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#### Simon Hobbs

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PUBLIC

To: Members of Cabinet

Wednesday, 15 April 2020

Dear Councillor,

Please attend a meeting of the **Cabinet** to be held at <u>2.00 pm</u> on <u>Thursday, 23 April 2020</u> This meeting will be held virtually. As a member of the public you can view the virtual meeting via the County Council's website. The website will provide details of how to access the meeting, the agenda for which is set out below.

Yours faithfully,

Simon Hobbs Director of Legal and Democratic Services

# <u>A G E N D A</u>

## PART I - NON-EXEMPT ITEMS

- 1. To receive apologies for absence
- 2. To receive declarations of interest (if any)
- 3. To receive Minority Group Leader questions (if any)
- 4. To confirm the non-exempt minutes of the meeting of Cabinet held on 16 March 2020 (Pages 1 - 28)

- 5. To receive minutes of Cabinet Member Meetings as follows:
- 5 (a) Corporate Services 5 March 2020 (Pages 29 32)
- 5 (b) Highways, Transport and Infrastructure 16 March 2020 (Pages 33 36)
- 5 (c) Adult Care 19 March 2020 (Pages 37 38)
- 5 (d) Clean Growth and Regeneration 19 March 2020 (Pages 39 42)
- 5 (e) Young People 19 March 2020 (Pages 43 44)
- 5 (f) Health and Communities 26 March 2020 (Pages 45 48)
- 6. To consider reports as follows:
- 6 (a) Budget Monitoring 2019-20 (as at 31 December 2019) (Pages 49 68)
- 6 (b) CIPFA Financial Management Code (Pages 69 74)
- 6 (c) Future Management of Educational Charities (Pages 75 86)
- 6 (d) Children's Services Capital Programme 2019-20 S106 Project Allocations Paper (Pages 87 - 92)
- 6 (e) Support for Mainstream Schools with Significant Numbers of Children with Special Educational Needs (Pages 93 100)
- 6 (f) Officer Decisions (Pages 101 310)
- 6 (g) Temporary Funding for Adult Social Care Providers during the Covid-19 Crisis (Pages 311 - 314)

## PART II - EXEMPT ITEMS

7. Exclusion of the Public

To move "That under Regulation 21 (1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph(s)... of Part 1 of Schedule 12A to the Local Government Act 1972"

- 8. To receive declarations of interest (if any)
- 9. To confirm the exempt minutes of the meeting of Cabinet held on 16 March 2020 (Pages 315 328)

- 10. To receive exempt minutes of Cabinet Member Meetings as follows:
- 10 (a) Young People 19 March 2020 (Pages 329 334)
- 11. To consider exempt reports as follows:
- 11 (a) Project to upgrade Core Business Systems (SAP) (Pages 335 342)
- 11 (b) Officer Decisions Appendix 6 (Exempt items) (Pages 343 356)

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PUBLIC

**MINUTES** of a meeting of **CABINET** held on 16 March 2020 at County Hall, Matlock.

# PRESENT

Councillor B Lewis (in the Chair)

Councillors A Dale, A Foster, C Hart, T King and J Wharmby.

Apologies for absence were received on behalf of Councillor S A Spencer.

## **Declarations of Interest**

Councillor A Dale declared a personal interest in Agenda Item 6(j) – Children's Services Capital Programme 2019-20 Joint Match Funding Initiative as member of the Dronfield Henry Fanshawe School Governing Body.

## 40/20 MINORITY GROUP LEADERS' QUESTIONS

There were no Minority Group Leader questions.

**41/20** <u>MINUTES</u> **RESOLVED** that the non-exempt minutes of the meeting of Cabinet held on 13 February 2020 be confirmed as a correct record and signed by the Chairman.

**42/20 CABINET MEMBER MEETINGS - MINUTES RESOLVED** to receive the non-exempt minutes of Cabinet Member meetings as follows:

- (a) Health and Communities 3 February 2020
- (b) Young People 4 February 2020
- (c) Strategic Leadership, Culture and Tourism 7 February 2020
- (d) Corporate Services 13 February 2020
- (e) Highways Transport and Infrastructure 13 February 2020

**43/20** <u>COUNCIL PLAN REFRESH 2020-21</u> (Strategic Leadership, Culture and Tourism) The Council Plan sets out the future direction of the Council, the outcomes that the authority was seeking to achieve and priorities to focus effort and resource. In May 2019, Council approved a substantially revised Council Plan for 2019-21, which set out a smaller number of focused priorities, supported by key deliverables. To ensure the Plan remained up to date and fit for purpose, a light touch refresh of the Council Plan had been undertaken for 2020-21, the refresh was attached at Appendix A to the report. As part of the

refresh, additions had been made to the Plan to ensure a continued focus on the Council's work with partners and communities to tackle climate change.

The Plan was supported by a more detailed delivery plan, which had been updated and was attached at Appendix B to the report. This delivery plan sets out clear timescales and lead responsibility. The refreshed Plan and delivery plan were recommended for approval by Full Council. The Council would continue to assess progress through regular monitoring of the deliverables and performance against the key measures set out in the Plan. In line with around fifty other councils across the UK, the Council had the opportunity to achieve its savings targets in the Communications area by generating income through advertising on carefully selected platforms.

**RESOLVED** to recommend the Authority's refreshed Council Plan 2020-21 for approval by Full Council.

**44/20** <u>DEPARTMENTAL SERVICE PLANS 2017-2021</u> (Strategic Leadership, Culture and Tourism) The Executive Director – Commissioning, Communities and Policy recommended the 2020-21 updates to Departmental Service Plans 2017-21 for approval by Full Council. Service Plans set out how each department would contribute to the outcomes and priorities set out in the Council Plan refresh 2019-21.

**RESOLVED** to approve (1) the 2019-20 update to Departmental Service Plans 2017-21; and

(2) that the Service Plans be submitted to Full Council for endorsement.

**45/20** <u>CAPITAL BUDGET MONITORING TO MONTH 9 2019-20</u> (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT informed Cabinet of the latest Capital budget monitoring position for the Capital programme.

The report reflected those schemes that were currently under way and which had previous Cabinet approval. Each scheme had a nominated budget holder who was responsible for ensuring the scheme stays within budget, and who verified the projected spend against their allocated schemes. The report contained schemes that were open at 1 April 2019 and also those that had been completed and closed in-year.

On 6 February 2019 Council approved proposals relating to the Capital starts programme for 2019-20 totalling £67.6m. Due to subsequent approvals and project adjustments the 2019-20 capital programme now stands at £86.9m. The Schemes contained within the Report include previously approved Capital Programmes over numerous funding years, including 2019-20.

The current budget for open schemes is approximately £646m, with the latest monitoring showing a forecast underspend over the life of the projects of  $\pounds 2.220m$ . This is different from the figures presented in Appendix 1 which is a position statement by department and shows the forecasted position for all schemes which were open as at 1 April 2019, some of which may have been subsequently closed within the year. Details of the current position by Cabinet Portfolio were presented in the report.

Appendix 2 to the report set out a summary of the ten largest capital schemes that the Council currently had. These represented approximately 51% in value of all the capital schemes that were open as at 1 April 2019. These schemes were currently projected to underspend by £1.013m, the main underspend of £0.779m related to the A61 Growth Deal Project. It was noted that the current estimated expenditure for Belper Integrated Specialist Services in 2019-20 included expenditure previously processed and allocated to the project which had now been partially reversed to reflect the true split of the costs incurred between two projects.

**RESOLVED** to note the current position on the monitoring of Capital schemes.

**46/20** <u>APPROVAL OF THE 2020-21 RISK STRATEGY</u> (Corporate Services) The Director of Finance and ICT sought approval to the 2020-2021 Risk Strategy and associated implementation plan. A copy of the Strategy was appended to the report.

Risk Management was an integral part of the Corporate Governance Framework of the Council. The Risk Management Strategy would assist the Council in practising good corporate governance by reducing risk, stimulating performance throughout the Council, enhancing services, Value for Money and improving leadership, transparency and social accountability.

How successful the Council was in dealing with the risks it faces could have a major impact on the achievement of our key objectives and service delivery to the community. This Strategy would help support the corporate agenda and underpin the key Council Plan objectives.

The Risk Strategy had undergone a significant overhaul to enable the Derbyshire's transition to an enterprising model. As risk changed through the evolution of the Council Plan, it was vital to ensure that the risk model was fit for purpose and in line with these altering opportunities and hazards. This would enable the Council to be aware of the risks and opportunities that were presented within a clear framework of assessment and identification. **RESOLVED** to approve the 2020-21 Risk Management Strategy and Implementation Plan.

# 47/20 ADVANCE PAYMENT OF PENSION CONTRIBUTIONS PROPOSAL

(Strategic Leadership, Culture and Tourism) The Director of Finance and ICT sought approval for the Council to make a lump sum payment on 30 April 2020, to the Derbyshire Pension Fund, of its Local Government Pension Scheme employer contributions, in full, for the period 1 April 2020 to 31 March 2023, further details of which were presented.

**RESOLVED** to approve a lump sum payment to be made on 30 April 2020 to the Derbyshire Pension Fund for the Council's employer contributions, in full, for the period 1 April 2020 to 31 March 2023.

# 48/20 MODERNISING COUNCIL SERVICES THROUGH DIGITAL

**TRANSFORMATION AND CHANNEL SHIFT** (Corporate Services) The Executive Director – Commissioning, Communities and Policy sought approval to progress a cross-council, digital transformation 'Channel Shift Programme' by moving to the procurement stage for new underpinning digital systems for an initial four-year term, with options to extend for up to three additional periods of two years and to support this investment with the required change management processes. The implementation phase will last 2.5 years, with benefits being accrued over a five-year period.

Derbyshire County Council existed to enable its citizens to enjoy the best quality of life that they could achieve, supported by a modern, enterprising organisation that puts residents first. Being an efficient organisation that prioritises customer experience underpins this commitment, and an opportunity existed for the Council to deliver more effectively for its residents through digital transformation.

By embracing digital technology, which was now used by hundreds of councils across the UK, the Council could make a wide range of its services more accessible, more efficient and improve the experience that residents had when they interact with the organisation. A focused, digitally-driven approach would modernise many of our processes and support renewed focus on delivery and accountability as an Enterprising Council. It would also improve the perceptions that our partners, stakeholders and Derbyshire people had about the Council.

Digital communication had become the norm following exponential growth in the use and ownership of desktops, laptops and smartphones. This was reflected in national statistics. The Council does not currently have an online portal where residents could log-in to access a range of Council services. This meant that residents were often required to complete separate online forms for related services (e.g. school admissions and free school meals). In some cases, people had separate logins for different Council services and it was difficult for residents to track the progress of individual cases. The contact centre, Call Derbyshire, was therefore, the natural "go-to" channel for many.

In future, the Council wanted a significant proportion of Derbyshire residents to engage, communicate and transact with the Council through a single online portal. This would allow residents to see status updates on the progress of queries, bookings or applications for a wide range of Council services in a single place, thereby improving citizen journeys and customer satisfaction. Another key driver of the Channel Shift Programme was to enhance colleague experiences of working at the Council and, in turn, to improve service quality.

The objective of the Channel Shift Programme could be summarised as:

"To improve the resident experience through the introduction of three new corporate, citizen facing systems to the Council in 2020, putting at least 50 services live on these new platforms by the end of 2020. An additional c.150 services will follow in 2021-22."

Since September 2019, the Channel Shift Programme Team had worked with the Channel Shift Board to evaluate the introduction of a modern, corporate Customer Relationship Management (CRM) system, further details of which were presented. This had been considered alongside the introduction of two other corporate systems: a Compliments, Comments and Complaints system; and a Room and Events Booking system. Once procured, all three corporate systems would help to promote consistent resident and colleague experiences and drive significant efficiencies via integrated workflow.

The proposed new approach would also improve service quality and efficiency by and for colleagues. If this transformation programme achieves its potential, towards the end of the five-year benefit period, the following improvements could also be delivered:

• There was likely to be a reduction in the number of ICT applications once the new corporate systems are procured, implemented and embedded within the Council through rationalisation of existing systems. This supported commitments outlined in the Council's five-year ICT Strategy;

• The new systems could be used extensively for colleague-facing processes, as well as resident-facing processes which were the primary focus of the Channel Shift Programme. For example, on boarding processes operated by the Shared Service Centre, HR or Finance could use and benefit from the new systems;

• The new systems could be used to accelerate Council responses to FOI (freedom of information) and subject access requests (SAR);

• The Channel Shift Programme was likely to support the Council's climate change agenda by supporting reduced printing and travel frequency. The Programme Team has started to engage relevant officers in the Council to quantify its anticipated contribution;

• The CRM system in particular was likely to support wider process improvement work within the Future Highways Model; and

• There may be strong alignment with other prominent Council initiatives (e.g. the Better Lives and Thriving Communities programmes). The Programme Team was in the process of engaging these teams to establish how the Channel Shift Programme could support these programmes' objectives, especially around culture and change management expertise which could potentially be shared and pooled as needed.

The Council did not currently have benchmark data in many of the above areas, so the Channel Shift Programme would work with colleagues from across the Council to establish suitable benchmarks for monitoring purposes.

Best practice examples could be found throughout the Channel Shift Strategy as detailed in Appendix 1 to the report which referenced to quality and efficiency savings realised by other councils through Channel Shift initiatives.

This Programme supported the Council's Enterprising Council approach, which included a commitment to working as "One Council", replacing 'siloed' departmental working with coordinated, Council-wide transformational change. It also aligned to commitments within the Council Plan.

As outlined, the basis of the Channel Shift Programme focused on the procurement and implementation of the three corporate systems. These systems may all be part of the same system or procured from separate suppliers, and would be implemented in a consistent manner across the Council to ensure maximum adoption and utilisation. They would be procured using the open tender procedure, for an initial four-year term with options to extend for up to three additional periods of two years.

The anticipated total cost of this Programme over five years, including licences, professional services and backfill costs for directorates, was  $\pm 1.639m$ . and the breakdown of these costs were detailed in Appendix 2 to the report.

There was potential for the Channel Shift Programme to drive significant quality and efficiency benefits across the Council over a five-year period. There would be an amount of cash and non-cash releasing benefits which would support the Council in achieving its savings targets and driving efficiencies in terms of processes, roles and systems. Further details were presented at Appendix 3 to the report.

The costs of the programme would be initially underwritten by Commissioning, Communities and Policy 2019-20 underspends. A benefits realisation case would need to be developed to determine how the costs of the programme could be recovered. This would be established as part of the Programme work.

As the Channel Shift Programme moved from procurement to implementation, it planned to adopt a Prince2 methodology to manage the implementation of the new digital systems. It would work in an agile way to ensure swift development, testing and implementation of new processes and systems.

In addition to the existing Channel Shift Programme Board (which would be reviewed to ensure appropriate representation and oversight of the Programme was achieved), the Programme Team planned to create a Delivery Board which would include many of the end-users who would ultimately use the new digital systems (for example, service leads within ACATT, Call Derbyshire, Trading Standards, School Admissions, Adult Education, Highways, Planning and other citizen-facing services). The primary purpose of this Board would be to ensure that the digital solution(s) were fit for purpose and to act as Digital Champions who would help drive adoption and utilisation across the directorates.

**RESOLVED** to approve; (1) the digital transformation programme, as outlined in this Report;

(2) a £1.639m budget for the Channel Shift Programme including backfill costs for directorate resources working on the Programme, supplier professional services, external change management support, software licences, middleware (if needed) and contingency at 10%; and

(3) the procurement of three new corporate systems, as referred to in this report for an initial four-year term, with options to extend for up to three additional periods of two years, in line with the Council's procurement processes.

**49/20** PUBLIC HEALTH LOCALITIES AND PLACE-BASED PROGRAMME AND INVESTMENT 2020-21 AND 2021-22 (Health and Communities) The Director of Public Health sought approval to:

• invest in the Public Health Locality and Place-based Programme in 2020-21 and 2021-22

• allocate the 2020-21 and 2021-22 investment for the Public Health Locality and Place-based Programme to Locality Health and Wellbeing Partnerships

• adopt the Community Wellness Approach in three localities to enable locality Health and Wellbeing Partnerships to support more community-led projects to improve health and wellbeing

• fund the Raising Aspirations programme for the 2020-21 and 2021-22 academic years

• fund the 5 Ways to Wellbeing approach for 2020-21

The Public Health Localities and Place-based approach delivered a broad range of locally-developed projects and programmes, which were monitored and reported annually. These were currently agreed through the Health and Wellbeing Partnerships, with an aspiration to further involve people from the communities the Council served. There were eight Health and Wellbeing Partnerships across Derbyshire, arranged on a district/borough footprint. Each Health and Wellbeing Partnership worked to improve the health of local communities, through promoting health-related behaviours, and addressing the wider determinants of health, such as housing, employment and skills, and financial inclusion.

Public Health Localities and Place-based work was integral to addressing the wider determinants of health and wellbeing at a local level; in particular, employment and skills, financial inclusion, community cohesion and social isolation experienced by some of Derbyshire's most vulnerable communities.

Headline information detailing the impact and reach of the investment through locality Health and Wellbeing Partnerships were presented in the report. This activity showed how the Public Health Localities and Placebased approach supports the delivery of the Council Plan and the Council's place based work and local engagement. It also contributed to Derbyshire's Health and Wellbeing Strategy, and the Prevention and Place work streams of Joined-up Care Derbyshire, and district and borough Community Strategies, where appropriate.

Joint working was well-established in the Localities and Place-based approach, and this created considerable secondary gain across the localities, both in terms of in-kind contributions from partners and also match-funding. The Localities and Place-based budget in 2018-19 enabled additional investment through match-funding of £0.468m to further support investment in the priorities of locality Health and Wellbeing Partnerships. Activity and achievements for 2020-21 will be collated at the end of the financial year.

The Community Wellness Approach was a further development of the place based approach and focuses on how we change our relationship with

communities to enable better wellness and resilience, leading to improved health outcomes and reduced use on services. The approach had a central belief that all people and communities came with assets and by putting our resources into supporting people to nurture what they value and achieve what they believe in and by removing the barriers to good wellbeing we would see happier and healthier people and communities.

Currently the Public Health locality programme centred on using information to set priorities for each district area, in conjunction with partners to best meet the needs of the local population and establish projects to do this. The shift that the Community Wellness Approach promoted was to support leadership from people and communities in the setting up of community-led projects within the locality programme through building authentic relationships with communities by building trust between the partners and the communities that we serve.

This approach complimented the Thriving Communities work which also aimed to build to relationships of trust with communities; both approaches supported a cultural shift within the Council, our partners and with the people served.

The Raising Aspirations project was initially developed by Bolsover Partnership in 2009, and was a programme of co-ordination and interventions that addressed barriers relating to aspiration and engagement amongst vulnerable groups of young people. The strength of the Raising Aspirations project had been the innovative approach to drawing upon existing strategy and provision in order to enhance and strengthen the positive impact on the local community. The aim of the project was to provide targeted, bespoke and intensive interventions with small cohorts of young people that required additional support and motivation to achieve positive post-16 progressions.

Due to their previous experience in commissioning the Raising Aspirations project, in 2017 Bolsover Partnership re-tendered the contract on behalf of the locality Health and Wellbeing Partnerships across Derbyshire. The contract was funded through the allocations provided to Health and Wellbeing partnerships from the Public Health Grant, and allowed the project to be extended into schools across all district and boroughs of Derbyshire. The contract was awarded to Derbyshire Education Business Partnership (DEBP), who were delivering the programme in fourteen schools across Derbyshire, further details of which were presented.

In 2018-9, an initiative to raise awareness about the 5 Ways to Wellbeing was launched through the locality programme. Each locality was awarded £5,000 to run a local promotional campaign, which was supplemented by £10,000 for a local small grants fund to support delivery of projects. The grants fund continued in 2019-20 and succeeded in the aims of raising awareness and embedding the principles of the 5 ways to wellbeing within locality work. In 2020-21, the next stage was to embed the principles of the 5 Ways to Wellbeing within generic local small grants funds. Each locality would be awarded £2,500 to supplement their local small grants fund on the condition that the criterion included the 5 Ways to Wellbeing principles.

The annual Localities and Place-based budget for 2020-21 and 2021-22 was £0.890m and would be apportioned as follows:

• £0.579m of the budget would be allocated to the eight Locality Health and Wellbeing Partnerships, this represented 65% of the overall budget. The allocations would be determined using a fair-share formula; a weighted calculation, taking into account population size, health outcomes, and key determinants of health, to achieve an equitable distribution of resources across the County.

• £80,000 would be allocated equally between Locality Health and Wellbeing Partnerships to facilitate a Health & Wellbeing Community Small Grants scheme in each locality.

• £0.231m would be allocated to the eight Locality Health and Wellbeing Partnerships to work on an agreed overarching approach for the County.

An additional  $\pm 0.231$ m would be allocated to the re-procurement of the Raising Aspirations programme across schools in Derbyshire and a further  $\pm 20,000$  to the small grants fund across localities to deliver against the 5 Ways to Wellbeing.

All Health and Wellbeing Partnerships w be required to use their locality allocations to deliver the public health priorities set out in their Partnership Action Plan. Local Partnership Action Plans were agreed annually by each locality Health and Wellbeing Partnership. Governance arrangements would ensure that the investment was used to complement and not duplicate other work of the Council, including other public health programmes. Governance arrangements for the Locality Programme needed to be flexible enough to support the diversity of the priorities of the Health and Wellbeing Partnerships, but robust enough to ensure that Public Health maintain oversight of the budget. To further strengthen the governance arrangements, Public Health had established a Locality Programme Performance and Governance Group to provide the Public Health Senior Management Team and the wider Council with assurance around the use of locality funding. This new governance structure aimed to fulfil recommendations made by Audit Services following their 2018-19 review of Public Health contracts and grants. The annual budget for the Locality Programme is £0.890m, and this money had been identified within the Public Health Grant. An additional  $\pm 0.231$ m from the Public Health Grant would be used to re-procure Raising Aspirations for a further two academic years. A further £20,000 from the Public Health Grant, would be added to small grants funds across localities. Total investment in the Public Health Locality programme for the financial years 2020-21 and 2021-22 would be £2.031m

**RESOLVED** to (1) approve funding of £2.011m for the Public Health Localities and Place-based programme in 2020-21 and 2021-22;

(2) approve the release of annual investment of £0.890m for 2020-21 and 2021-22 to Locality Health and Wellbeing Partnerships to deliver the priorities set out in the Public Health Locality Plans;

(3) approve funding of £20,000 to Locality Health and Wellbeing Partnerships to deliver the 5 Ways to Wellbeing for 2020-21;

(4) approve the transfer of £0.231m to Bolsover Partnership to enable the re-procurement of the Raising Aspirations programme across Derbyshire for the 2020-21 and 2021-22 academic years;

(5) support the adoption of a community wellness approach by Erewash, Amber Valley and Derbyshire Dales Health and Wellbeing Partnerships; and

(6) note the revised Governance arrangements to be implemented for 2020-21.

**50/20** <u>FLOOD RESPONSE POLICY</u> (Highways, Transport and Infrastructure) The Executive Director - Economy, Transport and Environment sought approval for the publication of the Flood Response Policy, attached as Appendix A to the report, on the Council's website.

**RESOLVED** to approve the publication of the Flood Response Policy as detailed in Appendix A to the report, on the Council's website.

**51/20** <u>CHILDREN'S SERVICES CAPITAL PROGRAMME 2019-20 JOINT</u> <u>MATCH FUNDING INITIATIVE</u> (Young People) The Executive Director – Children's Services sought approval to a schedule of joint-funded projects submitted by schools as a charge on the budget approved in the 2019-20 Children's Services Capital Programme.

Cabinet agreed on 11 July 2019, as part of the 2019-20 Children's Services Capital Programme, to allocate £500,000 from the School Condition Allocation to continue with the Joint Funding Initiative. The initiative enabled schools to bid for 50% funding support from the Authority to undertake priority schemes which would improve the condition of their school site/buildings, or to improve the safeguarding of children or to enable former classrooms now used for other purposes to be brought back into classroom use. The initiative helped to reduce the backlog of school condition improvement works which was a national and local priority for capital investment.

Bids must be for projects with a minimum value of  $\pounds 10,000$  with the Authority matching 50% of the Schools contribution up to a maximum of  $\pounds 15,000$ . Appendix A to the report detailed bids for projects at 25 schools which meet the criteria for funding and for which full supporting information has been received. If approved these would require a contribution from the Authority of  $\pounds 273,254$ .

Bids had also been received for projects at 13 schools for which full supporting information was either not yet available or which were deemed lower priority condition works. It was proposed, subject to the availability of funding, that these projects be considered for inclusion in a future paper. A further five requests had been received after the closing date for bids of 25 October 2019.

**RESOLVED** to approve the joint-funded projects as detailed in the Appendix to the report, with funding being split between the schools and the Authority, resulting in a charge of £273,254 against the Children's Services Capital Programme.

#### 52/20 INSPECTION OF LOCAL AUTHORITY CHILDREN'S SERVICES (ILACS) – POST ILACS ACTION PLAN AND SUMMARY FOR YOUNG

**PEOPLE** (Young People) The Executive Director – Children's Services shared with Cabinet the action plan which had been developed to address the five areas for improvement identified in Derbyshire's ILACS inspection and also sought agreement to publish a summary version of the Ofsted report and action plan for children and young people.

In July and August 2019, Ofsted carried out an inspection of Derbyshire County Council's Children's Services under the ILACS inspection framework. The inspection identified that senior leaders in Derbyshire had a sound understanding of the strengths and areas for improvement across the service. Inspectors highlighted a sustained trajectory of improvements in many children's services, further details of which were presented.

The inspection also identified that further work was needed to address some remaining areas of pressure and/or inconsistent practice. The specific areas for improvement identified in the report were: • The timeliness with which Starting Point progress decision-making on contacts when there were no child protection concerns.

• The quality and timeliness of assessment and planning for children in need, including disabled children, those in private fostering arrangements and young people who present as homeless.

• The consistency of the quality of recording of strategy discussions.

• The timeliness of initial personal education plans (PEPs) and initial health assessments for children newly into care.

• The consistency of practice, including the effectiveness of front-line management oversight and supervision

The Care Leavers' service in Derbyshire was commissioned to an external provider for a twelve year period up to 1 July 2019, and transferred back to the Council on the day inspection was notified. At the time of inspection, Ofsted agreed that support for care leavers needed to improve and endorsed the steps already taken by the Council.

Ofsted required all local authorities (other than those judged to be 'outstanding') to submit an action plan following inspection. Since August the senior management team in Children's Services, together with relevant lead officers and elected members, had considered the above improvement priorities. A post-ILACS action plan had been developed, which focused on how the pace of change could be accelerated to ensure a swift and robust response to the inspection findings. A copy of the post-ILACS action plan was at Appendix 1 to the report. The plan was underpinned by more detailed project plans for each priority. The action plan was submitted to Ofsted in December 2019. Whilst Ofsted did not have a role in approving the plan, however they had indicated that the plan covered all the areas they would expect.

Work was underway to deliver the actions, with progress being monitored regularly by a Quality Assurance Board chaired by the Executive Director and the Practice Improvement Board, which included senior managers and Elected Members. Improvements had already been achieved in several areas, including the timeliness of decision-making in Starting Point where there were no child protection concerns, and the timeliness of initial PEPs for children in care.

Ofsted also required that a summary version of their inspection report was made available to young people locally. The draft at Appendix 2 to the report had been developed by the Participation Team with input from the Derbyshire Youth Council. It summarised the main findings of the inspection and explained how the Council was working to improve services further. Appendix 2 would be shared with the Youth Council and with all Derbyshire children in care and care leavers. Copies would be provided to social workers to share with families, and it would also be made available in children's centres and social care offices.

**RESOLVED** to (1) note the content of the action plan at Appendix 1 to the report; and

(2) approve the publication of the summary version for children and young people at Appendix 2 to the report.

**53/20** EARLY YEARS FUNDING SETTLEMENT 2020-21 (Young People) The Executive Director – Children's Services informed Cabinet of the Early Years settlement of the Dedicated Schools Grant and the related decisions of the Schools Forum, and to sought approval to the Early Years funding formula for 2020-21.

The Early Years Dedicated Schools Grant (DSG) funding rates for 202021 were confirmed by the DfE on 19 December 2019. Most LAs would see a flat rate increase of £0.08 per hour with a national minimum rate of £4.38. However, 12 LAs, including Derbyshire, whose current rates were protected at a level above the national minimum rate, would receive no increase. Derbyshire's funding for 2020-21 would therefore remain at £4.39 per hour as this is above both the national minimum rate (£4.38) and the updated pure funding rate under the Early Years National Funding Formula (£4.24).

The funding rate for 2 year olds for all LAs had increased by £0.08 per hour, Derbyshire's figure would rise from £5.20 to £5.28 (+1.54%). The DfE had also confirmed that the national funding rate for the early years' pupil premium is 53 pence per eligible child per hour, and the Disability Access Fund is £615 per eligible child per year. Both of these rates were unchanged from 2019-20.

Finally, the announcement provides Derbyshire with a Maintained Nursery Schools Grant of £1.000m for 2020-21, £0.086m less than in 2019-20 due to a slightly reduced level of provision.

No other technical changes had been announced and hence LAs would continue to have to meet the 95% passporting test i.e. 95% of the universal and additional hours funding for 3 and 4 year olds must be delegated to providers, with a maximum of 5% to be retained for central early years functions. LAs' formulae must continue to include a basic hourly rate and a deprivation indicator, in addition LAs can include indicators for rurality/ sparsity, flexibility, quality and a lump sum for nursery schools. The December announcement included indicative figures based on January 2019 census data; the actual 2020-21 allocations will be based on a combination of January 2020 (5/12ths) and January 2021 (7/12ths) census information.

In respect of early years delegated funding, one of the key issues facing providers would be the increases to the national Living and Minimum Wage rates which take effect from April 2020. Most employees paid on these rates would see increases of between 6.2% to 6.5%. These increases, which were significantly above the rate of inflation, would add pressure on the early years sector, particularly private, voluntary and independent providers.

Given that Derbyshire's 3 and 4 year old funding rate was unchanged for 2020-21, the scope for increasing the rates paid locally to providers was a challenge. However, the Schools Forum, which was responsible for setting central early years budgets, agreed to reduce the level of central spend for 2020-21 to help facilitate an increase. Accordingly, it was proposed that Derbyshire's universal rate paid to all providers should rise from £4.08 per hour to £4.11 from April 2020. The enhanced hourly rate for nursery schools (£0.54), the nursery schools' lump sum (£89,813.79) and the deprivation multiplier (£1.31 per hour) within Derbyshire's local early years formula would remain unchanged, the only other increase being in respect of funding for nursery schools' rates bills. The estimated cost of the delegated allocations for 2020-21 were presented in the report.

Decisions on the level of central early years spend were a matter for the Schools Forum. At its last meeting on 20th January 2020 the Forum agreed the budgets, details of which were presented.

The reduction in central spend included the transfer of £0.323m to the high needs block relating to the Early Years SEN service, a lower level of planned spend on the early years improvement service and cessation of support from the DSG for the Every Child A Talker (ECAT) programme. The ECAT programme would in future be met from separate DfE Early Years Professional Development Programme funding. The reduction in central spend would fund the increase in universal rate funding whilst ensuring the early years grant was not over-committed.

The overall cost of the Early Years funding as set out in the report fully allocate the grant. The proposals also meet the government's 95% passporting test.

**RESOLVED** to (1) note the Early Years Block settlement for 2020-21;

(2) agree the increase in Derbyshire's universal rate to £4.11 from April 2020;

(3) agree that the enhanced rate for nursery schools, nursery school lump sum and deprivation multipliers remain unchanged for 2020-21;

(4) note the central early years budgets approved by the Schools Forum as set out in the report; and

(5) note that the proposals meet the government's early years passporting test as set out in the report.

54/20 <u>CENTRAL SCHOOL SERVICES BLOCK AND PUPIL GROWTH</u> <u>FUND SETTLEMENT</u>(Young People) The Executive Director – Children's Services informed Cabinet of the Central School Services Block (CSSB) and Pupil Growth settlements for 2020-21 and the decisions of Schools Forum regarding their allocation.

Details of LAs' 2020-21 CSSB allocations were published on 19 December 2019. This block of the Dedicated Schools Grant was introduced in 2018-19 to fund local authorities for the statutory duties that they hold for both maintained schools and academies. The determination of budgets funded by the CSSB was a matter for the School Forum rather than the County Council. The Schools Forum considered the allocation of funding for 2020-21 in October 2019 on the basis of provisional settlement figures, as it was not expected that the final settlement in December 2019 would be significantly different. Details of the estimated grant in October 2019 were presented in the report.

The key changes of note were a 1.95% increase in the per-pupil funding rate for on-going responsibilities and a 20% reduction in the historic commitments element. The DfE's intention to reduce LAs' historic allocations had been trailed for some time, although the scale of the reduction was only made clear in October 2019. The report to Schools Forum set out proposals to allocate the 2020-21 grant.

These proposals were agreed and the allocations left £0.038m of the estimated grant unallocated, to be used to contribute to the expected DSG deficit at 31 March 2020 of approximately £3.5m. The actual settlement in December resulted in a slightly higher CSSB settlement of £4.319m with the extra £0.018m also contributing to the deficit.

Local authorities' DSG allocations now included pupil growth funding as an element of the Schools Block. The distribution of this funding was also a matter for the Schools Forum rather than the County Council. Historically, the fund had been used to support schools with in-year increases in pupils, including new free schools, as well as contributing to the extra costs of meeting national Key Stage 1 class size requirements.

Allocations for 2020-21 were announced on 19th December 2019 and based on a formula which looks at increases in pupil numbers as measured at Middle Super Output Area (MSOA) level: net reductions at MSOA level would be ignored. The allocations for 2020-21 had been based on the increases between October 2019 and 2018 pupil census data with each additional primary pupil attracting £1,425 and each secondary pupil £2,130. In addition, LAs would receive £67,000 for each new institution registered for the first time on the October 2019. Details of Derbyshire's Pupil Growth funding for 2020-21 were detailed in the report.

The allocation was significantly higher than that for 2019-20 (£2.352m) as the 2020-21 allocation had not been capped. Whilst the increase was welcomed, it must be noted that this level of funding was only guaranteed for 2020-21, separate calculations would be performed annually to determine future years' allocations based on future pupil number changes. The allocation of this grant was considered by the Schools Forum at its meeting on 20 January 2020. The backcloth to the Forum's decisions was the anticipated £3.5m accumulated DSG deficit at 31 March 2020. Given the need to address this deficit, the Forum was keen to ensure that the pupil growth fund made a significant contribution to this shortfall. A summary of allocations agreed by the Schools Forum were presented in the report.

With regard to in year pupil increases (£0.250m), the need for support arises from the lagged nature of schools and academies' funding. For example, children admitted in September 2019 would not generate additional funding until the start of the 2020-21 financial year (LA maintained schools) or 2020-21 academic year (academies). This leaves the school and academy having to support any in-year additional costs for seven and twelve months respectively. N.B. DfE guidance only allows support to be provided where inyear increases in numbers arise as a direct consequence of a basic need issue i.e. where the Authority required the school or academy to admit a significant number of children. The guidance specifically prohibits supporting general growth due to popularity as this should be managed through lagged funding.

The 2019-20 budget for this purpose was also £0.250m of which £0.113m had been allocated to date. In order to minimise the budget requirement in 2020-21, the Forum approved that the 2019-20 underspend be earmarked for in year pupil increases in 2020-21. This was felt to be necessary given the increasing number of academies, which generally required a longer period of support. With regard to New Free Schools (£0.725m), two new primary free schools The Mease at Hilton and Chellaston Fields opened in September 2019 with a further two, Highfields Farm and

Boulton Moor, planned for September 2020 and 2021 respectively. Under the national academy framework LAs were responsible for funding the pre and post opening set up costs and formula support of free schools, further details of which were presented

In order to ensure resources were in place to provide this additional support, the Authority held a reserve within the DSG to cover the above costs. Currently £2.402m had been set aside for this purpose and the Schools Forum agreed to set aside a further £0.725m from the 2020-21 pupil growth fund for this purpose: a similar figure was expected to be required in 2021-22. The 2020-21 budget would be used to add to the existing reserve with funds only being drawn down when required.

The above budgets utilised £2.103m of the grant leaving £1.325m unallocated and thus available to contribute towards the forecast DSG deficit.

**RESOLVED** to note (1) the Central School Service Block and Pupil Growth settlements for 2020-21;

(2) the decisions of Schools Forum regarding the allocation of these grants; and

(3) the contributions these grants are expected to make towards the anticipated DSG deficit at 31 March 2020.

**55/20** <u>HIGH NEEDS BLOCK FUNDING SETTLEMENT 2020-21</u> (Young People) The Executive Director – Children's Services informed Cabinet of the High Needs Block (HNB) settlement of the Dedicated Schools Grant for 2020-21 and seek approval to its allocation.

Details of LAs' 2020-21 high needs allocations were published on 19 December 2019. Derbyshire's high needs funding would increase by £9.799m (+14%) from £69.972m to £79.771m, a summary of the allocation was provided in Appendix 1 to the report. The increase was slightly greater than expected due to a higher number of pupils in special school provision.

There were two types of high needs places, the first was pre and post 16 SEN places in academies and post 16 places in LA maintained mainstream schools and special schools, college places and post 16 Charitable and Commercial Providers (CCPs). These were all funded by the Education and Skills Funding Agency (ESFA) by deducting monies from LAs' gross HNB allocations. The second type covers pre 16 places in LA special schools, Enhanced Resource provision in LA maintained schools and LA Pupil Referral Units. Work had been on-going for several weeks with providers to establish the number of places required. As a result of this work, the places which the LA expected to fund from the gross HNB were shown in Appendix 2 to the report. The total cost is estimated to be £14.672m, an increase of £0.314m compared with 2019-20 with the majority of the increase being for additional places in LA special school provision.

In respect of Top up funding (also known as Element 3), these sums, which were over and above the place values, were paid to providers for children and students for which the LA was the "home" Authority. Top up rates varied depending on the type of institution and the individual child's needs being met.

Mainstream schools received top up funding for children supported either by an Education Health and Care Plan (EHCP) or Graduated Response for an Individual Pupil (GRIP) arrangement. It was proposed that the funding rates associated with these plans be increased by 3% from April to cover the costs of inflation, including a potential increase in the employer's superannuation contribution.

Special schools, pupil referral units and enhanced resource schools receive Element 3 funding on top of their place led resources. It was proposed that these funding rates be increased by 5%, details of the current and proposed rates were set out in Appendix 3 to the report. The percentage increase was higher than for mainstream schools as it recognised that a significant proportion of these institutions' resources was derived from the number of places. In 2020-21, each of these places would continue to be funded at the nationally-set £10,000 rate with no increase for inflation.

Element 3 payments would also be required for Derbyshire SEND children attending schools in other LAs as well as independent and non-maintained provision. Details of the estimated cost of top ups was summarised in the report.

In respect of High Needs Services and other budgets, in addition to the monies delegated to providers, funding was held centrally to enable some services to be free to schools and academies at the point of delivery. These central budgets also funded a range of other costs including contingencies, contributions to LA-funded services e.g. education psychology services, contributions to high cost complex placements and some limited transport costs. The estimated allocations for 2020-21 total £16.460m, figures for each service area were set out in Appendix 4 to the report.

Included within the total spend was a high needs contingency of  $\pm 0.500$ m, an increase of  $\pm 0.150$ m on the budget for 2019-20. The increase would provide greater scope for supporting schools with significant numbers of

children with either an EHCP or GRIP, an issue which had been discussed recently at Council. A report on the proposed allocation of this fund would be provided to Cabinet early in 2020-21.

The total allocations, a summary of which was presented, would fully allocate the high needs block grant for 2020-21.

In respect of Special Schools De-delegation, funding in respect of redundancy costs and services previously funded by the Education Services Grant (ESG) had been top-sliced from LA mainstream schools' budgets. With regard to the equivalent services for LA special schools, decisions on whether or not to top-slice is a matter for the special school LA-maintained sector representative on the Schools Forum. The proposed top-sliced were set out in the report.

At the meeting of the Schools Forum in June 2019, the special school representative agreed that funding should be top-sliced for their sector for 2020-21. The decision to accept responsibility for costs funded from top sliced resources was a matter for Cabinet.

**RESOLVED** to (1) note the High Needs Block settlement for 2020-21;

(2) agree the places to be funded as set out in Appendix 2;

(3) approve the top up budgets as detailed and the associated top up rates in Appendix 3 to the report;

(4) approve the centrally held budgets in Appendix 4 to the report;

(5) note that a report on the allocation of the high needs contingency budget would be presented to a future meeting of Cabinet; and

(6) agree to top-slice funding for LA maintained special schools in respect of redundancy costs and former ESG funded services as set out in the report.

**56/20** <u>HOME CARE FEES 2020-21</u> (Adult Social Care) The Executive Director – Adult Social Care and Health sought approval to;

• make an inflationary increase of 4.80% for independent sector home care provision from 1 April 2020

• increase travel/visit rates by an average of 3.09% from 1 April 2020;

• to increase the fee rate for in-house home care and extra care provision from 1 April 2020 by 4.80%

• to make an inflationary increase of up to 4.80% for specialist home care placements where evidence is provided of inflationary pressures.

There were approximately 4,200 people currently in receipt of home care support from up to 50 independent sector home care providers, which was equivalent to 90% of the commissioned home care market, the other 10% of long-term packages being provided by the Council's in-house service.

The Derbyshire Homecare Association ("the Association") represented many of the independent home care providers. It had requested, on behalf of their members, that the Council consider an increase in fees for 2020-21 to assist with meeting costs associated with the continued promotion of the National Living Wage. Adult Social Care had also received additional requests from other providers not represented by the Association for a fee increase to reflect inflationary pressures. The Association had attended a meeting held on the 14 January 2020 with the Council to discuss the sector's views about current market conditions and inflationary pressures, details of which were presented.

The home care fee rate proposals for 2020-21 had taken account of the feedback received from Home Care providers about inflationary pressures as detailed in the report. Appendix 1 to the report detailed how these inflationary pressures impacted on the standard cost headings used in Derbyshire Home Care fee model to give a proposed inflationary uplift of 4.80% for 2020-21.

The proposed inflationary value of 4.80% on the hourly rate for the provision of Independent Sector Home Care was also used as a standard inflationary value for the other service types.

The proposals focussed on the basic fee rates for the provision of home care. The Council also funded specialist home care services for people who lived in supported living care settings. Supported living was an alternative to residential care, providing home care support and accommodation to people who were assessed as eligible for adult care services. In a supported living service, the housing provider and support provider were separate, and the client was a tenant with their accommodation costs being met by Housing Benefits. Accommodation is homely not institutional with clients contributing directly to daily tasks around their own home.

Specialist home care providers received higher hourly fee rates than those recorded above which reflect the greater investment in staff and training to meet an individual's needs. It was proposed that an increase in payments of up to 4.5% can be agreed with providers that provide specialist home care provision in supported living care settings where they could evidence that their costs had increased.

The proposed increase of 4.80% on home care fees and 3.09% on travel rates from 1 April 2020 would cost £2.080m per annum. The proposed

increase of up to 4.80% from 1 April 2020 on specialist homecare fees for Supported Living Schemes would cost £1.526m per annum. The total costs of £3.607m per annum could be met from the budget growth allocated for Adult Care fee increases as approved by Council on 5 February 2020.

**RESOLVED** to (1) introduce a new flat rate homecare fee for independent sector home care from 1 April 2020 of £15.72 per hour (equivalent to an increase of 4.80%);

(2) increase all travel/visit rates by an average of 3.09% from 1 April 2020;

(3) make an inflationary increase of up to 4.80% for specialist home care placements where evidence was provided of inflationary pressures; and

(4) increase the fee rate for in-house home care and extra care provision from 1 April 2020 by 4.80%.

**57/20** CARE HOME AND DAY CARE FEES 2020-21 (Adult Social Care) The Executive Director – Adult Social Care and Health sought approval to;

• increase the rate paid to independent sector residential care homes for the financial year 2020-21 by 4.75% per week;

• increase the rate paid to independent sector nursing homes for the financial year 2020-21 by 4.83% per week;

• make an inflationary payment of up to 4.75% for specialist care home placements where evidence is provided of inflationary pressures;

• set a rate of £41.72 per session (from £39.82 per session) for a day care placement in a care home;

• increase the rates for in-house day care and residential care by 4.75%;

• increase the dementia fee rate to £46.62 per week (from £44.52);

• make an inflationary payment of up to 4.75% for well-performing block contracts in specific circumstances.

A comprehensive review of fee levels for independent sector care services was undertaken annually. To assist with this review representatives of the Derbyshire Care Providers Association ("the Association") were invited to meet with the Authority on 21 January 2020 to set out particular business pressures affecting the care market and their costs.

The Association continued to express its view that the detailed fee analysis and consultation previously undertaken by the Council was flawed and the fee rates did not cover their actual costs. The Association had requested that the Council undertake a new study to better understand their costs. The views shared at this meeting had assisted the Council in detailing 2020-21 fee proposals, further details of which were presented in Appendix 1 to the report. The Council had also received additional requests from other Care Home providers not represented by the Association for a fee increase to reflect inflationary pressures.

The proposals, summarised in Appendix 2 to the report, focussed on the basic fee rates for older people. It was proposed to also increase the base fee rates for Residential Care Home by 4.75% and Nursing Homes by 4.83% for other client group placements. This included care home provision for people with a physical disability, people with learning disabilities and people with mental ill health as detailed at Appendix 3 to the report.

An additional payment of £44.52 per week was currently paid towards supporting people with a diagnosis of dementia would be payable to homes that met set criteria of dementia-friendly provision. It was proposed this payment be increased by 4.75% to give a new rate of £46.62 from April 2020.

Some people who were supported to live in their own homes were able to use day care places in care homes for older people. The care home was often situated close to where an individual lives and they frequently help with transport to and from the home and provide meals. In some cases homes would also provide a bathing service and were very flexible with places being made available at weekends and evenings, which could help carers to get a break. The standard fee rate paid by the Council for day care placements in independent sector care homes was currently £39.82 per day. It was proposed for 2020-21 that this fee level to be paid to providers was increased by 4.75% to provide a new daily fee of £41.72 per day.

Adult Care had a small number of block contracts with independent sector profit and not for profit organisations. A number of these agreements were established before the introduction of the National Living Wage. A small number of providers had requested an inflationary increase to assist them with meeting this additional unforeseen cost. It was proposed that payments of up to 4.75% could be agreed with providers who operated block contracts on behalf of the Council where they could provide detailed evidence of their increase in costs relating especially to the increase in minimum wage rates as well as showing that they were meeting their agreed targets for activity and performance.

The estimated cost of this proposal to increase fee rates from 1 April 2020 was £6.182m per annum and could be met from the budget growth allocated for Adult Care fee increases.

**RESOLVED** to (1) increase the rate paid to independent sector residential care homes for the financial year 2020-21 by 4.75% per week;

(2) increase the rate paid to independent sector nursing homes for the financial year 2020-21 by 4.83% per week;

(3) make an inflationary payment of up to 4.75% for specialist care home placements where evidence is provided of inflationary pressures;

(4) agree an updated fee rate of £41.72 per session (from £39.82 per session) for a day care placement in a care home;

(5) increase the rates for in-house day care and residential care by 4.75%;

(6) agree an updated dementia fee rate of £46.62 per week (from  $\pounds$ 44.52); and

(7) make an inflationary payment of up to 4.75% for well-performing block contracts in specific circumstances.

**58/20** DERBYSHIRE SECOND HOMES PROGRAMME (Adult Social Care) The Executive Director – Adult Social Care and Health sought approval for the programme covering the use of the £0.566m Second Homes budget for Amber Valley, Derbyshire Dales, High Peak and South Derbyshire District Councils for 2019–20 and 2020-21.

The rules on levying Council Tax on people's second homes were changed in 2004. The County Council agreed with the four District Councils most affected: Derbyshire Dales, High Peak, Amber Valley and South Derbyshire that 75% of the additional income raised for the County and District/Borough Councils would be used to enhance housing and support for people with the highest need. Cabinet on 8 June 2017, agreed a two year investment programme for 2017-19. The review of the Second Homes programme for 2017-18 and 2018-19 showed the value of delivering services for people with the highest need, reducing demand, and meeting the Borough's, District's and County Council's Housing, Health and Adult Care strategic policy objectives.

Many of the District and Borough Councils' housing customers also received services from the County Council and vice versa. By supporting people through the services outlined in the Second Homes programme (Appendix 1 to the report), Councils were able to reduce demand on their own services by providing enhanced housing and support services to people who were the most vulnerable. The Second Homes programme and its schemes, would assist the County Council to deliver on its strategic plans and priorities as set out in the Council Plan, Adult Care and Public Health plans, the Health and Well-being and Prevention strategies. The total costs are £0.566m per annum which would be met from the Second Homes budget.

Amber Valley	£0.080m
Derbyshire Dales	£0.309m
High Peak	£0.115m
South Derbyshire	£0.062m
Total	£0.566m

**RESOLVED** to approve the programme covering the use of the £0.566m per year Second Homes for Amber Valley, Derbyshire Dales, High Peak and South Derbyshire District Councils for 2019-20 and 2020-21.

**59/20 CORONAVIRUS DERBYSHIRE RESIDENTS AND BUSINESS** <u>**HARDSHIP FUND**</u> (Strategic Leadership, Culture and Tourism) The Director of Finance and ICT sought approval to establish a hardship fund to support Derbyshire residents and businesses affected by the financial consequences of the Coronavirus outbreak in the county.

On 11 March 2020 the Government announced details of Budget 2020 which included a £12bn package of temporary measures to support public services, individuals and businesses during the economic disruption caused by the virus. One of the Government measures was a £500m hardship fund which would be allocated to local authorities to support vulnerable people during the Coronavirus outbreak. There were also further national measures including extending sick pay and suspending business rates for some businesses, further details of which were presented.

