days) delivered within Culture. Increase in library, Bookstart and music event volunteers, decrease in Cliff Lift and Focal Point Gallery volunteers.
- Make Southend Sparkle - 96 volunteering hours.
- Average of 260 runners per week participating in Southend Park Runs
- New organisations signing up to the PHRD has reduced as we are now in Year 3 of the programme, meaning that the number of businesses to recruit from in the borough reduces. There is a particular focus on engaging SME businesses for 2019/20
- Not all of the ~12,520 individuals would be appropriate for community based strength and balance programmes but the cohort that could benefit from these programmes is significant. However the Council's programme is running at very close to full capacity with current model / resources.



Quarter 1: Update

People were asked to put forward their suggestions for names for the new wheeled sports facility in the town centre. "Skatey McSkateface" was completed in time for the summer holidays and opened to the public on 19th July 2019, with an official launch event taking place on 3rd August 2019. The new facility is already encouraging engagement in the area and has received great comments.

Integrated Design Teams continue to meet to develop Locality approaches and integrated working, for example Regular Multi-Disciplinary Team working across each Locality (fortnightly), the development of the 'hub' concept and closer collaboration with Children's Centres across the borough.

May 2019 saw the completion of the Council's affordable housing development in Rochford Road, which comprised of twelve two-bedroom flats and three three-bedroom houses. The ground floor flats were built to wheelchair user dwelling standards and have been allocated via the nominations panel. The Council is pushing ahead with its affordable development programme, which includes two further phases and a Modern Methods of Construction Pilot. Site investigation works have been undertaken, and procurement of the requisite professionals is underway. Estuary Housing Association will be completing their latest affordable housing scheme, Hammond Court in Sutton Road, in August 2019 which will see the provision of 44 dwellings with 26 of these being affordable rent and 18 shared ownership.

Following a major Southend 2050 stakeholder discussion event in February 2019, a follow up session occurred with the business community at the Southend Business Partnership (SBP) briefing in June 2019, resulting in various connections and pledges for participation. A workshop for the West Central locality design took place in June 2019, which involved residents and stakeholders, and a second workshop is being run in August 2019.

Utilising existing data and insight the Council has created a Southend Joint Strategic Needs Assessment product for Physical Activity. 40 physical activity-related projects were run during 2018/19, engaging almost 3000 individuals, 1146 of whom self-assessed as inactive at the start their engagement with a programme. Further development of the Council's settings-based approaches to increase physical activity include: engaging 11 businesses in physical activity interventions through the Public Health Responsibility Deal, delivery of Early Years workforce training on physical activity in partnership with Active Essex, supporting schools to improve their physical activity offer through the Healthy Schools programme and encouraging schools to deliver the Daily Mile or equivalent activities on a regular basis.

Work undertaken as part of the West Central Locality to develop an Action Plan to support population health and wellbeing has strong features of bringing people of diverse backgrounds together to be involved and valued who would work together on issues of shared importance. Through workshops the Council has brought together staff interested or already working in areas aligned to the outcome; it commenced to reach out to the voluntary and community sector to include them in this important conversation and action around diversity, being valued and getting on well together.

Future milestones

The SEE Locality Partnership Group is planning the development of the locality plan, starting with West Central, creation of locality dashboards and the development of SEE Dementia Navigators within a Locality setting.

The Council has proposed to bring together key relevant contacts to explore greater co-ordination to the diverse range of community 'hubs' across the borough.

In Q2 further workshops to support population health and wellbeing are planned, with the next one in August 2019, working with health and community sector colleagues on joined-up communications regarding Living Well in South Essex.

In Q2 further workshops are planned for developing Asset Based Community Development approaches, with targeted workshops to create a shared narrative around strengths and asset-based approaches. Further drop sessions for staff and partners will be held to keep track of internal and external activity, and to enhance collaboration with SAVS and their networks.



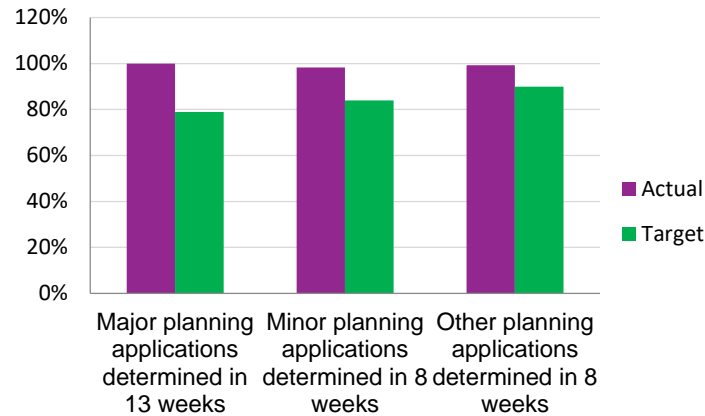
Key insights:

- In June 2019 **76** new businesses had opened in the borough, and **18** businesses have expanded and/or opened an additional property
- **Six** businesses have relocated within the borough where they required a larger premises or location
- **47** properties transferred into the landlords name as they are now empty
- **96** businesses closed in the borough in June 2019, with an additional **37** properties remaining empty with the landlord liable for the business rates. Nine businesses have relocated within the borough and **six** businesses have liquidated
- Housing stock in Southend has seen an increase compared to last year equalling **521** more dwellings (annual info)
- There are 56 post-16 LAC and care leavers, of which 14 are NEET, 36 are in further education and six are in employment.
- 26 LAC and care leavers in Year 11 intended to: go onto apprenticeships or traineeship (2); continue full time education or training (19); or were undecided (5).

Determination of Planning Applications

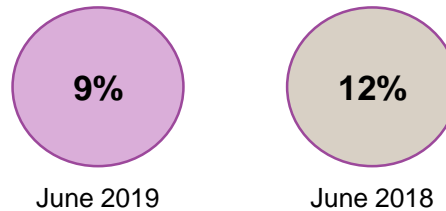
Number of overall planning applications submitted: 558

Success of appeal: 80 against target of 80



Delivery of the Capital Programme

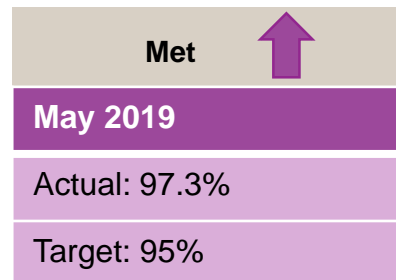
[Cumulative YTD]



Child Development at Two Years Old

[Completions of the ASQ at 2 years 9 months]

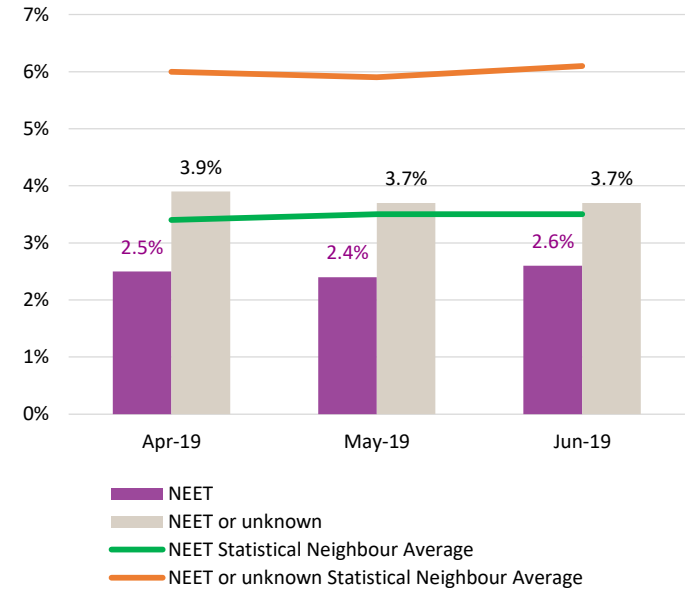
To be developed to include referral outcomes



Percentage of young people Not in Employment, Education or Training (NEET) or whose situation is not known

Aim to minimise

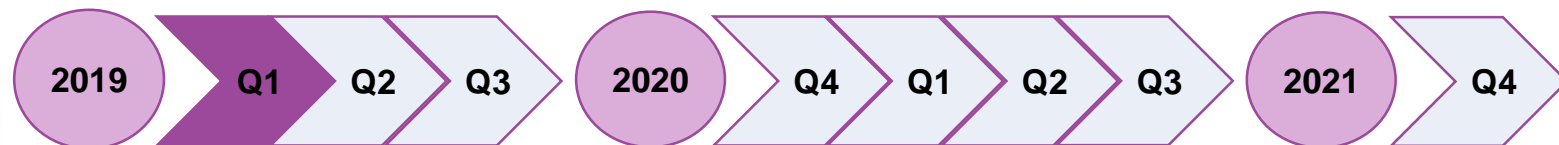
Total number of young people in the borough as at Jun 2019: 3953



High street occupancy (BID area only)

[Data to be available as of Q2 2019/20]





Quarter 1: Update

The Better Queensway contract and partnership agreement was signed in April 2019, thereby confirming Swan Housing Association as the Council's partner and establishing the Porters Place Southend joint venture LLP that will deliver the regeneration project. Cabinet agreed work to develop a regeneration framework and pipeline of housing and regeneration projects as well as an acquisitions programme in June 2019.

With regards to tenants moving into the Airport Business Park, the relevant contracts have been let and the sale of land has been completed simultaneously with a Development Agreement.

The installation of art work to the Railway Bridge at the Cliff Town Road junction is already in progress.

Discussions regarding refreshed wayfinding and signage are underway. Joint working across several of the Council's teams is starting to look at creating an urban park with outdoor activities and refreshments at either end of the High Street, with shared space for the creative arts and events.

An affordable housing acquisitions programme has been agreed in order to utilise receipts from Right to Buy sales. This programme also includes use of HRA capital. A number of properties of different types and in different parts of the borough have been viewed with the intention of purchase.

Current plans to ensure sufficient school places continues, with sufficient Year 7 school places for 2019 being available as a result of expansion in a number of local secondary schools. Projects to meet this demand are currently on track for delivery. Since 2016/17, an additional ~50 Southend residents applied for, sat and passed entrance exams, and subsequently attended a Grammar School of their choice each year, as a result of awareness raising and support promoting the option of choice. Similar awareness raising activity will proceed ahead of the September 2019 application round for an entry in September 2020.

Specific skills related programmes to support career aspirations continue, including a possible extension to the "60 minute mentor" programme. The Connexions Service has been successful in ensuring that more learners continue in Education, Employment and Training (EET) beyond statutory school age, and our measure of success has been impressive in improving our NEET (Not in EET) figures.

Aligned to the work in narrowing the gap and career aspirations, the Connexions service delivers #kickstartmyfuture activities in Southend schools to raise the aspiration of students to think about higher education and offering further support to students from deprived areas that have the ability to move on to Higher Education but choose not to.

Future milestones

The Better Queensway business plan will be considered by the relevant Governance Boards in the autumn.

Cabinet will consider the implications and impact of becoming an accredited real living wage employer at their meeting in September 2019.

Construction will continue along with preparations for the relocation of Westcliff Rugby Club to their new facility.

A "sounding board" is being established to include residents, business owners, landlords, councillors, council employees, students, the Bid, the support sector, etc., to consider key areas for improvement in the Town Centre such as empty properties, safety of the community, the cleanliness of the town centre, homelessness and parking.

Future phases of the HRA land review have been agreed and are being progressed. An Employer's Agent is currently being procured for Phases 3 and 4 of the scheme.

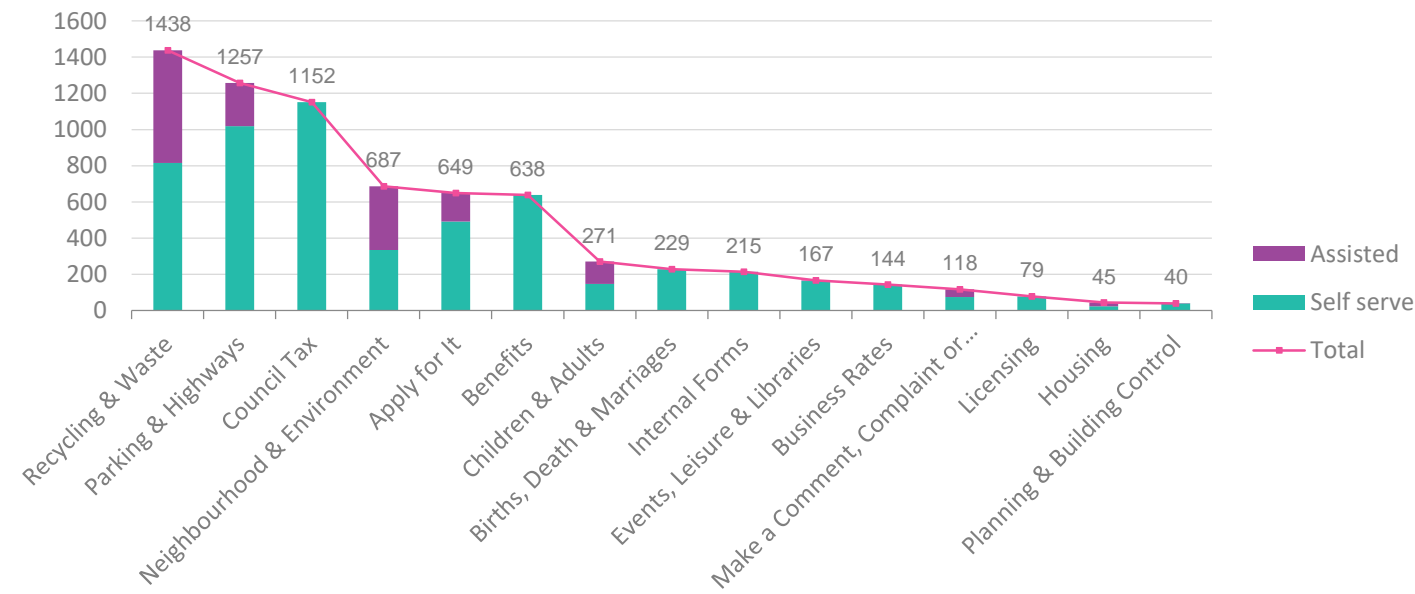
A pilot of Modern Methods of Construction is also up and running with an architect now on board and outline planning is due to be submitted in the autumn.

There are new business plans to support additional resource and enhancement to the Community Officers Scheme, to explore moving the presence for the Council into the High Street with a shift in some resource to the High Street in addition to the support sector.

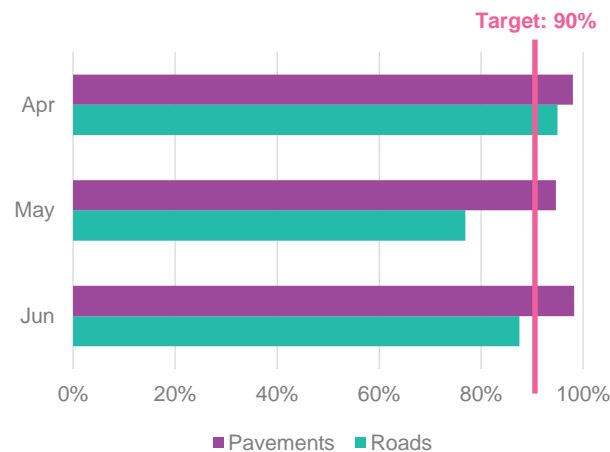
A paper will be going to the new Children and Learning working party proposing options beyond the life of the current expansion programmes. This also includes the possibility of additional funding through a grant by the DfE on top of the basic need allocation.



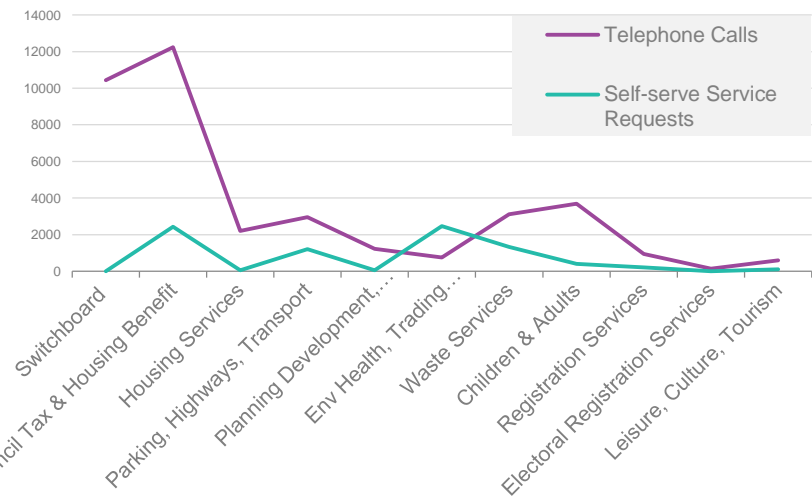
Service Requests submitted via MySouthend



Percentage of CAT1 defects made safe within response times (roads and pavements)



Channel Shift - No. of service requests compared to no. of telephone calls



Key insights:

- Total number of registrations for free Wi-Fi: 91,815
- The High Street is the most popular browsing location for access to free Wi-fi followed by Eastern Esplanade, Hamlet Court Road and Leigh Broadway
- Most users are between the ages of **15-24**, with a total of **15,000** people registered
- 1,438 online MySouthend forms regarding Recycling & Waste were completed in June 2019 – and of those, 56.75% were self-serve
- 1,257 online MySouthend forms regarding Parking & Highways were completed in June 2019 and of those **80.99%** were self-serve



Quarter 1: Update

Installation of the footbridge at A127 Kent Elms commenced under overnight road closures from 7 May 2019 with the main span installed on 11 May 2019. Installation of the handrail and decking continued. The installation of hard landscaping around Kent Elms Health Centre and Library commenced.

Work continues on establishing a simple and effective method of managing the Council's data that complies with data protection and enables the focus of collective efforts on the things that make a positive difference to the people of Southend. Data requirements are being specified over July and August, using the work already done for the Joint Strategic Needs Assessment (JSNA) as a base. Once complete, the technical solution to collect, store and share this data will be developed.

The Council continues to embed an agile working culture, with 30 agile working volunteers in place. We have established a clear definition and standardised ICT equipment has been agreed. There was further rollout of agile working on Floor 8 of Civic 1 to promote cross-organisation collaboration to support the delivery of Southend 2050

The Council already has in operation a full fibre ring, capable of delivering high speed broadband across the borough geographically. In addition, the planned implementation of Fibre to the Home from CityFibre and Vodafone will increase the existing geographical coverage by providing connectivity to an additional sixty four thousand homes by 2021. Free Wi-Fi exists throughout the High Street and along the seafront as far as Old Leigh and Leigh Broadway.

Future milestones

Project completion of the bridge works and finalisation of the Kent Elms scheme in Q2.

A new project group with a variety of work streams has been established to define and deliver a clear vision of agile working over the coming months.

Work on Floor 10 of Civic 1 to be finished to create an open office environment working area for the Corporate Management Team (CMT). Members of CMT will no longer have individual office spaces.

An innovation area will be created on Floor 2 of Civic 1 to test and design potential agile working solutions, including technology, prior to rollout.

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Southend-on-Sea Borough Council

Report of Executive Director (Finance & Resources)

To

Cabinet

On

17 September 2019

Report prepared by:

Ian Ambrose, Head of Corporate Finance

Caroline Fozzard, Group Manager for Financial Planning and Control

Agenda
Item No.

Corporate Budget Performance – Period 4

Policy and Resources Scrutiny Committee

Cabinet Members: Councillor Ian Gilbert and Councillor Ron Woodley

Part 1 (Public Agenda Item)

1 Purpose of Report

The corporate budget performance report is a key tool in scrutinising the Council's financial performance. It is designed to provide an overview to all relevant stakeholders. It is essential that the Council monitors its budgets throughout the year to ensure that it is meeting its strategic objectives and that corrective action is taken where necessary.

2 Recommendations

That, in respect of the 2019/20 Revenue Budget Performance as set out in appendix 1 to this report, Cabinet:

- 2.1 Note the forecast outturn for the General Fund and the Housing Revenue Account as at July 2019;
- 2.2 Approve the planned budget transfers (virements) of £1,872,260 between portfolio services, as set out in section 3.7;
- 2.3 Approve the transfer of £2,000,000 from the Children's Social Care Reserve previously approved to assist with the increase in demand and cost within this area;
- 2.4 Approve the transfer of £500,000 from the Interest Equalisation Reserve to fund the additional interest costs due to advance borrowing to take advantage of exceptionally low interest rates.

That, in respect of the 2019/20 Capital Budget Performance as set out in appendix 2 of this report, Cabinet:

- 2.5 Note the expenditure to date and the forecast outturn as at July 2019 and its financing;
- 2.6 Approve the requested changes to the 2019/20 capital investment programme as set out in Section 2 of Appendix 2;
- 2.7 Note the requested additions to the Fire Improvement Works budget of £750k p.a. for the five years from 2020/21 to 2024/25 as set out in the Fire Safety Report elsewhere on this agenda.

3 Background and Summary

Revenue – General fund

- 3.1 In February 2019 the Council agreed for 2019/20 a General Fund revenue budget of £125.647M. This report details the projected outturn position for 2019/20 based on information as at the end of July (period 4).
- 3.2 The first four months of 2019/20 has continued in the same vein as the previous financial year, with increasing service demand placing strain on available resources, despite additional ongoing investment being put into priority areas. Childrens social care and highways continue to be the main pressure areas, although this is offset somewhat by higher than budgeted income from business rates and the contribution from the Essex wide Business Rates pool of an estimated £2M.
- 3.3 The budget does include just under £3M contingency yet to be drawn that could be used to meet the forecast overspend should continued actions not succeed in pulling spend back into line with allocated budgets. The Council also continues to maintain healthy reserves, some of which such as the childrens social care reserve are set aside specifically to guard against these in-year pressures.
- 3.4 The current year end forecast for the General Fund is a £2.6M net overspend which is 0.8% of the gross budget. This net overspend is after the expected additional Business Rates income of £2M. There are some further mitigations which have been applied to this net overspend. In setting the Council budget for 2019/20, £2M was specifically set aside in the Childrens Social Care Reserve to deal with the expected additional cost and demand pressures in this area which is now recommended for release. In addition, the Council had set a contingency within its overall base budget of which £3M remains for the rest of this financial year. At this early stage in the year it would not be advisable to release the full amount, however previous years' use of the contingency would indicate that a proportion of this sum would be available to support the current estimated net overspend. It has therefore been assumed within the net overspend, that £1.5M of contingency is likely to be available by the year end to support this position. There is still a requirement to continue with actions to address the service pressures and continued active budget management across all Council services to achieve a balanced budget by year end.

- 3.5 In conclusion, and despite the current spending and income financial pressures being faced, the Council's financial resilience and ability to cope with unexpected challenges including the residual forecast net overspend remains robust and therefore a balanced year end budget remains achievable.
- 3.6 The Council continues to assess the potential financial implications of Brexit on the provision of Council Services, and the next budget monitoring report to Cabinet due in November will include an update and resourcing requirement, as necessary.

Revenue – General Fund virements

- 3.7 All budget transfer virements over £50,000 between portfolio services or between pay and non-pay budget are to be approved by Cabinet. These budget transfers have a net nil impact on the Council's overall budget. The following budget transfers for Cabinet approval this period are:

£'000	
379	Re-alignment of staffing posts in Children's and Adult's
1,419	Re-alignment of staffing posts within Corporate Strategy
75	Re-allocation of Vision 2050 fund

Revenue – Housing Revenue Account

- 3.8 In February 2019 the Council agreed for 2019/20 a balanced Housing Revenue Account revenue budget. This report details the projected outturn position for 2019/20 based on information as at the end of July (period 4).
- 3.9 The forecast for the Housing Revenue Account indicates that the HRA will have a net surplus of (£200,000) in 2019/20, (-0.8%) of gross operating expenditure. Of this £48,000 will be used to fund additional revenue contributions to capital, with the remaining £152,000 being transferred to the HRA Capital Investment Reserve.

Capital

- 3.10 Successful and timely delivery of the capital investment programme is a key part of achieving the Southend 2050 ambition and delivering the outcomes. The investment contributes to the five themes in the following way:
- 3.11 Pride and Joy – the key investment areas are: the ongoing refurbishment and enhancement of Southend's historic pleasure pier and the town's cultural and tourism offer, including libraries, museums and theatres.
- 3.12 Safe and Well – the key investment areas are: the construction and acquisition of new council homes and the refurbishment of existing ones via the decent homes programme; social care with the building of a new care facility and day centre to provide high quality services for people with high and complex needs.
- 3.13 Active and Involved – the key investment area is the Cart and Wagon Shed for the coastal community team to use as part of their community interest company.

- 3.14 Opportunity and Prosperity – the key investment areas are: the Airport Business Park to deliver benefits for both local businesses and local communities, creating thousands of job opportunities and attracting inward investment; the secondary schools expansion programme has delivered 120 permanent additional secondary school places for September 2018 and a further 80 for September 2019. This expansion is across eight of the twelve Southend secondary schools and will result in an additional 1,050 places for 11-16 year old pupils once completed.
- 3.15 Connected and Smart – the key investment areas are: the investment in the borough's highways and transport network, including the improvements to the A127 Growth Corridor funded by the Local Growth Fund; investment in the Council's ICT infrastructure and networks to enable and transform outcome focussed service delivery.
- 3.16 In February 2019 the Council agreed a capital investment programme budget for 2019/20 of £74.361M. This budget was revised at June Cabinet to £90.073M following approved re-profiles and other amendments. £50.329M of this budget is identified as strategic schemes such as the Airport Business Park.
- 3.17 About a third of the programme is financed by Government grants and external developer and other contributions and at the end of July approximately a half had been received. The rest of the programme is funded by capital receipts, the use of reserves or by borrowing. Funding schemes by borrowing has a revenue consequence of approximately £70k for every £1M borrowed.
- 3.18 This report details the projected outturn position for 2019/20 based on information as at the end of July (period 4). The report includes details of progress in delivering the 2019/20 capital investment programme and in receiving external funding relating to that year.
- 3.19 Since June Cabinet capital challenge meetings have been held with the Deputy Leader to ensure that budgets are better aligned to the predicted spend across the years of the programme and to the delivery of the desired outcomes. The changes resulting from those meetings have been included in this report. Also since that Cabinet meeting the Investment Board has agreed some proposed new schemes can progress to Cabinet for consideration. As a result of the above, this report includes any proposed budget reprofiles, virements between schemes, proposed new schemes and proposed scheme deletions.
- 3.20 The progress of schemes for 2019/20 is detailed in section 1 of Appendix 2 with Section 2 setting out the resulting requests to:
- Carry forward £10,955,000 of 2019/20 scheme budgets into future years;
 - Bring forward £274,000 of budget from future years into 2019/20;
 - Add scheme budgets totalling £78,000 into 2019/20 where new external funding has been received;
 - Add scheme budgets totalling £3,470,000 into 2019/20 and £450,000 into 2020/21 for new schemes and additions to the capital investment programme;
 - Action virements of budget between approved schemes;
 - Remove £462,000 of 2019/20 scheme budgets no longer required;

- Move £126,000 for 2019/20, £4,083,000 for 2020/21 and £8,432,000 for 2021/22 to the 'Subject to Viable Business Case' section of the programme.

3.21 As at the end of July the expected capital outturn for 2019/20 is £82,352,000.

3.22 The 2019/20 capital budget is part of the wider capital investment programme spanning several years. The table below shows the revised programme if all the above requests are approved:

	2019/20 £(000)	2020/21 £(000)	2021/22 £(000)	2022/23 £(000)	2023/24 £(000)	Total £(000)
At June Cabinet	90,073	88,963	40,420	6,855	6,855	233,166
Amendments	(7,721)	5,491	(8,117)	1,242	0	(9,105)
Revised programme	82,352	94,454	32,303	8,097	6,855	224,061

4 Other Options

4.1 The Council could choose to monitor its budgetary performance against an alternative timeframe but it is considered that the reporting schedule provides the appropriate balance to allow strategic oversight of the budget by members and to manage the Council's exposure to financial risk. More frequent monitoring is undertaken by officers and considered by individual service Directors and the Council's Corporate Management Team (CMT) including approval of necessary actions.

5 Reasons for Recommendations

5.1 The regular reporting of Revenue and Capital Budget Monitoring information provides detailed financial information to members, senior officers and other interested parties on the financial performance of the Council. It sets out the key variances being reported by budget holders and the management action being implemented to address the identified issues.

5.2 It also informs decision making to ensure that Members' priorities are delivered within the agreed budget provision.

5.3 It is important that issues are addressed to remain within the approved budget provision or where they cannot be contained by individual service management action, alternative proposals are developed and solutions proposed which address the financial impact; Members have a key role in approving such actions as they represent changes to the budget originally set and approved by them.

6 Corporate Implications

6.1 Contribution to the Southend 2050 Road Map

The robustness of the Councils budget monitoring processes and the successful management of in-year spending pressures are key determinants in

maintaining the Council's reputation for financial probity and financial stewardship. This also enables the ability of the Council to redirect and prioritise resources to ensure delivery of agreed outcomes.

6.2 Financial Implications

As set out in the body of the report and accompanying appendices.

6.3 Legal Implications

The report provides financial performance information. It is consistent with good administration for the Council to consider monitoring information in relation to plans and budgets that it has adopted.

Section 3 of the Local Government Act 1999 requires the Council as a best value authority to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness". Monitoring of financial and other performance information is an important way in which that obligation can be fulfilled.

The Council is required by section 151 of the Local Government Act 1972 to make arrangements for the proper administration of its financial affairs. The Council is also required by section 28 of the Local Government Act 2003 to monitor its budget, and take corrective action as necessary. The Council's chief finance officer has established financial procedures to ensure the Council's proper financial administration. These include procedures for budgetary control. It is consistent with these arrangements for the Cabinet to receive information about the revenue and capital budgets as set out in the report.

6.4 People Implications

None arising from this report

6.5 Property Implications

None arising from this report

6.6 Consultation

None arising from this report

6.7 Equalities and Diversity Implications

None arising from this report

6.8 Risk Assessment

Sound budget monitoring processes underpin the Council's ability to manage and mitigate the inherent financial risks associated with its budget, due to the volatility of service demand, market supply and price.

The primary mitigation lies with the expectation on CMT and Directors to continue to take all appropriate action to keep costs down and optimise income (e.g. through minimising spending, managing vacancies wherever possible). Adverse variances will require remedial in-year savings and budget reductions. The back-stop mitigation would be to draw on reserves to rebalance the budget, but this will only be done at year end should other measures fail.

With the likely scale of funding pressures and future resource reductions, it is important that the Council holds a robust position on reserves and maintains the ability to deal with issues that arise during the financial year.

6.9 Value for Money

The budget set reflects the Council's drive to improve value for money and to deliver significant efficiencies in the way it operates. Monitoring the delivery of services within the budget set helps to ensure that the planned value for money is achieved.

6.10 Community Safety Implications

None arising from this report

6.11 Environmental Impact

None arising from this report

7 Background Papers

None

8 Appendices

Appendix 1 Revenue Budget Performance 2019/20 – July 2019

Appendix 2 Capital Investment Programme Budget Performance 2019/20 – July 2019

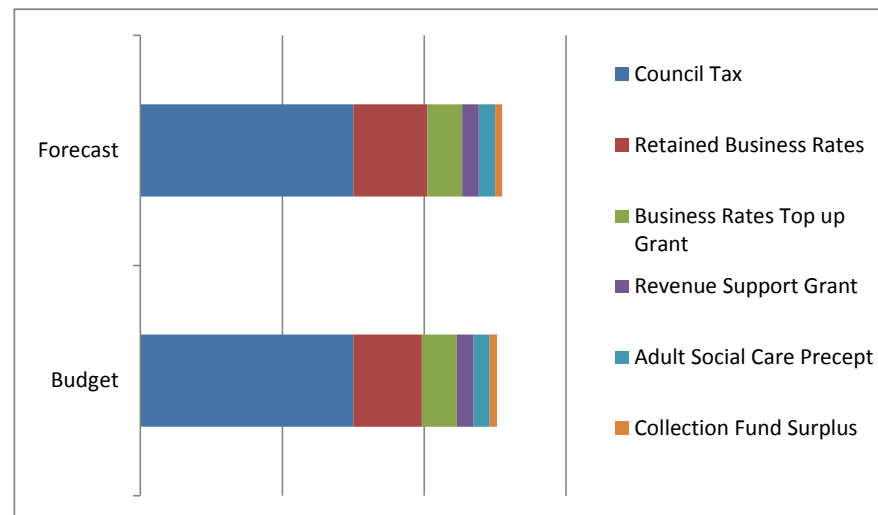
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Appendix 1 - Revenue Budget Performance 2019/20 - July 2019

Summary

Portfolio	Revised Budget £M	Forecast £M	Variance £M
Leader	12.7	12.9	0.2
Deputy Leader	3.0	5.8	2.8
Business, Culture and Tourism	4.9	4.9	0.0
Children and Learning	29.3	32.5	3.2
Community Safety and Customer Contact	5.4	5.4	0.0
Environment and Planning	20.3	19.7	-0.6
Health and Adult Social Care	37.0	37.5	0.5
	112.6	118.7	6.1
Corporate Budgets	13.6	12.1	-1.5
	126.2	130.8	4.6
Earmarked Reserves	-1.8	-1.8	0.0
Revenue Contribution to Capital	5.0	5.0	0.0
Non Service Specific Grants	-3.8	-3.8	0.0
TOTAL	125.6	130.2	4.6
Funding	125.6	127.6	2.0
NET	0.0	2.6	2.6

Sources of funding



The first four months of 2019/20 has continued in the same vein as the previous financial year, with increasing service demand placing strain on available resources, despite additional ongoing investment being put into priority areas. The Council is currently forecasting a revenue overspend of £2.6M against the approved budget after applying some in-year mitigations.

Childrens social care and highways continue to be the main pressure areas, although this is offset somewhat by higher than budgeted income from business rates of £2M.

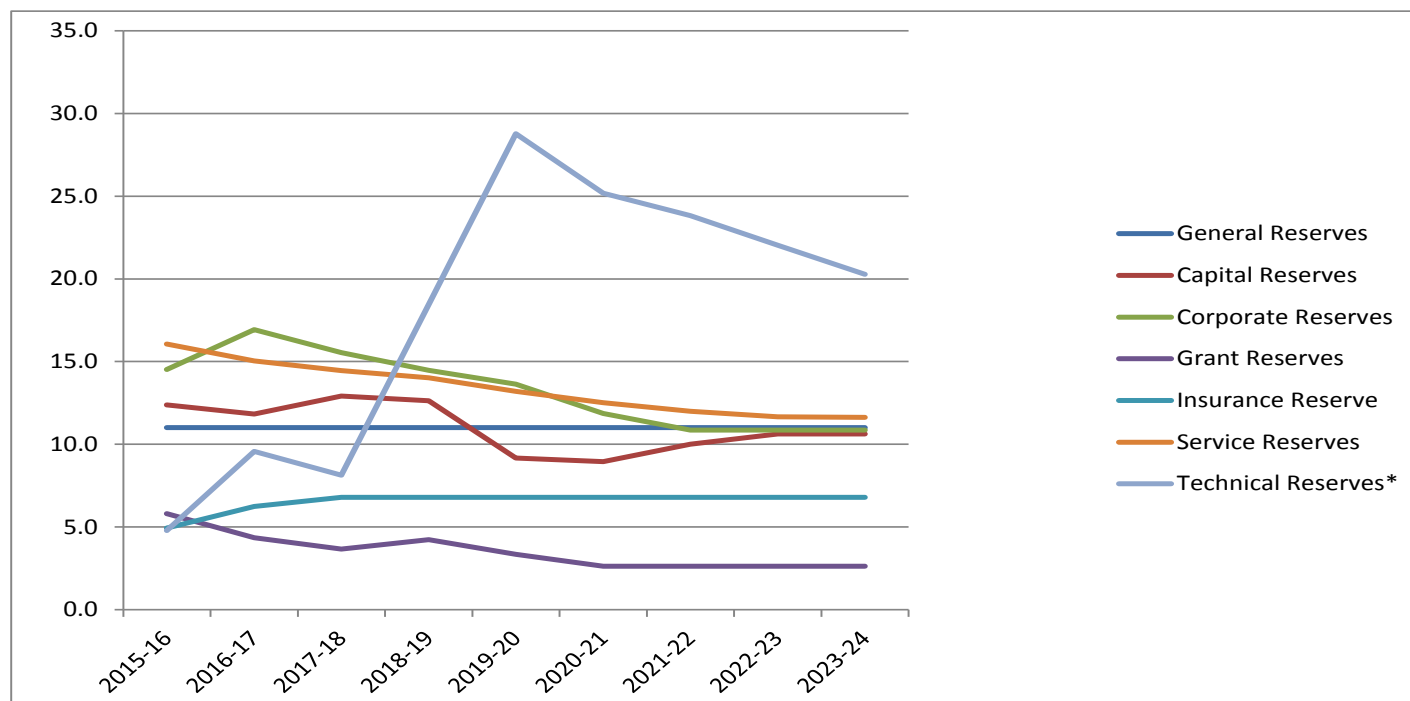
The budget has just under £3M contingency remaining at this stage in the year, and in the table above it has been assumed that £1.5M will be released based upon historical use of the contingency. The table also reflects the release of £2M from the Childrens social care reserve as recommended in setting the 2019/20 Council budget. There is also a planned use of the Interest Equalisation Reserve of £0.5M to meet additional financing costs due to advanced borrowing to take advantage of exceptionally low interest rates.

In conclusion, and despite the current financial pressures being faced and with the Council's healthy reserves, the Council's financial resilience and ability to cope with unexpected challenges remains robust.

Reserves

The Council maintains General fund reserves at £11.0M in line with the Medium Term Financial Plan which was agreed at Full Council in February. This provides a working cashflow balance and also allows a degree of financial security in the case of unexpected events or emergencies.

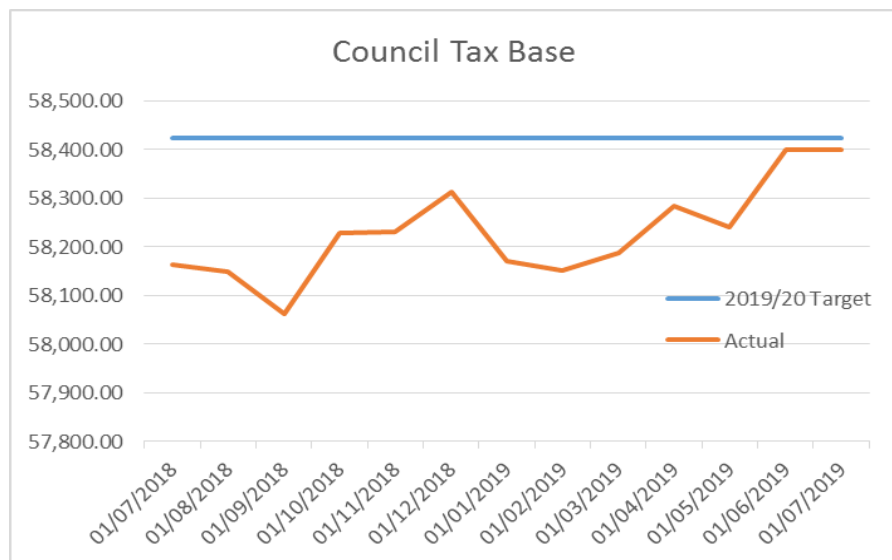
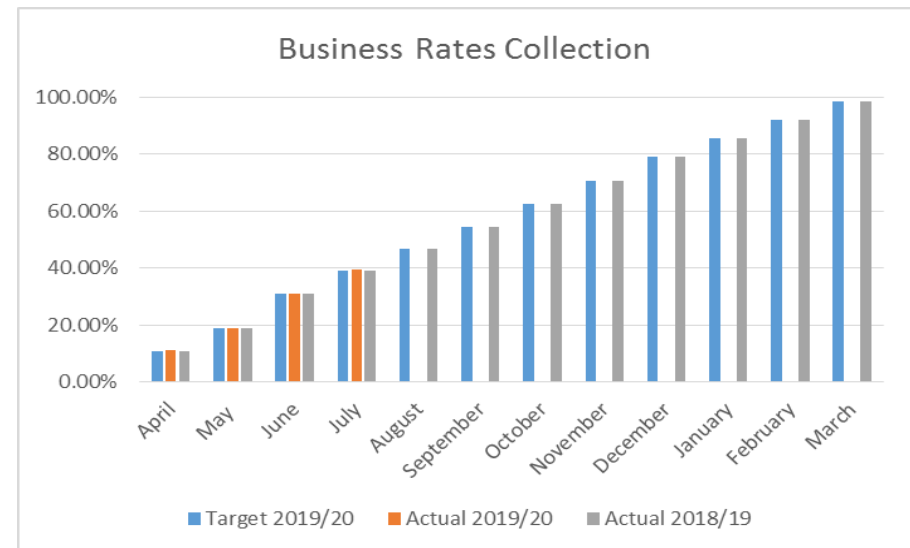
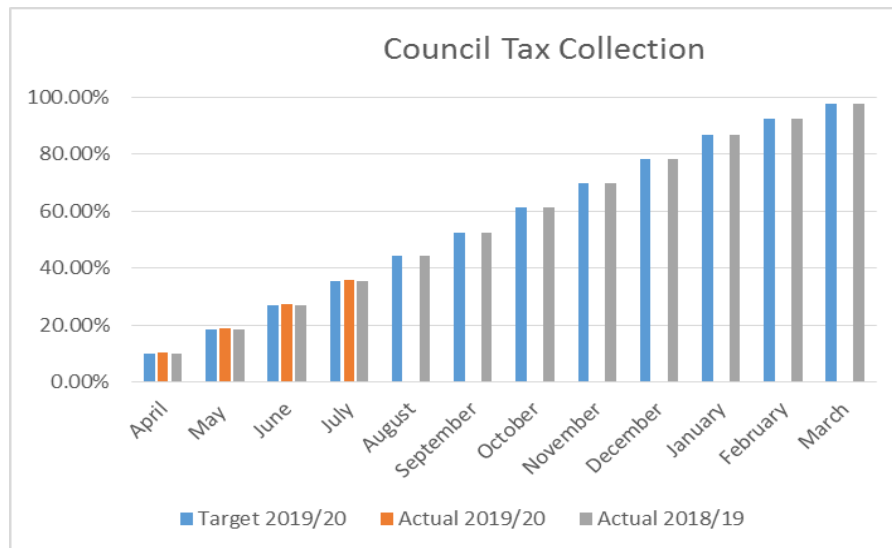
In addition, Earmarked Reserves are set aside to fund future projects and to mitigate specific risk. The level of these reserves will fluctuate as grants are received, risk is realised and projects progress.