The Bank of England decision to reduce the base rate of interest from 0.75% to 0.25% should also support businesses during this period of economic uncertainty. The Natwest Bank had also pledged £5bn of funding to support small and medium-sized businesses caused by the Coronavirus outbreak.

Partners in the County were also supporting businesses. The Chamber of Commerce had developed a Coronavirus Planning ahead toolkit, a set of documents to help organisations in planning for any disruption.

It was proposed to establish a £1m fund to complement both local measures and the measures announced in the Budget 2020. This additional provision would offer valuable financial support to the residents and businesses of the county of Derbyshire. Additional funding would be made available by the Council if necessary. However, there were significant financial pressures on the Council's services, which were reflected in the Five Year Financial Plan approved by Council in February 2020 which highlighted the requirement for savings in excess of £60m over the medium-term.

In setting up the £500m hardship fund, the Government had stated that it expected local authorities to utilise the funding to provide more council tax relief, either through existing Local Council Tax Support schemes or through similar measures. The Council would liaise with district/borough councils in the County to ensure that the Council's hardship fund criteria reflected guidance that was expected from Government in the coming days.

Similarly, the business rates measures announced in Budget 2020, such as business rates relief for small and medium-sized businesses and the business rates retail discount were likely to be the basis of criteria for applications to the Council's hardship fund. The Council would develop details of the application process for the Hardship Fund over the coming days and information for residents and businesses would be made available on the Council's website.

The £1m cost of the hardship fund would be met from the Council's General Reserve and would be paid to applicants in accordance with verified details provided through the application process. Any additional costs would be subject to a further Cabinet report.

In responding to the impact of the Coronavirus, the Council was reviewing business continuity arrangements in accordance with its Business Continuity Policy to ensure that it could deal effectively with any anticipated service disruption. A significant response might result in unexpected substantial costs to the Council which would be reflected in the Council's final outturn position.

**RESOLVED** to (1) approve the establishment of the Coronavirus Hardship Fund; and

(2) delegate the decision to approve the application process and associated arrangements to the Executive Director – Commissioning, Communities and Policy and the Executive Director - Economy, Transport and Environment in consultation with the Leader of the Council.

# 60/20 EXCLUSION OF THE PUBLIC FROM THE MEETING RESOLVED

that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings.

## SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC HAD BEEN EXCLUDED FROM THE MEETING

1. To consider Minority Group Leaders' Questions (if any).

- 2. To confirm the Exempt Minutes of the meeting of Cabinet held on 13 February 2020.
- 3. To receive the exempt minutes of Cabinet Member meetings as follows:
- (a) Strategic Leadership, Culture & Tourism 7 February 2020
- (b) Corporate Services 13 February 2020
- 4. To consider exempt reports as follows:
- (a) Corporate Property Future Delivery Joint Ventures Executive Director Commissioning, Communities and Policy (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
- (b) Urgent Decision taken by the Executive Director Economy, Transport and Environment and the Executive Director Adult Social Care and Health for the approval of award of contracts for Specialist Transport Services (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))
- (c) Approval of Loan Chesterfield Football Club Community Trust – Director of Finance and ICT (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))

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PUBLIC

MINUTES of a meeting of the CABINET MEMBER FOR CORPORATE SERVICES held on 5 March 2020 at County Hall, Matlock

# PRESENT

# Cabinet Member – Councillor A Foster

Also in attendance – Councillor P Murray

**5/20** <u>**MINUTES**</u> **RESOLVED** that the minutes of the meeting held on 13 February 2020 be confirmed as a correct record and signed by the Cabinet Member.

**6/20 GENDER PAY GAP REPORTING REQUIREMENTS** The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 required that all public, private and voluntary sector organisations with over 250 employees published and reported specific data, on their gender pay gap by 31 March each year. Organisations were required to publish gender pay gap data and supporting narrative on their website as well as reporting the data on the Government Equalities Office website.

The gender pay gap was the difference between the average earnings of men and women, expressed relative to men's earnings, for example, 'men earn 15% more than women per hour'. The gender pay gap showed the difference in the mean and median pay of men and women.

The Council's job evaluation scheme ensured that all jobs were evaluated and graded consistently to ensure equal pay for work of equal value, regardless of gender. Schools were not required to publish gender pay data unless they had 250 or more employees, therefore, directly employed school employees were not included in the gender pay gap calculations.

The reporting requirements set out in Appendix 1 to the report, provided detailed instructions on the data to be included or excluded in the pay gap calculations as well as specifying the calculations to be carried out. The calculations were undertaken using data from a specific reference date, called the 'snapshot date'. For public sector organisations, the snapshot date each year was 31 March and the required data must be published within a year of the snapshot date. Therefore, the Council's data at 31 March 2019, along with that of all other public sector organisations, would have to be published by the end of March 2020.

**RESOLVED** to note the report and the proposed data to be published.

# 7/20 BUDGET MONITORING 2019-20 - PERIOD 9 (AS AT 31

**DECEMBER 2019)** The net controllable budget for the Corporate Services portfolio was £48.308m. The Revenue Budget Monitoring Statement prepared at period 9 indicated that there was a projected year-end underspend of £1.189m. The significant areas which made up this projection were detailed in the report and the key variances were as follows:

### Finance & ICT - £0.473m underspend

The ICT section was planning to make significant savings from restructuring various parts of the business over the next three years, with the first tranche of the review being implemented in 2020-21. The underspend was as a result of vacancy control, which would assist in managing the restructure more effectively.

## Strategic Management - £0.321m underspend

The underspend predominantly related to the uncommitted previous Chief Executive budget which was to be reallocated.

## Human Resources - £0.611m underspend

The major area of underspend related to vacancies. The Division was currently undergoing a review of its function within the Council which would result in the centralisation of services and make a significant contribution towards savings targets.

Budget reductions totalling  $\pounds$ 1.435m had been allocated for the year. Additionally there was a brought forward balance of savings not achieved during the prior year of  $\pounds$ 0.377m. The value of the savings initiatives which had been identified for implementation in the current year was  $\pounds$ 1.437m. It was forecast that  $\pounds$ 1.279m of savings will have been achieved by the year-end.

The portfolio had received the following additional budget allocations in 2019-20:

ICT strategy - £0.200m (ongoing) - This would be used to ensure that ICT was aligned with the requirements of the business, in particular in delivering the Enterprising Council programme.

Legal Services - £0.300m (one off) - The growth was being utilised to support the provision of services due to the level of demand.

Enterprising Council - £0.150m (one off) £0.094m (ongoing) - Support for the programme of transformational change, which would affect the whole of the Council

Learning Management System - £0.083m (one off) - The funds would be used to project manage the replacement of the Council's Learning Management system

Shared Service Centre HR consultant – SAP development £0.045m (one off) - There would be increased support for the HR SAP development team which would enable the section to focus on generating more financial savings.

The risks that could negatively impact on the portfolio's forecast outturn position reported in the Forecast Summary were highlighted.

Earmarked Reserves totalling £75.166m were currently held to support future expenditure. Details of these reserves were presented.

The profile of the debt raised, relating to income receivable by services within the Commissioning, Communities and Policy department was presented. In the year up to the end of 31 December 2019 the value of debt that had been written off totalled £0.053m.

**RESOLVED** to note the report.

**8/20 EXCLUSION OF THE PUBLIC RESOLVED** to exclude the public from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of exempt or confidential information

## SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting held on 13 February 2020.

**9/20** <u>**MINUTES</u> RESOLVED** that the exempt minutes of the meeting held on 13 February 2020 be confirmed as a correct record and signed by the Cabinet Member (contains exempt information).</u>

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MINUTES of a meeting of the CABINET MEMBER FOR HIGHWAYS, TRANSPORT AND INFRASTRUCTURE held at County Hall, Matlock on 16 March 2020

# PRESENT

#### Cabinet Member - Councillor B Lewis

Also in attendance – Councillor T Ainsworth

**16/20 PETITIONS RESOLVED** (1) to receive the under-mentioned petition:-

Location/Subject	Signatures	Local Member
Whitwell Woods – Request for Improved Access and Safety	219 (paper petition) 155 (Epetition)	Councillor D McGregor
Ilkeston, Queens Drive – Overgrown Trees – Safety Concern	50	Councillor T King
Breaston, Longmoor Lane – Request for Urgent Investigation and a Long Term Solution in respect of Flooding on the Lane	51	Councillor R A Parkinson
Cressbrook - Request for Speed Management Measures to Address Road Safety Issues	79	Councillor J Twigg

(2) that the Executive Director – Economy, Transport and Environment investigates and considers the matters raised in the petitions.

**17/20 MINUTES RESOLVED** that the Minutes of the meeting of the Cabinet Member for Highways, Transport and Infrastructure held on 13 February 2020 be confirmed as a correct record and signed by the Cabinet Member.

**18/20 HIGHWAY**Biven to activities associated with partial blockage of the highway in Bradwell, investigations have been undertaken.

The County Council was alerted to the construction of a wall along what the adjacent property considered to be the boundary between private property and public highway at Bradwell. A letter was forwarded to the occupier requesting information of the work proposed, and advised that the work should cease until further investigation has been undertaken to establish the boundary. However, work continued and the wall was now built.

Surveys have been undertaken and the extent of publicly maintainable highway clarified which indicated that encroachment appeared to have occurred.

Three options were available:-

Option 1 - Require the removal of the obstruction to the highway by serving a notice under Section 143 of the Highways Act 1980.

Option 2 - If the Council considered stopping-up to be an option, the occupier would need to request the County Council to make an application to the Court under Section 116 of the Highways Act 1980 and meet Derbyshire County Council's costs. However, the County Council would be required to carry out statutory consultation with the District and Parish Councils for the area and, if they objected, the application could not proceed.

Option 3 - Use powers under Section 256 of the Highways Act 1980 to exchange land to adjust the boundaries of the highway.

Any costs would be met from the Highways Maintenance Revenue budgets, however, should enforcement action be undertaken, the County Council would seek to recover its reasonable costs.

The Cabinet Member allowed Andrew Judge, Lead petitioner and resident of Bradwell to address the meeting. He stated that his mother had owned the private property and when she sold it there was nothing legally that indicated the encroached area was the boundary

**RESOLVED** (1) to note the information contained within the report relating to the obstruction on the highway in Bradwell;

(2) to remove the obstruction to the highway by serving a notice under Section 143 of the Highways Act 1980; and

(3) the Local Member, head petitioner and all interested parties be notified accordingly.

19/20PETITION REGARDING ROAD SAFETY CONCERNS - A6 BUXTONROAD, FURNESS VALEFollowing the receipt of a petition requestingmeasures to provide speed cameras and evaluation of volume of traffic and the<br/>condition of the A6 Buxton Road, Furness Vale, investigations have been undertaken.

The section of the A6 through Furness Vale was subject to a 30mph speed limit. The County Council has already invested considerably in this stretch of road, having installed electronic vehicle activated signs (VAS) and a system of central hatching and pedestrian refuges. It was also identified as a Casualty Reduction Enforcement Support Team (CREST) mobile speed camera enforcement site.

A permanent traffic counter on the A6, just north of Furness Vale, has given readings of between 15,500 and 17,500 vehicles a day over the last three months, which were below the Department for Transport's average daily flow figures for 'A' class roads. Speed surveys carried out near the school in May 2019 gave an 85th percentile speed of 36mph.

On the section of the A6 from Bridgemont to Newtown, approximately 2 miles in length, there have been seven recorded injury collisions over the latest three year period. One has been categorised as serious in severity, with the other six being categorised as being slight.

The strategic nature of the road and the level of HGV usage ruled out certain engineering measures and taking into account the measures already implemented, it was not recommended to consider further speed intervention measures on this section of the network at present. The introduction of fixed safety cameras was the responsibility of the Derby and Derbyshire Road Safety Partnership, however currently sites with three injury related collisions involving people getting killed or seriously injured (KSI) over a 1km length during the latest 36 month period would be considered.

Any defects, including ironwork grids in the road, should be reported to the County Council, via its website, to enable inspections to be carried out and any appropriate remedial works to take place. This section of the A6 was subject to monthly inspections to identify any issues with road safety and condition, and residents were also encouraged to contact Derbyshire CREST for continued speed enforcement.

**RESOLVED** that (1) the conditions on the A6 Buxton Road, Furness Vale, will continue to be monitored through the highway inspection process;

(2) the Casualty Reduction Enforcement Support Team (CREST) will continue to enforce the current speed limit; and

(3) the lead petitioner be informed accordingly.

**20/20 REPORT ON THE DELIVERY OF THE SECTION 19 FLOODING INVESTIGATION** The flooding event between 7 and 16 November 2019, which affected large parts of the County, has triggered the requirement for the County Council, as the "Lead Local Flood Authority", to undertake a Section 19 Flooding Investigation. The draft report was expected to be completed by the end of March 2020. The statutory requirement of the output of a formal Flooding Investigation was to identify which risk management authorities have relevant flood risk management functions; to establish if those functions have been exercised or are intended to be and to publish the results and notify relevant risk management authorities.

The investigation included distributing a questionnaire to approximately 2,000 properties and businesses to obtain more detailed information from those affected by the flooding, site visits to the flood affected communities and liaising with all of the relevant authorities (Environment Agency, water authorities, district/borough councils, etc), all of which will inform this Section 19 Flooding Investigation.

**RESOLVED** to note and welcome the progress being made on delivering the Section 19 Flooding Investigation following the November 2019 flooding events.

**21/20 BUDGET MONITORING 2019-20 – PERIOD 9** The net controllable budget for the Highways, Transport and Infrastructure portfolio was  $\pounds$ 77.639m. The Revenue Budget Monitoring Statement, prepared at Period 9, indicated that there was a projected year-end overspend of £1.519m. The portfolio incurred additional costs of almost £0.547m due to the Toddbrook Reservoir Whaley Bridge incident which has been funded from General Reserve. The rest of the overspend would be supported by the use of £2.000m from the Budget Management earmarked reserves. After the use of this reserve, the forecast was an underspend of £0.481m.

The key variances included Waste Management (underspend £2.734m), Public Transport (underspend £0.480m), Highway Maintenance (overspend £0.509m), Winter Maintenance (overspend £1.527m) and Planning and Development (underspend £1.820m).

Budget reductions totalling £2.593m were allocated for the year, with a brought forward figure from previous years of £3.321m. This has resulted in total reductions to be achieved of £5.914m at the start of the year. The short fall between the total reductions expected to be achieved and the identified savings initiative at the start of the year was £5.250m. It was forecast that £0.680m of savings would have been achieved by the year-end.

Growth items and one-off funding in the 2019-20 budget included Waste Treatment and Disposal (£1.500m ongoing), Highways Maintenance (£1.000m oneoff), Public Transport (£0.500m ongoing), Water Body (£0.100m one-off), HS2 Coordination Officer (£0.064m one-off) and Street Lighting (£0.048m one off).

Earmarked reserves relating to this portfolio, totalling £16.882m, were currently held to support future expenditure. Risks and the debt position were also detailed in the report.

**RESOLVED** to note the report.

# PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER – ADULT CARE** held on 19 March 2020 at County Hall, Matlock.

# PRESENT

Councillor B Lewis (in the Chair)

Also in attendance was Councillors C Dale and S Swann.

Apologies for absence were received on behalf of Councillor J Wharmby.

**06/20** <u>**MINUTES**</u> **RESOLVED** that the minutes of the meeting held on 23 January 2020 be confirmed as a correct record and signed by the Cabinet Member.

**07/20** WORKING AGE ACCOMMODATION AND SUPPORT STRATEGY FOR DERBYSHIRE 2020 - 2035 The Working-age Adults Housing, Accommodation and Support Strategy 2020-2035 would consider adults with care and support needs aged 18 to 64 years old. This strategy would complete Adult Social Care and Health's suite of housing, accommodation and support strategies, alongside the Specialist Housing, Accommodation and Support Strategy 2019-2024 and the Older People's Housing, Accommodation and Support Strategy 2018-2035.

Together, these would ensure that the housing, accommodation and support needs of all adults had been considered from a strategic perspective. The strategic aim was to maximise the number of people living independently and to reduce the number of people placed in residential and institutional care.

The strategy recognised that living in safe, suitable and stable accommodation with access to appropriate care and support was linked to higher independence, improved wellbeing and better mental health.

The delivery plan identified actions to be taken to achieve the strategic aims and commitments identified. This identified where joint working would be undertaken with partner organisations. District and borough councils were key partners for the delivery of appropriate housing and accommodation and had been involved in the development of the strategy.

It had been proposed that the delivery plan would be refreshed on an annual basis to ensure it remained relevant to the people who required assistance. This would also enable progress of the delivery plan to be monitored and to take advantage of any potential new opportunities, such as new funding streams. **RESOLVED** to approve the implementation of the Working-age Adult Accommodation and Support Strategy for Derbyshire 2019 – 2035 and the associated initial delivery plan contained within it.

**08/20 EXCLUSION OF THE PUBLIC RESOLVED** that the public be excluded from the meeting during the consideration of the remaining items on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

#### SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC WERE EXCLUDED FROM THE MEETING

1. To confirm the exempt minutes of the meeting of the Cabinet Member for Adult Care held on 23 January 2020.

**09/20 EXEMPT MINUTES RESOLVED** that the exempt minutes of the meeting held on 23 January 2020 be confirmed as a correct record and signed by the Cabinet Member.

MINUTES of a meeting of the CABINET MEMBER FOR CLEAN GROWTH AND REGENERATION held on 19 March 2020 at County Hall, Matlock

# PRESENT

Cabinet Member – Councillor T King

Also in attendance – Councillors G Hickton and R Mihaly

**03/20** <u>**MINUTES**</u> **RESOLVED** that the minutes of the meeting held on 16 January 2020 be confirmed as a correct record and signed by the Cabinet Member.

**04/20 BUDGET MONITORING 2019-20 PERIOD 9** The Cabinet Member was provided with an update of the Revenue Budget position for 2019-20, up to the end of December 2019. Despite the current pandemic, everything was currently remaining fluid and the Government were responding quickly.

The net controllable budget for the Economic Development and Regeneration Portfolio was  $\pounds 0.701$ m. The Revenue Budget Monitoring Statement, prepared at Period 9, indicated that there was a projected year end underspend of  $\pounds 0.034$ m. The areas which made up this projection were detailed in the joint report.

There was an Economic Development underspend of £0.0.49m: matched funding had been successful with the levering of EU funding (notably European Regional Development Fund) since 2015. The implementation of the revised 'enterprise and investment' function was continuing however recruitment had not been completed resulting in some staff underspend. Business support interventions and investment/trade promotion continued to be developed.

There was an Employment and Skills overspend of £0.075m due to incurring salary costs that were not budgeted for and which were pending rationalisation of the whole Economy and Regeneration Service structure.

There was an underspend of £0.063m for Markham Vale due to a reduction in salary spend as relevant salaries were being charged to capital.

The impact of Brexit on the demand for services from the Economy and Regeneration portfolio was not yet known. Partnership working to support Brexit readiness was continuing. Earmarked Reserves, totalling £0.691m, were currently held to support future planned expenditure. These were detailed within the report.

**RESOLVED** that the Cabinet Member note the report.

05/20D2EE (DE-CARBONISE)PROJECTEXTENSIONANDDELIVERYThe Cabinet Member accepted the late report which sought<br/>approval to endorse the grant funded D2EE project extension to October 2022,<br/>now entitled DE-Carbonise.

The D2EE project was to build on Derby City Council's 'BESPOKE' pilot project, which provided energy efficiency support and advice to local businesses. Building a Derbyshire-wide programme helped ensure the County started to develop increasing renewable and de-centralised energy capacity, and assisted businesses with reducing their carbon footprint.

The project had delivered a number of key outputs, including over 400 energy audits for D2 businesses; 168 companies had been supported with grants to assist with energy efficiency measures, resulting in 1,179 tonnes of carbon being saved. Outputs had been impressive for the County Council with over 300 energy audits being undertaken, 110 businesses obtaining grant funding and over 860 tonnes of carbon being saved.

Furthermore, the project was the local authority category winner of the East Midlands Regional Energy and Efficiency Awards 2019, as well as being a finalist in the Association of Public Service Excellence (APSE) Energy Efficiency Awards and the Institute of Environmental Management and Assessment (IEMA) Sustainability Impact Awards.

The Business Rate Retention Programme was contributing £224,904 towards staff costs up to October 2022 and ERDF was contributing £2.3m funding for business grants at a 40% intervention rate, matched with 60% from the private sector. The total funding for the project extension would be £5,172,000 for which 50% ERDF had been sought.

Direct D2 outputs for the project had been forecast as over 400 businesses supported and over 115 businesses receiving grant support. As a result of the extension and respective interventions, the project would lead to a reduction in greenhouse gases of 969 tonnes.

The additional monies were wholly reclaimable via the University of Derby, as the project accountable body for the Ministry of Housing Communities and Local Government (MHCLG) and ultimately the ERDF, and was paid over to Derbyshire County Council on a quarterly basis.

**RESOLVED** that the Cabinet Member (1) note the success of the project in terms of the 1,179 tonnes of carbon being saved, and being the local authority category winner of the East Midlands Regional Energy and Efficiency Awards 2019, in addition to being a finalist in the Association of Public Service Excellence (APSE) Energy Efficiency Awards and the Institute of Environmental Management and Assessment (IEMA) Sustainability Impact Awards; and

(2) agree an extension to the project until October 2022 at an additional amount of £0.460m, which would be wholly reclaimed from the Ministry of Housing Communities and Local Government (MHCLG) and ERDF via the University of Derby, on a quarterly basis.

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**MINUTES** of a meeting of the **CABINET MEMBER – YOUNG PEOPLE** held on 19 March 2020 at County Hall, Matlock.

# PRESENT

### Cabinet Member - Councillor A Dale

Also in attendance – Councillors J Coyle and J Patten

**18/20 EXCLUSION OF THE PUBLIC RESOLVED** that the public, including the press, be excluded from the meeting during consideration of the remaining item on the agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

#### SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING

1. To consider the exempt report of the Executive Director for Children's Services on Ashbourne Hilltop Primary and Nursery School – Performance Standards and Safety Warning Notice (contains information which is likely to reveal the identity of any individual)

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PUBLIC

**MINUTES** of a meeting of the **CABINET MEMBER FOR HEALTH AND COMMUNITIES** held on 26 March 2020 at County Hall, Matlock.

# PRESENT

Councillor C Hart – Cabinet Member

Also in attendance: Councillor G Wharmby

Apologies were received from Councillor D Allen

**06/20** <u>**MINUTES</u> RESOLVED** that the non-exempt minutes of the meeting of the Cabinet Member for Health and Communities held on 3 February 2020 be confirmed as a correct record.</u>

07/20 <u>APPOINTMENT OF PUBLIC ANALYSTS AND AGRICULTURAL</u> <u>ANALYSTS</u> The Cabinet Member was asked to approve the appointment of Public Analysts and Agricultural Analysts in accordance to the award of a contract for the provision of Public Analyst Services to the Authority.

The Trading Standards Division had a statutory duty to enforce food composition and labelling requirements to ensure that food and animal feed in Derbyshire is safe and complies with the law. Trading Standards Officers carry out a range of activities including visiting local businesses and taking samples for laboratory analysis

A two year contract (with the option of two further one year extensions) had been entered into with Public Analyst Scientific Services Ltd (formerly Eurofins Laboratories Ltd), to commence on 1st April 2020. After the contract was awarded, a list of individual analysts was provided by the organisation so that appropriate individual appointments could be made; these analysts were employed by the organisation however the County Council was asked to appoint Analysts pursuant to appropriate legislation (listed in the report). These persons were:

Public Analysts:

Kevin Wardle MSc, MChemA, CChem, MRSC Watney Elizabeth Moran MSc, MChemA, MBA, CChem, FRSC Duncan Kenelm Arthur BSc, MChemA, CChem, MRSC Nigel Kenneth Payne MSc, MChemA, CChem, MRSC Joanne Hubbard BSc, MChemA, CChem, MRSC Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC Michelle Evans BSc, MChemA, CChem, MRSC Donna Hanks BSc, MChemA, MRSC

Agricultural Analyst - Donna Hanks BSc, MChemA, MRSC Page 45 Deputy Agricultural Analysts:

Watney Elizabeth Moran MSc, MChemA, MBA, CChem, FRSC Duncan Kenelm Arthur BSc, MChemA, CChem, MRSC Nigel Kenneth Payne MSc, MChemA, CChem, MRSC Joanne Hubbard BSc, MChemA, CChem, MRSC Lilian Emma Jane Downie MChem, MChemA, CChem, MRSC Michelle Evans BSc, MChemA, CChem, MRSC Kevin Wardle MSc, MChemA, CChem, MRSC

**RESOLVED** to approve the appointment of the Public Analysts and Agricultural Analysts.

08/20 <u>VULNERABLE PERSONS SETTLEMENT SCHEME FOR</u> <u>DERBYSHIRE</u> The Cabinet Member received an update on the delivery of the Syrian Vulnerable Persons Resettlement (SVPR) Scheme in Derbyshire and was asked to support a commitment to the new UK Resettlement Scheme and for a continuation of the partnership approach under which Derbyshire County Council acts as the single point of contact and lead partner, including responsibility for financial arrangements.

A Cabinet Member meeting held on 24 May 2016 approved Derbyshire's participation in the scheme and had since pledged to welcome up to 130 refugees. A total of 108 refugees, in 25 family groups, had resettled in Derbyshire with additional families due to arrive by the end of March 2020.

In June 2019, the UK Resettlement Scheme was announced to commence in April 2020, extending the current SVPR scheme. Many details remain the same, however the new scheme would be open to all refugees, identified by UNHCR to be in need of resettlement, and did not have a specific geographic focus. It was anticipated that for at least the first year of the scheme, the caseloads of refugees would continue to be similar to those resettled under the current scheme.

East Midlands Councils (EMC) would remain the lead organisation for the East Midlands Strategic Migration Partnership and continue to provide support to local authorities to help to deliver resettlement and to coordinate activities regarding asylum seekers in the region. The Coordination of the SVPR was undertaken by Derbyshire County Council, but supported by the SVPR Partnership. It was proposed that the Partnership Group would continue to oversee, shape and develop the operation of the scheme in Derbyshire.

Caseworker support was provided by Upbeat Communities, a Derby based charity specialising in working with refugees and asylum seekers. Experience to date had identified that most families continued to require some level of case worker support until at least the end of their second year of resettlement. Families with more complex needs were likely to take longer to achieve independence.

Communities within Derbyshire had been very welcoming, and families that had been resettled had integrated well. Some had found paid employment and the majority of families had members who regularly volunteered in their communities. All families attended English language lessons and all children aged 2 and above were in school or nursery. It was proposed to hold an event in the Spring to bring the families and partners together to celebrate the success of the scheme to date.

As was the case, the County Council would be responsible for the financial arrangements of the scheme and would claim the funding from the Home Office. All costs associated with the coordination and delivery of the scheme were met from the funding provided. The delivery of the scheme was dependent on district and borough councils providing support to secure housing, with approval being sought from each of the district and borough councils to allow Derbyshire to make a formal commitment to participate in the new UK Resettlement scheme.

**RESOLVED** to (1) note the achievement of the SVPR scheme to date;

(2) agree the commitment for Derbyshire to participate in the UK Resettlement Scheme from April 2020, subject to the support from district and borough councils; and

(3) support the continuation of the partnership approach outlined in the report and agree that Derbyshire County Council continue to act as the single point of contact and lead partner for the scheme, including responsibility for the financial arrangements. This page is intentionally left blank

# Agenda Item No 6(a)

#### DERBYSHIRE COUNTY COUNCIL

#### CABINET

# 23 April 2020

#### **Report of the Director of Finance & ICT**

#### BUDGET MONITORING 2019-20 (as at 31 December 2019) (STRATEGIC LEADERSHIP, CULTURE AND TOURISM)

#### 1 **Purpose of the Report**

To provide Cabinet with the Revenue Budget position for 2019-20 as at 31 December 2019.

#### 2 **Information and Analysis**

The report summarises the controllable budget position by Cabinet Member Portfolio as at 31 December 2019. Further reports will be considered at Audit Committee and Council in accordance with the Budget Monitoring Policy and Financial Regulations.

The projected outturn compared to controllable budget is summarised below. This includes the use of one-off funding to support the Highways, Transport and Infrastructure and Young People portfolios. It also allows for the transfer of £0.684m into a newly established GDPR Compliance Earmarked Reserve as approved at the Cabinet Meeting of 23 January 2020.

		Budget	Forecast Actuals	Projected Outturn
		£m	£m	£m
Adult Care		250.538	246.677	(3.861)
Corporate Services		48.308	47.118	(1.190)
Economic Development and Regener	ation	0.701	0.667	(0.034)
Health and Communities (exc. Public	Health)	1.993	1.572	(0.421)
Highways, Transport and Infrastructure		79.639	79.158	(0.481)
Strategic Leadership, Culture and To	urism	12.953	12.822	(0.131)
Young People		110.127	116.822	6.695
Total Portfolio Outturn		504.259	504.836	0.577
Interest and Dividend Income				(0.620)
Debt Charges				0.045
Risk Management				(5.762)
Levies and Precepts				0.000
Corporate Adjustments				0.680
Total				(5.080)
PHR-1060	Page 49			

The COVID-19 crisis will impact on the Council's 2019-20 outturn. The additional costs of the Council's response, incurred up to 31 March 2020, are not reflected in the projected outturn at 31 December 2019 above but will mean that the total projected underspend of £5.080m is likely to be reduced to reflect the additional costs associated with the Council's response to the outbreak. These costs will be reported to Cabinet in the Revenue Outturn Report 2019-20.

Whilst budgets are monitored by portfolio, the individual portfolios are not separate entities. All the portfolios operate in conjunction with the others and it is important to consider the Council's budgetary position as a whole in the context of its Five Year Financial Plan and its overall level of reserves.

A summary of the individual portfolio positions is detailed below.

### Adult Care

There is a projected year-end underspend of £3.861m. It is proposed to transfer this current projected underspend to the Adult Care Budget Saving Pump Priming Earmarked Reserve, to part fund £4.210m due to Newton Europe in 2020-21 in respect of consultancy services provided in relation to the Better Lives programme, with the balance of £0.349m to be funded by a further transfer if additional underspends become available before the end of the financial year.

The main variances are:

Unallocated Budgets, £2.202m underspend – relates to budgets awaiting allocation during the year.

Purchased Services, £1.066m overspend – relates to an increase in the cost of complex care packages and a reduction in Continuing Health Care funding.

Commissioning and Service Delivery, £0.893m underspend – due to vacancy control in Finance and new posts in the Management Team and Transformation Service being filled later than originally budgeted.

Social Care Activity, £0.644m underspend – due to high levels of unfilled vacancies, partially offset by increased use of agency staff.

Information and Early Intervention,  $\pm 0.625$ m underspend – due to lower than expected activity in the Housing Related Support service.

Assistive Technology and Equipment, £0.563m underspend – more targeted issuing has ensured that only the most appropriate equipment is supplied, saving on the procurement of less suitable equipment.

Due to the high projected underspend on the portfolio and the increase in Better Care Fund grant income in addition to this, £5.000m of base budget has been transferred from Adult Care to the Risk Management budget. The budget savings target for 2019-20 is £5.671m. Of this target, £6.094m is expected to be achieved by the end of the financial year.

Additional funding has been provided in the 2019-20 budget for the main growth items:

- Adult Social Care Precept and Improved Better Care Fund £12.439m, to cover the additional cost of independent sector fees, the pay award relating to staff working in Adult Care and to address the equitable allocation of budgets across the eight districts.
- Transformational Care Programme £0.456m, to move 24 clients from long stay hospitals to social care provision in line with the independent living agenda.

The main risks which could impact on the portfolio's outturn position are contained in Appendix Two.

#### **Corporate Services**

There is a projected year-end underspend of £1.190m. The main variances are:

Human Resources, £0.611m underspend – due to vacancy control. Departmental Human Resource functions are currently being centralised. Holding vacancies will assist in managing a planned restructure of the function as a whole which is expected to deliver significant savings in 2020-21 and 2021-22.

Finance and ICT, £0.473m underspend - due to vacancy control. This will assist in managing a planned restructure aiming to deliver significant savings over the three years from 2020-21.

Strategic Management, £0.321m underspend - relates to savings arising from previous restructures of senior management.

County Property, £0.292m overspend – relates to the under achievement of the income target for industrial estate properties, an increase in the cost of utilities and increased cover for absences. These overspends are partly offset by an underspend in the Property Services division.

The Shipley Country Park project will require external consultants to be engaged. Therefore, it is proposed to contribute £0.100m from the Property Services' underspend to establish an earmarked reserve to fund this work.

A budget savings target for 2019-20 of £1.435m has been allocated, with a further £0.379m target brought forward from previous years. Of this total target of £1.814m, £1.279m is expected to be achieved by the end of the financial year. PHR-1060

Additional funding has been provided in the 2019-20 budget for the main growth items:

- Legal Services £0.300m (one-off), to support the high levels of demand for the service.
- ICT Strategy £0.200m, to ensure that ICT is aligned with the needs of the business and delivery of the Enterprising Council programme.
- Enterprising Council £0.150m (one-off), to support transformational change.
- Learning Management System £0.083m (one-off), to manage the replacement of the Council's Learning Management system.
- HR SAP Development £0.045m (one-off), to support the HR SAP Development team to generate financial savings.

The main risks which could impact on the portfolio's outturn position are contained in Appendix Two.

# **Economic Development and Regeneration**

There is a projected year-end underspend of £0.034m. The main variances are:

Employment and skills, £0.075m overspend – relates to salary overspend, resulting from a budget deficit when the Head of Employment and Skills post was established.

Markham Vale, £0.063m underspend – due to a reduction in salary expenditure as relevant salaries are capitalised.

No budget savings target has been allocated to this portfolio for 2019-20.

No additional funding has been provided to this portfolio in the 2019-20 budget.

It is possible that demand from businesses for additional relief and support with trading arrangements will increase as a result of the process of the United Kingdom's departure from the European Union. It has not been possible to quantify the scale of the resources required to provide this support or the potential impact on the portfolio's outturn position.

### Health and Communities

The Health and Communities portfolio includes the Public Health budget of  $\pounds 39.477m$ , which is fully funded by the ring-fenced Public Health Grant for 2019-20. The forecast year-end position for the portfolio is an underspend of  $\pounds 0.230m$ . However, excluding Public Health, the portfolio is forecast to underspend by  $\pounds 0.421m$ . The main variances are:

Trading Standards, £0.196m underspend – progress towards future planned savings and one-off funding yet to be committed to support older people in respect of scams and doorstep crime.

A budget savings target of  $\pounds 0.207$ m has been allocated for 2019-20. A total of  $\pounds 0.206$ m of savings initiatives have been identified, of which it is anticipated that  $\pounds 0.206$ m will be achieved by the end of the financial year.

Additional funding has been provided in the 2019-20 budget for the following growth items:

- Coroners £0.270m, to establish new posts and increase daily fees to Assistant Coroners.
- Trading Standards (Older People Support) £0.048m (one-off), to provide a programme to increase awareness and reduce instances of fraudulent activity against older people.

The main risks which could impact on the portfolio's outturn position are contained in Appendix Two.

### Highways, Transport and Infrastructure

The Highways, Transport and Infrastructure portfolio is forecast to overspend by £1.519m, against a total budget of £77.639m. However, after the allocation of £2.000m of one-off funding from the Budget Management Earmarked Reserve, the portfolio is projected to underspend by £0.481m. Funding has been set aside in the Budget Management Earmarked Reserve for the purpose of meeting the shortfall in the Economy, Transport and Environment department's identified savings target. The intention is to allocate £2.000m of savings to Highways Maintenance in a future financial year, but the 2019-20 Highways budget remains the same as last financial year because of the use of this funding from reserves. Use of the reserve for this purpose was approved in the Revenue Budget reported to Council on 6 February 2019.

Before the allocation of the reserve funding detailed above, the main variances are:

Unallocated Budget Savings, £5.234m overspend – savings targets not yet allocated to specific services.

Waste Management, £2.734m underspend – lower than expected waste tonnages and savings under the service continuity arrangements.

Planning and Development, £1.820m underspend – mainly due to additional inspection fee income, paid to the Council by building developers, under Section 38 and 278 of the Highways Act (1980). The high levels of fee income reflect the present state of the local economy and the large number of developments currently underway.

Winter Maintenance, £1.527m overspend – of the £1.473m budget for the winter service, £1.350m had been spent by the end of December 2019. Further expenditure of £1.650m is forecast for the remainder of the year. The Winter Service budget does not provide for more than a mild winter, so the Council is reliant on using contingency reserves for additional costs incurred as a result of a moderate or severe winter.

Highways Maintenance, £0.509m overspend – severe weather towards the end of 2019 caused significant damage to the network requiring additional resources to be directed to pothole and other highway repairs.

Public Transport, £0.480m underspend – reduced demand for Gold Card services.

Costs of £0.567m were incurred in response to the Toddbrook Reservoir incident at Whaley Bridge, predominantly by the Highways Maintenance service. The Highways and Maintenance service costs of £0.547m have been funded from the General Reserve. Use of the General Reserve for this purpose has been reflected in the forecasts above.

The budget savings target for 2019-20 is £2.593m, with a further £3.321m target brought forward from previous years. Of this total target of £5.914m, £0.680m is expected to be achieved by the end of the financial year, with the expected base budget overspend being met from one-off funding, as explained above. Therefore there is currently a £5.234m forecast shortfall in achievement of budget savings, however the multi-year savings programme to 2023-24 does allow for some slippage to be covered by prior years' underspends, still delivering the savings target in total.

Additional funding has been provided in the 2019-20 budget for the main growth items:

- Waste Management £1.500m, to cover the increased cost of delivering the waste treatment and disposal contracts across Derbyshire and increased cost of recycling credits.
- Highways Maintenance £1.000m (one-off), to provide a co-ordinated programme of maintenance improvements.
- Public Transport £0.500m, to maintain reasonable levels of public transport accessibility across Derbyshire.
- Water Body £0.100m (one-off), to enable the Council to meet its obligations to manage its water bodies under new regulations
- HS2 Co-ordination Officer £0.064m (one-off), to support representation of the Council's interests as the HS2 route is developed.
- Street Lighting Energy £0.048m (one-off), to meet inflationary increases to the cost of street lighting energy.

The main risks which could impact on the portfolio's outturn position are contained in Appendix Two.

Any additional costs incurred from the identified risks will be met from the Budget Management earmarked reserve, the Economy, Transport and Environment Prior Year underspends earmarked reserve and the Winter Maintenance earmarked reserve, therefore none of these issues are expected to impact on the overall budget position for 2019-20.

#### Strategic Leadership, Culture and Tourism

A year-end underspend of £0.131m is projected. The main variances are:

Policy and Research, £0.150m underspend – due to vacancy control and reduced running costs.

Call Derbyshire, £0.071m underspend – due to staff turnover.

Heritage, £0.060m overspend – the Environmental Studies Service has been allocated a savings target which has yet to be achieved.

The budget savings target for 2019-20 is £0.515m, with a further £0.245m target brought forward from previous years. All of this total target of £0.760m is expected to be achieved by the end of the financial year.

Additional funding has been provided in the 2019-20 budget for the following items:

- Community Managed Libraries £0.742m (one-off), to fund the commitment to introduce community managed libraries.
- Thriving Communities £0.368m, to focus on radically reshaping demand, unlocking community potential and creating an alliance for work and skills.
- Enterprising Council £0.094m, to support transformational change.

There are no significant risks expected to impact on the portfolio's outturn position.

### Young People

The Young People portfolio is forecast to overspend by £8.077m, against a total budget of £108.745m. However, after the allocation of £1.382m of one-off funding from the Budget Management Earmarked Reserve, the portfolio is projected to overspend by £6.695m. Funding has been set aside in the Budget Management Earmarked Reserve for the purpose of meeting the shortfall in the Children's Services department's identified savings target. The intention is to allocate £1.382m of savings to Children's Services budgets in a future financial year, but the 2019-20 budgets have not been reduced by this amount because of the use of this funding from reserves. Use of the reserve for this purpose was approved in the revenue budget reported to Council on 6 February 2019.

PHR-1060

However, it should be noted that the eventual overspend could be as high as  $\pounds 8.400$ m depending on the continued trend in the rate of placements for children in care.

The forecast outturn position includes £6.756m of Dedicated Schools Grant income, as a contribution to the cost of supporting Early Help services and children with additional needs. Income from this source is not guaranteed to continue at the same level in future years.

Before the allocation of the reserve funding detailed above, the main variances are:

Placements for Children in Care, £6.572m overspend – placement numbers have continued to rise steadily throughout the year. There are currently more placements required than can be funded from the allocated budget. The forecast overspend has increased since October due to new placements.

Unallocated Budget, £3.976m underspend – this represents budget released as a result of changes to the Early Help offer. It is being held to cover an anticipated £1.767m of grant income which the government has signalled will be withdrawn in 2020-21. In the interim it will help offset some of the portfolio's underspend against its current budget. The forecast also includes £0.776m planned to be released from the Troubled Families Earmarked Reserve.

Home to School Transport, £1.317m overspend – an increase in the number of journeys provided to children with Special Educational Needs (SEN) and an increase in the cost of those journeys, driven by economic factors and the need to provide more specialised vehicles.

Children's Safeguarding Services, £1.530m overspend – reliance on more expensive agency social workers to meet an increasing caseload. The number of children with child protection plans is impacting on that team's staff costs. Also, payments to support families without recourse to public funds, short term support associated with Universal Credit and the cost of accommodating children whilst court proceedings are concluded has increased the pressure on budgets to support children and families in need.

Education Support Services, £0.972m overspend – an increase in the number of children with SEN driving demand for the Psychology and the Planning and Assessment teams. Also, a growing number of children who are electively home educated is increasing the cost to the Council undertaking its statutory duties in respect of these children.

Support to Children with Disabilities, £0.984m overspend – increasing demand for support and complexity of some individuals' needs.

Early Help and Preventative Services, £0.627m overspend – a shortfall in contributions from schools towards the Early Help offer.

Pensions Payable to Former Staff, £0.187m overspend – enhanced pension obligations payable to staff who left during the early 1990s.

A savings target of £2.972m has been allocated for 2019-20. Savings initiatives totalling £2.972m have been identified, of which £2.193m are expected to be achieved by the end of the financial year.

Additional funding has been provided in the 2019-20 budget for the main growth items:

- Placement Demand Pressures £3.000m plus one-off funding of £5.000m, to support the increase in the demand for placements and the increasing complexity of children and young peoples' needs.
- Social Worker Recruitment £1.300m plus one-off funding of £2.600m, as part of a four year recruitment plan to increase the number of social workers to ensure caseloads are at a healthy working level consistent with good practice.
- Home to School Transport (SEN) £1.450m, to support the increased cost of transporting children and young people to school, pupil referral units or alternative provision when they have been excluded from mainstream schools.
- Increase in Special Guardianship Placements £1.097m, to ensure the budget is sufficient to meet the current level of costs payable to those who have parental responsibility under a special guardianship order.
- Children in Care Legal Proceedings £1.050m (one-off), reflecting the greater number of court proceedings and the increased use of external legal firms to present cases.
- Children's Homes £0.450m, to provide additional staffing required to meet the needs of children and young people placed in homes.
- Care Leavers £0.402m (one-off), to meet the cost of additional statutory duties towards care leavers.
- SEND Assessment and Planning £0.275m, to provide additional staffing.
- Mobile Working £0.260m (one-off), to develop solutions to enable more flexible working with the aim of achieving cost benefits and improvements to the timeliness of information.
- Complex Case Pooled Budget £0.250m (one-off), contingency for the Council's contribution to the pooled budget reflecting the increasing levels of expenditure in recent years.
- Child Protection £0.105m (one-off), to fund the cost of staff needed to respond to an increased number of children on protection plans. Staff will be reduced if the number of children on plans reduces.
- Children's Participation £0.080m (one-off), to fund a delay to a planned budget reduction to the support provided to children and young people

to participate in decision making. The service is seeking to identify alternative savings options.

• Foster Carers - £0.060m, to cover the inflationary increase to foster carer allowances from April 2019.

The main risks which could impact on the portfolio's outturn position are contained in Appendix Two.

#### **Dedicated Schools Grant**

The Dedicated Schools Grant (DSG) is a ring-fenced grant comprising four individual blocks: Schools Block, High Needs Block (HNB), Early Years Block and Central Block. Allocations of the blocks are governed by the Schools and Early Years Finance Regulations. Any underspend or overspend on the grant is carried forward to future years within the accumulated balance of the DSG Earmarked Reserve.

The Department for Education (DfE) published its consultation response clarifying the ring-fenced status of the DSG in January 2020. As a result the DfE are putting provisions into the School and Early Years Finance (England) Regulations 2020 to require that a cumulative DSG deficit must be carried forward to be dealt with from future years' DSG income, unless otherwise authorised by the Secretary of State not to do so.

Re-pooled schools funding is forecast to overspend by £0.117m; this is ringfenced to the Schools Block. After utilising £1.154m of available balances from the DSG reserve it is anticipated that expenditure on the remaining three blocks will exceed the allocated grant income by £3.700m.

The deficit is a result of particular pressure on the HNB block. Expenditure is increasing because of an increasing number of primary school children with high needs, the increasing cost of supporting children and young people who have been excluded and the number of increasingly complex placements with independent and non-maintained providers.

In January 2020, the Schools Forum agreed to leave £1.325m of the Pupil Growth Fund unallocated within the Schools Block in 2020-21, as a contribution to resolving the deficit. The Council will also seek further opportunities to make reductions to DSG expenditure in 2020-21.

On 4 September 2019, in the Spending Review 2019, the Government announced an additional £700m of High Needs Funding for special educational needs. The Department for Education intends to distribute this between authorities based on the HNB within the DSG over the coming three years. It is anticipated that this additional funding will enable balanced spending plans to be set in the financial years to 2022-23, including recovery of the 2019-20 deficit.

# Summary

The COVID-19 crisis will impact on the Council's 2019-20 outturn. The additional costs of the Council's response, incurred up to 31 March 2020, are not reflected in the projected outturn at 31 December 2019 and the summary below is before these additional costs are taken into account.

A Council portfolio overspend of £0.577m is forecast, after the use of £3.382m of Earmarked Reserves to support the Highways, Transport and Infrastructure and Young People portfolios. Any underspends in 2019-20 will be used to manage the budget in 2020-21.

Interest and Dividends received on balances is estimated to underspend by £0.620m, assuming that returns on the Council's investments in pooled funds remain robust and that these investments are held for all of the financial year. The interest base rate is currently 0.75%, however, the Council utilises a range of investments to maximise its income.

The Debt Charges budget is projected to overspend by £0.045m. This is based on forecast interest payments, anticipated Capital Financing Requirement (CFR), a Minimum Revenue Provision (MRP) of 2.5% in keeping with the policy reported to Cabinet on 22 November 2016 and a £4.500m one-off reduction in the Council's Capital Adjustment Account Reserve. This reduction is made on the basis that the amounts set aside to repay debt over the last ten years are well in excess of what is required to ensure the Council can repay its debts.

The Risk Management Budget is forecast to underspend by £5.762m. This includes a virement of £5.000m of budget from the Adult Care portfolio.

Corporate Adjustments are forecast to overspend by £0.680m. This is based on a prudent allowance for potential credit losses on the Council's non-rated investments.

Details of the Council's Earmarked Reserves balances as at 31 December 2019 are set out in Appendix One. In addition to these balances, £0.684m of funding to ensure compliance with the General Data Protection Regulations (GDPR) will be transferred to a newly established GDPR Earmarked Reserve as approved by Cabinet on 23 January 2020.

A summary of the expected achievement of budget savings targets is provided at Appendix Three. The budget savings target for 2019-20 is £13.393m, with a further £3.945m target brought forward from previous years. The savings initiatives identified to meet this target currently fall short by £5.571m, therefore further proposals will need to be brought forward to ensure the Council continues to balance its budget. Of this total target of £17.338m, £11.051m is expected to be achieved by the end of the financial year. Therefore, there is a £6.287m forecast shortfall in achievement of budget savings. The resulting base budget overspend is offset to some extent by PHR-1060 one-off underspends or is being met from one-off funding from earmarked reserves.

The age profile of debts owed to the Council and the value of debts written off is disclosed in Appendix Four. This information is collected on a departmental rather than a portfolio basis.

A forecast of the Council's General Reserve balance for the period 2019-20 to 2023-24 is detailed in Appendix Five. The forecast shows that the level of General Reserve is expected to be between 3% to 10% of the Council's Net Budget Requirement in the medium term. The majority of chief financial officers consider 3% to 5% of a council's net spending to be a prudent level of risk based reserves.

# 3 Financial Considerations

As set out above.

### 4 Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, transport and social value considerations.

### 5 Background Papers

Papers held in Technical Section, Finance & ICT, Room 137, County Hall.

### 6 Key Decision

No.

### 7 Is it necessary to waive the call-in period?

No.

### 8 Officer's Recommendations

That Cabinet:

- 8.1 Notes the 2019-20 budget monitoring position as at 31 December 2019 before consideration of the impact of costs incurred in responding to the COVID-19 crisis.
- 8.2 Approves the establishment of a Shipley County Park Consultants Earmarked Reserve and a contribution of £0.100m from the Property Services budget into this reserve.

8.3 Approves the transfer of the current projected underspend in Adult Care of £3.861m to the Adult Care Budget Saving Pump Priming Earmarked Reserve to part fund £4.210m due to Newton Europe in 2020-21, in respect of consultancy services provided in relation to the Better Lives programme, with the balance of £0.349m to be funded by a further transfer if additional underspends become available before the end of the financial year.

PETER HANDFORD

Director of Finance & ICT

APPENDIX 1 Earmarked Reserves as at 31 December 2019	Public
Adult Care	£m
Older People's Housing Strategy	30.000
Other reserves	0.033
Total Adult Care	30.033
Corporate Services	
Loan Modification Gains	27.047
Insurance and Risk Management	20.069
Budget Management	19.626
Revenue Contributions to Capital	16.591
Planned Building Maintenance	6.932
Business Rates Relief Grant	5.000
Business Rates Strategic Investment Fund	4.889
Business Rates Pool	4.716
Prior Year Underspends	3.879
Uninsured Financial Loss	3.500
Computer Purchasing	3.029
Property Insurance Maintenance Pool	2.817
Property DLO	2.503
Change Management	2.011
PFI Reserves	1.981
Community Priorities Programme	1.025
Other reserves	4.047
Total Corporate Services	129.662
Economic Development and Regeneration	
D2 Growth Fund	0.200
Markham Environment Centre	0.114
Skills Training	0.101
Other reserves	0.276
Total Economic Development and Regeneration	0.691
Health and Communities	
Domestic Abuse	2.060
S256/External Funding	0.254
Trusted Trader	0.101
Other reserves	0.278
Total Health and Communities	2.693
Highways, Transport and Infrastructure	
Prior Year Underspends	9.876
Winter Maintenance	2.000

APPENDIX 1	Publi
Road Safety Public Service Agreement (PSA)	1.182
Commuted Highways Maintenance	0.832
Derby and Derbyshire Road Safety Partnership Reserve	0.608
Waste Recycling Initiatives	0.598
IT Reserve	0.540
Other reserves	1.246
Total Highways, Transport and Infrastructure	16.882
Strategic Leadership, Culture and Tourism	
Policy and Research	1.044
Community Managed Libraries	0.742
Derbyshire Challenge Fund	0.400
Library Restructure	0.429
Derwent Valley Mills World Heritage Site	/0.193
Other reserves	0.540
Total Strategic Leadership, Culture and Tourism	3.348
Young People	
Tackling Troubled Families	4.083
Standards Fund (Schools)	1.170
School Rates Refunds	0.721
Childrens Services IT Systems	0.716
Youth Activity Grants	0.330
Foster Carer Adaptations	0.326
Other reserves	0.498
Total Young People	7.844
Total Portfolio Earmarked Reserves	191.153
Seheele	
Schools	05 770
Schools Balances	25.776
Dedicated Schools Grant (DSG)	3.561
Total balances held for and on behalf of schools	29.337
Public Health Grant	7.601

APPENDIX 2			Public
Service	Risk	Sensitivity*	Likelihood
		£m	(1 = Low, 5 = High)
*Sensitivity rep	presents the potential negative impa		
should the eve	ent occur.		
	Debt Charges		
Interest	If the Council needed to take	0.075	1
Payments	out extra borrowing to fund		-
	additional capital expenditure,		
	such as that associated with		
	the purchase of the Waste		
	Treatment Plant at Sinfin, this would impact on its annual		
	interest payments.		
	For example, an additional £30.000m of borrowing, from		
	the Public Works Loans Board,		
	repayable on maturity in 40		
	years, would cost an additional		
	£0.900m each year at the		
	current rate of 3.00%. If this		
	borrowing were taken out in		
	March 2020, the 1 month impact on the budget would be		
	£0.075m.		
Minimum	An additional £30.000m of	0.063	1
Revenue Provision	borrowing, from the Public Works Loans Board, repayable		
1 10131011	on maturity in 40 years would		
	require an additional £0.750m		
	to be provided each year for		
	repayment of the debt.		
	If this borrowing were taken out		
	in March 2020, the 1 month		
	impact on the budget would be		
	£0.063m.		
	Adult Care	I	
None	No single risks over £0.500m	-	-
	Corporate Services		2
County Property	Loss of key personnel due to uncertainty over a review	0.200	3
rioperty	planned to be implemented		
	from January 2020. Potential		
	net loss of income.		

APPENDIX 2 Service	Risk	Sensitivity*	Public Likelihood
		£m	(1 = Low, 5 = High)
	Health and Communiti		•
Coroners	National shortage of Pathologists may impact by increasing fees	0.090	5
	Highways, Transport and Infra	astructure	
Highways and Countryside	Failure of assets such as roads, pavements, bridges, retaining walls, street lighting columns, safety fencing, gullies, countryside assets, canals, reservoirs.	1.500	4
Winter	Impact of a severe winter.	1.500	4
Maintenance Street Lighting Energy and Maintenance	Further energy price increases, or further slippage in implementation of the LED programme.	0.300	2
Flooding and/or extreme weather	Emergency response procedures are in place to minimise the impacts of these emergencies. However there is the potential subsequent costs of remedial activities.	1.000	3
Waste Management	Costs associated with resolving the future of the Waste Treatment Plant at Sinfin, including the possibility that some of these costs may not be considered capital in nature.	1.000	3
Placements	Young People	0.500	4
FIACEITIETIUS	requiring placements.	0.500	4
Social Care services	Increase in number of referrals meeting social care thresholds.	0.100	4
	Inability to recruit and retain sufficiently experienced social workers.	0.100	5
Department wide	Data security breaches resulting in fines.	0.500	3
	Dedicated Schools Gra		
High Needs Block	Increased number of children requiring placements or support	0.500	4

Public

	Budo	get Savings Targets	8	Ongoing Savings Initiatives	Target not Identified	Actual Savings Forecast	Savings Shortfall
Rortfolio	Not yet achieved Brought Forward Prior Year	Current Year	Total Targot	Total Identified	(Shortfall)/ Additional Identified	Forecast to be achieved by Financial Year End	Actual (Shortfall)/ Additional Achievement of Savings
	£m	£m	Target £m	£m	Savings £m	fear End £m	Target £m
ASC	0.000	5.671	5.671	5.671	0.000	6.094	0.423
CS	0.000	1.435	1.814	1.437		1.279	
					(0.377)		(0.535)
EDR	0.000	0.000	0.000	0.000	0.000	0.000	0.000
HC	0.000	0.207	0.207	0.206	(0.001)	0.206	(0.001)
HTI	3.321	2.593	5.914	0.680	(5.234)	0.680	(5.234)
SLCT	0.245	0.515	0.760	0.760	0.000	0.599	(0.161)
YP	0.000	2.972	2.972	3.013	0.041	2.193	(0.779)
Total	3.945	13.393	17.338	11.767	(5.571)	11.051	(6.287)

AC = Adult Care ; CS = Corporate Services ; EDR = Economic Development and Regeneration ; HC = Health and Communities ; HTI = Highways, Transport and Infrastructure ; SLCT = Strategic Leadership, Culture and Tourism ; YP = Young People

# Age profile of debt, relating to income receivable, at 31 December 2019

0 - 30	31 - 365	1 - 2	2 - 3	3 - 4	Over 4	Total
Days	Days	Years	Years	Years	Years	
£m	£m	£m	£m	£m	£m	£m
		Adult Soc	ial Care a	nd Health		
4.885	6.021	1.066	0.760	0.356	0.604	13.692
35.7%	44.0%	7.8%	5.6%	2.6%	4.4%	100.0%
		Child	lren's Ser	vices		
0.406	0.771	0.068	0.035	0.006	0.020	1.306
31.1%	59.0%	5.2%	2.7%	0.5%	1.5%	100.0%
	Ecol	nomy, Tra	nsport and	d Environ	ment	
1.697	4.200	0.427	0.046	0.007	0.020	6.397
26.5%	65.7%	6.7%	0.7%	0.1%	0.3%	100.0%
	Comn	nissioning	, Commur	nities and	Policy	
0.744	5.491	0.204	0.090	0.024	0.176	6.729
11.1%	81.6%	3.0%	1.3%	0.4%	2.6%	100.0%
All Departments						
7.732	16.483	1.765	0.931	0.393	0.820	28.124
27.5%	58.6%	6.3%	3.3%	1.4%	2.9%	100.0%

# The value of debt written off in the 12 months up to 31 December 2019

Department	£m
Adult Social Care and Health	0.739
Children's Services	0.065
Economy, Transport and Environment	0.012
Commissioning, Communities and Policy	0.053
All Departments	0.869



# **General Reserves Forecast**

	2019-20 £m	2020-21 £m	2021-22 £m	2022-23 £m	2023-24 £m
Opening Balance	64.570	42.686	26.880	22.144	15.494
Forecast Contributions	12.610	2.500	2.500	2.500	2.500
Forecast Use	(34.494)	(18.306)	(7.236)	(9.150)	(4.150)
Forecast Closing Balance	42.686	26.880	22.144	15.494	13.844
Neet Budget Requirement (NBR)	521.292	560.211	553.604	566.550	581.160
As Forecast in the Five Year Financial Plan in		/		000.000	001.10

General Reserve Balance as % of			
NBR	8.19%	4.80%	4.00%

2.73%

2.38%

Agenda Item 6(b)

#### Agenda Item No 6(b)

## DERBYSHIRE COUNTY COUNCIL

#### CABINET

## 16 April 2020

#### Report of the Director of Finance & ICT

#### **CIPFA FINANCIAL MANAGEMENT CODE** (STRATEGIC LEADERSHIP, CULTURE AND TOURISM)

#### 1 Purpose of the Report

To inform Cabinet of the contents of the Financial Management Code.

#### 2 Information and Analysis

#### Background

The Chartered Institute of Public Finance and Accountancy (CIPFA) published The Financial Management Code (FM Code) in October 2019. The FM Code provides guidance for good and sustainable financial management in local authorities, giving assurance that authorities are managing resources effectively.

The FM Code requires authorities to demonstrate that the processes they have in place satisfy the principles of good financial management, which is an essential part of ensuring that public sector finances are sustainable.

The FM Code identifies risks to financial sustainability and introduces a framework of assurance. This framework is built on existing successful practices and sets explicit standards of financial management.

Complying with the standards set out in the FM Code is the collective responsibility of elected members, the chief finance officer and their professional colleagues in the leadership team. Complying with the FM Code will help strengthen the framework that surrounds financial decision making.

The FM Code builds on elements of other CIPFA codes, such as The Prudential Code for Capital Finance, the Treasury Management in the Public Sector Code of Practice and the Code of Practice on Local Authority Accounting in the United Kingdom. By following the essential aspects of the FM Code, local authorities are providing evidence to show they are meeting important legislative requirements.

The first full year of compliance will be 2021-22. This recognises that organisations will require time to reflect on the contents of the FM Code and allows them to use 2020-21 financial year to demonstrate how they are working towards compliance.

#### Financial Management Code

The FM Code establishes an approach based on six principles of good financial management:

#### 1. Organisational Leadership

Demonstrating a clear strategic direction based on a vision in which financial management is embedded into organisational culture.

#### 2. Accountability

Based on medium term financial planning, driving the annual budget process, supported by effective risk management, quality supporting data and whole life costs.

#### 3. Transparency

At the core of financial management, using consistent, meaningful and understandable data, reported frequently, with evidence of periodic officer action and elected member decision making.

#### 4. **Professional Standards**

Promoted by the leadership team, with adherence evidenced.

#### 5. Assurance

Recognised as an effective tool, mainstreamed into financial management, including political scrutiny and the results of both external audit, internal audit and inspection.

#### 6. Long-Term Sustainability

At the heart of all local services' financial management processes, evidenced by the prudent use of public resources.

Explicit standards of financial management are also set out by the FM Code. These are the minimum standards which have to be complied with in order for the Council to demonstrate its compliance with the FM Code. The standards articulate the practical application of the principles of financial management based on the requirements of primary legislation, associated CIPFA codes and guidance on professional codes of practice and ethics. Whilst compliance with the standards is mandatory, the FM Code does not prescribe how they should be achieved. The standards are summarised in Appendix 1.

## Actions

The Council will review its current processes, procedures and governance arrangements, to understand where it is already compliant with the FM Code standards and to identify any areas of non-compliance or where compliance is weak.

In order to demonstrate conformity with the FM Code's standards, a document evidencing the applicable parts of the Council's Constitution, Financial Regulations, reports and policies will be compiled. Where evidence is found to be weak, the Council will develop practices to ensure that it is fully compliant by 1 April 2021.

Audit Committee will receive regular reports on progress towards achieving the FM Code, including proposals for additional practices where appropriate and on compliance with the FM Code's standards. An annual report will be taken to Full Council alongside the Statement of Accounts in late Autumn each year, commencing in 2022, following the first full financial year of compliance.

### 3 Financial Considerations

As set out above.

## 4 Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, transport and social value considerations.

## 5 Background Papers

Papers held in Technical Section, Finance & ICT, Room 137, County Hall.

#### 6 Key Decision - No.

7 Is it necessary to waive the call-in period? - No.

## 8 Officer's Recommendation

That Cabinet:

8.1 Notes the contents of the report.

## PETER HANDFORD

Director of Finance & ICT

## CIPFA Financial Management Standards

FM Standard Reference	Standard
	LEADERSHIP
A	The leadership team is able to demonstrate that the services provided by the authority provide value for money.
В	The authority complies with the CIPFA Statement on the Role of the Chief Finance Officer in Local Government.
0	The leadership team monitors the elements of its balance sheet that pose a significant risk to its financial sustainability.
	ACCOUNTABILITY
D	The authority applies the CIPFA/SOLACE Delivering Good Governance in Local Government: Framework (2016).
Ρ	The chief finance officer has personal and statutory responsibility for ensuring that the statement of accounts produced by the local authority complies with the reporting requirements of the Code of Practice on Local Authority Accounting in the United Kingdom.
Q	The presentation of the final outturn figures and variations from budget allows the leadership team to make strategic financial decisions.
	TRANSPARENCY
L	The authority has engaged where appropriate with key stakeholders in developing its long-term financial strategy, medium-term financial plan and annual budget.
М	The authority uses an appropriate documented options appraisal methodology to demonstrate the value for money of its decisions.
	STANDARDS
Н	The authority complies with the CIPFA <i>Prudential Code for Capital Finance in Local Authorities.</i>
J	The authority complies with its statutory obligations in respect of the budget setting process.

## Public

APPENDIX 1
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FM Standard Reference	Standard
К	The budget report includes a statement by the chief finance officer on the robustness of the estimates and a statement on the adequacy of the proposed financial reserves.
	ASSURANCE
C	The leadership team demonstrates in its actions and behaviours responsibility for governance and internal control.
F	The authority has carried out a credible and transparent financial resilience assessment.
Н	The authority complies with the CIPFA <i>Prudential Code for Capital Finance in Local Authorities.</i>
	SUSTAINABILITY
E	The financial management style of the authority supports financial sustainability.
G	The authority understands its prospects for financial sustainability in the longer term and has reported this clearly to members.
1	The authority has a rolling multi-year medium-term financial plan consistent with sustainable service plans.

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Agenda Item 6(c)

**PUBLIC** Agenda Item no.

### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 APRIL 2020

# Report of the Executive Director – Commissioning, Communities and Policy

#### FUTURE MANAGEMENT OF EDUCATIONAL CHARITIES Strategic Leadership, Culture and Tourism

### 1. <u>Purpose of the Report</u>

To seek Cabinet approval to transfer the management of a number of educational charities for which the County Council is the sole trustee to Foundation Derbyshire.

### 2. Information and Analysis

#### 2.1 <u>Background</u>

The County Council is the sole trustee for 47 charities established at various times over the past 150 years or so for educational purposes. Some are nominal in value with an annual income of only a few pounds and some were established for purposes or beneficiaries which no longer exist.

In many cases, these charities are not registered and the County Council holds limited information about them which has led to them being inactive for some time.

This situation is not unique to the County Council, a fact that has been recognised by the Charity Commission and the Department for Digital Culture, Media and Sport (DCMS). To address the issue of the thousands of inactive funds which individually have small nominal incomes, but collectively have a monetary value in the tens of millions, the Charity Commission, DCMS and the United Kingdom Community Foundations (UKCF) launched the Revitalising Trusts Programme. The aim of the programme is to assist dormant, ineffective or inactive charities and provide them with simple options to close or revitalise the charity.

The options available to trustees of charities which are no longer active are:

- 1. to consider transferring a charity's fund, using the Revitalising Trust Programme, to a central community fund managed by UKCF or to a local community fund managed by the local community foundation or to a charity with similar objectives depending on the governing document of the charity.
- 2. consider winding up a charity in line with the dissolution clause within its governing document.
- 3. consider amendments to the purpose of a charity in order that it can fulfil its purposes and undertake valuable charitable activities once again.

In the case of all three options advice is available from Toni Shaw, UKCF Trust Transfer Associate to guide the Council through the process of transferring a charity's funds for positive public benefit or to help the Council revitalise the objects of a charity.

The cost to the Council of administering the charities and their, in some cases, very small funds is not something that can be sustained going forward. It is more appropriate that the Council works in partnership with organisations that have the expertise to manage the charities and their funds so that they benefit the young people of Derbyshire as was originally intended.

Officers have considered the options and believe that option 1 is the most effective way forward. This option would allow a charity's funds to be revitalised and would also enable the Council to stay involved in the distribution of grants. It would involve transferring most of the 47 charitable trusts to the local Derbyshire Community Foundation, Foundation Derbyshire, to revitalise those funds to provide benefits for the children and young people of Derbyshire. An alternative proposal has been put forward for the future management of the Heage Educational Charity which is addressed later in this report.

## 2.2 Foundation Derbyshire

Derbyshire Community Foundation (operating as Foundation Derbyshire (FD)) was established in 1996 and is an independent and well respected locally based charity that promotes and encourages local philanthropy, creating funding sources for the hundreds of community groups and charities delivering vital services across the county. The Foundation's Board Members include senior representatives from industry, law, the voluntary sector and banking in Derbyshire.

FD works to revitalise local communities and tackle disadvantage by bringing about social change. It does this by investing in local communities - providing grants to the grass roots community and voluntary groups that

make a difference to local people's lives. To date, the Foundation has distributed over £15 million of grant funding across Derbyshire.

Funding for FD comes from a variety of sources:

- It attracts new monies from local companies, committed individuals and other charities who want to 'put something back' into their communities and the places where they live and work.
- These monies are used to establish named funds, each with their own charitable objectives and grant making criteria that reflect the donor's wishes and enable them to support the issues and causes that they care about and the problems that the Foundation knows need to be addressed.
- These funds are endowment based, which ensures that the county has a permanent funding source, benefiting future generations in perpetuity.
- The Foundation now has over 60 funds within its endowment, totalling in excess of £7.9m.

In addition to building endowment and making grants through this route, FD also delivers a wide range of funding programmes for other agencies and individuals. FD has delivered funding programmes for a wide range of national and regional funders including Cabinet Office of Civil Society, Comic Relief, Department for Education and Skills, GOEM and DDEP.

To date the Foundation has transferred charitable trusts worth in excess of £1.58m into bespoke named funds within its own endowment. The transfer of a charitable trust to FD means that there is no need for a separate audit of individual funds or to file with the Charity Commission and individual statutory accounts are no longer required. FD provides accessible, transparent and supportive processes for applicants and provides the ability for former trustees to remain involved in decision making, if they so wish. Trustees can retain their involvement in grant making decisions, by participating in a dedicated "Named Fund Panel", which the Foundation will establish and administer on the Trust's behalf, and grants can be distributed and marketed in the name of the original charitable trust.

All paperwork including secretariat function is dealt with by FD which employ professional fund managers to manage funds as part of FD's portfolio. An annual charge covers all administration, grant making and investment management costs.

A board of independent trustees oversees the work of FD and assumes the increasing burdens on trustees, and former trustees can be sure that their charitable wishes will be honoured in perpetuity.

#### 2.3 Proposed future management

Following an analysis of the 47 educational charities, it has been established that 8 are for the benefit of Chesterfield College, 9 are for the benefit of current and former educational establishments in Derby City and one is for the benefit of a church Sunday school. The remaining 29 are for the benefit of various schools or former schools and education establishments in Derbyshire for their pupils and students. There are only 3 of the charities which have seen any activity in the last 5 years.

The proposal is that 43 of the charities are transferred to FD to administer. In the case of the smaller charities, their funds would be amalgamated to form larger funds to which the original beneficiaries could apply for grants, and any income which has not been taken up at the end of each year would be rolled forward into a wider education fund to which all schools and students in Derbyshire could apply for grants.

The charities of which Chesterfield College is the beneficiary would be amalgamated into a single Chesterfield College Fund for the benefit of students and former students.

In the case of the Derby charities, these would similarly be amalgamated into a Derby City Learning Fund for the benefit of pupils in Derby schools, and the 3 Derby colleges charities would be amalgamated into a Derby Colleges Fund.

The beneficiary schools and colleges have been consulted and no objections have been raised to the proposal.

#### 2.3.1 The Charles Baseldine Foundation

The Charles Baseldine Foundation which benefits pupils at schools in Clowne would be administered by FD as a separate fund in accordance with the provisions of the charity's scheme, through a dedicated Charles Baseldine Fund Panel.

#### 2.3.2 Chesterfield schools charities

There are 3 charities which benefit pupils and former pupils at secondary schools in Chesterfield. The largest of these is the Chesterfield School Foundation which benefits pupils and former pupils of the 6 secondary schools which were in the Borough of Chesterfield prior to Local Government Reorganisation in 1974. These are now Brookfield School, Outwood Newbold Academy, Parkside School, Hasland Hall School, St. Mary's RC High School and Whittington Green School.

The other 2 charities are the Pegasus Trust Fund which benefits Brookfield School, Hasland Hall School, Whittington Green School, Outwood Newbold

Academy, Parkside School, St. Mary's RC High School, Springwell School and Netherthorpe School, and the Gertrude Weninger Trust Fund which was established to benefit girls attending Violet Markham School and St. Helena School. Both these former girls' schools closed on secondary school reorganisation in Chesterfield in 1991 and the girls who would have been their pupils would now attend one of the other secondary schools in Chesterfield.

The proposal is for the Pegasus Trust Fund to be administered by FD in the same way as the Charles Baseldine Foundation and to amalgamate both the Chesterfield School Foundation and the Gertrude Weninger Trust Fund into a Chesterfield School Trust Fund for the benefit of pupils and former pupils under the age of 25 in accordance with the objects of the current Chesterfield School Foundation charity scheme. The Fund would be administered by FD through a Chesterfield School Trust Fund for School Trust Fund Panel.

Further consideration would be given in due course whether to seek the Charity Commission's approval to merge the schemes of these three charities so that the pupils and former pupils of all eight secondary schools in the Borough of Chesterfield could benefit from all three funds.

### 2.3.3 Heage Educational Charity

The Heage Educational Charity, which primarily benefits the pupils and former pupils of Heage and Ambergate Primary Schools, and secondly, young people resident in the Parish of Ripley, has a substantial endowment as can be seen from the attached appendix. It also owns land at Ambergate which is used by Ambergate Primary School as its detached playing field as well as being leased by the Charity to Ambergate Cricket Club.

No objection was received from either Heage or Ambergate Primary Schools to the consultation regarding the proposal that the fund should be transferred to FD and managed as a separate fund in accordance with the provisions of the charity's scheme, through a dedicated Heage Educational Fund Panel. However, a request has recently been received from Ripley Town Council for the County Council to transfer the Heage Educational Charity to the Town Council to administer.

The Town Council has indicated it has experience of appointing trustees to local charitable trusts, that a number of Town Councillors have experience as Chairs of local charities and not for profit organisations and that, in terms of experience of financial management, the Town Council's annual budget is £320,000 a year. The Town Council is also replacing Amber Valley Borough Council as the Custodian Trustee of the Nottingham Road Recreation Ground in Ripley and assuming responsibility for the future management of the Recreation Ground.

It is recognised that the Town Council provides valuable local knowledge of the needs of the local communities (it was the Town Council which alerted the County Council to the potential sale of Ambergate Primary School's leased detached playing field and suggested that the charity should buy the land). However, whilst the experience gained by many of the Town Councillors from being involved in other local charities would undoubtedly be of benefit in considering applications for grants from the Heage Educational Charity in accordance with the charity's scheme, it does not necessarily mean the Town Council has experience of directly managing and investing a large permanent endowment of the size of the Heage Educational Charity, which is more than double the annual budget of the Town Council, or the internal resources to do so.

FD has a team of skilled and experienced staff dedicated to the management and distribution of the funds it manages. The size of its endowment enables it to keep the operating costs of the funds as low as possible, as described in the Financial Considerations in this report. The Town Council would require the assistance of specialist external investment managers to manage the permanent endowment of the charity, the cost of which would be met from the charity's income each year thus reducing the amount available for distribution as grants.

The charity's endowment is held by the County Council, on which the Council currently pays interest of 3% above base rate each year. This is not a level of return that would be available in the current climate to smaller organisations. FD employs professional fund managers to manage the investments of its endowments of over £7.9m which enables it to maximise the income available to each of its funds for distribution as grants.

It is recommended that the Council does not agree to Ripley Town Council's request and transfers the management of Heage Educational Charity along with the other 42 charities listed in the appendix to this report to Foundation Derbyshire.

The County Council would be able to maintain involvement in decision making for all of the Funds by appointing a representative to each of the Panels. In addition, to ensure local involvement in decision making it is proposed that each Panel should include representatives recruited from the local communities by, for example, advertising in the local press and contacting local organisations.

## 2.3.4 Long Eaton educational charities

The final group of 3 charities benefits pupils and former pupils at schools in Long Eaton. Enquiries suggest that there are other active charities which benefit the same groups and further work is being undertaken to establish whether the funds held by the County Council could be transferred to and

administered by the trustees of those other funds. At present therefore it is not proposed to transfer those funds to Foundation Derbyshire.

## 2.3.5 William Pearce Foundation

It is proposed that the remaining charity, the William Pearce Foundation, established for the benefit of a Church Sunday School, should be transferred to the appropriate Parochial Church Council which is already a registered charity.

## 3. Financial Considerations

The total value of all the charitable funds for which the Council is Trustee at 31 March 2019 was £1.290m. The individual values range from £51 - £659,000 and the annual income of each fund range from £2 - £26,000 a year. It is estimated that the funds currently cost the Council approximately £42,000 per year in interest and staff time.

Foundation Derbyshire would retain a fee as a contribution towards the operating costs of the funds, calculated quarterly in advance, based currently on 0.5% of the market value of the assets of the funds as at the previous quarter end. Its policy is to calculate the amount available for distribution as grants from the funds quarterly in advance, based currently on 1% of the market value of the assets of the funds as at the previous quarter end.

## 4. Legal Considerations

The Charities Act 2011 provides that charity trustees have a duty to ensure that charitable assets for which they are responsible are both invested appropriately and used for carrying out the charity's objects. Where a charity struggles to deliver its charitable objects, it is for the trustees to decide, in line with the governing document of the charity, how to proceed to ensure that the funds of the charity are used for public benefit.

The transfer of these charities to Foundation Derbyshire will require the consent of the Charity Commission. The Council will work with Foundation Derbyshire and the UKCF Transfer Associate in obtaining the Commission's approval.

## 5. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, and property considerations.

## 6. Key Decision No

7. Call-in Is it required that call-in be waived in respect of the decisions proposed in the report? No

- 8. Background Papers File held by Director of Legal Services
- 9. OFFICER'S RECOMMENDATIONS That Cabinet:
  - 9.1 approves the transfer of the educational charities as listed in the appendix to the report, including the Heage Educational Charity, to Foundation Derbyshire to be administered as set out in the report;
  - 9.2 approves the transfer of the William Pearce Foundation to the Parochial Church Council of St Michael's Parish Church, Pleasley.
  - 9.3 authorises the Director of Legal Services to execute all documents necessary for the purposes of the transfers;
  - 9.4 authorises the Director of Finance & ICT to transfer the funds of the charities concerned held by the County Council to Foundation Derbyshire once the legal transfers have been completed;
  - 9.5 agrees and authorises the Cabinet Member for Strategic Leadership, Culture and Tourism to appoint representatives to the Fund Panels to be established by Foundation Derbyshire; and
  - 9.6 notes that the Council and Foundation Derbyshire will jointly recruit local individuals to serve on each of the Fund's Panels.
  - 9.7 notes that a further report will be presented to Cabinet regarding the future of the Long Eaton educational charities.

### Emma Alexander Executive Director – Commissioning, Communities and Policy

# Appendix

Trust Fund	Beneficiary	Value as at 31.03.2019 (£)
W R Parsonage Scholarship	Chesterfield Technical College	50.95
G Clarke (Alderman G Clarke)	Chesterfield Technical College	258.99
G Stephenson Memorial Prize	Chesterfield Technical College	1,754.15
P D Curley Scholarship Fund	Chesterfield Technical College	3,143.79
G A Eastwood Scholarship chesterfield Tec	Chesterfield Technical College	3,580.67
Pegasus Trust Chesterfield Technical College	Chesterfield Technical College	6,692.45
Pegasus Trust Chesterfield College of Art & Design	Chesterfield College of Art & Design.	9,813.64
J H Clements	Chesterfield Technical College	231.47
Berby College Bakery Prize	Derby College of Further Education.	425.71
Reter Topping Memorial Fund	Derby College of Further Education	5,774.85
Berby COFE Earp Legacy	Derby College of Further Education.	5,252.90
Arthur Pope Memorial Fund	Bemrose School	54.43
Helmore Exhibition	Homelands School	83.98
Sturgess Prize	Woodlands School	1,455.98
Hoare Bequest Markeaton	Parkfields School Derby	1,946.86
Oldham Prize Fund	Merrill School	2,415.22
Hoare Bequest Derby	Not known	950.52
Rev G H Coombs Memorial Prize	Melbourne Infant and Junior School	E4 54
	Ecclesbourne School	54.54 103.37
P Bennett History Prize A Griffiths Memorial Prize		
	Tupton Hall School	194.93
W Levick Bequest	William Levick Primary	199.89
Selkirk Holister Prize	Tupton Hall School	305.23

W Turbot Scripture Prize	Tupton Hall School	331.76
RAOB Prize Fund	Winster CE Primary School	437.46
Clay Cross Exhibition Prize	Tupton Hall School	470.87
Dronfield Woodhouse Lawn Tennis Prizes Fund	Dronfield Woodhouse County Primary School	543.71
J Strover Memorial Prize	The county secondary school in Buxton.	573.84
S Green Maths Prize	Ecclesbourne School	748.61
Clay Cross Eve Inst. Prize Fund	Clay Cross Institute	1,264.98
Captain Johnson Prize	Beighton Elementary School to 1967, then Westfield School	1,456.68
S Rhodes	Hardwick Square Infants School, Buxton	1,466.87
Carnegie UK Trust	Informal education of a charitable nature with voluntary groups.	2,665.85
M M Shephard	Park House Primary School	3,185.31
D Dampier Legacy	The Pines Teachers Centre or o/wise as determined by Director of Education	5,629.93
Burbage School Charity	Originated from sale of land in Burbage (1998)	6,326.59
Pitzwise-Ireland Colliery	Not known	7,857.71
Earp Legacy	Not known	47,260.03
William & Vera Parker Fund	Not known	9,182.23
C Baseldine Foundation	Clowne Infant School, Clowne Junior School and Heritage School	22,593.83
Pegasus Trust Schools	Secondary schools in the Chesterfield Borough	65,135.44
Chesterfield School Foundation	Named schools in Chesterfield	334,032.20
G Weninger Prize Fund	Violet Markham & St Helena Schools.	1,727.84
Heage Educational Charity	Ambergate/ Heage Primary Schools	658,794.22

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Agenda Item 6(d)

Author: Sue Pegg (x36040)

PUBLIC

Agenda Item No.6 (d)

## DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## **Report of the Executive Director for Children's Services**

#### CHILDREN'S SERVICES CAPITAL PROGRAMME 2019-20 – S106 PROJECT ALLOCATIONS PAPER – (YOUNG PEOPLE)

#### 1. Purpose of Report

To inform Cabinet of the receipt and availability of recent Section 106 developer contributions and to seek approval for the allocation of those contributions to projects in line with the individual Section 106 agreements:-

To also seek approval that, where appropriate, procurement exercises be undertaken to commission services and undertake works associated with the schemes.

#### 2. Information and Analysis

#### John Port Spencer Academy

There is significant housing growth in the normal area of John Port Spencer Academy and to date, the Authority has secured £12M developer contributions by way of Section 106 agreements. Given the size of the development, the Academy Trust has employed a specialist firm to assess the current accommodation and identify the projects needed to expand the school by 300 places for 11–16 pupils and increase the post 16 provision. At present the masterplan consists of 5 projects and the Academy Trust is now in a position to identify the S106 contributions that will be used for each of the schemes. The funds listed in Appendix A are all available to claim from South Derbyshire District Council and therefore this report is seeking to draw those funds down. Once all the funding is in place, a separate Cabinet report will be submitted to seek approval for the use of that funding for the individual projects.

### 3. Financial Considerations

The contributions are S106 developer contributions and are available to claim from the South Derbyshire District Council. Appendix A summarises the funds awaiting claiming, the school that will benefit from the investment and the planned project. The total is £769,975.70.

Where appropriate, it may be necessary to undertake a procurement exercise to commission services in order to undertake works associated with these schemes / budgets, and this report also seeks approval to commence this process. It should be noted that these procurement exercises would normally take the form of a competitive tender process, but should it be decided that using a Framework is the best option, a separate report will be submitted seeking approval for this. In the case of John Port Spencer Academy, the Trust will undertake the procurement and the transfer of funds will be covered by a legal agreement which ensure that the funds are used for the purpose laid down in the relevant Section 106 agreement.

#### 4. Social Value Considerations

This funding is to ensure that there is sufficient capacity at all the schools involved. John Port Spencer Academy will have the option to deliver the projects under their own financial regulations.

#### 5. Other Considerations

In preparing this report the relevance of the following factors has been considered:- prevention of crime & disorder, equality of opportunity, environmental, health, legal & human rights, human resources, property and transport considerations.

#### 6. Key Decision Yes

#### 7. Call-in

Is it necessary for the call-in period to be waived in respect of the decisions being proposed in the report? No

#### 8. Background Papers

These are held on file in the Children's Services Development Section.

## 9. Officer Recommendation

That Cabinet:-

- 9.1 notes the availability of S106 developer contribution funding and approves the following allocations as detailing in Appendix A for John Port Spencer Academy amounting to £769,975.70
- 9.2 approves that, where appropriate, procurement exercises be undertaken to commission services and undertake works associated with the schemes.

### Jane Parfrement Executive Director for Children's Services

## Appendix A

School	Development location	Funds	Project
John Port Spencer Academy	Longlands Repton (9/2013/0643) – secondary contribution	£106,025.85	S106 funds available at South Derbyshire District Council to claim, and will be used towards the infrastructure project required to support of the expansion.
John Port Spencer Academy	Longlands Repton (9/2013/0643) – post 16 contribution	£45,944.78	S106 funds available at South Derbyshire District Council to claim and will be used towards the expansion of the sixth form facilities.
John Port Spencer Academy	Etwall Road, Willington (9/2013/0745)- secondary element	£220,503.34	S106 funds available at South Derbyshire District Council to claim, and will be used towards the expansion of the art and design teaching space.
John Port Spencer Academy	Etwall Road, Willington (9/2013/0745) – post 16 element	£99,641.64	S106 funds available at South Derbyshire District Council to claim, and will be used towards the expansion of the art and design teaching space which includes provision for post 16.
John Port Spencer Academy	Mercia Marina (9/2014/1137)	£4,579.65	S106 funds available at South Derbyshire District Council to claim, and will be used towards the infrastructure project required to support of the expansion.
John Port Spencer Academy	Clayton Works Hatton	£20,000	S106 funds available at South Derbyshire District Council to claim, and will be used towards the

			infrastructure project required to support of the expansion.
John Port Spencer Academy	Mount Pleasant, Repton (9/2014/1093) – secondary element	£195,988.34	S106 funds available at South Derbyshire District Council to claim and will be used towards the increase in art and design teaching facilities.
John Port Spencer Academy	Mount Pleasant, Repton (9/2014/1093) – post 16 element	£77,292.10	S106 funds available at South Derbyshire District Council to claim, and will be used towards the infrastructure project required to support of the expansion.
		£769,975.70	

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PUBLIC

Author: Chris Allcock (x36514)

Agenda Item No.6 (e)

## DERBYSHIRE COUNTY COUNCIL

### CABINET

## 23 April 2020

## **Report of the Executive Director for Children's Services**

#### SUPPORT FOR MAINSTREAM SCHOOLS WITH SIGNIFICANT NUMBERS OF CHILDREN WITH SPECIAL EDUCATIONAL NEEDS (YOUNG PEOPLE)

#### 1. Purpose of the Report

To seek Cabinet approval to the arrangements for 2020-21 to support schools and academies with significant numbers of children with Special Educational Needs (SEN).

#### 2. Information and Analysis

#### 2.1 Background

The arrangements in this paper apply equally to mainstream schools and academies and references to schools should be taken to include academies.

Under the national funding framework mainstream primary and secondary schools are expected to fund the first £6,000 of additional costs for any child with additional educational needs. Costs in excess of the £6,000 threshold are funded from the High Needs Block rather than schools' delegated budgets, subject to the approval of a GRIP (Graduated Response for an Individual Pupil) or an EHCP (Education Health and Care Plan).

The expectation that schools meet the first £6,000 of additional costs creates a pressure for those schools with a significant proportion of children with an approved GRIP/EHCP. These pressures can be compounded in schools which have developed a good reputation for supporting children with special needs. Schools with this reputation contend that they incur significant costs for the many children on roll whose needs, whilst not at the

GRIP/EHCP level, nevertheless require additional resources which creates further pressure on the school's delegated budget.

At the July 2019 meeting of the Council an amended Motion was unanimously agreed which sought to ensure that every Derbyshire SEND (Special Educational Needs & Disability) pupil gets the education they are entitled to by:

- i. Continuing to pressure the government for more funding to be invested in education, especially SEND; and
- ii. Urgently reviewing the discretionary contingency fund, in consultation with the Schools Forum, so that those schools which feel penalised because they have more SEND Children can be given more financial support; and
- iii. To bring a report outlining progress on reviewing the discretionary contingency fund and with the government to a future Full Council meeting within the next six months.

The 2020-21 Dedicated Schools Grant (DSG) settlement provided a £9.8m (14%) increase in High Needs Block (HNB) funding for Derbyshire, thus contributing towards meeting objective (i) of the Motion above. As an active member of the F40 group of low funded local authorities, Derbyshire will continue to press for further increases in education funding, including for high needs pupils, in future years' settlements.

As a result of the settlement the 2020-21 High Needs Block budget report to the Cabinet in March 2020 proposed an increase in the contingency fund to support schools with high proportions of pupils with SEN. Cabinet agreed that the fund should be increased to £0.500m for 2020-21 (£0.350m in 2019-20). £0.400m of the increased fund would continue to be allocated via a formula with £0.100m set aside to consider claims from schools experiencing exceptional circumstances.

The issue of SEN contingency funding was discussed at both the October 2019 and January 2020 meetings of the Schools Forum. The January meeting received a report setting out the current allocation arrangements as well as a potential alternative for consideration. The current formulaic approach can be summarised as follows:

- i. The calculation expresses the number of children with an EHCP/ GRIP allocation as a percentage of the number on roll.
- ii. Schools with more than 3% of such children potentially qualify for support.

- iii. Actual support is net of an assumed contribution from the school equivalent to 1% of their annual budget;
- iv. If necessary, final allocations are scaled back to keep within the resources available.

Whilst this approach targets the schools with the largest proportions of children with SEN it does not take into account the resources available to these schools under the National Funding Formula (NFF). The advent of the NFF has seen significant increases in the funding allocated as low prior attainment (LPA) for Derbyshire schools, particularly in the primary sector, as shown in Table 1 below.

	Primary	Secondary	
	LPA	LPA	Total
	£m	£m	£m
2017-18	1.053	8.184	9.237
2020-21	19.331	13.486	32.817
Change	+18.278	+5.302	+23.580

## Table 1 – Change in LPA Funding in Derbyshire

\* All deprivation i.e. current and Ever 6 free school meals and Income Deprivation Affecting Children Index (IDACI).

The report to the Schools Forum provided an alternative methodology which compared the costs of the support – i.e. the multiples of  $\pounds$ 6,000 – with the notional SEN budget of each school. LAs are required to publish how much of each school's budget is notionally for SEN support. Derbyshire's revised notional SEN calculation for 2020-21 would have only included deprivation and low prior attainment funding and would have ignored other factors e.g. basic per pupil funding and lump sum allowances.

The alternative model compared the costs of the support with a percentage of the notional SEN budget. Not all of the notional SEN budget would be included as it's recognised that a significant element of this funding would be required to support pupils with levels of SEN below the GRIP/EHCP threshold.

In the event, whilst the Schools Forum recognised the logic of bringing the question of each school's resources into the calculation, they were concerned about the turbulence the new model would create. In particular there were concerns about the impact on junior schools and schools serving the most deprived areas.

After a lengthy discussion the Schools Forum determined not to support the alternative model.

## 2.2 Arrangements for 2020-21

Given the views expressed by the Schools Forum it is recommended that the existing allocation arrangements are largely retained for 2020-21. Changes may need to be considered at a future date, perhaps following further national changes to high needs funding arising from the DfE's SEND Call for Evidence in 2019. Proposals to make significant changes would only be considered following consultation with schools and the Schools Forum.

As previously described, in 2019-20 support was targeted at schools with more than 3% of their population with an EHCP/GRIP, with 41 schools triggering support. Applying this threshold in 2020-21 87 schools would be eligible for support at a cost of £1.184m. The increases in both the number of schools qualifying for support and the number of pupils above the threshold reflects the significant increase in the number of children with an EHCP/GRIP.

The maximum allocation per individual school has been capped at £30,000, equivalent to 7.5% of the available budget. The support for only one school, Brookfield Primary School, has been limited by the application of this cap with the school's allocation being reduced from £52,258 to £30,000. The £22,258 saved will be added to the exceptional cases fund described below. Brookfield, alongside any other school, are able to submit a case for additional support over and above their formula allocation if they feel their circumstances justify this.

Given the available budget is £0.400m each school's actual allocation needs to be scaled back by 66.2% for 2020-21. A schedule of the resultant allocations is provided in Appendix 1 to this report.

Two other points to note. First, overall mainstream school funding in Derbyshire has increased by £26.876m (6.1%) for 2020-21 which will help many schools to meet the additional costs of SEN provision. Second, the government has indicated that overall education funding for 2021-22 will rise by a further £2.2 billion on top of the £2.6 billion in 2020-21. If, as seems likely, high needs funding is prioritised once more in 2021-22, it would present an opportunity for the Authority to consider further increases in the contingency support to schools.

Outside of the formula contingency fund, £0.100m is available to meet exceptional cases. However, schools wishing to access this resource will have to submit extensive details to support their claim including: details of the additional spending required; resource mapping, including how the school's notional SEN budget has been applied and the ability to meet the additional costs from existing budgets; and the educational and financial impacts if the application were not approved. As with other centrally held DSG funds, schools will normally be expected to contribute towards the additional costs, such contributions being 1% of the school/academy's annual budget share. Applications will be vetted by senior officers in the SEN, School Improvement and Finance services.

## 3. Other Considerations

In preparing this report, the relevance of the following factors has been considered: - legal, prevention of crime & disorder, equality of opportunity, and environmental, health, social value, human rights, human resources, property and transport considerations.

### 4. Background Papers

Files held within Children's Services Finance.

### 5. Key Decision

Yes.