	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
General Reserves	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Capital Reserves	12.4	11.8	12.9	12.6	9.2	8.9	10.0	10.6	10.6
Corporate Reserves	14.5	16.9	15.5	14.5	13.6	11.9	10.9	10.9	10.9
Grant Reserves	5.8	4.4	3.7	4.2	3.3	2.6	2.6	2.6	2.6
Insurance Reserve	4.9	6.2	6.8	6.8	6.8	6.8	6.8	6.8	6.8
Service Reserves	16.1	15.0	14.5	14.0	13.2	12.5	12.0	11.7	11.6
Technical Reserves*	4.8	9.6	8.1	18.5	28.8	25.2	23.8	22.0	20.3
	58.5	64.0	61.5	70.6	74.9	67.9	66.1	64.6	62.8

*Technical Reserves are held to even out the impact of cyclical spending pressures across a number of years, and underpin the medium term financial plan, e.g. the pensions reserve.

Collection Rates



Collection targets for the current financial year exceed the monthly target on both Council Tax (0.3% above target) and Business Rates (0.1% above target) for this month. Although this has no immediate impact of the financial situation for 2019/20, if maintained it will provide releasable surpluses for future year budget planning.

The Council Tax Baseline remains less than that used to calculate the base at the start of the year, however following the addition of some properties to the base this month this is just 25 properties less in comparison to the Council Tax Base Setting for the year; this is expected to continue to grow monthly.

Leader

29.26%

of Total Gross Revenue
Service Budget

£0.2M

Forecast
Revenue
Overspend

0.22%

Variance as % of Total
Gross Budget
Envelope

Leader	Revised Budget £M	Forecast £M	Variance £M
Strategic Planning and Policy	1.8	1.8	0.0
Revenue and Benefits	0.8	0.8	0.0
Housing	3.1	3.1	0.0
Legal and Democratic Services	2.7	2.9	0.2
Other Services	4.3	4.3	0.0
TOTAL	12.7	12.9	0.2
Gross Expenditure	91.4		
Gross Income	78.7		
TOTAL	12.7		

Budget £M **12.7**

Forecast £M **12.9**

Private Sector Housing is forecasting to underspend by (£246,000) as at the end of period 4. This is because of the vacant posts currently in the team, some of which are being temporarily covered by agency staff. There has recently been a recruitment drive to recruit on a permanent basis.

Strategy & Planning for Housing is forecasting a year end pressure of £200,000. This is in respect of the new temporary staffing structure that is currently in place to implement and deliver the housing strategy.

As a result of the increase in the number of looked after children, there is a forecast £235,000 overspend on barrister's fees for childcare cases, reflecting the overspend last year given that the average number of active cases has not changed.

Deputy Leader

6.27%

of Total Gross Revenue
Service Budget

£2.8M

Forecast
Revenue
Overspend

14.29%

Variance as % of Total
Gross Budget Envelope

Deputy Leader	Revised Budget £M	Forecast £M	Variance £M
Asset and Facilities Management	-0.7	-0.5	0.2
Financial Services	3.5	3.5	0.0
Highways and Transport	0.2	2.8	2.6
TOTAL	3.0	5.8	2.8
Gross Expenditure	19.6		
Gross Income	16.6		
TOTAL	3.0		

Budget £M **3.0**

Forecast £M **5.8**

Although the energy used by our new LED street lights is 45% lower than in 15/16, the average unit cost of electricity for our unmetered supply has risen by 17% over this time period. As a result, there is currently a forecast pressure of £75,000 for energy costs. Due to the need to maintain or replace damaged lights and columns, there is also a maintenance pressure of £85,000.

Tree maintenance costs on the highway in Q1 of 19/20 are significantly higher than in Q1 of 18/19. This is likely to be as a result of the storms in March 2019 creating additional damage. The budget area is currently forecasting an overspend of £140,000.

The income received in both our on street and off street car parks is higher than expected. Tariffs are being amended to support businesses in the town centre and the cost impact has been provided for by the use of the contingency budget. University Square car park continues to cost more money than it collects in income. The overall income position across the car parking estate is a forecast surplus of (£185,000). However due to instances of anti-social behaviour, security costs at University Square are expected to reach £185,000 at year end, contractor costs are forecast to exceed the budget by £100,000 due to ad-hoc works and parking machine charges of £50,000 have been incurred.

Expenditure on highways maintenance has remained consistent with 18/19 which means an overspend of £630,000 is expected. This was partly

offset last year due to the award of the DfT pothole fund which isn't guaranteed for this year. The demand on the service due to potholes is weather dependant, and after cases of extreme hold and cold weather there is a risk that the infrastructure in places may not be as robust as expected. Additional capital investment in 19/20 and 20/21 has been made in an attempt to improve the quality of the most affected surfaces with the aim to reduce the ongoing maintenance requirement.

Although the number of PCN's issued has increased by 10%, it is still forecast that the income collected from these notices will fall short of the income anticipated when the budget was set by £430,000.

After a transition year regarding the administration of streetwork permits which saw a significant income shortfall in 18/19, there is now a better understanding of the different elements of income anticipated in 19/20. Whilst the income received from permit applications has remained relatively consistent over the past 4 years, the income for penalties and section 74 charges has reduced considerably. The income shortfall is forecast to be £500,000 at the end of the year.

Ongoing support for the Symology system is expected to cost the organisation £100,000 this year. Staff are currently being deployed on a number of projects and initiatives which were not anticipated when the budget was set. This is expected to result in a pressure on the revenue budget of £150,000.

Business, Culture and Tourism

3.20% of Total Gross Revenue
Service Budget

£0M

Forecast
Revenue
Overspend

0.00% Variance as % of Total
Gross Budget Envelope

Business, Culture and Tourism	Revised Budget £M	Forecast £M	Variance £M
Economic Development and Regeneration	0.8	0.8	0.0
Tourism	0.5	0.4	-0.1
Culture	3.6	3.7	0.1
TOTAL	4.9	4.9	0.0
Gross Expenditure	10.0		
Gross Income	5.1		
TOTAL	4.9		

Budget £M **4.9**

Forecast £M **4.9**

Due to the popularity of the pier, the income received for admissions and associated sales is forecast to be above the income budget by (£150,000). July, August and September are traditionally the busiest months on the pier and so this forecast may fluctuate depending upon the number of visitors over this busy time.

Children and Learning

27.14% of Total Gross Revenue
Service Budget

£3.2M

Forecast
Revenue
Overspend

3.77% Variance as % of Total
Gross Budget Envelope

Children and Learning	Revised Budget £M	Forecast £M	Variance £M
Childrens Social Care	21.3	24.2	2.9
Youth and Family Support	2.8	3.0	0.2
Education and Schools	5.2	5.3	0.1
Maintained Schools Delegated	0.0	0.0	0.0
TOTAL	29.3	32.5	3.2

Gross Expenditure	84.8
Gross Income	55.5
TOTAL	29.3

Budget £M **29.3**

Forecast £M **32.5**

As a result of an overall net increase in the numbers of looked after children (LAC) over the last 4 years (rising from 261 at the start of April 2016 to now current est. 319 as at June 2019), more expensive residential care placements (due to market conditions), and an increase in the number of expensive secured care placements required there is a forecast pressure of £3.5M against the original budget for external private fostering, residential and secured placements. This increase in LAC numbers also means there is an increase in leaving care placements which is creating a pressure on the budget. Care package support has also continued to grow for placements of children with disabilities creating an overspend of £140,000 against the budget. It is recommended that £2M is released from the Childrens Social Care Reserve to fund some of this additional cost.

However, there are signs that the number of looked after children is decreasing from the high seen in April 2019 and there has been a continuous month on month reduction up to and including July.

The national issue of Unaccompanied Asylum Seeker care package support being inadequately funded by the Home Office grant is also contributing to a wider budget pressure of £330,000.

There is an increased case load for our social workers which requires the use of agency staff and additional newly qualified social

workers (NQSW) to support which is resulting in an forecast staffing pressure of £700,000. The service are currently reviewing the use of NQSW and any further increases will be met by a reduction in agency staff which should reduce this pressure.

Although the troubled families service continue to target increased payment by results, the fixed element of the grant funding has continued to reduce which is resulting in a shortfall of the £295,000 against the grant target.

Community Safety and Customer Contact

3.33%

of Total Gross Revenue
Service Budget

£0M

Forecast
Revenue
Overspend

0.00%

Variance as % of Total
Gross Budget
Envelope

Community Safety and Customer Contact	Revised		
	Budget £M	Forecast £M	Variance £M
Customer Services	1.9	1.9	0.0
Community Safety	1.0	1.0	0.0
Cemeteries and Crematorium	-1.6	-1.6	0.0
Regulatory Services	1.0	1.0	0.0
ICT	3.1	3.1	0.0
TOTAL	5.4	5.4	0.0
Gross Expenditure	10.4		
Gross Income	5.0		
TOTAL	5.4		

Budget £M

5.4

Forecast £M

5.4

No variances to report

Environment and Planning

7.23%

of Total Gross Revenue
Service Budget

£-0.6M

Forecast
Revenue
Underspend

-2.65%

Variance as % of Total
Gross Budget
Envelope

Environment and Planning	Revised Budget £M	Forecast £M	Variance £M
Energy	-0.1	-0.1	0.0
Flooding	0.4	0.4	0.0
Planning	1.0	1.1	0.1
Parks and Open Spaces	4.4	4.5	0.1
Waste and Street Scene	14.6	13.8	-0.8
TOTAL	20.3	19.7	-0.6

Budget £M **20.3**

Forecast £M **19.7**

Gross Expenditure	22.6
Gross Income	2.3
TOTAL	20.3

Applications have been made for a number of significant development projects this year and as a result the income received in the Development Control team has been greater than expected, especially in July. The current forecast is that an additional (£100,000) will have been received by the end of the financial year. In order to cope with the increased demand of these projects as well as the work required to progress the Local Plan, some additional staff support is in place, and staffing supplements have been agreed to retain talented employees. This is expected to result in additional staffing costs of £190,000

Due to the Mechanical Biological Treatment plant (MBT) in Basildon continuing to operate within a commissioning phase SBC are able to dispose of residual waste at a lower rate than the original business case. However, due to uncertainty regarding the availability of the plant, alternative disposal methods need to be utilised during periods of closure. The current average cost of disposal at the MBT is £102, whereas the cost of landfill (including haulage) is £118. Estimates have been made regarding the probability of disposing of waste at the MBT and at landfill and this is resulting in a forecast underspend of (£500,000). As a result of the revised agreement with Essex County Council relating to the Waste Joint Working Agreement, we are continuing to receive a share of the Waste Infrastructure Grant in relation to the MBT. The value of this income in 2019/20 is forecast to be (£230,000).

Health and Adult Social Care

23.56% of Total Gross Revenue
Service Budget

£0.5M

Forecast
Revenue
Overspend

0.68% Variance as % of Total
Gross Budget Envelope

Health and Adult Social Care	Revised Budget £M	Forecast £M	Variance £M
Adult Social Care	36.3	36.8	0.5
Health	0.0	0.0	0.0
Voluntary and Community Services	0.7	0.7	0.0
TOTAL	37.0	37.5	0.5
Gross Expenditure	73.6		
Gross Income	36.6		
TOTAL	37.0		

Budget £M **37.0**

Forecast £M **37.5**

Learning Disabilities – forecasting a year end overspend of £188,000 after management actions of (£200,000). The overspend mainly relates to LD passenger transport and this will be mitigated once the Joint Venture goes live from January 2020, but there is also a pressure on LD Supported Living placements. The management actions relate to Supported Living contracts, which will be reviewed in the course of the year with a targeted (£200,000) saving.

Mental Health - forecasting to overspend by £92,000. The main pressure is on supported living placements, with the current year commitment being higher. There has also been more use of agency staff to cover vacant social worker posts on the mental health team, which is costing more than permanent staff.

Older People – forecasting to be £106,000 overspent, with management actions of £900,000. The pressure is mainly on interim residential placements. This is expected, as clients go in interim placements in the first instance, to support them to eventually go back home. The pressure we saw in 2018/19 has continued into 2019/20.

Housing Revenue Account

-£0.2M Forecast Revenue Underspend **-0.8%** Variance as % of Total Gross Budget Envelope

Housing Revenue Account	Revised Budget £M	Forecast £M	Variance £M	
Gross Expenditure	24.7	24.7	0.0	
Gross Income	-28.0	-28.2	-0.2	
NET OPERATING EXPENDITURE	-3.3	-3.5	-0.2	Budget £M -3.3
Revenue Contribution to Capital	2.3	2.3	0.0	
Contribution to / (from) Earmarked Reserves	1.0	1.2	0.2	
TOTAL	0.0	0.0	0.0	Forecast £M -3.5

The HRA budget for 2019/20 anticipated an operating surplus of £3,328,000.

The latest forecast as at period 4 indicates that the HRA will have an operating surplus of £3,528,000, an increase of £200,000 in 2019/20. This is because predictions as at the end of period 4 are showing higher rental income than budgeted for. The estimate assumes a 4% void allowance across all properties and the actual up to end of July has been less. Rather than increase the HRA balance, normal custom and practice would see this surplus transferred to the HRA Capital Investment Reserve.

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Capital Investment Programme Performance 2019/20 – July 2019

1. Overall Budget Performance by Investment Area

The revised Capital budget for the 2019/20 financial year is £90.073million which includes all changes agreed at June Cabinet. Actual capital spend at 31st July is £11.460million representing approximately 13% of the revised budget. This is shown in Section 3. (Outstanding creditors totalling £0.225million have been removed from this figure).

The expenditure to date has been projected to year end and the outturn position is forecast to reflect the Project Manager's realistic expectation. This is broken down by type of investment area as follows:

Investment Area	Revised Budget 2018/19 £'000	Outturn to 31 st July 2019/20 £'000	Expected outturn 2019/20 £'000	Latest Expected Variance to Revised Budget 2019/20 £'000	Amended Budget 2020/21 to 2023/24 * £'000
General Fund Housing	2,123	206	2,123	-	1,952
Council Housing & New Build Programme	17,095	1,500	19,445	2,350	37,191
Social Care	10,679	170	6,340	(4,339)	8,100
Schools	12,137	1,155	9,438	(2,699)	3,812
Enterprise & Regeneration	13,906	1,317	13,421	(485)	27,505
Southend Pier	3,325	1,186	3,325	-	13,297
Culture & Tourism	3,659	1,146	4,594	935	19,377
Community Safety	1,786	15	880	(906)	1,906
Highways & Infrastructure	17,099	3,767	15,572	(1,527)	23,302
Works to Property	2,334	130	2,117	(217)	3,208
Energy Saving	1,368	-	663	(705)	1,548
ICT	2,992	820	2,864	(128)	172
S106/S38/CIL	1,570	48	1,570	-	339
Total	90,073	11,460	82,352	(7,721)	141,709

* This shows the amended budget for those years if the amendments set out in Section 2 are approved.

The capital investment for 2019/20 is proposed to be funded as follows:

	Council Budget £'000	Grant Budget £'000	Developer & Other Contributions £'000	Total Budget £'000
Total Budget	61,091	25,865	3,117	90,073
As a percentage of total budget	67.8%	28.7%	3.5%	
External Funding Received to date		12,791	1,638	14,429
External Funding Outstanding		13,074	1,479	14,553

Progress of Strategic schemes

Successful and timely delivery of the capital investment programme is a key part of achieving the Southend 2050 ambition and delivering the outcomes.

Although the revised capital investment programme is £90.073million, £50.329million of this relates to strategic schemes.

Following a full review of the capital investment programme, project managers are not reporting any expected variances against the revised budget for strategic schemes except for the Secondary School Expansion programme which will see a carry forward request of £2million, Delaware and Priory of £4.2million and Airport Business Park of £235k. Additional budget of £2.350million will also be added to the HRA Affordable Housing Acquisitions Programme (see commentary below).

Scheme	Revised Budget 2019/20 £000	Outturn to 30th July 2019/20 £000	% spent	Expected outturn 2019/20	Comments	Budget 2020/21 to 2023/24 £000
Strategic schemes						
Airport Business Park (including Local Growth Fund)	11,615	1,142	10%	11,380	All major utilities and infrastructure contracts have now been let and are on site. The planning application has been submitted for the Launchpad building.	13,520
Better Queensway - Regeneration	2,041	175	9%	2,041	Contract signing and JV partnership in April, business plan to be developed by early autumn, awaiting outcome from Homes England in regards to funding	13,500
Forum II – SBC Match Funding to LGF	1,030	58	6%	1,030	RIBA stage 3 signed off, planning permission submitted, on programme to commence on site early 2020	17,450
Delaware and Priory New Build	9,219	42	0%	5,000	Implementation plan is being prepared and a budget profile may be requested at November Cabinet	3,881
School Improvement and Provision of School Places	10,300	1,037	10%	8,300	Works at the Eastwood Academy, Southchurch High and Wentworth Road are complete and Shoeburyness High is in the final stages of building handover. St Thomas More is entering the fit out stage of their new building and Belfairs Academy and St Bernard High are progressing on time.	662
Southend Pier schemes	3,325	1,186	36%	3,325	Issues with structural engineering company causing delays to Timber Outer Pier Head and Prince George Extension works. Expected to be resolved and works to be carried out in the financial year subject to weather conditions	13,297
Civic Campus Redevelopment	94	-	-	-	A request is included in section 2 to move these budgets to the 'Schemes Subject to Viable Business Cases' section	10,648
Local Growth Fund - A127 Growth Corridor	4,737	889	19%	4,737	This relates primarily to the Bell junction and some is likely to be reprofiled back at November Cabinet	7,669
HRA Affordable Housing Acquisitions Programme	4,306	339	8%	6,656	Acquisition programme is now proceeding	-
Construction of New Housing on HRA Land	3,662	193	5%	3,662	Phases 3 and 4 are in the early stages of procuring an Employment Agent (EA). Once on board, the process of procuring an architect will commence. The MMC project is also in the early stages although the EA and architect have been procured and are working up plans for the two sites in Saxon Gardens.	10,791
Total Strategic	50,329	5,061	10%	46,131		91,418
Other schemes						
Other Capital Investment schemes	39,744	6,399	16%	36,221		
TOTAL SCHEMES	90,073	11,460	13%	82,352		

The secondary school expansion programme is progressing into its third year. 120 permanent additional secondary school places were created for September 2018 and a further 80 for September 2019. This expansion is across eight of the twelve Southend secondary schools and will result in an additional 1,050 places for 11-16 year old pupils once completed. These expansions are to ensure that the local authority can meet its statutory duty of supplying a good school place to any local resident that requests one. Works at the Eastwood Academy, Southchurch High and Wentworth Road are complete and Shoeburyness High is in the final stages of building handover. St Thomas More is entering the fit out stage of their new building and Belfairs Academy and St Bernard High are progressing on time.

Following a full evaluation of spend profiles for this expansion programme, a delay on programme has been identified for two schools and a request to carry forward £2million of the 2019/20 budget into 2020/21 has been included in this report.

An evaluation of the Delaware and Priory and Airport Business Park spend profiles have also been carried out and budgets of £4.2million and £235k respectively have been included as carry forward requests as part of this report in line with the revised schedules.

The HRA Affordable Housing Acquisitions Programme is 30% financed by retained Right to Buy capital receipts. To ensure all these receipts can be used within the timeframes set by Central Government £4.65m needs to be spent during 2019/20 with targets in each quarter. The current budget for housing acquisitions is £4.3m and so a request for additional budget of £350k has been included in this report. If the Council exceeds any of the quarterly targets the excess will count towards the next quarter. As conveyancing time frames cannot be guaranteed it would be prudent to plan to exceed the targets rather than to just meet them, in case any of the planned property purchases do not proceed. An additional £2m has been included in this report for this purpose.

Progress of other schemes for 2019/20

General Fund Housing

Budgets totalling £1.095million for 2019/20 and £475k for 2020/21 are to be combined to support a scheme for the Private Sector Housing Strategy. More information will be available on the profile of this once initial works have taken place. A virement has been included in this report to action this.

A total of 36 major adaptations have taken place so far this financial year as part of the Disabled Facilities scheme. This enables residents of Southend to remain living independently in their homes. Families with young children who are coping with severe disabilities have also been assisted. A new Adaptations Surveyor has recently been employed which will enable further adaptations to be completed over the next few months.

Council Housing and New Build Programme

The capital works programme for 2019/20 is progressing mainly in accordance with our works programme. There have been some delays due to a change in the electronic procurement system from E-delta to Pro-contract however this new system is now embedded. One further delay occurred on the Kitchen and Bathroom contract however the issue has now been resolved and the programme will be recovered throughout the remainder of the financial year.

Social Care

The Learning Management System scheme is no longer going ahead as works are taking place to explore the use of Business World. A request to remove the budget of £120k from the capital investment programme has been included in this report.

Schools

The schools conditions programme is allocated to address larger condition items where the cost is over the schools capabilities to fund. Most of these works are being undertaken over the summer holidays to minimise disruption. Various schemes have been delayed to 2020/21 for logistical reasons and these budgets have been included as carry forward requests. The schemes include Chalkwell Infants Relocatables for £109k, Fairways Primary Curtain Walling for £100k and Chalkwell Infants Energy project for £300k. Two new schemes are also included relating to Fairways Primary Trees for £10k and Eastwood Primary Roof Replacement for £50k funded by grant. Underspends on schemes for Chalkwell Hall Juniors Roof and West Leigh Infants Boiler totalling £55k are being used for a new scheme at Fairways on pipeworks. A virement request has been included in this report.

The Devolved Formula Capital is an annual devolution of a dedicated capital grant to all schools and is distributed via the local authority for maintained schools. The notified grant for 2019/20 is £100k and has been distributed in full.

A grant has been awarded from the Department of Education to support the improvement and expansion of special needs places. £250k of the 2019/20 allocation has been included as a carry forward request in regards to special provision in a secondary school.

Enterprise and Regeneration

The Infrastructure Feasibility Studies scheme is closely aligned with ASELA work on the Joint Spatial Strategy and it is unlikely to be completed during 2019/10. The full budget of £250k has therefore been included as a carry forward request in this report.

Southend Pier

The works on Southend Pier are currently progressing well with no significant issues. A number of works are weather dependent which will be monitored closely over the coming months. Schemes currently underway include the Pier Entrance Enhancement, the Timber Outer Pier Head and the Prince George Extension.

There are a number of projects in the programme which will require additional phases and business cases will be brought forward as appropriate.

Culture and Tourism

The scheme for Joint Theatres and Leisure Centres Asbestos works is in place to undertake investigation and surveys to identify asbestos at sites prior to works taking place. No works have been identified for 2019/20 so far therefore it is recommended that the full budget of £115k is carried forward until a future need has been identified.

External refurbishment of the Cliffs Pavilion is currently profiled for 2020/21 but it is likely to be pushed back until 2021/22. A carry forward request for £215k has been included in this report.

The works to Southchurch Park Bowls Pavilion are still in discussion and the budget of £20k has been included as a carry forward request in this report until a way forward has been decided.

Two schemes are underway in advance of schedule and accelerated delivery requests have been included in this report. These schemes are the Cart and Wagon shed for £150k and Cliffs Pavilion Boiler Flues for £124k.

A forward programme was considered by Investment Board for the Fire Improvement Works scheme which is in place to ensure that operational buildings remain safe. An additional £250k was requested for 2019/20 primarily for the Cliffs Pavilion and Southend Leisure and Tennis Centre with a further £750k per annum requested for 2020/21 to 2023/24. The board agreed that the 2019/20 request could be included in this report as a request for additional budget. The request for future years budgets is the subject of a separate report on this agenda.

A five year programme for Property Refurbishment was also considered by Investment Board which included a wide range of works on Southchurch Hall, Central Museum and

Prittlewell Priory. Also included was Civic Campus toilets refurbishment and fixed wire testing. An additional £600k in 2019/20 and £750k per annum from 2020/21 to 2023/24 was requested. The board agreed that the 2019/20 request could be included in this report as a request for additional budget.

Schemes for Belfairs Swim Centre and the Palace Theatre Boilers are now complete and savings were made on the original budget allocations. Budgets of £42k and £12k respectively will therefore be removed from the capital investment programme as part of this report.

Community Safety

The CCTV Equipment Renewal scheme is currently experiencing issues with specification and procurement meaning that the project is slightly delayed. As a consequence, £606k has been included as a carry forward request in this report with £506k profiled to 2020/21 and the remaining £100k in 2021/22.

The Security Measures scheme is in place to implement security for vulnerable locations and automatic bollards. Work is currently on-going with the Counter Terrorism unit and there is unlikely to be clarity on the final scheme until December 2019. £300k of the current budget has therefore been included as a carry forward request in this report.

Highways and Infrastructure

The Local Growth Fund Southend Central Area Action Plan (SCAAP) Growth Point Transport scheme is being developed through the Sunrise project and voting is currently taking place on options. The project has subsequently been delayed and a revised spend profile of £500k has been agreed for 2019/20 and a carry forward request of £1.466million has been included as a carry forward request in this report.

Flood prevention works may now be completed as part of the Seaway development. The project has therefore been slipped back a year to allow space for consultation. Budget of £1.125million is therefore being requested as a carry forward request in this report from 2020/21 to 2022/23. An allocation of £1.125million is already in place for 2021/22.

The scheme at Cinder Path has come to a standstill and a way forward is currently unknown. The remaining budget of £61k will therefore be removed from the capital investment programme in this report and a future bid can be put forward should it be required.

Works to Property

Now that Southchurch High School is settled in to the former Procat buildings and the works to these are complete, the demolition of the former Futures School buildings can progress. As well as mitigating health and safety risks, this capital investment will secure ongoing revenue savings and prepare the site for future development. A request for budget of £40k for 2019/20 and £450k for 2020/21 to be added to the capital investment programme has been included in this report to support this scheme.

A contractor is to be commissioned to complete an options appraisal on the site at 62 Avenue Road. The full budget of £49k has been included as a carry forward request to support works which may be possible in 2020/21 subject to the results of the appraisal.

The planning preference for works at Belfairs Park Restaurant and Golf Club is for leaded windows therefore comparative quotes are in the process of being obtained to inform a way forward and enable planning and tender to proceed. £47k of the current budget has been included as a carry forward request as it is likely that part of these works will take place in 2020/21.

A request to have the £20k budget from the Working Environment scheme to the Civic Campus Efficient use of space scheme has been included as both schemes are working towards the same outcome. The CMT work area is now underway and planning work is due to commence on the former large members room. The agile workstream is underway with the roll-out of modern technology. Detailed pricing is currently being sought and £82k of the 2019/20 budget has been included as a carry forward request as works are likely to span two financial years.

Various schemes have now completed and the remaining budgets are not required. These include Commercial Property Investment for £4k, Pier Arches Toilets Waterproofing Solution for £4k and Porters House for £5k. A request to remove budgets has been included in this report.

There are a set of proposals for consideration to EB in October for the service's cremators, however the lining of cremator 1 has deteriorated quicker than anticipated so works need to be undertaken quickly to mitigate the risk of it not being able to operate. The lining is not expected to last more than 3 months. A request for additional budget of £60k has been included in this report.

Various schemes are currently on hold subject to viable business cases and will therefore be removed from the capital investment programme pending successful cases being put forward. These schemes are Civic East Car Park Redevelopment, Library Car Park Reconstruction, Land Acquisition and East Beach Café Project.

Energy Saving

The Energy Efficiency scheme is looking at a lighting proposal for Civic 1 and seeking prices to establish whether the project can be completed within the payback period required. £100k is expected to be utilised in 2019/20 and the remaining £117k has been included as a carry forward request in this report.

Stage one of the Real Time Air Quality Measurement feasibility is now complete and the results from the DEFRA trials are now awaited. £58k of the current 2019/20 allocation has been included as a carry forward request in this report as it is unlikely that the full scheme will progress until 2020/21.

The Solar PV scheme is now being re-procured through a framework for leisure centres, theatres and retail units owned by the council. A carry forward request of £500k has been

included in this report to take account of the size of the project and potential installation delays.

Two further energy schemes are unlikely to progress therefore it has been proposed that the budgets are removed from the capital investment programme. Budgets of £33k for the Civic 1 Lift Regeneration and £15k for the Old Beecroft Ground Source Heat Pump Feasibility have been removed as part of this report.

A grant of £18k has been awarded by NT Flag to carry out an independent study on electricity supply issues in Chalkwell and the surrounding areas. Match funding of £10k has been identified from the Energy Efficiency scheme and a virement is included as part of this report along with the addition of the grant funding.

ICT

The IoT Smart City Delivery scheme is currently under review for alignment to Southend 2050 therefore the full budget is not expected to be required in 2019/20. A carry forward request of £132k has been included as part of this report.

The scheme for N3 Connectivity has not currently progressed but initial investigations have suggested that a budget saving of £166k will be achieved. This budget will be removed from the capital investment programme in this report.

Central Government are bringing in new accessibility regulations from September 2020 and it will be a legal requirement for every public sector organisation to have a website that will adhere to this. The current council website would currently not pass these regulations, however there is an option to upgrade to new templates called Photon which will ensure all back-end technical elements adhere to these regulations instantly. In addition, the upgraded search functionality will ensure that the customer can find what they're looking for on the website with ease.

The new data centre scheme has been on-going over a number of years and will be the platform for a number of key improvements to be delivered to staff and beyond. This will be an enabler for new technologies such as Office 365 and Teams which will allow the Agile and Collaborative outcome to be achieved. There has been decision to put the implementation of the Southend Operations Centre on hold which has an approved capital allocation of £403k for 2019/20. A proposal to use this budget for the Data Centre was agreed by Investment Board on 5th August to be put forward as a virement request and has been included in this report.

Phase two of the Recruitment Contract Implementation project to allow integration with Business World has been proposed and a request to increase the capital investment programme by £170k funded from the Business World earmarked reserve has been included in this report.

2. Requested Changes to the 2019/20 Capital Programme

Carry Forwards to Future Years

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Chalkwell Hall Infants replace relocatables	(109)	109			
Fairways Primary curtain walling	(100)	100			
Chalkwell Hall Infants Energy Project	(300)	300			
School Improvement and Provision of School Places	(2,000)	2,000			
Special Provision Capital Fund	(250)	250			
Delaware and Priory LATC	(4,219)	4,219			
62 Avenue Road	(49)	49			
Belfairs Park Restaurant/Golf Club Preventative Works	(47)	47			
Civic Campus - Efficient Use of Space	(82)	82			
Local Growth Fund - (SCAAP) Growth Point	(1,466)	1,466			
Infrastructure Feasibility Studies	(250)	250			
Airport Business Park	(235)	235			
Joint Theatres and Leisure Centres – Asbestos	(115)	115			
Cliffs Pavilion – External Refurbishment Works		(215)	215		
Southchurch Park Bowls Pavilion	(20)	20			
CCTV Equipment Renewal	(606)	506	100		
Security Measures	(300)	300			
Energy Efficiency Projects	(117)			117	
Real Time Air Quality Measurement – Feasibility	(58)	58			
Solar PV Projects	(500)	500			
IoT Smart City Delivery	(132)	132			
Flood Prevention Works		(1,125)		1,125	
Total Carry Forwards	(10,955)	9,398	315	1,242	-

Accelerated Deliveries from Future Years

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Cart and Wagon Shed	150	(150)			
Cliffs Pavilion – Boiler Flues	124	(124)			
Total Accelerated Deliveries	274	(274)	-	-	-

New External Funding

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Fairways Trees	10				
Eastwood Primary Roof	50				
Leigh Energy Appraisal	18				
Total New External Funding	78	-	-	-	-

Proposed New Schemes

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Phase 2 Recruitment Contract Implementation	170				
Cremator 1 - urgent lining works	60				
Futures Demolition	40	450			
HRA Affordable Housing Acquisitions Programme	2,350				
Fire Improvement Works	250				
Property Refurbishment Programme	600				
Total New External Funding	3,470	450	-	-	-

Virements

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Empty Dwelling Management	(357)				
PSH Works in Default - Enforcement Work	(138)				
Private Sector Renewal	(600)	(475)			
Private Sector Housing Strategy	1,095	475			
Chalkwell Hall Juniors roofs	(35)				
West Leigh Infant Boiler	(20)				
Fairways Pipeworks	55				
Working Environment	(20)				
Civic Campus - Efficient Use of Space	20				
ICT – Southend Operation Centre	(403)				
ICT – Data Centre	403				
Energy Efficiency Projects	(10)				
Leigh Energy Appraisal	10				
Total Virements	-	-	-	-	-

Removed Budgets

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Learning Management System	(120)				
Commercial Property Investment	(4)				
Pier Arches Toilets - Waterproofing solution	(4)				
Porters Civic House and Cottage	(5)				
Cinder Path	(61)				
Belfairs Swim Centre	(42)				
Palace Theatre Boilers Replacement	(12)				
Civic Centre Lifts Regeneration	(33)				
Old Beecroft Ground Source Heat Pump Feasibility	(15)				
N3 Connectivity in Civic Building	(166)				
Total Budgets Removed	(462)	-	-	-	-

Move to 'Subject to Viable Business Case' section

Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
Civic East Car Park Redevelopment *	(50)		(4,790)		
Library Car Park Reconstruction and Enhancement *	(44)	(4,083)	(1,775)		
Land Acquisition Works			(1,867)		
East Beach Café Project	(32)				
Total Budgets moved to 'Subject to'	(126)	(4,083)	(8,432)	-	-

*Civic Campus Redevelopment

Remove from 'Subject to Viable Business Case' section

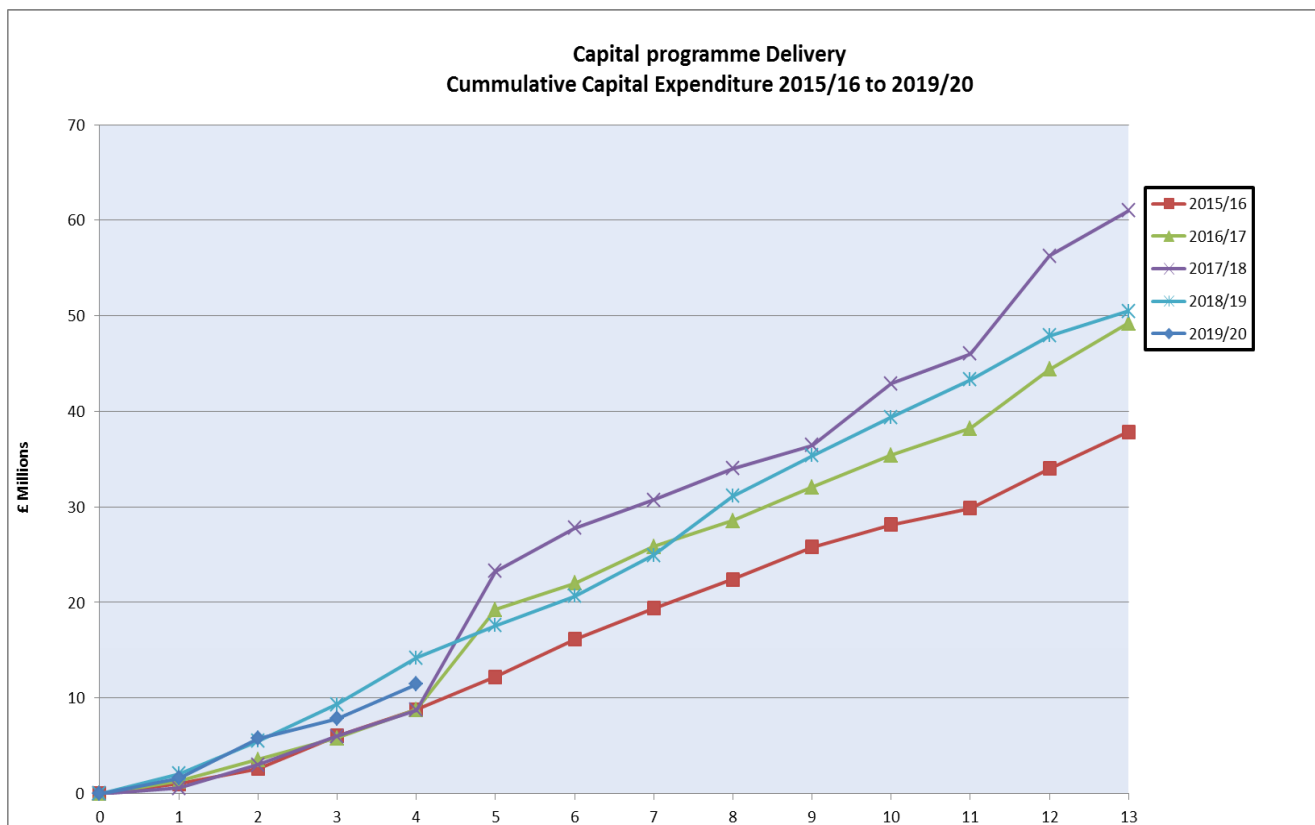
Scheme	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
ICT – Southend Operation Centre	(1,000)	(1,000)			
Total Budgets removed from 'Subject to'	(1,000)	(1,000)	-	-	-

3. Summary of Capital Expenditure at 31st July 2019

	Original Budget 2019/20 £000	Revisions £000	Revised Budget 2019/20 £000	Actual 2019/20 £000	Forecast outturn 2019/20 £000	Forecast Variance to Year End 2019/20 £000	% Variance
General Fund Housing	1,695	428	2,123	206	2,123	-	10%
Council Housing & New Build Programme	12,560	4,535	17,095	1,500	19,445	2,350	9%
Social Care	1,016	9,663	10,679	170	6,340	(4,339)	2%
Schools	14,218	(2,081)	12,137	1,155	9,438	(2,699)	10%
Enterprise & Regeneration	15,000	(1,094)	13,906	1,317	13,421	(485)	9%
Southend Pier	2,468	857	3,325	1,186	3,325	-	36%
Culture & Tourism	5,218	(1,559)	3,659	1,146	4,594	935	31%
Community Safety	1,741	45	1,786	15	880	(906)	1%
Highways & Infrastructure	13,548	3,551	17,099	3,767	15,572	(1,527)	22%
Works to Property	1,969	365	2,334	130	2,117	(217)	6%
Energy Saving	1,426	(58)	1,368	-	663	(705)	0%
ICT	2,559	433	2,992	820	2,864	(128)	27%
S106/S38/CIL	943	627	1,570	48	1,570	-	3%
	74,361	15,712	90,073	11,460	82,352	(7,721)	13%
Council Approved Original Budget - February 2019	74,361						
Council Housing & New Build Programme amendments	4,306						
Social Care amendments	9,219						
Schools amendments	(140)						
Culture & Tourism amendments	(605)						
Highways & Infrastructure amendments	1,447						
Carry Forward requests from 2018/19	7,445						
Accelerated Delivery requests to 2018/19	(4,386)						
Budget re-profiles (June Cabinet)	(2,701)						
New external funding	1,127						
Council Approved Revised Budget - June 2019	90,073						

Actual compared to Revised Budget spent is £11.460M or 13%

4. Capital Programme Delivery



Year	Outturn £m	Outturn %
2015/16	37.9	97.0
2016/17	48.8	89.0
2017/18	61.0	95.0
2018/19	50.9	96.7

Southend-on-Sea Borough Council

**Report of Strategic Director (Finance & Resources)
to
Cabinet
on
17 September 2019**

Report prepared by: Caroline Fozzard
Group Manager – Financial Planning and Control

**Treasury Management Report – Quarter One 2019/20
Policy and Resources Scrutiny Committee
Cabinet Member: Councillor Ron Woodley
*A Part 1 Public Agenda Item***

1. Purpose of Report

- 1.1 The Treasury Management Report for Quarter One covers the treasury management activity for the period from April to June 2019 and compliance with the treasury management strategy for that period.