6. Call-in

Is it required that the call-in period be waived in respect of the decisions being proposed within this report? No

7. Officer's Recommendation That Cabinet considers this report and agrees the high needs block contingency arrangements for 2020-21;

### Jane Parfrement Executive Director for Children's Services

	PROPOSED ALLOCATION (	OF HIGH NEEDS CONTINGENCY 2020-21								API	PENDIX 1
				Final Ext					1% of		
			October	Autumn	Autumn			Cost of	SB budget		Cost
			2019	2019	2019	T'hold	"Excess"	Excess	excl	Gross	post
DfE	Parish	School	NOR	Top Ups	Top Ups	3.00%	Top Ups	Top Ups	premises	Cost	scaling
				No.	%			£	£	£	£
3033	ELTON	Elton CofE Primary School	24	6	25.00%	22.00%	5.28	31,680	2,357	29,323	9,910
2219	SHIREBROOK	Brookfield Primary School	189	33	17.46%	14.46%	27.33	163,980	9,353	154,627	30,000
2187	PARWICH	Parwich Primary School	24	3	12.50%	9.50%	2.28	13,680	2,171	11,509	3,890
2031	ALFRETON	Ironville and Codnor Primary School	114	11	9.65%	6.65%	7.58	45,480	6,354	39,126	13,223
2240	STAVELEY	Poolsbrook Primary Academy	93	8	8.60%	5.60%	5.21	31,260	5,004	26,256	8,874
3039	HARTINGTON	Earl Sterndale CofE Primary School	36	3	8.33%	5.33%	1.92	11,520	2,454	9,066	3,064
2041	BLACKWELL	Blackwell Community Primary & Nursery	108	9	8.33%	5.33%	5.76	34,560	5,065	29,495	9,968
2269	WHALEY BRIDGE	Furness Vale Primary School	86	7	8.14%	5.14%	4.42	26,520	4,004	22,516	7,610
2064	HILTON	The Mease at Hilton	26	2	7.69%	4.69%	1.22	7,320	2,378	4,942	1,670
2005	MATLOCK	Castle View Primary School	119	8	6.72%	3.72%	4.43	26,580	6,128	20,452	6,912
3037	GREAT HUCKLOW	Great Hucklow CE Primary	30	2	6.67%	3.67%	1.10	6,600	2,301	4,299	1,453
2021	BAMFORD	Bamford Primary School	76	5	6.58%	3.58%	2.72	16,320	3,677	12,643	4,273
2044	BLACKWELL	Westhouses Primary School	77	5	6.49%	3.49%	2.69	16,140	3,958	12,182	4,117
3079	PEAK FOREST	Peak Forest CoE Voluntary Cont. Primary School	31	2	6.45%	3.45%	1.07	6,420	2,446	3,974	1,343
3019	BUXTON	Fairfield Endowed CofE (C) Junior School	202	13	6.44%	3.44%	6.94	41,640	9,385	32,255	10,901
2020	MATLOCK	St Joseph's Catholic Voluntary Academy	111	7	6.31%	3.31%	3.67	22,020	5,351	16,669	5,633
ບ <sup>3088</sup>	STANLEY	Stanley Common CofE Primary School	64	4	6.25%	3.25%	2.08	12,480	3,561	8,919	3,014
<b>0</b> 3069	MATLOCK	Cromford Church of England Primary School	80	5	6.25%	3.25%	2.60	15,600	4,070	11,530	3,897
<b>Φ</b> <sub>2190</sub>	PILSLEY (CHESTERFIELD)	Pilsley Primary School	194	12	6.19%	3.19%	6.18	37,080	8,355	28,725	9,708
<b>8</b> 2511	RIPLEY	Heage Primary School	195	12	6.15%	3.15%	6.15	36,900	7,816	29,084	9,829
2333	ASHBOURNE	Ashbourne Hilltop Primary & Nursery	114	7	6.14%	3.14%	3.58	21,480	5,299	16,181	5,469
2356	SWADLINCOTE	Elmsleigh Infant and Nursery School	149	9	6.04%	3.04%	4.53	27,180	7,600	19,580	6,617
2375	ILKESTON	Larklands Infant School	167	10	5.99%	2.99%	4.99	29,940	7,255	22,685	7,667
2142	ILKESTON	Hallam Fields Junior School	236	14	5.93%	2.93%	6.92	41,520	9,599	31,921	10,788
2182	NEW MILLS	Thornsett Primary School	85	5	5.88%	2.88%	2.45	14,700	4,192	10,508	3,551
2106	EYAM WOODLANDS	Grindleford Primary School	69	4	5.80%	2.80%	1.93	11,580	3,536	8,044	2,719
2138	ILKESTON	Cotmanhay Junior School	259	15	5.79%	2.79%	7.23	43,380	12,329	31,051	10,494
3065	MAPPERLEY	Mapperley CofE Controlled Primary School	70	4	5.71%	2.71%	1.90	11,400	3,578	7,822	2,644
3048	HEANOR	Langley Mill CofE Infant School and Nursery	88	5	5.68%	2.68%	2.36	14,160	4,655	9,505	3,212
3022	CASTLETON	Castleton CofE Primary School	18	1	5.56%	2.56%	0.46	2,760	1,886	874	296
3073	MONYASH	Monyash CofE Primary School	36	2	5.56%	2.56%	0.92	5,520	2,601	2,919	986
3099	WINSTER	Winster CofE Primary School	36	2	5.56%	2.56%	0.92	5,520	2,428	3,092	1,045
2000	ALFRETON	Leys Junior School	180	10	5.56%	2.56%	4.60	27,600	8,132	19,468	6,580
3049	HEANOR	Loscoe CofE Primary School and Nursery	164	9	5.49%	2.49%	4.08	24,480	7,141	17,339	5,860
3034	EYAM	Eyam CofE Primary School	73	4	5.48%	2.48%	1.81	10,860	3,401	7,459	2,521
3006	BAKEWELL	Bakewell CofE Infant School	55	3	5.45%	2.45%	1.35	8,100	2,997	5,103	1,725
2328	ILKESTON	Ladywood Primary School	294	16	5.44%	2.44%	7.18	43,080	12,608	30,472	10,298
2001	CHESTERFIELD	Newbold CofE Primary School	204	11	5.39%	2.39%	4.88	29,280	9,063	20,217	6,833
2258	TIBSHELF	Tibshelf Infant School	131	7	5.34%	2.34%	3.07	18,420	5,614	12,806	4,328
2213	SCARCLIFFE	Palterton Primary School	94	5	5.32%	2.32%	2.18	13,080	4,439	8,641	2,920
3094	STRETTON HANDLEY	Stretton Handley CoE Primary School	38	2	5.26%	2.26%	0.86	5,160	2,426	2,734	924
2036	CHESTERFIELD	Dunston Primary and Nursery Academy	266	14	5.26%	2.26%	6.02	36,120	11,549	24,571	8,304
2630	SCARCLIFFE	Whaley Thorns Primary School	6 <sup>97</sup>	5		2.15%	2.09	12,540	5,020	7,520	2,542

	PROPOSED ALLOCATION	OF HIGH NEEDS CONTINGENCY 2020-21								<u>AP</u>	PENDIX 1
				Final Ext					1% of		
			October		Autumn			Cost of	SB budget		Cost
			2019	2019	2019	T'hold	"Excess"	Excess	excl	Gross	post
DfE	Parish	School	NOR	Top Ups	Top Ups	3.00%	Top Ups	Top Ups	premises	Cost	scaling
				No.	%			£	£	£	£
2315	SWADLINCOTE	Eureka Primary School	136	7	5.15%	2.15%	2.92	17,520	6,398	11,122	3,759
2003	ALFRETON	Woodbridge Junior School	195	10	5.13%	2.13%	4.15	24,900	8,594	16,306	5,511
2359	WINGERWORTH	Hunloke Park Primary School	234	12	5.13%	2.13%	4.98	29,880	8,844	21,036	7,109
2239	STAVELEY	Staveley Junior School	157	8	5.10%	2.10%	3.29	19,740	7,539	12,201	4,124
3110	GLOSSOP	St Andrew's CofE Junior School	220	11	5.00%	2.00%	4.40	26,400	9,059	17,341	5,861
3038	GREAT ROWSLEY	Rowsley CofE (Controlled) Primary School	62	3	4.84%	1.84%	1.14	6,840	3,188	3,652	1,234
3100	WIRKSWORTH	Wirksworth CofE Infant School	63	3	4.76%	1.76%	1.11	6,660	3,285	3,375	1,140
2376	ILKESTON	Chaucer Junior School	231	11	4.76%	1.76%	4.07	24,420	10,293	14,127	4,774
3151	BAKEWELL	Bakewell Methodist Junior School	85	4	4.71%	1.71%	1.45	8,700	4,001	4,699	1,588
2285	CHESTERFIELD	Spire Nursery and Infant School	149	7	4.70%	1.70%	2.53	15,180	7,568	7,612	2,572
5210	SWADLINCOTE	Pennine Way Junior Academy	366	17	4.64%	1.64%	6.02	36,120	14,294	21,826	7,376
2103	EGGINTON	Egginton Primary School	66	3	4.55%	1.55%	1.02	6,120	3,269	2,851	964
2104	ELMTON	Creswell Junior School	244	11	4.51%	1.51%	3.68	22,080	11,114	10,966	3,706
2054	TUPTON	Tupton Primary and Nursery School	222	10	4.50%	1.50%	3.34	20,040	9,284	10,756	3,635
2290	CHESTERFIELD	Hady Primary School	291	13	4.47%	1.47%	4.27	25,620	10,991	14,629	4,944
2051	BRAMPTON	Wigley Primary School	45	2	4.44%	1.44%	0.65	3,900	2,633	1,267	428
3075	NORBURY	Norbury CofE Primary School	68	3	4.41%	1.41%	0.96	5,760	3,516	2,244	758
2229	SOUTH WINGFIELD	South Wingfield Primary School	115	5	4.35%	1.35%	1.55	9,300	4,960	4,340	1,467
5208	SWADLINCOTE	Fairmeadows Foundation Primary School	207	9	4.35%	1.35%	2.79	16,740	8,654	8,086	2,733
02626	BELPER	Herbert Strutt Primary School	209	9	4.31%	1.31%	2.73	16,380	8,811	7,569	2,558
02621	SHIREBROOK	Model Village Primary School	210	9	4.29%	1.29%	2.70	16,200	9,718	6,482	2,191
<b>()</b> 2034	BOLSOVER	Bolsover Church of England Junior School	283	12	4.24%	1.24%	3.51	21,060	11,389	9,671	3,268
<b>O</b> 2076	CLAY CROSS	Holmgate Primary School and Nursery	214	9	4.21%	1.21%	2.58	15,480	9,294	6,186	2,091
2139	ILKESTON	Cotmanhay Infant School	216	9	4.17%	1.17%	2.52	15,120	10,464	4,656	1,574
3036	GLOSSOP	Whitfield St James' CofE (VC) Primary School	264	11	4.17%	1.17%	3.08	18,480	10,408	8,072	2,728
2052	BRASSINGTON	Brassington Primary School	49	2		1.08%	0.53	3,180	2,782	398	134
2181	NEW MILLS	Newtown Primary School	74	3		1.05%	0.78	4,680	3,844	836	283
2173	MATLOCK	Tansley Primary School	76	3		0.95%	0.72	4,320	3,741	579	196
2082	CRICH	Crich Junior School	76	3		0.95%	0.72	4,320	3,697	623	210
2019	AULT HUCKNALL	Bramley Vale Primary School	127	5		0.94%	1.19	7,140	5,622	1,518	513
2243	STAVELEY	Duckmanton Primary School	178	7		0.93%	1.66	9,960	8,533	1,427	482
2093	ECKINGTON	Eckington Junior School	153	6		0.92%	1.41	8,460	6,856	1,604	542
2299	CHESTERFIELD	William Rhodes Primary School	181	7		0.87%	1.57	9,420	8,998	422	143
2196	PLEASLEY	Anthony Bek Community Primary School	181	7		0.87%	1.57	9,420	8,110	1,310	443
2011	CHESTERFIELD	Brampton Primary School	285	11	3.86%	0.86%	2.45	14,700	12,449	2,251	761
2045	BOLSOVER	New Bolsover Primary and Nursery School	208	8		0.85%	1.76	10,560	9,307	1,253	423
2296	CHESTERFIELD	Abercrombie Primary School	209	8		0.83%	1.73	10,380	8,627	1,753	593
2042	SOUTH NORMANTON	The Green Infant School	131	5	3.82%	0.82%	1.07	6,420	5,865	555	187
2026	CHESTERFIELD	New Whittington Community Primary School	239	9		0.77%	1.83	10,980	10,566	414	140
2368	WILLINGTON	Willington Primary School	215	8		0.72%	1.55	9,300	8,063	1,238	418
2254	SWADLINCOTE	Newhall Infant School	244	9		0.69%	1.68	10,080	9,885	195	66
		TOTAL PRIMARY	59,061	1,480	2.51%	0.0570		1,733,520	5,005	1,075,548	
4192	CHESTERFIELD	Whittington Green School	377	16	4.24%	1.24%	4.69	28,140	23,077	5,063	1,711
4006	ALFRETON	David Nieper Academy	508	26		2.12%	10.76	64,560	30,026	34,534	11,671
4013	HOPE VALLEY	Hope Valley College	536	32		2.97%	15.92	95,520	27,107	68,413	23,121
		TOTAL SECONDARY	39,018	912	2.34%		50.34	302,040	2,101,278	108,009	
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Agenda Item 6(f) PUBLIC

Agenda Item No. 6f

## DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

# Report of the Executive Director - Commissioning, Communities and Policy

## **Urgent Officer Decisions**

## **Corporate Services**

## 1. Purpose of the Report

To ask Cabinet to note decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

## 2. Information and Analysis

The current challenges relating to the Covid 19 virus have necessitated urgent decision-making processes by Executive Directors and Directors to be implemented in order to ensure the welfare of service users and the public and to safeguard the interests of the Council

The Coronavirus Act 2020 has now been implemented alongside a range of related Regulations. The Regulations include provision for virtual meetings of Council bodies including Cabinet. These regulations took effect on 4 April 2020.

Members will appreciate that prior to these Regulations being introduced and Cabinet meetings resuming, it has been necessary for a range of decisions to be made. These decisions have been made under the urgent delegated powers to Executive Directors as set out in the Constitution. The relevant provision is as follows-

## SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS

Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.

A schedule of these decisions together with supporting reports by Department, is set out in Appendices 1 - 5. Appendix 6, circulated as a separate document, details exempt officer decisions. In some cases, the full report is still being finalised- where this is the case this is indicated in the Appendix. Any decisions which are exempt will be included in the confidential part of the meeting papers together with the reason that they are exempt.

In the main, the decisions relate to short-term temporary arrangements which are subject to regular review. This is particularly important where subsequent Government guidance has been issued notably in area of Adult Care. It intended that as Cabinet is now able to function by meetings being held 'remotely' the need for officers to make urgent decisions will diminish over time.

# 3. Financial Considerations, Human Resources Considerations and Legal Considerations

As part of the urgent officer decision-making process, regard has been had to equality implications alongside legal, human resources and financial implications within the demanding time scales applying. However, a consolidated Equality Impact Assessment is being undertaken on all the decisions to date and will be reported to Cabinet at its next meeting.

## 4. Other Considerations

In preparing this report the relevance of the following factors has been considered: Human Rights, equality of opportunity, health, environmental, transport, property, social value, and crime and disorder considerations.

## 5. Background Papers

Details of officer decisions held within Departments.

## 6. Key Decision

As indicated in reports

# 7. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

Not applicable

#### 8. Officer's Recommendation

To note decisions made under urgent delegated powers arising from the Covid-19 virus pandemic.

#### Emma Alexander Executive Director – Commissioning, Communities and Policy

# Appendix 1

# Adult Social Care Officer Decisions Index

Date of Decision	Officer Decision	Cabinet Report
20/3/20	Adult Social Care Residential Homes for Older People, closure to visitors (ASCODR1)	Adult Social Care Residential Homes – Closure to Visitors (ASCREP1)
20/3/20	Closure of Older Adults Day Centres and Cessation of service delivery for over 70's in LD Day Services (ASCODR2)	Temporary Closure of Older Adults Day Centres (ASCREP2)
23/3/20	Closure of building based Day Centres for people with a Learning Disability (ASCODR3)	Temporary Closure of Building Based Day Centres for People with a Learning Disability (ASCREP3)
23/3/20	Cessation of planned respite breaks services for Older Adults and people with a Learning Disability (ASCODR4)	Temporary Closure/Cessation for Services for Older People and People with a Learning Disability (ASCREP4)
30/3/20	Homecare Service Suspension / Cessation (ASCODR5)	Temporary Reduction/Suspension in Non-Essential Homecare Service Delivery Across the Internal and External Home Care Market (ASCREP5)
31/3/20	Fire Risk Mitigation Work (ASCODR6)	Essential Maintenance and Specific Fire Risk Mitigation Works in our Residential Care Homes for Older People (ASCREP6)

#### DERBYSHIRE COUNTY COUNCIL

#### OFFICER DECISION RECORD

Officer:			Service: Adult Social Care Residential Homes	
Helen Jones GOLD Command ASC SMT			for older people.	
Delegated Power Being Exercised: ?				
Subject of Decision:	Adult Socia	Adult Social Care Residential Homes for Older People, closure to visitors		
Key decision?	yes			
		Decision tak friends and	en on 20/3/20 to cease to allow visits from family.	
all reasons for taking the decisions including where necessary reference to Council policy) Th w in re "S In hc		be required further advi homes, but The advice f written guid interpretation received fro "strongly ad In addition i homes were	Government advice earlier in the week that over 70s would be required to self –isolate within days. The expectation of further advice from government as to implications for care homes, but with none arriving. The advice from the Director of Public Health and the written guidance updated on 20.3.2020 and the interpretation provided by the DPH, from advice he had received from PHE that in the summary table the words "strongly advised" meant, that we should do it. In addition it was raised in ASC Bronze that staff working in homes were becoming anxious about the on-going visits from relatives.	
appropriate)		(friends and moved to ea light of the g We consider were to be a risks, asking them of hyg potential to This was in f the 20.2.202 advice from specially rec	red keeping the homes open to restricted visitors families only). This was the position we had arlier in the week, but seemed insufficient in the guidance and advice received. The further social distancing measures. These a letter, to friends/ relatives advising them of the them to consider their position and reminding iene and social distancing measures and the visit outside of the home. The function agreed at the 8.30 meeting on 20, however, we reverted subsequently after the the DPH and formally changed the decision at a onvened ASC Gold later in the day. Minutes of gs are available.	

		We considered whether we should give notice of the intention to close. However, the concern was that if we did this family members and friends might attend in increased numbers to say their goodbyes, thus increasing the risk of infection that we were trying to reduce. It was also considered that people had had sufficient warning from government that this was coming and that the closure of homes by providers across the country had featured in the national news.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		https://www.gov.uk/government/publications/covid-19- guidance-on-social-distancing-and-for-vulnerable- people/guidance-on-social-distancing-for-everyone-in-the- uk-and-protecting-older-people-and-vulnerable-adults
Consultation v Member (s)	vith relevant Cabinet	This took place with Cllr Wharmby by phone on 20 <sup>th</sup> March 2020.
Decision:		dential homes with immediate effect on 20.3.2020 and to sector homes of our position and expectation.
Signature and	Date:	

Agenda Item No:

#### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care & Health

#### ADULT SOCIAL CARE RESIDENTIAL HOMES FOR OLDER PEOPLE CLOSURE TO VISITORS

## ADULT SOCIAL CARE

## 1. Purpose of the Report

To seek approval for the closure to visitors of all Derbyshire County Council operated residential homes with immediate effect from 20 March family.

Additionally, Cabinet are asked to note that Derbyshire County Council Adult Social Care and Health have advised all independent sector homes of our position and expectation in relation to people visiting residential and nursing care homes whilst social distancing measures related to the Coronavirus Pandemic are in place.

Cabinet are also asked to note that this initial decision to prohibit visiting to the homes will be kept under a minimum of fortnightly review by senior managers and assessed against the latest guidance from the Government regarding social distancing and protecting vulnerable people throughout the COVID-19 pandemic.

## 2. Information and Analysis

Government has issued advice the people aged 70 and over would be required to self –isolate throughout the Coronavirus Pandemic response for a period of 12 weeks.

Feedback from staff working in Derbyshire County Council operated residential care homes informed the decision as some individuals were becoming anxious about the on-going visits from relatives and the risk that posed to individuals living in the home.

We considered keeping the homes open to restricted visitors (friends and families only). This was the position we had moved to earlier in March, but

seemed insufficient in the light of the guidance and advice subsequently received.

Other options considered included further social distancing measures via a letter, to friends/ relatives advising them of the risks, asking them to consider their position and reminding them of hygiene and social distancing measures and the potential to visit outside of the home. We also considered whether we should give notice of the intention to close. However, the concern was that if we did this family members and friends might attend in increased numbers to say their goodbyes, thus increasing the risk of infection that we were trying to reduce.

Each of the residential care home have been issued with a laptop and speaker unit to enable family members to keep in regular contact with residents utilising technology. In addition family members are able to speak with residents over the phone or send letters to loved ones.

## 3. Principal Social Worker Feedback

The Principal Social Worker has been engaged and consulted with this decision. The Principal Social Worker is satisfied this decision has been informed by Government advice for residential care and supported living guidance which states:

'How care homes can minimise the risks of transmission? Care home providers should stop all visits to residents from friends and family. Medical staff and delivery couriers can still visit, but you should leave a hand sanitiser by the entrance and ask them to wash their hands as soon as they enter the building.'

The Principal Social Worker is satisfied that the decision maker has shown due regard for balancing the impact on Human Rights Act Article 8, Care Act 2014 Wellbeing Principle and the Department of Health and Social Care Ethical Framework when reaching this decision.

All Adult Social Care homes have been issued with a laptop and staff are supporting remote contact with family and friends via technology including telephone, videos, email and Skype so that essential family contact and links are maintained. All residents have person centred support plans and personal service plans that identify important others and contingency plans developed to ensure contact is promoted.

## 4. Financial Considerations

There are no additional costs associated with this decision.

## 5. Human Resources Considerations

https://www.gov.uk/government/publications/covid-19-guidance-on-socialdistancing-and-for-vulnerable-people/guidance-on-social-distancing-foreveryone-in-the-uk-and-protecting-older-people-and-vulnerable-adults

## 6. Legal Considerations

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons, however alternate means of communication will be explored in order to maintain relationships and resident wellbeing.

The decision is a proportionate and reasonable response to COVID-19 risks

## 7. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

## 8. Background Papers

- COVID-19: guidance on social distancing and for vulnerable people
- Responding to COVID-19: the ethical framework for adult social care
- COVID-19: guidance for residential care, supported living and home care

## 9. Key Decision

Yes

# 10. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

Yes

## 11. Officer's Recommendation

Cabinet is asked to:

i. Approve the closure to visitors of all Derbyshire County Council operated residential homes with immediate effect from 20 March 2020; and,

- ii. To note that Derbyshire County Council Adult Social Care and Health have advised all independent sector homes of our position and expectation in relation to people visiting residential and nursing care homes whilst social distancing measures related to the Coronavirus Pandemic are in place.
- **iii.** To note that the decision to prohibit visiting to the homes will be kept under a minimum of fortnightly review by senior managers and assessed against the latest guidance from the Government regarding social distancing and protecting vulnerable people throughout the COVID-19 pandemic.

#### Helen Jones Executive Director – Adult Social Care & Health County Hall Matlock

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Simon Stevens	Service: Adult Social Care		
Delegated Power Being Exercised: Temporary Closure / cessation of Service			
Subject of Decision: Service closure			
Decision Taken(specify precise details):	Closure of building based Day Centres for people with a Learning Disability with effect from 5pm on 23/03/2020. This will mean the closure of DCC run day centres for people with a day service and advice to PVI services that operate in large groups using a building base to close.		
	Other PVI day services that operate in small groups outside and through one to one activity with personal assistance are not at this time being advised to close.		
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<ul> <li>We have already previously agreed, based on Government and PHE advice in relation to reducing the risk of infection spread in relation to Covid-19 states that those over 70 should self-isolate, to cease the service offer for that group.</li> <li>We have also previously agreed to advise people under 70 attending the centres who fall into the category of having an underlying 'high risk' health condition that means they would be advised to socially distance. To cease attendance.</li> <li>Due to the nature of these building based services it is not possible to continue to deliver the service in a way that addresses the requirement for social distancing and so continued delivery increases the risk to service users and staff.</li> <li>As such, In order to adhere to the government guidance we need to close our day centres for people with a learning disability and avoid bringing groups of people together.</li> </ul>		
Alternative Options Considered (if appropriate)	We have tried to continue to deliver the service using opportunities to do this in a way that enable social distancing but this has not proven sustainable.All individuals will be assessed as to whether they require ongoing alternative support to enable them to manage without their day centre service and this will be provided.		

		Monitoring of the wellbeing of individuals will also be undertaken during the closure period.
considered an	eports/Information d attached (Legal, ancial Implications	Staff will be temporarily redeployed to support other service areas responding to the Covid-19 pressures
Consultation v Member (s)	vith relevant Cabinet	Discussion between Helen Jones and Cllr Jean Wharmby on 23/03/2020
Decision:	Agreed	
Signature and	Date:	
Simon Stevens	s 23/03/2020	

Agenda Item No:

#### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care & Health

#### TEMPORARY CLOSURE OF OLDER ADULT'S DAY CENTRES WITH EFFECT FROM 5pm 20 MARCH 2020

## ADULT SOCIAL CARE

## 1. Purpose of the Report

To seek approval for the closure of Older Adults Day Centres with effect from 5pm on 20 March 2020.

Cessation of service delivery for people aged 70 and over in Learning Disability Day Services with effect from 5pm on 20 March 2020.

Cabinet are asked to note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

## 2. Information and Analysis

Government and Public Health England advice in relation to reducing the risk of infection spread in relation to Covid-19 states that those aged 70 and over should self-isolate.

As the vast majority of users of our older adult's day centres are aged 70 years old or over and it is considered not possible to continue to operate those services as people move to self-isolation.

Although there are small numbers of people aged under 70 attending the day centres, they are also likely to fall into the category of having an underlying 'high risk' health condition that means they would be advised to socially distance.

To support the implementation of Government guidance for people aged 70 and over to self-isolate it was identified that Adult Social Care and Health

need to close day centres for older adults and avoid bringing groups of people together.

Similarly, we need to cease the attendance for those aged 70 or over attending our Learning Disability day services so that we can follow government guidance and protect those individuals, other service users and staff from increased risk.

All individuals will be assessed as to whether they require ongoing alternative support to enable them to manage without their day centre service and this will be provided. This is an ongoing process, with reviews being undertaken as appropriate on a minimum of a fortnightly basis, but where appropriate adult social care staff are in daily contact with individuals in order to ensure that appropriate mitigations are in place. Monitoring of the wellbeing of individuals will also be undertaken during the closure period.

## 3. Feedback from Principal Social Worker

The Principal Social Worker has been engaged and consulted with this decision. The Principal Social Worker is satisfied that this decision has been made with due regard for the Department of Health and Social Care Ethical Framework. Whilst this decision was informed by the Government's guidance about social distancing, full consideration has been given to contingency discussions and planning for alternative support evidenced by the statements:

'All individuals will be assessed as to whether they require ongoing alternative support to enable them to manage without their day centre service and this will be provided.'

'Monitoring of the wellbeing of individuals will also be undertaken during the closure period.'

Co-funding contributions will be suspended for clients whose only service is day care, but will continue for clients who access other community-based services.

## 4. Financial Considerations

It is estimated that the department will lose approximately £2,800 per week in co-funding contributions. This loss of income will be met from the Covid-19 Emergency Grant.

## 5. Human Resources Considerations

Staff will be temporarily redeployed to support other service areas responding to the Covid-19 pressures.

## 6. Legal Considerations

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but arrangements have been put in place to assess those current service users who will be impacted by the decision and to ensure that they are provided with alternate support should this be required. An evaluation of the risks of this course of action and the mitigation of these risks and an EIA are being undertaken.

The decision is a proportionate and reasonable response to COVID-19 risks.

#### 7. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

#### 8. Background Papers

- Discussion with Cllr Jean Wharmby on 19 March 2020
- <u>COVID-19: guidance on social distancing and for vulnerable people</u>
- <u>Responding to COVID-19: the ethical framework for adult social care</u>

#### 9. Key Decision

Yes

# 10. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No.

#### 11. Officer's Recommendation

Cabinet is asked to approve:

- i. The closure of Older Adults Day Centres with effect from 5pm on 20 March 2020.
- ii. The cessation of service delivery for people aged 70 and over in Learning Disability Day Services with effect from 5pm on 20 March 2020.

iii. And, to note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic

#### Helen Jones Executive Director – Adult Social Care & Health County Hall Matlock

## DERBYSHIRE COUNTY COUNCIL

#### OFFICER DECISION RECORD

Officer: Simon Stevens			Service: Adult Social Care
Delegated Power Being Exercised: Temporary Closure / cessation of Service			
Subject of Decision: S	Subject of Decision: Service closure		
details):		Learning Dis	uilding based Day Centres for people with a ability with effect from 5pm on 23/03/2020. an the closure of DCC run day centres for people
	1	large groups	ervice and advice to PVI services that operate in using a building base to close.
	i	and through	ay services that operate in small groups outside one to one activity with personal assistance are me being advised to close.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		and PHE adv spread in rel	eady previously agreed, based on Government vice in relation to reducing the risk of infection lation to Covid-19 states that those over 70 solate, to cease the service offer for that group.
		attending th underlying 'ł	o previously agreed to advise people under 70 e centres who fall into the category of having an high risk' health condition that means they vised to socially distance. To cease attendance.
		possible to c addresses th	nature of these building based services it is not continue to deliver the service in a way that he requirement for social distancing and so elivery increases the risk to service users and
		need to close disability and	order to adhere to the government guidance we e our day centres for people with a learning d avoid bringing groups of people together.
appropriate) opp		opportunitie	ed to continue to deliver the service using es to do this in a way that enable social ut this has not proven sustainable.
ongoing		ongoing alte	Is will be assessed as to whether they require rnative support to enable them to manage r day centre service and this will be provided.

		Monitoring of the wellbeing of individuals will also be undertaken during the closure period.
considered an	eports/Information d attached (Legal, ancial Implications	Staff will be temporarily redeployed to support other service areas responding to the Covid-19 pressures
Consultation v Member (s)	vith relevant Cabinet	Discussion between Helen Jones and Cllr Jean Wharmby on 23/03/2020
Decision:	Agreed	
Signature and	Date:	
Simon Stevens	s 23/03/2020	

Agenda Item No

#### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care & Health

#### TEMPORARY CLOSURE OF BUILDING BASED DAY CENTRES FOR PEOPLE WITH A LEARNING DISABILITY WITH EFFECT FROM 5pm 23 MARCH 2020

## ADULT SOCIAL CARE

## 1. Purpose of the Report

To seek approval for the closure of building based Day Centres for people with a Learning Disability with effect from 5pm on 23 March 2020 until further notice in line with national guidance.

To note advice has been issued to private, voluntary and independent sector services that operate in large groups using a building base to also close. Other PVI day services that operate in small groups outside and through one to one activity with personal assistance are not at this time being advised to close.

Cabinet are asked to note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

## 2. Information and Analysis

We have already previously agreed, based on Government and PHE advice in relation to reducing the risk of infection spread in relation to Covid-19 states that those over 70 should self-isolate, to cease the service offer for that group.

We have also previously agreed to advise people under 70 attending the centres who fall into the category of having an underlying 'high risk' health condition that means they would be advised to socially distance. To cease attendance.

Due to the nature of these building-based services it is not possible to continue to deliver the service in a way that addresses the requirement for social distancing and so continued delivery increases the risk to service users and staff.

As such, in order to adhere to the government guidance, we need to close our day centres for people with a learning disability and avoid bringing groups of people together.

We have tried to continue to deliver the service using opportunities to do this in a way that enable social distancing, but this has not proven sustainable.

All individuals will be assessed as to whether they require ongoing alternative support to enable them to manage without their day centre service and this will be provided.

Monitoring of the wellbeing of individuals will also be undertaken during the closure period. Reviews are an ongoing process, with assessments being undertaken as appropriate on a minimum of a fortnightly basis, but where appropriate adult social care staff are in daily contact with individuals in order to ensure that appropriate mitigations are in place.

#### 3. Feedback from Principal Social Worker

The Principal Social Worker has been engaged and consulted with this decision. The Principal Social Worker is satisfied that this decision has been made with due regard for the Department of Health and Social Care Ethical Framework. Whilst this decision was informed by the Government's guidance about social distancing, full consideration has been given to contingency discussions and planning for alternative support evidenced by the statements:

'All individuals will be assessed as to whether they require ongoing alternative support to enable them to manage without their day centre service and this will be provided.'

'Monitoring of the wellbeing of individuals will also be undertaken during the closure period.'

Co-funding contributions will be suspended for clients whose only service is day care, but will continue for clients who access other community-based services.

## 4. Financial Considerations

It is estimated that the department will lose approximately £5,000 per week in client contributions. This loss of income will be met from the Covid-19 emergency grant.

## 5. Human Resources Considerations

Staff will be temporarily redeployed to support other service areas responding to the Covid-19 pressures.

## 6. Legal Considerations

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but arrangements have been put in place to assess those current service users who will be impacted by the decision and to ensure that they are provided with alternate support should this be required. An evaluation of the risks of this course of action and the mitigation of these risks and an EIA are being undertaken.

The decision is a proportionate and reasonable response to COVID-19 risks. The suspension of this service type, in isolation, where other services will continue on a business as usual basis is possible applying flexibilities under the Care Act 2014. It represents a Stage 2 decision as set out within the Care Act easements: Guidance for local authorities

## 7. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

## 8. Background Papers

- COVID-19: guidance on social distancing and for vulnerable people
- Coronavirus (COVID-19): changes to the Care Act 2014
- Responding to COVID-19: the ethical framework for adult social care

# 9. Key Decision

Yes

# 10. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

## 11. Officer's Recommendation

That Cabinet:

- i. Approves the closure of Derbyshire County Council operated building based Day Centres for people with a Learning Disability with effect from 5pm on 23 March 2020.
- ii. Notes that advice has been provided to private, voluntary and independent sector (PVI) services that operate in large groups using a building base that they should also close.
- iii. Notes that other PVI day services that operate in small groups outside and through one to one activity with personal assistance are not at this time being advised to close.
- iv. Note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

#### Helen Jones Executive Director – Adult Social Care & Health County Hall Matlock

## DERBYSHIRE COUNTY COUNCIL

#### OFFICER DECISION RECORD

Officer: Simon Stevens	Service: Adult Social Care		
Delegated Power Being Exercised: Temporary Closure / cessation of Service			
Subject of Decision: Service close	sure		
Decision Taken(specify precise details):	Cessation of planned respite breaks services for Older Adults and people with a Learning Disability with effect from 23/03/2020		
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Government and PHE advice in relation to reducing the risk of infection spread in relation to Covid-19 states that those over 70 should self-isolate.		
	We need to reduce the risk of cross infection for both those using respite and long term residents and so reducing the number of individuals coming in and out of the service is essential.		
	As the vast majority of users of our older adult respite care services are over 70 years old it is not possible to continue to operate those services safely as people move to self- isolation.		
	Similarly significant numbers of the people using our LD respite services are likely to fall into the category of having an underlying 'high risk' health condition that means they would be advised to socially distance. And so in order to protect them and other residents we need to cease the non-urgent respite delivery.		
Alternative Options Considered (if appropriate)	All individuals will be monitored and reviewed during the cessation period to ensure that the withdrawal of planned respite doesn't lead to significant risks to their health and wellbeing.		
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Any excess staffing capacity generated as a result of this cessation of service will be temporarily redeployed to support other service areas responding to the Covid-19 pressures		
Consultation with relevant Cabinet Member (s)	Discussion between Helen Jones and Cllr Jean Wharmby on 22/03/2020		
Decision:AgreedSignature and Date:Simon Stevens 22/03/2020			

Agenda Item No:

## DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care & Health

#### TEMPORARY CLOSURE / CESSATION OF SERVICES FOR OLDER ADULTS AND PEOPLE WITH A LEARNING DISABILITY

## ADULT SOCIAL CARE

## 1. Purpose of the Report

To seek approval for the cessation of planned respite breaks services for Older Adults and people with a Learning Disability with effect from 23 March 2020.

Cabinet are asked to note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

## 2. Information and Analysis

Government and Public Health England advice in relation to reducing the risk of infection spread in relation to Covid-19 states that those aged 70 or over should self-isolate.

We need to reduce the risk of cross infection for both those using respite and long-term residents and so reducing the number of individuals coming in and out of the service is essential.

As the vast majority of users of our older adult respite care services are aged 70 years old or more it is not possible to continue to operate those services safely as people move to self-isolation.

Similarly, significant numbers of the people using our learning disability respite services are likely to fall into the category of having an underlying 'high risk' health condition that means they would be advised to socially distance.

And so, in order to protect them and other residents we need to cease the non-urgent respite delivery.

All individuals will be monitored and reviewed during the cessation period to ensure that the withdrawal of planned respite doesn't lead to significant risks to their health and wellbeing. This is an ongoing process, with reviews being undertaken as appropriate on a minimum of a fortnightly basis, but where appropriate adult social care staff are in daily contact with individuals in order to ensure that appropriate mitigations are in place.

## 3. Feedback from Principal Social Worker

The Principal Social Worker has been engaged and consulted with this decision. The Principal Social Worker is satisfied that this decision has been made with due regard for the Department of Health and Social Care Ethical Framework. Whilst this decision was informed by the government's guidance about social distancing and COVID-19 guidance in relation to residential care and supported living full consideration has been given to contingency discussions and planning for alternative support evidenced by the following statement:

'All individuals will be monitored and reviewed during the cessation period to ensure that the withdrawal of planned respite doesn't lead to significant risks to their health and wellbeing.'

Guidance has been issued to frontline assessment staff to inform their person centred conversations when exploring equivalent levels of support. Associated RAG rating records have been regularly completed and updated.

## 4. Financial Considerations

There are no additional financial considerations in relation to this proposal.

## 5. Human Resources Considerations

Any excess staffing capacity generated as a result of this cessation of service will be temporarily redeployed to support other service areas responding to the COVID-19 pressures.

## 6. Legal Considerations

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but arrangements have been put in place to assess those current service users who will be impacted by the decision and to ensure that

they are provided with alternate support should this be required. An evaluation of the risks of this course of action and the mitigation of these risks and an EIA are being undertaken.

The decision is a proportionate and reasonable response to COVID-19 risks. The suspension of this service type, in isolation, where other services will continue on a business as usual basis is possible applying flexibilities under the Care Act 2014. It represents a Stage 2 decision as set out within the Care Act easements: Guidance for local authorities.

## 7. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Legal and Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

#### 8. Background Papers

COVID-19: guidance on social distancing and for vulnerable people Responding to COVID-19: the ethical framework for adult social care

## 9. Key Decision

Yes

# 10. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

## 11. Officer's Recommendation

Cabinet is asked to:

- i. Approve the cessation of planned respite breaks services for Older Adults and people with a Learning Disability with effect from 23 March 2020.
- **ii.** Note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

#### Helen Jones Executive Director – Adult Social Care & Health County Hall Matlock

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Simon Stevens			Service: Adult Social Care
Delegated Power Being Exercised: Homecare Service Suspension / Cessation			
Subject of Decision:	Subject of Decision: Temporary reduction / cessation in non-essential homecare service delivery across the internal and external homecare market.		
Decision Taken(specify precise details): To tempora services to immediate To underta line with in hospital dis		services to a immediate e To undertak line with inc	ily cease delivery of non-essential homecare dults across the homecare market with iffect. e this cessation across the county as required in reased demand on the market to support harge and free up acute bed capacity for Covid-
all reasons for taking the decisionshcincluding where necessarypareference to Council policy)intan		home care c pandemic we internal and	eparing for the significant increase in essential apacity demand as a result of the Coronavirus e have worked with homecare providers both within the external market to undertake a risk II recipients of homecare services to identify pries:
		Amber: Requ	es all current care to remain safe uires some current care to remain safe not require current care to remain safe
		(social work) arrangemen they can ma mechanisms	iewed those RAG ratings through our P&P teams and also identified risk management ts for each individual to clarify how long it is felt nage without support and to ensure appropriate would be in place for reviewing welfare and ould their service temporarily cease.
		We were advised over the weekend that Health colleagues were required to discharge all patients in the London Road Community Hospital (LRCH) Derby and two other community hospital wards in Ilkeston and Whitworth (Darley Dale) in order to free up that capacity to turn into acute beds to accommodate the expected significant rise in demand next week and over the coming weeks.	
70% staf		70% staffing	re services are operating, internally, at around capacity and so there is no room to increase accommodate the system requirements.
('Green') pr			re need to reduce our delivery of non-essential ovision to free up capacity to support the urgent harge work.

	1
	Action will be taken to ensure service users whose non- essential support is ceased are monitored and supported to stay safe, to ensure that providers are enabled to remain viable through the use of current temporary suspension payment arrangements and that alternative work is provided to them from the hospital discharge cohort as swiftly as possible to minimise costs.
	Cost implications will be monitored and reported on via our finance department into the corporate finance team.
Alternative Options Considered (if appropriate)	Work continues to be done through the workforce group to redeploy staff that are displaced through the closure of day services and day centres, though realigning tasks for those who are required, on government guidance, to work from home so that we can free up other staff to work in front line care, to encourage retired staff to come back on a temporary basis, to recruit new staff swiftly and as a last resort to seek assistance from the military but in the very short term we require the immediate use of suitably trained and skilled staff to address this issue.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Current financial arrangements for the temporary suspension of services will be used to support external providers to manage the gap between current work ceasing and new work commencing. We will track and report the cost implications to corporate finance via our departmental finance team.
Consultation with relevant Cabinet Member (s)	Taken to CMT for discussion 30/03/2020 Discussed with Cllr Wharmby and Helen Jones – 30/03/20
Decision: Agreed	
	ens 30/03/2020

Agenda Item No:

#### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care & Health

#### TEMPORARY REDUCTION/SUSPENSION IN NON-ESSENTIAL HOMECARE SERVICE DELIVERY ACROSS THE INTERNAL AND EXTERNAL HOMECARE MARKET

## ADULT SOCIAL CARE

#### 1. Purpose of the Report

To seek approval to suspend delivery of 'non-essential' homecare services to particular adults with immediate effect from 9 April 2020.

Cabinet are asked to note that this decision is subject to a minimum of fortnightly review by senior managers as part of ongoing capacity modelling across the health and social care system in Derbyshire and in response to national guidance.

## 2. Information and Analysis

The suspension of 'non-essential' homecare services across the county is required due to increased demand on the domiciliary care market and also to support hospital discharge which will free-up acute bed capacity for COVID-19 patients.

Health colleagues have undertaken planning and capacity modelling regarding the acute and community hospital bed capacity that is required and identified what capacity needs to be released within the system to provide additional acute beds to accommodate the expected significant rise in demand over the coming weeks.

The suspension of 'non-essential' homecare calls will allow vital capacity to be released to effectively respond to the significant increase in demand for 'essential' home care capacity as a result of the COVID-19 pandemic. Adult Social Care has worked alongside PVI homecare providers and Direct Care

teams to undertake a risk analysis of all recipients of homecare services to identify three categories (RAG ratings):

- Red: Requires all current care to remain safe
- Amber: Requires some current care to remain safe
- Green: Does not require current care to remain safe

Social work professionals have reviewed those RAG ratings through our Prevention and Personalisation (social work) teams and also identified risk management arrangements for each individual. The risk management arrangements detail how long it is felt an individual can manage without support and ensure appropriate mechanisms are in place for reviewing welfare and/or wellbeing should their service provision be suspended.

Clients have been contacted by social work teams to explain that we are having to consider suspending homecare packages because we need to reallocate care and support to the most vulnerable and maintain an essential service. Following discussion the social work professional will seek to confirm that the individual circumstances meet that of a green RAG rating and their contingency arrangements are robust and sustainable. If this is agreed, a date is agreed for the suspension of services and a conversation also takes place whether ongoing support could be met via the Community Response Unit, such as support with shopping or collection of medicines. If appropriate a referral will be made to the Community Response Unit. A further review date is agreed with the person up to a maximum of a fortnightly review. The details of this decision, discussion and agreement of a review period are recorded in the case management system so that prompts for ongoing review are made.

Direct Care homecare services are operating at around 70% staffing capacity. Whilst additional activity is taking place to grow the workforce via a dedicated fast-tracked recruitment process and campaign additional measures also need to be implemented. The only way in which the required reduction can be achieved it by prioritising the delivery of care to those who are regarded to have the highest need and most complex packages of care. Therefore, ceasing 'non-essential' activity also needs to be actioned. As a result we need to reduce our delivery of non-essential (RAG rated 'Green') provision to free up capacity to support the urgent hospital discharge work.

Action will be taken to ensure service users whose non-essential support is ceased are monitored and supported to stay safe, to ensure that providers are enabled to remain viable through the use of current temporary suspension payment arrangements and that alternative work is provided to them from the hospital discharge cohort as swiftly as possible to minimise costs.

Co-funding contributions will be suspended for clients whilst their home care service is suspended.

#### Feedback from Principal Social Worker

The Principal Social Worker has been engaged and consulted with this decision. The Principal Social Worker is satisfied this decision is informed by guidance to prepare for the significant increase in essential home care capacity demand as a result of the Coronavirus pandemic. Particular regard has been given to Section 5.1 of the <u>COVID-19 Hospital Discharge Service</u> <u>Requirements</u> which allows for a proportionate approach to Care Act duties. The Executive Director of ASCH Helen Jones has discussed the necessity to take this action and outlined our approach with Dr Chris Clayton Chief Executive of Derbyshire NHS Derby and Derbyshire CCG. In addition, the Cabinet lead for ASCH Councillor Jean Wharmby has been briefed.

Work has been undertaken with both internal and external market homecare providers to undertake a risk analysis of all recipients of homecare services to identify three categories:

- Red: Requires all current care to remain safe
- Amber: Requires some current care to remain safe
- Green: Does not require current care to remain safe

These RAG ratings were initially agreed as part of the mapping exercise and have subsequently been reviewed with each individual and/or their carer on a one to one basis utilising the guidance we have developed to ensure compliance with the Ethical Framework for Adult Social Care. Through this process the social work teams have identified individual, person centre risk management arrangements for each person with appropriate mechanisms put in place for reviewing welfare and wellbeing and escalating emerging concerns/issues.

In addition, we have established a protocol to ensure the quality of these reviews and the resulting arrangements including random sampling of reviews by service managers

#### 3. Financial Considerations

Cost implications will be monitored and reported on via our finance department into the corporate finance team.

Current financial arrangements for the temporary suspension of services will be used to support external providers to manage the gap between current work ceasing and new work commencing. We will track and report the cost implications to corporate finance via our departmental finance team.

The department will lose some co-funding contributions, but this cannot be quantified until we know the number of clients affected. Any loss of income will be met from the Covid-19 emergency grant.

## 4. Human Resources Considerations

Work continues to be done through the workforce group to redeploy staff that are displaced through the closure of day services and day centres, though realigning tasks for those who are required, on government guidance, to work from home so that we can free up other staff to work in front line care, to encourage retired staff to come back on a temporary basis, to recruit new staff swiftly and as a last resort to seek assistance from the military but in the very short term we require the immediate use of suitably trained and skilled staff to address this issue.

## 5. Legal Considerations

The Care Act easements: Guidance for Local Authorities ('The Guidance') confirms that a decision to begin exercising the Care Act easements should only begin when (inter alia) demands on social care [has] increased to an extent that it is no longer reasonably practicable for it to comply with its Care Act duties and where to continue to do so is likely to result in urgent or acute needs not being met, potentially risking life. Any change resulting from such a decision should be proportionate to the circumstances.

Decisions taken have been informed by discussions with local partners, in particular senior NHS Leadership. Key Stages, as provided for in the Guidance may be enacted together or separately subject to the Guidance requirements.

The proposed changes are permissible under the Care Act Easements and reflect proportionate assessment and planning.

A revised assessment process is in place in accordance with Stage 3 and Annex B of the Guidance. This process, provides that all those affected have been consulted. Decision making has been informed by each individual's personal circumstances as well as considering what local and personal resources are available for them to utilise whilst the service is suspended. The planned prioritisation is reflective of the requirements of Stage 4 and Annex C of the Guidance.

All decision making is compliant with the DHSC Ethical Framework and ensures person-centred decision making; enabling those with the highest needs are prioritised during the pandemic.

An Equalities Impact Assessment is being undertaken in relation to the proposed action and this will assist in informing the reviews of the suspension.

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to ensure that resources are most effectively deployed at this point and that hospital discharges can be effectively managed to support the provision of medical assistance for those directly affected by COVID-19. Due to the timescales involved it has not been possible to consult widely but direct consultation with

## 6. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

## 7. Background Papers

Taken to CMT for discussion 30 March 2020 Discussed with Cllr Wharmby and Helen Jones – 30 March 2020

- <u>Responding to COVID-19: the ethical framework for adult social care</u>
- <u>Coronavirus (COVID-19): changes to the Care Act 2014</u>
- COVID-19: guidance for residential care, supported living and home care
- <u>Coronavirus</u>

## 8. Key Decision

Yes

9. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

## 10. Officer's Recommendation

Cabinet are asked to:

- i. Approve the temporary suspension of 'non-essential' homecare services to adults with immediate effect from 9 April 2020.
- ii. To note that this decision is subject to a minimum of fortnightly review by senior managers as part of ongoing capacity modelling across the health and social care system in Derbyshire and in response to national guidance

#### Helen Jones Executive Director – Adult Social Care & Health County Hall Matlock

## DERBYSHIRE COUNTY COUNCIL

#### OFFICER DECISION RECORD

Officer: Simon Stevens			Service: Adult Social Care	
Delegated Power Being Exercised: Risk Management				
Subject of Decision:Essential maintenance and specific fResidential Care Homes for Older Pe			nd specific fire risk mitigation works in our for Older People	
details):		fire risk miti Older People	To continue to undertake essential maintenance and specific fire risk mitigation works in our Residential Care Homes for Older People in order to deliver on previously identified risk mitigation and ensure the safety of residents and staff.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		Despite the Coronavirus outbreak and the requirements for people to work from home where possible and manage contact with other individuals through social distancing it is necessary for previously identified fire risk mitigation works to be completed so that residents and staff are supported to operate in a safe environment.		
		Property colleagues had identified that all non-essential works should cease to protect their staff from the risk of infection and had suggested that the remaining fire risk mitigation works could be suspended.		
		Directors fro residents an works again them and it mitigation w	iled discussions have taken place between om both departments to weigh up the risks to d ASC staff associated with not completing the st the risks to Property staff from undertaking has now been agreed that those fire risk vorks and any other essential maintenance will be completed.	
Alternative Options Considered (if appropriate)		Property and ASC managers and staff will complete individual risk assessments for each establishment / area of work and seek to ensure that infection control measures and social distancing requirements are maintained whilst the operatives are on site, including ensuring that the work area is closed to access for residents and staff whilst the tradespeople are on the premises.		
		Property fire documents.	e risk mitigation reports and work progress	
Consultation with relevant Cabinet Taken to C Member (s)		Taken to CM	IT for discussion w/c 30/03/2020	
Decision: Agreed				

Signature and Date: Simon Stevens 22/03/2020

Agenda Item No:

#### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care & Health

#### ESSENTIAL MAINTENANCE AND SPECIFIC FIRE RISK MITIGATION WORKS IN OUR RESIDENTIAL CARE HOMES FOR OLDER PEOPLE

## ADULT SOCIAL CARE

## 1. Purpose of the Report

To seek approval to continue to undertake essential maintenance and specific fire risk mitigation works in our Residential Care Homes for Older People in order to deliver on previously identified risk mitigation and ensure the safety of residents and staff.

Cabinet are asked to note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

## 2. Information and Analysis

Despite the Coronavirus outbreak and the requirements for people to work from home where possible and manage contact with other individuals through social distancing it is necessary for previously identified fire risk mitigation works to be completed so that residents and staff are supported to operate in a safe environment.

Property colleagues had identified that all non-essential works should cease to protect their staff from the risk of infection and had suggested that the remaining fire risk mitigation works could be suspended.

Further detailed discussions have taken place between Directors from both departments to weigh up the risks to residents and Adult Social Care and Health staff associated with not completing the works against the risks to Property staff from undertaking them and it has now been agreed that those

fire risk mitigation works and any other essential maintenance will continue to be completed.

Property and Adult Social Care and Health managers and staff will complete individual risk assessments for each establishment / area of work and seek to ensure that infection control measures and social distancing requirements are maintained whilst the operatives are on site, including ensuring that the work area is closed to access for residents and staff whilst the tradespeople are on the premises.

## 3. Feedback from Principal Social Worker

The Principal Social Worker has been engaged and consulted with this decision. The Principal Social Worker is satisfied that this decision has been made with due regard for the Department of Health and Social Care Ethical Framework when reaching decisions which take due account of existing legislation and guidance alongside flexible approaches to ensure safety standards are maintained as evidence in the following statement: 'Property and Adult Social Care managers and staff will complete individual risk assessments for each establishment / area of work and seek to ensure that infection control measures and social distancing requirements are maintained whilst the operatives are on site, including ensuring that the work area is closed to access for residents and staff whilst the tradespeople are on the premises.'

## 4. Financial Considerations

There are no additional costs associated with this decision.

## 5. Legal Considerations

The proposed work and the risks inherent in either undertaking or discontinuing this has been carefully evaluated. The decision to continue the work is a proportionate response to this evaluation. In the event of new guidance being received regarding the presence of operatives within residential settings the decision should be promptly revisited.

## 6. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Legal and Human Rights, human resources, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

## 7. Background Papers

Property fire risk mitigation reports and work progress documents available on request from Adult Social Care and Health.

Taken to CMT for discussion w/c 30 March 2020

#### 8. Key Decision

Yes

9. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

#### **10.** Officer's Recommendation

Cabinet is asked to:

- i. Approve that works continue to undertake essential maintenance and specific fire risk mitigation works in our residential care homes for older people in order to deliver on previously identified risk mitigation and ensure the safety of residents and staff.
- ii. Note that this decision is subject to a minimum of fortnightly review by senior managers in light of national guidance in relation to social distancing and protecting vulnerable groups throughout the COVID-19 pandemic.

Helen Jones Executive Director – Adult Social Care & Health County Hall Matlock

# Appendix 2

# Children's Services Officer Decisions Index

Date of Decision	Officer Decision	Cabinet Report
19/3/20	School Swimming (CSODR1) SORE Residentials (CSODR2)	Report on the Suspension of SORE Services including schools Swimming and Outdoor Education Provision (CSREP1)
26/3/20	Temporary closure of 22 Children's Centres (CSODR3)	Report on the temporary closure of Derbyshire's Children's Centres' in response to the COVID-19 pandemic (CSREP2)
26/3/20	Charnos Family Support Centre temporarily closed to staff and service users (CSODR4) Temporary closure of offices (CSODR5) Temporary Closure The Pyramid (CSODR6) Temporary Closure of Etwall Social Work Office (CSODR7) Temporary Closure of Woodville Youth Centre (CSODR8) Temporary Closure of Woodville Youth Centre (CSODR8)	Report on the temporary closure of a number of Early Help and Safeguarding buildings in response to the COVID-19 pandemic (CSREP3)
26/3/20	Temporary Closure of Peter Webster Centre (CSODR9)	Report to follow at next Cabinet meeting

27/3/20	DACES (CSODR10)	Report on the Temporary closure of the Derbyshire Adult Community Education Service (DACES) Centres in response to the COVID-19 Pandemic (CSREP4)
27/3/20	Early Years SEN Specialist Teaching Service (CSODR11)	Report on Suspension of Early Years SEN Specialist Teaching Service to Private, Voluntary and Independent Providers and Outline of Alternative Arrangements (CSREP5)
27/3/20	Cessation of Early Years Inclusion Fund (EYIF) (CSODR12)	Report on the Suspension of Early Years Special Educational Needs Inclusion Funding (EYIF) (CSREP6)
3/4/2020	To temporarily vary the way in which Out of School Tuition is provided (CSODR13)	Report on Changes to the Delivery of the Out of School Tuition (OOST) Service (CSREP7)
3/4/2020	Education Welfare Service proposed changes to prosecution processes (CSODR14)	Report on the Education Welfare Service Proposed Changes to Prosecution Processes (CSREP8)
9/4/2020	<ol> <li>Emergency placement with DCC staff, related form and risk assessment.</li> <li>Re-approval of ex foster carers /adopters</li> </ol>	Report to follow at next Cabinet meeting

	3. Fast track assessments – both for approved support carers and for partially completed fostering assessments (CSODR15)	
9/4/20	Exceptional Foster Carer Allowances (CSODR16)	Report to follow at next Cabinet meeting

Officer:			Service: Sport and Outdoor Education Services	
Ian Price Head of Service				
Delegated Power Being Exercised: postponement of delivery of services to schools				
Subject of Decision:	ision: School swimming programme suspended until end of summer term 2020)		mme suspended until end of summer term (July	
Decision Taken(specify p details):	orecise		Suspension of school swimming lesson programme for key stage one and two pupils.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		Decision taken following outbreak of the covid-19 corona virus and information from Government and the DfE about closure of schools and the need to limit social contact to inhibit the spread of the virus. Decision taken in consultation with schools and facility providers.		
Alternative Options Considered (if appropriate)		No other alternative option considered viable. 14/18 schools cancelled on Tuesday 17 March 2020 alone with more schools cancelling later in the week. Therefore, the programme was not viable to run.		
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)			with Service Director for Schools and Learning h Children's Service Senior Management Team.	
Consultation with relevant Cabinet Member (s)		Consultation with Iain Peel, Jane Parfrement and Cllr Dale		
Decision: Suspension of swimming programme from March 16 <sup>th</sup> to end of July 2020				
Signature and Date: <i>Jan Frice 19<sup>th</sup> Mare</i>	h 2020			

Officer:			Service: Sport and Outdoor Education Services	
Ian Price Head of Service				
Delegated Power Being Exercised: postponement of delivery of services to schools				
Subject of Decision:		esidential and Outdoor Education provision from DCC Outdoor ducation Service suspended until end of summer term (July 2020)		
Decision Taken(specify precise details):		Suspension	of planned operational programme for schools rom Lea Green, White Hall and Meadow Lodge	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		virus and inf closure of so	en following outbreak of the covid-19 corona formation from Government and the DfE about shools and the need to limit social contact to pread of the virus.	
		Decision tak providers.	en in consultation with schools and facility	
		regard to at educational workers to e	n is also informed by government advice in risk groups and the need to provide ongoing and child care support for children of key enable to continue to provide a longer term the medical and care needs of groups and	
Alternative Options Considered (if appropriate)		back progra residential li resource ne	ative option considered viable would be to scale mmes. However this would not have reduced ving risk factors and or created the staffing eded to re-focus on key worker family support d support needed for vulnerable young people	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)			ith Service Director for Schools and Learning and n's Service SMT.	
Consultation with relevant Cabinet Member (s)		Consultatior	n with Iain Peel, Jane Parfrement and Cllr Dale	
Decision: Suspension of swimming programme from March 16 <sup>th</sup> to end of July 2020				
Signature and Date:				
Ian Price 19 <sup>th</sup> Marc	ch 2020			

# CABINET

# 26 April 2020

## **Report of the Executive Director for Children's Services**

## Report on the Suspension of SORE Services including schools Swimming and Outdoor Education Provision

## 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary cessation in schools swimming service provision for in response to the COVID-19 pandemic.

#### 2. Information and Analysis

Decision taken following outbreak of the covid-19 corona virus and information from Government and the DfE about closure of schools and the need to limit social contact to inhibit the spread of the virus.

The initial suspension decision was taken in consultation with schools and facility providers but was quickly superseded by Government announcements on the need to create social isolation within local communities.

Alternative options were initially explored, and many school outdoor educational visits have been postponed and will be re-scheduled for the autumn term. Planning is also underway for the available provision of school swimming re starting in the autumn term if conditions and available facilities allow.

The Council's two outdoor residential centres have remained open and are delivering programmes for children in care, supporting foster placements and providing emergency shelter provision for vulnerable young people.

The on-going situation and changes in service delivery will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.

# 3. Financial Considerations

Both Outdoor Education and school swimming provision are directly traded with schools, therefore the suspension of traded activity has result in a substantial loss of income. This totals an estimated £1,293,040 as a direct loss of income (see table below). However, this figure does not include additional costs and expenditure being incurred to provide the current support for vulnerable young people and children in care of the authority.

Loss of Income caused by closure due to COVID- 19	£
Lea Green	565,788
White Hall	300,632
Swimming	426,620
Total	1,293,040

## 4. Legal Considerations

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or person's resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult in detail with affected persons.

# 5. <u>Human Resource Considerations</u>

Managers are keeping in contact with staff via telephone and video conferencing and they are being advised to follow council and national guidelines regarding keeping safe and social distancing. In addition, managers are providing staff with appropriate council updates. Staff are either working from home, available to be redeployed to other council duties or are providing activities for children in care. Some staff are sessional staff and have yet to be employed.

# 6. <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary closure of the Children's Centres following advice from Central Government and Public Health England.

## OFFICER DECISION RECORD

Officer: Chris Caley, Early Help Transition and 0-	Service: Children's Services
5 Partnership Lead	

Delegated Power Being Exercised: Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.

Subject of Decision:	Children's	's Centres		
Key decision?	Yes			
Decision Taken(specify details):	precise	To temporarily close all 22 of Derbyshire's Children's Centres with the exceptions as in the supplementary note:-		
		<ul> <li>Amber Valley – 4 Centres. Ironville, Alfreton, Langley Mill and Heanor.</li> </ul>		
		<ul> <li>Bolsover and North East Derbyshire – 5 Centres.</li> <li>Bolsover, Eckington, Shirebrook, Creswell and Alice's View.</li> </ul>		
		<ul> <li>Chesterfield – 4 Centres. Holme Hall, Birdholme, Old Whittington and Staveley.</li> </ul>		
		<ul> <li>Erewash – 3 Centres. Cotmanhay, Long Eaton and Charnos.</li> </ul>		
		<ul> <li>High Peak – 5 Centres. Matlock, Fairfield (Buxton), Glossop, Gamesley and Hadfield.</li> </ul>		
		• South Derbyshire – 1 Centre. Woodville.		
		Note - Glossop and Hadfield will continue to be used by the local food bank for distribution of food parcels. The food bank are key holders for the building and can only access public areas of the Centres.		
		Where a centre is being used to support excluded children in their education a risk assessment will be undertaken regarding the use of alternative venues, possibly in school settings whilst there are less children attending the main school sites.		
		Corporate Property – Asset Management are aware that Glossop and Hadfield will be used as food bank distribution		

	centres and they have arranged for the buildings to be put
	back on the cleaning schedules and for statutory compliance checks to be carried out.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Children's Centres support children 0-5 and their families with targeted interventions at the intensive needs level of the Derby and Derbyshire Safeguarding Children Partnership Threshold document. Interventions include direct work with families in the home addressing unmet needs, and also the delivery of targeted group work such as parenting programmes and Every Child A Talker (ECAT). The services delivered by Children's Centres are not defined as statutory services.
	The Centres are also used to host Family Time (contact), universal volunteer led groups, food bank distribution and learning from Integrated Pathways, and some health led services including Health Visitor clinics and Midwifery clinics.
	Following advice from Central Government and Public Health England, all workers providing non-priority services and who are not defined as key-workers have been advised to work from home and consequently all Children's Centres have closed to Children's Centre services until further notice. However some 'mobile' service delivery will continue as outlined below.
	The temporary closure of the Children's Centres will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.
Alternative Options Considered (if appropriate)	In order to mitigate against the temporary closure of the Children's Centres the following measures have been put in place by the locality Heads of Service for Early Help and Safeguarding:-
	Family Time (contact) will be delivered by Skype where possible (other than in exceptional circumstances) thus reducing the need for venue based sessions. Family time is led by the Parenting Assessment and Family Time Teams and Children's Social Care (overseen by locality Heads of Service).
	In order to respond as required to identified needs for food parcels, emergency money for gas and electric etc. and connecting families appropriately to Derbyshire Discretionary Fund, each locality will operate a duty system for Early Help and Children's Centre cases and incoming referrals.

Families who attend targeted groups will continue to receive support via telephone and Skype
Regular case work support will continue for vulnerable families and will be provided by telephone or through Skype "containing calls."
Support around Every Child A Talker (evidenced based intervention to improve early speech and language development) can be delivered by telephone and also over Skype.
Children's Centres' and partner agencies' social media are being used to ensure that families and local communities are aware of the building closures and are able to be signposted to appropriate support and alternative services.
Posters will be placed in the windows and on the doors of Children's Centres providing communities with the relevant contact details should they need support.
Any families requiring urgent support will be discussed on a daily basis via duty systems and weekly through the Vulnerable Children's Meetings (VCM) meetings and respond appropriately, which may be by undertaking a home visit, following undertaking a risk assessment using the screening questions used by Health across the County.
Daily Skype management meetings are being held in some localities in order to address issues and discussing any concerns as they arise with Social Care to ensure families receive urgent support if needed.
Families visiting a closed centre and needing advice will be signposted through the posters displayed to the base within the locality which remains open.
Should a vulnerable family be in need of urgent support from their case worker, a home visit could be undertaken by a duty worker following a robust risk assessment and undertaking the prescribed (and well-communicated) screening process.
The security of the Children's Centres that are to remain closed during this period will be overseen by Properties until such a time that it is agreed by Senior Management that they should reopen and services to resume.
The Children's Centres that remain open, are for public access, none of the Centres are used for office space only.

	The on-going closure of the Children's Centres will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.
Background/Reports/Information considered and attached (Legal,	COVID-19 guidance for staff in Early Help and Safeguarding
Personnel, Financial Implications etc)	There is not expected to be a significant financial impact as a result of closing these sites, there could be a small reduction in utility costs but there is also the potential for some increase in security costs should the sites remain closed for a prolonged period.
	The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone virtual service to those affected .The Designated Family Judge for Derbyshire has been notified of the change in contact arrangements for those children affected.
Consultation with relevant Cabinet Member (s)	
Decision:	
Signature and Date:	

## CABINET

## 26 March 2020

#### **Report of the Executive Director for Children's Services**

# Report on the temporary closure of Derbyshire's Children's Centres' in response to the COVID-19 pandemic

#### 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary closure of Children's Centres in Derbyshire in response to the COVID-19 pandemic.

#### 2. Information and Analysis

Children's Centres support children 0-5 and their families with targeted interventions at the intensive needs level of the Derby and Derbyshire Safeguarding Children Partnership Threshold document. Interventions include direct work with families in the home addressing unmet needs, and also the delivery of targeted group work such as parenting programmes and Every Child A Talker (ECAT). The services delivered by Children's Centres are not defined as statutory services.

The Centres are also used to host Family Time (contact), universal volunteer led groups, food bank distribution and learning from Integrated Pathways, and some health led services including Health Visitor clinics and Midwifery clinics.

Following advice from Central Government and Public Health England, all workers providing non-priority services and who are not defined as keyworkers have been advised to work from home and consequently all Children's Centres have closed to Children's Centre services until further notice. However some 'mobile' service delivery will continue as outlined below.

The temporary closure of the Children's Centres will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.

The closures (with the exceptions as set out in the supplementary **note** overleaf) will impact on the following localities and their Children's Centres:-

## Amber Valley (4 Children's Centres)

Ironville, Alfreton, Langley Mill and Heanor.

## Bolsover and North East Derbyshire (5 Children's Centres)

Bolsover, Eckington, Shirebrook, Creswell and Alice's View.

## Chesterfield (4 Children's Centres)

Holme Hall, Birdholme, Old Whittington and Staveley.

## Erewash (3 Children's Centres)

Cotmanhay, Long Eaton and Charnos.

## High Peak (5 Children's Centres)

Matlock, Fairfield (Buxton), Glossop, Gamesley and Hadfield.

## South Derbyshire (1 Children's Centre)

Woodville.

**Note** - Glossop and Hadfield will continue to be used by the local food bank for distribution of food parcels. The food bank are key holders for the building and can only access public areas of the Centres.

Where a centre is being used to support excluded children in their education a risk assessment will be undertaken regarding the use of alternative venues, possibly in school settings whilst there are less children attending the main school sites.

Corporate Property – Asset Management are aware that Glossop and Hadfield will be used as food bank distribution centres and they have arranged for the buildings to be put back on the cleaning schedules and for statutory compliance checks to be carried out.

In order to mitigate against the temporary closure of the Children's Centres the following measures have been put in place by the locality Heads of Service for Early Help and Safeguarding:-

- Family Time (contact) will be delivered by Skype where possible (other than in exceptional circumstances) thus reducing the need for venue based sessions. Family time is led by the Parenting Assessment and Family Time Teams and Children's Social Care (overseen by locality Heads of Service).
- In order to respond as required to identified needs for food parcels, emergency money for gas and electric etc. and connecting families appropriately to Derbyshire Discretionary Fund, each locality will operate a duty system for Early Help and Children's Centre cases and incoming referrals.
- Families who attend targeted groups will continue to receive support via telephone and Skype
- Regular case work support will continue for vulnerable families and will be provided by telephone or through Skype "containing calls."
- Support around Every Child A Talker (evidenced based intervention to improve early speech and language development) can be delivered by telephone and also over Skype.
- Children's Centres' and partner agencies' social media are being used to ensure that families and local communities are aware of the building closures and are able to be signposted to appropriate support and alternative services.
- Posters will be placed in the windows and on the doors of Children's Centres providing communities with the relevant contact details should they need support.
- Any families requiring urgent support will be discussed on a daily basis via duty systems and weekly through the Vulnerable Children's Meetings (VCM) meetings and respond appropriately, which may be by undertaking a home visit, following undertaking a risk assessment using the screening questions used by Health across the County.
- Daily Skype management meetings are being held in some localities in order to address issues and discussing any concerns as they arise with Social Care to ensure families receive urgent support if needed.
- Families visiting a closed centre and needing advice will be signposted through the posters displayed to the base within the locality which remains open.

- Should a vulnerable family be in need of urgent support from their case worker, a home visit could be undertaken by a duty worker following a robust risk assessment and undertaking the prescribed (and well-communicated) screening process.
- The security of the Children's Centres that are to remain closed during this period will be overseen by Properties until such a time that it is agreed by Senior Management that they should reopen and services to resume.
- The Children's Centres that remain open, are for public access, none of the Centres are used for office space.

The on-going closure of the Children's Centres will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.

# 3. Financial Considerations

There is not expected to be a significant financial impact as a result of closing these sites, there could be a small reduction in utility costs but there is also the potential for some increase in security costs should the sites remain closed for a prolonged period.

## 4. Legal Considerations

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone virtual service to those affected .The Designated Family Judge for Derbyshire has been notified of the change in contact arrangements for those children affected.

## 5. <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary closure of the Children's Centres following advice from Central Government and Public Health England.

Officer: Rod Duncan, Senior Team Manager			Service: Erewash Children's Services
Delegated Power Being Exercised:			
Subject of Decision:	Social Care & Early Help buildings in Erewash		
Key decision?	Closure of I	ouildings	
Decision Taken(specify p details):	precise		rnos Family Support Centre temporarily closed aff and service users
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		Decision made in response to current Covid-19 concerns around staff and pubic wellbeing and safety. Priority tasks and casework is being addressed through other processes and the currently suspended services are considered non-urgent in the present circumstances. Families can contact staff via mobile working arrangements The public accessing the building were largely those already engaged with services and contact details for the public will be provided via notices. Services will continue to be provided in the locality via one office building and this will be made clear to those requiring a service. Early Help Manager has notified Caretaking services and	
Alternative Options Con	sidered (if	temporary o All staff adv	sed to work from home and supported by line
appropriate)	Co una de 1 - 1-		t for individual case action decisions
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		expected to closing this costs but th	on provided financial advice : There is not be a significant financial impact as a result of site, there could be a small reduction in utility ere is also the potential for some increase in as should the site remain closed for a prolonged
		its Officers	e provided by Jane Lakin : The Council and have powers in accordance with S1-6 of the ct 2011 to do that which will be to the '

	benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone and virtual service to those affected and to ensure continued social work support in the community		
Consultation with relevant Cabinet			
Member (s)			
Decision:			
Signature and Date: 25/03/20			

Officer:			Service: Children's services	
Louis Hughes				
Delegated Power Being Exercised: Building reduction usage/closure				
Subject of Decision:	Building closure/reduction		on of usage	
Key decision?				
Decision Taken(specify precise details):		In HPND we are reducing the usage of a number of buildings where staff work from. These include: Glossop social care team office Glossop Early help Office New Mills social care and Early help offices. This is part of the Adult Education Building. We are closing the office only. Matlock social care Office – this is part of a larger usage in the building which will remain unaffected These are all offices where staff are based. There is no open public access to these buildings but they can be used for certain service delivery eg family time. The building could still be made available if required to offer this as the situation progresses and staff would facilitate this. Any public attending the office will be informed by a notice outside providing information of how to contact early help and Social care services.u		
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		are reducing operating fr coordination Buxton Area Staff who ar work from h Buildings eff other users to users. The public a engaged wit be provided Services will	ected have been assessed in terms of impact on and options put in place to mitigate any deficit ccessing the building were largely those already h services and contact details for the public will	

Alternative Options Considered (if appropriate)	Staff working from home to prevent spread of COVID 19. Operational issues directed from one Hub office at Buxton
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Decision informed from information and advice in line with govt guidelines along with ensuring staff remain available to deliver services albeit from home based working.
	Staff are in agreement with the proposals.
	Property services have been informed and will assist with care of the building and caretaking services will still be involved with the buildings.
	There are no obvious and immediate financial implications.
	Dean Bettison provided financial advice : There is not expected to be a significant financial impact as a result of closing this site, there could be a small reduction in utility costs but there is also the potential for some increase in security costs should the site remain closed for a prolonged period.
	Legal advice provided by Jane Lakin : The Council and its Officers have powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the ' benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone and virtual service to those affected and to ensure continued social work support in the community
Consultation with relevant Cabinet Member (s)	None to date
Decision:	1
Signature and Date:	

Officer: Mary Lees			Service: Bolsover and NE district children services
Delegated Power Being Exercised:			Services
Subject of Decision:	Temporary	closure of bu	ildings
Subject of Decision.	ect of Decision: Temporary closure of buildings		nungs
Key decision?		closure of bui	ilding due to COVID-19
Decision Taken(specify p	precise	It is propose Social care to The Pyramid 4 High Stree Bolsover Chesterfield S44 6HF	i t
Reasons for the Decision all reasons for taking the including where necessa reference to Council pol	e decisions ary	staffing at th	ncing measures has led to a critical reduction of the building due to COVID-19. This has reduced to keep the building open.
appropriate) the Bo There the pu an offi Priman Bolsov access service via not provid access		the Bolsover There are sig the public to an officer to Primarily the Bolsover Soc access the b services and via notices. provided a s access to wo	rangements for remote working for staff from r social care team to ensure service continuity. gns placed in the windows to direct members of o call the area office who will be able to identify assist. e building is used as an office space for the cial care team. However the public who do uilding are largely those already engaged with contact details for the public will be provided All members of the public that are being ervice from this building also have direct dial orkers. Answer phone messages have been set via voip for each worker.

	There are no facilities to offer direct services to members of the public. This building is office use only
	Services will continue to be provided in the locality via one office building and this will be made clear to those requiring a service.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Current COVID 19 outbreak and social distancing measures has led to a critical reduction in staff at the office base therefore alternative arrangements to provide service provision is required as set out above.
	Dean Bettison provided financial advice : There is not expected to be a significant financial impact as a result of closing this site, there could be a small reduction in utility costs but there is also the potential for some increase in security costs should the site remain closed for a prolonged period.
	Legal advice provided by Jane Lakin : The Council and its Officers have powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the ' benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone and virtual service to those affected and to ensure continued social work support in the community
	Property Services have been notified that this building is now closed. Alarms have been set as usual and it is secure.
Consultation with relevant Cabinet Member (s)	
Decision:	
Signature and Date: 25 <sup>th</sup> March 2020	

Officer: Lena Ratcliffe Head of service		Service: South Derbyshire and South Dales Locality
Delegated Power Being	Exercised:	
Subject of Decision:	Temporary Closure of Etwall Social Work Office (reviewed in 4 weeks)	
Key decision?		
Decision Taken (specify	precise	
details):		perty services have been informed on 24/3/2020 and are y taking care of building security
		ding status - office base and used for direct delivery of vices but not open to the general public
		building holds, 2 business services, 6 social workers, 1 nager and 1 CCW.
	or a The det fam	se worker are currently delivering a service from home at the central base in Rink house Swadlincote. Provision to the public remains the same, contact ails to the central office are on the door if required – hily's open to social workers within the team have direct ess to their mobile phones and skype for support.
	(he pre	reast feeding group access the building once week, alth led) This group has been cancelled by health 2 weeks vious. – provision is being supported through skype and Ith as required
Reasons for the Decisio all reasons for taking th including where necess reference to Council po	e decisions Due ary gov licy) able	e to COVID 19 – Social Workers advised by the ernment to work at home – they are key workers though e to deliver a service at home and from one central office tink house.
	bui	rker capacity means that we are unable to staff all the dings in the locality.
Alternative Options Cor appropriate)	No safe fror	alternative options are available – in order to deliver a e frontline service, social workers and public can work n home and access support through a central office (rink use).
Background/Reports/In considered and attache Personnel, Financial Im etc)	d (Legal, exp plications clos	In Bettison provided financial advice : There is not ected to be a significant financial impact as a result of sing this site, there could be a small reduction in utility ts but there is also the potential for some increase in

		security costs should the site remain closed for a prolonged
		period.
		Legal advice provided by Jane Lakin : The Council and its Officers have powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the ' benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone and virtual service to those affected and to ensure continued social work support in the community
	vith relevant Cabinet	
Member (s)		
Decision:		
Signature and	Date:	
Datch A.		
	26	5.3.2020

Officer: Lena Ratcliffe Head of service			Service: South Derbyshire and South Dales Locality
Delegated Power Being	Exercised:		
Subject of Decision:	Temporary Closure of Woodville Youth Centre (reviewed in 4 weeks)		
Key decision?			
Decision Taken (specify	precise		
details):			vices have been informed on 24/3/2020 and are are of building security
	5	services but i	us - office base and used for direct delivery of not open to the general public / is only for young people specifically engaged with services
	- - 1	1 BSA) they h These worke from home a team via the	holds Triple SEN 10 members of staff (including have been provided support remotely. rs (triple SEN) are currently delivering a service nd using skype – the public did not access this building, and they were working from home building closure.
	· ·	-	usually supports - Preschool nursery (external) ormally hold this daily they decided to cease
	1	Edinburgh – a	ups: Shout, Shout Out, Dance Group, Duke of all contacted the locality last week to inform us t delivering this service for the next 4 weeks.
	1	required and	ils to the central office are on the door if partners who have used the building for re the SDSD central contact details if they ort.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	e decisions I ary	work at hom	9 19 – Workers advised by the government to e, social distancing or 2 metre and groups of people not encouraged.
	-	This building	is currently empty due to this advice.
		where a mar required ope	Key will be kept at Rink house Swadlincote, ager duty rota will have oversight – if it ning for emergency purpose this could be y to Sunday and re-opened straight away if

Alternative Options Considered (if appropriate)	No alternative options are available – in order to deliver a safe frontline service, social workers and public can work from home and access support through a central office (rink house). Youth groups are not encourage and not considered safe at this time (plans review in 4 weeks)	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Dean Bettison provided financial advice : There is not expected to be a significant financial impact as a result of closing this site, there could be a small reduction in utility costs but there is also the potential for some increase in security costs should the site remain closed for a prolonged period. Legal advice provided by Jane Lakin : The Council and its Officers have powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the ' benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone and virtual service to those affected and to ensure continued social work support in the community	
Consultation with relevant Cabinet Member (s)		
Decision:		
Signature and Date:		
Datch A.		
26.3.2020		

## CABINET

# 23 April 2020

## **Report of the Executive Director for Children's Services**

## Report on the temporary closure of a number of Early Help and Safeguarding buildings in response to the COVID-19 pandemic

## 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary closure of a number of Early Help and Safeguarding buildings / office bases in Derbyshire in response to the COVID-19 pandemic, and to inform about the arrangements in place to mitigate against these closures.

## 2. Information and Analysis

Starting Point – (Children's Services Front Door) remains fully functional with the response being provided via remote home working and onsite services at Godkin House. Other areas of Early Help and Safeguarding services are provided from a number of buildings, including Children's Centres, across the County which are used to provide accommodation for staff and to provide support for children, young people and families. The buildings are also used to deliver essential, and at times court directed, Family Time (contact) for children and their families.

Children's Centres support children 0-5 and their families with targeted interventions at the intensive needs level of the Derby and Derbyshire Safeguarding Children Partnership Threshold document. Interventions include direct work with families in the home addressing unmet needs, and also the delivery of targeted group work such as parenting programmes and Every Child A Talker (ECAT). The Children's Centres are also used to host universal volunteer led groups, food bank distribution and learning from Integrated Pathways, and some health led services including Health Visitor clinics and Midwifery clinics. The services delivered by Children's Centres are not defined as statutory services.

Following advice from Central Government and Public Health England, all workers providing non-priority services and who are not defined as keyworkers have been advised to work from home and consequently all Children's Centres have closed to Children's Centre services until further notice. Social distancing measures have led to a critical reduction of staffing in other buildings which has significantly reduced the capacity to keep the building open. However some 'mobile' service delivery will continue as outlined below.

The temporary closure of the buildings will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.

Officer Decision Records (ODR) have been completed for each locality and can be found in Appendix A.

The closures (with the exceptions as set out in the supplementary **note** overleaf) will impact on the following localities:-

## Amber Valley (4 buildings)

- Ironville Children's Centre
- Alfreton Children's Centre
- Langley Mill Children's Centre
- Heanor. Children's Centre

## Bolsover and North East Derbyshire (6 buildings)

- Bolsover Children's Centre
- Eckington Children's Centre and Social Care Team Office
- Shirebrook Children's Centre
- Creswell Children's Centre
- Alice's View Children's Centre
- The Pyramid Social Care Team Office (Bolsover)

# Chesterfield (5 buildings)

- Holme Hall Children's Centre
- Birdholme Children's Centre
- Old Whittington Children's Centre
- Staveley Children's Centre
- Peter Webster Centre.

## Erewash (3 buildings)

- Cotmanhay Children's Centre
- Long Eaton Children's Centre
- Charnos Children's Centre / Family Support Centre

## High Peak (5 buildings)

- Matlock Children's Centre
- Fairfield (Buxton) Children's Centre
- Glossop Children's Centre / Social Care and Early Help Team offices
- Gamesley Children's Centre
- Hadfield Children's Centre

# South Derbyshire (3 buildings)

- Woodville Children's Centre
- Etwall Social Care Team office
- Woodville Youth Centre

**Note** - Glossop and Hadfield Children's Centres will continue to be used by the local food bank for distribution of food parcels. The food bank are key holders for these buildings and can only access public areas.

Where a building is being used to support excluded children in their education a risk assessment will be undertaken regarding the use of alternative venues, possibly in school settings whilst there are less children attending the main school sites.

Corporate Property – Asset Management are aware that Glossop and Hadfield Children's will continue to be used as food bank distribution centres and they have arranged for the buildings to be put back on the cleaning schedules and for statutory compliance checks to be carried out.

## Buildings Accommodating Children's Social Care and Early Help Teams

Where ever possible arrangements have been made for Social Workers and Support Workers to work from home, in line with the social distancing rules or remotely from local authority buildings that remain open. There are signs placed in the windows of buildings to direct members of the public to support services and phone numbers to call for an officer to be identified to assist.

Those localities in which offices for children's Social Care and Early Help teams have closed are generally accessed by the members of the public who are already engaged with services and will be made aware of the changes to the working arrangements for their child/family by their allocated workers. All members of the public that are being provided a service from these buildings also have direct dial access to workers. Answer phone messages have been set up to email via VOIP for each worker In order to mitigate against the temporary closure of the buildings the following measures have been put in place by the locality Heads of Service for Early Help and Safeguarding:-

- In order to respond as required to identified needs for food parcels, emergency money for gas and electric etc. and connecting families appropriately to Derbyshire Discretionary Fund, each locality will operate a duty system for Social Care, Early Help and Children's Centre cases and incoming referrals.
- Families who attend targeted groups in the Children's Centres will continue to receive support via telephone and Skype
- Regular case work support will continue for vulnerable families and will be provided by telephone or through Skype "containing calls."
- Support around Every Child A Talker (evidenced based intervention to improve early speech and language development) can be delivered by telephone and also over Skype.
- Social media is being used to ensure that families and local communities are aware of the building closures and are able to be signposted to appropriate support and alternative services.
- Posters will be placed in the windows and on the doors of the buildings providing communities with the relevant contact details should they need support. Families visiting a closed building and needing advice will be signposted through the posters displayed to the base within the locality which remains open.
- Any identified vulnerable families requiring urgent support will be discussed on a daily basis via duty systems and weekly through the Vulnerable Children's Meetings (VCM) meetings and responded to appropriately, which may be by undertaking a home visit, following undertaking a risk assessment using the prescribed COVID-19 screening questions.
- Daily Skype management meetings are being held in some localities in order to address issues and discussing any concerns as they arise with Social Care to ensure families receive urgent support if needed.
- The security of the buildings that are to remain closed during this period will be overseen by Corporate Property until such a time that it is agreed by Senior Management that they should reopen and services to resume.

# Family Time

The buildings within Early Help and Safeguarding play an essential role in the delivery of Family Time (contact). During the pandemic the on-going closure of the buildings will clearly have an impact on the ability of the department to deliver Family Time, some of which is court directed. In order to mitigate against the temporary closure of the buildings the following measures have been put in place:-

- For those cases where Family Time had been arranged before the current pandemic, a discussion will take place with those affected which will look carefully and empathetically at the purpose of contact for both the child and their parents/ carers /siblings acknowledging the aims of maintaining relationships and also of ensuring the safety of the participants and the members of their respective households. This conversation will be carefully recorded on Mosaic to clearly demonstrate the rationale of the decision making. Where the contact arrangements are currently contained in a court order legal advice will be sought as to whether an application should be made to Court to vary this.
- Consideration will be given to face to face / directly delivered Family Time and where this is not deemed possible alternative virtual / remote arrangements will be facilitated. Guidance to support these discussions and decision making processes will be made available to be adopted by all practitioners to ensure consistency and clarity about the requirements.
- For all cases there will be an expectation that the arrangements are reviewed every 3 weeks in order to consider any changes that may be required. The reviews will involve children (including where appropriate siblings), parents and carers.
- If there are any challenges by parents to the arrangements proposed, then legal advice will be sought.
- All discussions with parents, children and carers will be clearly recorded and the decision making evidenced on the child's file. This will make reference to the reason for the changes (COVID 19), options discussed and responses. Parents/carers will be informed, and will be kept under review.

 The Independent Reviewing Officer (IRO) service will also have oversight of all the family time arrangements and are positioned to offer challenge should they feel the arrangements are not in the best interests of the child. They are also well placed to oversee the consistency and application of the Family Time guidance and decision making across the localities.

The on-going closure of the buildings will be regularly reviewed by Senior Management and will take into account revised advice and guidance from Central Government and Public Health England.

## 3. Financial Considerations

There is not expected to be a significant financial impact as a result of closing these sites, there could be a small reduction in utility costs but there is also the potential for some increase in security costs should the sites remain closed for a prolonged period.

## 4. Legal Considerations

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but efforts have been put in place to provide an internet and telephone virtual service to those affected .The Designated Family Judge for Derbyshire has been notified of the change in contact arrangements for those children affected.

The decision will be time limited and subject to regular review in order to mitigate the effect of the closures.

## 5. Executive Director's Recommendation

It is recommended that Cabinet receive the report and note the temporary closure of the Children's Centres following advice from Central Government and Public Health England.

Officer: Jane Parfrement		Service: DACES
Delegated Power Being exercised.		
Emergency Powers		
To carry out the functions of the Cour learning and further higher education Children Act 2004.		
The arrangements set out in this repo direction that may be issued from tim		in light of any Secretary of State
Subject of Decision:	To vary the current provision of learning and support for 14-19 learners and to close the remaining centres from 24 <sup>th</sup> March 2020 to both staff and learners.	
Decision Taken (specify precise details):	<ul> <li>In order to provide support for learning and wellbeing for our 14-19 learners, many of whom are particularly vulnerable, and apprentices whilst maintaining safe working practices for staff team across the service the following priority offer will be provided:</li> <li>teams have identified the most vulnerable learners by geographical are;</li> <li>Team members have contacted each individual to assess access to Internet and equipment;</li> <li>Loan of laptops to be considered in individual cases (Loan agreement in place);</li> <li>Each young person and apprentice has a link contact either by assessor, LSA or Tutors to make contact with regard to wellbeing (via Zoom/ telephone)</li> <li>Learning Packs or online developed materials and access ensured. To the following Curriculum Area:</li> <li>BKSB - maths and English with link tutor</li> <li>Employability activities</li> <li>Personal Development and Wellbeing</li> <li>Podcasts/You Tube material for learners to watch</li> <li>All resources and podcast material to be placed on shared Learning Pool area and list in folders maintained and updated.</li> </ul>	
	available to wide health & wellbe	er 14-19 provision Enrichment ing – planner Here (30 min sessions) Il developed for individual learners

	<ul> <li>Agreed contact time with learners to ensure safeguarding concerns to be passed on in usual way to leads. (Zoom/phone)</li> <li>FTSP workers to have a caseload of learners including PSP where necessary to cover the service provision.</li> <li>1:1 drop in can be arranged as an option for the most concerned and vulnerable including 14-16 learners where the service has been commissioned by schools. The school is the commissioner and individual conversations need to occur with each school to determine the best method of delivery These need to be agreed to take as Zoom, Skype or telephone;</li> <li>Food Bank Vouchers to be explored as a consistent Bursary allocation to qualifying learners</li> </ul>
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	The current intention to keep a core number of centres open is no longer sustainable as the small number of leaners who were attending (in Shirebrook) have decided not to attend and are prepared to engage with the above online provision.
	Property Services are unable to guarantee that these satellite centres can be opened due to staffing issues. This has resulted in staff attending at a site bit not able to enter.
	Lack of availability of staff on site means that the levels of enhanced cleanliness needed to maintain services cannot be guarantee with staff feeling vulnerable and anxious.
	A number of staff who were planning to be on a staffing rota have received notification from the NHS of their status as a vulnerable person and have been instructed to staff home.
	The majority of staff are able to work from home as laptops used for Teaching and Learning have been repurposed to enable them to work from home. Where staff are unable to conduct their duties from home; managers will follow the issued advice by the Council
	These proposals are in line with action outlined in the guidance provided by the <u>DfE over Further Education</u> <u>Provision</u> . The service is currently not providing any provision in support of critical workers.
Alternative Options Considered (if appropriate)	In light of the impact of Coronavirus and the social distancing measures imposed, government guidance has recommended the proposed measures. Consequently, maintaining the current face-to-face provision is no longer appropriate.

Guidance/Background/Reports/	The Coronavirus Bill provides for the measures detailed to
Information considered and	be implemented. These measures are also in accordance
attached (Legal, Personnel,	with guidance set out by the DoE as issued on the 23 <sup>rd</sup>
Financial Implications etc)	<u>March 2020.</u>
	In these exceptional circumstance DACES have issued e-
	bulletins and approved communications to staff and service
	users updating them on the current situations and
	Government instruction. DACES has taken steps to move
	suitable provision to 'non-contact' and alternative delivery
	methods. DACES has also assessed risk to learners and
	made 'keeping in touch' arrangements in line with
	Childrens services guidance.
	Background:
	https://www.gov.uk/government/publications/coronavirus-
	covid-19-maintaining-further-education-
	provision/maintaining-education-and-skills-training-
	provision-further-education-providers
	Implications:
	The government says that it the ESFA will continue to pay
	grant funded providers their scheduled monthly profiled
	payments for the remainder of the 2019/20 funding year.
	This is contained in the guidance above.
	Learner implications:
	The above guidance says that the Ofqual will develop and
	set out a process that will provide a calculated grade to
	each student which reflects their performance as fairly as
	possible.
	In the meantime, mitigations have been put in place with
	learners by moving to an on-line learning approach.
	Staff implications:
	The staff will continue at work and continuation on their
	existing contractual hours will be required, but they will be
	working remotely and any contact with students will be
	through virtual means or telephone. HR is looking at
	implications for sessional staff. Staff who cannot work at home will be directed to other
	activities as appropriate and having been risk assessed and
	in line with the council's skills audit.
	Consultation: given the government guidance to stop face
	to face delivery, it is not possible to undertake a full
	consultation with learners. However, all current learners
	have been contacted individually and alternative provision
	has been made with them. It is considered that in light of
	the risk to public and staff of not undertaking these
	measures, together with the guidance and legislative
	provisions these measures are appropriate.

Consultation with relevant Cabinet	Consulted with Iain Peel, Jane Parfrement and Cllr Alex
Member(s)	Dale.
Decision:	
Signature and Date:	

## CABINET

## 23 APRIL 2020

## **Report of the Executive Director for Children's Services**

## <u>Report on the Temporary closure of the Derbyshire Adult Community</u> <u>Education Service (DACES) Centres in response to the COVID-19</u> <u>Pandemic</u>

## 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary closure of the Derbyshire Adult Community Education Service (DACES) Centres in response to the COVID-19 Pandemic

## 2. Information and Analysis

DACES provides access to adult learning, apprenticeships and study programme for 14-19-year olds, via a range of adult education centres across the county.

Following advice from central government and Public Health England, all workers providing non-priority services and who are not defined as key workers have been advised to work from home and consequently all DACES centres have closed until further notice.

The temporary closure of DACES centres will be subject to regular review and will take into account revised advice and guidance from central government and Public Health England.

The temporary closures will impact the following locations:

- 1. Glossop Adult Community Education Centre & Toolbox Construction unit
- 2. New Mill Adult Community Education Centre\*\*
- 3. Fairfield & Buxton Adult Community Education Centre
- 4. Matlock, The Ritz Adult Community Education Centre
- 5. Wirksworth Eco Centre
- 6. Ashbourne Adult Community Education Centre
- 7. Shirebrook Adult Community Education Centre
- 8. Bolsover Adult Community Education Centre\*\*
- 9. Chesterfield Hunloke Adult Community Education Centre
- 10. Clay Cross Adult Community Education Centre & Holmewood construction unit
- 11. Alfreton Adult Community Education Centre

- 12. South Normanton; The Hub Adult Community Education Centre
- 13. Cotmanhay & Ilkeston Adult Community Education Centre
- 14. Long Eaton Community House Adult Community Education Centre
- 15. Swadlincote Adult Community Education Centre\*\*

\*\* denotes sites that host other DCC services. Arrangements are in place to maintain services where this is required.

Property services have advised that they are unable to guarantee that sites will remain cleaned to the current enhanced requirements.

Comprehensive arrangements have been put in place to ensure, where appropriate, provision is offered via alternative methods and learners are supported.

Particular arrangements have been made to work with our 14-19 learners, apprentices, access and other qualification-based provision. DACES is also working with partners and other agencies in respect of provision with our most vulnerable learners. This includes:

- Loan of equipment (loan agreements are in place)
- learning and study packs
- Use of telephone, Skype or similar video session
- Onefile and linkages to bespoke provision within DACES section of Derbyshire Learning online.

DACES provides and will continue to send information to learners about how they can maintain their learning & wellbeing. This will include are signposting service users to other resources other than those available on the web. For example, BBC is producing learning resources, Pinterest, Podcasts, YouTube and printed materials as requested etc.

Our full-time study programme workers have established caseload and contact timetables to ensure learner contact is maintained.

These proposals are in line with action outlined in the guidance provided by the <u>DfE over Further Education Provision titled</u>, 'Coronavirus (COVID-19): maintaining further education provision', published 23 March 2020 and updated 3 April 2020. The service is currently not providing any provision in support of critical workers.

The temporary closure of DACES centres will be subject to regular review and will take into account revised advice and guidance from Derbyshire's children's services senior management team, central government and Public Health England and vulnerable and key worker needs.

# 3. Financial Considerations

The advice from Department for Education and the Education Skills Funding Agency (ESFA) has stated that grant funded providers (DACES) will receive their scheduled monthly payments as profiled. The ESFA has also stated that the 2019/20 performance considerations will not result in clawback. It is anticipated that further and updated advice will be issued by central government and ESFA.

DACES will need to refund fees paid by learners for provision that has been cancelled and service managers are profiling the costs of refunds and lost tuition fee income.

### 4. Legal Considerations

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult in detail with affected persons. DACES has made extensive use of the Councils communications methods and networks with staff and learners and wider service users to keep them informed of the current temporary closures and adjustments to services; Including use of social media and e-bulletins.

#### 5. <u>Human Resource Considerations</u>

The majority of staff are able to work from home as laptops used have been repurposed to allow for this. Where staff are unable to conduct their duties from home, managers will follow the issued advice by the council. DACES management team has also ensured that staff have carried out the survey concerning potential redeployment. Managers are keeping in contact with staff via telephone and video conferencing and they are being advised to follow council and national guidelines regarding keeping safe and social distancing. In addition, managers are providing staff with appropriate council updates.

#### 6. <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary closure of the DACES Centres following advice from Central Government and Public Health England.

# OFFICER DECISION RECORD

Officer:			Service: Early Years SEN Specialist Teaching	
Karen Waring			service	
Delegated Power Being Exercised:				
Subject of Decision:	Reduction in number of children to receive EYSEN specialist teaching support in line with government guidance regarding attendance at pursery			
		long term ar Specialist ter primarily tha In line with a with an EHC are key worl The EYSI children	<ul> <li>children in settings who meet this criteria</li> <li>The EYSEN service will only accept new children onto</li> </ul>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		Government attending nu	t guidance regarding children who should be ursery.	
Alternative Options Considered (if appropriate)		There are many children on the caseloads of the specialist teachers who have complex SEN needs but by the nature of their age do not yet have an EHCP. Alternative Options:- The EYSEN ST contact parents of the children not attending settings and offer phone advice and support if needed to families. The EYSEN service accept new children meeting service criteria and make contact with parents of new referrals. Alternative options would reduce the number of teachers available for deployment into other areas if needed.		
Background/Reports/In considered and attache Personnel, Financial Imp etc)	d (Legal,			

Consultation with relevant Cabinet	
Member (s)	
Decision:	
Signature and Date:	
_	

#### CABINET

# 23 April 2020

#### **Report of the Executive Director for Children's Services**

#### <u>Report on Suspension of Early Years SEN Specialist Teaching Service to</u> <u>Private, Voluntary and Independent Providers and Outline of Alternative</u> <u>Arrangements</u>

#### 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary change in the provision of the Early Years Special Educational Needs Specialist Teaching Service (EYSEN ST) in response to the COVID-19 pandemic.

#### 2. Information and Analysis

The EYSEN ST Service is a Derbyshire County Council support service and although it is considered excellent provision locally and nationally, there is no national or legislative requirement for the service to support this group of vulnerable children with complex needs.

The COVID 19 outbreak and the most recent government guidance on social distancing is impacting this service and has made it impossible to continue with usual delivery. This is especially so since some of the children have some significant medical needs and will either be self-isolating or shielding. The EYSEN service cannot advise and work with children in settings as they are no longer attending.

The EYSEN Specialist Teaching Service will suspend usual service delivery and continue to support only those children attending settings who meet government criteria. In addition, the service will also suspend usual referral criteria and only accept new children onto the service who meet government criteria.

There are many children on the caseloads of the specialist teachers who have very complex special educational needs but by the nature of their age do not yet have an education and health care plan. They will now be at home and some parents may welcome support at home over this period either by telephone or email.

Children who continue to be eligible for attendance in nursery will receive support by telephone visits. The EYSEN specialist teachers will contact parents of the children not attending settings and offer phone advice and support if needed. The on-going change in service delivery will be regularly reviewed by the children's services senior management team and will take into account revised advice and guidance from central government and Public Health England.

# 3. <u>Financial Considerations</u>

It is not expected that there will be any additional costs to the service; there could be some saving as there will not be travel claims from staff during this period.

### 4. Legal Considerations

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult in detail with affected persons.

#### 5. <u>Human Resource Considerations</u>

Managers are keeping in contact with staff via telephone and video conferencing and they are being advised to follow council and national guidelines regarding keeping safe and social distancing. In addition, managers are providing staff with appropriate council updates. Staff are providing support to children and families via telephone or video conference.

#### 6. <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary closure of the Children's Centres following advice from Central Government and Public Health England.

# OFFICER DECISION RECORD

Officer:			Service: Early Years SEN , Childrens Services
Karen Waring			
Delegated Power Being Exercised:			
Subject of Decision:	Cessation o	of early years inclusion fund (EYIF)	
Decision Taken(specify precise details):		early interve In Derbyshir Early Years S	ndatory funding stream to support inclusion and ention for young children with SEND in nurseries. e it is funded through HNBF and allocated by the SEN panel. Karen Waring coordinates that panel.
		closures due exception b the criteria	EYIF during the period of nursery setting to government guidance on Coronavirus. The eing children in receipt of EYIF who also meet for places within nursery (ie known to social s key workers)
Reasons for the Decision		Rationale:	
-		Governmen	t guidance during the COVID-19 pandemic for
all reasons for taking the decisions including where necessary reference to Council policy) Governmer children wi places to th child to cor Providi setting seem a EYIF is agreem periods continu agreed invoice agreem Monito using th manage money We alree		<ul> <li>places to the child to continue settings seem ap</li> <li>EYIF is a agreeme periods continue agreed, invoice agreeme Monitor using the manage money f</li> <li>We alree further plearning learning in a pos</li> </ul>	ing this and holding settings accountable for not is money would be almost impossible to . The LA is not in a position to retrieve this from the PVI sector. ady know the government is likely to provide guidance on flexible adherence to teaching and . As EYIF funding is allocated on the basis of outcomes we cannot be sure providers will be ition to complete the work necessary even with
As staffi		As staffi	who meet the criteria for places ng numbers fluctuate nurseries may not be in to provide the 1:1 support required by EYIF.

Alternative Options Considered (if appropriate)		Once restrictions on nursery attendance are relaxed settings will be asked to apply for funding in the usual way
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		Coronavirus guidance for schools and settings.
Consultation v Member (s)	with relevant Cabinet	
Decision:		·
Signature and	Date:	

#### CABINET

### 23 April 2020

#### **Report of the Executive Director for Children's Services**

#### Report on the Suspension of Early Years Special Educational Needs Inclusion Funding (EYIF)

#### 1. <u>Purpose of the Report</u>

To report to Cabinet that in response to the COVID-19 pandemic a decision has been made to temporarily suspend Early Years Special Educational Needs Inclusion Funding (EYIF) for children other than critical worker parents and those known to social care.

#### 2. Information and Analysis

Early Years Inclusion Fund (EYIF) is a national funding stream to support inclusion and early intervention for young children with special educational needs (SEN) but without an Education Health and Care Plan, in nurseries. No direct EYIF is received from the government. In Derbyshire it is funded through the Designated School Grant High Needs funding block and allocated by the Early Years SEN panel.

The COVID 19 outbreak and the most recent government guidance on social distancing is impacting this service and has made it inappropriate to continue with usual delivery.

Government guidance during the COVID-19 pandemic for children with SEND who attend nursery education limits places to those with an Education Health and Care Plan. The receipt of EYIF is not, in itself, a reason for a child to continue to attend nursery.

Providing a funding stream from the local authority that may encourage settings to disregard government guidance does not seem appropriate.

EYIF is allocated for six months from date of the agreement letter. This means that each week funding periods come to an end, an evaluation is completed, and continued funding decided by the Early Years SEN panel. Once agreed, it is practice for non-maintained nurseries to invoice the local authority within the boundary of the funding agreement.

Monitoring this and holding settings accountable for not using this money would be impossible to manage. The local authority is not in a position to retrieve this money from the private, voluntary and independent sector.

As EYIF funding is allocated on the basis of learning outcomes we cannot be sure providers will be in a position to complete the work necessary even with children who meet the criteria for places.

As staffing numbers fluctuate nurseries may not be in position to provide the individual adult support often required by EYIF.

The allocation of EYIF will be suspended during the period of nursery setting closures, due to government guidance on Coronavirus. The exception will be children in receipt of EYIF who also meet the criteria for places within nursery (identified as within the vulnerable groups or with parents who are critical workers).

The on-going change in organisation of funding streams will be regularly reviewed by senior management and will take into account revised advice and guidance from Central Government and Public Health England.

#### Background/Reports/Information considered

Coronavirus guidance for schools and settings.

#### 3. <u>Financial Considerations</u>

There is no expected hardship for Early Years settings as this group of children are not part of the government's current criteria for nursery attendance. Therefore, the children will not be attending nursery and will not need support.

There will be no funding 'wastage' or need for recouping funding at end of this period.

It is not viable to provide saving costings for this proposal due to the following:

- High number of children receiving EYIF
- Various levels of funding per child
- Unknown continuation of nursery closures.

However, the previous year's expenditure was not in excess of £500,000. This is a county wide initiative.

# 4. Legal Considerations

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult in detail with affected persons.

# 5. Human Resource Considerations

Managers are keeping in contact with staff via telephone and video conferencing and they are being advised to follow council and national guidelines regarding keeping safe and social distancing. In addition, managers are providing staff with appropriate council updates.