2. Recommendations

That the following is approved:

- 2.1 The Treasury Management Report for Quarter One 2019/20.**

That the following is noted:

- 2.2 Treasury management activities were carried out in accordance with the CIPFA (The Chartered Institute of Public Finance and Accountancy) Code of Practice for Treasury Management in the Public Sector during the period from April to June 2019.**
- 2.3 The loan and investment portfolios were actively managed to minimise cost and maximise interest earned, whilst maintaining a low level of risk.**
- 2.4 £0.492m of interest was received during this three month period. The total investment income earned including this interest during this three month period was £0.490m, at an average rate of 1.88%. This is 1.31% over the average 7 day LIBID (London Interbank Bid Rate) and 1.13% over the average bank rate. (Section 8).**
- 2.5 The level of borrowing from the Public Works Loan Board (PWLb) (excluding debt relating to services transferred from Essex County Council on 1st April 1998) increased from £267.8m to £277.8m (HRA: £77.0m, GF: £200.8m) during the period from April to June 2019.**

- 2.6 During the quarter the level of financing for ‘invest to save’ schemes decreased from £8.73m to £8.70m.**

3. Background

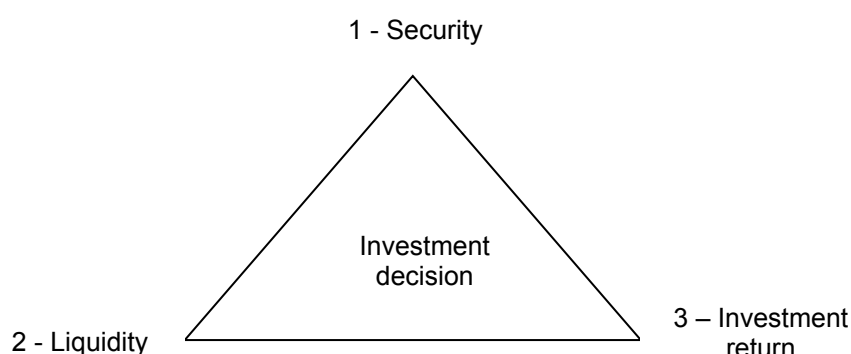
- 3.1 This Council has adopted the ‘CIPFA Code of Practice for Treasury Management in the Public Sector’ and operates its treasury management service in compliance with this code. The code recommends that local authorities submit reports regularly as part of its Governance arrangements.
- 3.2 Current guidance is that authorities should report formally at least twice a year and preferably quarterly. The Treasury Management Policy Statement for 2019/20 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation. This is the first quarterly report for the financial year 2019/20.
- 3.3 Appendix 1 shows the treasury management position at the end of quarter one of 2019/20.
- 3.4 Appendix 2 shows the treasury management performance specifically for quarter one of 2019/20.

4. National Context

- 4.1 In the UK GDP reduced by 0.2% in the three months to the end of June, the first contraction since 2012. This is in contrast with the strong growth of 0.5% in the first three months of the calendar year which was boosted by stockpiling of goods and materials by businesses on both sides of the Channel ahead of the planned Brexit deadline of 29 March. The extra demand disappeared in the next quarter as companies reduced buying and used up parts of those stockpiles, impacting on new output.
- 4.2 CPI was at 2.1% in April and at 2% throughout May and June. A no-deal outcome to Brexit would add to inflationary pressures from more expensive imports, due to probable Sterling weakness. The unemployment rate for the quarter was 3.9%, an increase on from the rate last quarter of 3.8%.
- 4.3 The Bank of England kept the bank base rate at 0.75% throughout the quarter and left their Quantitative Easing (QE) programme at £435bn. Monetary policy remains on hold as the Brexit debate continues.
- 4.4 The economic situation together with the financial market conditions prevailing throughout the quarter continued to provide challenges for treasury management activities. Due to the low interest rate environment, only monies needed for day to day cash flow activities were kept in instant access accounts.
- 4.5 Low interest rates prevailed throughout the quarter from April to June 2019 and this led to low investment income earnings from most investments.

5. Investments

- 5.1 A prime objective of our investment activities is the security of the principal sums invested. To ensure this security before an in-house deposit is made an organisation is tested against a matrix of credit criteria and then other relevant information is considered. During the period from April to June 2019 investment deposits were limited to those who met the criteria in the Annual Treasury Management Investment Strategy when the deposit was placed.
- 5.2 Other investment objectives are to maintain liquidity (i.e. adequate cash resources to allow the council to operate) and to optimise the investment income generated by surplus cash in a way that is consistent with a prudent level of risk. Investment decisions are made with reference to these objectives, with security and liquidity being placed ahead of the investment return. This is shown in the diagram below:



Security:

- 5.3 To maintain the security of sums invested, we seek to lower counterparty risk by investing in financial institutions with good credit ratings, across a range of sectors and countries. The risk of loss of principal of all monies is minimised through the Annual Treasury Management Investment Strategy.
- 5.4 Pie chart 1 of Appendix 1 shows that at the end of quarter one; 60% of our in-house investments were placed with financial institutions with a long term credit rating of AAA, 37% with a long term rating of A+ and 3% with a long term rating of A.
- 5.5 As shown in pie chart 2 of Appendix 1 these monies were with various counterparties, 40% being placed directly with banks and 60% placed with a range of counterparties via money market funds.
- 5.6 Pie chart 3 of Appendix 1 shows the range of countries where the parent company of the financial institution with which we have monies invested is registered. For money market funds there are various counterparties spread across many countries.

Liquidity:

- 5.7 At the end of quarter one £34.8m of our in-house monies were available on an instant access basis and £20m was invested in fixed term deposits. The maturity profile of our investments is shown in pie chart 4 of Appendix 1.

Investment return:

- 5.8 During the quarter the Council used the enhanced cash fund manager Payden & Rygel to manage monies on its behalf. An average balance of £5.1m was invested in these funds during the quarter earning an average rate of 1.48%. More details are set out in Table 3 of Appendix 2.
- 5.9 The Council had an average of £56.2m of investments managed in-house over the period from April to June 2019, and these earned an average interest rate of 0.85%. Of the in-house managed funds:
- an average of £2.9m was held in the Council's main bank account over the quarter. The new banking contract came into effect at the beginning of the quarter and interest will only be earned through a sweeper account. The sweeper account is in the process of being opened during quarter two;
 - an average of £8.8m was held in fixed term deposits and earned an average return of 0.95% over the quarter;
 - an average of £44.5m was held in money market funds earning an average of 0.88% over the quarter. These work in the same way as a deposit account but the money in the overall fund is invested in a number of counterparties, therefore spreading the counterparty risk.
- 5.10 In accordance with the Treasury Management Strategy the performance during the quarter is compared to the average 7-day LIBID. Overall for both in-house and externally managed investments, performance on all types of investment was higher than the average 7 day LIBID (London Interbank Bid Rate). The bank base rate remained at 0.75% throughout the period from April to June 2019, and the 7 day LIBID rate fluctuated between 0.561% and 0.577%. Performance is shown in Graph 1 of Appendix 2.

6. Short Dated Bond Funds

- 6.1 During the quarter two short dated bond funds were used for the investment of medium term funds: Royal London Investment Grade Short Dated Credit Fund and the AXA Sterling Credit Short Duration Bond Fund.
- 6.2 The monies are invested in units in the fund, the fund is then invested as a whole by the fund managers into corporate bonds in the one to five year range. An income distribution will be generated from the coupon on the bond and income distributions are paid to the Council. The price of units can rise and fall, depending on the price of bonds in the fund so these funds are invested over the medium term with the aim of realising higher yields than short term investments.

- 6.3 In line with the capital finance and accounting regulations the Council's Financial Instrument Revaluation Reserve will be used to capture all the changes in the unit value of the funds. Members should be aware that investment returns in some quarters will look very good and in other quarters there may be losses reported, but these will not impact the revenue account as only the distributions paid to the Council will impact that.
- 6.4 An average of £7.6m was managed by AXA Investment Managers UK Limited. During the quarter the value of the fund increased by £0.030m due to an increase in the unit value. There was also an income distribution relating to that period of £0.029m. The combined return was 3.07%.
- 6.5 The AXA fund started the quarter at £7.636m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £7.666m. This is set out in Table 2 of Appendix 2.
- 6.6 An average of £7.8m was managed by Royal London Asset Management. During the quarter the value of the fund increased by £0.035m due to an increase in the unit value. There was also an income distribution relating to that period of £0.048m. The combined return was 4.26%.
- 6.7 The Royal London fund started the quarter at £7.740m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £7.775m. This is set out in Table 2 of Appendix 2.

7. Property Funds

- 7.1 Throughout the quarter long term funds were invested in two property funds: Patrizia Hanover Property Unit Trust (formerly Rockspring Hanover Property Unit Trust) and Lothbury Property Trust.
- 7.2 The monies are invested in units in the fund, the fund is then invested as a whole by the fund managers into properties. An income distribution is generated from the rental income streams from the properties in the fund. Income distributions are paid to the Council. There are high entrance and exit fees and the price of the units can rise and fall, depending on the value of the properties in the fund, so these funds are invested over the long term with the aim of realising higher yields than other investments.
- 7.3 In line with the capital finance and accounting regulations the Council's Financial Instrument Revaluation Reserve will be used to capture all the changes in the unit value of the funds. Members should be aware that investment returns in some quarters will look very good and in other quarters there may be losses reported, but these will not impact the revenue account as only the distributions paid to the Council will impact that.
- 7.4 An average of £14.8m was managed by Patrizia Property Investment Managers LLP (formerly Rockspring Property Investment Managers LLP). During the three month period, the value of the fund decreased by £0.122m due to the decrease in the unit value. There was also an income distribution relating to that period of

£0.178m and this distribution will be confirmed and distributed in quarter two. The combined return was 1.51%.

- 7.5 The Patrizia fund started the quarter at £14.825m and decreased in value due to the decrease in the value of the units, with the fund at the end of the period at £14.703m. This is set out in Table 1 of Appendix 2.
- 7.6 An average of £13.6m was managed by Lothbury Investment Management Limited. During the three month period, the value of the fund increased by £0.051m due to the increase in the unit value. There was also an income distribution relating to that period of £0.107m and this distribution will be confirmed and distributed in quarter two. The combined return was 4.65%.
- 7.7 The Lothbury fund started the quarter at £13.559m and increased in value due to the increase in the value of the units, with the fund at the end of the period at £13.610m. This is set out in Table 1 of Appendix 2.

8. Overall Investment Position

- 8.1 An average of £56.2m of investments were managed in-house. These earned £0.118m of interest during this three month period at an average rate of 0.85%. This is 0.28% over the average 7-day LIBID and 0.10% over the average bank base rate.
- 8.2 An average of £5.1m was managed by an enhanced cash fund manager. This earned £0.019m during this three month period at an average rate of 1.48%.
- 8.3 An average of £15.4m was managed by two short dated bond fund managers. This earned £0.140m during this three month period from a combination of an increase in the value of the units and income distribution, giving a combined return of 3.67%.
- 8.4 An average of £28.4m was managed by two property fund managers. These earned £0.213m during this three month period from a combination of an increase in the value of the units and income distribution, giving a combined return of 3.01%.

9 Borrowing

PWLB and short term borrowing

- 9.1 The Capital Financing Requirement (CFR) is the Council's theoretical need to borrow but the Section 151 Officer can manage the Council's actual borrowing position by either:
- 1 - borrowing to the CFR;
 - 2 – choosing to use temporary cash flow funds instead of borrowing (internal borrowing) or;
 - 3 - borrowing for future increases in the CFR (borrowing in advance of need).

- 9.2 The Council began 2019/20 in the second of the above scenarios, with actual borrowing below CFR.
- 9.3 This, together with the Council's cash flows, the prevailing Public Works Loans Board (PWLB) interest rates and the future requirements of the capital programme, were taken into account when deciding the amount and timing of any loans. A new PWLB loan was taken out in June 2019: £10m at 2.16% for 48 years. No loans matured during the quarter and no debt restructuring was carried out during the quarter.
- 9.4 The level of PWLB borrowing (excluding debt relating to services transferred from Essex County Council on 1st April 1998) increased from £267.8m to £277.8m during quarter one. The average rate of borrowing at the end of the quarter was 4.13%. A profile of the repayment dates is shown in Graph 2 of Appendix 2.
- 9.5 The table below summarises the PWLB activities during the quarter:

Quarter	Borrowing at beginning of quarter (£m)	New Borrowing (£m)	Re-financing (£m)	Borrowing repaid (£m)	Borrowing at end of quarter (£m)
April to June 2019	267.8	10	0	(0)	277.8
<i>Of which:</i>					
General Fund	190.8	10	0	(0)	200.8
HRA	77.0	0	0	(0)	77.0

All PWLB debt held is repayable on maturity.

- 9.6 The level of PWLB borrowing at £277.8m is in line with the financing requirements of the capital programme and the revenue costs of this borrowing are fully accounted for in the revenue budget. The current level of borrowing is also in line with the Council's prudential indicators and is Prudent, Affordable and Sustainable.
- 9.7 These figures exclude debt held by Essex County Council of £11.3m relating to assets transferred on 1st April 1998, which this Council is responsible for servicing. The debt is recognised as a deferred liability on our balance sheet.
- 9.8 Interest rates from the PWLB fluctuated throughout the quarter in response to economic events: 10 year PWLB rates between 1.68% and 2.10%; 25 year PWLB rates between 2.25% and 2.58% and 50 year PWLB rates between 2.11% and 2.41%. These rates are after the PWLB 'certainty rate' discount of 0.20%.
- 9.9 No short term loans for cash flow purposes were taken out or repaid during the quarter. See Table 4 of Appendix 2.

Funding for Invest to Save Schemes

- 9.10 Capital projects were completed on draught proofing and insulation in the Civic Centre, replacement lighting on Southend Pier and lighting replacements at University Square Car Park and Westcliff Library which will generate on-going energy savings. These are invest-to-save projects and the predicted revenue streams cover as a minimum the financing costs of the project.
- 9.11 To finance these projects in total the Council has taken out interest free loans of £0.287m with Salix Finance Ltd which is an independent, not for profit company, funded by the Department for Energy and Climate Change that delivers interest-free capital to the public sector to improve their energy efficiency and reduce their carbon emissions. The loans are for a period of four and five years with equal instalments to be repaid every six months. There are no revenue budget implications of this funding as there are no interest payments to be made and the revenue savings generated are expected to exceed the amount needed for the repayments. £0.026m of these loans were repaid during the period from April to June 2019.
- 9.12 At the meeting of Cabinet on 23rd June 2015 the LED Street Lighting and Illuminated Street Furniture Replacement Project was approved which was to be partly funded by 25 year reducing balance 'invest to save' finance from L1 Renewables Finance Limited. The balance outstanding at the end of quarter one was £8.59m. There were no repayments during the period from April to June 2019.
- 9.13 Funding of these invest to save schemes is shown in table 5 of Appendix 2.

10. Compliance with Treasury Management Strategy

- 10.1 The Council's investment policy is governed by the CIPFA Code of Practice for Treasury Management in the Public Sector, which has been implemented in the Annual Treasury Management Investment Strategy approved by the Council on 21 February 2019. The investment activity during the quarter conformed to the approved strategy and the cash flow was successfully managed to maintain liquidity. See Table 6 of Appendix 2.

11 Other Options

- 11.1 There are many options available for the operation of the Treasury Management function, with varying degrees of risk associated with them. The Treasury Management Policy aims to effectively control risk to within a prudent level, whilst providing optimum performance consistent with that level of risk.

12. Reasons for Recommendations

- 12.1 The CIPFA Code of Practice on Treasury Management recommends that Local Authorities should submit reports regularly. The Treasury Management Policy Statement for 2019/20 set out that reports would be submitted to Cabinet quarterly on the activities of the treasury management operation.

13. Corporate Implications

13.1 Contribution to Council's Ambition & Desired Outcomes

Treasury Management practices in accordance with statutory requirements, together with compliance with the prudential indicators acknowledge how effective treasury management provides support towards the achievement of the Council's ambition and desired outcomes.

13.2 Financial Implications

The financial implications of Treasury Management are dealt with throughout this report.

13.3 Legal Implications

The Council has adopted the 'CIPFA Code of Practice for Treasury Management in the Public Sector' and operates its treasury management service in compliance with this Code.

13.4 People Implications

None.

13.5 Property Implications

None.

13.6 Consultation

The key Treasury Management decisions are taken in consultation with our Treasury Management advisers.

13.7 Equalities and Diversity Implications

None.

13.8 Risk Assessment

The Treasury Management Policy acknowledges that the successful identification, monitoring and management of risk are fundamental to the effectiveness of its activities.

13.9 Value for Money

Treasury Management activities include the pursuit of optimum performance consistent with effective control of the risks associated with those activities.

13.10 Community Safety Implications

None.

13.11 Environmental Impact

None.

14. Background Papers

None.

15. Appendices

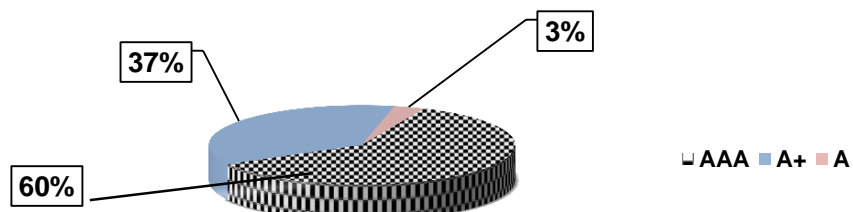
Appendix 1 – In-house Investment Position as at 30 June 2019

Appendix 2 – Treasury Management Performance for Quarter One - 2019/20

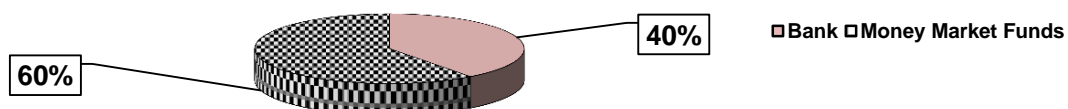
IN-HOUSE INVESTMENT POSITION AS AT 30 June 2019

INVESTMENTS - SECURITY AND LIQUIDITY

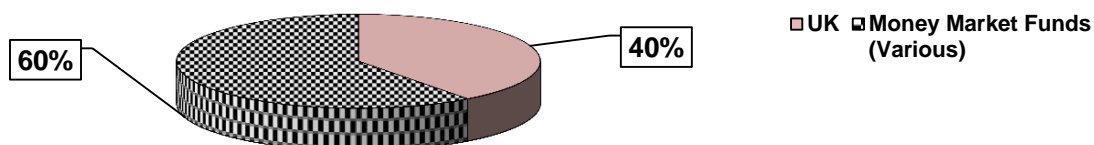
Pie chart 1

Spread of investments by long term credit rating

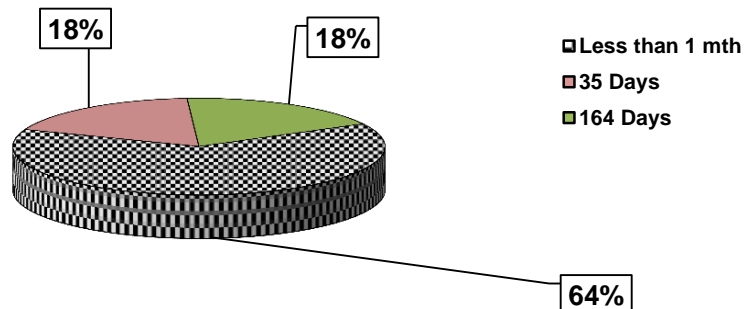
Pie chart 2

Financial Sector invested in

Pie chart 3

Countries where parent company is registered

Pie chart 4

Maturity profile of investments

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TREASURY MANAGEMENT PERFORMANCE FOR QUARTER ONE - 2019/20

GRAPH 1 - INVESTMENT RETURN

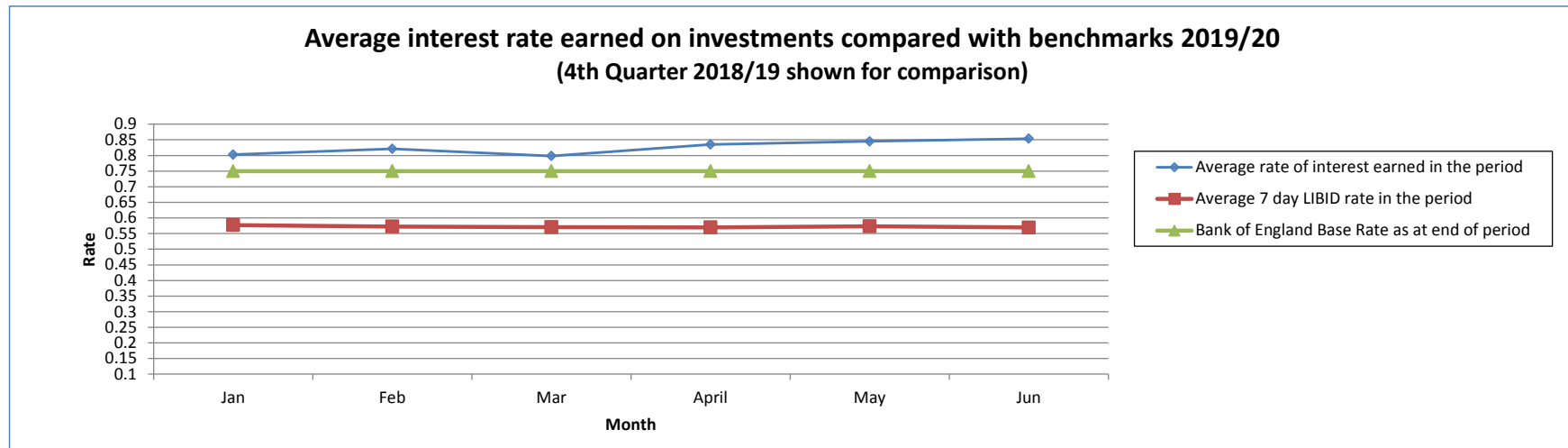


Table 1 - Property Funds

Financial Institution	Quarter	Period of investment	Value of fund at beginning of Qtr 1 £	Number of units in Qtr 1 Units	Gross Increase / (Decrease) in fund value £	Value of fund at end Qtr 1 £	Income Distribution in Qtr 1 £	Combined interest Rate %
Patrizia(Rockspring) Property Investment Managers LLP	1	5 Years +	14,825,390.00	997	(122,631.00)	14,702,759.00	178,214.93	1.51
Lothbury Investment Management Ltd	1	5 Years +	13,559,226.21	6,844.1438	50,742.48	13,609,968.69	106,778.95	4.65

TREASURY MANAGEMENT PERFORMANCE FOR QUARTER ONE - 2019/20

Table 2 - Short Dated Bond Funds

Financial Institution	Quarter	Value of fund at the start of Qtr 1 £	Number of shares in Qtr 1 Units	Increase / (Decrease) in fund value £	Fund Value at end of Qtr 1 £	Income Distribution during the Qtr 1 £	Combined Interest Rate %
Royal London	1	7,740,416.66	7,751,286.43	34,105.58	7,774,522.24	47,871.83	4.26
AXA	1	7,636,490.17	7,406,876.9870	29,627.51	7,666,117.68	28,549.87	3.07

Table 3 - Enhanced Cash Fund

Payden & Rygel	Quarter	Value of fund at the start of Qtr 1 £	Number of shares in Qtr 1 Units	Increase / (Decrease) in fund value £	Fund Value at end of Qtr 1 £	Income Distribution during the Qtr 1 £	Combined Interest Rate %
	1	5,065,721.50	501,591.3500	6,420.37	5,072,141.87	12,288.99	1.48

BORROWING

Table 4

SHORT TERM BORROWING	Counterparty	Rate %	Amount £	From	To
In place during this Quarter	None				
Taken Out This Quarter	None				

Table 5 - INVEST TO SAVE FUNDING

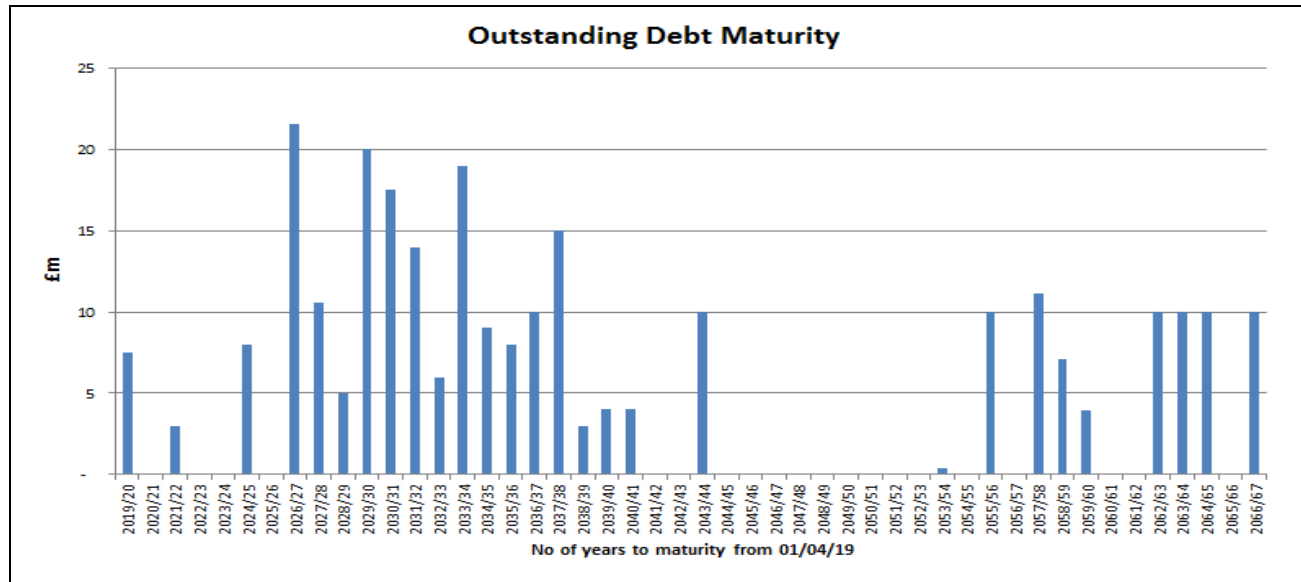
Financial Institution	Date	Period of loan	Final Repayment date	Amount borrowed £	Amount Repaid to Date £	Closing Balance Qtr 1 £	Rate of interest %
Salix Finance Ltd Energy Efficiency Programme	26/03/2015	4 Years	01/04/2019	141,059	(141,059)	0	0
	23/03/2017	5 Years	01/04/2022	82,017	(32,807)	49,210	0
	22/02/2019	5 Years	01/02/2024	64,148	0	64,148	0

L1 Renewables Finance Ltd

- 25 year reducing balance finance
- balance of £8.6m outstanding at the end of quarter one
- there was no repayments in this quarter

TREASURY MANAGEMENT PERFORMANCE FOR QUARTER ONE - 2019/20

GRAPH 2 - LONG TERM BORROWING - PWLB

**New this quarter**

Rate (%)	Amount (£)	From	To
2.16	10,000,000	04/06/2019	04/06/2067

Repaid this quarter

None

Lowest	Highest
1.68	2.10
2.25	2.58
2.11	2.41

Range of 10 years PWLB new loan rates this quarter (inc certainty rate)

Range of 25 years PWLB new loan rates this quarter (inc certainty rate)

Range of 50 years PWLB new loan rates this quarter (inc certainty rate)

TABLE 6 - COMPLIANCE WITH TREASURY MANAGEMENT STRATEGY

All transactions properly authorised	✓
All transactions in accordance with approved policy	✓
All transactions with approved counterparties	✓
Cash flow successfully managed to maintain liquidity	✓
Any recommended changes to procedures	None required

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Southend-on-Sea Borough Council

Report of the Chief Executive

to

Cabinet

on

17 September 2019

Report prepared by:

John Williams, Executive Director (Legal and Democratic
Services and Senior Information Risk Owner (SIRO);
Val Smith, Knowledge and Information Manager, Corporate
Strategy Group

Cabinet Member – Cllr Terry

Information governance update and Senior Information Risk Owner (SIRO) Annual Report 2018/19 Policy & Resources Scrutiny Committee

A Part 1 Public Agenda Item

1. Purpose of Report

- 1.1 To provide a summary of the Council's key actions in regard to information governance and management during 2018/19.
- 1.2 To report on opportunities and challenges in regard to information governance during 2019/20.
- 1.3 To comply with the requirement for the Senior Information Risk Owner (SIRO) to provide an annual report.

2. Recommendations

- 2.1 That the SIRO's report on Information Governance in Section 4 for 2018/19 be noted.
- 2.2 That the key actions taken during 2018/19, and the opportunities and challenges for 2019/20 be noted.

3. Background

- 3.1 The Council's Information Management Strategy was agreed by Cabinet in June 2016. The strategy sets out the Council's vision for managing information, the principles supporting the vision and the context and challenges faced by the Council.

- 3.2 It also describes the related governance arrangements and action plan to progress the Council's approach. It is complemented by a range of other strategies, policies and processes, notably Data Protection policies and procedures.
- 3.3 The Council's SIRO has overall responsibility for the Council's information management framework and acts as the champion for information risk within the Council. The SIRO for the Council is the Executive Director (Legal and Democratic Services).
- 3.4 The SIRO is responsible for producing an annual report on information governance. The report provides an overview of developments in relation to information governance, related work undertaken since April 2018 as well as outlining the strategic direction the Council has adopted. It should provide assurance that the Council's arrangements ensure personal data is held securely, information is disseminated effectively and that the Council is compliant with the legal framework - notably the GDPR and Data Protection Act 2018.

4.0 SIRO Annual Report – 2018-19

4.1 Leadership and Governance

- 4.1.1 The SIRO has to ensure that identified information threats and vulnerabilities are followed up for risk mitigation, and that perceived or actual information incidents are managed in accordance with Council's Risk Management Framework.
- 4.1.2 The SIRO's role is supported by:
- Two Privacy Officers (Data Controllers) - the Strategic Director of Transformation and the Head of ICT
 - The Caldicott Guardian - the Director of Children's Services
 - The Information Asset Owners (nominated officers)
 - The Council's Data Protection Officer – Knowledge and Information Manager in the Corporate Strategy Group.
- 4.1.3 With regard to Cyber Security, the SIRO is supported by the Cyber Security Lead, (the Head of ICT). The ICT nominated cyber security specialists monitor developments; safeguard corporate systems and provide advice and training to the organisation concerning the responsibility of all staff to be aware of and to guard against cyber security threats. They also risk assess those aspects of Data Protection Impact Assessments which involve the use of such technology.
- 4.1.4 The Data Protection Officer (DPO) and their team assist the organisation in monitoring internal compliance, informing and advising on data protection obligations, providing advice, assistance and training on data protection matters and act as a contact point between the Information Commissioner and the Council. It is a statutory requirement that the DPO reports to the highest management level. Usually this is the Good Governance Group (GGG) but on

occasions it will be the Corporate Management Team (on which the SIRO also sits).

- 4.1.5 The DPO's team also manages Data Protection and Freedom of Information central records, monitors performance and compliance with legislation and leads on records management.
- 4.1.6 Leadership and governance of information management was provided by the Corporate Information Governance Group (CIGG) during 2018/19. For 2019/20 this responsibility has passed to the Good Governance Group which has a revised remit, now encompassing information management along with the promotion of simple and effective governance.
- 4.1.7 The GGG is chaired by the SIRO, with membership including the SIRO, the Privacy Officers, the Caldicot Guardian and the DPO.
- 4.1.8 The Data Protection and Freedom of Information Community of Practice, led by the Knowledge and Information Manager, is a sub group of the Good Governance Group. The COP monitors performance and has a focus on sharing good practice and its members provide expert knowledge to their colleagues. The SIRO is a member of the COP.
- 4.1.9 The Council is a signatory to the Whole Essex Information Sharing Framework (WEISF). The associated forum has been refocused for 2019/20 and is now known as the Wider Eastern Information Stakeholder Forum. Membership assists the Council in sharing appropriate personal data with public, third sector and contracted private organisations across Essex in a lawful, safe and informed way and in its new form will collaborate on a wider range of information governance matters than simply information sharing.
- 4.1.10 The Council is also a member of the Essex On-line Partnership which as part of its remit supports cyber security and the Information Governance Networking Group, a collection data protection specialists who share practical advice and support in an informal environment.

4.2 Training and Awareness

- 4.2.1 Data Protection training continues to feature as a key part of ensuring staff are aware of their responsibilities. In 2018/19 this comprised of formal class room training, induction training and SPARK e-learning module (which was also a gateway to permission being allowed to work remotely).
- 4.2.2 During 2019/20 this training is being replaced by an e-learning platform. Modules covering data protection and cyber security will be mandatory for all staff handling personal data. Staff who are less familiar with the use of computer based learning will be provided with supported training. For those with minimal personal data involved in their role, alternative provision will be made to ensure that a sufficient level of understanding is reached.

4.2.3 When examining data protection security incidents, the Data Protection Advisory Service routinely consider resultant training needs and bespoke training is provided as required.

4.2.4 Messages continue to be provided to staff alerting them to the need to protect personal data and use it appropriately. These have included blogs from the Data Protection Officer, posters emphasising the value of personal data, all staff messages.

4.2.5 In addition to the above, ICT have delivered training and awareness sessions specifically relating to cyber security and regular cyber security messages are issued by ICT to staff.

4.3 General Data Protection Regulation and Data Protection Act 2018

4.3.1 The European Union General Data Protection Regulation (GDPR) came into effect on 25 May 2018. The GDPR has direct effect across all member states and is the main point of reference for most data protection legal obligations.

4.3.2 The Data Protection Act 2018 (DPA 2018) also came into effect on that date. This details UK specific provisions allowed for by the GDPR and applies similar standards to GDPR to the handling of personal data which is not covered by EU law, for example to data relating to immigration.

4.3.3 The DPA 2018 also brings the EU Law Enforcement Directive into UK domestic law. This sets out the requirements for the processing of personal data for criminal law enforcement purposes and will apply to the Council in regulatory activities which may result in criminal prosecution.

4.3.4 As national security is also outside the scope of EU law, the DPA 2018 also specifies the data protection standards to be met by the intelligence services, based on the Council of Europe Data Protection Convention 108.

The DPA 2018 also covers the duties, functions and powers of the Information Commissioner (ICO) and the corresponding enforcement provisions.

4.3.5 The GDPR and DPA 2018 must be read side by side when considering the application of data protection legislation. Requirements concerning the proper use of personal data will not change upon the exit of the UK from the EU. This is because the UK government has committed to the adoption of the provisions of the GDPR into UK law.

4.3.5 An audit of the programme of work in preparation for GDPR was concluded in January 2019. It found that a comprehensive programme of work had been undertaken in advance of GDPR. The remaining actions to embed GDPR as business as usual were identified and the resulting data protection action plan is being progressed during 2018/19, led by the Knowledge and Information Manager, with progress being overseen by the Good Governance Group.

4.4 Data Security and Protection Toolkit

- 4.4.1 The Data Security and Protection Toolkit is an online tool that enables organisations to measure their performance against data security and information governance requirements which reflect legal rules and Department of Health policy. The Data Security and Protection Toolkit is the successor framework to the Information Governance Toolkit.
- 4.4.2 This independently audited self-assessment tool enables the Council to demonstrate that it can be trusted to maintain the confidentiality and security of personal information, in particular health and social care personal records.
- 4.4.3 The 2018/19 IG Toolkit was successfully completed. An independent audit gave the Council assurance concerning their self-assessment, confirming that the Council has appropriate evidence available for the 'Standard Met' assessment.

4.5 Freedom of Information/Environmental Information

- 4.5.1 Under the Freedom of Information Act (FOIA) and Environmental Information Regulations (EIR), individuals are entitled to ask the Council for a copy of information it holds.
- 4.5.2 1480 requests were received in 2018/19, compared to 1238 in 2017/18. To ensure consistency and compliance the FOI/EIR function is managed corporately within the Corporate Strategy Group (CSG). Requests are recorded centrally and then dispersed to departmental specialists for collation of data and for response. Where a response requires data from multiple departments, the response is collated by CSG.
- 4.5.3 In 2018/19 the Council replied to 1369 requests, 76.41% within the required 20 working days. This compares to 1192 replied to in the previous year with 75.08% compliance. Consideration is being given to whether more data could be published to avoid the need for requests to be made.

4.6 Subject Access Requests

- 4.6.1 Under data protection legislation, individuals are entitled to ask the Council for a copy of the personal data it holds about them. This is known as a Subject Access Request (SAR).
- 4.6.2 There have been 75 SARs received in 2018/19 an increase from 62 in the previous year. The increase may be because there is no longer a fee for making a request.
- 4.6.3 82 SARs were completed in 2018/19, an increase from 64 in the previous year. Some SARs are highly complex as they involve weighing the data protection rights of multiple data subjects within a record and may involve hundreds of

documents. This has made responding within the one month target (or three months for complex cases) a challenge.

- 4.6.4 In 2018/19 additional resource was allocated to increase the speed with which requests are processed. While there has been improvement, further work will be undertaken to investigate causes of delay and optimise case handling.

4.7 Requests for Data Sharing

- 4.7.1 In 2017/18 a total of 898 individual requests for data sharing were received. Such requests are mostly received from the Police, for third party information. These requests are generally received through Legal and Democratic Services, Revenues and Benefits, Counter Fraud and Investigation and the Corporate Strategy Group.
- 4.7.2 Requests are centrally recorded to encourage consistency in decision making and to provide an audit trail in the event of a query regarding the appropriateness of data sharing.
- 4.7.3 Where information sharing is a regular occurrence, the Data Protection Advisory Service continues to work with service areas to introduce formal Information Sharing Agreements to promote clarity of responsibilities between all parties.

4.8 Data Security Incidents

- 4.8.1 In 2018/19 no data security incidents required notification to the Information Commissioner. Of the 52 incidents identified but not requiring reporting, 46 related to information being provided to the wrong recipient.
- 4.8.2 The increased data protection training carried out has raised awareness within the organisation of the need to formally report data security incidents and this has resulted in an increase in the numbers investigated. Not all reported incidents will have resulted in a breach. Even where there is no breach, incidents can provide valuable insight into processes and procedures which may need to be strengthened as a preventative measure or where training is required.

4.9 Records Management

- 4.9.1 With increasing public access to Council records, it is important that necessary documents are retained and that records are destroyed as part of a managed process that is adequately documented. Therefore, services must have in place clearly defined arrangements for the assessment and selection of records for disposal, and for documenting this work. All record keeping procedures must comply with the Council's Document Retention and Disposal Policy.
- 4.9.2 The Council has an Information Asset Register which acts as a mechanism for understanding and managing the Council's information assets and the risks to them.

4.10 Information Security (including Cyber Security)

- 4.10.1 The Council took part in a Local Government Association Cyber Security stocktake. Following this, a cyber security action plan has been created, led by ICT with progress being overseen by the Good Governance Group.
- 4.10.2 Activity concerning the action plan will be supported by a sub group of the Good Governance Group with a core membership of staff from the Governance, ICT and Resilience specialisms.
- 4.10.3 Awareness of cyber security matters has been maintained by informal staff workshops and regular communications, led by ICT. In 2019/20 this will be enhanced by mandatory e-learning, as described above.
- 4.10.4 To ensure appropriate security is given to data, ICT assess cyber security risk as part of the Data Protection by Design process.
- 4.10.5 The cyber security threat landscape is actively monitored and emerging risk is identified and mitigated. To aid with this, intelligence is obtained from the National Cyber Security Centre - Cyber Security Information Sharing Partnership and Warning, Advice and Reporting Point (WARP) services.
- 4.10.6 Action is taken by ICT to continuously block malware threats to the Council's assets, such as laptops, PCs and Servers. Both preventative and reactive action is taken to manage cyber security incidents. From 2018/19 regular security reports will be provided to the Good Governance Group. Detail is not published in this report to avoid providing the means for a motivated person to attack the Council's systems.

5 Strategic Direction - Future Programme of Work

- 5.1.1 The primary focus for the Council in relation to information management and data protection in 2019/20 will be to progress the data protection and cyber security action plans.
- 5.1.2 The Council's ambitions regarding being a Digital City will be further explored and the Digital Strategy will be reviewed and revised.
- 5.1.3 The Good Governance Group will develop in its new role as one of the boards within the new officer governance structure.
- 5.1.4 Cyber security and data protection risk will continue to be actively monitored and emerging risk identified and mitigated.
- 5.1.5 The programme of introducing new digital infrastructure across the borough will be completed in 2019/20 providing super-fast connectivity for Council buildings, schools, businesses and homes.

6 Other Options

- 6.1 It is a requirement of the Council's Information Management Strategy that an annual report is made to councillors.

7 Reason for Recommendation

To ensure that the Council holds personal data securely; disseminates information effectively; is transparent and enabling in its handling of information and operates within the necessary legal framework.