### 6. <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary suspension of Early Years Inclusion Funding.

# OFFICER DECISION RECORD

Officer: Jane Parfrement		Service: Out of School Tuition for children with medical needs
Delegated Power Being Emergency Powers	Exercised:	
Subject of Decision:	<ul> <li>Out of S wish to pupils w due to n sometin outbrea service a home. I used as</li> <li>Guidance for vulne healthca impleme 24.3.202 Stay at h (COVID- people o</li> </ul>	way in which Out of School Tuition is provided in light of the ronavirus as follows: chool Tuition ('OOST') is a service available to schools who request support in meeting the educational needs of those ho are unable to attend school for a period beyond 15 days nedical needs. Tuition is provided in student's own homes or hes in Derbyshire buildings such as libraries. The CV 19 k and the most recent government guidance is impacting this and has made it impossible to continue to visit pupils at n addition libraries and adult Education Centres, sometimes venues for education are now closed. e received and referred to: Guidance on social distancing and erable people 23.3.2020; COVID-19: cleaning in non- are settings 19.3.2020; Coronavirus (COVID-19): enting social distancing in educational and childcare settings 20; Guidance for schools about temporarily closing 22.3.2020; nome: guidance for households with possible coronavirus 19) infection 24.3.2020;Guidance on shielding and protecting defined on medical grounds as extremely vulnerable form .9 24.3.2020;
	<ul> <li>A small group of pupils are tutored at Alfreton ACE as part of the OOST service</li> </ul>	
Decision Taken(specify details):	·	<ul> <li>No further visits by tutors to teach pupils in their homes or in libraries and Adult Education Centres;</li> <li>Communication by phone and email to set and monitor work. This includes providing resources, in addition to signposting to on-line resources, including to IPT's virtual learning environment and the externally commissioned on-line, live lesson provider, Academy 21.</li> <li>This temporary change to service delivery is in line with CV19 guidance about the reduction in movement and the need for us all to remain in our homes. Guidance: Staying at home and away from others (social distancing) 23.3.2020</li> <li>Daily contact by tutors with OOST office to confirm they are well and continue to be able to work from home to support pupils; also to support with case work.</li> <li>OOST Alfreton small group no longer taking place, to be reviewed regularly</li> </ul>

Descent fourth a Desision (succify		
Reasons for the Decision (specify	•	CV 19 and the most recent government guidance is
all reasons for taking the decisions		impacting this service and has made it impossible to
including where necessary		continue to visit pupils at home. This group of pupils are
reference to Council policy)		unable to attend school because of their medical needs
		and this means that for many, additional visits from
		outsiders would constitute an additional health risk.
		Whilst a proportion of those pupils meet the criteria of
		having an EHCP or are subject to Social care involvement
		the guidance states that professionals should 'make
		case by case basis assessments of the health and
		safeguarding considerations of pupils and students on
		an education, health and care (EHC) plan. For some,
		they will be safer in an education provision. For others,
		they will be safer at home. We trust leaders and parents
		to make these decisions and will support them as
		required'. Guidance Closure of educational settings:
		information for parents and carers.
	•	Other guidance consulted: Guidance on social
	•	distancing and for vulnerable people 23.3.2020;
		Guidance on shielding and protecting people defined on
		medical grounds as extremely vulnerable form COVID-19
		24.3.2020
	•	Those pupils who are referred to OOST are on roll in a
	-	school and OOST works with those schools to meet their
		educational needs while they are unable to attend.
		OOST is a service to schools provided without charge for
		a period of 14 weeks after this period there is a partial
		cost recovery to be paid by schools. Whilst OOST tutors
		are unable to work with pupils face to face, they are
		continuing to set work, support pupils and remain in
		contact. Therefore there is unlikely to be any additional
		cost or any significant saving except that tutors will not
		be claiming for their travel to and from tuition when
		they submit their pay claims.
	•	OOST is committed to maintaining safe working
		situations, to reduce risk of infection, to protect staff
		and pupils.
	•	OOST are making this request in response to questions
	-	being asked by both schools and parents including the
		suggestion from some schools that they were surprised
		that OOST would continue to offer any tuition after the
		school closure announcement. A small number of
		schools so far have requested that OOST stop tuition for
		those pupils in Y11 immediately and make no further
		provision as a result of the exams being cancelled.
	•	Working in homes presents risk of contamination even
		following the hand washing and hygiene guidance. A
		number of families have contacted OOST to say that
		they want to continue to receive learning support but do
		not want to let tutors in to their homes, even if the
		restrictions on movement didn't apply.

	<ul> <li>OOST has responded to requests from parents who wish to self-isolate their families to protect from risk of infection; parents have questioned whether OOST tutors travelling around is appropriate.</li> <li>Alfreton OOST small group is based at the Alfreton Adult Education Centre – the building is now closed in addition it is no longer safe for teachers to travel together as some teachers rely on car sharing.</li> <li>All established staff continue with their roles, sessional tutors are continuing to maintain contact and support the education of their pupils; all are in contact with OOST office daily.</li> <li>OOST have requested that schools are informed of the situation and the OOST response to the new situation for education. However OOST services are dependent on collaborative arrangements with schools.</li> </ul>
Alternative Options Considered (if appropriate)	<ul> <li>OOST Use of skype and online communication – OOST was advised that skype wouldn't meet safeguarding criteria as it is unregulated. Although OOST tutors have DCC employee numbers they are employed as sessional tutors and therefore do not have Derbyshire email addresses, laptops or phones.</li> <li>Tutors are contacting through landlines or parents' mobile phone (contact numbers on original referral forms), or email to parents' address to provide work. OOST have stipulated that, as with usual tuition arrangements, there must be an adult present.</li> <li>OOST is exploring the possibility of other teaching methods with Virtual Classroom and contact for Learning Platform resources – Adobe connect is a possibility for a small number of students. Total number is confined by number of licences that have been purchased but it is likely that up to 20 pupils could be accommodated provided that they have their own suitable IT equipment in their homes. Training for the Area Senior tutors to explore how Adobe connect classrooms could be used to support those priority pupils is planned for Wednesday 1.4.20.</li> <li>Alfreton Group – staff to maintain links with pupils using email and phone calls; at the request of parents a small number of with Education Health and Care Plans who would have been attending the group are being supported by tutors through phone and email contact; their families are not happy for them to travel to sessions and the Adult Education Centres are now all closed.</li> </ul>

Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Guidance for schools about temporarily closing 22.3.20 Coronavirus (COVID-19): cancellation of GCSEs, AS and A levels in 2020 20.3.20 Guidance for schools about temporarily closing 22.3.20 Coronavirus (COVID-19): guidance on vulnerable children and young people 22.3.20 updated 25.3.20 Coronavirus (COVID-19): implementing social distancing in educational and childcare settings 24.3.20 Stay at home: guidance for households with possible coronavirus (COVID-19) infection 24.3.20 COVID-19: cleaning in non-healthcare settings 19.3.20 Guidance on social distancing and for vulnerable people 23.3.20 Guidance on the closure of educational settings information parents and carers 19.3.20 The Council has a statutory duty to provide this service and in the light of the current impact of coronavirus it is necessary to consider alternative solutions in order to maintain some level of service, but comply with recent government restriction on social interaction. Due to the timescales involved it has not been possible to consult all service users but direct contact between tutors, schools and students is taking place and every effort is being made to ensure that the needs or service users are met. There are not staff implications, at present, as the role is still required and is being undertaken in a different way
Consultation with relevant Cabinet Member (s)	
Decision:	
Signature and Date:	

# CABINET

# 23 April 2020

# **Report of the Executive Director for Children's Services**

# Report on Changes to the Delivery of the Out of School Tuition (OOST) Service

### 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary change in service provision in relation to those pupils who are unable to attend school for medical reasons in response to the COVID-19 pandemic.

# 2. Information and Analysis

Out of School Tuition (OOST) is a service available to schools who wish to request support in meeting the educational needs of those pupils who are unable to attend school for a period beyond 15 days due to medical needs. Tuition is provided in students' own homes or sometimes in Derbyshire buildings such as libraries. The COVID 19 outbreak and the most recent government guidance on social distancing is impacting this service and has made it impossible to continue to visit pupils at home. This is especially so since some of the children have some significant medical needs and will either be self-isolating or shielding. In addition, libraries and adult education centres, sometimes used as venues for education, are now closed.

Pupils will continue to have work set by email and will be contacted by their tutors at pre-arranged times to monitor, teach and support academic work. This will include providing resources, in addition to signposting to on-line resources, including to Integrated Pathway Team's (IPT's) virtual learning environment and the externally commissioned on-line, live lesson provider, Academy 21. Pupils will also continue to have work set by their schools and tutors remain in contact with key staff in schools by email.

The on-going change in service delivery will be regularly reviewed by the children's service's senior management team and will take into account revised advice and guidance from central government and Public Health England.

# 3. Financial Considerations

It is not expected that there will be any additional costs to the service; there could be some saving as there will not be travel claims from staff during this period.

In those cases where there is a contribution to the cost of OOST by schools, those schools have been consulted and understand that the contribution will still apply.

# 4. <u>Legal Considerations</u>

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult in detail with affected persons.

### 5. <u>Human Resource Considerations</u>

Managers are keeping in contact with staff via telephone and video conferencing and they are being advised to follow council and national guidelines regarding keeping safe and social distancing. In addition, managers are providing staff with appropriate council updates. Staff are working remotely from home and are setting work and keeping ion contact with young people.

#### 6. <u>Background Papers</u>

Government guidance has been considered in making this decision and this is captured in a range of guidance from the Department for Education and other government departments including:

- Guidance on social distancing and for vulnerable people 23.3.2020;
- COVID-19: cleaning in non-healthcare settings 19.3.2020;
- Coronavirus (COVID-19): implementing social distancing in educational and childcare settings 24.3.2020;
- Guidance for schools about temporarily closing 22.3.2020;
- Stay at home: guidance for households with possible coronavirus (COVID-19) infection 24.3.2020;
- Guidance on shielding and protecting people defined on medical grounds as extremely vulnerable form COVID-19 24.3.2020

# 7 <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary changes to the delivery of the Out of School Tuition Service following advice from central government and Public Health England.

# OFFICER DECISION RECORD

Officer: Jane Parfrement		Service: Central Education Welfare Team	
Delegated Power Being			
Emergency powers			
To suspend the functions of the Council as a local education authority in relation to statutory legal powers under section 444(1) and 444(1A) of the Education Act 1996.			
The arrangements set ou direction that may be iss	•	port would be reviewed in light of any Secretary of State ime to time	
Subject of Decision:			
	Education	Welfare Service proposed changes to prosecution processes.	
Decision Taken(specify p details):		The letter sent to all Local Authorities from the Secretary of State dated 22 <sup>nd</sup> March 2020 directs that no legal action should be taken in relation to pupil school absence from March 16 <sup>th</sup> All of our current and pending cases however, relate to an absence period prior to March 16 <sup>th</sup> thereby a decision is needed in relation to these cases. We propose to suspend the current processes in relation to the prosecution of non-school attendance until further notice. This would require all outstanding cases to be put on hold. This would include outstanding requests, payments and new prosecutions under section 444(1) and 444(1A) of the Education Act 1996. All current outstanding cases will be formally notified by letter that the case is on hold. Where payment is outstanding or overdue the defendant will be advised that payment deadlines have been extended until further notice, however will be encouraged to make payment as soon as possible using the automated methods already provided. Notification of new deadlines will be sent out in line with Government advice which may be issued from time to time. Due to the exceptional nature of the current situation any local authority late applications to the Magistrates Court may be reasonably justified when the suspension of the arrangements set out in this report are lifted.	

Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	In light of the current pandemic, it is felt that the decision to suspend current processes in relation to non-school attendance would be a reasonable and proportionate measure to ensure compliance with the guidance from the Secretary of State and a consistent approach to all cases.	
	The alternate options as described below could result in individuals being treated differently dependent upon a number of influencing factors including whereabouts in the process their case was or our ability to get prosecution evidence from school which are currently closed.	
	Finance are currently only able to process payment using automated methods or postal payments, this combined with people being instructed to isolate, may result in people who do not have access to the internet being unable to pay.	
	All scheduled miscellaneous cases have been adjourned until further notice by the Magistrates Court and this option would relieve the courts from further pressure at this particular unprecedented time.	
	We are also mindful of the potential negative publicity which could ensue if we continue to take legal action against parents whilst schools are closed.	
	The offence of failure to secure a child's attendance at school is one of strict liability and defences are limited. By putting the process on hold we can ensure that any cases, when processed at a future date are fully assessed against the public interest test. https://www.cps.gov.uk/publication/code-crown- prosecutors	
Alternative Options Considered (if appropriate)	<b>Continue the current process</b> – this would result in an inconsistent provision due to the inability to gather evidence from all schools and the difficulty some parents may have in paying fines during this extraordinary time.	
	Not proceed with any further legal action in relation to current and pending cases – this would be unjust as the offences occurred prior to current crisis and other parents have already paid their fines in relation to absences for these periods.	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	SoS to DCS 2232020.pdf Code of Conduct reviewed Oct 2019.p	
	http://www.legislation.gov.uk/ukpga/1996/56/section/444	

	In making this proposal we have considered the above legislation, Government guidance and DCC code of conduct. <i>Financial implications</i> There will be a loss of income as a result of the Covid19 crisis regardless of the decision made due to the decrease in requests from school for the summer term. Whilst it is not possible to estimate the amount of loss at this time we believe that by implementing the proposed changes we will limit the number of cases that need to be withdrawn. Due to the self-funding nature of the process any loss in income will be managed within the team budget. <i>Personnel</i> Due to the anticipated drop in service all EWS business services staff have completed the availability survey and are able to work from home. We also have 3 members of the team who are in the process of leaving and the recruitment of new staff will be placed on hold. Due to the constantly evolving situation the new processes will be regularly reviewed in line with updated Government advice.
Consultation with relevant	
Cabinet Member (s)	
Decision:	
Signature and Date:	

# CABINET

# 23 April 2020

# **Report of the Executive Director for Children's Services**

#### Report on the Education Welfare Service Proposed Changes to Prosecution Processes

### 1. <u>Purpose of the Report</u>

To report to Cabinet about the temporary change in service provision in response to the COVID-19 pandemic.

#### 2. Information and Analysis

In line with the Secretary of State for Education's letter to councils on 22 March 2020, it is proposed to suspend the current processes in relation to the prosecution of non-school attendance until further notice. This would require all outstanding cases to be put on hold. This would include outstanding requests, payments and new prosecutions under section 444(1) and 444(1A) of the Education Act 1996.

All current outstanding cases will be formally notified by letter that the case is on hold.

Where payment is outstanding or overdue the defendant will be advised that payment deadlines have been extended until further notice, however they will be encouraged to make payment as soon as possible using the automated methods already provided. Notification of new deadlines will be sent out in line with Government advice which may be issued from time to time.

Due to the exceptional nature of the current situation any local authority late applications to the Magistrates Court may be reasonably justified when the suspension of the arrangements set out in this report are lifted.

In light of the current pandemic, it is felt that the decision to suspend current processes in relation to non-school attendance would be a reasonable and proportionate measure to ensure compliance with the guidance from the Secretary of State for Education and a consistent approach to all cases.

The alternate option of continuing the process as usual could result in individuals being treated differently, dependent upon a number of

influencing factors, including whereabouts in the process their case was or the ability of the Education Welfare Service to obtain prosecution evidence from schools, which are currently closed.

The council's finance department is currently only able to process payment using automated methods or postal payments. Combined with people being instructed to isolate, this may result in people who do not have access to the internet being unable to pay.

The offence of failure to secure a child's attendance at school is one of strict liability and defences are limited. By putting the process on hold we can ensure that any cases, when processed at a future date, are fully assessed against the public interest test. https://www.cps.gov.uk/publication/code-crown-prosecutors

The on-going change in service delivery will be regularly reviewed by the council's children's service senior management team and will take into account revised advice and guidance from central government and Public Health England.

### 3. <u>Financial Considerations</u>

Attendance fines are intended to encourage good school attendance and the council does not view this as a form of income. Whilst it is not possible to accurately estimate the amount at this time, the Education Welfare Service believes that by implementing the proposed changes the number of cases that need to be withdrawn will be limited.

#### 4. <u>Legal Considerations</u>

The Council has powers in accordance with S1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area.' The proposed benefit of this action is to support families who have been affected by the financial impact of the Coronavirus crisis. It will also protect the authority from accusations of insensitivity at this extraordinary time.

In making this proposal, the following legislation, Government guidance and DCC code of conduct have been considered.

Education Act 1996 Section 444 (see attachment) Letter from SoS (see attachment)

# 5. <u>Human Resource Considerations</u>

Managers are keeping in contact with staff via telephone and video conferencing and they are being advised to follow council and national guidelines regarding keeping safe and social distancing. In addition, managers are providing staff with appropriate council updates. Staff are working from home and have completed the skills survey and are available for redeployment.

#### 6. <u>Executive Director's Recommendation</u>

It is recommended that Cabinet receive the report and note the temporary proposed change in prosecution processes for the Education Welfare Service following advice from Central Government and Public Health England.

**PENALTY NOTICES** 

# **CODE OF CONDUCT**

Derbyshire County Council Children's Services

# CHILDREN'S SERVICES

# PENALTY NOTICES

# Code of Conduct under the Provisions of the Education (Penalty Notices) Regulations 2007 (as amended) and Section 23 of the Anti-Social Behaviour Act 2003 (as amended)

#### CONTEXT

- 1. Parents have a legal obligation to ensure that their child receives efficient full-time education suitable to the child's age, ability, aptitude and to any special educational needs the child may have. Derbyshire County Council (DCC) therefore has a statutory obligation to challenge parents who are failing in their duty and this includes a range of legal powers to intervene. The principal aim of these interventions is to ensure that children attend school regularly and punctually so that they can benefit fully from the educational opportunities presented by their school.
- 2. The Anti-Social Behaviour Act 2003 introduced legislation for local authorities to issue penalty notices to the parents of pupils who have unauthorised absence from school. Penalty notices offer the opportunity for early intervention to prevent parentally condoned absence before it becomes entrenched.

# **PURPOSE**

- 3. The purpose of this Code of Conduct is to ensure that:
  - The powers available under the legislation are applied fairly and consistently across the county and
  - Suitable arrangements are in place for the smooth administration of the penalty notice scheme

This Code sets out the principles on which DCC operates these powers.

2

# LEGISLATION AND GUIDANCE

#### Legal Basis for Issuing Penalty Notices<sup>1</sup>

- 4. The Anti-Social Behaviour Act 2003, section 23, sub-section (1) added two new sections (444A and 444B) after section 444 of the Education Act 1996. These new sections introduced penalty notices as an alternative to prosecution under section 444 and enable parents to discharge potential liability for conviction for that offence by paying a penalty. The offence of irregular attendance under section 444 of the Education Act 1996 has not changed.
- 5. The parent cannot be prosecuted for the particular offence for which the notice was issued until after the final deadline for payment has passed (28 days<sup>2</sup> after receipt of the notice) and cannot be convicted of that offence if they pay a penalty in accordance with the notice.
- 6. The penalty is £120 if paid within 28 days of receipt of the notice, reducing to £60 if paid within 21 days of receipt of the notice. (A notice served by post is deemed to have been received on the second working day after posting if sent by first class, or by delivering it to the parent, or by leaving it at the parent's usual or last known place of residence). If the penalty is not paid in full by the end of the 28 days, the LA must either prosecute for the offence to which the notice applies or withdraw the notice (which can only be done in limited circumstances). Unlike other penalty notice schemes, the prosecution is not for non-payment of the notice. If there is a prosecution, it will follow the usual procedures of a prosecution for irregular attendance. Prosecutions will be brought by the LA under section 444 of the Education Act 1996.

# **Definitions**

7. For the purpose of the Code, the following legal definitions will apply:

# Compulsory School Age

A pupil is of compulsory school age from the beginning of the school term commencing on or after a child's fifth birthday until the last Friday in June of the school year in which the pupil becomes sixteen years of age.

<sup>&</sup>lt;sup>1</sup> School attendance - parental responsibility measures. Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police – January 2015 <sup>2</sup> "days" refers to calendar days within this document unless otherwise indicated

#### Parent

A parent is:

- Any natural parent, whether married or not
- Any parent who, although they are not a natural parent, has parental responsibility (as defined in the Children Act 1989) for a child or young person
- Any person who, although not a natural parent, has care of a child or young person. Having care of a child or young person means that a person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child, is considered to be a parent in education law.

References to 'parent' within the Code mean each and every parent coming within this definition, whether acting jointly or separately.

#### Unauthorised Absence

Unauthorised absence is any absence that does not fall within the prescribed reasons for authorisation<sup>3</sup>. One unauthorised absence refers to a half-day session or part of a half-day session, where the child either fails to attend or arrives after the close of registration.

#### Other Provisions

 In addition to the Anti-Social Behaviour Act 2003, a range of other legal provisions apply to the issuing of penalty notices. The Code takes account of these provisions, which are set out at Appendix 1 and must be adhered to.

# CIRCUMSTANCES WHEN A PENALTY NOTICE MAY BE ISSUED

- 9. A penalty notice may be issued under any of the following circumstances:
  - If a child is absent from school, during term-time, in order to take leave without the permission of the headteacher
  - If a child has unauthorised absence from school, meets the referral criteria and their parent has failed to improve the situation
  - If a child is persistently late for school, after the close of register, and this absence is marked as unauthorised.

<sup>&</sup>lt;sup>3</sup> School attendance - Guidance for maintained schools, academies, independent schools and local authorities – July 2019

 If a child, who has been excluded from school, is seen in a public place, without adult supervision, in school time during the first 5 days of a fixed period of exclusion or a permanent exclusion.

Education Welfare managers have the discretion to identify other circumstances where a penalty notice may be used as a suitable intervention.

# Unauthorised leave in term-time

- 10. The Education (Pupil Registration) (England) 2006 Regulations (as amended by the Education (Pupil Registration) (England) (Amendment) Regulations 2013) states that headteachers cannot grant leave of absence during term-time, including holidays, unless there are exceptional circumstances. If leave is granted, headteachers should determine the number of school days a child can be away from school. All schools and academies should have a published policy statement which outlines the schools expectations for attendance.
- 11. Headteachers should consider each request for leave on a caseby-case basis and use the information provided at the time to determine if the reason given meets their criteria for exceptional circumstances.
- 12. In declining any request for leave of absence to be taken in termtime, the headteacher should formally notify parents that not only will the absence be categorised as unauthorised but also that each parent may be served with a penalty notice for each child.
- 13. Headteachers are expected to abide by the regulations and request the issue of a penalty notice when a child takes leave of absence from school without prior permission.
- 14. The education welfare service can serve a penalty notice for any period of leave during term-time that has not been authorised by the headteacher. This is regardless of a child's wider school attendance.
- 15. There is no requirement for the LA to issue a formal warning in advance of a penalty notice for leave in term-time being issued.
- 16. Where there is more than one person liable for the offence, a separate notice may be issued for each person.

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# Unsatisfactory School Attendance

- 17. Where the issue of a penalty notice is being considered by a school or academy for unsatisfactory school attendance, parents must be issued with a warning letter stating that failure to improve attendance will result in a penalty notice and may lead to prosecution. The warning letter will indicate the period of time over which improvement is expected (minimum 15 school days) in a prescribed format and will advise on how to make representations to the school. Note: These procedures will not apply in cases of unauthorised leave of absence taken during term-time.
- 18. Prior to issuing a penalty notice warning letter schools and academies must ensure that the persistent absence threshold is met with the child's attendance register showing at least 5 sessions of unauthorised absence in the previous 5 weeks
- 19. Before the education welfare service considers a request for the issue of a penalty notice for unsatisfactory school attendance from a school or academy they must satisfy themselves of the following:
  - The threshold criteria was met at the point the penalty warning letter was issued
  - There is evidence to show that a school or academy has made reasonable attempts to contact the parent to offer support to improve the situation prior to issuing the penalty notice warning letter.
  - The parent has been made aware of their legal responsibilities in relation to school attendance.
  - There is evidence to show that the parent has failed to engage meaningfully with the school or academy.
  - There has been no significant improvement in the child's attendance, during the period of time stipulated in the penalty notice warning letter, calculated on the basis of unauthorised absence only.
  - The school or academy has consulted with other agencies supporting the family about the possibility of legal proceedings
  - There is an up-to-date attendance record available which shows that the absences have been marked as unauthorised and indicates the reason why.
  - There are no current legal proceedings which would preclude the issue of a penalty notice.

# Excluded Child Found in a Public Place

- 20. Before the education welfare service considers a request for the issue of a penalty notice in respect of a child found unsupervised in a public place during school hours, during the first 5 school days of a fixed term or permanent exclusion, they must satisfy themselves of the following:
  - The parent has been made aware, by letter, of their duty to ensure their child is not present in a public place
  - There is a signed statement from the referrer clearly detailing the circumstances of the case

### Other Circumstances

21. Where a request for the issue of a penalty notice is received for other circumstances education welfare managers will require evidence to show that the reason for issue is appropriate.

# PROCEDURES

#### **Issuing Penalty Notices**

- 22. The procedures for issuing penalty notices fall within an established framework operated by the education welfare service who undertake careful assessment of referrals to agreed standards with appropriate documentation.
- 23. Where the criteria for unauthorised absence has been met, a penalty notice will be issued unless:
  - The parent is able to evidence that one or more of the following circumstances apply:
    - > The child's absence is authorised
    - The child was sick and satisfactory medical evidence is provided
    - > The day is set apart for religious observance
    - Other unavoidable cause
- 24. The issuing of penalty notices is a central administrative function. This avoids the possibility of parents receiving penalty notices from more than one source for the same period of unauthorised absence. Also, as the LA must retain the revenue generated by the scheme to fund its operation, it would be unreasonable to expect schools or the police to bear the burden of responsibility for issuing notices and the associated costs.

- 25. Penalty notices will be issued by first class post.
- 26. No parent will be issued with more than two penalty notices per child in any one twelve month period. Thereafter, parents may be liable to other statutory action.

#### Monitoring and Taking Legal Proceedings

- 27. The education welfare service will monitor all cases where penalty notices have been issued to ensure that:
  - There is no duplication
  - The maximum number to be issued, i.e. two per child per parent in any twelve month period, is not exceeded.
- 28. The education welfare service will keep a record of:
  - All penalty notices issued
  - All payments made and on what dates
  - Whether the notice was withdrawn and on what grounds
  - Whether or not the recipient was prosecuted for the offence for which the notice was issued.

The education welfare service will notify schools and academies of the outcome.

- 29. Payment of a penalty notice will discharge liability for prosecution for the offence to which the notice relates. Where, however, a penalty notice is not paid within the prescribed period in the notice, prosecution may be instigated. Prosecution will be brought under Section 444 of the Education Act 1996.
- 30. The education welfare service will be responsible for managing the processes required for statutory action.
- 31. If a penalty notice is not paid, the LA will use the fact that a notice was issued and unpaid in any prosecution arising from the non-attendance. payment.
- 32. The LA will not use evidence of penalty notices that have been issued and paid except as permitted by sections 101 to 106 of the Criminal Justice Act 2003. This includes, for example, the use of such evidence where:

- It has been agreed by all parties
- It is necessary to contradict a false impression given by the defendant
- The defendant attacks the character of another person.

#### Revenue

- 33. Penalty notices are issued in a prescribed format. Parents will be able to make payment through a variety of methods specified in the notice. The revenue will be collected and managed by the LA's Finance division.
- 34. There is:
  - No reminder of non-payment
  - No opportunity to pay in instalments and
  - No right of appeal.

Failure to pay may result in prosecution.

35. The education welfare service will produce an annual audited statement of revenue collected from penalty notices. The revenue will be used to cover the costs of administering the scheme or bringing a prosecution arising from non-payment. Regulation 23 of the Education (Penalty Notices) (England) Regulations 2007 states that revenue not so used must be paid to the Secretary of State.

# WITHDRAWAL

- 36. The LA will only withdraw a penalty notice in the following circumstances:
  - Where it ought not to have been issued (i.e. where it has been issued outside the terms of this Code or where no offence has been committed); or
  - Where it has been issued to the wrong person; or
  - It appears to the LA that the notice contains material errors.

If a parent believes that one or more of these circumstances apply, then the parent should contact the LA immediately with evidence to that effect. If the evidence clearly demonstrates that the penalty notice was issued in error, then the LA will issue a Notice of Withdrawal.

The LA will issue a Notice of Withdrawal to the recipient and any amount paid by way of penalty in pursuance of that notice shall be repaid to the

payee. No proceedings shall be instituted or continued against the recipient for the offence in connection with which the withdrawn notice was issued or for an offence under section 444(1) of the Education Act 1996 arising out of the same circumstances.

# EQUALITIES

37. The LA will monitor the procedures for issuing penalty notices to ensure that they are applied fairly and consistently in accordance with the Human Rights Act 1998 and the Equality Act 2010 as well as other relevant legislation, regulations and statutory guidance.

Revised October 2019

# **APPENDIX 1**

### LEGISLATION AND GUIDANCE

Children Act 1989

Education Act 1996

Crime and Disorder Act 1998

Human Rights Act 1998

Anti-Social Behaviour Act 2003

Criminal Justice Act 2003

The Education (Pupil Registration) (England) Regulations 2006

The Education (Penalty Notices) (England) Regulations 2007

Equality Act 2010

The Education (Pupil Registration) (England) (Amendment) Regulations 2013 The Education (Penalty Notices) (England) (Amendment) Regulations 2013

School Attendance – parental responsibility measures. Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police - January 2015

Data Protection Act 2018

School Attendance – Guidance for maintained schools, academies, independent schools and local authorities - July, 2019

# Commissioning, Communities and Policy Officer Decisions Index

Date of Decision	Officer Decision	Cabinet Report
27/3/20	Temporary Closure of the Registration Service offices (CCPODR1)	Access to registration Offices by Members of the Public (CCPREP1)
27/3/20	Members Community Leadership Scheme Extension (CCPODR2)	Members Community Leadership Scheme (CCPREP2)
30/3/20	Advanced payment of pension contributions (CCPODR3)	Advanced Payment of Pension Contributions Proposal (CCPREP3)

# OFFICER DECISION RECORD

Officer: Emma Alexander (Sandy McManus, Service: Registration (CCP)		
Supt Registrar)		
Delegated Power Being Exercised:		
Emergency Powers Subject of Decision:	Access to Registration Offices by members of the public	
	Access to Registration Onices by members of the public	
Key decision?	yes	
Decision Taken(specify precise details):		To close Registration Offices to the public on a temporary basis and to facilitate registration of deaths and still births by telephone in accordance with Schedule 12 of the emergency Coronavirus Act.
		The Registration Service is proposing changes to existing services for a temporary period in light of the impact of the Coronavirus.
		The nature of the registration offices in the County is such that the staff work in close proximity to members of the public and consequently cannot observe the new social distancing requirements.
		The GRO has confirmed that the emergency legislation grants permission to remove the requirement for a death or still birth informant to attend and provide details in person and the requirement for them to sign the register where a local authority can no longer offer face to face service registration or where this is needed by way of additional contingency.
		In addition, the General Register Office (GRO) has instructed that birth registrations should now be deferred until we are through the current pandemic period. The restrictions will also apply to notices of marriage or civil partnership or to provide re-registration or correction appointments.
		The instruction to cease birth registrations could potentially will adversely affect families who may struggle on hardship grounds). GRO have advised that new parents can now make a claim for child benefit or universal credit prior to the birth being registered, where they have not been able to do so because of our offices being closed to the public).

	Accordingly, it is proposed on a temporary basis, to close all Registration Offices to the public and, in line the Government's instructions, to cancel all wedding, civil partnership and citizenship ceremonies until further notice. If agreed, the death registration process will be changed to telephone death registrations as is
	permitted by the emergency legislation. The GRO has issued detailed information supporting the changes, prior to the commencement of telephone appointments. The change will be appropriately publicised.
	Were these proposals to be agreed it is the intention in the medium term to have most Registrars working from home when equipped with the necessary laptop and mobile phone.
Alternative Options Considered (if appropriate)	Continuance of current practices is not considered feasible for the reasons set out in this.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Legal basis set out above. There will be some loss of income involved which cannot be quantified at this stage.
Consultation with relevant Cabinet Member (s)	Yes, Councillor Carol Hart, Cabinet Member for Health and Communities
Decision:	
Signature and Date:	

## CABINET

## 23 April 2020

## Report of the Executive Director for Commissioning, Communities and Policy

## ACCESS TO REGISTRATION OFFICES BY MEMBERS OF THE PUBLIC

#### 1. Purpose of the Report

To report on the approval to close, if necessary as a contingency, Registration Offices to the public on a temporary basis and to facilitate registration of deaths and still births by telephone in accordance with Schedule 12 of the Coronavirus Act.

## 2. Information and Analysis

The Registration Service proposed changes to existing services for a temporary period in light of the impact of the Coronavirus. The nature of the registration offices in the County is such that the staff work in close proximity to members of the public and consequently could not observe the new social distancing requirements.

Registration staff had expressed concerns as to their personal health and safety, especially as regards the personal attendance of relatives to report deaths which may be linked to Coronavirus. Legally Registrars are obliged to register a death if asked to do so.

Accordingly, it was proposed on a temporary basis and if necessary, to close all Registration Offices to the public and, in line the Government's instructions, to cancel all wedding, civil partnership and citizenship ceremonies until further notice.

In addition, the General Register Office (GRO) had instructed that birth registrations should be deferred until we were through the current pandemic period. The restrictions would also apply to notices of marriage or civil partnership or to provide re-registration or correction appointments. The instruction to cease birth registrations could potentially would adversely affect families who may struggle on hardship grounds). GRO had advised that new parents can now make a claim for child benefit or universal credit prior to the birth being registered, where they have not been able to do so because of our offices being closed to the public).

The death registration process would be changed to allow telephone death registrations as was now permitted by the emergency legislation. The GRO will issue detailed information supporting the changes, prior to the commencement of telephone appointments. It was the intention was to have the majority of Registrars equipped to work from home when equipped with the necessary laptop, mobile phone this would be the subject of a further report and decision.

The decision was approved on 27 March 2020.

Subsequent to the decision, the Registration Service has taken delivery of 30 laptops which will facilitate staff working from home and taking death registrations if necessary.

At the time of writing however, all but one (Ashbourne) of the Registration Offices have been able to remain open whilst observing the correct social distancing protocols. If however, staff became affected at any of the offices, it would be necessary for staff to work from home in order to maintain the death registration service at this difficult time.

## 3. Legal Considerations

Birth and Death registration regulations currently required personal attendance to register a birth or death. It is possible that the temporary change of practice could be challenged by an individual. The GRO has been consulted and does not object to the proposal. The Coronavirus bill will provide a statutory basis for the measures detailed regarding deaths.

## 4. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

## 5. Officer's Recommendation

That Council note the decision taken to close Registration Offices if necessary and also to note the current position.

EMMA ALEXANDER Executive Director for Commissioning, Communities and Policy

## OFFICER DECISION RECORD

Officer: Paul Stone, Assi Finance (Financial Mana		Service: Finance & ICT					
Delegated Power Being E	Exercised: Change to Co	ommunity Leadership Scheme					
Subject of Decision:	Member's Community	Leadership Scheme					
Key decision?	Yes, affects more than	one ward					
Decision Taken(specify p details):	recise The memb each of ou which can Organisati contact th the project	pers' Community Leadership Scheme allocates to or 64 county councillors an annual fund of £3,860 be used to support projects in their division. ons seeking support under the scheme should eir local county councillor explaining the nature of t, the amount sought, what other funding may be and how it will benefit the community.					
	It is for the	The scheme is designed to meet one-off costs. It is for the local county councillor to recommend which projects should be supported under the scheme.					
	brought fo	l of each financial year, the unspent balance is prward to the next financial year and a 'new year' £3,860 is allocated.					
	proposed year balar unspent b additional Member t total alloc	t communities in these unprecedented times it is that if the Member spends their 2020/21 current ice anytime before 1 December 2020 (plus any alance brought forward from previous years), an allocation of £3,860 will be provided to that o support further projects. Subject to a maximum ation of £1,000 being available for the period 1 021 to the 31 March 2021					
Reasons for the Decision all reasons for taking the including where necessa reference to Council poli	decisions local comm ry with the re	e Members with the opportunity to support their nunities throughout the Covid-19 crisis and assist ecovery and delivery of social, economic, health, ental and cultural services to support quality of life nities.					
Alternative Options Cons appropriate)	``	continue to receive their current allocations for nd roll forward any outstanding balances to the cial year.					
Background/Reports/Info considered and attached		onal costs will be met from General Reserve.					

Personnel, Financial Implications etc)	
Consultation with relevant Cabinet	Not yet.
Member (s)	
Decision:	
Signature and Date:	

## CABINET

## 23 April 2020

## Report of the Executive Director for Commissioning, Communities and Policy

## MEMBERS' COMMUNITY LEADERSHIP SCHEME

## 1. Purpose of the Report

To allocate additional resources to the Members' Community Leadership Scheme (MCLS) to enable Members to support local communities during the unprecedented circumstances arising from the Covid-19 pandemic.

## 2. Information and Analysis

The Scheme allocates to each of the 64 County Councillors an annual fund of £3,860 which can be used to support local projects and activities in their Divisions.

At the end of each financial year (except an election year), any unspent balance is carried forward to the next financial year and a 'new year' balance of £3,860 is allocated.

To support communities in these unprecedented times it was proposed and agreed that, if the Member spends their 2020-21 current year balance any time before 1 December 2020 (plus any unspent balance brought forward from previous years), an additional allocation of £3,860 will be provided to that Member to provide Members with the opportunity to support their local communities throughout the Covid-19 crisis and assist with the recovery and delivery of social, economic, health, environmental and cultural services to support quality of life in communities. The normal rules for the Scheme do not allow funds to be used for on-going running costs. However, given the current circumstances, it has been agreed that the Scheme can be used to support such costs provided that factors such as Business Rates which are already covered by Government measures to support organisations through the crisis for the period of the lockdown.

It is also agreed that as 2021 is an election year, that the additional allocations of funds will not be made after 1 December 2020 and furthermore, it is agreed that all Members MCLS accounts will be "capped" at £1,000 on 1 December 2020. This will ensure that all Members have an equitable amount to spend in the last quarter of the 2020-21 financial year. Any un-allocated balances over £1,000 at 1 December 2020, will be lost. If a Member has less than £1k in balances at 1 December, the balance will not be made up to £1k.

Since the changes to the Scheme, 13 applications have been received and approved which are aimed at supporting local organisations and activities related to Covid-19.

## 3. Financial Considerations

The potential total costs of the additional MCLS allocation of £247k would be met from the General Reserve.

## 4. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, legal, property and transport considerations.

## 5. Officer's Recommendation

That Council note the decision taken amend the provisions of the MCLS.

EMMA ALEXANDER Executive Director for Commissioning, Communities and Policy

## OFFICER DECISION RECORD

Officer: Paul Stone, Assi		or of	Service: Finance & ICT				
Finance (Financial Mana	gement)						
Delegated Power Being	Exercised: K	ey decision as	s results in a saving greater than £500k				
Subject of Decision:	of Decision: Advanced payment of pension contributions.						
Key decision?	Yes						
Decision Taken(specify p details):	orecise	the 30 April for the Cour	eed with the proposed lump sum payment on 2020 to the Derbyshire Pension Fund (the Fund) ncil's employer contributions, in full, for the ril 2020 to 31 March 2023.				
		<ul> <li>Instead, to make separate lump sum payments to the Fund for the Council's employer contributions, in full, as follows:</li> <li>1. On 30 April 2020 for the period: 1 April 2020 to 31</li> <li>March 2021</li> <li>2. On 30 April 2021 for the period: 1 April 2021 to 31</li> <li>March 2022 (optional)</li> <li>3. On 30 April 2022 for the period: 1 April 2022 to 31</li> <li>March 2023 (optional)</li> </ul>					
Reasons for the Decision all reasons for taking the including where necessa reference to Council pol	e decisions iry	<ul> <li>To preserve liquidity of cash flow during the time period affected by the Covid-19 response.</li> <li>To give the Council head-room to take on additional external borrowing in response to Covid-19, within the scope of its powers under the Prudential Framework.</li> <li>To dilute the risk to the returns on the Council's investment in the Fund at a time of significant market uncertainty.</li> <li>The original proposal relied to some extent on loans from other local authorities. Currently, lending between these authorities appears to be less available at attractive rates of interest, partly in reaction to uncertainty created by Covid-19.</li> </ul>					
Alternative Options Cons appropriate)	sidered (if	<ol> <li>Proceed with the original proposal to make the full contribution of £166.9m on 30 April 2020 covering the entire period 1 April 2020 to 31 March 2023. The proposal could have entailed borrowing up to £110m in April 2020, with the consequent risks as detailed above. The Council may eventually have benefited more by making the full three-year payment in advance if it proves to have invested at a low point in the market, however it represents a greater risk if markets are slow to recover.</li> <li>Continue with current arrangements and do not make any advanced payment of employer pension contributions. This risks missing the opportunity to invest at</li> </ol>					

	a time that appears to be a low point in the market and consequently to miss the chance to benefit from significant capital growth following the Covid-19 response. This option would not deliver any of the savings assumed when the Council's budget was set and its Five Year Financial Plan was last reviewed.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Based on paying the full contributions for each of the years separately, on the 30th April, then the expected saving is £2.334m (rather than £5.199m under the original proposal) over the entire three year period.
	No external borrowing is now required. But there is still an opportunity cost of using cash balances the Council would otherwise have invested. It is still assumed that the Council could have earned interest at an average rate of 1% on these balances.
	Estimates of the financial impacts are provided in the Appendices to this report.
	The following assumptions have been made when preparing these estimates:
	• The cost of payroll will increase by 3% each year over the period to 31 March 2023.
	• The Fund is likely to earn investment returns of 3.6% each year.
	• Lump sum prepayments would be made during March 2020, March 2021 and March 2022 (i.e. 0.5 years earlier on average than had contributions been paid by monthly instalments) for financial years 2020-21, 2021-22 and 2022 23. The Actuary has confirmed that its
	calculations apply if the payment date is within three months of March 2020 and in practice the Council would
Consultation with relevant Cabinet	make the payment at the end of April each year. Yes. Cllr Lewis has been advised of change from original
Member (s)	proposal considered by Cabinet on 16 March 2020.
Decision:	
Signature and Date:	

## Cash Saving

	£m
Estimated Contributions due for 2020-21 to 2022-23 (based on the total certified rate)	175.959
LESS: Total of Lump Sum prepayments paid in each	
of 2020-21 to 2022-23	-172.875
Cash Saving before Finance Costs	3.084
LESS: Interest Costs	
Investment interest foregone	-0.750
Cash Saving	2.334

## Expected Profile of Savings

	2020-21 £m	2021-22 £m	2022-23 £m	TOTAL £m
Average 21.08% all-in contribution rate	56.928	58.635	60.395	175.958
Average 20.72% all-in contribution rate	-55.930	-57.608	-59.336	-172.874
Reduction in cost to budgets of Pension				
Contributions Reduction in Interest	0.998	1.027	1.059	3.084
Receivable on Internal Balances	-0.254	-0.250	-0.246	-0.750
Saving / (Cost)	0.744	0.777	0.813	2.334

	Variables		Outputs			Variance from Standard					Expected Values		
Base Rate Increase	Payroll Growth	Pension Fund Average Investment Returns	Cash Saving/ (Cost)	Surplus/ (deficit) in contributions reducing/ increasing Net Pension Liability	Total Net Economic Benefit/ (Cost)	Effect on Total Cash Saving over 3 years: (Reduction)/ Increase in Saving	Effect on Net Pension Liability after 3 years: (Increase)/ Reduction in Liability	Total Effect on Net Economic Benefit/ (Cost)	Probability	Effect on Total Cash Saving over 3 years: (Reduction)/ Increase in Saving	Effect on Net Pension Liability after 3 years: (Increase)/ Reduction in Liability	Total Effect on Net Economic Benefit/ (Cost)	
			£	£	£	£	£	£		£	£	£	
-0.25% per yr			2,519,641.96	0.00	2,519,641.96	185,744.03	0.00	185,744.03	30.0%	55,723.21	0.00	55,723.21	
0.00% per yr			2,333,897.93	0.00	2,333,897.93	0.00	0.00	0.00	45.0%	0.00	0.00	0.00	
0.25% per yr			2,148,153.91	0.00	2,148,153.91	-185,744.03	0.00	-185,744.03	19.0%	-35,291.37	0.00	-35,291.37	
0.50% per yr			1,962,409.88	0.00	1,962,409.88	-371,488.06		-371,488.06	5.0%	-18,574.40	0.00	-18,574.40	
0.75% per yr			1,776,665.85	0.00	1,776,665.85	-557,232.09	0.00	-557,232.09	1.0%	-5,572.32	0.00	-5,572.32	
	2.0% per yr		-1,417,328.76	3,685,475.00	2,268,146.24	-3,751,226.69	3,685,475.00	-65,751.69	2.5%	-93,780.67	92,136.88	-1,643.79	
	2.5% per yr		448,049.33	1,852,794.00	2,300,843.33	-1,885,848.60	1,852,794.00	-33,054.60	40.0%	-754,339.44	741,117.60	-13,221.84	
	3.0% per yr		2,333,897.93	0.00	2,333,897.93	0.00	0.00	0.00	50.0%	0.00	0.00	0.00	
	3.5% per yr		4,240,368.23	-1,873,054.00	2,367,314.23	1,906,470.30		33,416.30	5.0%	95,323.51	-93,652.70	1,670.81	
	4.0% per yr		6,167,612.00	-3,766,516.00	2,401,096.00	3,833,714.06	, ,	67,198.06	2.5%	95,842.85	-94,162.90	1,679.95	
		7.0%	2,333,897.93	2,768,792.00	5,102,689.93	0.00	2,768,792.00	2,768,792.00	1.0%	0.00	27,687.92	27,687.92	
		6.5%	2,333,897.93	2,369,947.00	4,703,844.93	0.00	,,	2,369,947.00	2.5%	0.00	59,248.68	59,248.68	
		6.0%	2,333,897.93	1,968,285.00	4,302,182.93	0.00		1,968,285.00	3.5%	0.00	68,889.98	68,889.98	
		5.5%	2,333,897.93	1,563,771.00	3,897,668.93	0.00	,,	1,563,771.00	4.5%	0.00	70,369.70	70,369.70	
		5.0%	2,333,897.93	1,156,371.00	3,490,268.93	0.00			5.5%	0.00	63,600.41	63,600.41	
		4.5%	2,333,897.93	746,050.00	3,079,947.93	0.00	746,050.00	746,050.00	15.0%	0.00	111,907.50	111,907.50	
		4.0%	2,333,897.93	332,773.00	2,666,670.93	0.00	,	332,773.00	15.0%	0.00	49,915.95	49,915.95	
		3.6%	2,333,897.93	0.00	2,333,897.93	0.00	0.00	0.00	15.0%	0.00	0.00	0.00	
		3.0%	2,333,897.93	-502,790.00	1,831,107.93	0.00	-502,790.00	-502,790.00	15.0%	0.00	-75,418.50	-75,418.50	
		2.5%	2,333,897.93	-925,149.00	1,408,748.93	0.00			15.0%	0.00	-138,772.35	-138,772.35	
		2.0%	2,333,897.93	-1,350,610.00	983,287.93	0.00	,,	<i>, ,</i>	5.0%	0.00	-67,530.50	-67,530.50	
		1.5%	2,333,897.93	-1,779,211.00	554,686.93	0.00	-1,779,211.00	-1,779,211.00	3.0%	0.00	-53,376.33	-53,376.33	
	= Standard assur	ned in model						E	xpected Value:	-660,668.62	761,961.32	101,292.69	
										Cash Saving/ (Cost)	Surplus/ (deficit) in contributions reducing/ increasing Net Pension Liability	Total Net Economic Benefit/ (Cost)	
										£	£	£	
									ndard Outputs:	2,333,897.93	0.00	2,333,897.93	
								Adjustment for Ex		-660,668.62	761,961.32	101,292.69	
								Expe	cted Outputs:	1,673,229.31	761,961.32	2,435,190.63	

				Reduction in		Interest Payable	Reduction in		
				Employer	Interest Payable	on Local	Interest	Net Cash	Cumulative
Month	Lump Sum	PWLB	Local Authority	Contributions	on PWLB	Authority	Received on	(Out)/In Flow for	Cash (Out)/Ir
Ending	Prepayment	Borrowing	Borrowing	Payable	Borrowing	Borrowing	Balances	Month	Flow
	£	£	£	£	£	£	£	£	£
30/04/2020	-56,379,340.00	0.00	0.00	4,782,099.58				-51,597,240.42	-51,597,240.42
31/05/2020				4,782,099.58			-42,997.70	4,739,101.88	-46,858,138.54
30/06/2020				4,782,099.58			-39,012.62	4,743,086.97	-42,115,051.57
31/07/2020				4,782,099.58			-35,027.53	4,747,072.05	-37,367,979.52
31/08/2020				4,782,099.58			-31,042.45	4,751,057.13	-32,616,922.39
30/09/2020				4,782,099.58			-27,057.37	4,755,042.21	-27,861,880.18
31/10/2020				4,782,099.58			-23,072.29	4,759,027.30	-23,102,852.88
30/11/2020				4,782,099.58			-19,087.20	4,763,012.38	-18,339,840.50
31/12/2020				4,782,099.58			-15,102.12	4,766,997.46	-13,572,843.04
31/01/2021				4,782,099.58			-11,117.04	4,770,982.55	-8,801,860.49
28/02/2021				4,782,099.58			-7,131.95	4,774,967.63	-4,026,892.86
31/03/2021				4,782,099.58			-3,146.87	4,778,952.71	752,059.85
30/04/2021	-57,612,809.00		0.00	4,886,722.57	0.00	0.00	0.00		-51,974,026.58
31/05/2021				4,886,722.57			-43,100.19	4,843,622.38	-47,130,404.20
30/06/2021				4,886,722.57			-39,027.92	4,847,694.65	-42,282,709.55
31/07/2021				4,886,722.57			-34,955.66	4,851,766.91	-37,430,942.64
31/08/2021				4,886,722.57			-30,883.39	4,855,839.18	-32,575,103.46
30/09/2021				4,886,722.57			-26,811.12	4,859,911.45	-27,715,192.00
31/10/2021				4,886,722.57			-22,738.85	4,863,983.72	-22,851,208.28
30/11/2021				4,886,722.57			-18,666.58	4,868,055.99	-17,983,152.29
31/12/2021				4,886,722.57			-14,594.31	4,872,128.26	-13,111,024.03
31/01/2022				4,886,722.57			-10,522.04	4,876,200.53	-8,234,823.50
28/02/2022				4,886,722.57			-6,449.77	4,880,272.80	-3,354,550.71
31/03/2022				4,886,722.57			-2,377.50	4,884,345.07	1,529,794.36
30/04/2022	-58,883,283.00	0.00		4,994,484.25	0.00		0.00	-53,888,798.75	-52,359,004.40
31/05/2022				4,994,484.25			-43,212.57	4,951,271.68	-47,407,732.72
30/06/2022				4,994,484.25			-39,050.50	4,955,433.75	-42,452,298.97
31/07/2022				4,994,484.25			-34,888.43	4,959,595.82	-37,492,703.15
31/08/2022				4,994,484.25			-30,726.36	4,963,757.89	-32,528,945.26
30/09/2022				4,994,484.25			-26,564.29	4,967,919.96	-27,561,025.30
31/10/2022				4,994,484.25			-22,402.22	4,972,082.03	-22,588,943.27
30/11/2022				4,994,484.25			-18,240.15	4,976,244.10	-17,612,699.17
31/12/2022				4,994,484.25			-14,078.08	4,980,406.17	-12,632,293.00
31/01/2023				4,994,484.25			-9,916.01	4,984,568.24	-7,647,724.76
28/02/2023				4,994,484.25			-5,753.94	4,988,730.31	-2,658,994.45
31/03/2023				4,994,484.25			-1,591.87	4,992,892.38	2,333,897.93

Public

## **CCPREP3**

## DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## **Report of the Director of Finance and ICT**

## ADVANCED PAYMENT OF PENSION CONTRIBUTIONS PROPOSAL (STRATEGIC LEADERSHIP, CULTURE AND TOURISM)

## 1 Purpose of the Report

To note and approve the Urgent Officer Decision made by Corporate Management Team Gold on 30 March 2020.