8 Corporate Implications

8.1 Contribution to Southend 2050 Road Map

Sound information management and the protection of personal data contribute to all aspects of the Southend 2050 Road Map.

8.2 Financial Implications

Any financial implications arising from this work will be considered through the normal financial management processes. Proactively managing information can result in reduced costs to the Council by reducing exposure to potential loss (such as fines from the Information Commissioner which could be up to £17million).

8.3 Legal Implications

Information management and Data Protection are subject to a range of legislation, but in particular the General Data Protection Regulation and Data Protection Act 2018, as detailed in this report.

8.4 People Implications

Any people implications will be considered through the Council's normal business management processes.

8.5 Property Implications

None

8.6 Consultation

Internal

8.7 Equalities and Diversity Implications

Data Protection Policies and Procedures are available on the Council's website and transactional forms are included in MySouthend. Alternative channels remain available for those customers who may not be able to access or use digital services, and reasonable adjustments for disability are made where required.

8.8 Risk Assessment

Non-compliance with the law would adversely affect the Council's reputation in the community, reduce public trust and could lead to regulatory penalties and disruption to business continuity.

8.9 **Value for Money** – None identified

7.10 **Community Safety Implications** – None identified

7.11 **Environmental Implications** – None identified

8 **Background Papers** - None

9 **Appendices** - None

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Southend-on-Sea Borough Council

**Report of Chief Executive
to
Cabinet
On
17 September 2019**

Report prepared by:

Val Smith – Knowledge and Information Manager
Charlotte McCulloch – Customer Service & Complaints
Manager (Appendix B)
Michael Barrett – Complaints Officer (Appendix C)

Cabinet Member (overarching) - Cllr Terry
Cabinet Member Appendix B Report – Cllr Harp
Cabinet Member Appendix C Report – Cllr Jones

**Agenda
Item No.**

Annual Report – Comments, Complaints and Compliments – 2018/19 All Scrutiny Committees

A Part 1 Public Agenda Item

1. Purpose of Report

1.1 This report is to:

- Provide performance information about comments, complaints and compliments received across the Council for 2018/19
- Fulfil the Council's statutory duty to produce an annual report concerning compliments and complaints received about its Children and Adult social care functions.
- Fulfil the duty of the Monitoring Officer to report to councillors on the findings of certain Local Government and Social Care Ombudsman investigations

2. Recommendations

2.1. To note the Council's performance in respect of comments, complaints and compliments for 2019/19. To refer the report to all Scrutiny Committees (Appendix B and C to the People Scrutiny Committee only).

- 2.2 That authority is given for necessary changes to be made to the Comments, Compliments and Complaints policy for the reasons described in paragraph 5.2.

3. Background

- 3.1. It is good practice for the Cabinet to receive an annual report on Corporate Comments, Complaints and Compliments; this report is attached at **Appendix A**.
- 3.2. Legislation requires that statutory processes are in place to deal with complaints relating to children and adults social care and to produce annual reports concerning them. These reports also need to be shared with the Care Quality Commission and the Department of Health. These reports are provided as **Appendices B and C** to this report.
- 3.3. Under section 5(2) of the Local Government and Housing Act and the Local Government Act 1974, the Monitoring Officer is required to report a summary of the findings of the Local Government and Social Care Ombudsman with regard to cases considered by them which relate to the Council. This report is provided at **Appendix D**.
- 3.4. The table below sets out the total number of Comments. Compliments and Complaints (Corporate and Statutory) processed in 2018/19 in comparison with the previous three years.

Type	2015/16	2016/17	2017/18	2018/19
Complaints (including Statutory)	722	866	681	603
Comments and Compliments	2426	2441	2230	2138
Grand Total	3148	3307	2911	2741

There has been no substantial change in the levels of feedback received. Analysis of the data gathered is included in the reports at Appendix A to C.

4. Lessons Learnt and Service Improvements

- 4.1 Whilst responding to feedback in a timely manner is a priority, it is also important for Council services to reflect on lessons learnt and improving outcomes. This is recognised by the Local Government Ombudsman's principles of good complaints handling by being customer focused, putting things right and seeking continuous improvement.

Examples of service improvements are contained within the individual reports at Appendix A to D.

5. Future developments

- 5.1 To support the Corporate Complaints process, there is a need to provide greater advice and training for staff in how to respond to complaints. This will start to be delivered in 2019/20, incorporating Local Government Ombudsman best practice.
- 5.2 The proposed reconfiguration of the organisational structure will require a review of the appropriate level at which responsibility for Stage 1, 2 and 3 responses within the corporate complaints process should be placed. As can be seen in the Appendix A report, meeting the current timescales for response is proving a challenge and this will be examined in the review.

6. Other Options

The Council is required by legislation to report regarding social care statutory complaints and Local Government and Social Care Ombudsman complaint outcomes. Reporting on the efficacy of a complaint processes is best practice. While the content of the reports is not prescribed, reporting itself is obligatory.

7. Reason for Recommendation

To ensure the Council continues to have transparent and effective complaint procedures and utilises feedback from customers to good effect.

7. Corporate Implications

7.1 Contribution to Southend 2050 Road Map

Feedback both positive and negative is a direct source of information about how services provided by the Council are being experienced in practice. It also provides information about the type of services the Council's customers would like to have.

This insight may relate to any of the themes and outcomes of the Southend 2050 road map.

7.2 Financial Implications

Service improvements continue to result in meaningful outcomes for customers. A robust complaint process with thorough investigation and a positive approach reduces the likelihood of financial penalties from the LGSCO.

7.3 Legal Implications

These reports ensure compliance with statutory complaints processes and reporting obligations.

7.4 People Implications

Effective complaint handling is resource intensive but benefits the organisation by identifying and informing service improvements and managing the process for customers who are dissatisfied.

7.5 Property Implications

None specific

7.6 Consultation

The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004 confer a duty on local authorities to provide information about advocacy services and offer help to obtain an advocate to a child or young person wishing to make a complaint. All children and young people wishing to make a complaint are offered the services of an advocate.

7.7 Equalities and Diversity Implications

The complaints process is open to all and has multiple methods of access for customers. Equality and diversity implications are a routine part of the process in recording customer details and are considered as part of any response.

Although most commonly the process is accessed through e-mail and on-line forms, traditional methods such as post are available and where necessary a complaint can be transcribed over the telephone or be made in person.

This supports persons who might otherwise be inhibited from using the process, perhaps through vulnerability.

Reasonable adjustments to the standard process are made where required.

7.8 Risk Assessment

Personal data regarding comments, compliments and complaints are recorded in an approved centralised system which can only be accessed by nominated officers.

7.9 Value for Money

Resolving a complaint as early as possible in the process reduces officer time spent dealing with concerns as well as providing the opportunity to improve service delivery.

7.10 Community Safety Implications

None specific

7.11 Environmental Implications

None specific

8. Background Papers - None

9. Appendices

Appendix A - Corporate Comments, Complaints and Compliments

Appendix B - Compliments, Concerns and Complaints – Adult Social Care

Appendix C - Compliments and Complaints – Children’s Social Care

Appendix D – Monitoring Officer report of LGSO Investigations

Corporate Comments, Complaints and Compliments

1. Purpose of Report

- 1.1 To report on the performance relating to the Corporate Comments, Complaints and Compliments procedure and to provide comparisons with previously reported results.

2.0 Recommendations

- 2.1 To note performance relating to the Corporate Comments, Complaints and Compliments process between 1st April 2018 and 31st March 2019.
- 2.2 To endorse in principle that the process be revised to:
- Allow for the proposed reconfiguration of the organisational structure of the Council
 - Deliver responses within achievable timescales, in line with LGSO best practice.

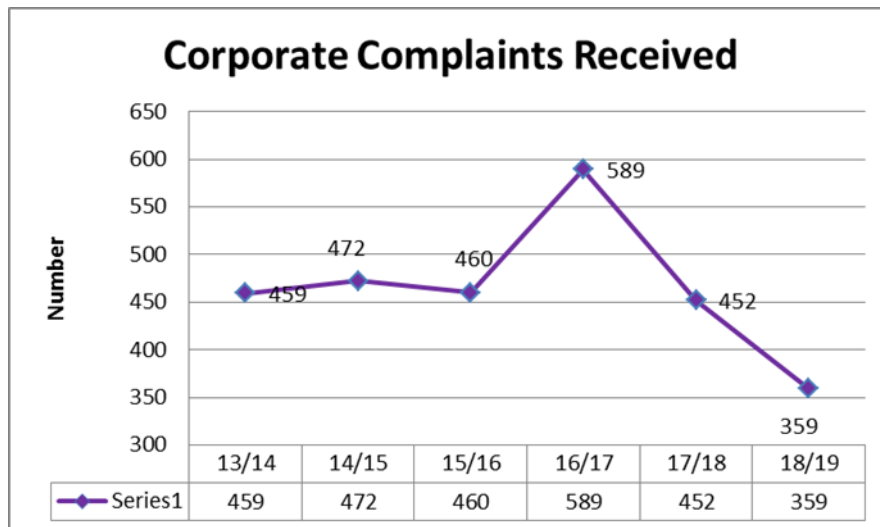
3. Background

- 3.1 The Council's Corporate Comments, Complaints and Compliments procedure deals with all general feedback about the Council. It has been in place since 2009 and is well established throughout the organisation.
- 3.2 There are certain functions which are outside the corporate procedure because they have their own process. Examples include children and adult social care statutory complaints (see report at Appendix B and C), appeals against parking fines and concerns about schools.
- 3.3 An effective complaint system delivers:
- Early warning of things going wrong
 - Root cause analysis which finds out what is causing a problem and does something about it
 - Fair outcomes for individuals who complain
 - Individual outcomes which are applied to the wider customer base
 - Continuous improvement of products/processes and people skills
 - Appropriate remedies where things have gone wrong.

The following information demonstrates how the corporate complaints process is meeting these objectives.

4. PERFORMANCE TO DATE

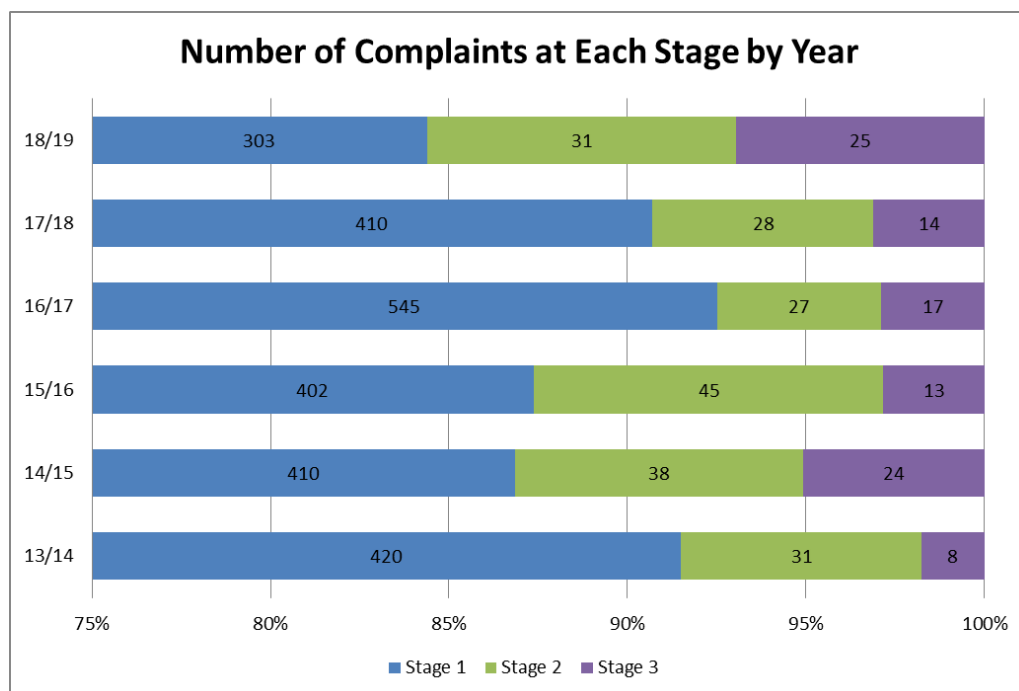
4.1 The number of complaints received



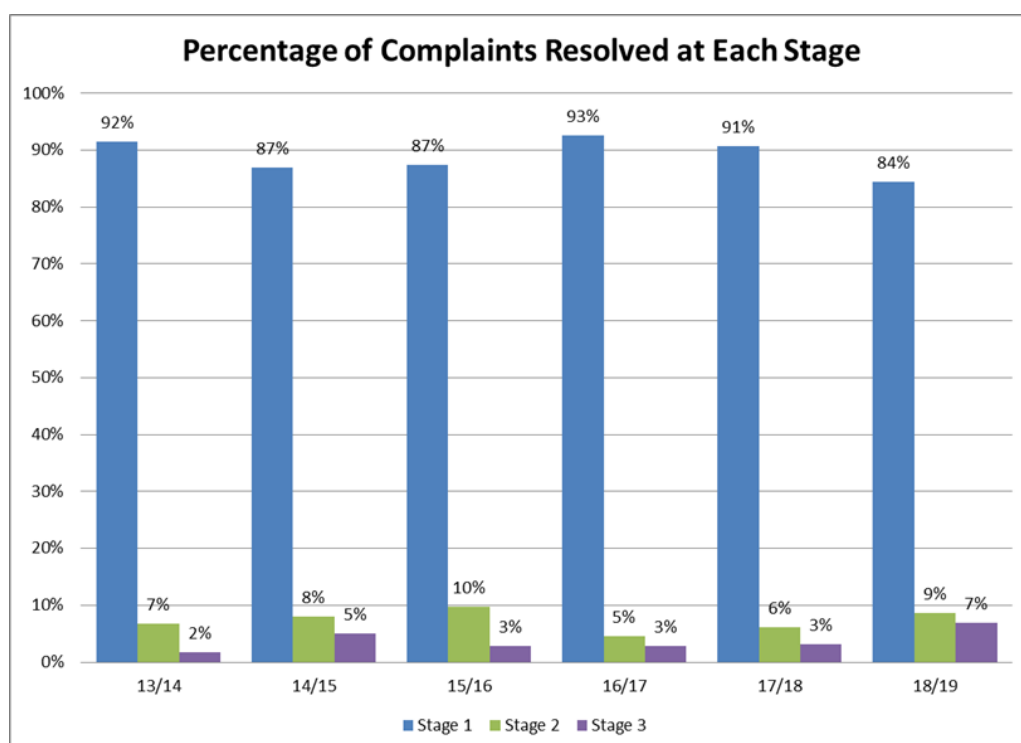
The number of complaints made under the corporate process has continued its downward trend. The complaints received have spanned 39 different council products and services.

4.2 Progression through the complaint stages

4.2.1 The number of complaints resolved at each Stage of the process is as follows:



4.2.2 The percentage of complaints resolved at each Stage of the process is as follows:



4.2.3 Although their total number has decreased, of the 359 complaints responded to, a lesser proportion of complainants have been satisfied with the response received at the first Stage of the complaint process (303) and 56 have progressed further. Of these, 31 were resolved at the second Stage and 25 went to the third and final Stage.

4.2.4 Of the 12 complaints which were upheld or partially upheld at Stage 3, 7 had had the same outcome at all three Stages, 2 were upheld or partially upheld at both Stage Two and Three, while 3 were upheld or partially upheld for the first time at Stage 3. This indicates that value is added by each complaint stage and outcomes varied when appropriate.

4.2.5 Of the 25 complaints considered at Stage 3 of the complaints process, 12 complainants took their complaint to the Local Government and Social Care Ombudsman. Of these, the Council was found to have fully satisfied the complaint in 9 cases, in one the complaint was upheld and one case is yet to be decided. This indicates that decisions reached by Stage 3 are robust when independently examined.

4.3 The time within which complaints are resolved

4.3.1 The stated aim of the corporate complaints process is to respond to Stage 1 and 2 complaints within 10 working days of their receipt. This has been achieved in 76% of cases which is a small improvement over the previous year.

2016/17		2017/18		2018/19	
No. Stage 1 & 2 Complaints	% Responded to in 10 working days	No. Stage 1 & 2 Complaints	% Responded to in 10 working days	No. Stage 1 & 2 Complaints	% Responded to in 10 working days
572	84%	438	73%	334	76%

4.3.2 Of the 25 complaints which reached Stage 3 of the complaints procedure, 14 were responded to within the 35 day timescale.

4.3.3 Timely response to complaints is a challenge at all stages of the process. The proposed reconfiguration of the organisational structure provides an opportunity to revisit the appropriate level at which responsibility for Stage 1, 2 and 3 responses should be placed, alongside options for achievable timescales can be examined.

4.4 Nature of Complaints

4.4.1 Category - Poor level of service/not followed a procedure correctly

The main reason for complaint in 248 instances was that the customer was of the opinion that the Council (or its contractor) had provided a poor level of service or had not followed a procedure correctly.

67% of this type of complaint was upheld. Remedial activities have included practical and procedural changes, staff training, changes to forms and website content and monitoring of future service provision.

The services most likely to attract this type of complaint are:

- Council Tax
- Highways
- Housing
- Parking
- Street cleaning
- Street furniture
- Trees
- Waste services

4.4.2 Category - Staff have been rude or unhelpful

In 53 instances a complaint was made because a customer felt that a representative of the Council had been rude or unhelpful. 85% of this type of complaint was upheld.

26 of these complaints related to employees of Veolia, working on behalf of the Council, and most related to the use of inappropriate language or behaviour. Veolia have taken disciplinary action where required and have provided remedial training to their operatives.

4.4.3 Category - Wrongly interpreted the law, council policy or procedure

There were 49 complaints where the customer felt that the Council had wrongly interpreted the law, a council policy or procedure. 35% of such complaints were upheld. This type of complaint is most likely to be made regarding housing, parking and planning services. This is consistent with the heavily regulated yet subjective nature of these services.

4.4.4 Category - Service required not offered

Only three complaints were received in this category. Two related to the scope of the Council's response to anti-social behaviour and one was because Uber may not operate in the Borough.

4.5 How Complaints Are Received

4.5.1 The most common way for complainants to contact the Council remains by e-mail or on-line form with 94% received in this way. This reflects the general shift to use of electronic means when interacting with the Council. In some instances customer service officers will have completed an on-line form on behalf of a telephone caller.

4.5.2 The Council remains committed to keeping all complaint channels available in order to meet its equalities obligations and to comply with LGSCO best practice. A formal complaint may be received over social media but would be moved to more conventional channels for resolution.

4.6 Remedial Actions

The most frequent remedial action is the issue of a meaningful apology, made in 147 instances. In 81 cases a solution or service was offered to resolve the complaint. A review of procedures or services was initiated on 26 occasions. In a small number of cases a payment to remedy a quantifiable loss or to acknowledge stress and inconvenience was issued.

4.7 Comments and Compliments

4.7.1 GovMetric, the customer satisfaction measurement tool used by the Council, specifically captures feedback concerning the provision of face to face and telephone service by the Customer Service Centre and over the Council's primary website.

4.7.2 Through this method, 401 compliments were recorded, in particular highlighting that the assistance of the customer service operatives is greatly valued as is being able to find things easily on the Council's website.

4.7.3 Of the 169 compliments recorded through the primary recording system, Pentana, the services receiving the highest volumes of praise were:

Waste and Environmental Care (52)
Parks, Pier and Foreshore and Museums (40)
Adults and Children's Social Care (38)

4.7.4 When comments are received they are responded to by the service concerned and the person making the comment is acknowledged where appropriate and advised if their suggestion is to be taken up.

4.7.5 Compliments are acknowledged where appropriate and shared with the appropriate line management to inform the service or member of staff. This may then inform the staff member's performance discussion.

4.8 MONITORING AND REPORTING

Data collection and recording regarding complaint outcomes has been enhanced to reflect best practice. This allows complaints data to now be used in a responsive way to inform service analysis and improvements. The Complaint Officer's Group meets regularly to share best practice.

5. CONCLUSION

The process continues to deliver a professional response to individual complaints, a robust system of complaint monitoring and real service improvements.

Compliments, Concerns and Complaints - Adult Social Care

1. Purpose of Report

- 1.1 To discharge the local authority's statutory duty to produce an annual report on compliments concerns and complaints received about its adults' social care function throughout the year.
- 1.2 To provide statistical and performance information about compliments concerns and complaints received throughout 2018 / 2019.

2. Recommendation

- 2.1 That the Department's performance during 2018 / 2019, and comparison to the previous three years be noted.
- 2.2 That the report be referred to the People Scrutiny Committee for detailed examination.

3. Background

- 3.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 came into force on 1 April 2009 and created a single process for health and social care services. With the increase in integrated services, the single process makes it easier for patients and service users to make complaints and allows them to make their complaint to any of the organisations involved in their care. One of the organisations will take the lead and co-ordinate a single response.
- 3.2 The new process is based on the principles of the Department of Health's *Making Experiences Count* and on the Ombudsman's principles of good complaints handling:
 - Getting it right
 - Being customer focused
 - Being open and accountable
 - Acting fairly and proportionately
 - Putting things right
 - Seeking continuous improvement.
- 3.4 There is a single local resolution stage that allows a more flexible, customer focused approach to suit each individual complainant. At the outset, a plan of action is agreed with the complainant to address their complaint. Amendments to the plan can be agreed at any stage of the process.

- 3.5 The regulations do not specify timescales for resolution and a date for response is agreed and included in each plan. Response times are measured against the agreed dates in the plans.
- 3.6 When the local authority believes that it has exhausted all efforts to achieve a local resolution, and the customer remains dissatisfied, the next step is referral to the Local Government Ombudsman.

4 Overview of Compliments; Concerns and Complaints received in 2018/2019

a. Compliments

Compliments are a very important feedback and motivational tool and members of staff are encouraged to report all compliments they receive to the Customer Services Manager for recording. All compliments are reported to the Group Manager of the Service to pass on their thanks to the staff member and the team. This practice has been well received by staff.

Adult and Community Services received 19 compliments about its social care services in 2018/2019.

Table to show the number of compliments received in 2018/2019 and a Comparison with previous two years

Apr 16 – Mar 17	Apr 17 – Mar 18	Apr 18 – Mar 19
Number	Number	Number
269	94	45

The reduction in compliments in 2017/18 is due to the transfer of some front line services to Southend Care.

The use of Compliments is very tenuous benchmark for Customer Satisfaction as unlike complaints that require specific action by the recipient, compliments can easily be forgotten and not formally logged due to focusing on more urgent day to day activities.

Compliments and complaints are the extreme indicators of Customer Satisfaction; however there are still large number service users who have not recorded a complaint or compliment, which suggests they are satisfied with the service.

4.3 **Concerns**

The current regulations require the local authority to record concerns and comments as well as complaints. Some people wish to provide feedback to help improve services but they do not wish to make a complaint, and this process facilitates that.

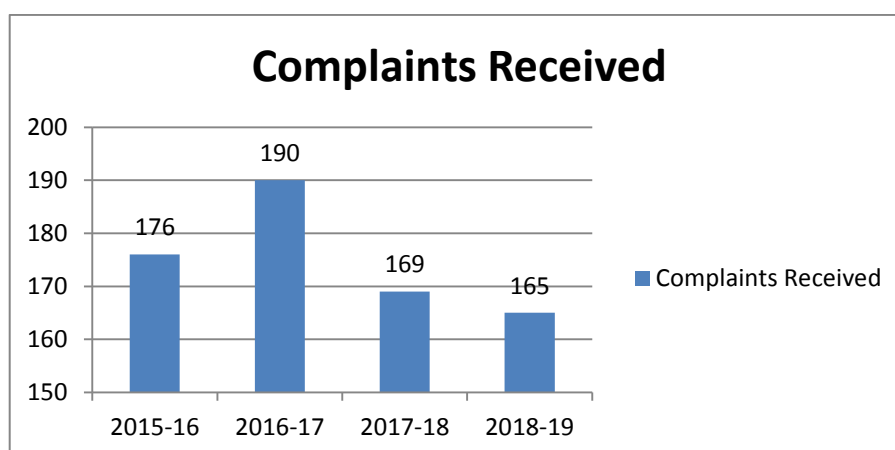
Adult and Community Services didn't received any feedback to be logged as a 'concern' about its social care services in 2018/2019.

All concerns and comments are considered to identify areas for improvement and responses are made where appropriate or requested.

4.4 **Complaints**

Adult Services received and processed a total 165 statutory complaints about its statutory social care services in 2018/19

The Graph to show the total number of complaints received and processed by Southend-on-Sea Borough Council during 2018/2019 and comparison with previous three years.



The complaints received in 2018/19 have seen a very slight reduction on the previous year.

The number of complaints is low, representing 4% of the adults that we provided a service to in 2018/19.

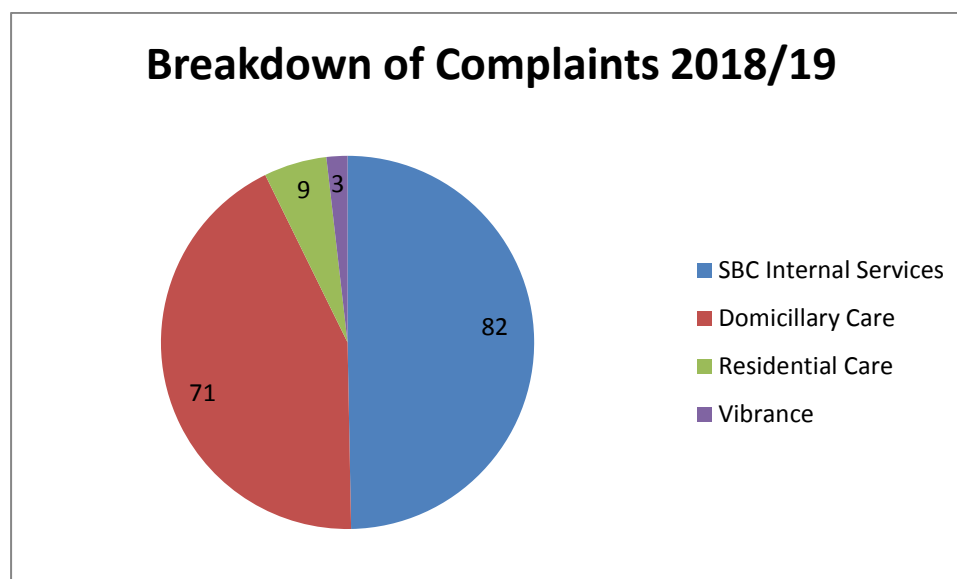
Complaints logged through the council's complaints process is only one way in which a complaint can be made. Many concerns or issues are resolved locally with the Social Worker and/or provider, rather than through the formal complaint process. In addition complaints about external providers can be raised directly with them and these are not recorded by the Council.

4.4 **Overall Response Times**

Adherence to response times is measured by compliance with the agreed dates set out in the individual complaints plans. There is no statutory requirement with regards to response timescales, however we recognise the importance of trying to achieve a speedy resolution to complaints and generally aim to resolve complaints within 10 working days in line with the Corporate Complaints Procedure. However depending on the complexity of the complaint raised, agreement is made with complainants on an acceptable timescale for a response.

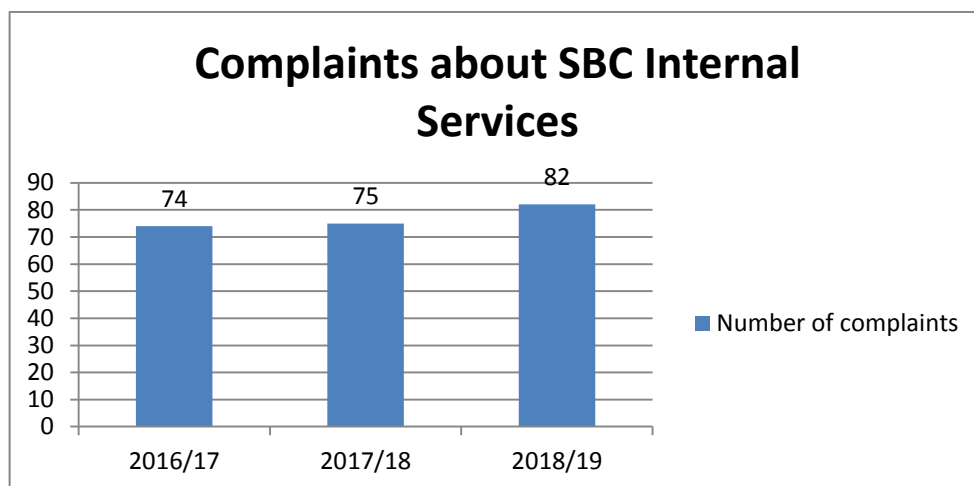
Out of the 165 complaints received, 76 complaints were responded to within the initial timescales agreed locally between the complaints service and the complainant. This represents 46% of responses made and is a decrease of 10% on the previous year. Whilst every effort is made to meet the timescales agreed, if it transpires through the course of the investigation this will not be possible, the complainant is kept informed and updated accordingly.

5. **Breakdown of Complaints by Service Area**



5.1 Complaints about Internal Southend Council Services

Out of the total 165 complaints received 82 complaints were received regarding Internal Southend Council Services. This is a slight increase on previous years.



Of the 82 complaints responded to, 34 complaints (41.4%) were given a full response within the timescales agreed.

Some Complainants raise more than one issue therefore the 82 complaints raised related to 96 Issues.

Of these 96 Issues –

- 46 were upheld
- 11 were partially upheld
- 34 were not upheld
- 5 were unable to reach a finding

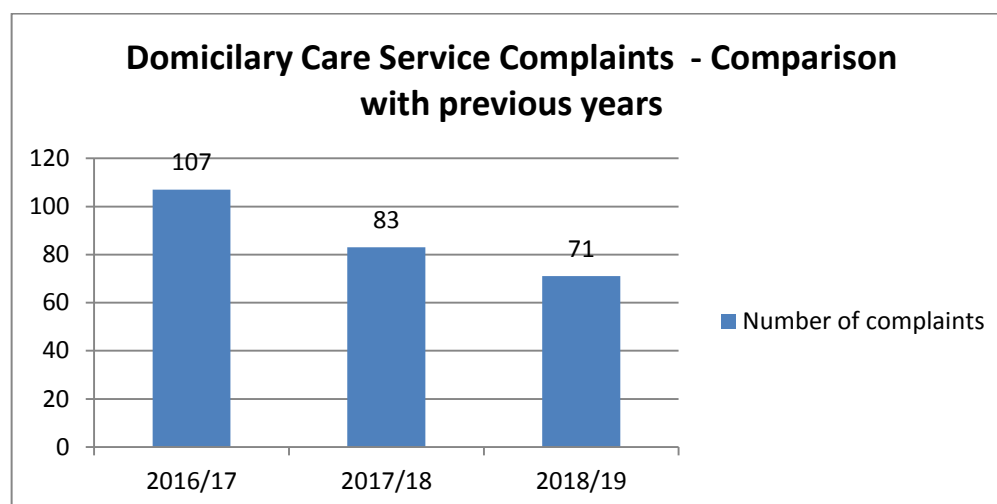
The top four issues were :-

	<i>Total</i>	<i>Outcome</i>
Care charges not explained	41	14 Not upheld
Delay/failure to keep informed	9	3 Not upheld
Outcome of decision / assessment	9	5 Not upheld
Invoice Query	7	2 Not upheld

5.2 **Complaints about services from Commissioned Providers**

5.2.1 **Domiciliary Care**

Of the 165 complaints received by Southend-on-Sea Borough Council, 71 were about Domiciliary Care Providers. This is a reduction 14.5% on 2017/18.



Of the 71 complaints that received a full response, 39 (55%) were responded to within the timescales agreed.

71 complaints related to 132 issues that were raised.

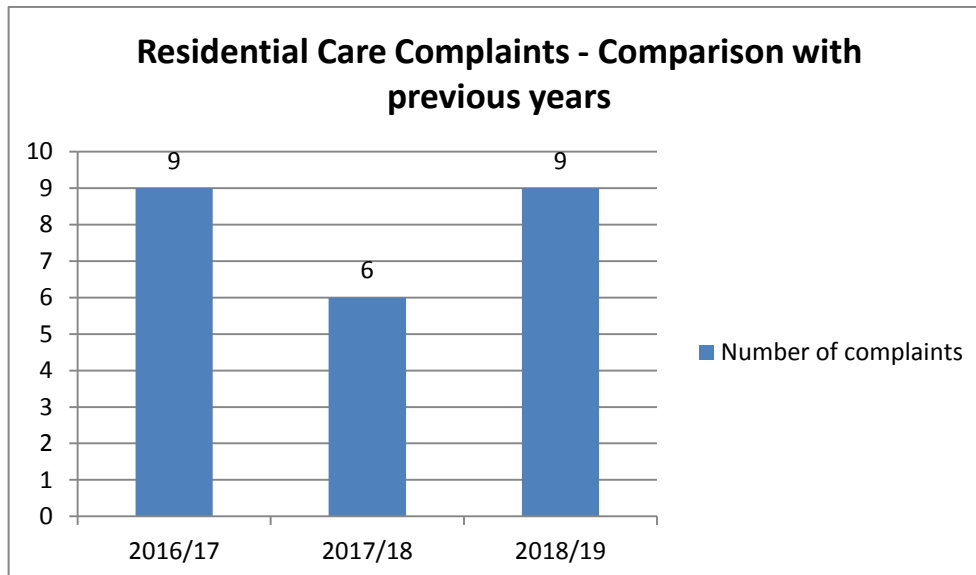
Of the 132 Issues raised – 78 were upheld
12 were partially upheld
19 were not upheld
23 were unable to reach a finding

The top four issues were :-

	<i>Total</i>	<i>Outcome</i>
Timing of homecare calls	20	4 Not upheld
Late calls	16	1 Not upheld
Attitude of staff	11	2 Not upheld
Medication Issues	10	3 Not upheld

5.2.2 **Residential Care**

9 complaints were received about Residential Care homes. This represents 0.6% of the number of adults currently in a Residential home under a Southend-on-Sea Borough Council contract.



3 were responded to with the timescale agreed
The main issues raised were around inadequate support and professionalism of staff.

Our Contracts Team and Complaints Team continue to work with the residential and domiciliary care providers to address issues and effect improvements around complaints handling.

6. **Complaints referred to the Local Government Ombudsman**

In 2018/2019 the Local Government Ombudsman received 8 enquires relating to Adult Social Care. 1 complaint was upheld, 1 was not upheld and 1 was closed after their initial enquires. The remaining 5 were deemed by the LGO as premature enquiries and were referred back to Southend Council for local resolution through the complaints process.

7 Monitoring & Reporting

- 7.1 Statistical data regarding complaints about our commissioned home care providers are provided quarterly to inform the Contract Monitoring Meetings.
- 7.2 Complaints are monitored by the Complaints Manager for any trends/emerging themes and alerts the relevant service accordingly.
- 7.3 Complaints information is fed into the monthly operational meetings where issues regarding providers are shared. This is to ensure that a full picture is gathered regarding the providers service delivery and identify any concerns or trends that may be emerging.

8. Learning from Complaints

- 8.1 The Council continues to use complaints as a learning tool to improve services and to plan for the future. Local authorities are being asked to show what has changed as a result of complaints and other feedback that it receives.
- 8.2 Improvements made in 2018/19, as a result of complaints:-
 - A new digital complaints monitoring system has been introduced that enables a smarter solution to the management and resolution of complaint issues.
 - A finance Officer was based at Southend Hospital one day per week, to offer advice and support to Social Workers with queries around finance issues.
 - The finance Officer regularly bases themselves within the Locality Teams to readily provide support around finance.
 - The contracts team have worked with spot providers to move them over to the use of CM2000 to enhance the accuracy of charging for domiciliary care.
 - Complaints Team introduced quality monitoring of Domiciliary Care Provider complaint responses and feedback given.

Compliments and Complaints - Children's Social Care

Purpose of Report

To fulfil the local authority's statutory duty to produce an annual report on compliments and complaints received about its children's social care function throughout the year.

To provide statistical and performance information about compliments and complaints received from April 2018 to March 2019.

Recommendation

That the Department's performance during 2018/2019 be noted.

Background

Complaints in the children's services are of 2 types, Statutory and Corporate. The law also says that children and young people (or their representative) have the right to have their complaint dealt with in a structured way.

The statutory procedure will look at complaints, about, for example, the following:

- An unwelcome or disputed decision
- Concern about the quality or appropriateness of a service;
- Delay in decision making or provision of services;
- Attitude or behaviour of staff
- Application of eligibility and assessment criteria;
- The impact on a child or young person of the application of a Council policy
- Assessment, care management and review.

The Corporate Complaint Procedure would be used when issues giving rise to the complaint fall outside the scope of the above statutory procedure.

Most of the complaints are statutory. The process for complaints regarding children's statutory services has three stages. Stage 1 affords an opportunity to try to find a local resolution usually at team manager level.

If the complainant is not satisfied with the outcome, they may request to proceed to stage 2. At stage 2, the Department appoints an Investigating Officer, and an Independent Person to investigate the complaint. The Investigating Officer is a senior service worker who has not been associated with the case, and the Independent Person is someone who is not employed by the council, but has experience of children's issues, social care or investigations. The stage 2 response is reviewed and approved by the Director of Children's Services.

If the complainant is still not satisfied, they may proceed to stage 3. At this stage, the complaint is referred to an Independent Review Panel of three independent panel

members with one member acting as Chair. They will review the stage 2 investigation and outcome, and will make recommendations. These recommendations are reviewed by the Deputy Chief Executive, who formally responds to the complainant.

The process is based on the premise that at each stage, a more senior officer responds on behalf of the Department. If complainants remain dissatisfied at the end of the three stages, they may refer their complaint to the Local Government Ombudsman.

The Complaints team encourages and supports Team Managers to resolve complaints at the earliest stage, including before they become formal complaints. We also advise a face to face meeting regarding the issues before the formal stage 2 process is started. This is thought to resolve the outstanding issues as early in the process as possible and in a way which many find less formal and adversarial for the complainant.

There are also 3 stages in the process for corporate complaints. Stage 1 is the same as in the statutory process. If this does not resolve the complaint then the Complaints Team will arrange for a further investigation to take place. The outcome will be reviewed and approved by the Director or Head of Service being complained about. If the complainant is still dissatisfied with the outcome, they have the right of appeal to the Council's Chief Executive and Leader of the Council, who will consider their appeal.

The numbers of compliments and complaints indicated in this report may not reflect the quality of the support generally provided by the social work teams, rather they are the opposite ends of our client satisfaction range, meaning that the majority of service users and their families are satisfied with the professional support provided.

Compliments received in 2018/19

We received 21 compliments during this year, a slight reduction from 2017/18 when we received 24.

The numbers of compliments is relatively small proportion of our child client base. An issue with compliments is that unlike complaints they do not need a specific response, and so there is a possibility that some compliments may not be passed on to the complaints team to be formally logged.

Complaints received in 2018/2019

During 2018/19 we began using a new software package which allows us to record and report in finer detail about complaints, in that as well as the actual number of complaints we receive, we can now report on the number of issues raised. This will better allow us to help identify the things which create complaints, as well as better manage our responses to the complainant.

In 2018/19 we received 79 complaints, which were made up of 128 issues. On average each complaint was made up of 1.6 issues.

No. of Issues	complaints	Ratio
1	50	63%
2	18	23%
3	6	8%
4	3	4%
5	0	0%
6	2	3%

50 complaints or 63% of all the complaints were made about a single issue, while 18 complaints (23%) consisted of 2 issues. The balance, 11 complaints (15%) were made up of between 3 and 6 issues. 2 Complaints were made of 6 issues.

COMPLAINTS Stage 1

In 2018/19 we received 79 complaints. To put this in context in 2016/17 we received 129 complaints and in 2017/18 we had 81. The reduction is significant in both statutory and corporate complaints, with an overall reduction of 39% since 2016/17. Statutory complaints account for 65 or 82% of the 79 complaints received.

TYPE OF COMPLAINT	2016/17	2017/18	2018/19	change	% change
TOTAL COMPLAINTS	129	81	79	-50	-39%
STATUTORY COMPLAINT	91	60	65	-26	-29%
CORPORATE COMPLAINT	38	21	14	-24	-63%

A reorganisation of teams and staffing during the year has meant that the reporting of changes across the main social work functions is not an exact match but the principal is sound.

TEAM	2016/17	2017/18	2018/19	change	% change
TOTAL COMPLAINTS RECEIVED	129	81	79	-50	-39%
FIRST CONTACT	59	28	45	-14	-24%
CARE MANAGEMENT	47	30	21	-26	-55%
OTHER	23	23	13	-10	-43%

Outcomes

During the year there were 128 different issues complained about within the 79 complaints. After investigation of each complaint at stage 1, 58 or 45% were not upheld.

21 (16%) of the issues were upheld, where the complainant was correct and there was some fault in our actions or processes.

STAFF

Of the 128 issues raised in the complaints, there were 79 (67%) in which staff were identified. This is a reflection of the often emotionally charged environment that the social workers work in, where a disputed family breakup or chaotic situation can lead to a parent or close family member feeling isolated from or ignored by their children, and the perception is that the social worker is unhelpful in some way.

The outcomes for the complaints where particular staff are named are in line with the overall outcomes.