## 2 Information and Analysis

On 16 March 2020, Cabinet approved the Council making a lump sum payment to the Derbyshire Pension Fund, of its Local Government Pension Scheme employer contributions, in full, for the period 1 April 2020 to 31 March 2023.

In light of the uncertainty in the financial markets as a result of the worldwide Covid-19 pandemic and to support the Council's cashflow position during the period of financial instability, it was proposed not to proceed with the proposed lump sum payment on the 30 April 2020. This would been a payment to the Derbyshire Pension Fund (the Fund) for the Council's employer contributions, in full, for the period 1 April 2020 to 31 March 2023.

Instead, it is proposed to make separate lump sum payments to the Fund for the Council's employer contributions, in full, as follows:

1. On 30 April 2020 for the period: 1 April 2020 to 31 March 2021

2. On 30 April 2021 for the period: 1 April 2021 to 31 March 2022 (optional)

3. On 30 April 2022 for the period: 1 April 2022 to 31 March 2023 (optional)

In making the payments set out above, it would help:

• To preserve liquidity of cash flow during the time period affected by the Covid-19 response.

• To give the Council head-room to take on additional external borrowing in response to Covid-19, within the scope of its powers under the Prudential Framework.

• To dilute the risk to the returns on the Council's investment in the Fund at a time of significant market uncertainty.

The original proposal relied to some extent on loans from other local authorities. Currently, lending between these authorities appears to be less available at attractive rates of interest, partly in reaction to uncertainty created by Covid-19.

The Council considered other options available to it which included:

- 1. Proceed with the original proposal to make the full contribution of £166.9m on 30 April 2020 covering the entire period 1 April 2020 to 31 March 2023. The proposal could have entailed borrowing up to £110m in April 2020, with the consequent risks as detailed above. The Council may eventually have benefited more by making the full three-year payment in advance if it proves to have invested at a low point in the market, however it represents a greater risk if markets are slow to recover.
- 2. Continue with current arrangements and do not make any advanced payment of employer pension contributions. This risks missing the opportunity to invest at a time that appears to be a low point in the market and consequently to miss the chance to benefit from significant capital growth following the Covid-19 response. This option would not deliver any of the savings assumed when the Council's budget was set and its Five Year Financial Plan was last reviewed.

## 3 Financial Considerations

Based on paying the full contributions for each of the years separately, on the 30th April, then the expected saving is £2.334m (rather than £5.199m under the original proposal) over the entire three year period.

No external borrowing is now required. But there is still an opportunity cost of using cash balances the Council would otherwise have invested. It is still assumed that the Council could have earned interest at an average rate of 1% on these balances.

Estimates of the financial impacts are provided in the Appendices to this report.

The following assumptions have been made when preparing these estimates:

- The cost of payroll will increase by 3% each year over the period to 31 March 2023.
- The Fund is likely to earn investment returns of 3.6% each year.
- Lump sum prepayments would be made during March 2020, March 2021 and March 2022 (i.e. 0.5 years earlier on average than had contributions been paid by monthly instalments) for financial years 2020-21, 2021-22 and 2022Page 22The Actuary has confirmed that its

calculations apply if the payment date is within three months of March 2020 and in practice the Council would make the payment at the end of April each year.

## **3** Other Considerations

In preparing this report the relevance of the following factors has been considered: legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, transport and social value considerations.

## 4 Background Papers

Yes

Advanced Payment of Pension Contributions Proposal – Cabinet 16 March 2020

## 5 Key Decision

Yes

## 6 Is it necessary to waive the call-in period?

No

## 7 Officer's Recommendation

That Cabinet notes the details of the Urgent Officer Decision made on 30 March 2020 and approves the proposal to make three separate lump sum payments to the Derbyshire Pension Fund for each of the next three financial years commencing 30 April 2020.

## PETER HANDFORD

Director of Finance

## Public Appendix One

## Cash Saving

	£m
Estimated Contributions due for 2020-21 to 2022-23 (based on the total certified rate)	175.959
LESS: Total of Lump Sum prepayments paid in each	
of 2020-21 to 2022-23	-172.875
Cash Saving before Finance Costs	3.084
LESS: Interest Costs	
Investment interest foregone	-0.750
In <del>v</del> estment interest foregone ຼຼຸຼ <b>Cອີsh Saving</b>	-0.750 <b>2.334</b>

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# Expected Profile of Savings

	2020-21 £m	2021-22 £m	2022-23 £m	TOTAL £m	
Average 21.08% all-in contribution rate	56.928	58.635	60.395	175.958	
Average 20.72% all-in contribution rate	-55.930	-57.608	-59.336	-172.874	
Reduction in cost to budgets of Pension Contributions Reduction in Interest	0.998	1.027	1.059	3.084	
Receivable on Internal Balances	-0.254	-0.250	-0.246	-0.750	
Saving / (Cost)	0.744	0.777	0.813	2.334	

## Public Appendix Three

	Variables			Outputs		Va	riance from Stand	dard			Expected Value	s
Base Rate Increase	Payroll Growth	Pension Fund Average Investment Returns	Cash Saving/ (Cost)	Surplus/ (deficit) in contributions reducing/ increasing Net Pension Liability	Total Net Economic Benefit/ (Cost)	Effect on Total Cash Saving over 3 years: (Reduction)/ Increase in Saving		Total Effect on Net Economic Benefit/ (Cost)	Probability	Effect on Total Cash Saving over 3 years: (Reduction)/ Increase in Saving	Effect on Ne Pensior Liability after 3 years (Increase) Reduction ir Liability	Total Effect on Net Economic Benefit/ (Cost)
			£	£	£	£	£	£		£	ł	£
-0.25% per yr			2,519,641.96	0.00	2,519,641.96	185,744.03		,	30.0%	55,723.21	0.00	<i>,</i>
0.00% per yr			2,333,897.93	0.00	2,333,897.93	0.00			45.0%	0.00	0.00	
0.25% per yr			2,148,153.91	0.00	2,148,153.91	-185,744.03			19.0%	-35,291.37	0.00	
0.50% per yr			1,962,409.88	0.00	1,962,409.88	-371,488.06			5.0%	-18,574.40	0.00	
0.75% per yr	0.00/		1,776,665.85	0.00	1,776,665.85	-557,232.09			1.0%	-5,572.32	0.00	,
	2.0% per yr		-1,417,328.76	3,685,475.00	2,268,146.24	-3,751,226.69			2.5%	-93,780.67	92,136.88	
	2.5% per yr		448,049.33	1,852,794.00	2,300,843.33	-1,885,848.60	, ,	,	40.0%	-754,339.44	741,117.60	
	3.0% per yr		2,333,897.93	0.00	2,333,897.93 2,367,314.23	0.00			50.0% 5.0%	0.00 95,323.51	0.00	
	3.5% per yr		4,240,368.23 6,167,612.00	-1,873,054.00 -3,766,516.00	2,367,314.23	3,833,714.06			2.5%	95,323.51	-93,652.70	<i>,</i>
	4.0% per yr	7.0%	2,333,897.93	2,768,792.00	5,102,689.93	3,833,714.06			1.0%	95,642.85	27,687.92	,
τ		6.5%	2,333,897.93	2,369,947.00	4,703,844.93	0.00	, ,		2.5%	0.00	59,248.68	
<u>a</u>		6.0%	2,333,897.93	2,369,947.00	4,703,844.93	0.00			3.5%	0.00	68,889.98	
- Ö		5.5%	2,333,897.93	1,563,771.00	3,897,668.93	0.00	, ,		4.5%	0.00	70,369.70	,
•		5.0%	2,333,897.93	1,156,371.00	3,490,268.93	0.00			5.5%	0.00	63,600.41	
N		4.5%	2,333,897.93	746,050.00	3,079,947.93	0.00	, ,		15.0%	0.00	111,907.50	,
ω		4.0%	2,333,897.93	332,773.00	2,666,670.93	0.00			15.0%	0.00	49,915.95	
		3.6%	2,333,897.93	0.00	2,333,897.93	0.00	,	<i>,</i>	15.0%	0.00	0.00	,
		3.0%	2,333,897.93	-502,790.00	1,831,107.93	0.00			15.0%	0.00	-75,418.50	
		2.5%	2,333,897.93	-925,149.00	1,408,748.93	0.00		,	15.0%	0.00	-138,772.35	
		2.0%	2,333,897.93	-1,350,610.00	983,287.93	0.00			5.0%	0.00	-67,530.50	
		1.5%	2,333,897.93	-1,779,211.00	554,686.93	0.00			3.0%	0.00	-53,376.33	
	= Standard assum	ied in model						E	xpected Value:	-660,668.62	761,961.32	2 101,292.69
										Cash Saving/ (Cost)	Surplus, (deficit) ir contributions reducing increasing Ne Pensior Liability	Total Net Economic Benefit/ (Cost)
										£ 2,333,897.93	£	£
									Standard Outputs:		0.00	
								Adjustment for Ex		-660,668.62	761,961.32	
								Expe	ected Outputs:	1,673,229.31	761,961.32	2 2,435,190.63

## Public Appendix Four

				Reduction in		Interest Payable	Reduction in		
				Employer	Interest Payable	on Local	Interest	Net Cash	Cumulative
Month	Lump Sum	PWLB	Local Authority	Contributions	on PWLB	Authority	Received on	(Out)/In Flow for	Cash (Out)/In
Ending	Prepayment	Borrowing	Borrowing	Payable	Borrowing	Borrowing	Balances	Month	Flow
	£	£	£	£	£	£	£	£	£
30/04/2020	-56,379,340.00	0.00	0.00	4,782,099.58				-51,597,240.42	-51,597,240.42
31/05/2020				4,782,099.58			-42,997.70	4,739,101.88	-46,858,138.54
30/06/2020				4,782,099.58			-39,012.62	4,743,086.97	-42,115,051.57
31/07/2020				4,782,099.58			-35,027.53	4,747,072.05	-37,367,979.52
31/08/2020				4,782,099.58			-31,042.45	4,751,057.13	-32,616,922.39
30/09/2020				4,782,099.58			-27,057.37	4,755,042.21	-27,861,880.18
31/10/2020				4,782,099.58			-23,072.29	4,759,027.30	-23,102,852.88
30/11/2020				4,782,099.58			-19,087.20	4,763,012.38	-18,339,840.50
31/12/2020				4,782,099.58			-15,102.12	4,766,997.46	-13,572,843.04
31/01/2021				4,782,099.58			-11,117.04	4,770,982.55	-8,801,860.49
28/02/2021				4,782,099.58			-7,131.95	4,774,967.63	-4,026,892.86
31/03/2021				4,782,099.58			-3,146.87	4,778,952.71	752,059.85
30/04/2021	-57,612,809.00		0.00	4,886,722.57	0.00	0.00	0.00	-52,726,086.43	-51,974,026.58
31/05/2021				4,886,722.57			-43,100.19	4,843,622.38	-47,130,404.20
30/06/2021				4,886,722.57			-39,027.92	4,847,694.65	-42,282,709.55
3 1007/2021				4,886,722.57			-34,955.66	4,851,766.91	-37,430,942.64
3198/2021				4,886,722.57			-30,883.39	4,855,839.18	-32,575,103.46
30/00/2021				4,886,722.57			-26,811.12	4,859,911.45	-27,715,192.00
31 (2021				4,886,722.57			-22,738.85	4,863,983.72	-22,851,208.28
30/11/2021				4,886,722.57			-18,666.58	4,868,055.99	-17,983,152.29
31/12/2021				4,886,722.57			-14,594.31	4,872,128.26	-13,111,024.03
31/01/2022				4,886,722.57			-10,522.04	4,876,200.53	-8,234,823.50
28/02/2022				4,886,722.57			-6,449.77	4,880,272.80	-3,354,550.71
31/03/2022				4,886,722.57			-2,377.50	4,884,345.07	1,529,794.36
30/04/2022	-58,883,283.00	0.00		4,994,484.25	0.00		0.00		-52,359,004.40
31/05/2022				4,994,484.25			-43,212.57	4,951,271.68	-47,407,732.72
30/06/2022				4,994,484.25			-39,050.50	4,955,433.75	-42,452,298.97
31/07/2022				4,994,484.25			-34,888.43	4,959,595.82	-37,492,703.15
31/08/2022				4,994,484.25			-30,726.36	4,963,757.89	-32,528,945.26
30/09/2022				4,994,484.25			-26,564.29	4,967,919.96	-27,561,025.30
31/10/2022				4,994,484.25			-22,402.22	4,972,082.03	-22,588,943.27
30/11/2022				4,994,484.25			-18,240.15	4,976,244.10	-17,612,699.17
31/12/2022				4,994,484.25			-14,078.08	4,980,406.17	-12,632,293.00
31/01/2023				4,994,484.25			-9,916.01	4,984,568.24	-7,647,724.76
28/02/2023				4,994,484.25			-5,753.94	4,988,730.31	-2,658,994.45
31/03/2023				4,994,484.25			-1,591.87	4,992,892.38	2,333,897.93
				.,,			.,	.,,	_,,
TOTAL	-172,875,432.00	0.00	0.00	175,959,676.80	0.00	0.00	-750,346.87	2,333,897.93	

## Appendix 4

## Economy, Transport and Environment Officer Decisions Index

Date of Officer Decision	Officer Decision	Cabinet Report
24/3/2020	Countryside Services Cessation (ETEODR1)	Report to follow at next Cabinet meeting
24/3/2020 Country Parks Temporary Closure (ETEODR2)		Countryside Parks Temporary Closure – Covid 19 (ETEREP1)
	Country Parks Closure continuation (ETEODR3)	
24/3/2020	Public Transport (ETEODR4)	Establishing County-wide Distribution Centre (ETEREP2)
24/3/2020	Deferral of Rents for DCC Business Tenants (ETEODR5)	Proposal to Defer Rents for DCC Business Tenants (ETEREP3)
24/3/2020	Closure of HWRCs	Report to follow at next Cabinet meeting
25/3/2020	Suspension of On Street Pay and Display Bays and reduced on street parking enforcement (ETEODR6)	Report to follow at next Cabinet meeting
25/3/2020	Temporary Closure of Markham Vale Environment Centre (ETEODR7)	Report to follow at next Cabinet meeting
2/4/2020	Approval of the Local Transport Plan capital programme and budgets for 2020/21 (ETEODR8)	Highways and Transport Capital Programme 2020-21 (ETEREP4)
2/4/2020	Cancellation of Countryside Events Programme until end of June 2020 (ETEODR9)	Report to follow at next Cabinet meeting

2/4/2020	County Business Properties – Rent	Proposal to Defer Rents for DCC Business Tenants ETEREP5)
	Deferral (ETEODR10)	

## OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Countryside Services			
Delegated Power Being Exercised: Emergency powers contained in the constitution, as set out below: SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.					
Subject of Decision:	Temporar	Closure of Country Parks			
Key decision?	working in	ificant in terms of its effects on communities living or an area comprising two or more electoral divisions hire			
Key decision? Yes. Signif		<ul> <li>The temporary closure of Derbyshire County Council Country Parks.</li> <li>Shipley Country Park</li> <li>Elvaston Castle Country Park</li> <li>Middleton Top</li> <li>Black Rocks</li> <li>Grassmoor Country Park</li> <li>High Peak Junction</li> <li>Cromford Wharf</li> </ul> Initially staff manned entrances and car parks to Shipley & Elvaston to instruct the public we were in the process of closing the parks. Generally the public were understanding of the decision. Road closures comprising of either gates or barriers and/or concrete blocks have subsequently been put in place at main entrance points to prevent vehicular access. Note there are other access points e.g. pedestrian access points which have not been closed. At Middleton Top access to the High Peak Trial and Pennine Bridle Way has been maintained, only the car parks leading to Glapwell, Poulter & Tibshelf, Grin Low, Williamthorpe and Peter Fidler countryside sites are to be closed on 23/3/20.			

	These are car parks leading to countryside sites and trails although are not major destination sites.
	Café operators (2 at Shipley & 1 at Elvaston & 1 at Black Rocks) have been instructed to close.
	Instructions to be issued to tenants at Elvaston (notably ice cream & coffee franchisees; wedding event organisers; dog owner groups; cricket club) that the Park is closed and no events are to be held.
	Trails and Public Rights of Way (PROW) remain open and no decision has been taken although there is ongoing liaison with the National Park (PDNPA)
Reasons for the Decision (specify all reasons for taking the decisions including where necessary	Current government advice is to practice social distancing to prevent and delay the spread of the Covid-19.
reference to Council policy)	It has become clear during the course of the weekend 21 <sup>st</sup> and 22 <sup>nd</sup> March that the Derbyshire County Council Country Parks have attracted a significant number of visitors which is resulting in those attending the parks not being in compliance social distancing advice.
	In the interests of public health therefore, the temporary closure of the Country Parks is necessary to prevent access to locations which are attracting significant number of visitors.
	It is noted that some Country Parks have open access and/or multiple access points and therefore there are limitations to the practical ways in which access can be prevented, however the decision will apply to these locations as well those locations where access is via a single road or route.
	Communications are being issued to encourage residents and visitors to take exercise in open spaces near their immediate homes rather than to travel to locations which attract a range of visitors from a wider area.
	This decision is consistent with that of other councils, public bodies and visitor attractions to close access to the public, including access to gardens, country estates and country parks.
	Following the closures staff will continue to manage and maintain the parks. In the course of their duties they will patrol sites and "enforce" the closure i.e. instructing members of the public who

		have accessed the sites that the sites are closed and requesting that they leave.		
Alternative Option appropriate)	ns Considered (if	The only alternative option is to leave the Country Parks open and this is not recommended due to the significant numbers of visitors which make social distancing very difficult to be achieved.		
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		A full report will be prepared setting out the issues and implications.		
Consultation with relevant Cabinet Member (s)		Cllr Barry Lewis (Leader of the Council) consulted on 22 <sup>nd</sup> March and supports recommended decision.		
		Cllr Spencer (portfolio holder) was contacted but unavailable in the time frame required to make the urgent decision and so the Leader of the council was consulted instead.		
Decision:	To close the Country Parks on a temporary basis effective from 1pm on Sunday 22 <sup>nd</sup> March 2020 for the purposes of minimising social contact in accordance with government advice on social distancing to delay the spread of Covid-19.			
Signature and Date:				

## OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Countryside Services			
Delegated Power Being Exercised: Emergency powers contained in the constitution, as set out below: SPECIFIC DELEGATIONS TO EXECUTIVE DIRECTORS Notwithstanding any other provision of this constitution, the Executive Directors shall have power, after discussion, if practicable, with the leader of the Council or the relevant Cabinet Member or Chairman, to take such action deemed to be necessary and expedient in matters requiring urgent consideration and which, because of the time scales involved, or the need to safeguard the interests of the Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.					
Subject of Decision:	Update or	n Temporary Closure of Country Parks			
Key decision?	•	nificant in terms of its effects on communities living or n an area comprising two or more electoral divisions shire			
Decision Taken(specify predetails):	∍cise	<ul> <li>Following the decisions of 20/3/20 and 23/3/20 and the announcement of the Prime Minister on 23/03/20 that strict curbs would apply the following amendments to the temporary closure of Derbyshire County Council Country Parks requires approval.</li> <li>Country parks will remain "closed" i.e. barriers in place across car parks but importantly they will be open for local access to enable exercise. Local people can access by walking, cycling or riding.</li> <li>Trails and Public Rights of Way (PROW) remain open.</li> </ul>			
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		Current government advice is to practice social distancing to prevent and delay the spread of the Covid-19 and to only leave home to exercise once a day.			
		In the interests of public health therefore, the temporary closure of the Country Parks remains but with local access for exercise being permitted. This is necessary to prevent access to locations which were attracting significant number of visitors. Communications are being issued to raise			
		awareness and understanding of the position. Basic litter collection services will be put in place to manage the sites.			

Alternative Option appropriate)	is Considered (if	The only alternative option is to leave the Country Parks open and this is not recommended due to the significant numbers of visitors which make social distancing very difficult to be achieved and does not comply with the strict curbs the prime minister has put in place.		
Background/Repo considered and at Personnel, Financ etc)	ttached (Legal,			
Consultation with relevant Cabinet Member (s)		Cllr Barry Lewis (Leader of the Council) and Cllr Spencer (portfolio holder) to be briefed by the Executive Director.		
Decision:	but with local acce March 2020 for the accordance with g	ne closure of Country Parks on a temporary basis ess for exercise. Effective from 9am on Tuesday 24 e purposes of minimising social contact in overnment advice on social distancing to delay the 9 and enabling the public access for exercise.		
Signature and Dat	te:			
24/03/20				

#### DECISION TAKEN BY THE EXECUTIVE DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT

#### 23 APRIL 2020

#### COUNTRYSIDE PARKS TEMPORARY CLOSURE – COVID-19

(1) **Purpose of Report** To seek Executive Director approval for the temporary closure of the Council's country parks located across the County in response to current government advice to practice social distancing to prevent and delay the spread of the Covid-19 virus.

#### (2) Information and Analysis

It became clear during the course of the weekend 21 and 22 March 2020 that the County Council's country parks have attracted a significant number of visitors which is resulting in those attending the parks not being in compliance social distancing advice.

In the interests of public health therefore, the temporary closure of the Country Parks is necessary to prevent access to locations which are attracting significant number of visitors.

The temporary closure applies to the following Country Parks:.

- Shipley Country Park
- Elvaston Castle Country Park
- Middleton Top
- Black Rocks
- Grassmoor Country Park
- High Peak Junction
- Cromford Wharf
- Glapwell Country Park
- Poulter Country Park
- Williamthorpe Ponds
- Peter Fidler Reserve

It is noted that some country parks have open access and/or multiple access points and therefore there are limitations to the practical ways in which access can be prevented, however the decision will apply to these locations as well those locations where access is via a single road or route.

Communications were issued at lunchtime on 22 March 2020 to encourage residents and visitors to take exercise in open spaces near their immediate homes rather than to travel to locations which attract a range of visitors from a wider area. This decision is consistent with that of other councils, public bodies and visitor attractions to close access to the public, including access to gardens, country estates and country parks.

Road closures comprising of either gates or barriers and/or concrete blocks have been put in place at main entrance points to prevent vehicular access. Note there are other access points e.g. pedestrian access points which have not been closed.

Initially staff manned entrances and car parks to Shipley & Elvaston to instruct the public while we were in the process of closing the parks. Generally the public were understanding of the decision.

At Middleton Top access to the High Peak Trial and Pennine Bridle Way has been maintained, only the car parks have been closed.

Other car parks leading to Glapwell, Poulter & Tibshelf, Grin Low, Williamthorpe and Peter Fidler countryside sites were closed on Monday 23 March 2020. These are car parks leading to countryside sites and trails although are not major destination sites.

Café operators (two at Shipley, one at Elvaston and one at Black Rocks) were instructed to close.

Instructions to be issued to tenants at Elvaston (notably ice cream & coffee franchisees; wedding event organisers; dog owner groups; cricket club) that the Park is closed and no events are to be held.

Trails and Public Rights of Way (PROW) remain open and no decision has been taken although there is ongoing liaison with the National Park (PDNPA)

Following the closures staff will continue to manage and maintain the parks. In the course of their duties they will patrol sites and "enforce" the closure i.e. instructing members of the public who have accessed the sites that the sites are closed and requesting that they leave.

#### Implications

Government guidance is encouraging the public to look after their mental wellbeing by walking and exercising outdoors (subject to keeping 2 metres apart) and thus encourages access to country parks. Consequently the Council is likely to be subject to some criticism and thus reputational damage in that the temporary closure of country parks does not support this. However government guidance also asks the public to avoid large and small gatherings in public spaces and avoid gatherings with groups of friends and family. It became evident that country parks were actively encouraging such activity and therefore action has been necessary.

The closure of country parks will have a financial impact upon the Countryside Service namely in terms of loss of income and most significantly for car parking charges but also other income streams i.e. ice cream and coffee franchisees; retail sales; tramper hire; events; room hire etc..) The quantum of loss will be dependent upon the period of time the parks are closed for. Significantly the spring and summer is the peak of the season for the parks with large numbers of visitors and events and therefore the impact will be greater.

(3) **Legal Considerations** The Council's Constitution provides that "notwithstanding any other provision of the Constitution Strategic Directors shall have the power, after discussion, if practicable, with the Leader of the Council or the relevant Cabinet Member or Chair, to take such actions deemed to be necessary and expedient

in matters requiring urgent consideration and which, because of the timescale involved, or the need to safeguard the interests of the County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee."

The proposed closures are recommended for the purposes of minimising social contact in accordance with government advice on social distancing to delay the spread of Covid-19. The Council has discretionary powers to provide and manage country parks as set out in the Countryside Act 1968. Apart from public rights of way, there is generally no right of access for the public to country parks. The Council therefore has the power to effect these temporary closures.

#### Other Considerations

In preparing this report the relevance of the following factors have been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

#### (4) Financial Considerations

As detailed within the report.

Key Decision No

(5) **Background Papers** Exempt. Officer contact details – Claire Brailsford, extension 33300.

(6) **OFFICER'S RECOMMENDATION** That the Executive Director - Economy, Transport and Environment:

Approves: The temporary closure of Derbyshire County Council's country parks in response to current government advice to practice social distancing to prevent and delay the spread of the Covid-19 virus.

.....

.....

Executive Director Economy, Transport and Environment Date

Mike Ashworth Executive Director – Economy, Transport and Environment

## OFFICER DECISION RECORD

Officer: Joe Battye			Service: Economy and Regeneration		
Delegated Power Being Decision making in relat		) 19 – with su	pport of Executive Director, ETE		
Subject of Decision:					
Decision Taken(specify p details):	orecise	See also Government Guidance issued 22 March 200 – attached			
		transport se the end of J disrupted o	perators who currently provide the Council with ervices, 100% of the contract value until at least une 2020, irrespective of whether services are r suspended. e with new Government advice		
			This decision will supersede that taken by CMT Gold on Friday 20 <sup>th</sup> March		
		Contractors to be sent a 'variation of contract' notice – supported by Legal – to secure flexibility in the use of contractor resources over this period.			
		regarding co	dance of doubt, it is proposed the decision oncessionary fares remains in place (unless any guidance supersedes it)		
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		proposal bu	he reasons for this decision remain as per the original roposal but are now supported by Govt advice and require ne full 100% of contract value to be paid, not just 90%		
Alternative Options Con appropriate)	isidered (if	<ol> <li>Do nothing – ignoring Govt advice is not consider an appropriate option</li> </ol>			
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		See previous report which was considered and agreed at CMT Gold meeting on 20 <sup>th</sup> March 2020			
Consultation with relevant Cabinet Member (s)		Not yet advi	sed		
Decision: Report					

Signature and Date: Joe Battye 23<sup>rd</sup> March 2020



## Procurement Policy Note - Supplier relief due to COVID-19

## Action Note PPN 02/20

March 2020

#### Issue

1. This Procurement Policy Note (PPN) sets out information and guidance for public bodies on payment of their suppliers to ensure service continuity during and after the current coronavirus, COVID-19, outbreak. Contracting authorities must act now to ensure suppliers at risk are in a position to resume normal contract delivery once the outbreak is over.

#### Action

2. All contracting authorities should:

- Urgently review their contract portfolio and inform suppliers who they believe are at risk that they will continue to be paid as normal (even if service delivery is disrupted or temporarily suspended) until at least the end of June.
- Put in place the most appropriate payment measures to support supplier cash flow; this might include a range of approaches such as forward ordering, payment in advance/prepayment, interim payments and payment on order (not receipt).
- If the contract involves payment by results then payment should be on the basis of previous invoices, for example the average monthly payment over the previous three months.
- To qualify, suppliers should agree to act on an open book basis and make cost data available to the contracting authority during this period. They should continue to pay employees and flow down funding to their subcontractors.
- Ensure invoices submitted by suppliers are paid immediately on receipt (reconciliation can take place in slower time) in order to maintain cash flow in the supply chain and protect jobs.

#### Dissemination and Scope

3. This PPN is applicable to all contracting authorities, including central government departments, executive agencies, non-departmental public bodies, local authorities, NHS bodies and the wider public sector (excluding Devolved Administrations). Together these are referred to in this PPN as 'contracting authorities'. This PPN covers goods, services and works contracts being delivered in the UK.

4. Please circulate this PPN across your organisation and to other relevant organisations that you are responsible for, drawing it to the specific attention of those with a commercial and finance role.

## Timing

5. With immediate effect until 30 June 2020.

#### Background

6. The current outbreak of COVID-19 is unprecedented and will have a significant impact on businesses of all sizes. Many suppliers to public bodies will struggle to meet their contractual obligations and this will put their financial viability, ability to retain staff and their supply chains at risk. Contracting authorities should act now to support suppliers at risk so they are better able to cope with the current crises and to resume normal service delivery and fulfil their contractual obligations when the outbreak is over.

7. It is vital that contracting authorities pay all suppliers as quickly as possible to maintain cash flow and protect jobs. Contracting authorities should also take action to continue to pay suppliers at risk due to COVID-19 on a continuity and retention basis. Contracting authorities can consider making advance payments to suppliers if necessary.

8. Central Government organisations should note that Managing Public Money prohibits payment in advance of need in absence of Treasury consent as this is always novel contentious and repercussive. However, in the circumstances Treasury consent is granted for payments in advance of need where the Accounting Officer is satisfied that a value for money case is made by virtue of securing continuity of supply of critical services in the medium and long term. This consent is capped at 25% of the value of the contract and applies until the end of June 2020. HM Treasury will review in mid-June whether this consent needs to be extended for a further period. Consent for payment in advance of need in excess of this amount should be sought from HMT in the usual way. This consent does not alleviate Accounting Officers their usual duties to ensure that spending is regular, proper and value for money or for other contracting authorities to conduct appropriate and proportionate due diligence to ensure such payments are necessary for continuity of supply of critical services.

9. Contracting authorities should aim to work with suppliers and, if appropriate, provide relief against their current contractual terms (for example relief on KPIs and service credits) to maintain business and service continuity rather than accept claims for other forms of contractual relief, such as force majeure.

10. Continuing to make payments to at risk suppliers will present risks including that, despite these exceptional actions, a supplier may still become insolvent. These risks will need to be managed by contracting authorities on a case by case basis.

## Contact

11. Further guidance on COVID-19 for individuals, employers and organisations is available on GOV.UK.

12. Enquiries about this PPN should be directed to the helpdesk at info@crowncommercial.gov.uk.

#### INTRODUCTION

The public sector must act quickly and take immediate steps to pay all suppliers as a matter of urgency to support their survival over the coming months.

Where goods and services are either reduced or paused temporarily, authorities should continue to pay at risk suppliers to ensure cash flow and supplier survival. This could include, for example situations where:

- Services are cut short / reduced at short notice due to the impact of COVID-19 and nonpayment could result in supply chains collapsing and/or significant financial implications for the supplier.
- It would be value for money and important to business continuity to continue to pay suppliers in the short term (regardless of whether you are able to reconcile at a later stage). This would ensure continuity of services when services can resume.

PPN 01/20 sets out how contracting authorities can amend contracts under Regulation 72 of the Public Contracts Regulations 2015<sup>1</sup>. Changes should be captured in contract variation or change note, and make clear that the changes relate only to the COVID-19 situation, include a review provision or time limit, and that it is the authority's decision when things should return to normal.

#### PAYMENT TO MAINTAIN BUSINESS CONTINUITY

Contracting authorities should confirm with their at risk suppliers that they will continue to pay until at least the end of June, to ensure business and service continuity. Contracting can define their 'at risk suppliers' according to need. In general, this should override provisions in contracts that might require contracting authorities to pay suppliers on a decreasing scale as a result of, for example performance, force majeure or business continuity clauses.

There are a range of ways to support suppliers in maintaining cash flow during this period. Contracting authorities can continue to pay at usual contractual rates, or consider other options such as payment against revised/extended milestones or timescales, interim payments, forward ordering, payment on order or payment in advance/prepayment. Risks associated with advance or pre payment should be carefully considered and documented.

Where contracts operate 'payment by result' or are 'output / outcome' based, payments to suppliers should be made on the basis of a calculation of the average of the last three months invoices. Where possible, any payments made to suppliers during this emergency period should be adjusted to ensure profit margin is not payable on any undelivered aspects of the contract, however this should not delay payments being made.

Suppliers should identify in their invoices which elements of the invoiced amount relates to services they are continuing to supply (i.e. business as usual) and which amounts are attributable to the impact of COVID-19.

Payments should not be made to suppliers where there is no contractual volume commitment to supply, and contracting authorities should carefully consider the extent of payments to be made to suppliers who are underperforming and subject to an existing improvement plan.

<sup>&</sup>lt;sup>1</sup> Or equivalent procurement regulations

#### Transparency

Contracting authorities and suppliers should work collaboratively to ensure there is transparency during this period. Suppliers in receipt of public funds on this basis during this period must agree to operate on an 'open book' basis. This means they must make available to the contracting authority any data, including from ledgers, cash-flow forecasts, balance sheets, and profit and loss accounts, as required and requested to demonstrate the payments made to the supplier under contract have been used in the manner intended.

For example, this might include evidence that staff have been paid the right amount and on time, and that cash continues to flow through the supply chain as quickly as possible. Contracting authorities should keep records of decisions and agreements made, and ensure suppliers maintain records to enable future reconciliation if necessary.

Suppliers should not expect to make profits on elements of a contract that are undelivered during this period and all suppliers are expected to operate with integrity. Suppliers should be made aware that in cases where they are found to be taking undue advantage, or failing in their duty to act transparently and with integrity, contracting authorities will take action to recover payments made.

#### Supplier capacity

Many suppliers will not be able to fulfil their contracts due to action taken elsewhere in the public sector. For example, transport services for school children, due to the closure of schools. Wherever possible, contracting authorities should seek to re-deploy the capacity of those suppliers to other areas of need; this can be implemented via a time-bound variation to the original contract under regulation 72 of the Public Contract Regulations (see PPN 01/20).

#### OTHER CONTRACTUAL RELIEF

Contracting authorities should work with all suppliers to ensure business continuity is maintained wherever possible and that business continuity plans are robust and are enacted.

If a supplier seeks to invoke a clause relating to a form of contractual relief that would allow them to suspend performance, such as force majeure, contracting authorities should first work with the supplier to amend or vary contracts instead. These variations could include changes to contract requirements, delivery locations, frequency and timing of delivery, targets and performance indicators etc. Changes to the original terms should be limited to the specific circumstances of the situation, and considered on a case by case basis.

Other reliefs sought by a supplier could relate to any contractual obligation but usually takes the form of one, or both, of the following:

- an extension of time for contract performance (eg revised milestones dates or delivery dates, etc);
- a waiver or delay in the ability of the contracting authority to exercise a right and/or remedy (eg to claim liquidated and ascertained damages, service credits or terminate the contract)

Each claim for relief should be considered on a case by case basis, according to the nature of the goods/services/works being supplied, the challenges being faced, the contract terms and the constraints of any statutory requirements, for example the PCR to above-threshold contracts. You should seek specific legal advice as required.

Contracting authorities should take a pragmatic approach. These discussions and any temporary changes agreed should be recorded. The contract should return to its original terms as soon as the impact of the COVID-19 outbreak on the relevant contract is over.

Contracting authorities should not accept claims from suppliers who were already struggling to meet their contractual obligations prior to the COVID-19 outbreak.

#### Force Majeure

Force majeure is a contractual term which may, (depending on the specific terms of the contact) allow one or both of the parties, when a specified event or events occurs beyond their control:

- to terminate the contract; or
- to be excused from performance of the contract, in whole or in part; or
- to be entitled to suspend performance for the period the event is continuing or to claim an extension of time for performance

It is important that force majeure clauses is not considered in isolation given its impact on other clauses such as exclusivity, liability, liquidated damages and termination rights. It may also be relevant to consider the governing law and jurisdiction clause as contracts subject to foreign law may be interpreted differently by the courts. It may also be an exclusion clause, which is subject to the Unfair Contract Terms Act 1977.

Contracting authorities are not bound to accept a supplier's claim for force majeure and can resist it. You should seek legal advice when dealing with a claim and continue to work with the supplier to maintain service continuity as far as possible. An attempt by a supplier to invoke a force majeure clause without valid cause may mean that the supplier is in breach of contract.

Force majeure clauses do not automatically entitle either party to claim relief. In some cases, a contract will not allow termination at all due to force majeure, and it cannot be forced.

#### Frustration

It is unlikely a supplier will seek to frustrate a contract if they continue to be paid. However, unlike force majeure, frustration is rarely included as a provision in the contract. Instead, frustration arises where an event, for which the contract makes no sufficient provision, renders performance of the contract impossible or radically changes a party's principal reason for entering into the contract.

If a contract has been frustrated, it terminates automatically and the parties are excused from their future obligations. Any contractual obligations incurred before the time of frustration, such as for the contracting authority to pay outstanding charges to a supplier, remain enforceable. As neither party is at fault in respect of the frustration, neither may claim damages from the other for non-performance after the contract is declared frustrated.

However, the threshold for a contract being declared 'frustrated' is high and the fact that the contract will merely be more expensive to perform, or that the provider will have to perform the contract in a different way as a result of COVID-19 and/or its impact, are highly unlikely to constitute grounds for frustration in itself. You should seek legal advice if a supplier claims 'frustration'.

#### Excusing Causes, Relief Events and other options

If included in a contract, excusing cause and relief event provisions generally give a supplier

relief from its contractual obligations, which contracting authorities may be able to use to provide relief, for example, to change the KPI regime, payment mechanism or reduce service level requirements. Some contracts may have other relief mechanisms. Whatever the regime, contracting authorities should maximising any commercial flexibilities within the contract, including agreeing new measures such as on meeting lead times, waiving or delaying exercising the authority's rights and/or remedies (e.g. to claim liquidated and ascertained damages, service credits or terminate the contract), revising milestones or delivery dates. In these circumstances, if there is one, use the contract change control procedure to keep records of any changes made and the decision making behind each one. If not, keep your own records.

#### ACCELERATING PAYMENT OF INVOICES

Contracting authorities should pay suppliers as quickly as possible to maintain cash flow and protect jobs. The public sector must pay suppliers within 30 days under the Public Contracts Regulations 2015 but contracting authorities now need to accelerate their payment practice.

Contracting authorities should act now to ensure payment is made as quickly as possible to their suppliers, including:

- Targeting high value invoices where a prime is reliant on a supply chain to deliver the contract.
- Resolving disputed invoices as a matter of urgency; consider paying immediately and reconciling at a later date in critical situations.
- Take a risk based approach as to whether 2-way matching is always needed (rather than adopt regular 3-way matching against receipt and Purchase Order)
- Encourage suppliers to invoice on a more regular basis to help cash flow (eg every week rather than monthly)

Contracting authorities should consider the following additional contingency measures during the COVID-19 outbreak

#### Contingency measures - delegated authority to ensure invoices are not delayed

With significant levels of staff absence possible, ensure you have appropriate contingencies in place including sufficient numbers of staff with delegated authority to promptly receipt / authorise an amount due for payment in business units as well as finance teams.

#### **Contract Managers and Business Units**

Receipt for goods promptly, do not delay and ensure there is a contingency in place for delegated authority to approve in the event of staff shortages. Monitor flow down to ensure payment is cascading down the supply chain.

#### Verifying invoices as quickly as possible

Verify an invoice as quickly as possible and do not send invoices back for minor administrative errors and risk causing delay in payment. Continue to undertake necessary checks, however, look to resolve any issues as a matter of urgency and reconcile any minor discrepancies in information at a later stage.

#### **Payment Card Solutions**

Use of procurement/payment cards where possible to ensure businesses are paid as quickly as possible. Consider increasing the upper limit of spend, open up categories and ensure an appropriate number of staff have the authority to use.

#### Invoicing procedures clearly set out for your suppliers

Be clear where suppliers should send their invoice, including email address and the process required. This should be clear on the authority's website. This will minimise the number of invoices with incorrect information and/or being issued to the wrong address. Issue a reminder to all your suppliers to help them best prepare and ask for invoices to be sent in electronically to avoid hard copies sitting in office buildings potentially unattended.

## Proposal to Defer Rents for DCC Business Tenants

## Background

As of 18 March 2020, Government announced a package of funding to support local businesses ranging from:

- A 2020-21 business rate holiday
- £10,000 grant to SMEs available from early April
- £25,000 grant to support the retail, leisure and hospitality sectors (for those businesses with a rateable value between £15,000 and £51,000) – available from early April
- Other sectors (aviation etc.) are subject to separate discussions with Government
- Further announcement re: support for self-employed is expected shortly
- Guaranteeing 80% of bank loans / overdrafts up to £5 million and no interest will be charged for the first 6 months.
- SMEs refunded SSP for staff off work for two weeks as a result of virus.

## **Issues/ Considerations**

The Council owns and maintains an industrial portfolio which comprises two classes of unit:

- Small business centres (SBCs) which are occupied mostly by start-up, micro businesses (9 people or less) and independent businesses
- Industrial units for the larger and more established companies.

In addition, the Council owns and operates the Markham Vale Environment Centre on a similar basis to the SBCs.

Intelligence from across the county indicates there are a number of businesses that will miss out the on the Government's support package, notably the smaller business such as those based in our Small Business Centres. There are additional, larger tenant companies that, because of their particular sector, are struggling to maintain previous levels of turnover in the short term and which may result in staff redundancies and/ or business closure.

The Council is already receiving enquiries from business and industry tenants enquiring what assistance the Council can provide towards rent free periods.

Much work has been done by the Council over the past few years in improving the local economy by facilitating and encouraging an increase in the private sector.

Total annual rental income form the Council's industrial portfolio amounts to

•	Small business centres	£377,676
•	Industrial Units	£1,419,831.16
•	Markham vale Environment Centre	£192,085.16
	Total	£1,989,592

## Proposal

The Covid 19 crisis is already starting to impact on the local economy and this is expected to deepen over the coming weeks.

There is a clear need to cover the gaps in the Government's scheme as an urgent and immediate action to try as a loss of income to businesses, whilst maintaining payment of costs and expenses including rental payment to DCC, will place many if not all in significant hardship.

On this basis, some emergency relief is proposed to Council tenants (in addition to any support being offered via the support programme).

It is proposed to offer business tenants the opportunity to defer up to three months of their monthly rent payment (April, May and June 2020) and for it to be recouped over the period up to end March 2022.

If approved, this will not result in an overall deficit to DCC's rental income but could result in 3 months rental income of a maximum of £497,398 not being received during the 1<sup>st</sup> quarter of 2020/2021.

The situation will need to be reviewed during June 2020 to assess the amount of take-up and any ongoing need if the Covid 19 crisis continues.

DCC has many other lettings besides industrial premises which are leased out – e.g. we have numerous nurseries, some shops and some residential properties - all of which will be affected by the current situation. Additional action may be required in respect of these properties.

It will be possible to exercise some caution on those businesses which are already viewed by Council officers as 'vulnerable' to ensure that the proposed rent holiday doesn't result in a default on payment over the long term. Property colleagues previously undertook work to assess the financial health of a particular business through submission of a brief business case, access to accounts, history of the business, description of any supply problems and where demand had fallen away etc. The business case also asked for an explanation of how it was proposed to get the business back on track e.g. diversification and finding alternative markets. It is proposed this approach be adopted for any business applying for rent deferral if there is already concern to its ability to repay the rent over the longer term.

## Conclusion

The Council relies on the revenue income from its industrial and commercial property portfolio as a means of funding other services so cannot afford a loss or drop in income.

Businesses that are suffering from the current Covid 19 crisis have an urgent need for financial support.

The above proposal offers some temporary relief to businesses by allowing them to defer three months of rental payment to the Council for a period of three months – or perhaps until such a point that their business turnover recovers (this would be subject to deeper review and further information being provided by the business).

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Joe Battye			Service: Economy and Regeneration		
	Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE				
details):		To offer a de	d report also eferral of rent to business tenants of DCC a period of 3 months from April to June 2020		
			f the deferral will be to secure repayment of the e tenant over the period up to end March 2022.		
		-	mises to include Markham Vale, all premises Corporate Property and those in the service		
		rental incom	al does not result in an overall deficit to DCC's ne but will result in 3 months rental income of a f £497,398 not being received during the 1 <sup>st</sup> 020/2021.		
		The deferral will be reviewed during June 2020 amount of take-up and any ongoing need if the crisis continues.			
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		significant ir	9 situation has already (as of 20 March) had a npact on local businesses and the level of dship is likely to deepen as things progress over months.		
		support eco survive and Although Gc of support, t Council is at objectives o This proposa	s stated priorities in the Corporate Plan are to nomic growth and help existing businesses to thrive. overnment has announced a significant package there are noted gaps and as a landlord, the le to take decisions that help meet its wider f supporting the local economy. al will provide immediate and meaningful ef to local businesses at this time of crisis.		
o b		opti busi	nothing – this is not considered an appropriate on given the significance of the impact on local nesses and the potential to recoup the 'lost' me over time.		

		2) Offer full rent relief or rent holiday – where it is considered possible to recoup the rent this should be pursued. It is quite possible that some businesses will fail to survive the economic shock (in either the short or long term) but given the Council's financial limited resources, it is considered that a full rent relief is not appropriate	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		See attached report which was considered and agreed at CMT Gold meeting on 20 <sup>th</sup> March 2020	
Consultation	with relevant Cabinet	Discussion with Cllr Barry Lewis on 19 <sup>th</sup> March	
Member (s)		Discussion with Cllr Tony King on 20 <sup>th</sup> March	
Decision: Report approved in fu the Countryside portf		ull – including extension of rent deferral to properties within folio	
Signature and			
Joe Battye 20 <sup>th</sup> March 2020			

## Proposal to Defer Rents for DCC Business Tenants

## Background

As of 18 March 2020, Government announced a package of funding to support local businesses ranging from:

- A 2020-21 business rate holiday
- £10,000 grant to SMEs available from early April
- £25,000 grant to support the retail, leisure and hospitality sectors (for those businesses with a rateable value between £15,000 and £51,000) – available from early April
- Other sectors (aviation etc.) are subject to separate discussions with Government
- Further announcement re: support for self-employed is expected shortly
- Guaranteeing 80% of bank loans / overdrafts up to £5 million and no interest will be charged for the first 6 months.
- SMEs refunded SSP for staff off work for two weeks as a result of virus.

## **Issues/ Considerations**

The Council owns and maintains an industrial portfolio which comprises two classes of unit:

- Small business centres (SBCs) which are occupied mostly by start-up, micro businesses (9 people or less) and independent businesses
- Industrial units for the larger and more established companies.

In addition, the Council owns and operates the Markham Vale Environment Centre on a similar basis to the SBCs.

Intelligence from across the county indicates there are a number of businesses that will miss out the on the Government's support package, notably the smaller business such as those based in our Small Business Centres. There are additional, larger tenant companies that, because of their particular sector, are struggling to maintain previous levels of turnover in the short term and which may result in staff redundancies and/ or business closure.

The Council is already receiving enquiries from business and industry tenants enquiring what assistance the Council can provide towards rent free periods.

Much work has been done by the Council over the past few years in improving the local economy by facilitating and encouraging an increase in the private sector.

Total annual rental income form the Council's industrial portfolio amounts to

•	Small business centres	£377,676
•	Industrial Units	£1,419,831.16
•	Markham vale Environment Centre	£192,085.16
	Total	£1,989,592

## Proposal

The Covid 19 crisis is already starting to impact on the local economy and this is expected to deepen over the coming weeks.

There is a clear need to cover the gaps in the Government's scheme as an urgent and immediate action to try as a loss of income to businesses, whilst maintaining payment of costs and expenses including rental payment to DCC, will place many if not all in significant hardship.

On this basis, some emergency relief is proposed to Council tenants (in addition to any support being offered via the support programme).

It is proposed to offer business tenants the opportunity to defer up to three months of their monthly rent payment (April, May and June 2020) and for it to be recouped over the period up to end March 2022.