ANALYSIS OF OUTCOMES

	ALL COMPLAINTS		STAFF IDENTIFIED	
Not Upheld	58	45%	37	47%
Out of Jurisdiction	7	5%	0	0%
Partially Upheld	24	19%	18	23%
Unable to reach a finding	9	7%	3	4%
Upheld	21	16%	14	18%
Withdrawn	9	7%	7	9%
TOTAL	128		79	

Each complaint which was upheld or partially upheld was responded to with an apology, and a small proportion having a reassessment, being provided with information and in one case a small amount of compensation.

MANAGEMENT OF COMPLAINTS

The performance in the timeliness of response to the complaints has improved consistently in both years since 2016/17. The information below demonstrates the greater efficiency in responding to complaints.

RESPONSE TIMESCALES	2016/17		2017/18		2018/19	
WITHIN 10 DAYS	38	29%	28	35%	40	51%
10-20 DAYS	22	17%	23	28%	17	22%
OVER 20 DAYS	69	53%	30	37%	22	28%
TOTAL COMPLAINTS	129		81		79	
CLOSED IN 20 W/DAYS	60	47%	51	63%	57	72%

The proportion closed within 10 working days has improved across the last three years 29% to 51%. The rate at which complaints are closed within 20 working days is up from 47% to 72%.

This improvement means that the responses taking more than 20 working days has fallen from 53% to 28%.

Complaints by children

Children are defined as those who are under 18 years old.

The number of complaints received by children is fairly consistent. In 2016/17 3 children made complaints, in 2017/18 it was 4, and in 2018/19 it was 3 again. All children who have made a complaint in 2018/19 did so using an advocate.

Any young person wishing to make a complaint and who does not have an advocate is always advised to use one and is provided with contact details and helped to contact the advocacy service.

Stages 2 and 3

In 2017/18 6 complaints escalated to stage 2, and 2 of these then went to stage 3.

To date of the complaints made in 2018/19, 8 have chosen to go to stage 2. However, it needs to be noted that some complainants may still decide to proceed to stage 2 of the process.

Of the 4 complaints which have been concluded at stage 2 to date, 1 has taken their complaint to stage 3 and another is in the process of doing so.

To better manage the number of complaints being escalated beyond stage 1 of the complaints process, we advise the complainant and suggest that they meet with the social work manager/staff involved to discuss the issue and hopefully resolve it in a constructive way rather than the more formal and time consuming stage 2 process.

Local Government Ombudsman

To date we are not aware of any complaints from the LGO that require us to act or respond in relation to any complaint from 2018/19.

Developments in the complaints process

During 2018/19 we began using a new software package which allows us to record and report in finer detail about complaints, in that as well as the actual number of complaints we receive, we can now report on the number of issues raised and the nature or type of the issues, as well as those in which a named staff member or team are integral to the complaint. This will better allow us to help identify the things which

create complaints, as well as better manage our responses to the complainant and the management of our staff and processes.

Learning from Complaints

The Council continues to welcome complaints as a means of improving services and to plan for the future. Local authorities are being asked to show what has changed as a result of complaints and other feedback it receives.

Improvements made in 2017/18 as a result of complaints;

- Earlier intervention by team managers has helped reduce the numbers of issues which develop into formal complaints.
- Following a Stage 1 response if the complainant remains dissatisfied, a meeting can be offered with a manager to try to resolve the issues and avoid going to stage 2 of the complaints process.

Areas for improvement

To build on the improved data available on our complaints to develop the management reporting, so that we can identify and then address the issues which cause people to make complaints by improving our services and how they are delivered.

Monitoring Officer Report of LGSCO Investigations

1. Purpose of Report

The Monitoring Officer must provide councillors with a summary of the findings on all complaints relating to the Council where in 2017/18 the Local Government and Social Care Ombudsman (LGSCO) has conducted an investigation and upheld a complaint.

This report therefore fulfils the Monitoring Officer's duty under section 5(2) of the Local Government and Housing Act 1989 and the Local Government Act 1974.

2. Recommendation

To note the annual letter to the Council from the LGSCO and note the summary of their findings regarding upheld complaints.

3. Background

The LGSCO investigates complaints about 'maladministration' and 'service failure', generally referred to as 'fault'. They consider whether any fault has had an adverse impact on the person making the complaint, referred to as an 'injustice'. Where there has been a fault which has caused an injustice, the LGSCO may suggest a remedy.

The Council works with the LGSCO to resolve complaints made to the Ombudsman. Most complaints are resolved without detailed investigation.

The LGSCO may publish public interest reports against a Council or require improvements to a Council's services. No such action has been taken in respect of Southend-on-Sea Borough Council.

In his annual letter, the LGSCO stresses that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often the LGSCO found fault when he investigated a complaint), and alongside statistics that indicate an authority's willingness to accept fault and put things right when they go wrong.

4. Complaints made to the LGSCO

47 complaints and enquiries were made to the LGSCO in respect of Southend-on-Sea Borough Council.

44 decisions were made by the LGSCO, as follows:

Upheld	4
Not upheld	3
Referred back for local resolution	22
Closed after initial enquiries	13
Incomplete/Invalid	2

5. Number of decisions investigated in detail by the LGSCO

The LGSCO conducted 7 detailed investigations in respect of Southend-on-Sea Borough Council in the period between 1 April 2018 and 31 March 2019 with 4 complaints being upheld. This is an improving picture, as demonstrated below:

Year	16/17	17/18	18/19
Number of Detailed LGSCO Investigations	15	8	7
Number of complaints upheld by LGSCO	8	6	4
Upheld rate	53%	75%	57%

5. Complaints upheld by the LGSCO

The following is a summary of the upheld complaints:

Function	Maladministration/Fault	Agreed Remedy
Council Tax Recovery	There was fault in how enforcement agents, acting on behalf of the Council, dealt with the ownership of a vehicle they had removed. This meant the complainant was wrongly required to pay storage fees.	Fees refunded (by the enforcement agent) and a payment made to reflect his time and trouble.
Library service provision	There was no fault by the Council leading up to its decision to change the library management system. The issue complained about (a shortage of books) was caused by technical problems and the Council was at fault in not finding another way to mitigate the shortage of books until the technical problems were resolved.	None as there was minimal injustice as books were available from other library branches.
Care charges	The Ombudsman did not investigate a late complaint about the Council charging for care for a deceased individual. This was because on initial contact from the LGSCO the Council had agreed to waive the outstanding charges.	Written apology made and fees waived.

Housing Benefit	The Council gave incorrect information regarding the maximum amount of housing benefit the Council would pay an individual for a one-bedroom property. This led to her renting a property she could not afford.	Written apology made.
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Further details of each complaint are available on the [LGSCO website](#).

6. Acceptance of fault and putting things right when they go wrong

The Council has accepted all recommendations made by the LGSCO and has a 100% compliance rate, that is, agreed remedial action has been demonstrated to have been taken in all cases.

7. LGSCO Annual Report

The annual report of the LGSCO is provided at Appendix D1.

8. Conclusion

The Council is co-operating in full with the LGSCO and successfully collaborating with them to identify the appropriate resolution for complaints made.

Local Authority Report: Southend-on-Sea Borough Council
For the Period Ending: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
7	5	7	8	4	7	5	3	1	47

Decisions made

				Detailed Investigations			Total
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	
2	0	22	13	3	4	57	44

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

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Southend-on-Sea Borough Council

Report of Strategic Director (Finance and Resources)

To

Cabinet

On

17 September 2019

Report prepared by: Andrew Barnes (Head of Internal Audit)

Agenda
Item No.

Control Environment Assurance

All Scrutiny Committees

Cabinet Member Councillor Woodley (Appendices A to D)

Cabinet Member: Councillor Gilbert (Appendices E and F)

Part 1 (Public Agenda Item) - except for Appendix F which is not for publication by virtue of paragraph 7 of Part 1 to Schedule 12A to the Local Government Act 1972

1. Purpose of Report

To update the Cabinet on the proposed revisions being made to the Control Environment in respect of Risk Management, Counter-Fraud, Bribery & Corruption, Counter Money Laundering, Whistleblowing and the Regulation of Investigatory Powers.

2. Recommendations

- 2.1 That Cabinet approves the revised Risk Management Policy Statement and Strategy (**Appendix A**, including the action plan included at Appendix 2 of that document).
- 2.2 That Cabinet approves the revised Counter Fraud, Bribery & Corruption Policy and Strategy (**Appendix B**), the revised Counter Money Laundering Policy & Strategy (**Appendix C**) and the revised Whistleblowing Policy (**Appendix D**).
- 2.3 That Cabinet approves the revised Policy and Procedures for undertaking Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS) (**Appendix E** – and also the detailed procedures for use of a CHIS as set out in confidential **Appendix F**).
- 2.4 To note that:
 - (a) The Council has not used the surveillance powers available to it under RIPA between 1 April 2018 and the 31st March 2019 and neither has it used any CHIS during this period.
 - (b) Thurrock Council has not used any such powers on behalf of Southend-on-Sea Borough Council when undertaking Anti-Fraud work between 1 April 2018 and the 31st March 2019.

- 2.5 To note the staff training undertaken in 2018/19 and proposed for 2019/20 in connection with RIPA - also details of the regulation of CCTV activities as detailed in the report.

3. Risk Management

- 3.1 The Council's risk policy, strategy and toolkit was last formally reviewed in June 2015. As a result of the changes being made to the governance architecture to deliver the Southend 2050 Ambition and Outcomes a review of the Council's approach to risk management has been undertaken by the senior officer Good Governance Group and the Corporate Management Team (CMT).
- 3.2 The Policy Statement and Strategy, have, therefore, been reviewed and updated, to align with changes to Council policy, structures and resources since 2015. The review found that while the overall approach to corporate risk is sound, some areas required updating and there was a need to update the approach in response to the changes that are being implemented to the culture and governance arrangements of the Council. The main points of note are:
- The changes to reflect the new governance arrangements implemented by the Council to deliver the 2050 Ambition
 - Enhancements to use of risk appetite and tolerance included to reflect a desire for the Council to increasingly focus on where it is prepared to take risks and exploit opportunities to deliver the desired outcomes
 - A simplified scoring system for the risk matrix has been included
 - The roles and responsibilities for groups and individuals have been updated.
- 3.3 The current position in relation to the Council's approach to risk is that:
- The Corporate Risk Register (CRR) is reported to the Council's Corporate Management Team quarterly and Cabinet every 6 months – it is proposed that this continues
 - Risk registers, following the format of the CRR, are included in Service Plans – it is proposed that this is updated to reflect the new governance arrangements
 - Risk registers are included in major council project plans, and the risks monitored regularly, although the format may vary, depending on project requirements – it is proposed that this continues with the format simplified to achieve increased engagement and utilisation
 - High level risks are monitored as part of reports to Corporate Delivery and Capital Boards – it is proposed that this continues, but with reporting to the new governance groups as necessary
 - Risk is a regular item at CMT meetings, and is discussed regularly at Departmental Management Teams – it is proposed that this continues, supported by the risk management resource available.
- 3.4 The Cabinet are, therefore, asked to review the Policy Statement and Strategy (**Appendix A**), prior to further work to shape, disseminate and implement across the Council, in accordance with Appendix 2 of the Policy Statement and Strategy.

4. Counter-Fraud, Bribery & Corruption, Counter Money Laundering and Whistleblowing

- 4.1 The Counter Fraud, Bribery & Corruption policy and strategy (**Appendix B**) is designed to advise council workers and suppliers on what fraud, bribery and corruption is, how to identify it and report it. This policy sets out what the council will do to make it the most difficult environment for fraud to occur and the responsibility on everyone in the council to find fraud and report it.
- 4.2 Money laundering is a serious crime and recognised as a 'critical enabler' for organised criminal gangs and terrorists to benefit and use for other criminality. Denying criminals the use of their ill-gotten gains disrupts criminality and can help law enforcement identify offenders. The Counter Money Laundering policy & strategy (**Appendix C**) is designed to advise council workers and suppliers on what money laundering is, how to identify it and report it and sets out the action we will take to mitigate the risk that money could be laundered through our systems.
- 4.3 The Whistleblowing Policy (**Appendix D**) provides arrangements to raise any serious concerns that employees, workers or contractors have about any aspect of service provision or the conduct of Councillors, officers of the Council or others acting on behalf of the Council.
- 4.4 The policies have been updated to reflect changes in legislation, reporting methods and current best practice.

5. Directed Covert Surveillance and RIPA

- 5.1 If the Council wants to carry out directed covert surveillance then:
- (a) It must be in connection with the investigation of a criminal offence which attracts a maximum custodial sentence of 6 months or more, or involves the underage sale of alcohol or tobacco;
 - (b) It must not be intrusive surveillance (only the Police can carry out intrusive surveillance inside a house or vehicle);
 - (c) Such surveillance must be properly authorised internally. In particular authorising officers must be formally designated and trained – and only authorised and trained officers should carry out surveillance;
 - (d) A Justice of the Peace must make an Order approving the grant of authorisation referred to in (c) above; and
 - (e) There must be compliance with the Codes of Practice issued by the Home Office, the Investigatory Powers Commissioner's Office (IPCO) (formerly the Office of Surveillance Commissioners OSC) – and the Council's own Policy & Procedures (see 5.3 below).

CHIS and RIPA

- 5.2 Similar requirements to those set out in 5.1 above apply if the Council wants to use a covert human intelligent source (CHIS). The requirement for the use of CHIS is that it relates to the prevention and detection of crime or disorder; there is no requirement for the offence to have a 6 month sentence.

Council Policy and Procedures for undertaking Directed Covert Surveillance and the use of a CHIS

- 5.3 In order to ensure that the Council acts legally and properly and complies with RIPA, it has put in place "Policy and Procedures for undertaking Directed Covert Surveillance and the use of Covert Human Intelligence Sources (CHIS)".
- 5.4 The Policy & Procedures are regularly updated to ensure they are fit for purpose and incorporate legislative, procedural and staff changes (**Appendix E**). The most significant change is that the detailed procedures for the use of a CHIS are now set out in a separate document (confidential **Appendix F**). The Policy and Procedures also includes a revised section on the use of social media for research and investigations (as this has been the focus of IPCO attention) and clarification of joint agency surveillance to reflect current practice.

Use of surveillance powers available under RIPA in 2018/19

- 5.6 The Council has not used the surveillance powers available to it under RIPA between 1 April 2018 and the 31st March 2019 and neither has it used any CHIS during this period.
- 5.7 Thurrock Council has not used any such powers on behalf of Southend-on-Sea Borough Council when undertaking Anti-Fraud work between 1 April 2018 and the 31st March 2019.

Training

- 5.8 It is important that Council officers who are, or could be, involved with surveillance receive proper training.
- 5.9 Annual training was carried out on the 10 December 2018, attended by 39 members of staff with a focus on awareness of RIPA requirements and also the use of social media for research and investigations.
- 5.10 In 2019/20 a CHIS training session has already been held with 6 members of staff from Regulatory Services and the regular annual training event is planned for early December 2019.

CCTV

- 5.11 The Council's CCTV System helps to provide a safe and secure environment in the Town Centre and other parts of the town covered by the cameras. It therefore contributes to the continuing safety and vitality of those areas, for the benefit of all those living, working and visiting there.

- 5.12 The control room is manned twenty-four hours a day 365 days a year by Security Industry Authority (SIA) trained operators and is fully compliant with the guidelines laid down by the IPCO and the Surveillance Camera Commissioner (SCC).
- 5.13 The inspections by the OSC (now the IPCO) as referred to in 5.14 (below), have always involved a visit to the control room to ensure compliance with the guidelines; although it should be noted that overt CCTV does not require a formal RIPA authority. In 2018 the control room was involved in 8566 incidents that were covered by CCTV which involved 739 arrests being made. This highlights the value of the CCTV System.

Oversight

- 5.14 The IPCO provides independent oversight of the use of investigatory powers by intelligence agencies, police forces and other public authorities. The Council is subject to inspection by the IPCO to ensure compliance with the statutory provisions which govern surveillance. The Council's last inspection was in August 2016 and was carried out by the former OSC: This presented a very positive picture.
- 5.15 It is also important that councillors should review the Council's use of RIPA and its Policies and Procedures on an annual basis; hence the need for this report.

6. Other Options

None

7. Reasons for Recommendations

To comply with the Home Office Codes of Practice and IPCO Guidance on RIPA.

8. Corporate Implications

8.1 Contribution to Southend 2050 Road Map

The Corporate Assurance and Risk Framework underpins the operational effectiveness of the Council's Corporate Governance arrangements and helps the management of key risks associated with achieving the Council's Ambition and Outcomes. Contributing to and monitoring progress with the Corporate Risk Register reinforces the effectiveness of these arrangements and assists to ensure that Outcomes are delivered.

Work undertaken to reduce fraud and enhance the Council's anti-fraud and corruption culture contributes to the delivery of all Southend 2050 outcomes.

Sound policies and procedures in respect of surveillance contribute to various aspects of the Southend 2050 Road Map, particularly the objective in Safe & Well that people in all parts of the Borough feel safe and secure at all times.

8.2 Financial Implications

The funding of risk management activities across the Council is generally contained within individual budgets.

Proactive fraud and corruption work acts as a deterrent against financial impropriety and might identify financial loss and loss of assets. Any financial implications arising from identifying and managing the fraud risk will be considered through the normal financial management processes. Proactively managing fraud risk can result in reduced costs to the Council by reducing exposure to potential loss and insurance claims.

8.3 Legal Implications

The Accounts and Audit Regulations 2015 Section 3 requires that:

'The relevant authority must ensure that it has a sound system of internal control which:

- facilitates the effective exercise of its functions and the achievement of its aims and objectives*
- ensures that the financial and operational management of the authority is effective*
- includes effective arrangements for the management of risk.'*

The proposed risk management arrangements ensure that the Council is compliant with this requirement.

The Home Office and IPCO provide guidance in respect of RIPA. This report has been prepared to ensure compliance with that guidance.

8.4 People Implications

Failure to manage the corporate risks could have a major impact upon the resources available to the Council and the ability to deliver identified outcome priorities.

Where fraud or corruption is proven the Council will:

- take the appropriate action which could include disciplinary proceedings, civil law and criminal prosecution
- seek to recover losses using criminal and civil law
- seek compensation and costs as appropriate.

8.5 Property Implications

None, but identified as part of the corporate and other risk registers.

8.6 Consultation

Internal only

8.7 Equalities and Diversity Implications

None

8.8 Risk Assessment

The report is aimed to enhance the Council's ability to assess and manage risk in achieving its Ambition and Outcomes.

Failure to operate a strong anti-fraud and corruption culture puts the Council at risk of increased financial loss from fraudulent or other criminal activity. Although risk cannot be eliminated from its activities, implementing these strategies will enable the Council to manage this more effectively.

Having up to date RIPA Policy and Procedures and a staff training programme, ensures any risks associated with surveillance, social media investigations or the use of a CHIS are minimised.

8.9 Value for Money

Effective forecasting and timely management of risk is a key factor in preventing waste, inefficiency and unnecessary or unplanned use of resource.

An effective counter fraud and investigation directorate should save the Council money by reducing the opportunities to perpetrate fraud, detecting it promptly and applying relevant sanctions where it is proven.

8.10 Community Safety Implications

None, but identified as part of the corporate and other risk registers.

8.11 Environmental Impact

None, but identified as part of the corporate and other risk registers.

9. Background Papers

None

10. Appendices

Appendix A - Risk Management Policy Statement and Strategy 2019

Appendix B - Revised Counter Fraud, Bribery & Corruption Policy & Strategy

Appendix C - Revised Counter Money Laundering Policy & Strategy

Appendix D - Revised Whistleblowing Policy

Appendix E - Updated Council Policy and Procedures for undertaking Directed Surveillance and the use of Covert Human Intelligence Sources

Appendix F (Part 2) - Detailed Council Procedures for use of Covert Human Intelligence Sources (CHIS)

RISK MANAGEMENT POLICY STATEMENT & STRATEGY

Approved by:
Corporate Management Team: 7 August 2019
Cabinet: 17 September 2019

Next Planned Review:
2021



Risk Management Policy

The focus for Southend Borough Council is set out within the 2050 ambition and in delivering against the desired outcomes, to fulfil that ambition, decisions are taken regarding allocation of increasingly finite resources. The Council has needed to become more innovative and commercially minded in order to exploit opportunities whilst still operating in an environment where there are high expectations around transparency, integrity and accountability. Delivering value for money remains at the heart of good governance in local authorities.

The Council's Risk Management Framework needs to evolve, along with other elements of the governance framework, to support the achievement of the 2050 outcomes. There are a number of core principles at the heart of the new Council's Risk Management Framework, these include that:

- risk management is a positive value added activity, focused on achievement and successes, not a negative bureaucracy – by changing the perception and raising awareness officers will have increased confidence when managing operational risks
- all staff are responsible for risk management and resources that support the framework are there to 'support and challenge' not 'own and do'
- wider Member involvement in identifying and monitoring the most strategic risks the organisation faces would add value, whilst the roles of the Audit Committee, Scrutiny and Cabinet are critical to robustness of the overall framework
- the Southend 2050 ambition and outcomes need to drive the Council's budget and financial management arrangements, performance management of the outcome delivery plans and risk management framework
- by getting the conversations happening with the right people, at the right time and in the right place, the required thinking can be applied and the processes to capture, document and report risks will be simple and become part of business as usual
- the framework ensures joined up Strategic, Operational, Programme and Project Risk Management whilst recognising the differences between them.

It is important for everyone to recognise that:

**Risk management is not about being 'risk averse' –
it is about being 'risk aware'.**

Risk is ever present and some amount of risk taking is necessary if the Council is to achieve its ambition. In the current climate the council will embark on more risky activities in pursuit of greater outcomes for residents, however the actions to mitigate those risks must bring the risk exposure within the appetite and tolerance approved by members. By being '**risk aware**' the Council is in a better position to mitigate threats and take advantage of opportunities.

The Council will achieve effective Risk Management by:

- implementing this Strategy and a process that is fit for purpose, compliments and strengthens the other governance arrangements within the 2050 programme, including assurance and performance management processes
- ensuring that the management structure is not a barrier to sharing the ownership of risks or the efficiency in the control environment
- equipping managers with the skills and understanding to ensure that robust risk decisions happen across the Council
- ensuring a consistent understanding of the organisation's risk appetite so that effective communication, escalation and cascade, exists across the Council
- acknowledging that risks are increasingly shared across partner organisations, which can increase the complexity of analysis and reporting, and also that assurances regarding the level of risk may need to be sought from third parties as well as internal sources, and that these bodies may need support from the Council to achieve efficient risk management.

We will also annually review the:

- effectiveness of Risk Management activity during the year
- completion of the Risk Management action plan
- approach to ensure it remains in line with good practice.

Every two years we will review and update the formal Policy and Strategy document.

CHIEF EXECUTIVE

LEADER

.....

.....

Risk Management Strategy

Introduction

The Council's Members and Corporate Management Team recognise:

- the importance of effective mechanisms to identify, analyse, manage and monitor risk and for effective channels of communication about risk within the organisation
- their statutory responsibilities for Risk Management particularly in areas where there is a high inherent risk such as Health and Safety
- that risks around projects and partnerships must be effectively captured and communicated within the risk management framework of the organisation to ensure that a holistic approach to risk management is embedded
- that effective risk management will help improve the delivery of the outcomes identified in the Southend 2050 programme by directing finite Council resources to where they can achieve the most, whilst exploiting opportunities to achieve outcomes via more innovative means.

These views are endorsed by the increased focus on the importance of governance frameworks within public sector bodies and that the Council has a statutory responsibility to have in place arrangements for managing risks, as stated in the Accounts & Audit Regulations 2015:

“The relevant body shall be responsible for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body’s functions and which includes the arrangements for the management of risk.”

The Risk Management Policy Statement and Strategy provides the foundation on which robust risk management activity, supporting the efficient and effective achievement of outcomes and delivery of services, will be embedded within business processes and contribute to the effectiveness of the governance framework.

More detail to support and guide the organisation in successfully embedding Risk Management will be provided within the guidance that will accompany this strategy.

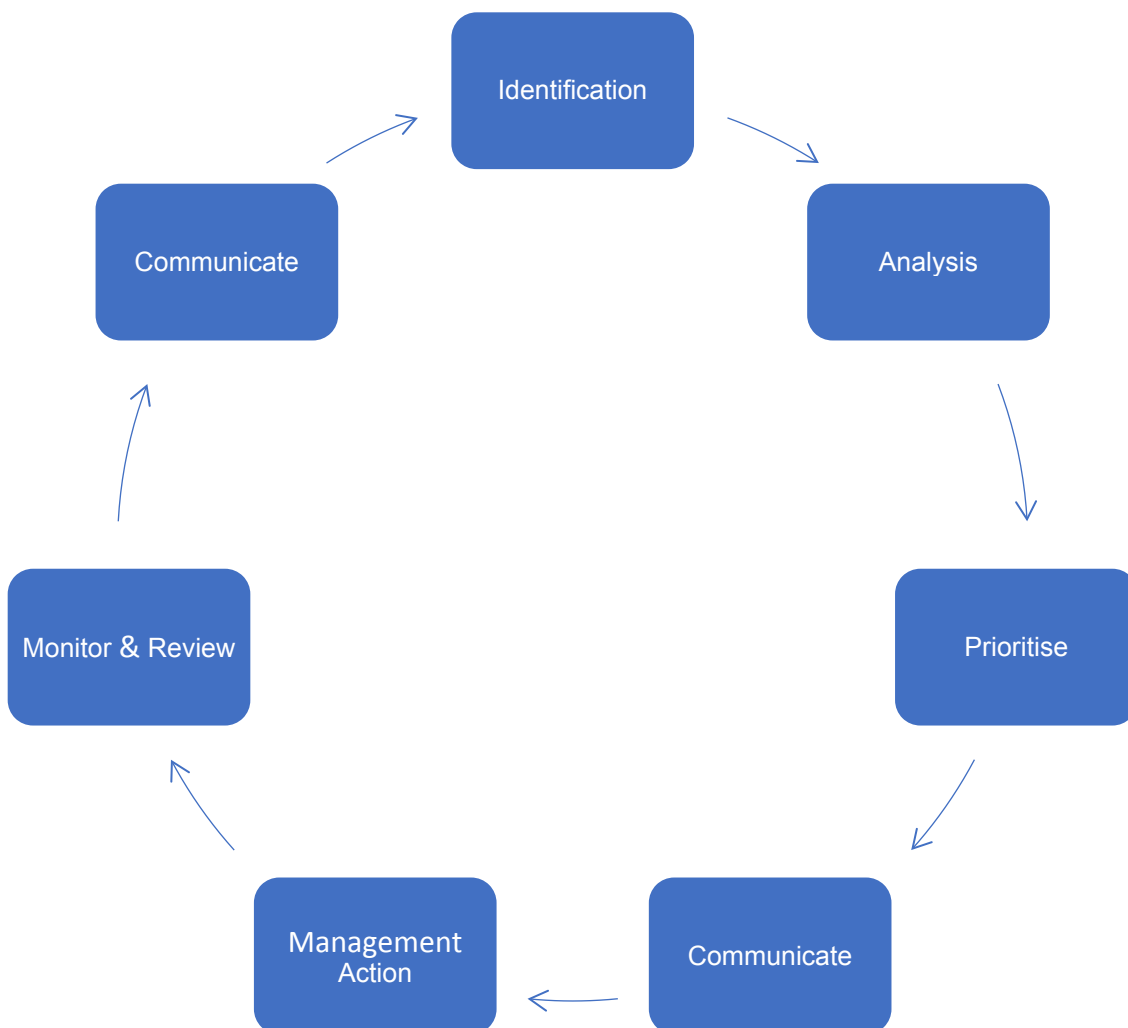
An action plan, covering the planned duration of the Strategy, has been developed to implement the strategy and further embed Risk Management into the governance framework of the organisation (Appendix 2).

Definition of Risk

The definition of risk used within the Council is that **RISK** is 'The chance of something happening that will have an impact (negative = threat or positive = opportunity) on the Council's ability to successfully deliver its approved outcomes. This includes external and internal, risks and opportunities'.

RISK MANAGEMENT is therefore the process by which risks are identified, analysed, prioritised, managed and monitored / reviewed. The Council has determined two clear points in the cycle where communication needs to be considered.

FIG 1: Risk Management Cycle



The approved methodology will be outlined within the guidance to support Management, however the high level approach is outlined in paragraphs below.

The activity to **IDENTIFY** risk is most effective when aligned to strategic, operational and project planning processes focused on the achievement of outcomes. In the context of the Southend 2050 programme risk will be identified against the themes and outcomes identified within the Council's ambition.

The Council's methodology for risk **ANALYSIS** is for the **likelihood** of the risk materialising, and the **impact**, should it materialise, to be scored using a defined criteria and scored on a four by four grid.

Guidance that supports the implementation of this strategy provides criteria to promote consistency of evaluation of risk across the organisation.

A template Risk Register is in place for the Corporate Risk Register which is supported by the Pentana system. Templates used for all risk registers will be refined and agreed by December 2019 as part of implementing this strategy. The aim will be to ensure consistency across the organisation in how risk is captured and communicated but also ensure that the templates are fit for purpose to support a streamlined approach.

A summary table is included here for information to assist in risk **ANALYSIS**. More detailed guidance is included within the Risk Management Toolkit.

Likelihood			Impact		
Score 1-4	% chance	Time Frequency	Score 1-4	Disruption to Services <i>Residents affected or aware</i>	Budget
1 Unlikely	< 25%	Once in <5 years	1 Negligible	Minor disruption to services <i>Up to 5%</i>	>1%
2 Likely	25 -50%	Once in < 3 years	2 Material	1-2 weeks <i>Up to 10%</i>	>5%
3 Very Likely	50-75%	could materialise next 18-24 months	3 Severe /Significant Opportunity	Up to one month <i>Up to 25%</i>	5-10%
4 Almost Certain	>75%	could materialise within 6-12 months	4 Catastrophe / Exceptional Opportunity	1 – 3 month <i>Up to 50%</i>	10-20%

Consistency is also increased through the challenge mechanisms that exist within the governance structure which are documented in the delivering the strategy section. These challenge mechanisms are outlined in the appendices of this strategy (see Appendix 1).

Plotting the risks visually can help with prioritisation and also challenge i.e. when risks are reviewed in relation to other risks also being reported within the organisation. The grid below is used to present the relative importance of risks.

Risk Matrix

Risk tolerance level – Risks above this level will need particular resources and focus

I
M
P
A
C
T

Catastrophic / exceptional opportunity	4	8	12	16
Severe / significant opportunity	3	6	9	12
Material	2	4	6	8
Negligible	1	2	3	4
	Unlikely <25%	Likely 25-50%	Very Likely 50-75%	Almost Certain >75%

Risk acceptance level (activity below which attracts minimum effort and resources)

LIKELIHOOD

Risk Ratings: 1 – 2 = low risk (Green) / 3 – 10 = medium risk (Amber) / 12 – 16 – high risk (Red)

In assessing a risk there are three ratings to be confirmed from the analysis of the risk.

The **Inherent Risk** Score – the level of risk before any mitigations have been applied.

The **Residual Risk** Score – taking into account the mitigations currently in place and the effectiveness of those implemented mitigations.

The **Target Risk Score** – the level at which the risk will fall within the Council's appetite and be accepted.

Decisions regarding target risk will be driven by the approved **Risk Appetite** This is the amount of risk that the Council is willing to seek or accept in the pursuit of its objectives.

Risk appetite will vary from person to person and is influenced by the type of risk. Guidance will be provided to Management and mechanisms within the process and procedures are designed to challenge and as a result increase consistency of decisions regarding risk across the Council. This will be reported to Cabinet twice a year, and annually the effectiveness of these mechanisms will be considered and assurances provided to Audit Committee to assist with their Annual Report to Council.

The **Risk Tolerance** of the organisation is the boundaries of risk taking outside which the Council is not prepared to venture in the pursuit of its long-term objectives. Effective communication regarding risk is essential to ensuring that the risk appetite being applied is ensuring risks are managed within the approved tolerance level.

The Risk Appetite and Tolerance of the organisation will be considered annually as part of the planned annual review of the framework, and changes to procedures and guidance made as required.

The **PRIORITISATION** of risks will be dependent of the outcome of the analysis stage and the gap between the residual and target risk ratings.

When taking decisions regarding the appropriate action to manage a risk consideration will be given to whether it is the likelihood or impact that we seek to reduce.

At this stage it may be necessary for **COMMUNICATION** with other individuals, teams, groups or boards. Others may need to understand the risk that is being managed, or their role in the control environment that needs to be in place.

Risks can be **MANAGED** by:

- **Treating** – management action / control to bring within risk appetite or to ensure that the opportunities available are being optimised
- **Transferring** – passing to a third party, usually via a contract i.e. insurance – this would bring the activity within the council's appetite and overall tolerance level
- **Tolerating** – accepting the current level of risk, because it is within the council's defined appetite to do so and/or the cost of mitigations to reduce it further outweigh benefits to be gained in terms of affecting the likelihood or impact
- **Terminating** – ceasing the activity – usually because the risk exceeds the Council's appetite or moves the overall level of risk over its tolerance for risk and/or the cost of mitigations to rectify this far exceeds the resources available.

Risks and their corresponding action plans need to be periodically **REVIEWED AND MONITORED** to ensure changes are recognised and captured. The frequency of review should not be arbitrary, focus should be directed based on three factors:

- 1) The level of risk, more frequent attention to those of most significance to outcomes
- 2) Those risks where deadlines for actions are due, it is important to ensure actions are completed as planned and that they have had the expected effect on the risk rating
- 3) Risks where the Residual and Target risk ratings are furthest apart, as these are the risks where the council is most exposed and greatest action is required to move to within appetite.

There will be an expectation that risk registers are formally reviewed at least quarterly throughout the financial year.

Efficiency can be built into this process by ensuring robust assurances are in place regarding the materialisation of risk indicators or with regards to the design of the control environment. These assurances exist within the Council in many forms, this includes but is not limited to performance data, feedback, reviews, inspections and internal audits. Where gaps in assurances are noted then Management may not have reliable information with which to manage risk.

As risks are reviewed it may be necessary to **COMMUNICATE** the risk to others. If management actions have failed to reduce risk then it may need to be escalated. If the risk has changed then despite actions taken working the risk may still have increased and need to be escalated. Risks that become deemed to be managed to within appetite may be removed from the corporate risk register and included on a more operational risk register level, for on-going monitoring.

AIMS AND OBJECTIVES

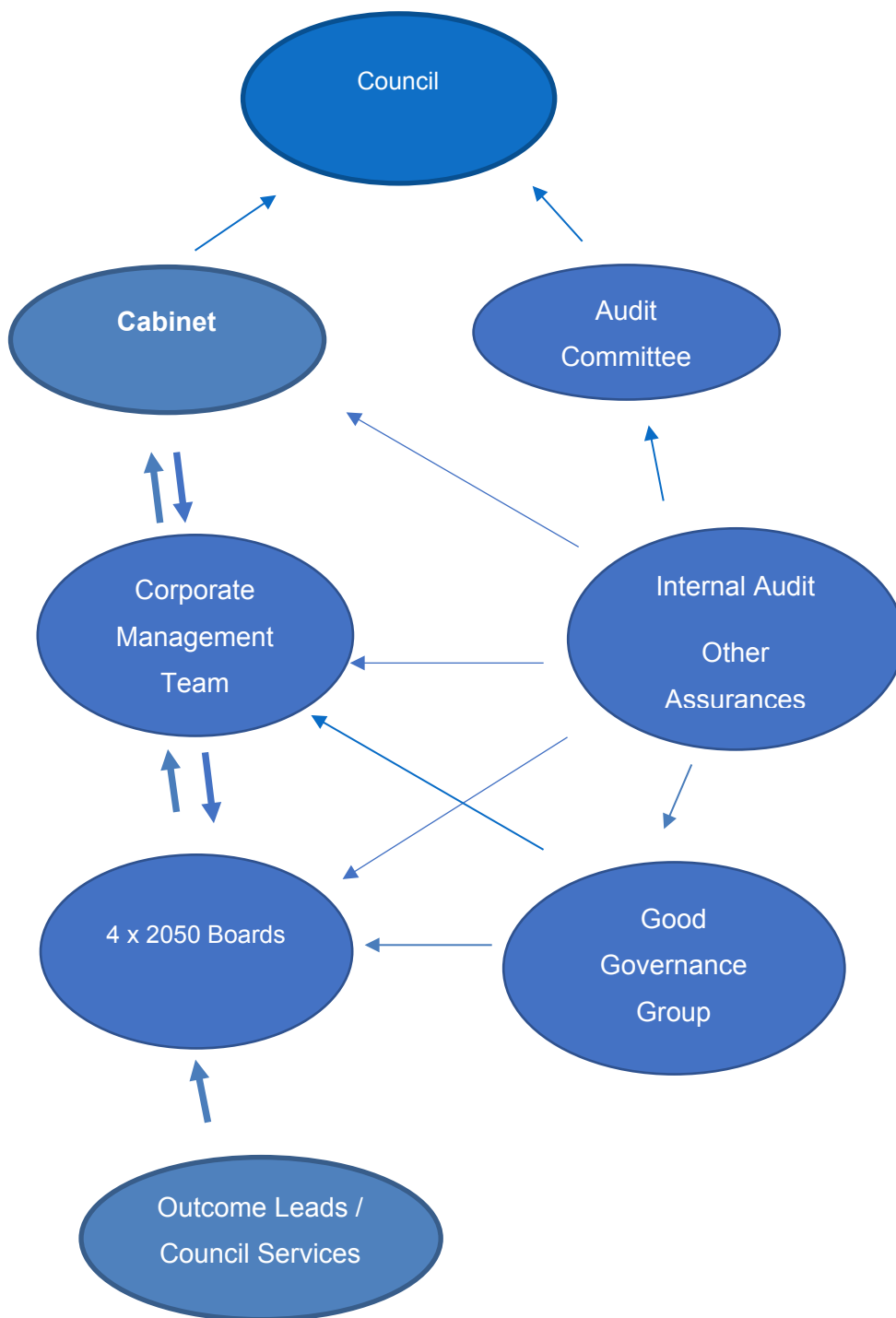
The Council's Risk Management aims and objectives, for the period of this Strategy, are as follows:

- To ensure that actions taken to maximise opportunities and minimise the likelihood of risks crystallising, and / or reducing the impact of consequences should risks crystallise, are in accordance with the Council's defined appetite and tolerance
- To further embed robust risk management into the culture of the Council in line with the approved policy, supporting procedures and good practice
- To ensure that the Risk Management process including effective reporting arrangements to senior Management and Members remain fit for purpose, optimising the efficiency of resources input.

How these objectives will be achieved is outlined within the Delivering the Strategy section below.

DELIVERING THE STRATEGY

The diagram below outlines the governance structure with regards risk management.



Appendix 1 outlines the roles and responsibilities with regards Risk Management in the Council. The effective delivery of the strategy will be reliant on fulfilment of the respective roles and responsibilities.

An action plan is in place to ensure implementation of the approved policy and strategy. This can be found at **Appendix 2**. From 2019/20 there is an acknowledgement that the activity will be supported by the Head of Internal Audit with other risk resources, and that the procedures will need to continue to develop and evolve as the governance around the 2050 programme evolves, until this becomes embedded.

A timetable for reporting cycles has been included as **Appendix 3** for the financial year 2019/20. This will be updated and communicated to key stakeholders annually as part of the annual review of the risk management arrangements.

A guidance document will be created to support officers in applying the requirements of the policy and strategy into their day to day roles and responsibilities. This will be finalised and approved by December 2019.

Group / Individual	Role / Responsibility
Cabinet	<ul style="list-style-type: none"> • To have regard to the risks faced by the council within the Cabinet decision making process • Periodically review and challenge the Corporate Risk Register • Endorse the Council's Risk Management Policy Statement and Strategy.
All Councillors	<ul style="list-style-type: none"> • Support and promote risk management • Consider the risks involved in any key decisions made.
Councillor Theme / Outcome Leads	<ul style="list-style-type: none"> • Support the development and have a shared understanding of the risk registers that relate to their allocated theme / outcome.
Audit Committee	<ul style="list-style-type: none"> • To assure themselves that the Risk Management Framework is operating effectively and in accordance with the approved Policy and Strategy • To provide independent assurance to Cabinet and Council on the above • Seek assurances that action is being taken on risk related issues identified by auditors and inspectors.
Chief Executive and Corporate Management Team	<ul style="list-style-type: none"> • To ensure that the corporate risk register reflects those organisational risks that may prevent it delivering on the 2050 ambition • Support and promote risk management throughout the council • To oversee the development / review of the council's Risk Management Strategy / Framework • To ensure engagement in risk and control mechanisms across their respective service areas.
Head of Internal Audit (Officer Champion for Risk)	<ul style="list-style-type: none"> • Facilitating the link across risk management activity at the corporate level • Managing resources to support risk management in the organisation at the operational level • Attending CMT quarterly strategic forward looking meetings • Identifying the resources to deliver the action plan (appendix 2) and confirming to CMT and Audit Committee they are in place.
S2050 Theme Leads	<ul style="list-style-type: none"> • Champion and ensure that risk management is implemented across the five themes and 23 outcomes • Identify relevant lead officers / risk owners as appropriate • To ensure that Members are briefed on significant risks that fall within their theme / outcome and actions to address these • Consider cross cutting, joint working and risks within partnership working • Escalate risks as appropriate to CMT / Corporate Risk Register.
Good Governance Group	<ul style="list-style-type: none"> • Challenge the Corporate Risk Register quarterly • Focus their agenda on gaps in controls and / or assurances
S2050 Outcome Leads	<ul style="list-style-type: none"> • To embed risk management into their outcome and escalate risks as required.
Risk Champions	<ul style="list-style-type: none"> • To support the continued development of risk management by embedding risk management in the running of their respective board/service and acting as a point of contact to provide support and information as appropriate.

Group / Individual	Role / Responsibility
Internal Audit	<ul style="list-style-type: none"> • To offer independent, objective assurance and advice on risk management activity • To undertake an audit of risk management arrangements and make recommendations on actions to be considered • To provide assurance on the effectiveness of controls, including annual assessment of the council's risk management and internal control mechanisms as part of the Annual Governance Statement.
Risk Management Function	<ul style="list-style-type: none"> • To ensure that the Risk Management Framework, including the Policy Statement, Strategy and guidance, are kept up to date, reflect best practice and are relevant to the organisation • To provide support on risk management across the council • To co-ordinate the reporting of the corporate risk register to senior officers and Councillors and provide advice and challenge as appropriate, including the tracking of action plans in the risk register • To support the identification of and analyse key new and emerging risks and report to CMT for consideration (horizon scanning) • Support communication of the risk management strategy and process, and update as appropriate, across the council through risk reviews and training sessions • Advise on possible actions that may be required in respect of business change initiatives • Ensuring there is a robust framework of assurances shared within the council. For example ensuring there is periodic consideration of insurance management information reports and other risk focused performance data, and take forward any identified initiatives arising from identifying incidents that can add value to the business and avoid loss control • Promoting risk management awareness.
All Employees	<ul style="list-style-type: none"> • To understand the risks that relate to their role and activities and their role in reporting on and managing these • To report new or emerging risks in a timely manner.

Ref	Implementation Action Plan	Estimated Timing by
1	General communications to the organisation following approval of the Policy Statement and Strategy	September 2019
2	Attendance at four 2050 Governance Boards to capture programme / corporate risks Identification of Risk Champions	October 2019
3	Attendance at Good Governance Group to workshop corporate risks and procedures	October 2019
4	Attendance at CMT to propose risk management procedures and seek approval for operational guidance documents	November 2019
5	Attendance at Directorate Management Team Meetings to promote risk management and new approach	December 2019
6	Refresh of Corporate Risk Register	December 2019
7	Attendance at service team meetings to promote new approach	March 2020
8	Meetings with outcome leads / groups to workshop risks	March 2020
9	Refresh of Corporate Risk Register	March 2020
10	Update and refresh of this action plan for 2020/21 as part of the Annual Review of Risk Management	May 2020
11	Independent review of Risk Management for inclusion in Annual Report and Head of Internal Audit Opinion. To manage conflict of interest for Head of Audit.	May 2020

Dates	Reporting Action Required
October 2019	2050 Governance Boards to capture programme / corporate risks
October 2019	Good Governance Group to workshop corporate risks and procedures
December 2019	CMT to propose risk management procedures
December 2019	CMT update and Corporate Risk Register
January 2020	Cabinet update and Corporate Risk Register
February 2020	CMT update and Corporate Risk Register
May 2020	Good Governance Group update and Corporate Risk Register
May 2020	CMT update and Corporate Risk Register
July 2020	Cabinet update and Corporate Risk Register

Counter Fraud, Bribery and Corruption Policy and Strategy

Southend-on-Sea Borough Council
Counter Fraud, Bribery and Corruption Policy and Strategy

VERSION CONTROL SHEET

Title:	Counter Fraud, Bribery and Corruption Policy and Strategy
Purpose:	To advise council workers and suppliers on what fraud, bribery and corruption is, how to identify it and report it.
Owner:	Counter Fraud & Investigation Directorate
Approved by:	Corporate Management Team – 07/08/2019 Cabinet – 17/09/2019
Date:	Approved – 17/09/2019 Implemented – 18/09/2019
Version Number:	2.2
Status:	Draft
Review Frequency:	Bi-annually
Next Review Date:	September 2021

Change History		
Date	Change Details	Approved by
Nov 2018	Revision of formatting and reporting methods, legislative changes.	Joe Chesterton, Strategic Director (Finance & Resources)
August 2019	Revision of formatting and reporting methods, legislative changes.	Joe Chesterton, Strategic Director (Finance & Resources) John Williams, Strategic Director (Legal & Democratic Services)

Policy Statement

Southend-on-Sea Borough Council is serious about protecting the public money we are charged with to protect. We take a strong stance against those who seek to commit fraud against the council.

It is an unfortunate reality that Southend-on-Sea Borough Council, like any large organisation, is not immune from fraud, bribery and corruption from both those outside the organisation and the few who may work here and commit crime.

Cases of internal fraud are extremely rare and we have a strong framework of policies and controls in place to detect any risks, supported by our Internal Audit Service and Counter Fraud & Investigation Directorate.

This policy sets out what the council will do to make it the most difficult environment for fraud to occur and the responsibility on everyone in the council to find fraud and report it.

Fraud in councils can happen anywhere. No team or department is immune. As a council we spend around £520m annually. International standards say that about 3% of that spending will be lost due to fraud and corruption. That equates to £15m, every year.

It is important that we look after our resident's money and make sure no one misuses it. It is incumbent on all of us in the council to report any suspicions we may have and support the Internal Audit and Counter Fraud services in their work.

Alison Griffin

Chief Executive & Town Clerk

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Counter Fraud, Bribery and Corruption Policy and Strategy

1. Introduction

- 1.1 As a local authority Southend-on-Sea Borough Council (the Council) is responsible for delivering key frontline services such as maintaining roads, keeping our borough clean and green, educating our children and young adults as well as supporting the vulnerable in health and social care support.
- 1.2 We deliver these services with the £520m of public money we have in our budget. Criminals do and will continue to seek to take that money from the Council. Criminals can come in all forms from services users, to suppliers and the colleagues sitting next to us.
- 1.3 The way to beat those who seek to take the public's money is to make sure our systems and controls in place are strong, and then consistently implement them. This means all of the procedures we have as teams are robust and auditable, so we can prevent fraud and identify possible concerns.
- 1.4 This policy sets out what fraud, bribery and corruption is, how you can spot it and what to do if you suspect it.
- 1.5 Every council worker and our partners are responsible for following this policy and reporting their suspicions to our Head of Internal Audit and Counter Fraud & Investigation Directorate.
- 1.6 As council workers we are public officials who must all follow the seven Principles of Public Life, also known as the Nolan Principles. These are:

1. Selflessness

Holders of public office should act solely in terms of the public interest.

2. Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

4. Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

5. Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

6. Honesty

Holders of public office should be truthful.

7. Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2. What is Fraud?

- 2.1 In this policy 'fraud' is used as shorthand for any criminal offence where money or assets belonging to the Council can be lost. It includes theft, fraud, burglary and other deception offences such as corrupt practices by those who work for us or suppliers.
- 2.2 Fraud is where a person is dishonest in their actions in order to cause a loss to the Council or expose the Council to a potential loss. It also includes where a person causes a chain of events by doing **or** not doing something, that causes **or** exposes the Council to a loss.
- 2.3 Any of the actions described above are criminal offences and can result in imprisonment.

3. How is fraud committed against Council?

Applying for Services / Making a Declaration

- 3.1 The Council provides hundreds of different services to the public we serve. Unfortunately there is a small minority of those who seek to take advantage of those services. This could be by a person embellishing their circumstances, making something up completely or purposefully not declaring something.
- 3.2 In the Council's welfare support services such as Social Care, Housing and Essential Living Fund, this could be a person not being honest about their needs, what their financial status is or what they will be using the services for. It may be a person acting on the service user's behalf that is being dishonest in order to benefit them.
- 3.3 In each of these examples the frauds are denying the legitimate use of Council funds for those who are in need.

Suppliers / Providers

- 3.4 The highest risk to the public sector is from its supply chain. A Council is a business making regular and sometimes large financial transactions with our suppliers and providers in order to deliver our services.
- 3.5 Some unscrupulous suppliers, or staff working in supplier companies, may seek to take advantage of our payment systems and processes.
- 3.6 Fraud in this area can be committed where suppliers submit false or 'erroneous' invoices or other requests for payment. Suppliers may also be dishonest in how they are delivering the services or goods we have asked them for. They may be poor quality or not supplied at all.
- 3.7 Staff that deal with our suppliers and providers must ensure that the Council is getting what it has paid for. The Council's Corporate Procurement Team is experienced in letting and managing contracts and applying the right controls when sourcing goods, works and services.

Did you know?

In 2014, the Council prosecuted a Foster Carer who stole £5,500 from a child in their care.

Council Worker Fraud

- 3.8 Like any large employer employing thousands of people, there will always be a small minority of people who seek to commit fraud or allow fraud to take place.
- 3.9 Fraud in this area can be staff who take unauthorised absences, such as:
- Claiming 'flexi time' when they haven't accrued any
 - Claiming to be working from home when they are not
 - Claiming to be working in the field but going home early / starting later.
- 3.10 Payroll or expenses fraud can also be committed by Council workers. For example, staff falsely claiming overtime for hours they have not worked or mileage or subsistence for expenses they have not incurred.
- 3.11 It is therefore important for all staff to follow the Council's procedures, particularly those staff in management positions authorising such claims or transactions, as well as colleagues who may notice irregularities.

Did you know?

The impact if all staff falsely worked half an hour less per week would effectively be a cost to the Council of £130k every year.

4. What is bribery and corruption?

- 4.1 As public servants, all workers in the Council are in a privileged position to serve the public of Southend-on-Sea. That responsibility comes with a significant amount of trust and confidence in how we conduct ourselves.
- 4.2 It has always been a criminal offence for anyone working at the council to receive gifts or hospitality where the person giving the gift or hospitality is seeking to induce us to, or reward us for doing something for their, or somebody else's benefit.
- 4.3 This type of corruption has been depicted in many different films and fictional stories since time began. Examples have seen cases of criminals:
- seeking to build a house that would normally be rejected by planners
 - wanting the Council to 'look the other way' for parking fines or other enforcement responsibilities.
- 4.4 This type of criminality is the most serious type of dishonesty.
- 4.5 Those who act corruptly or offer themselves to receive gifts or hospitality to feed this criminality bring the Council and their colleagues in to disrepute.

5. What do I do if I suspect fraud, bribery or corruption?

- 5.1 The Counter Fraud & Investigation Directorate (CFID) is responsible for dealing with any cases of suspected criminality described in this policy, **not the police**.
- 5.2 It is the responsibility of everyone working here to look for and report any possible fraud taking place. You **do not** have to speak to a manager before reporting your suspicions.
- 5.3 If you see any of the suspicious activity linked to fraud **you should**:
- △ Not tell the person that you have any suspicions about them
 - △ Take copies of any records that could help to a secure location
 - △ Telephone a member of the CFID team right away on **03000 999111 (24/7)**
 - △ Follow the instructions given by the CFID team.

6. What does the Council do with cases of suspected fraud?

- 6.1 The Council has a dedicated team of professionally trained and accredited investigation officers who fully investigate instances of suspected fraud. The CFID team work around the clock, anywhere in the UK, utilising powers to arrest persons, search their premises and seize their assets to take back what the Council has lost.
- 6.2 In cases where there may be a proven case of fraud the Council's Legal Services has dedicated Criminal Prosecutors who apply the Code for Crown Prosecutors. This code is used by a lawyer to decide, independently, whether:
- there is sufficient evidence of a crime
 - it is in the public interest to prosecute those responsible.

Did you know?

Since 2014, the Council has recovered £552k from fraudsters.

- 6.3 CFID also has a dedicated Criminal Finances Unit that is accredited by the National Crime Agency to present cases to a Judge where necessary to obtain consent to pursue actions requiring that approval, and confiscate any criminal proceeds.
- 6.4 The Council will always publicise cases of proven fraud in the media to act as a deterrent and encourage people to come forward to report fraud.
- 6.5 CFID share all the allegations they have received and the work that they have done to investigate those allegations with the Executive Director (Finance & Resources) and the Head of Internal Audit on a monthly basis.

7. Whistleblowing

- 7.1 The Council is committed to providing the highest quality service to our residents, businesses and visitors to Southend-on-Sea. Maintaining the full trust and confidence in the way the Council manages our services and resources is essential. Our priority is making sure those in need and vulnerable are provided for safely, effectively and in accordance with best practice.
- 7.2 The Council's Whistleblowing Policy is intended to encourage and enable workers to raise serious concerns. Council workers reporting concerns this way are afforded certain rights and protection through legislation enacted under the Public Interest Disclosure Act 1998.
- 7.3 Workers who report concerns will be supported and protected from reprisals. Everything possible will be done to protect their confidentiality. They will be advised of the action that has been taken by the person to whom they reported their concerns.
- 7.4 Management are responsible for reporting all allegations received from whistleblowing under the confidential reporting code to the Monitoring Officer. The Monitoring Officer will refer the allegations relating to suspected fraud, money laundering, bribery and corruption to the Counter Fraud & Investigation Directorate for investigation. All such cases should be recorded in a register maintained by the Monitoring Officer.
- 7.5 CFID will deal with the matter promptly, efficiently and in accordance with the law, involving such outside agencies as appropriate (including the police). Where a service provider employee is involved, the supplier will be informed where appropriate in liaison with the Executive Director (Finance & Resources) and CFID.

8. Information Sharing

- 8.1 As a responsible data controller, the Council always ensures that personal data we hold is safeguarded in accordance with the Data Protection Act 2018 and the General Data Protection Regulation.
- 8.2 The Council will use data to ensure that we are protected from any cases of suspected fraud, bribery or corruption as well as money laundering and identify those involved.
- 8.3 Any workers contacted by the CFID, Internal Audit or Legal Services as part of a criminal investigation must provide any Council data held in any form (paper or electronically). Council workers must not tell anyone that they have been asked for any material for an investigation, unless permitted to by the CFID, Internal Audit or Legal Services.
- 8.4 Any concerns workers may have about releasing information should be directed to the Assistant Director for Fraud & Investigation, Head of Internal Audit, Strategic Director (Finance & Resources) or Strategic Director (Legal & Democratic Services).

9. Monitoring Delivery

- 9.1 The CFID leads the Council's fight against fraud and economic crime, including bribery and corruption. The team reports quarterly to the Council's Corporate Management Team and Audit Committee on its work to tackle the problem and its performance in delivering this Strategy.

Southend-on-Sea Borough Council
Counter Fraud, Bribery and Corruption Policy and Strategy
Appendix 1: Roles & Responsibilities

Expected Behaviour

The Council requires all staff and Councillors to act honestly and with integrity at all times and to safeguard the resources for which they are responsible. Fraud is an ever-present threat to these resources and hence must be a concern to all staff and Councillors. The purpose of this statement is to set out specific responsibilities with regard to the prevention of fraud.

Section 151 Officer (Executive Director (Finance & Resources)) is responsible for:

- Proper administration of the authority's financial affairs
- Reporting to Councillors and External Audit if the Council, or one of its representatives makes, or is about to make, a decision which is unlawful, or involves illegal expenditure or potential financial loss (Local Government Finance Act 1988 s.114)

Monitoring Officer is responsible for:

- Reporting on contraventions or likely contraventions of any enactment or rule of law
- Report on any maladministration or injustice where the Ombudsman has carried out an investigation
- Receiving copies of whistleblowing allegations of misconduct
- Promoting and maintaining high standards of conduct through and with the support of the Standards Committee
- Advice on vires (legality) issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Councillors

Managers are responsible for:

- Maintaining internal control systems and ensuring that the authority's resources and activities are properly applied in the manner intended
- Identifying the risks to which systems and procedures are exposed
- Developing and maintaining effective controls to prevent and detect fraud
- Ensuring that controls are being complied with, including making sure their staff are performing well and meeting council policies and procedures.

Individual members of staff are responsible for:

- Their own conduct and for contributing towards the safeguarding of corporate standards (including declarations of interest, gifts & hospitality, private working, whistleblowing etc.)
- Acting with propriety in the use of official resources and in the handling and use of corporate funds, such as when dealing with contractors and suppliers
- Reporting details immediately to the Counter Fraud & Investigation Directorate if they suspect that a fraud, theft, bribery, corruption or money laundering has been committed, or see any suspicious acts or events

Southend-on-Sea Borough Council
Counter Fraud, Bribery and Corruption Policy and Strategy
Appendix 1: Roles & Responsibilities

Internal Audit is responsible for:

- The independent appraisal of control systems
- Reporting to the Corporate Management Team and the Audit Committee on the council's governance framework
- The implementation of an annual audit plan to include identification of fraud risks to the Counter Fraud & Investigation Directorate

Counter Fraud & Investigation Directorate is responsible for:

- The investigation into allegations of any money laundering, fraud, bribery, theft, corruption and related offences committed against the authority
- Reporting of persons for consideration of prosecution (or the application of an alternative sanction)
- All action under the Proceeds of Crime Act 2002 and Criminal Justice Act 1988 in respect of financial investigation, restraint, detention, forfeiture and confiscation
- The co-ordination of participation in the National Fraud Initiative (NFI)
- Providing Counter-Fraud, Money Laundering, Theft, Bribery & Corruption Awareness
- Taking redress from offenders under criminal and civil law
- Referring any matters to & receiving information and intelligence from all law enforcement agencies (Police, HMRC, Home Office etc) where appropriate.

External Audit has specific responsibilities for:

- Reviewing the stewardship of public money
- Considering whether the Council has adequate arrangements in place to prevent fraud and corruption
- Signing off the annual accounts of the authority

Councillors are each responsible for:

- Their own conduct
- Contributing towards the safeguarding of corporate standards, as detailed in the Members' Code of Conduct

Southend-on-Sea Borough Council
Counter Fraud, Bribery and Corruption Policy and Strategy
Appendix 2: Key Contacts

Contact	Details
Counter Fraud & Investigation Directorate	9 th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 03000 999 111 E-mail: counterfraud@southend.gov.uk Web: southend.gov.uk/fraud
David Kleinberg Assistant Director for Fraud & Investigation	Tel: 03000 999 111 E-mail: davidkleinberg@southend.gov.uk
Joe Chesterton Strategic Director (Finance & Resources) <i>(s.151 Chief Finance Officer)</i>	10 th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 01702 215200 E-mail: joechesterton@southend.gov.uk
John Williams Strategic Director (Legal and Democratic Services) <i>(Monitoring Officer)</i>	2 nd Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 01702 215102 E-mail: johnwilliams@southend.gov.uk
Andrew Barnes Head of Internal Audit	9 th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 07827 348375 E-mail: andrewbarnes@southend.gov.uk
Protect <i>(Independent charity for whistleblowing, providing free independent legal advice)</i> 	CAN Mezzanine, 7-14 Great Dover Street, London SE1 4YR Tel: 020 3117 2520 E-mail: whistle@protect-advice.org.uk Web: pcaw.org.uk

1 Fraud

- 1.1 The Fraud Act 2006 introduced the first statutory definition of fraud whereby:

“A person is guilty of fraud if he is in breach of any of the sections listed in subsection (2) (which provide for different ways of committing the offence).

Fraud can be committed by:

- a) section 2 (Fraud by False Representation),*
- b) section 3 (Fraud by Failing to Disclose Information), and*
- c) section 4 (Fraud by Abuse of Position). “*

Fraud by false representation

A fraud will be committed if a person dishonestly makes a false representation and when doing so intends to make a gain or cause loss (or a risk of loss) to another.

Fraud by failing to disclose information

A fraud will be committed if a person dishonestly fails to disclose information where there is a legal obligation to do so and when doing so intends to make a gain or cause loss (or a risk of loss) to another.

Fraud by abuse of position

A person will commit fraud if he occupies a position in which he is expected to safeguard, or not act against, the financial interests of another person and he dishonestly abuses that position; and in doing so intends to make a gain or cause loss (or a risk of loss) to another.

2 Theft, Burglary and Robbery

- 2.1 A person is guilty of **theft** if they dishonestly appropriate property, belonging to another, with the intention of permanently depriving the other of it.
- 2.2 Theft includes where someone takes something “and uses it as their own”.
- 2.3 A person is guilty of **robbery** if they steal, and immediately before or at the time of doing so, and in order to do so, they use force on any person or put or seek to put any person in fear of being then and there subjected to force.
- 2.4 A person is guilty of **burglary** if they enter any building or part of a building as a trespasser and with intent to steal anything in the building or part of a building in question, of inflicting on any person therein any grievous bodily harm; or having entered any building or part of a building as a trespasser they steal or attempt to steal anything in the building or that part of it or inflicts or attempts to inflict on any person therein any grievous bodily harm.

1 Bribery

- 1.1 A bribe is *“a financial or other advantage that is offered or requested with the intention of inducing or rewarding the improper performance of a relevant function or activity, or with the knowledge or belief that the acceptance of such an advantage would constitute the improper performance of such a function or activity.”*
- 1.2 The types of offending relating to bribery are:
- 1.2.1 **Bribery:** Giving or receiving something of value to influence a transaction dishonestly makes a false representation.
 - 1.2.2 **Illegal gratuity:** Giving or receiving something of value after a transaction is completed, in acknowledgment of some influence over the transaction.
 - 1.2.3 **Extortion:** Demanding a sum of money (or goods) with a threat of harm (physical or business) if demands are not met.
 - 1.2.4 **Conflict of interest:** Where a worker has an economic or personal interest in a transaction.
 - 1.2.5 **Kickback:** A portion of the value of the contract demanded / provided as a bribe by an official for securing the contract.
- 1.3 The Bribery Act 2010, which came into force on 1st July 2011, introduced four primary offences in a single piece of legislation with all previous statutes being repealed.
- 1.3.1 Section 1: Offences of bribing another person, where:
 - (a) *a person offers, promises or gives a financial or other advantage to another person, and*
 - (b) *intends the advantage to:*
 - (i) *induce a person to perform improperly a relevant function or activity, or*
 - (ii) *reward a person for the improper performance of such a function or activity.*
 - 1.3.2 Section 2: Offence relating to being bribed.
 - 1.3.3 Section 6: Bribery of foreign public officials.
 - 1.3.4 Section 7: Failure by a commercial organisation to prevent bribery.
- 1.4 Under the Bribery Act, an organisation has a defence if it can show that it has adequate bribery prevention procedures in place. The Ministry of Justice guidance¹ on the Bribery Act 2010, explains what needs to be in place to rely on this defence:
- 1.4.1 **Proportionality:** An organisation’s procedures to prevent bribery by persons associated with it are proportionate to the bribery risks it faces and to the nature, scale and complexity of the organisation’s activities. They are also clear, practical, accessible, effectively implemented and enforced.
 - 1.4.2 **Top Level Commitment:** *Those at the top of an organisation are in the best position to ensure their organisation conducts business without bribery. We want to show that we have been active in making sure that our staff (including*

¹ <http://www.justice.gov.uk/downloads/legislation/bribery-act-2010-quick-start-guide.pdf>

any middle management) and the key people who do business with us and for us understand that we do not tolerate bribery.

- 1.4.3 **Risk Assessment:** The organisation assesses the nature and extent of its exposure to potential external and internal risks of bribery on its behalf by persons associated with it. The assessment is periodic, informed and documented. It includes financial risks but also other risks such as reputational damage.
- 1.4.4 **Due Diligence:** *Knowing exactly who we are dealing with can help to protect our organisation from taking on people who might be less than trustworthy.*
- 1.4.5 **Communication:** *Communicating our policies and procedures to staff and to others who will perform services for us enhances awareness and helps to deter bribery by making clear the basis on which our organisation does business.*
- 1.4.6 **Monitoring and Review:** we monitor and review procedures designed to prevent bribery by persons associated with it and makes improvements where necessary.

- 1.5 Prior to 2011, under Common Law, a person commits an offence where a person *“Offering, giving or receiving, any undue reward, by or to any person whatsoever in a public office, in order to influence his behaviour in office and incline him to act contrary to the known rules of honesty and integrity.”*

Corruption

- 1.6 Corruption can be committed in many ways but normally involves *“two or more people entering into a secret agreement.”*
- 1.7 Indicators showing this type of offending can include the following:
 - 1.7.1 Abnormal cash payments.
 - 1.7.2 Pressure exerted for payments to be made urgently or ahead of schedule.
 - 1.7.3 Private meetings with public contractors or companies hoping to tender for contracts.
 - 1.7.4 Lavish gifts being offered or received.
 - 1.7.5 An individual who never takes time off even if ill, or holidays, or insists on dealing with specific contractors himself or herself.
 - 1.7.6 Making unexpected or illogical decisions accepting projects or contracts.
 - 1.7.7 Abuse of the decision process or delegated powers in specific cases.
 - 1.7.8 Agreeing contracts not favourable to the organisation either because of the terms or the time period.
 - 1.7.9 Unexplained preference for certain contractors during tendering period.
 - 1.7.10 Avoidance of independent checks on the tendering or contracting processes.
 - 1.7.11 The Council’s or its suppliers / partner’s procedures or guidelines not being followed.

- 1.8 The Local Government Act 1972 requires under section 117(2) that employees must disclose any personal interest in contracts that have been, or are proposed to be, entered into by the Council. Failure to do so is a criminal offence.



FRAUD AFFECTS COUNCILS TOO

Have you seen anything suspicious?

- Unusual applications for council services
- Suspicious identity documents or transactions
- Suppliers not delivering what we pay for

If you suspect it, report it.

Call in confidence on **03000 999 111** or
visit **southend.gov.uk/fraud**



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Counter-Money Laundering Policy and Strategy

VERSION CONTROL SHEET

Title:	Counter-Money Laundering Policy & Strategy
Purpose:	To advise council workers and suppliers on what money laundering is, how to identify it and report it.
Owner:	Counter Fraud & Investigation Directorate
Approved by:	Corporate Management Team – 07/08/2019 Cabinet – 17/09/2019
Date:	Approved – 17/09/2019 Implemented – 18/09/2019
Version Number:	2.2
Status:	Draft
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Change History		
Date	Change Details	Approved by
May 2017	Inclusion of 4 th Money Laundering Directive	Joe Chesterton (Head of Finance & Resources)
August 2019	Revision of formatting and reporting methods, legislative changes.	Joe Chesterton, Executive Director (Finance & Resources) John Williams, Executive Director (Legal & Democratic Services)

Counter-Money Laundering Policy Statement

Southend-on-Sea Borough Council is serious about protecting public money and ensuring that criminals do not use the council in their enterprises.

Money laundering is a serious crime and recognised as a 'critical enabler' for organised criminal gangs and terrorists to benefit and use for other criminality. Denying criminals the use of their ill-gotten gains disrupts criminality and can help law enforcement identify offenders.

The UK has developed strong legislation to tackle the problem with the right focus being on the financial services industries that are largely targeted to launder the proceeds of crime. The 'regulated sector', as it is known, has experienced and robust processes to make it difficult for criminals to launder their criminal proceeds.

As this work by the banks, financial institutions, legal and property related firms becomes more successful the way criminals launder their illegal money becomes more difficult for them.

The effect of this success is that more and more public bodies are being targeted by criminals to launder their criminal proceeds.

Southend-on-Sea Borough Council takes a strong stance against any criminality. Our dedicated Criminal Finances Unit in the Counter Fraud & Investigation Directorate is experienced in using their powers to identify, seize and confiscate criminal proceeds. We need to ensure that the entire council is live to this reality and works hard to prevent and detect it.

We will continue to work closely with our partners in the National Crime Agency to share information and intelligence and pursue criminals who seek to use the council as a money laundering vehicle.

Ali Griffin

Chief Executive

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1. Introduction

- 1.1 An overriding responsibility of all public sector organisations is the provision of effective and efficient services to our residents in a manner that seeks to ensure the best possible protection of the public funds we use.
- 1.2 This policy sets out the action we will take to mitigate the risk that money could be laundered through our systems.
- 1.3 The legislative requirements concerning anti-money laundering procedures are lengthy and complex. Whilst the risk to the Council of contravening the legislation is relatively low, it is extremely important that all Council and schools workers are familiar with their legal responsibilities. Serious criminal sanctions may be imposed for breaches of the legislation, including imprisonment.
- 1.4 As a responsible public body we expect all of our suppliers and contractors to follow our strong stance and not tolerate any criminality attempting to affect our services or staff.

2. What is Money Laundering?

- 2.1 Money laundering is the process through which 'criminal property' (i.e. a person's benefit from criminal conduct) is given the appearance of having originated from a legitimate source.
- 2.2 Criminal conduct is anything that is a criminal offence in the United Kingdom. It could be fraud, theft, drug dealing, prostitution, terrorism and includes offences such as breaching building planning law and trade mark offences
- 2.3 Criminal property is defined as anything which is a person's benefit from their criminal conduct. That could be money, real and personal property (houses, buildings, boats, cars, horses, watches etc), 'things in action' and other intangible or incorporeal property (i.e. debts, intellectual property such as copyright, designs and patents etc)

3. What are the Money Laundering criminal offences?

Proceeds of Crime Offences

- 3.1 The criminal offences of money laundering are contained in the Proceeds of Crime Act 2002. They are committed when 'criminal property' is transferred, concealed, disguised, converted or removed by a person from England, Wales, Scotland & Northern Ireland.
- 3.2 A person also commits the offence of 'money laundering' if they enter into or become concerned in an arrangement which they know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person
- 3.3 A person commits a criminal offence when they do something that might prejudice 'a money laundering investigation', for example, falsifying or concealing a document or 'tipping off' ("telling") a person who is suspected of being involved in money laundering.

Terrorist Financing Offences

- 3.4 The Terrorism Act 2000 also creates money laundering offences where a person enters in to or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property ("money");
 - by concealment
 - by removal from the United Kingdom
 - by transfer to nominees, or
 - in any other way
- 3.5 It should be understood that 'terrorist property' covers not only the money stolen in, say, a terrorist robbery, but also any money paid in connection with the commission of terrorist acts. Any resources of a proscribed organisation are also covered: not only the resources they use for bomb-making, arms purchase etc but also money they have set aside for non-violent purposes such as paying their rent.
- 3.6 A proscribed organisation is defined under Schedule 2 of the Terrorism Act 2000. The Counter Fraud & Investigation Directorate is responsible for monitoring these organisations and responding appropriately.

- 3.7 A person also commits a criminal offence if they fail to disclose to a constable that they believe a person has committed a terrorism money laundering offence.

Criminal Law Defences

- 3.8 A person does not commit a criminal offence where they can demonstrate that ***“his employer has established a procedure for the making of disclosures of the matters specified”*** and they follow that procedure.

4. How to identify suspected Money Laundering

- 4.1 All council workers should be alert to the possibility of someone trying to launder criminal proceeds through the Council. Some indications of suspicious activity are:

- △ Large cash payments (e.g. paying business rates in cash)
- △ Overpayments by a person/ company in any way
- △ Duplicate payments by a person/ company in any way
- △ Regular requests for refunds of payments
- △ Regular ‘chargebacks’ for card payments
- △ Someone paying on behalf of a third party
- △ Cash buyers purchasing land or property (e.g. Right to Buy properties)

- 4.2 Any council workers with concerns about money laundering should contact a member of the Counter Fraud & Investigation Directorate (CFID) on **03000 999111** for advice.
- 4.3 CFID regularly provides training to council services on identifying and reporting suspected money laundering.

5. How to report suspected Money Laundering

- 5.1 The Counter Fraud & Investigation Directorate (CFID) is responsible for managing any cases of suspected money laundering.
- 5.2 It is the responsibility of every council worker to look for and report any possible money laundering taking place. You **do not** have to speak to a manager before reporting your suspicions.
- 5.3 If you see any of the suspicious activity linked to money laundering **you should**:
- △ Not tell the person that you have any suspicions about them
 - △ Take all the records (and any cash) from the person to a secure location
 - △ Telephone a member of the CFID team right away on **03000 999111 (24/7)**
 - △ Follow the instructions given by the CFID team.
- 5.4 **Remember:** Failure to report your suspicions to CFID could expose *you* to criminal prosecution.

6. What does the council do about Money Laundering?

- 6.1 The Criminal Finances Unit in the Counter Fraud & Investigation Directorate is accredited by the National Crime Agency to conduct money laundering investigations. The Accredited Financial Investigators in the team can obtain court Production Orders to access a person's bank accounts, seize any cash and restrain a person's assets, worldwide, who they suspect of money laundering.
- 6.2 In cases where money laundering is proven the council will prosecute those offenders and use the Proceeds of Crime Act 2002 to take their ill-gotten gains. Any money confiscated is paid back in to the council to fight crime.

7. Monitoring Delivery

- 7.1 The Counter Fraud & Investigation Directorate leads the council's fight against fraud and economic crime, including money laundering. The team reports quarterly to the Council's Audit Committee on its work to tackle the problem.
- 7.2 The service also reports regularly on its performance to the Council's Corporate Management Team.

8. Relevant Legislation

- 8.1 The Terrorism Act 2000 as amended by the Anti-Terrorist Crime and Security Act 2001
- 8.2 The Proceeds of Crime Act 2002 (POCA)
- 8.3 Serious Organised Crime and Police Act 2005
- 8.4 The Money Laundering Regulations 2007
- 8.5 Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 (*known as the EU 4th Money Laundering Directive*)

9. Appendix 1 – Key Contacts

Contact	Details
Counter Fraud & Investigation Directorate	9 th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 03000 999 111 E-mail: counterfraud@southend.gov.uk Web: southend.gov.uk/fraud
David Kleinberg Assistant Director for Fraud & Investigation	Tel: 03000 999 111 E-mail: davidkleinberg@southend.gov.uk
Joe Chesterton Strategic Director (Finance & Resources) <i>(s.151 Chief Finance Officer)</i>	10 th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 01702 215200 E-mail: joechesterton@southend.gov.uk
John Williams Strategic Director (Legal and Democratic Services) <i>(Monitoring Officer)</i>	2 nd Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 01702 215102 E-mail: johnwilliams@southend.gov.uk
Andrew Barnes Head of Internal Audit	9 th Floor, Civic Centre, Victoria Avenue, Southend-on-Sea, SS2 6EN Tel: 07827 348375 E-mail: andrewbarnes@southend.gov.uk
Protect <i>(Independent charity for whistleblowing, providing free independent legal advice)</i> 	CAN Mezzanine, 7-14 Great Dover Street, London SE1 4YR Tel: 020 3117 2520 E-mail: whistle@protect-advice.org.uk Web: pcaw.org.uk



MONEY LAUNDERING

Could you spot the signs?

- Cash payments over £1,500
- A person regularly receiving account refunds
- One person paying the debts for several individuals

If you suspect it, report it.

Call in confidence on **03000 999 111** or
visit **southend.gov.uk/fraud**

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WHISTLEBLOWING "CONFIDENTIAL REPORTING" POLICY AND PROCEDURE

PRODUCED BY: HEAD OF INTERNAL AUDIT

SUBJECT TO BI ANNUAL REVIEW

PRESENTED TO:

CORPORATE MANAGEMENT TEAM: AUGUST 2019

CABINET: SEPTEMBER 2019

AUDIT COMMITTEE: OCTOBER 2019

WHISTLEBLOWING POLICY

VERSION CONTROL SHEET

Title:	Whistleblowing Policy
Purpose:	The policy and procedure have been developed so that council workers will know how to raise concerns in the right way at an early stage, and to enable managers to understand their responsibilities in relation to allegations of misconduct and impropriety.
Owner:	Monitoring Officer
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Date	Change Details	Approved by
March 2013	Revision of formatting and reporting methods, legislative changes.	Joe Chesterton, Head of Finance & Resources
August 2019	Revision of formatting, reporting details and officer details.	Joe Chesterton, Executive Director (Finance & Resources) John Williams, Executive Director (Legal & Democratic Services)

WHISTLEBLOWING POLICY

INTRODUCTION

The council is committed to providing the highest quality service to those that live, work, visit, do business and study in the borough. This involves ensuring that the local community can have full trust and confidence in the way the Council manages its services and resources and making sure that all those who are vulnerable such as children, the elderly and people with learning disabilities are provided for safely, effectively and in accordance with best practice.

Employees, workers or contractors at one time or another may have concerns about what is happening at their work with Southend-on-Sea Borough Council ("the Council"). Usually these concerns are easily resolved by speaking to their manager without using a formal process. The Council has this Whistleblowing Policy and Procedure to enable employees, workers or contractors to raise more serious concerns.

This Whistleblowing Policy cannot be used by employees who have a grievance regarding their own employment, who should use the Grievance processes, or by members of the public, who should use the Council's Complaints processes.

The Council is committed to the highest standards of openness, probity and accountability. In line with that commitment we encourage employees, workers and contractors with serious concerns about any aspect of the Council's work to come forward and voice their concerns. The Council would rather they raised the matter when it is just a concern rather than wait for proof. It is recognised that certain cases will have to proceed on a confidential basis. This Whistleblowing Policy makes it clear that such concerns can be raised without fear of reprisals.

This Whistleblowing Policy is not intended for initial reporting of minor lapses of standards, inaction or incidents. If, however, employees, workers or contractors have something more serious that is troubling them which they have discussed with their manager but feel that they have not been taken seriously, or due to the sensitivity of the matter feel they cannot raise their concerns within their service, then they should use this Whistleblowing Policy.

LEGISLATIVE BACKGROUND

The Public Interest Disclosure Act 1998 protects workers making disclosures about certain matters of concern, where those disclosures are made in accordance with the Act's provisions.

The 1998 Act is incorporated into the Employment Rights Act 1996, which also protects employees who take action over, or raise concerns about health and safety at work.

WHISTLEBLOWING POLICY

DEFINITION

Any serious concerns that employees, workers or contractors have about any aspect of service provision or the conduct of Councillors, officers of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Policy.

Workers are protected by law (under the Public Interest Disclosure Act 1998) from any possible reprisals or victimisation for having raised any issues where they **reasonably believe** that in appropriate actions are being, or will be, undertaken. These may include:

- a criminal offence
- fraud & corruption, including bribery
- failure to comply with legislation
- failure to comply with good practice, especially where this endangers children and/or vulnerable adults
- disclosure relating to miscarriage of justice
- health and safety risks, including risks to the public as well as other employees
- damage or danger to the environment
- sexual, physical, emotional or psychological abuse of clients
- failure to comply with the Employees or Members Code of Conduct
- theft of Council property and assets
- failure to comply with the Council's rules on gifts and hospitality
- serious mismanagement or failure to manage
- continuing inappropriate conduct or behaviour or performance by any employee which has been reported to a relevant manager, especially harassment or bullying or discriminatory behaviour. This may include, but not be confined to, actions considered to be based upon the race, gender, disability, age, religion/belief or sexual orientation of the victim
- a cover up of, or failure to report, any of the above.

Under the Public Information Disclosure Act 1998 a "protected disclosure" is specified under section 43B. Not all disclosures detailed in this paragraph offer 'protected disclosure' under the Act. However the Council undertakes to extend the same protection for all disclosures wherever possible.

COMMITMENT OF THE COUNCIL

The Council is committed to considering the concerns of employees, workers or contractors and will take actions as appropriate in line with the Whistleblowing Procedure outlined in this policy.

WHISTLEBLOWING POLICY

SAFEGUARDS

Harassment or victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect employees, workers or contractors when they raise a concern in good faith.

The Council will treat any harassment or victimisation as a serious disciplinary offence to be dealt with under the Discipline and Dismissal at Work Policy.

This does not mean that if employees are already the subject of disciplinary, redundancy or other procedures that those procedures will be halted as a result of their whistleblowing.

Confidentiality

The Council recognises that employees, workers or contractors may nonetheless want to raise a concern in confidence under this Whistleblowing Policy. If an employee, worker or contractor asks the Council to protect their identity, the Council will do its best not to disclose it without their consent. If the situation arises where the Council is not able to resolve the concern without revealing the employee, worker or contractors identity (for instance because their evidence is needed in court), we will discuss with them whether and how we can proceed.

Anonymous allegations

This Whistleblowing Policy encourages employees, workers or contractors to put their name to their allegation. Concerns raised anonymously are much less powerful but they will be considered at the discretion of the Council.

In exercising the discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation.

Untrue allegations

If an employee makes an allegation in good faith but it is not confirmed by the investigation no action will be taken against them. If however, an employee makes a malicious or vexatious allegation, disciplinary action may be taken against them.

THE MONITORING OFFICER (EXECUTIVE DIRECTOR (LEGAL AND DEMOCRATIC SERVICES))

The Executive Director (Legal and Democratic Services) is the Monitoring Officer for the Council. The Monitoring Officer has overall responsibility for the maintenance and operation of this Whistleblowing Policy and Procedure.

WHISTLEBLOWING POLICY

The Counter Fraud & Investigation Directorate maintains a record of concerns raised under the Whistleblowing Policy and Procedure and the outcomes of any investigation undertaken on behalf of the Monitoring Officer, who will report if necessary to the Standards Committee. This is done in a form that does not endanger employee, worker or contractor confidentiality.

The Monitoring Officer will consult with such other Council officers as he or she considers necessary and may arrange for any investigation to be conducted and dealt with in such manner as he or she decides.

SCOPE OF POLICY

- This Whistleblowing Policy applies to all employees, workers and contractors working for the Council, for example agency workers, builders, drivers etc. to enable them to raise serious concerns that they have about any aspect of service provision or the conduct of Councillors, officers of the Council or others acting on behalf of the Council
- This Whistleblowing Policy cannot be used by employees who have a grievance regarding their own employment, who should use the Grievance processes, or by members of the public, who should use the Council's Complaints processes.

DELEGATION

- All managers are authorised to discuss and act upon employees concerns about what is happening at work without using the formal process of the Whistleblowing Policy
- The Monitoring Officer (Executive Director (Legal & Democratic Services)), Corporate Directors, Heads of Service and the Head of Internal Audit are authorised to act (in conjunction with the Counter Fraud & Investigation Directorate) upon serious concerns raised under the Whistleblowing Policy, in accordance with the Whistleblowing Policy and Procedure
- All concerns raised under this Whistleblowing Policy will be notified to the Counter Fraud & investigation Directorate
- All concerns raised under this Whistleblowing Policy regarding financial issues will also be notified to the Head of Internal Audit.

WHISTLEBLOWING POLICY

WHISTLEBLOWING PROCEDURE

HOW TO RAISE A CONCERN

Employees who raise concerns that fall within the scope of other Council Procedures will not be dealt with under this Whistleblowing Procedure, but will be advised on the appropriate procedure to use. Such employees will still receive protection as detailed in the Whistleblowing Policy.

Employees, workers or contractors should normally raise concerns with their immediate manager, without needing to use the Whistleblowing Policy. This depends, however, on the seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice.

Where a concern is serious or where it is a concern about the line manager, or having made a report they believe that their manager has failed to take appropriate action, the employee, worker or contractor should contact:

- the Counter Fraud & Investigation Directorate on 03000 999111 or via counterfraud@southend.gov.uk or
- the Council's Confidential Report Line on 01702 215215

Concerns should be raised in writing, clearly marked “**Whistleblowing, Counter Fraud & Investigation Directorate**” and placed in an envelope marked “**Staff in Confidence**”. The background and history of the concern (giving names, dates, and place where possible), and the reasons for the concern should be set out.

The earlier employees, workers or contractors express a concern, the easier it is to take action. Employees may invite a trade union representative or work colleague to raise a matter on their behalf.

All concerns raised under this Whistleblowing Policy regarding financial issues will also be notified to the Head of Internal Audit.

HOW THE COUNCIL WILL RESPOND

Once an employee, worker or contractor has raised their concern under the Whistleblowing Policy with the Counter Fraud & Investigation Directorate, initial enquiries will be made to decide if an investigation is appropriate and if so what form the investigation should take.

The employee, worker or contractor will be advised of the following:

- who is considering the issue
- how that person can be contacted
- whether their further assistance may be needed.

The senior officer responsible for considering the issue will write to the employee, worker or contractor summarising their concern and setting out how the Council proposes to handle it, if requested to do so. The employee, worker or contractor will also be requested to state any personal interest they may have in the matter.

WHISTLEBLOWING POLICY

The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures. The action taken by the Council will depend on the nature of the concern and may:

- be resolved by agreed action without the need for investigation
- be investigated internally
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry.

The amount of contact between the employee, worker or contractor and the officers investigating the concerns will depend on the concerns raised, but the Council may need to seek further information from the employee, worker or contractor. Any meetings may be arranged on or off site and an employee may be accompanied by a friend, union or professional body representative.

While the purpose of this Whistleblowing Policy is to enable the Council to investigate possible malpractice and take appropriate steps to deal with it, they will provide as much feedback to the employee, worker or contractor as they properly can. If requested, confirmation of the response may be provided in writing. It may not, however, be possible to advise the precise action that will be taken where this would infringe a duty of confidence owed by the Council to someone else.

HOW A CONCERN CAN BE TAKEN FURTHER

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity, **Protect** (formerly known as Public Concern at Work) on 020 3117 2520. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.

The Whistleblowing Policy is intended to provide employees, workers or contractors with the reassurance they may need to raise concerns internally and that they will be satisfied with any action taken.

However, if they are not, and feel that it is appropriate to take the matter outside the Council or if they feel unable to raise their concerns internally, the Council would rather they raised the matter with an appropriate regulator than not at all. The following are possible contact points:

- Local Council Member
- Local Government Ombudsman
- The employee's trade union
- Local Citizens Advice Bureau
- The Police
- Relevant professional bodies, regulatory or other organisations.

If employees, workers or contractors take their concerns outside the Council they should take care not to disclose any confidential information.



**Policy and Procedures
for undertaking Directed Covert Surveillance
and the use of Covert Human Intelligence Sources**

Produced by

- Internal Audit Services, April 2010
- Updated w 1st November 2012
- Updated May 2014
- Updated June 2016
- UPDATED OCTOBER 2016
- UPDATED SEPT 2018
- UPDATED SEPT 2019

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PART 1

POLICY FOR UNDERTAKING DIRECTED COVERT SURVEILLANCE AND USE OF COVERT HUMAN INTELLIGENCE SOURCES

1. Introduction

1.1 The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. Legislation now governs how Local Authorities should administer and record surveillance and the use of informants and renders evidence obtained lawful for all purposes. This Policy sets out the Council's rules and procedures.

1.2 The purpose of this Policy is to ensure there is a consistent approach to the undertaking and authorisation of surveillance activity. Therefore, this Policy is to be used by all Council service areas and officers undertaking investigation work and using the techniques of surveillance or the use of Covert Human Intelligence Sources (CHIS's).

1.3 In this Policy the following terms shall have the meanings stated:

"Investigating Officer" – shall mean any Council officer undertaking or wishing to undertake directed covert surveillance or to use a CHIS provided he / she has received appropriate training.

"Authorising Officer" – shall mean.

- i) All Chief Officers who have received appropriate training
- ii) Holders of the following three posts provided he/she has received appropriate training – Group Manager for Environmental Health, Group Manager Waste and Environmental Care and the Director for Public Protection

"Senior Responsible Officer" – shall mean the Executive Director (Legal & Democratic Services) John Williams
johnwilliams@southend.gov.uk

"Principal Legal Executive" – shall mean the officer with this job title currently Tessa O'Connell
tessaoconnell@southend.gov.uk

- 1 4 This Policy was updated in November 2012 to reflect the provisions of the Protection of Freedoms Act 2012 which from the 1st November 2012 requires that a Justice of the Peace ("JP") must approve all Local Authority RIPA applications and renewals

Two guidance documents explaining this authorisation process have been issued by the Home Office to Local Authorities and Magistrates and these are available on the following links

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

This Policy was updated in June 2016 to incorporate additional information on surveillance outside RIPA in Section 6 and regarding the internet and social media for research and investigations in Section 7

This Policy was updated in September 2018 to reflect the "Covert Surveillance and Property Interference Revised Code of Practice" issued by the Home Office ("the 2018 Code") and this can be accessed using the link below

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

- 1 5 RIPA was overseen by the Office of Surveillance Commissioners (OSC) However, from 1 Sept 2017 oversight transferred to the Investigatory Powers Commissioner's Office (IPCO) IPCO is the independent inspection regime whose remit includes providing comprehensive oversight of the use of the powers to which the 2018 Code applies, and adherence to the practices and processes described in it IPCO also provides guidance to be followed which is separate from the 2018 Codes

- 1.6 This Policy is intended to be a best practice guide It is not intended to replace the 2018 Code and where necessary the Code should be consulted. However, following this Policy ensures compliance with the 2018 Codes

- 1 7 This Policy is not intended to be an exhaustive guide and specific legal advice should be sought if Council officers do not find questions answered after reading this document and the 2018 Code. Officers should always consult the Legal Team before seeking authorisation

2. Background

- 2.1 On 2nd October 2000 the Human Rights Act 1998 (HRA) came into force making it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR). Any such breach may now be dealt with by the UK courts directly, rather than through the European Court at Strasbourg.
- 2.2 Article 8 of the ECHR states that everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of
- National security
 - Public safety
 - The economic well-being of the country
 - The prevention of disorder or crime
 - The protection of health or morals
 - The protection of the rights and freedoms of others
- 2.3 The performance of certain functions by Local Authorities may require the directed covert surveillance of individuals or the use of informants or undercover officers, known as CHIS.
- 2.4 Those who undertake directed covert surveillance on behalf of a Local Authority may breach an individual's human rights, unless such surveillance is consistent with Article 8 of the ECHR and is both necessary and proportionate to the matter being investigated.
- 2.5 As a result of the legislative changes referred to in 1 above, Local Authorities can now only authorise directed covert surveillance under RIPA for the purpose of preventing or detecting conduct which constitutes a **criminal offence** which is:
- (a) punishable (whether on summary conviction or indictment) by a maximum term of at least six months imprisonment; or
 - (b) involves the sale of alcohol or tobacco to children
- 2.6 Furthermore, if authorised by an authorised officer, the Council's authorisation can only be given effect once an Order approving the authorisation has been granted by a JP.

It is important to note

- A Local Authority cannot authorise the use of directed covert surveillance under RIPA to investigate low level offences e.g. littering, dog control and fly posting. Neither can a Local Authority authorise such surveillance for the purpose of preventing disorder, unless this involves a criminal offence punishable in the way described above.
- The crime threshold referred to above applies only to the authorisation of directed covert surveillance under RIPA, not to the authorisation of Local Authority use of CHIS or their acquisition of communications data.

- 2.7 In order to properly regulate the use of directed covert surveillance and the use of CHISs in compliance with the HRA, the Regulation of Investigatory Powers Act 2000 (RIPA) came into force on 25th September 2000.
- 2.8 RIPA requires that all applications to undertake directed covert surveillance of individuals or to use CHISs are properly authorised, recorded and monitored. The detailed procedure for undertaking directed covert surveillance or using a CHIS are set out in Parts 2 and 3.
- 2.9 Failure to comply with RIPA may leave the Council open to potential claims for damages or infringement of individual's human rights. It may also mean that any evidence obtained in breach of the provisions of RIPA is rendered inadmissible in Court.

3. What is Surveillance?

3.1 Surveillance is

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications.
- Recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

- 3.2 By its very nature, surveillance involves invading an individual's right to privacy. The level of privacy which individuals can expect depends upon the nature of the environment they are within at the time. For example, within an individual's own home or private vehicle, an individual can expect the highest level of privacy. The level of expectation of privacy may reduce if the individual transfers out into public areas.

- 3.3 There are different types of surveillance which, depending on their nature, are either allowable or not allowable and require different degrees of authorisation and monitoring under RIPA.

3.4 **Overt surveillance** is where the subject of surveillance is aware that it is taking place. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. The 2018 Code also provides guidance that authorisation under RIPA is not required for the following types of activity:

- General observations that do not involve the systematic surveillance of an individual or a group of people
- Use of overt CCTV surveillance
- Surveillance where no private information is likely to be obtained
- Use of overt ANPR systems to monitor traffic flows or detect motoring offences
- Surveillance undertaken as an immediate response to a situation
- Review of staff usage of the internet & e-mail (but see Section 6.7 below)
- Surveillance not on statutory grounds (see section 6 Surveillance outside of RIPA)

3.5 **Covert surveillance** is defined as “surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place” and is covered by RIPA. Covert surveillance is categorised as either intrusive or directed.

3.6 **Intrusive covert surveillance** is defined as covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device. RIPA does not empower Local Authorities to authorise or undertake intrusive covert surveillance. Other means of investigation should be considered.

3.7 **Directed covert surveillance** is surveillance which is covert but not intrusive and undertaken.

- For the purposes of a planned specific investigation or operation,
- In such a manner as is likely to result in the obtaining of private information about a person (whether or not that person is specifically targeted for the purposes of an investigation or operation), and
- Other than by immediate response to circumstances when it would not be practical to seek authorisation, for example, noticing suspicious behaviour and continuing to observe it.

3.7.1 **Private information** includes any information relating to a person’s private or family life. As a result, private information is capable of including any aspect of

a person's private or personal relationship with others, such as family and professional or business relationships

Note: Information which is non-private includes

- Publicly available information such as books, newspapers, journals, TV and radio broadcasts, newswires, web sites, mapping imagery, academic articles, conference proceedings, business reports, and more.
- Commercially available data where a fee may be charged, and any data which is available on request or made available at a meeting to a member of the public

3 7 2 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 (see 7 below)

3.7 3 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of directed covert surveillance of a person having a reasonable expectation of privacy, authorisation is required

3.7 4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a directed surveillance authorisation may be considered appropriate

3 7 5 Directed covert surveillance involves the observation of a person or persons with the intention of gathering private information to produce a detailed picture of a person's life, activities and associations

3 7 6 Directed covert surveillance does not include entry on or interference with property or wireless telegraphy but may include the use of photographic and video equipment (including the use of CCTV)

3 7 7 Directed covert surveillance is covered by RIPA and requires prior authorisation

4. What is a Covert Human Intelligence Source (CHIS)?

4 1 A CHIS is defined in section 25(7) of the RIPA as a person who establishes or maintains a personal or other relationship with another person for the covert purpose of facilitating anything that

(a) Covertly uses such a relationship to obtain information or to provide access to any information to another person, or

b) Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

4 2 By virtue of section 26(9)(b) of RIPA a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose

4 3 By virtue of section 26(9)(c) of RIPA a relationship is used covertly, and information obtained as above is disclosed covertly, if and only if it is used or, as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

4 4 Special consideration must be given to the use of Vulnerable Individuals as a CHIS. A 'Vulnerable Individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a Juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (or, in her absence, the Deputy Chief Executive).

4.5 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him

4.6 Legal advice must be sought if considering using a vulnerable or juvenile CHIS.

4 7 It is not anticipated that CHISs will be used often in the normal course of Council investigatory activity. Any Council Officer considering the use of a

CHIS must first contact the Senior Responsible Officer or the Principal Legal Executive to discuss the suitability of this approach

4 8 Authorisation is not required when individuals, including members of the public, are requested to provide information pertaining to other individuals, unless they are required to form a relationship, or manipulate an existing relationship with those other individuals

4 9 Detailed procedures for the use of CHIS are set out in Part 3.

5. Procedural principles for Surveillance and use of CHIS's

5 1 Detailed procedures for undertaking directed covert surveillance are set out in Parts 2 and 3 of this Policy respectively

5 2 The conduct of surveillance which is consistent with these procedures can be undertaken with confidence that any evidence obtained will be admissible in a criminal trial, provided the conduct is authorised and is carried out in accordance with the authorisation. The authorisation must be shown to be necessary on the grounds of preventing or detecting crime (see 2.5 above).

5 3 The Investigating Officer seeking authorisation for directed covert surveillance or CHIS activity and the Authorising Officer must give consideration to the following factors

- **Necessity** – Is directed covert surveillance or CHIS activity the only or best way to obtain the desired information in connection with a potential criminal offence of the types referred to in 2 5, or are other less invasive methods appropriate?
- **Proportionality** – Is the surveillance activity or CHIS activity proportional to the evidence that will be obtained and to the privacy the subject could reasonably expect? The methods used to obtain evidence should not be excessive and should be as non-invasive as it possible. The surveillance should not restrict an individual's right for privacy more than is absolutely necessary
- **Collateral Intrusion** – Will the surveillance result in the observing of innocent people? If so can it be avoided or minimised?

5 4 Further Considerations

- Does the application relate to a criminal offence which has a maximum sentence of at least 6 months or relate to the sale of alcohol or tobacco to children
- Have other ways of getting the information been investigated?

- Is surveillance a reasonable approach and “not a sledge hammer to crack a nut”?
 - The risk of the directed surveillance and CHIS activity must be considered and managed
 - Surveillance authorisations remain valid for 3 months but must be cancelled prior to that if no longer required
 - CHIS authorisations remain valid for 12 months and must be cancelled prior to that if no longer required
 - Authorisations should be periodically reviewed by the Authorising Officer and the need for continued surveillance or CHIS activity ascertained; if no longer required, authorisations should be cancelled
- 5.5 All Council officers undertaking directed cover surveillance or wishing to use a CHIS must have received appropriate training to enable them to undertake this task
- 5.6 Training should be periodically arranged to ensure that sufficient Authorising Officers are available
- 5.7 Where directed covert surveillance or the use of a CHIS is likely to result in the obtaining of confidential information, it is imperative that legal advice should first be sought from the Senior Responsible Officer or the Principal Legal Executive. “Confidential information” includes, though is not limited to, matters subject to legal privilege, confidential personal information and confidential journalistic material. Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it
- 5.8 The application for authorisation must include the following elements and the Authorising Officer must consider these, before authorising the directed covert surveillance or CHIS activity.
- full details of the reason for the directed covert surveillance or CHIS activity and the intended outcome,
 - the proposed surveillance activity described as fully as possible, with the use of maps or other plans as appropriate,
 - the necessity and proportionality to the potential offence consideration and whether other methods of less intrusive investigation should / have been attempted and whether they are appropriate,
 - the resources to be applied and tactics and methods should also be included,

- the anticipated start date and duration of the activity, if necessary broken down over stages;
 - details (including unique reference number) of any surveillance previously conducted on the individual
- 5 9 In addition the Authorising Officer should notify the Chief Executive of an authorisation
- 5 10 Services that undertake surveillance activity or use of CHISs should put in place adequate arrangements for the retention of evidence gathered. The arrangements must comply with the Criminal Procedure and Investigations Act 1996 and any other relevant guidance or procedures to ensure the integrity of the evidence
- 5.11 Evidence or intelligence obtained as a result of a RIPA authorisation should not be passed to other agencies such as the Police unless the request meets the Data Protection Act 2018 (“DPA”) requirements under the Law Enforcement processing procedures or Schedule 2, Part 1 Paragraph 2 the replacement for section 29 DPA This will assist with oversight of the process
- 5 12 The Authorising Officer's statement on the authorisation form should clearly demonstrate agreement that the activity is necessary and proportionate and that he / she has thoroughly considered the matter before authorising and state exactly what activity is authorised, against whom, where and in what circumstances
- 5 13 The responsibilities of the Senior Responsible Officer are
- Maintaining the Council's RIPA Policy and Procedures
 - Ensuring the integrity of the processes in place within the Council to authorise directed covert surveillance
 - compliance with the legislation and Codes of Practice
 - engagement with the IPCO and inspectors when they conduct their inspections,
 - where necessary, overseeing the implementation of any post inspection action plans recommended or approved by the IPCO, and
 - for ensuring that all *Authorising Officers* are of an appropriate standard in light of any recommendations in the inspection reports prepared by the IPCO. Where an inspection report highlights concerns about the standards of *Authorising Officers*, this individual will be responsible for ensuring the concerns are addressed

- 5.14 The Principal Legal Executive will maintain a Central Record of RIPA Applications and Authorisations (including the JP approval form) This Central Record will be used to track the progress of authorisations and ensure that reviews, renewals and cancellations take place within the prescribed timeframe. Copies of all RIPA authorisations, reviews, renewals and cancellations should be forwarded to the Principal Legal Executive promptly The record will be available to the IPCO, at any time The Central Register format will be consistent with that detailed in the 2018 Code
- 5.15 A report on the use of RIPA will be submitted annually to the Cabinet Cabinet will consider this Policy and review the Council's use of RIPA
- 5.16 The head of each section which undertakes directed surveillance or CHIS activity will ensure that.
- staff receive the necessary training,
 - all activity is in accordance with RIPA and the 2018 Code, and
 - relevant procedures are maintained to ensure the above

6. Surveillance outside of RIPA

- 6.1 As a result of the change in the law from the 1st November 2012 directed covert surveillance under RIPA will only apply to the detection and prevention of a criminal offence that attracts a penalty of 6 months imprisonment or more or relates to the sale of alcohol or tobacco to children This essentially excludes surveillance of many offences that the Council may investigate such as disorder (unless it has 6 months custodial sentence) and most summary offences such as littering, dog fouling etc Other examples are referred to in 6.4 below
- 6.2 This change does not mean that Council enforcement officers cannot undertake such surveillance, but because it is **not** regulated by the IPCO, responsibility for monitoring this type of activity falls to the Council's Senior Responsible Officer (SRO) As a result procedures need to be in place to ensure that the Council can prove that it has given due consideration to necessity and proportionality which are central tenets of European Law and the likely grounds of any challenge
- 6.3 If it is necessary for the Council to undertake surveillance which does not meet the criteria to use the RIPA legislation, (such as in cases of disciplinary investigations against staff or surveillance relating to Anti-Social Behaviour appertaining to disorder) the Council must still meet its obligations under the Human Rights Act and be able to demonstrate that its actions (which may infringe a person's Article 8 rights to privacy) are necessary and proportionate, which includes taking account of the intrusion issues. To demonstrate this accountability, the decision making process and the

management of such surveillance must be documented. Therefore, should Council officers need to undertake such surveillance outside of RIPA, they should complete the Non RIPA Surveillance form (available from the RIPA pages on the intranet). This should be submitted to one of the Authorising Officers listed within this Policy to be considered for authorisation before any activity can be undertaken. There will be no requirement to have the authorisation approved by a Justice of the Peace. Should the activity be approved, the procedures to be followed will be the same as any RIPA authorised activity. Therefore, the Council expects that the procedure and management of the activity, from the initial surveillance assessment, through to completion and cancellation to be managed appropriately at the same level that the RIPA legislation and guidance requires. For further advice, refer to the RIPA pages on the Intranet.

6.4 Examples of Surveillance outside of RIPA

6.4.1 Planning

Some planning scenarios require evidence to be gathered either before service of a Notice or post service of a Notice to establish whether the Notice has been breached. A common example may be someone running a car repair business from home. It is often the case that this causes disruption and disturbance to neighbours who complain. Diary sheets may be issued to establish the level of activity and the person may be spoken to by a Planning Enforcement officer. It is often the case that the person states they only repair a few cars as a hobby for friends and family and are not running a business. At some stage it may be necessary for a Notice to be issued to the person. The repairs may then continue with the neighbours complaining. It is at this stage that targeted covert surveillance may be required as the best means of gathering the required information to establish if the Notice has been breached which would be a criminal offence. The offence does not meet the 6 months imprisonment criteria for it to be RIPA surveillance.

6.4.2 Social Services

Social Services need to carry out investigations to protect vulnerable persons such as children. These would not be treated as criminal investigations and are normally dealt with by the Family Court. There may be occasions where some form of targeted covert surveillance activity is required to gather evidence for decision making or court proceedings. It is often the case that this type of surveillance is carried out by outside contractors. If this is the case, the above procedure for surveillance outside of RIPA should be followed in order to demonstrate that the Council has considered the activity with regard to Necessity and Proportionality and taken account of the intrusion on anyone.

6.4.3 Disciplinary Investigations

There may be serious disciplinary investigations that require some form of targeted covert surveillance activity which will engage Article 8 rights to privacy. There is specific guidance issued by the Information Commissioners Office (ICO) in the Employment Practices Code under Part 3 Monitoring at

Work. There is a link to this guidance below. This guidance makes it clear that surveillance should only be used for serious matters and that the activity must be Necessary and Proportionate taking account of the intrusion issues.

https://ico.org.uk/media/for-organisations/documents/1064/the_employment_practices_code.pdf

6.4.4 In the above scenarios, if these issues were criminal investigations and the offences carried the required sentence of 6 months imprisonment they would meet the Directed Covert Surveillance criteria under RIPA and would require authorisation. However, these scenarios are to be treated as targeted surveillance operations outside of RIPA and the procedure for surveillance outside of RIPA should be followed in order to demonstrate that the Council has considered the activity with regard to Necessity and Proportionality and taken account of the intrusion on anyone.

6.5 Other routine activity that may be surveillance

6.5.1 There are other routine scenarios that may amount to surveillance, for example the **deployment of a noise recording machine**, which may be monitoring persons and conversations etc. In these instances, the persons responsible for the noise are notified that the recording activity may take place, which would give them a reduced expectancy of privacy. However, the Council still has an obligation to consider the intrusion issues and Necessity and Proportionality, which will include the management and disposal of any personal data obtained. Therefore, staff should carry out some form of privacy impact assessment and be able to demonstrate why it was necessary to deploy the noise machine and that it was a proportionate response to the problem to be resolved. It is likely that this can be documented and managed within the case notes of that particular complaint.

7 Internet and Social Media - use for Research and Investigations

7.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.

7.2 The use of online open source internet and social media research techniques has become a productive method of obtaining information concerning individuals to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues, employment matters and debt recovery. However, the use of the internet and social media is constantly evolving and there are risks associated with these types of enquiries, regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.

7.3 The activity may require RIPA authorisations for Directed Covert Surveillance or CHIS. Where this is the case, the application process and the contents of this Policy are to be followed.

- 7.4 Where the activity falls within the criteria of surveillance outside of RIPA, again this will require authorising on a non RIPA form which will be authorised internally
- 7.5 In carrying out online research and investigations in respect of individuals regard should be had to the 2018 Code Attached at Appendix 3 is the summary of the key points relating to social media from the 2018 Code In addition the Council has prepared a separate procedure note specifically dealing with the use of the Internet and Social Media for investigations

8. Use of CCTV

- 8.1 The use of the CCTV systems operated by the Council do not normally fall under RIPA However, it does fall under the Data Protection Act 2018 and the Council's CCTV Policy. Guidance on operation of CCTV is provided in the "Surveillance Camera Code of Practice" issued under the Protection of Freedoms Act 2012 ("the 2012 Act") and overseen by the Surveillance Camera Commissioner Local Authorities should also be aware of the relevant Information Commissioner's code of practice ("In the Picture – A Data Protection Code of Practice for Surveillance Cameras and Personal Information") Should there be a requirement for the CCTV cameras to be used for a specific operation to conduct surveillance it is likely that the activity will fall under directed covert surveillance and therefore require an authorisation
- 8.2 On the occasions when the CCTV cameras are used for directed covert surveillance, either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, either the CCTV staff are to have a copy of the application form in a redacted format, or at least a copy of the authorisation page. It is important that the staff check the authority and only carry out what is authorised
- 8.3 Operators of the Council's CCTV system need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged, systematic surveillance of an individual may require an authorisation

9 Use of material as evidence

- 9.1 Material obtained through directed covert 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, the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998.
- 9.2 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 Criminal Procedure and

Investigations Act 1996 and these considerations will apply to any material acquired through directed covert surveillance or property interference that is used in evidence. When information obtained under a directed covert surveillance authorisation is used evidentially, it will be necessary to be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.

10 Safeguards of Material

- 10.1 The Council and all staff should ensure that their actions when handling information obtained by means of directed covert surveillance comply with the Data Protection Act 2018, General Data Protection Regulation and the Council's Data Retention Policy and the Criminal Procedures Investigations Act 1996 (CPIA). This will ensure that any interference with privacy is justified in accordance with Article 8(2) of the European Convention on Human Rights. Compliance with these legal frameworks will ensure that the handling of private information so obtained continues to be lawful, justified and strictly controlled, and is subject to robust and effective safeguards.
- 10.2 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. This obligation applies equally to disclosure to additional persons within the Council and to disclosure outside the authority.
- 10.3 Material obtained through directed covert surveillance or property interference, and all copies, extracts and summaries of it, must be handled and stored securely, so as to minimise risk. It must be held so as to be inaccessible to persons who would not need to see it (where applicable). This requirement applies to all those who are responsible for the handling of the material.
- 10.4 Any breaches of data protection requirements should be reported to the Council's DPA Officer and the SRO as it is likely to constitute an error.

11 Errors

- 11.1 Proper application of the surveillance provisions in the 2018 Codes should reduce the scope for making errors.
- 11.2 An error must be reported if it is a "relevant error". A relevant error is any error by a public authority in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of the 2000 Act (RIPA).
- 11.3 Examples of relevant errors occurring would include circumstances where

- Surveillance activity has taken place without lawful authorisation.
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the 2018 Code relating to the safeguards of the material

11.4 Errors can have very significant consequences on an affected individual's rights. All relevant errors made by public authorities must be reported to the IPCO by the public authority that is aware of the error as soon as reasonably practicable and a full report no later than ten working days. The report should include information on the cause of the error, the amount of surveillance or property interference conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed, and a summary of the steps taken to prevent recurrence.

Serious Errors

- 11.5 The IPCO must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.
- 11.6 It is important that all staff involved in the RIPA process report any issues so they can be assessed as to whether it constitutes an error which requires reporting.

12 Complaints

- 12.1 The Investigatory Powers Tribunal (IPT) has jurisdiction to investigate and determine complaints against Local authority use of investigatory powers, including those covered by the 2018 Code, and is the only appropriate tribunal for human rights claims against the intelligence services. Any complaints about the use of powers as described in the 2018 Code should be directed to the IPT.
- 12.2 The IPT is entirely independent from Her Majesty's Government and all public authorities who use investigatory powers. It is made up of members of the judiciary and senior members of the legal profession. Following receipt of a complaint or claim from a person, the IPT can undertake its own enquiries and investigations and can demand access to all information necessary to establish the facts of a claim and to reach a determination. A 'person' for

these purposes includes an organisation, an association, or combination of persons (see section 81(1) of RIPA), as well as an individual.

- 12.3 Further information on the exercise of the Tribunal's functions and details of the relevant complaints procedure can be obtained from

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

Tel 0207 0353711

www.ipt-uk.com.

- 12.4. Notwithstanding the above, members of the public will still be able to avail themselves of the Council's internal complaints procedure, where appropriate, and can complain to the Local Government Ombudsman.

13 Oversight by the IPCO

- 13.1 The Investigatory Powers Act 2016 provides for an Investigatory Powers Commissioner ("the Commissioner"), whose remit includes providing comprehensive oversight of the use of the powers to which this Policy applies, and adherence to the practices and processes described in it. The Commissioner will be, or will have been, a member of the senior judiciary and will be entirely independent of Her Majesty's Government or any of the public authorities authorised to use investigatory powers. The Commissioner will be supported by inspectors and others, such as technical experts, qualified to assist the Commissioner in his or her work. The Commissioner will also be advised by the 'Technology Advisory Panel'.
- 13.2 One of the duties of the IPCO is to carry out planned inspections of those public authorities who carry out surveillance as specified in RIPA, to ensure compliance with the statutory authorisation procedures. At these inspections they have unfettered access to all locations, documentation and information systems as necessary to carry out their full functions and duties. All relevant persons using investigatory powers must provide all necessary assistance to the Commissioner and anyone who is acting on behalf of the Commissioner.
- 13.3 An inspection report will be presented to the Chief Executive, which should highlight any significant issues, draw conclusions and make appropriate recommendations. The aim of inspections is to be helpful rather than to measure or assess operational performance.

- 13 4 In addition to routine inspections, spot checks may be carried out from time to time.
- 13 5 There is a duty on every person who uses the powers provided by Part II of RIPA, which governs the use of directed covert surveillance or covert human intelligence sources, to disclose or provide to the Chief Commissioner (or his duly appointed Inspectors) all such documents and information that he may require for the purposes of enabling him to carry out his functions

PART 2

DETAILED PROCEDURES FOR UNDERTAKING DIRECTED COVERT SURVEILLANCE

1. Purpose

To ensure that surveillance is only undertaken in appropriate cases, is properly authorised and recorded and is compliant with the Human Rights Act 1998, the Regulation of Investigatory Powers Act 2000 and appropriate Code of Practices, made there under

2 Scope

- 2 1 These procedures must be complied with by all sections and Investigating Officers, who routinely or occasionally undertake directed covert surveillance in connection with preventing or detecting crime with a maximum 6 months imprisonment or relate to the sale of alcohol or tobacco to children (the only permitted purpose for such surveillance). Local investigation procedures should make reference to this Policy

3. Procedure

- 3 1 It is very important that the correct authorisation procedure is followed prior to undertaking surveillance activity. Interference of the right to privacy without proper authorisation may render any evidence obtained unusable in a criminal court. If surveillance is conducted on individuals without the necessary authorisation, the Council and possibly individuals may be sued for damages for a breach of Human Rights. In civil matters adverse inferences may be drawn from such interference.
- 3 2 This procedure is supported by the 2018 Code. If the surveillance is not likely to obtain private information, the 2018 Code does not apply. All Investigating Officers and Authorising Officers should fully acquaint themselves with the 2018 Code and refer to it during both the application and authorisation processes.
- 3 3 All directed covert surveillance activity must be approved prior to the activity taking place by an Authorising Officer and a Justice of the Peace ("JP"). Officers seeking authority to undertake directed covert surveillance should complete the form, "Application for use of Directed Covert Surveillance". A sample application form with notes is attached at **Appendix 1**, but the latest

version from the Gov UK website must always be used. Completed application forms should be forwarded to the relevant Authorising Officer.

- 3.4 Completed authorisation forms should be allocated a reference number by the Investigating Officer relevant to the department / team and the particular investigation. The Investigating Officer should also obtain the next unique reference number from the Central Record of RIPA Applications and Authorisations maintained by the Principal Legal Executive.
- 3.5 The Authorising Officer will consider the completed application form and inform the Investigating Officer of his / her decision. The Authorising Officer will retain a copy of the authorisation form and monitor this for review, renewal and cancellation should it be approved by a JP. The original will be required to be returned to the applicant if authorised to be presented before a JP. If refused by the Authorising Officer or JP the original will be forwarded to the Principal Legal Executive for filing.
- 3.6 In addition the Authorising Officer must notify the Chief Executive of an authorisation.
- 3.7 The Investigating Officer and the Authorising Officer must give consideration to the following factors.
- **Necessity** – is covert surveillance the only or best way to achieve the desired information, or are other less invasive methods appropriate?
 - **Proportionality:**
 - balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence,
 - 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 necessary result; and
 - evidencing, as far as reasonable practicable, what other methods had been considered and why they were not implemented
 - **Collateral intrusion** – that is the obtaining of information relating to persons other than the subject of the investigation and the need to minimise this.
 - **Confidential Information** - The Investigating Officer and the Authorising Officer must consider the possibility that the surveillance activity may result in the acquiring of confidential information. If this is

considered to be likely then the Investigating Officer must highlight this on the application

- 3.8 All Investigating Officers completing RIPA applications must ensure that applications are sufficiently detailed. When completing an application or authorisation, the Investigating Officer and Authorising Officer must ensure that the case for the authorisation is presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the warrant or authorisation. Authorising Officers should refuse to authorise applications that are not to the required standard and should refer them back to the Investigating Officers.
- 3.9 **Magistrates' Court Approval:** As from the 1st November 2012 all applications and renewals for Directed Covert Surveillance and use of a CHIS will be required to have a JP's approval.
- 3.10 Having had the activity authorised by the Authorising Officer, the Investigating Officer must now complete the relevant Judicial Approval form to seek approval from a JP. The Investigating Officer must ensure compliance with the statutory provisions and should refer to the Home Office publication (October 2012) "Protection of Freedoms Act 2012 – changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA) Home Office guidance to local authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance"
- <https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>)
- 3.11 The Judicial Approval form (see **Appendix 2**) will be submitted to the JP for approval. The form requires the Investigating Officer to provide a brief summary of the circumstances of the case on the judicial application form.
- 3.12 The contact numbers for Her Majesty's Court and Tribunals Service to arrange a hearing is
- Within office hours 01245 313315 or 01245 313313
 - If out of hours the contact numbers are 07736 638551 or 07774 238418
- 3.13 At the hearing which is on oath, the officer must present to the JP.
- the partially completed judicial approval/ order form,
 - a copy of the RIPA application / authorisation form, together with any supporting documents setting out the case, and

- the original application / authorisation form (this must be retained by Investigating Officer)

It is preferred that the Authorising Officer also attends the hearing at the Magistrates' Court

- 3.14 The JP will consider the paperwork and may ask questions to clarify points or require additional reassurance on particular matters

The JP will

- Consider whether he or she is satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate,
- Consider whether there continues to be reasonable grounds;
- Consider whether the person who granted the authorisation or gave the notice was an appropriate designated person within the Local Authority, and
- Consider whether if the authorisation was made in accordance with the law, i.e. that the crime threshold for directed covert surveillance has been met

- 3 15 The JP may:

- Decide to approve the Grant or renewal of an authorisation which will then take effect and the Local Authority may proceed to use the technique in that particular case, or
- Refuse to approve the grant or renewal of an authorisation in which case the RIPA authorisation will not take effect and the Local Authority may not use the technique in that case

- 3 16 Where an application has been refused the Investigating Officer should consider the reasons for that refusal. If more information was required by the JP to determine whether the application / authorisation has met the tests, and this is the reason for refusal, the Investigating Officer should consider whether they can reapply, for example, if there was information to support the application which was available to the Local Authority, but not included in the papers provided at the hearing.

- 3 17 Where the JP refuses to approve the application / authorisation or renew the application / authorisation and decides to quash the original authorisation or notice the court must not exercise its power to quash the application / authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case the officer will inform Legal Services who will consider whether to make any representations.

- 3 18 Whatever the decision, the JP will record their decision on the order section of the judicial application / order form. The court will retain the copy of the Local Authority RIPA application and authorisation form and the judicial application / order form. The officer will retain the original application / authorisation and a copy of the judicial application / order form
- 3 19 As previously stated the Principal Legal Executive is responsible for giving each authorisation a central unique identification number using a standard consistent format and recording it in a Central Record of RIPA Applications and Authorisations. This is to ensure that an up-to-date central record is maintained for all directed covert surveillance activity. Similarly, copies of all cancellations, renewals and review applications should be forwarded to the Principal Legal Executive promptly. The original authorisation should be kept on the investigation file
- 3 20 Written surveillance authorisations last for a maximum of three months. They cannot be authorised for a lesser period and the commencement date is the date approved by the JP. Surveillance authorisations must be cancelled when no longer required (see 3 30 below)

Reviews

- 3 21 The Authorising Officer has the responsibility to set the review dates for each authorisation and will determine what the review dates will be. The review date is detailed on the authorisation form. The review date will be at most one month from the date approved by the JP or previous review. The Authorising Officer should conduct the review with the Investigating Officer. Reviews should not be conducted solely by the Investigating Officer. Details of the review should be recorded on the form "Review of the use of Directed Surveillance Authorisation", available on the Home Office website and retained with the original authorisation. The Authorising Officer must ensure through diarisation or otherwise that reviews are conducted at the correct date
- 3 22 Any proposed or unforeseen changes to the nature or extent of the surveillance operation which may result in the further or greater intrusion into the private life of any person should be brought to the attention of the Authorising Officer by means of a review.
- 3 23 There is no requirement for a review form to be submitted to a JP. However if a different surveillance technique is required it is likely a new application will have to be completed and approved by a JP.

Renewal

- 3.24 Should it be necessary to renew a Directed Covert Surveillance or CHIS application / authorisation, this must be approved by a JP

- 3 25 Applications for renewals should not be made until shortly before the original authorisation period is due to expire but the applicant must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant authorising officer and a JP to consider the application)
- 3 26 The applicant should complete all the sections within the renewal form and submit the form to the Authorising Officer
- 3 27 Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.
- 3 28 If the Authorising Officer refuses to renew the application the cancellation process should be completed. If the Authorisation Officer authorises the renewal of the activity the same process is to be followed as mentioned earlier for the initial application.

A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

Cancellation

- 3 29 The Investigating Officer must complete the "Cancellation of the use of Directed Covert Surveillance" form available on the Home Office website and forward to the Authorising Officer who granted or last renewed the authorisation. It must be cancelled if they are satisfied that the directed covert surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer.
- 3 30 As soon as the decision is taken that directed covert surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the Investigating Officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the Central Record of RIPA Applications and Authorisations along with a note of the amount of time spent on the surveillance.
- 3 31 The officer submitting the cancellation must complete in detail the relevant sections of the form and include the period of surveillance and if any images were obtained and any images containing third parties. The Authorising

Officer must then take this into account and issues instructions regarding the management and disposal of the images etc

- 3 32 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what they stated was necessary in the application form. This check will form part of the oversight function. Where issues are identified they will be brought to the attention of the line manager and the Senior Responsible Officer. This will assist with future audits and oversight

4. Joint Agency Surveillance

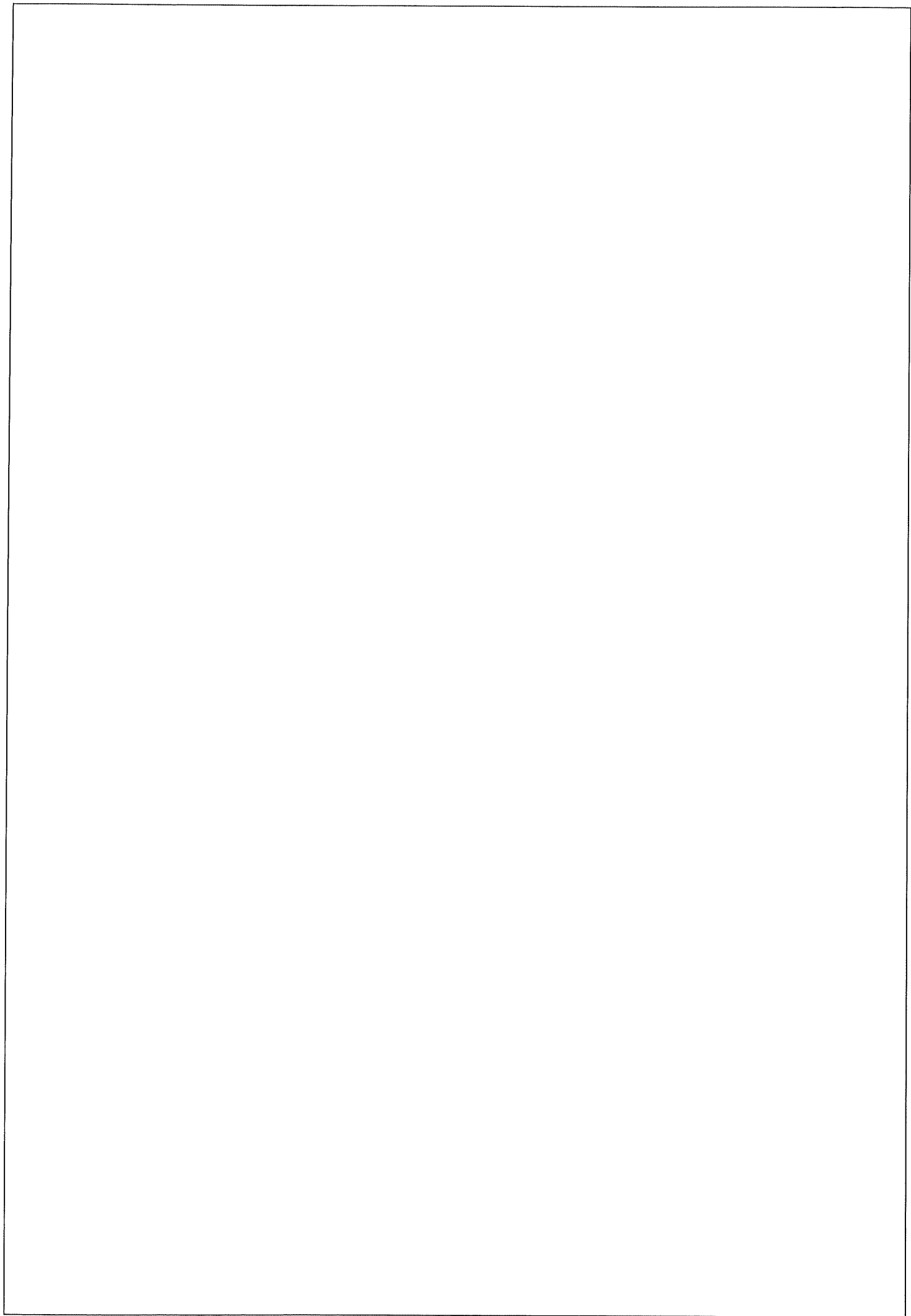
- 4 1 In cases where one agency is acting on behalf of another, it is usually for the lead agency to obtain or provide the authorisation subject to 4 2 below. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies the lead agency should seek authorisation. Council staff involved with joint agency surveillance are to ensure that all parties taking part are authorised on the authorisation page of the application to carry out the activity and at all times their line manager must be made aware of the joint surveillance. When Council staff are operating on another organisation's authorisation they should obtain either a copy of the application form (redacted if necessary) or a copy of the authorisation, containing the unique number. This will ensure they see what activity they are authorised to carry out. They should also inform the Senior Responsible Officer or the Principal Legal Executive of the unique reference number, the agencies involved and the name of the officer in charge of the surveillance.

Commissioned Services

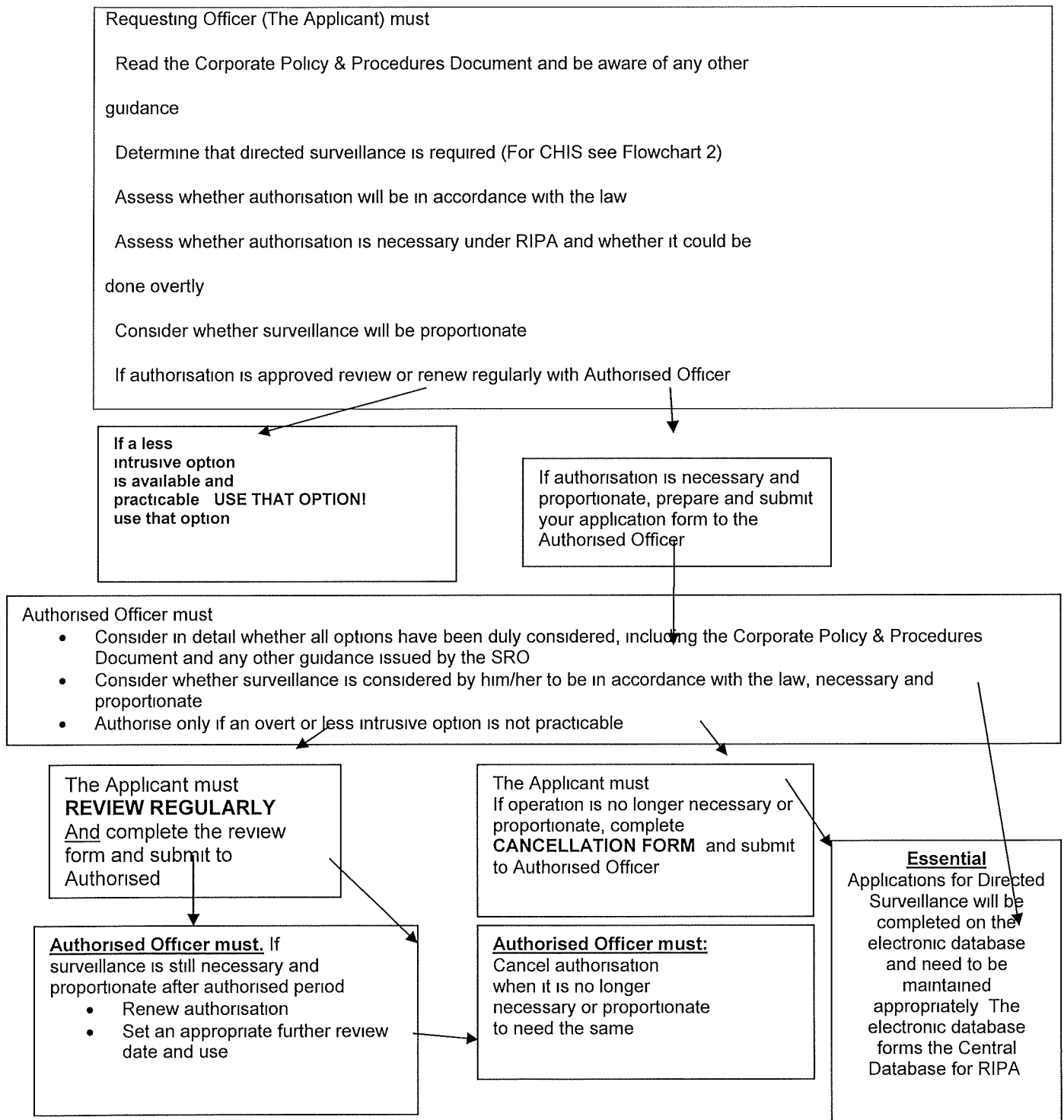
- 4 2 If the Council commissions another Local Authority to undertake investigatory services on its behalf and directed covert surveillance or the use of a CHIS is required, then that other Local Authority will normally obtain the necessary authorisation under its RIPA procedures including making application to the Magistrates' Court. The other Local Authority must supply the Council with a copy of the authorisation form.

PART 3
DETAILED PROCEDURES FOR USE OF COVERT
HUMAN INTELLIGENCE SOURCES (CHIS)

- 1 1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information. However, not all human intelligence source activity will meet the definition of a CHIS. For example, a source may be a public volunteer or someone who discloses information out of professional or statutory duty or has been tasked to obtain information other than by way of a covert relationship.
- 1 2 Recognising when a source becomes a CHIS is important as this type of activity may need authorisation.
- 1 3 There is a separate CHIS Policy which provides advice as to when someone is a CHIS and requires authorisation under RIPA together with the requirements involved in the process.
- 1 4 Should a CHIS authority be required, all of the staff involved in the process should make themselves fully aware of all of the CHIS Codes of Practice.
- 1 5 Legal advice should always be sought where consideration is given to the use of CHIS.



RIPA FLOW CHART 1 : DIRECTED SURVEILLANCE



NB if in doubt, ask the Group Manager (Legal and Democratic) **BEFORE** any directed surveillance and/or CHIS is authorised, reviewed, renewed, cancelled, or rejected.

Appendix 1 (b)

SAMPLE APPLICATION FORM FOR USE OF DIRECTED COVERT SURVEILLANCE

Unique Reference Number	Refer to your policy as to how you obtain the unique number. All applications must have one and put on each page.
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Part II of the Regulation of Investigatory Powers Act 2000

Authorisation Directed Surveillance

Public Authority (including full address)	State your Public Authority Name and full address		
Name of Applicant	Details of the person completing the form	Unit/Branch /Division	Section and department
Full Address	Provide the address of your department		
Contact Details	Provide full contact details including email address. Make it easy for the Authorising Officer, or anyone else associated with the process to contact you.		
Investigation/Operation Name (if applicable)	This may be an investigation reference number allocated to this case, or some other reference		
Investigating Officer (if a person other than the applicant)	If the form is being completed by someone who is not the investigator, then the investigators details must be put in this box.		

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 No. 521.¹

As above.

For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

Also use the description of the person's position contained within your policy to remove any confusion.

2. Describe the purpose of the specific operation or investigation.

Describe the investigation to date including the offences and the relevant legislation. When, where and how are the offences occurring. Remember the Authorising Officer needs to be clear what the offence is and the circumstances. (keep information relevant and to the point)

Include the details of the suspects and persons involved and the role they play within the investigation. (Do not put confidential information in such as informants' names)

Consider disclosure implications under CPIA with regards to not revealing unnecessary information. However, the AO needs sufficient relevant information to make a decision. The provisions of using CPIA sensitive information may be a way of dealing with the sensitivity issues later, by editing material if it has to be disclosed. However, if the document contains sensitive information remember to keep it secure at all times.

Cross reference where necessary to other relevant applications

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

This should be completed, after attending the area of where the activity is to be carried out, and having carried out a surveillance assessment having taken into account risks or limiting factors. Limiting factors are anything can affect the success of the operation.

Consider the AO statement in box 12, the 5 WH. The applicant can only do what is authorised by the AO, not what they have applied for.

Consider the aims and objectives, confirmation of address may only need static observations; however, lifestyle intelligence may require foot/mobile and use of covert cameras etc.

What exactly do you want to do? Is it static observations, foot or mobile? You want a combination? However, only ask for what you can realistically carry out. It is not a wish list; it should be carried out to achieve the objectives.

How do you want to carry out the surveillance and what equipment do you want to use? You must make the AO aware of the capabilities of any equipment you want to use.

¹ For local authorities. The exact position of the authorising officer should be given. For example, Head of Trading Standards

Where is the activity to take place? Who is the activity against and when do you want to carry it out?

What is the expected duration? It does not mean that it must only be authorised to this point. Once signed, the authorisation lasts for a 3 month period. You must update the AO when they set the review dates. If your operation ends prior to any review date or the 3 month period, you must cancel it straight away and submit the cancellation form. It does not expire.

REMEMBER YOU CAN ONLY DO WHAT IS AUTHORISED ON THE AO SECTION, NOT WHAT YOU HAVE APPLIED FOR IN THIS SECTION.

4. The identities, where known, of those to be subject of the directed surveillance.

- Name:
- Address:
- DOB:
- Other information as appropriate:

If you do not know who the subjects are, insert any descriptions you may have. If as a result of the surveillance, you identify anyone, you must submit this information on a review form to the AO.

Consider any known associates. If the intelligence is that the subject of the surveillance has known associates, are they likely to become subjects of the surveillance? If so, detail them as part of the application.

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

These are the surveillance objectives. They should have been identified during the planning stage and a feasibility study carried out to assess whether they can be achieved. It's no use setting objectives that can't be achieved.

What is the surveillance going to tell you?

What, if any, criminality will it establish?

Will it identify subjects involved in criminality?

Will it house subject or their criminal associates?

E.G.

- Identify the location of the subject's place of work
- To gather intelligence and evidence to establish the extent of the criminality (size).
- Identify other persons involved, such as suppliers.
- Identify other premises involved, such as storage buildings.
- Obtain best evidence through the use of photographic equipment to assist with identifying the offenders
-

Obtain best evidence to assist with a prosecution of offenders

6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on (SI 2010 No.521).

- In the interests of national security;

- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- For the purpose of protecting public health;
- For the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

For Directed Surveillance, Local Authorities only lawful purpose is preventing or detecting crime and the crime must be capable of carrying six months imprisonment or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

Due to the nature of the offences, if any other areas above are applicable such as protection of public health, this should be made clear in the body of the application and the proportionality section.

7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 3.3].

You can reiterate the criminal offences

Why is it necessary at this stage of the enquiry to carry out covert activity?

What is the purpose of the operation?

How will the activity assist or progress the investigation?

What will be the consequences of the proposed action be to the victim?

Why do we need this evidence/intelligence/information?

What other enquiries have been carried out and results? This does not have to be a last resort, but if there is a less intrusive way of achieving your objectives you should take that option, or explain why you can't take that option.

Consequences of not taking action

It is not for the applicant to state on the application that they believe it to be necessary. This is the responsibility of the AO to reach that decision.

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 3.8 to 3.11.]

Describe precautions you will take to minimise collateral intrusion.

There are three parts to this section (see above). You must answer them all, as this section directly impacts upon the proportionality test.

1. SUPPLY DETAILS OF POTENTIAL COLLATERAL INTRUSION

Visit the location of where the activity is to take place and carry out a risk assessment. Who lives at the property that you may be watching. Have they got children who might be affected such as going to school etc.?

Determine where you need to be to carry out the surveillance. What else can you see?

What equipment will you be using and what will it see and record?

Consider Confidential Information

It may be useful to paint the picture in words of what it is you will be watching in the locality. This will assist the AO. You may also want to refer to any plans or maps attached to the application.

2. WHY IS THE INTRUSION UNAVOIDABLE?

Consider why the intrusion is unavoidable, such as the location and time frame that the observations have to be carried out. It may be that you are limited to the use of certain equipment only and therefore governed by its operating capabilities. Your observation position may be the only place you can use.

3. DESCRIBE THE PRECAUTIONS YOU WILL TAKE TO MINIMISE COLLATERAL INTRUSION

Having carried out the risk assessment and identified what the intrusion is, consider ways of reducing the intrusion, or keeping it to a minimum. You should consider:

State who the activity will be focused on, such as the subject etc., not the innocent third parties subject to the collateral intrusion.

Keeping the surveillance activity focussed with regards to length of time spent on the observations. However, remember that you still need time to achieve your objectives. You will need some flexibility built in to your timings.

If using technical equipment such as video or covert recordings, consider the position and focal length of the lenses when filming to reduce the intrusion. Consider when and who you will use the equipment against, such as the suspects only.

How will you manage any images obtained? Consider Data Protection, confidentiality, security, dissemination of the images, and any guidance provided by your organisation, including any Home Office guidance.

Are the staff trained to carry out the activity? If so, this may assist, as they should know what they are doing with regards to collateral intrusion.

The activity needs to be tightly managed and reviewed constantly. If there is a considerable change in the intrusion once the activity commences, then the AO needs to be made aware.

9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means [Code paragraphs 3.4 to 3.7]?

In the necessity box we stated why it was necessary to carry out the covert activity. In this box we are assessing whether the actions requested are proportionate to the overall operational aims within the investigation, having taken into account of the intrusion issues.

How serious are the offences under investigation? What is the direct or accumulative consequence of the offences?

What are the effects of the offences on the victim or the consequences of what is happening?

Are you asking to do a lot to achieve a little? Do not use a sledgehammer to crack the nut. If you have provided a good explanation of how the intrusion will be reduced and managed in the collateral intrusion box, refer them to it.

Explain why you need to undertake this activity to achieve your objectives, against using other methods. Why, in operational terms, does your need to use the activity (how the activity will progress the investigation) outweigh the level of intrusion? Why is this method the least intrusive option?

**Are your methods/tactics balanced in relation to the likely results?
Consider the length of time of the surveillance operation**

What methods are required to achieve the objectives and are there any less intrusive methods? You should explain what if any less intrusive methods have been considered. If they can be used they should be. If however less intrusive methods cannot be used, explain why. You should also take account that technical surveillance may be more intrusive.

Consequences of not taking action.

**10. Confidential information [Code paragraphs 4.1 to 4.31].
INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:**

Is there any likelihood of Health, Solicitors, Counselling, and Spiritual etc.

It is unlikely that you will obtain this type of material, but an assessment should take place. If you are, it is a higher level of Authorising Officer who needs to consider it.

Do not mix this up with Private Information which is part of the consideration when assessing whether the activity falls under RIPA.

11. Applicant's Details

Name (print):		Tel No:	
Grade/Rank		Date:	
Signature			

12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box.]

I hereby authorise directed surveillance defined as follows [Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]

REMEMBER THAT EACH CASE HAS TO BE ASSESSED ON ITS OWN MERITS.

Who are you authorising to carry out the activity? Are the staff from one office? Or if a joint operation, please state that fact and name the other organisation. You have to actually authorise the other organisation's staff in writing.

What are you authorising them to do and what equipment are you authorising them to use? You

should have a knowledge of the equipment's capability.

Who are you authorising them to do it against, person, address, vehicle, etc?

When are you authorising them to do it?

Where are you authorising the activity to take place?

Why are you authorising whatever you are allowing them to do? They should have stated within the application earlier what they are hoping to achieve.

When authorising the activity, it is live for 3 months. In other words, as an AO, you cannot authorise for less. You should set a review date for you to review it if you think that the surveillance should be a shorter period.

DO NOT BE AFRAID AS AN AO, TO ONLY ALLOW THEM TO UNDERTAKE CERTAIN ACTIVITY, AS OPPOSED TO ALL THE ACTIVITY APPLIED FOR, IF IT MEANS THAT IT IS PROPORTIONATE. STATE WHY ON THE FORM

IF NOT AUTHORISING, STATE WHY.

13. Explain why you believe the directed surveillance is necessary [Code paragraph 3.3].
Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out [Code paragraphs 3.4 to 3.7].

IF YOU ARE WRITING IN THIS SECTION, PRINT THE FORM OUT WITH ENOUGH SPACE TO WRITE IN. YOU WILL REQUIRE SOME SPACE TO DETAIL HOW YOU HAVE COME TO YOUR DECISION.

Below are 5 areas that should be dealt with by the AO when considering the application.

Code 3.3 requires that the person granting an authorisation BELIEVES that the authorisation is necessary in the circumstances of the particular case for one of the statutory reasons (see box 6). Have they made clear what the offence or offences are in the body of the application?

Code 3.4 then if the activities are necessary, the person granting the authorisation must BELIEVE that they are proportionate to what is sought to be achieved by carrying them out. AO must also BELIEVE that the objectives can't be met by other less intrusive means.

Sec 72 RIPA 2000, 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. (You have to know what the codes say).

Collateral Intrusion Code of Practice 3.8 before authorising surveillance the authorising officer should also TAKE INTO ACCOUNT the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation.

Code of Practice 3.15 .Any person granting or applying for an authorisation will also NEED TO BE AWARE OF particular sensitivities in the local community where the surveillance is taking place and of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance.

This will take some consideration. Read and study the application fully. Refer to the applicants boxes that deal with these issues.

Detail your thought processes. How have you come to the conclusion? Do not rubber stamp, do not use template or cut and paste answers. This is your original note that you may be relying on in

court. If you are making decisions from reading supporting material, mention the material and keep a copy which needs to be part of the central register. Be careful to make your decisions on written material not discussions with the case officer which may be difficult to justify at a later date at court.

Model answer from codes and OSC

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target 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 necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

14 (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 4.1 to 4.31.

This is completed by the AO who has the responsibility to consider the authorisation if confidential information is likely to be obtained. (Usually someone of a much higher position than a normal AO.) e.g. In a Local Authority it will be the Chief Executive.

See rear of codes of practice for relevant position and refer to your policy.

Date of first review

AO must set the review date. Consider what the applicant has stated regarding the length of time required. Remember, this is so you as the AO can now review the need for the activity to continue on the date you have set. Also refer to policy. Most state that it must not be longer than a month. However, you must assess it against all the facts.

Programme for subsequent reviews of this authorisation: [Code paragraph 3.23]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

As above.

Name (Print)		Grade / Rank	
Signature		Date and time	
Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]		From 1 Nov 12 this date will be from when a Magistrate approves it. Put in the expiry date. Remember it lasts for 3 months once signed (see opposite)	

15 Urgent Authorisation [Code paragraph 5.9]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

OSC guidance states that there is no longer a requirement to complete the whole application form; contemporaneous notes should have been made by both applicant and AO. However, check what your policy says as some organisations still require at least this part to be completed with certain other sections. If your policy does not make it clear, seek advice.

FROM 1 NOVEMBER 2012 THERE WILL BE NO URGENT PROVISIONA AVAILABLE FOR LOCAL AUTHORITIES

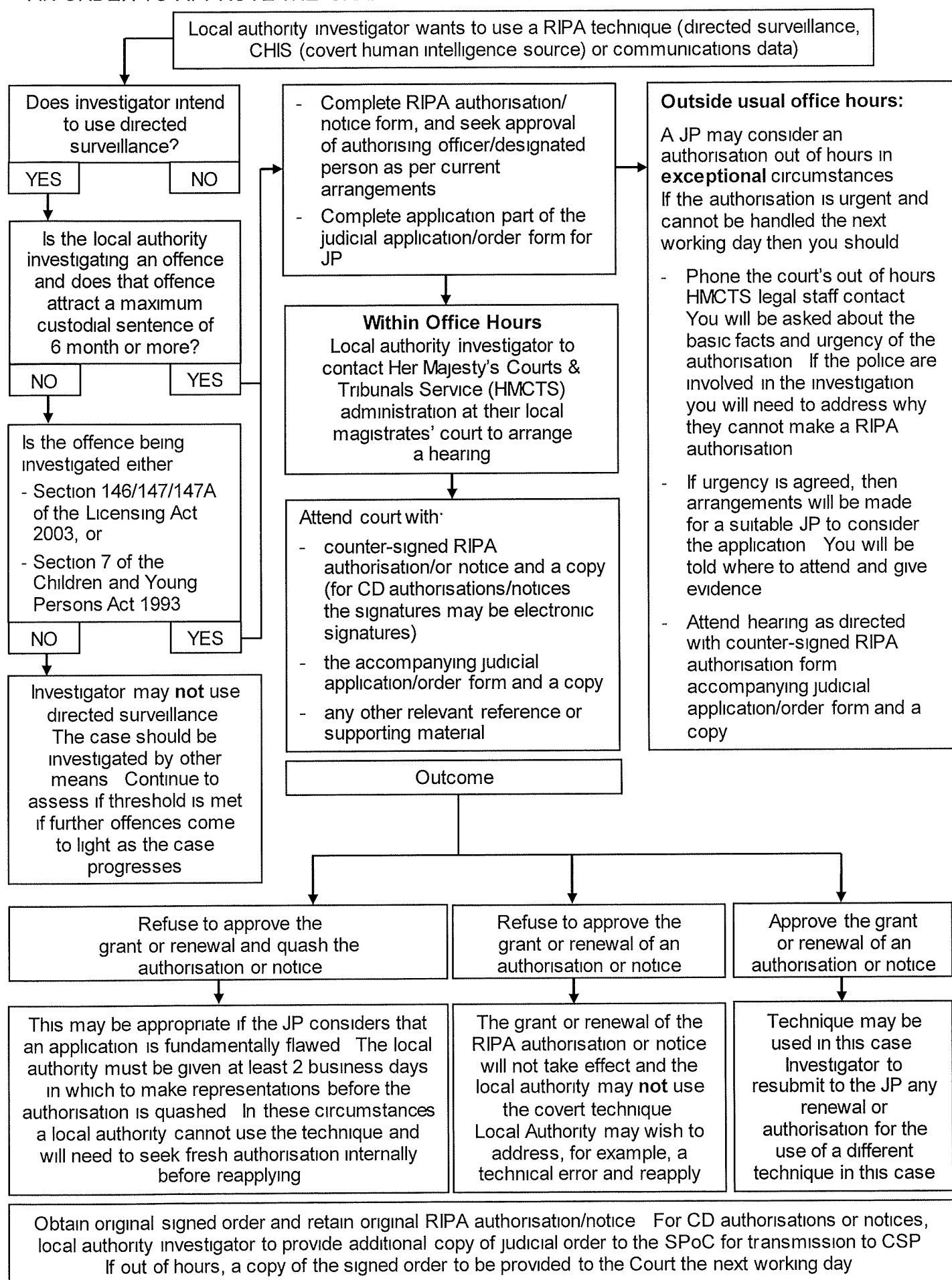
16 If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer.

This is because the legislation allows for a lower rank/grade to authorise in urgent cases for some organisations. Refer to your policy.

See Statutory Instrument 2010 No 521.

Name (Print)		Grade/ Rank	
Signature		Date and Time	
Urgent authorisation Expiry date:		Expiry time:	
<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e g. authorisation granted at 5pm on June 1 st expires 4 59pm on 4 th June		

LOCAL AUTHORITY PROCEDURE: APPLICATION TO A JUSTICE OF THE PEACE SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA AUTHORISATION OR NOTICE



Appendix 2 (b)

COPY APPLICATION FORM AND ORDER FOR JUDICIAL APPROVAL

Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Local authority:
Local authority department:.....
Offence under investigation:.....
Address of premises or identity of subject
.....
.....

Covert technique requested: (tick one and specify details)

Communications Data ☐
Covert Human Intelligence Source ☐
Directed Surveillance ☐

Summary of details

.....
.....
.....
.....
.....
.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice

Investigating Officer
Authorising Officer/Designated Person:
Officer(s) appearing before JP:
Address of applicant department:.....
.....
Contact telephone number:
Contact email address (optional)
Local authority reference:
Number of pages:

Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.

Magistrates' court:.....

Having considered the application, I (tick one):

- ☐ am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- ☐ refuse to approve the grant or renewal of the authorisation/notice
- ☐ refuse to approve the grant or renewal and quash the authorisation/notice.

Notes

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Reasons

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.....

.....

Signed

Date:

Time:

Full name.

Address of magistrates' court:



Summary of the key points relating to Social Media from the

Covert Surveillance and Property Interference Revised Code of Practice August 2018

Online Covert Activity (Directed Surveillance Codes Aug 18)

3.4 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. See paragraphs 3.10 to 3.17 below for further guidance about the use of the internet as a surveillance tool

3.10 The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. 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, use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.

3.11 The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).

3.12 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.

3.13 As set out in paragraph 3.14 below, 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.

3.14 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.

3.15 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

3.6 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate¹³

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 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.

3.16 In order to determine whether a directed surveillance authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the

online activity it is proposed to undertake. Factors that should be considered in establishing whether a directed surveillance authorisation is required include:

- Whether the investigation or research is directed towards an individual or organisation;
- Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);
- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- 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

3.17 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 paragraph 4.32).

Example: Researchers within a public authority using automated monitoring tools to search for common terminology used online for illegal purposes will not normally require a directed surveillance authorisation. Similarly, general analysis of data by public authorities either directly or through a third party for predictive purposes (e.g. identifying crime hotspots or analysing trends) is not usually directed surveillance. In such cases, the focus on individuals or groups is likely to be sufficiently cursory that it would not meet the definition of surveillance. But officers should be aware of the possibility that the broad thematic research may evolve, and that authorisation may be appropriate at the point where it begins to focus on specific individuals or groups. If specific names or other identifiers of an individual or group are applied to the search or analysis, an authorisation should be considered.

Internet and Urgent Enquires

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.

General Observations

3.33 The general observation duties of many law enforcement officers and other public authorities do not require authorisation under the 2000 Act, whether covert or overt. Such general observation duties frequently form part of the legislative functions of public authorities, as opposed to the pre-planned surveillance of a specific person or group of people. General observation duties may include monitoring of publicly accessible areas of the internet in circumstances where it is not part of a specific investigation or operation.

Collateral Intrusion

4.14 In order to give proper consideration to collateral intrusion, an authorising officer or person considering issuing the warrant should be given full information regarding the potential scope of the anticipated surveillance or interference, including the likelihood that any equipment or software deployed may cause intrusion on persons or property other than the subject(s) of the application. If an automated system such as an online search engine is used to obtain the information, the authorising officer should be made aware of its potential extent and limitations. Material which is not necessary or proportionate to the aims of the operation or investigation should be discarded or securely retained separately where it may be required for future evidential purposes. The authorising officer or person considering issuing the warrant should ensure appropriate safeguards for the handling, retention or destruction of such material in accordance with chapter 9 of this code, as well as compliance with data protection requirements

4.15 Where it is proposed to conduct surveillance activity or property interference specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy or property of such individuals should not be considered as collateral intrusion but rather as intended intrusion. Any such surveillance or property interference activity should be carefully considered against the necessity and proportionality criteria

4.16 Where a public authority intends to access a social media or other online account to which they have been given access with the consent of the owner, the authority will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a directed surveillance authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward

Example: If an individual provides the police with passwords and log-in details for their personal social networking accounts in order to provide evidence of threats made against them, this would not normally require a directed surveillance authorisation. If the police then decided to monitor the accounts for the purposes of obtaining further evidence of criminal activity by the author of the threats, they should consider applying for a directed surveillance authorisation in circumstances where private information is likely to be obtained. This is because the police would be acting with the intention to monitor an individual who has not consented to and may not be aware of the surveillance. The public authority will also need to consider the extent of the collateral intrusion into the privacy of others who may comment on or post information onto the accounts under surveillance.

Use of a Third Party

4.32 In some circumstances it may be appropriate or necessary for a public authority to work with third parties who are not themselves a public authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of a public authority, then they are acting as an agent of that authority and any activities that third party conducts which meet the 2000 Act definitions of directed or intrusive surveillance or amount to property interference for the purposes of the 1994 or 1997 Act, should be considered for authorisation under those Acts by the public authority on whose behalf that activity is being undertaken. Similarly, a surveillance authorisation should also be considered where the public authority is aware that a third party (that is not a public authority) is independently conducting surveillance and the public authority intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation being undertaken by that public authority

CHIS Codes Aug 18

Online Covert Activity

4.11 Any member of a public authority, or person acting on their behalf, who conducts activity on the internet in such a way that they may interact with others, whether by publicly open websites such as an online news and social networking

service, or more private exchanges such as e-messaging sites, in circumstances where the other parties could not reasonably be expected to know their true identity (as an official rather than private individual), should consider whether the activity requires a CHIS authorisation. A directed surveillance authorisation should also be considered, unless the acquisition of that information is or will be covered by the terms of an applicable CHIS authorisation.

4.12 Where someone, such as an employee or member of the public, is tasked by a public authority to use an internet profile to establish or maintain a relationship with a subject of interest for a covert purpose, or otherwise undertakes such activity on behalf of the public authority, in order to obtain or provide access to information, a CHIS authorisation is likely to be required.

For example:

- An investigator using the internet to engage with a subject of interest at the start of an operation, in order to ascertain information or facilitate a meeting in person.
- Directing a member of the public (such as a CHIS) to use their own or another internet profile to establish or maintain a relationship with a subject of interest for a covert purpose.
- Joining chat rooms with a view to interacting with a criminal group in order to obtain information about their criminal activities.

4.13 A CHIS authorisation will not always be appropriate or necessary for online investigation or research. Some websites require a user to register providing personal identifiers (such as name and phone number) before access to the site will be permitted. Where a member of a public authority sets up a false identity for this purpose, this does not in itself amount to establishing a relationship, and a CHIS authorisation would not immediately be required, though consideration should be given to the need for a directed surveillance authorisation if the conduct is likely to result in the acquisition of private information, and the other relevant criteria are met.

Example 1: An HMRC officer intends to make a one-off online test purchase of an item on an auction site, to investigate intelligence that the true value of the goods is not being declared for tax purposes. The officer concludes the purchase and does not correspond privately with the seller or leave feedback on the site. No covert relationship is formed and a CHIS authorisation need not be sought.

Example 2: HMRC task a member of the public to purchase goods from a number of websites to obtain information about the identity of the seller, country of origin of the goods and banking arrangements. The individual is required to engage with the seller as necessary to complete the purchases. The deployment should be covered by a CHIS authorisation because of the intention to establish a relationship for covert purposes.

4.14 Where a website or social media account requires a minimal level of interaction, such as sending or receiving a friend request before access is permitted, this may not in itself amount to establishing a relationship. Equally, the use of electronic gestures such as “like” or “follow” to react to information posted by others online would not in itself constitute forming a relationship. However, it should be borne in mind that entering a website or responding on these terms may lead to further interaction with other users and a CHIS authorisation should be obtained if it is intended for an officer of a public authority or a CHIS to engage in such interaction to obtain, provide access to or disclose information.

Example 1: An officer maintains a false persona, unconnected to law enforcement, on social media sites in order to facilitate future operational research or investigation. As part of the legend building activity he “follows” a variety of people and entities and “likes” occasional posts without engaging further. No relationship is formed and no CHIS authorisation is needed.

Example 2: The officer sends a request to join a closed group known to be administered by a subject of interest, connected to a specific investigation. A directed surveillance authorisation would be needed to cover the proposed covert monitoring of the site. Once accepted into the group it becomes apparent that further interaction is necessary. This should be authorised by means of a CHIS authorisation

4.15 When engaging in conduct as a CHIS, 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 considering the need for authorisation. Full consideration should be given to the potential risks posed by that activity.

4.16 Where use of the internet is part of the tasking of a CHIS, the risk assessment carried out in accordance with section 6.13 of this code should include consideration of the risks arising from that online activity including factors such as the length of time spent online and the material to which the CHIS may be exposed. This should also take account of any disparity between the technical skills of the CHIS and those of the handler or authorising officer, and the extent to which this may impact on the effectiveness of oversight.

4.17 Where it is intended that more than one officer will share the same online persona, each officer should be clearly identifiable within the overarching authorisation for that operation, providing clear information about the conduct required of each officer and including risk assessments in relation to each officer involved. (See also paragraph 3.23)

5.29 Where an over-arching authorisation has been provided as a framework for investigators to establish an online presence intended to provide a basis for future enforcement activity, this should be treated as part of the same investigation or operation for renewal purposes. However, where this generic activity leads to a separate operation against subjects identified through the online presence, a fresh authorisation should be considered, and a decision taken on a case by case basis by reference to the factors listed in paragraph 5.28 above.

OSC procedures & Guidance 2016

76. To assist an Authorising Officer to reach a proper judgment, the value of the data, information or intelligence on which the application has been made should be clear. It is considered best practice for law enforcement agencies to utilise standard evaluation nomenclature which grades both the source and the information. While it is not necessary or desirable in the application to spell out in detail the content of intelligence logs, cross-referencing to these enables an Authorising Officer to check detail. Particular care should be taken when using data or information obtained from open or unevaluated sources such as the Internet or social networks.

243. Covert Internet Investigators (now often referred to as undercover officers on line (UCOL)) may establish or maintain a relationship with more than one individual in relation to different investigations. If it is not possible to construct a single authorisation to cover all of the relationships (because the persons with whom relationships are established are not known in advance) it will be necessary to construct for each person with whom a relationship has been established a separate authorisation each of 12 months' duration. It is important that the same Authorising Officer considers each authorisation to ensure that operational conflict and risks do not develop and to monitor the security and welfare of the CHIS. When appropriate, reviews should be combined to establish whether separate authorisations can be combined into a single authorisation to reduce bureaucracy and error.

Covert Surveillance of Social Networking Sites (SNS)

289. The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used 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.

289.1 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. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

289.2 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. 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 (i.e. the activity is more than mere reading of the site’s content).

289.3 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 a covert purpose without an authorisation for directed surveillance when private information is likely to be obtained. The Senior Responsible Officer (SRO) should be satisfied that there is a process in place to ensure compliance with the legislation. Using photographs of other persons without their permission to support the false identity infringes other laws.

289.4 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 (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

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SOUTHEND-ON-SEA BOROUGH COUNCIL

Meeting of Environment & Planning Working Party

Date: Thursday, 22nd August, 2019
Place: Committee Room 3 - Civic Suite

Present: Councillor C Mulroney (Chair)
Councillors C Nevin (Vice-Chair), A Bright, D Garston, D McGlone,
K Mitchell, S Wakefield and P Wexham
Mr M Dedman (co-optee: Shoebury Society) and Ms J. Lambert (co-optee: Southend Society)

In Attendance: R Harris, I Brown, P Jenkinson, T MacGregor, C Robinson and J Martin.

Start/End Time: 6.30 - 8.15 pm

1 Apologies for absence

Apologies for absence were received from Mr A. Atkinson (Milton Conservation Group).

2 Declarations of Interest

The following Councillor declared interests, as indicated:

Councillor K Mitchell – Agenda Items 5 and 6 – non-pecuniary interest – members of Extinction Rebellion are known to her.

3 Introduction: Configuration and Composition of Cabinet Working Parties to help drive the Southend 2050 Programme

The Working Party received the report to Cabinet held on 25th June 2019 setting out the revised configuration and composition of Cabinet Working Parties to help drive the Southend 2050 programme. The recommendations were agreed by Full Council held on 18th July 2019.

The Working Party also received the Southend 2050 summary sheet setting out the five themes and twenty-three outcomes for 2023.

Resolved:

That the Cabinet report and Southend 2050 summary sheet be noted.

4 How the Environment and Planning Working Party will work

The Chair provided an overview of how this Working Party will operate, summarised below:

- Initially the working party will meet once a month given its wide remit of environment and planning;

- The focus of the Working Party is on policy matters and not minutiae or individual issues;
- To generate ideas and proposals which support delivery of the Southend 2050 Road Map Ambition and Outcomes;
- Make recommendations to Cabinet, as and when appropriate;
- Each meeting will cover one or two policy topics.

Resolved:

That the Chair's overview be noted.

5 Overview of the Council's current progress and plans on sustainability issues, looking at energy related issues in particular

The Working Party received a power point presentation from officers which provided an overview of the current progress and plans on sustainability issues, specifically focused on energy related issues, covering:

- Background information (weather, 2018/19 achievements, etc)
- Reducing emissions;
- Sustainable Planning and Regulation;
- Delivering Low Carbon Growth (i.e. housing growth, Queensway);
- Creating Sustainable Communities;
- Mobilising Sustainable Transport (i.e. Electric Vehicles)
- Climate Change adaptation;
- Next steps in range of areas (i.e. Environment Bill, New Low Carbon Strategy).

The Working Party asked a number of questions which were responded to by officers.

Given that energy and sustainability covers a significant range of issues and policy areas, officers invited the Working Party to give their views on the topics and policies it would like covered in more detail and focus.

Resolved:

That the relevant officers progress solar energy and electric vehicles as topics/policy areas for focussed attention and discussion at a future meeting of the Working Party.

6 Promoting wildflowers on grass verges, central reservations and public spaces

The Working Party received a power point presentation from officers providing an overview of how naturalised grassland helps support a Green City. The presentation covered the following:

- Background and context (e.g. global decline in the numbers of pollinating insects);
- The current position in the borough in terms of highways verges and street trees;

- Existing strategies and management;
- State of Nature survey;
- Parks Management Plans;
- The current management of grass verges and boulevards;
- Parks and open spaces – 1,234,972 square metres of naturalised grass and meadow across the borough;
- A number of options for naturalised grassland and greater biodiversity in the borough that supports the borough to be a Green City;
- A range of potential projects and next steps (i.e. identify sites, costings, etc).

The Working Party asked a number of questions which were responded to by officers.

The Working Party discussed the range of options and opportunities for naturalised grassland and greater biodiversity and the potential project areas across the borough.

Resolved:

That the relevant officers progress and develop the different approaches to biodiversity and naturalised grassland and identify two or three possible pilot areas where this can be achieved, within existing resources, in the borough.

7 Date and time of next meeting

Wednesday 2nd October 2019 at 6.30pm – Civic Centre, Committee Room 5.

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CABINET

Tuesday, 17th September 2019

COUNCIL PROCEDURE RULE 46

The following action taken in accordance with Council Procedure Rule 46 is reported. In consultation with the appropriate Cabinet Member(s):-

1. The Strategic Director (Finance & Resources) authorised:

1.1 Airport Business Park and St Laurence Park (Easement)

The granting of an Easement in favour of UK Power Networks to lay underground the electricity cables to serve the Airport Business Park through part of St Laurence Park. The granting of such an easement constitutes a disposal of open space. The ground will be reinstated and there will be no loss of public amenity following the works.

1.2 Lease to Trust Links, St Laurence Orchard

The granting of a 25 year lease to Trust Links to enable them to take over the maintenance of the orchard and to develop their stewardship of it to support their delivery of a range of environmentally beneficial projects supporting vulnerable people in the community. The granting of the lease constitutes a disposal of open space. The proposed disposal has been advertised as required and no comments were received therefore the Council is free to grant the lease.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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