If approved, this will not result in an overall deficit to DCC's rental income but could result in 3 months rental income of a maximum of £497,398 not being received during the 1<sup>st</sup> quarter of 2020/2021.

The situation will need to be reviewed during June 2020 to assess the amount of take-up and any ongoing need if the Covid 19 crisis continues.

DCC has many other lettings besides industrial premises which are leased out – e.g. we have numerous nurseries, some shops and some residential properties - all of which will be affected by the current situation. Additional action may be required in respect of these properties.

It will be possible to exercise some caution on those businesses which are already viewed by Council officers as 'vulnerable' to ensure that the proposed rent holiday doesn't result in a default on payment over the long term. Property colleagues previously undertook work to assess the financial health of a particular business through submission of a brief business case, access to accounts, history of the business, description of any supply problems and where demand had fallen away etc. The business case also asked for an explanation of how it was proposed to get the business back on track e.g. diversification and finding alternative markets. It is proposed this approach be adopted for any business applying for rent deferral if there is already concern to its ability to repay the rent over the longer term.

## Conclusion

The Council relies on the revenue income from its industrial and commercial property portfolio as a means of funding other services so cannot afford a loss or drop in income.

Businesses that are suffering from the current Covid 19 crisis have an urgent need for financial support.

The above proposal offers some temporary relief to businesses by allowing them to defer three months of rental payment to the Council for a period of three months – or perhaps until such a point that their business turnover recovers (this would be subject to deeper review and further information being provided by the business).

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Geoff Pickford			Service: Highways	
Delegated Power Being Exercised: Emergency Powers				
Subject of Decision:	Approval o 2020/21	f the Local Tra	nsport Plan capital progr	amme and budgets for
Key decision?	Yes			
Decision Taken(specify precise details):		budget prior confirmation from DfT off 2019/20 sho	a Local Transport Plan ca to official Department fo of the annual settlemer icials suggests that a sim ould be expected, as follo ntenance block	or Transport nt. Informal advice ilar settlement to
			grated transport block	£3.644m
		• Ince	ntive funding	£3.181m
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		on these pro requires app to address t flood damag	capital programme, tota ovisional allocations, has proval. Schemes in the pr he highest priority safety ge issues across the count nme is set out as blocks o	been developed and rogramme are intended , maintenance and ty.
		types of wor appropriate funds assign of schemes issues such a	when's set out as blocks of k and will be populated of mix of individual scheme ed to the blocks in the pr are expected to change to as the response to the Co ity of other funds such as	over time with the es. The proportion of ogramme and the list o address emerging wid-19 pandemic and
		Director – E consultation	make changes is delegat conomy, Transport and E with the Cabinet Memb nd Infrastructure.	nvironment in
		A Cabinet re report.	port outlining the progra	mme is attached to this
		The Department for Transport (DfT) has yet to release details of the Local Transport Plan (LTP) settlement for 2020/21. Usually this is done in the December of the previous year to allow time for approval of the programme and an early start on scheme preparation.		
			vs service has prepared and in the service has prepared and it is a service has been been as the service of the	

	primarily addresses the key issues of road safety, highway maintenance and recent flood damage. Schemes will be prioritised to those that have the highest impact and offer best value for money. The levels of funding likely to be available can only address the highest priority schemes, leaving a backlog of repairs unfunded. The necessary refocusing of highways operations during the Covid-19 pandemic means that only urgent safety-related repairs will be carried out for the foreseeable future. This suggests that further deterioration of the network is inovitable while LTP, and flood damage schemes are not
	inevitable while LTP and flood damage schemes are not carried out. A budget is urgently required in order to carry out these priority highway works and, as conditions permit, to address network deterioration and damage from adverse weather. It is proposed that the capital programme of works set out in Appendix 1 of the attached report is approved, acknowledging that it will need to be reviewed over the course of the year in response to funding announcements and changing circumstances.
	The authority is also expecting a share of the £500million national pothole fund announced in the Budget on 11 March. While confirmation of the sum is awaited, based on previous awards using the same grant formula, it is expected that the county council will receive £10 million for 2020/21. This funding could be used to address some maintenance works and elements of the essential work currently prioritised under current Covid-19 restrictions.
	The report also seeks acceptance of funds from the Department for Transport of £4.867m for retaining wall repairs on the A6 and of £680,000 for preparation work for the Chesterfield-Staveley Regeneration Route.
Alternative Options Considered (if appropriate)	The county council has limited unspent capital funds from previous LTP programmes but these are already committed against named and programmed schemes.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	<u>Financial Considerations</u> The maintenance and integrated block allocations, together with the Incentive Fund, typically comprise the Local Transport Plan capital settlement from government. As set out in the report, the details for 2020/21 have not yet been confirmed, although there are strong indications from the Department of Transport that the settlement should be similar to that of 2019/20. While it should be acknowledged that there are risks associated with creating budgets before

	confirmation of the grant, the need to create budgets for essential planning and implementation works is considered imperative. The measures contained in this report allow for the programme to be adjusted once confirmation of grants is received.
	Legal Considerations
	The Traffic Management Act 2004 requires the county council to publish advance notice of highways schemes to apply for permits to work. The Local Transport Act 2008 requires the county council to prepare a Local Transport Plan containing its highways and transport policies and its proposals for the implementation of those policies, with the LTP capital programme forming the key part of this implementation plan.
Consultation with relevant Cabinet	Mike Ashworth has agreed the principles of the report and
Member (s)	the LTP programme with Cllr Simon Spencer.
Decision:	
Signature and Date:	

#### DERBYSHIRE COUNTY COUNCIL

#### CABINET

#### 9 APRIL 2020

Report of the Executive Director – Economy, Transport and Environment

# HIGHWAYS AND TRANSPORT CAPITAL PROGRAMME FOR 2020/21 (HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)

#### **Purpose of Report**

To seek Cabinet approval for a Highways and Transport capital budget and programme for 2020/21 and to alter the programme to accommodate future changes in circumstances and priorities.

#### **Information and Analysis**

#### Local Transport Plan Settlement

The mainstay of highways capital funding is the annual Local Transport Plan (LTP) settlement which, in 2019-20 comprised:

•	Maintenance block	£15.273m
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- Integrated transport block £3.644m
- Incentive funding £3.181m

In previous years the settlement has been announced in November of the previous year, allowing sufficient time to finalise the programme, obtain Cabinet approval and to plan and design the schemes for an early start in the new financial year.

For 2020/21 there is no such certainty of funding, as government has not yet notified the authority of the grants for the new financial year. Other factors set out in this report add to the fact that the authority is about to start 2020/21 with a number of conflicting issues that will only resolve themselves over the coming months.

However, there is an urgent need to approve a budget for highways capital works to allow preparations and implementation of works in 2020/21.

#### Covid-19

The current Covid-19 emergency poses a challenge of keeping staff safe to carry out essential work on the network while also protecting the people and communities of Derbyshire. This has dramatically changed the priorities for the highways service for the foreseeable future. The response to the emerging restrictions is constantly under review; at the time of writing the service was focussed on essential safety-related works such as winter maintenance, emergency response and tackling the highest priority defects that pose a safety risk to the travelling public. Adjustments to working practices to protect staff on the essential safety-related activities, such as single occupancy of vehicles, are now in place. However, this inevitably means that many staff are either working from home or are unable to currently carry out their duties. Planned works where work practices cannot comply with social distancing requirements or that cannot be made safe at short notice are being suspended for the foreseeable future.

In turn, this means that other key programmed work such as that supported by the Local Growth Fund, is under close scrutiny and will likely be de-prioritised. Also, it should be noted that external contractors are currently assessing whether they are able to continue to work and this slowing down of activity will bring additional challenges to the authority (this will be subject to a separate Cabinet report).

In addition, the availability of materials, plant and external labour is likely to be severely restricted, which will have an impact on the ability of the authority to carry out even its essential duties.

While the focus is currently on providing these essential duties, there is also a need to prepare ahead for the time when Covi-19 restrictions are lifted. The majority of the schemes in any LTP capital programme require design and other preparation work in order to be suitable for construction, so there is a need to carry on with this work, and approval of a broad programme of schemes would facilitate this.

#### Flooding Damage

Cabinet is well aware of the extent of damage caused to highways infrastructure during the unprecedented floods in November 2019. At that time, a month's rain fell in just one day on 7<sup>th</sup> November and rivers such as the Derwent and Trent recorded their highest ever levels.

The headline figures are that it would cost around £20million to repair the damage. Almost 200km of road were damaged, along with 15% of the drainage network. Seven landslips occurred at the time and four more have occurred since, isolating local communities and businesses. A total of 33 bridges and retaining walls were also damaged.

Government was unable to support a request for funding to tackle this damage, although lobbying of ministers by leading members and MPs to reverse this decision continues.

A number of extreme weather events in early 2020, especially Storms Ciara and Dennis, have caused significant further damage that is conservatively estimated to cost an additional £6 million to address.

While additional funding to tackle the full extent of damage remains in doubt, preparation work is continuing for the repairs to key parts of the network such as landslips and drainage so that implementation could be carried out a soon as is reasonably practical.

#### Pothole Fund

A national pothole fund worth £500 million nationally was announced as part of the Budget on 11 March 2020. As yet, the Council's share and the conditions attached have not been announced. However, if the precedent is followed of previous awards that were based on a national formula, the Council would be predicted to receive around 2% of the national quantum, amounting to approximately £10m.

It is likely that these funds could be used to carry out capital works both to repair potholes and to carry out preventative works such as patching, as in previous years. As such, they could be used in part to fund some of the essential safety-related repairs being carried out under Covid-19 restrictions at the moment.

#### Maintenance Challenge Fund

A bid was made in October 2019 to the national Maintenance Challenge Fund for funds to carry out repairs to major retaining walls along the A6 between Matlock and Whatstandwell. The Council was recently informed that its bid was successful, resulting in the award of the full £4.867m requested. It is recommended that Cabinet approves the acceptance of these capital funds, recognising that the funding is ring-fenced to the project and cannot be redirected to other areas of highways works.

#### Chesterfield-Staveley Regeneration Route

In 2019 the Chesterfield-Staveley Regeneration Route was put forward by the sub-national transport body Midlands Connect for funding as part of the national Large Local Majors programme. The overall scheme cost is estimated to be around £93m and a recent government announcement confirmed the award of £680,000 towards preparation and design costs to further develop the scheme. It is recommended that Cabinet also approves the acceptance of these capital funds.

#### Capital programme 2020/21

The highways service currently faces a number of conflicting issues as it prepares for the new financial year in 2020/21.

It has a prioritised programme of planned schemes that address safety and maintenance issues on the network that will have the highest impact and offer best value for money. The levels of funding likely to be available can only address the highest priority schemes, leaving a backlog of repairs unfunded. The planned programme was developed towards the end of 2019 using existing data to address the two key objectives to reduce road casualties and to improve the condition of the network.

Firstly, a programme of local safety schemes is intended to address an unexpected rise in the numbers of people killed and seriously injured on Derbyshire's roads in both 2018 and 2019. Each road safety scheme has been selected on the grounds of the predicted reduction in injury collisions and on value for money criteria.

Secondly, a significant element of the programme is aimed at tackling the deteriorating condition of the network, with an emphasis on the main roads that form the "resilient network" across the county. Schemes have been identified using asset management principles and a thorough understanding of the current condition and projected deterioration of the network. Even so, predicted levels of LTP investment would leave a significant shortfall for carriageways, structures, footways, traffic signals and signs.

In addition to the planned safety and maintenance programme there is a list of flood damage repairs and treatments caused by the November 2019 floods and the storms in early 2020. It is estimated to cost around £26m to address the full extent of damage, which is more than the anticipated LTP settlement. Inevitably there is some overlap with maintenance schemes but the majority of works to address flood damage is additional to this planned work. Without a grant from the Government, the only funding available to tackle the flood damage is the anticipated LTP settlement.

The Covid-19 pandemic has required a refocusing of highways operations that means only urgent safety-related repairs will be carried out for the foreseeable future. This suggests that further deterioration of the network is inevitable while planned and flood damage schemes are not carried out.

The highways capital works programme will need to balance the three pressures outlined above within an uncertain funding regime. As funding levels are confirmed and scheme details are developed it is anticipated that the programme will need to be reviewed regularly to take account of circumstances at the time.

#### <u>Summary</u>

It is proposed that, unlike previous years when detailed lists of schemes have been agreed, a broader LTP programme is approved that allows for some flexibility to adapt to changing circumstances and priorities between planned works and flood damage repairs.

The programme in Appendix 1 sets out broad blocks of expenditure:

- A highways maintenance programme of £11,450,000, which is much reduced from initial plans. The reduced capacity due to Covid-19 suggests that seasonal works such as surface dressing and some of the more complex structural work are unlikely to happen in 2020/21 and these have been deleted in order to free up budget for flood damage repairs. Removing a significant element of maintenance works will inevitably mean more deterioration of the network.
- An integrated transport (IT) programme that is dominated by road safety schemes and contributions towards committed major highways projects that are mostly funded by external grants from the Local Growth Fund. For the first time in nearly twenty years of Local Transport Plans, the full award is not being utilised for integrated transport schemes in order to contribute towards flood repairs.
- A flood damage programme using the remaining LTP budget for the highest priority schemes to tackle landslips, drainage, structural and carriageway damage. Not all landslips can be addressed with this level of funding and some repairs will have to be carried out in later years.

Should the anticipated levels of pothole funding be forthcoming it will be possible to use some of this funding to boost the maintenance programme and possibly increase the works carried out to address flood damage. It therefore seems appropriate that the detailed programme and list of schemes is developed within the broad blocks set out in Appendix 1 in a rolling manner, tackling the highest priorities first and allowing flexibility to adjust the programme to suit current circumstances.

It is therefore proposed that the detail of the programme and any changes to adjust priorities or incorporate urgent works are delegated to the Executive Director – Economy, Transport and Environment in consultation with the Cabinet Member for Highways, Transport and Infrastructure. Any alterations will subsequently be reported to Cabinet, but the ability to be flexible and responsive to changing circumstances is paramount.

In 2019/20 the LTP programme was the first time that the Council had published a forward five year programme of works, based on the assessment of asset condition and deterioration. However, because of the uncertainty of funding for 2020/21 it is proposed to delay, for the foreseeable future, the publication of a programme for 2021/22 to 2024/25 on the grounds that any such programme would likely be overtaken by events and become outdated very soon.

#### **Recommendation**

It is recommended that Cabinet approves the LTP programme as set out in Appendix 1 in order to create the 2020/21 capital programme and budgets for the type of works identified above. This

would allow essential planning, design and construction work to progress where practical, but it is acknowledged that it is inevitable that the programme will need to be reviewed and adjusted through the year as priorities and funding opportunities change.

The Government has had to respond to the Covid-19 pandemic with unprecedented levels of funds committed to supporting the population and the economy. This might suggest that any announcement on the LTP settlement could be delayed even further. It is unparalleled to seek Cabinet's approval of a budget without confirmation from Government of the levels of funding, although discussions with the Department for Transport suggest that a budget based on that for 2019/20, as set out at the start of this report, should be reasonably accurate.

Cabinet is therefore asked to approve a provisional LTP capital budget of £22,098,000 comprising an anticipated £15.273m maintenance block, £3.644m for the integrated transport block and £3.181m of incentive funding.

Cabinet's approval is also sought for the acceptance of the Maintenance Challenge Fund for £4.867m, acknowledging the funding is ring-fenced to retaining wall repairs on the A6.

In addition, Cabinet is asked to approve acceptance of the grant of £680,000 for the Chesterfield-Staveley Regeneration Route.

When confirmation is received of the LTP settlement, pothole fund and any other grants related to highways works, these will be reported to Cabinet.

#### **Financial Considerations**

The maintenance and integrated block allocations, together with the Incentive Fund, typically comprise the Local Transport Plan capital settlement from Government. As set out in the report, the details for 2020/21 have not yet been confirmed, although there are strong indications from the Department for Transport that the settlement should be similar to that of 2019/20. While it should be acknowledged that there are risks associated with creating budgets before confirmation of the grant, the need to create budgets for essential planning and implementation works is considered imperative.

Cabinet should be aware that any expenditure committed on design for LTP projects can be charged to the LTP capital budget but, should any schemes not go ahead, that these preparation costs would have to be met from revenue funds.

The measures contained in this report allow for the programme to be adjusted once confirmation of grants is received.

#### **Legal Considerations**

The Traffic Management Act 2004 requires the Council to publish advance notice of highways schemes to apply for permits to work. The Local Transport Act 2008 requires the county council to prepare a Local Transport Plan containing its highways and transport policies and its proposals for the implementation of those policies, with the LTP capital programme forming the key part of this implementation plan.

#### **Other Considerations**

In preparing this report the relevance of the following factors have been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

#### Key Decision Yes

**Call In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

**Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details: Geoff Pickford ext 38194

#### **OFFICER'S RECOMMENDATIONS**

That Cabinet:

- 1. Approves the provisional budget of £22,098,000 for the Local Transport Plan capital programme for 2020/21.
- 2. Approves the programme for 2020/21 as set out in Appendix 1, acknowledging that it is likely to change over the course of the year.
- Delegates to the Executive Director Economy, Transport and Environment, in consultation with the Cabinet Member for Highways, Transport and Infrastructure, the authorisation of any future changes to the 2020/21 programme to reflect revised funding and work priorities as necessary.
- 4. Approves allocation of the £4.867m grant for the Maintenance Challenge Fund.
- 5. Approves the allocation of the £680,000 grant for development work for the Chesterfield-Staveley Regeneration Route

#### Appendix 1

#### 2020/21 Local Transport Plan Capital Programme

01 Higl	hway Maintenance Programme		Proposed
01	Carriageway maintenance		4,500,000
02	Footway maintenance		1,500,000
03	Drainage and flood management		1,000,000
04	Bridges, structures, retaining walls	and highway boundary structures	1,600,000
05	Transport asset replacement and r	emoval	1,500,000
06	Lighting replacement on the strate	egic network	600,000
07	Rights of way maintenance		400,000
08	Key cycle route maintenance		200,000
09	Other greenway maintenance		150,000
	Maintenance	Programme Total	11,450,000
02 Inte	egrated Transport Programme		
01	Road, Freight and Parking Manage	ment	200,000
02	Key Cycle Network investment pla	in	100,000
03	Local cycling and walking investme	130,000	
04	Sustainable Economic Connectivity	350,000	
05	Casualty reduction initiatives		1,500,000
06	Preparation and Implementation of	1,050,000	
	Integrated Tra	ansport Programme Total	3,330,000
03 Floo	od Damage Programme		
01	Landslip investigation and repair, i	including road reconstruction	2,900,000
02	Drainage investigation and recons	1,500,000	
03	Highway bridges and retaining wa	550,000	
04	Carriageway repairs and reinstater	2,368,000	
	Flood Damag	e Programme Total	7,318,000
Local	Transport Capital Programme Tota		22,098,000

## DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 APRIL 2020

Report of the Executive Director – Economy, Transport and Environment

## HIGHWAYS AND TRANSPORT CAPITAL PROGRAMME FOR 2020/21 (HIGHWAYS, TRANSPORT AND INFRASTRUCTURE)

## Purpose of Report

To seek Cabinet approval for a Highways and Transport capital budget and programme for 2020/21 and to alter the programme to accommodate future changes in circumstances and priorities.

## Information and Analysis

## Local Transport Plan Settlement

The mainstay of highways capital funding is the annual Local Transport Plan (LTP) settlement which, in 2019-20 comprised:

•	Maintenance block	£15.273m
•	Integrated transport block	£3.644m

• Incentive funding £3.181m

In previous years the settlement has been announced in November of the previous year, allowing sufficient time to finalise the programme, obtain Cabinet approval and to plan and design the schemes for an early start in the new financial year.

For 2020/21 there is no such certainty of funding, as government has not yet notified the authority of the grants for the new financial year. Other factors set out in this report add to the fact that the authority is about to start 2020/21 with a number of conflicting issues that will only resolve themselves over the coming months.

However, there is an urgent need to approve a budget for highways capital works to allow preparations and implementation of works in 2020/21.

### Covid-19

The current Covid-19 emergency poses a challenge of keeping staff safe to carry out essential work on the network while also protecting the people and communities of Derbyshire. This has dramatically changed the priorities for the highways service for the foreseeable future. The response to the emerging restrictions is constantly under review; at the time of writing the service was focussed on essential safety-related works such as winter maintenance, emergency response and tackling the highest priority defects that pose a safety risk to the travelling public.

Adjustments to working practices to protect staff on the essential safetyrelated activities, such as single occupancy of vehicles, are now in place. However, this inevitably means that many staff are either working from home or are unable to currently carry out their duties. Planned works where work practices cannot comply with social distancing requirements or that cannot be made safe at short notice are being suspended for the foreseeable future.

In turn, this means that other key programmed work such as that supported by the Local Growth Fund, is under close scrutiny and will likely be de-prioritised. Also, it should be noted that external contractors are currently assessing whether they are able to continue to work and this slowing down of activity will bring additional challenges to the authority (this will be subject to a separate Cabinet report).

In addition, the availability of materials, plant and external labour is likely to be severely restricted, which will have an impact on the ability of the authority to carry out even its essential duties.

While the focus is currently on providing these essential duties, there is also a need to prepare ahead for the time when Covi-19 restrictions are lifted. The majority of the schemes in any LTP capital programme require design and other preparation work in order to be suitable for construction, so there is a need to carry on with this work, and approval of a broad programme of schemes would facilitate this.

### Flooding Damage

Cabinet is well aware of the extent of damage caused to highways infrastructure during the unprecedented floods in November 2019. At that time, a month's rain fell in just one day on 7<sup>th</sup> November and rivers such as the Derwent and Trent recorded their highest ever levels.

The headline figures are that it would cost around £20million to repair the damage. Almost 200km of road were damaged, along with 15% of the drainage network. Seven landslips occurred at the time and four more have occurred since, isolating local communities and businesses. A total of 33 bridges and retaining walls were also damaged.

Government was unable to support a request for funding to tackle this damage, although lobbying of ministers by leading members and MPs to reverse this decision continues.

A number of extreme weather events in early 2020, especially Storms Ciara and Dennis, have caused significant further damage that is conservatively estimated to cost an additional £6 million to address.

While additional funding to tackle the full extent of damage remains in doubt, preparation work is continuing for the repairs to key parts of the network such as landslips and drainage so that implementation could be carried out a soon as is reasonably practical.

## Pothole Fund

A national pothole fund worth £500 million nationally was announced as part of the Budget on 11 March 2020. As yet, the Council's share and the conditions attached have not been announced. However, if the precedent is followed of previous awards that were based on a national formula, the Council would be predicted to receive around 2% of the national quantum, amounting to approximately £10m.

It is likely that these funds could be used to carry out capital works both to repair potholes and to carry out preventative works such as patching, as in previous years. As such, they could be used in part to fund some of the essential safety-related repairs being carried out under Covid-19 restrictions at the moment.

## Maintenance Challenge Fund

A bid was made in October 2019 to the national Maintenance Challenge Fund for funds to carry out repairs to major retaining walls along the A6 between Matlock and Whatstandwell. The Council was recently informed that its bid was successful, resulting in the award of the full £4.867m requested. It is recommended that Cabinet approves the acceptance of these capital funds, recognising that the funding is ring-fenced to the project and cannot be redirected to other areas of highways works.

### Chesterfield-Staveley Regeneration Route

In 2019 the Chesterfield-Staveley Regeneration Route was put forward by the sub-national transport body Midlands Connect for funding as part of the national Large Local Majors programme. The overall scheme cost is estimated to be around £93m and a recent government announcement confirmed the award of £680,000 towards preparation and design costs to further develop the scheme. It is recommended that Cabinet also approves the acceptance of these capital funds.

### Capital programme 2020/21

The highways service currently faces a number of conflicting issues as it prepares for the new financial year in 2020/21.

It has a prioritised programme of planned schemes that address safety and maintenance issues on the network that will have the highest impact and offer best value for money. The levels of funding likely to be available can only address the highest priority schemes, leaving a backlog of repairs unfunded. The planned programme was developed towards the end of 2019 using existing data to address the two key objectives to reduce road casualties and to improve the condition of the network.

Firstly, a programme of local safety schemes is intended to address an unexpected rise in the numbers of people killed and seriously injured on Derbyshire's roads in both 2018 and 2019. Each road safety scheme has been selected on the grounds of the predicted reduction in injury collisions and on value for money criteria.

Secondly, a significant element of the programme is aimed at tackling the deteriorating condition of the network, with an emphasis on the main roads that form the "resilient network" across the county. Schemes have been identified using asset management principles and a thorough understanding of the current condition and projected deterioration of the network. Even so, predicted levels of LTP investment would leave a significant shortfall for carriageways, structures, footways, traffic signals and signs.

In addition to the planned safety and maintenance programme there is a list of flood damage repairs and treatments caused by the November 2019 floods and the storms in early 2020. It is estimated to cost around £26m to address the full extent of damage, which is more than the anticipated LTP settlement. Inevitably there is some overlap with maintenance schemes but the majority of works to address flood damage is additional to this planned work. Without a grant from the Government, the only funding available to tackle the flood damage is the anticipated LTP settlement.

The Covid-19 pandemic has required a refocusing of highways operations that means only urgent safety-related repairs will be carried out for the foreseeable future. This suggests that further deterioration of the network is inevitable while planned and flood damage schemes are not carried out.

The highways capital works programme will need to balance the three pressures outlined above within an uncertain funding regime. As funding levels are confirmed and scheme details are developed it is anticipated that the programme will need to be reviewed regularly to take account of circumstances at the time.

## <u>Summary</u>

It is proposed that, unlike previous years when detailed lists of schemes have been agreed, a broader LTP programme is approved that allows for some flexibility to adapt to changing circumstances and priorities between planned works and flood damage repairs.

The programme in Appendix 1 sets out broad blocks of expenditure:

- A highways maintenance programme of £11,450,000, which is much reduced from initial plans. The reduced capacity due to Covid-19 suggests that seasonal works such as surface dressing and some of the more complex structural work are unlikely to happen in 2020/21 and these have been deleted in order to free up budget for flood damage repairs. Removing a significant element of maintenance works will inevitably mean more deterioration of the network.
- An integrated transport (IT) programme that is dominated by road safety schemes and contributions towards committed major highways projects that are mostly funded by external grants from the Local Growth Fund. For the first time in nearly twenty years of Local Transport Plans, the full award is not being utilised for integrated transport schemes in order to contribute towards flood repairs.
- A flood damage programme using the remaining LTP budget for the highest priority schemes to tackle landslips, drainage, structural and carriageway damage. Not all landslips can be addressed with this level of funding and some repairs will have to be carried out in later years.

Should the anticipated levels of pothole funding be forthcoming it will be possible to use some of this funding to boost the maintenance programme and possibly increase the works carried out to address flood damage. It therefore seems appropriate that the detailed programme and list of schemes is developed within the broad blocks set out in Appendix 1 in a rolling manner, tackling the highest priorities first and allowing flexibility to adjust the programme to suit current circumstances.

It is therefore proposed that the budgets assigned to the broad programme blocks, the detail of the programme and any changes to adjust priorities or incorporate urgent works are delegated to the Executive Director – Economy, Transport and Environment in consultation with the Cabinet Member for Highways, Transport and Infrastructure. Any alterations will subsequently be reported to Cabinet, but the ability to be flexible and responsive to changing circumstances is paramount.

In 2019/20 the LTP programme was the first time that the Council had published a forward five year programme of works, based on the assessment of asset condition and deterioration. However, because of the uncertainty of

funding for 2020/21 it is proposed to delay, for the foreseeable future, the publication of a programme for 2021/22 to 2024/25 on the grounds that any such programme would likely be overtaken by events and become outdated very soon.

## **Recommendation**

It is recommended that Cabinet approves the LTP programme as set out in Appendix 1 in order to create the 2020/21 capital programme and budgets for the type of works identified above. This would allow essential planning, design and construction work to progress where practical, but it is acknowledged that it is inevitable that the funding balance and details of the programme will need to be reviewed and adjusted through the year as priorities and funding opportunities change.

The Government has had to respond to the Covid-19 pandemic with unprecedented levels of funds committed to supporting the population and the economy. This might suggest that any announcement on the LTP settlement could be delayed even further. It is unparalleled to seek Cabinet's approval of a budget without confirmation from Government of the levels of funding, although discussions with the Department for Transport suggest that a budget based on that for 2019/20, as set out at the start of this report, should be reasonably accurate.

Cabinet is therefore asked to approve a provisional LTP capital budget of £22,098,000 comprising an anticipated £15.273m maintenance block, £3.644m for the integrated transport block and £3.181m of incentive funding.

Cabinet's approval is also sought for the acceptance of the Maintenance Challenge Fund for £4.867m, acknowledging the funding is ring-fenced to retaining wall repairs on the A6.

In addition, Cabinet is asked to approve acceptance of the grant of £680,000 for the Chesterfield-Staveley Regeneration Route.

When confirmation is received of the LTP settlement, pothole fund and any other grants related to highways works, these will be reported to Cabinet.

## **Financial Considerations**

The maintenance and integrated block allocations, together with the Incentive Fund, typically comprise the Local Transport Plan capital settlement from Government. As set out in the report, the details for 2020/21 have not yet been confirmed, although there are strong indications from the Department for Transport that the settlement should be similar to that of 2019/20. While it should be acknowledged that there are risks associated with creating budgets

before confirmation of the grant, the need to create budgets for essential planning and implementation works is considered imperative.

Cabinet should be aware that any expenditure committed on design for LTP projects can be charged to the LTP capital budget but, should any schemes not go ahead, that these preparation costs would have to be met from revenue funds.

The measures contained in this report allow for the programme to be adjusted once confirmation of grants is received.

## **Legal Considerations**

The Traffic Management Act 2004 requires the Council to publish advance notice of highways schemes to apply for permits to work. The Local Transport Act 2008 requires the county council to prepare a Local Transport Plan containing its highways and transport policies and its proposals for the implementation of those policies, with the LTP capital programme forming the key part of this implementation plan.

## **Other Considerations**

In preparing this report the relevance of the following factors have been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

## Key Decision Yes

**Call In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

**Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details: Geoff Pickford ext 38194

## **OFFICER'S RECOMMENDATIONS**

That Cabinet:

- 1. Approves the provisional budget of £22,098,000 for the Local Transport Plan capital programme for 2020/21.
- 2. Approves the programme for 2020/21 as set out in Appendix 1, acknowledging that budgets for the blocks and the schemes are likely to change over the course of the year.
- Delegates to the Executive Director Economy, Transport and Environment, in consultation with the Cabinet Member for Highways, Transport and Infrastructure, the authorisation of any future changes to the 2020/21 programme to reflect revised funding and work priorities as necessary.

- 4. Approves allocation of the £4.867m grant for the Maintenance Challenge Fund.
- 5. Approves the allocation of the £680,000 grant for development work for the Chesterfield-Staveley Regeneration Route

## DERBYSHIRE COUNTY COUNCIL

## OFFICER DECISION RECORD

Officer: Joe Battye			Service: Economy and Regeneration		
	Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE				
details):		To offer a de	d report also eferral of rent to business tenants of DCC a period of 3 months from April to June 2020		
			f the deferral will be to secure repayment of the e tenant over the period up to end March 2022.		
		-	mises to include Markham Vale, all premises Corporate Property and those in the service		
		rental incom	al does not result in an overall deficit to DCC's ne but will result in 3 months rental income of a f £497,398 not being received during the 1 <sup>st</sup> 020/2021.		
		The deferral will be reviewed during June 2020 amount of take-up and any ongoing need if the crisis continues.			
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		significant ir	9 situation has already (as of 20 March) had a npact on local businesses and the level of dship is likely to deepen as things progress over months.		
		support eco survive and Although Gc of support, t Council is at objectives o This proposa	s stated priorities in the Corporate Plan are to nomic growth and help existing businesses to thrive. overnment has announced a significant package there are noted gaps and as a landlord, the le to take decisions that help meet its wider f supporting the local economy. al will provide immediate and meaningful ef to local businesses at this time of crisis.		
o b		opti busi	nothing – this is not considered an appropriate on given the significance of the impact on local nesses and the potential to recoup the 'lost' me over time.		

		2) Offer full rent relief or rent holiday – where it is considered possible to recoup the rent this should be pursued. It is quite possible that some businesses will fail to survive the economic shock (in either the short or long term) but given the Council's financial limited resources, it is considered that a full rent relief is not appropriate
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		See attached report which was considered and agreed at CMT Gold meeting on 20 <sup>th</sup> March 2020
Consultation	with relevant Cabinet	Discussion with Cllr Barry Lewis on 19 <sup>th</sup> March
Member (s)		Discussion with Cllr Tony King on 20 <sup>th</sup> March
Decision: Report approved in fu the Countryside port		ull – including extension of rent deferral to properties within folio
Signature and	Date:	
Joe Battye 20 <sup>th</sup> March 2020		

## Proposal to Defer Rents for DCC Business Tenants

## Background

As of 18 March 2020, Government announced a package of funding to support local businesses ranging from:

- A 2020-21 business rate holiday
- £10,000 grant to SMEs available from early April
- £25,000 grant to support the retail, leisure and hospitality sectors (for those businesses with a rateable value between £15,000 and £51,000) – available from early April
- Other sectors (aviation, rail etc.) have been subject to separate discussions with Government
- Announcements of support for the self-employed and charities
- Furloughed staff and payment of 80% salaries
- Guaranteeing 80% of bank loans / overdrafts up to £5 million and no interest will be charged for the first 6 months.
- SMEs refunded SSP for staff off work for two weeks as a result of virus.

## **Issues/ Considerations**

The Council owns and maintains an industrial portfolio which comprises two classes of unit:

- Small business centres (SBCs) which are occupied mostly by start-up, micro businesses (9 people or less) and independent businesses
- Industrial units for the larger and more established companies.

In addition, the Council owns and operates the Markham Vale Environment Centre on a similar basis to the SBCs.

Intelligence from across the county indicates there are a number of businesses that will miss out the on the Government's support package, notably the smaller business such as those based in our Small Business Centres. There are additional, larger tenant companies that, because of their particular sector, are struggling to maintain previous levels of turnover in the short term and which may result in staff redundancies and/ or business closure.

The Council is already receiving enquiries from business and industry tenants enquiring what assistance the Council can provide towards rent free periods.

Much work has been done by the Council over the past few years in improving the local economy by facilitating and encouraging an increase in the private sector.

Total annual rental income form the Council's industrial portfolio amounts to

- Small business centres £377,676
- Industrial Units

- £1,419,831.16
- Markham vale Environment Centre £192,085.16

Total £1,989,592

## Proposal

The Covid 19 crisis is already starting to impact on the local economy and this is expected to deepen over the coming weeks.

There is a clear need to cover the gaps in the Government's scheme as an urgent and immediate action to try as a loss of income to businesses, whilst maintaining payment of costs and expenses including rental payment to DCC, will place many if not all in significant hardship.

On this basis, some emergency relief is proposed to Council tenants (in addition to any support being offered via the support programme).

It is proposed to offer business tenants the opportunity to defer up to three months of their monthly rent payment (April, May and June 2020) and for it to be recouped over the period up to end March 2022.

If approved, this will not result in an overall deficit to DCC's rental income but could result in 3 months rental income of a maximum of £497,398 not being received during the 1<sup>st</sup> quarter of 2020/2021.

The situation will need to be reviewed during June 2020 to assess the amount of take-up and any ongoing need if the Covid 19 crisis continues.

DCC has many other lettings besides industrial premises which are leased out -e.g.we have numerous nurseries, some shops and some residential properties - all of which will be affected by the current situation. Additional action may be required in respect of these properties.

It will be possible to exercise some caution on those businesses which are already viewed by Council officers as 'vulnerable' to ensure that the proposed rent holiday doesn't result in a default on payment over the long term. Property colleagues previously undertook work to assess the financial health of a particular business through submission of a brief business case, access to accounts, history of the business, description of any supply problems and where demand had fallen away etc. The business case also asked for an explanation of how it was proposed to get the business back on track e.g. diversification and finding alternative markets. It is proposed this approach be adopted for any business applying for rent deferral if there is already concern to its ability to repay the rent over the longer term.

## Conclusion

The Council relies on the revenue income from its industrial and commercial property portfolio as a means of funding other services so cannot afford a loss or drop in income.

Businesses that are suffering from the current Covid 19 crisis have an urgent need for financial support.

The above proposal offers some temporary relief to businesses by allowing them to defer three months of rental payment to the Council for a period of three months – or perhaps until such a point that their business turnover recovers (this would be subject to deeper review and further information being provided by the business).

## Public Health Officer Decisions Index

Live Life Better Derbyshire (PHODR2)Better Derbyshire, including School Crossin Patrols (PHREP1)23/3/2020Transfer from tariff-based contract to block contract (PHODR3)Contract Variation – Sex and Mental Health Servin (PHREP2)24/3/2020Suspension of LAC Service (PHODR4) Suspension of 50+ Forums (PHODR5) Suspension of Safe Places (PHODR6)Changes to Services Delivery Model for the Public Health Prevention Group Services (PHREP	Review Cabinet Report	Officer Decision Review	Date of Decision
to block contract (PHODR3)and Mental Health Service (PHREP2)24/3/2020Suspension of LAC Service (PHODR4)Changes to Services Delivery Model for the Public Health Prevention Group Services (PHREP24/3/2020Suspension of 50+ Forums (PHODR5) Suspension of Safe Places (PHODR6)Changes to Services Delivery Model for the Public Health Prevention Group Services (PHREP	shire Delivery Model for Live Life Better Derbyshire, including School Crossing	(PHODR1) Live Life Better Derbyshire	20/3/2020
(PHODR4)Delivery Model for the Public Health Prevention Group Services (PHREF Suspension of Safe Places (PHODR6)	ODR3) and Mental Health Services		23/3/2020
(PHODR7)	brums Delivery Model for the Public Health Prevention Group Services (PHREP3) laces	(PHODR4) Suspension of 50+ Forums (PHODR5) Suspension of Safe Places (PHODR6) Suspension of Time Swap Service	24/3/2020
1/4/2020       Suspension of First Contact         1/4/2020       Service (PHODR8)         Suspension of Disability         Employment Service         (PHODR9)         Extension of service contracts         (PHODR10)         Pension Credit Project:         Suspension of service         (PHODR11)	ity contracts t:	Suspension of First Contact Service (PHODR8) Suspension of Disability Employment Service (PHODR9) Extension of service contracts (PHODR10) Pension Credit Project: Suspension of service	

Officer: lain Little	Service: School crossing patrol				
Delegated Power Being Exercised: Service delivery suspension					
Subject of Decision: Suspen	ision of service				
Decision Taken(specify precise details):	Suspension of school crossing patrol service across Derbyshire from end of school duty on Friday 20 <sup>th</sup> March.				
Reasons for the Decision (specificall reasons for taking the decision including where necessary reference to Council policy)					
Alternative Options Considered appropriate)	(if Redeployment of staff to cover priority sites – not deliverable due to lack of non-public transport options for many of the staff means that they are not a workforce that can flex geographically				
Background/Reports/Informatio considered and attached (Legal, Personnel, Financial Implication: etc)					
Consultation with relevant Cabir Member (s)	net Cllr Hart				
Decision:					
Signature and Date:					

Officer: lain Little	Service: Live Life Better Derbyshire, including National Child Measurement Programme		
Delegated Power Being Exercised: Service delivery suspension/change of service delivery mode			
Subject of Decision: Suspensio	spension of service/change of service delivery model		
Decision Taken(specify precise details):	Suspension of all face-to-face delivery of Live Life Better Derbyshire services from 18-03-20. This includes delivery of the National Child Measurement Programme (NCMP). Telephone support will be offered to all existing and new clients seeking stop smoking support and weight management clients, prioritising those with a BMI of over 40. NRT supply to stop smoking clients to be provided through post.		
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Face-to-face sessions ceased in line with national self- distancing policy. NCMP identified as non-critical service and advice given to cease (see Matthew Winn letter on COVID19 prioritisation in community health services dated 19th March 2020 below)		
Alternative Options Considered (if appropriate)	Alternative model implemented of continuing service provision to those groups at increased risk of more serious COVID19 illness and those with the capacity to benefit most from continuing service provision.		
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	COVID-19 prioritisation within co		
Consultation with relevant Cabinet Member (s)	Cllr Hart		
Decision:			

Signature and Date:

## **CABINET MEMBER**

# 23 APRIL 2020

#### **Report of the Director of Public Health**

#### CHANGES TO SERVICE DELIVERY MODEL FOR LIVE LIFE BETTER DERBYSHIRE, INCLUDING SCHOOL CROSSING PATROLS

### 1. Purpose of the Report

To provide information on changes made to the delivery of Live Life Better Derbyshire services, including the suspension of the School Crossing Patrol Service.

## 2. Information and Analysis

The COVID19 pandemic has resulted in the implementation of national guidance for self-distancing, self-isolation and the closure of schools. In light of these requirements changes have been made to the delivery model for Live Life Better Derbyshire's stop smoking, weight management and physical activity services. In addition, provision of the School Crossing Patrol service and National Child Measurement Programme have been suspended.

Live Life Better Derbyshire - Stop Smoking, Weight Management, Physical Activity and the National Child Measurement Programme (NCMP)

Live Life Better Derbyshire provides support to Derbyshire residents who wish to stop smoking, lose weight or increase levels of physical activity. It also delivers the National Child Measurement Programme, a mandated Public Health function for the Council, that measures the height and weight of children in Reception class and year 6, to assess overweight and obesity levels in children within primary schools.

All face-to-face delivery of Live Life Better Derbyshire services was suspended from 18<sup>th</sup> March, including delivery of the NCMP. NHS guidance on prioritisation of community health services during the COVID-19 pandemic (including services commissioned or provided by Local Authority Public Health teams) has been provided in a letter dated 19 March from Matthew Winn and Dr Adrian Hyter from NHS England and NHS Improvement, entitled *COVID-19 Prioritisation within Community Health Services*. The letter recommends that changes to service delivery apply until 31<sup>st</sup> July 2020.

Smoking may increase complications from coronaviruses. In line with the NHS guidance, telephone or video-call support is now offered to all new and existing clients seeking stop smoking support. This includes pregnant women who want support to stop smoking, and have been referred from midwifery teams. NRT will be provided to clients by post, using a pre-existing protocol.

Individuals with a BMI of over 40 are included on the Government's list of people at increased risk of severe illness from COVID-19, and are therefore recommended to stringently follow social distancing measures. Telephone support is being offered to all existing and new weight management clients, prioritising those with a BMI of over 40.

The Physical Activity service has temporarily ceased supporting new clients. Existing clients are receiving support by telephone, and useful resources on maintaining physical activity during the COVID-19 pandemic have been shared with clients.

The NHS guidance recommends that all NCMP programmes are suspended temporarily. All schools with NCMP visits planned have been informed.

This alternative model of service delivery will allow service provision to be prioritised to those groups at increased risk of more serious COVID19 illness and those with the capacity to benefit most from continuing service provision. An impact assessment is being completed to further consider the impact of the changes, and to identify any additional mitigation measures that are required.

# School Crossing Patrols

School Crossing Patrol services were suspended from the end of school duty on Friday 20<sup>th</sup> March. A number of service staff were self-isolating at this time, in line with national guidance for those with underlying health conditions. In addition, closure of schools for all children except those of key workers has resulted in reduced numbers of children requiring this service.

Councils are not mandated to provide a School Crossing Patrol service. All schools in receipt of a regular Crossing Patrol were contacted by phone on the day the decision was made to suspend the service, and a follow-up letter was sent to all schools requesting that they informed parents about the suspension of the service and the need for parents to ensure children were able to access schools safely.

Redeployment of staff to cover priority sites was considered as an option, but was deemed undeliverable due to a lack of non-public transport options for many of the staff meaning limitations on how the workforce can flex geographically.

# 3. Financial Considerations

There are likely to be small cost savings to the Live Life Better Derbyshire service as a result of ceasing face-to-face delivery of services, and a reduction in number of new clients requesting support at the moment. This will be offset to some degree by an increase in use of work mobile phones by staff.

There is not expected to be a financial impact on the School Crossing Patrol Service. Staff continue to be paid, and have been advised that, where appropriate, they should be prepared to be redeployed to support the Council's COVID-19 response.

### 4. Legal Considerations

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons but arrangements have been put in place to continue to support people most vulnerable to COVID-19 complications.

The decision is a proportionate and reasonable response to COVID-19 risks.

The Director of Public Health will review on a monthly basis the decision to change or suspend delivery of these services, particularly in light of any changes to the Government's social distancing and self-isolation recommendations. (PHREP1)

## 5. Human Resources considerations

Staff working in the School Crossing Patrol have completed the Council's redeployment and volunteering survey and will be redeployed where appropriate. It should be recognised that a significant proportion of the SCP workforce are aged either over 70 or have underlying health conditions which require them to follow social distancing measures stringently.

Where appropriate, staff working in the Stop Smoking, Weight Management, Physical Activity and NCMP services have been redeployed to support the Council's response to COVID-19, for example within the Community Response Unit.

## 6. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

#### 7. Background Papers

Discussion with Cllr Hart on 31 March 2020.

### 8. Key Decision

Yes

# 9. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

### **10.** Officer's Recommendation

To note the changes in service delivery of Live Life Better Derbyshire, including the suspension of the School Crossing Patrol service and National Child Measurement Programme.

#### Dean Wallace Director of Public Health County Hall Matlock

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Officer: lain Little			Service: Sexual health and mental health service commissioning
Delegated Power Being Exercised: Financial decision-making			
Subject of Decision:	Transfer fro	r from tariff-based contract to block contract	
Decision Taken(specify details):	precise	Health Servi contract to April 2020.	payments to 2 providers (Derbyshire Community ces NHS Trust and Harmless) from a tariff-based a block payment, for a period of 3 months from 1 Monthly payment will be based on 1/12 <sup>th</sup> of the dget allocation.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		distancing re have been in to the existi service deliv Transfer to a provide an a	sures on the NHS and implementation of social equirements due to covid19, these 2 providers dentified at high risk of financial instability due ng tariff-based model due to suspension of very, or reduction in activity within the service. a block payment for a period of 3 months will additional degree of stability, thus ensuring less uption on resumption of normal service delivery.
Alternative Options Cor appropriate)	isidered (if	N/A	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		SMT report cor variations marc	
Consultation with relev Member (s)	ant Cabinet	Cllr Hart	
Decision:			
Signature and Date:			

# (PHREP2)

'Not for Publication: Contains information about the financial or business affairs of a particular person including the authority holding that information)

## DERBYSHIRE COUNTY COUNCIL

#### CABINET MEMBER

#### 23 APRIL 2020

#### **Report of the Director of Public Health**

#### CONTRACT VARIATIONS – SEXUAL HEALTH AND MENTAL HEALTH SERVICES

#### 1. Purpose of the Report

To seek approval for issuing of contract variations on tariff-based sexual health and mental health contracts to provide increased financial stability to providers of Public Health services during the COVID19 pandemic.

#### 2. Information and Analysis

The COVID19 pandemic has resulted in the implementation of national guidance for social distancing, self-isolation and the closure of schools. In addition, there are an increasing number of people requiring hospitalisation as a result of the illness. Combined, these have created significant service and financial pressures to local providers, especially health and care organisations. The Council currently pays a small number of providers of Public Health commissioned services on a tariff basis, with monthly payments variable on service delivery activity. It is proposed that to maintain the financial stability of these providers that contract variations are issued for a period of 3 months from 1<sup>st</sup> April 2020 for block (fixed-amount) payments to be made.

The two providers where contract variations will be issued are Derbyshire Community Health Services NHS Trust for the delivery of the Integrated Sexual Health Service, and Harmless for the delivery of Mental Health Awareness Training.

## 3. Financial Considerations

Monthly payments will be calculated as 1/12<sup>th</sup> of the total 2020/21 budget for that service. The proposed amended payments are as follows:

Provider	Service	Annual budget 2020/21 (£)	Proposed monthly payment (£)
Derbyshire Community Health Services NHS Trust	Integrated Sexual Health Services Service Element 2: STI testing and treatment (including routine chlamydia screening); Service Element 3: Contraception (including LARC not delivered in primary care); Service Element 4: Contraception in primary care; Service Element 5: Enhanced level 2 primary care provision; Service Element 6: Psycho- sexual counselling	4,148,409	345,701
Harmless	Delivery of Mental Health Awareness Training	15,600	1,300

It is anticipated that the financial risk to the Council due to the contract variations will be low. Payment to DCHS may be in excess of activity delivered, however the risk to the budget has been mitigated by agreeing that the monthly payment will be 1/12<sup>th</sup> of the annual budget.

### 4. Legal Considerations

Protocol 9 of the Council's Financial Regulations would ordinarily require submission and approval of a business case to approve material changes to an existing contract. However in light of the unprecedented situation caused by the COVID19 pandemic, the Director of Legal Services has advised that as a temporary measure it is appropriate accept the information as presented, and that the change is permissible through the issuing of a contract variation. (PHREP2)

As part of this temporary measure, the contract variations have been issued by email, signed and scanned across between providers and the Council to prevent delays.

Consideration will be given to a further extension to the contract variation by the Director of Public Health at the end of the 3 month initial period. The decision will be based on whether service delivery has returned to normal, or whether social distancing restrictions continue to impact on service delivery.

#### 5. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

#### 6. Background Papers

Discussion with Cllr Hart on 31 March 2020.

### 7. Key Decision

Yes

8. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

#### 9. Officer's Recommendation

That Cabinet notes the contract variations as outlined above.

Dean Wallace Director of Public Health County Hall Matlock

Officer: Ellie Houlston		Service: Local Area Coordination (LAC)		
Delegated Power Being Exercised: Service delivery suspension				
Subject of Decision: Susper	nsion of service			
Decision Taken(specify precise details):	Suspension March.	Suspension of LAC service across Derbyshire from Friday 20 <sup>th</sup> March.		
Reasons for the Decision (specif all reasons for taking the decision including where necessary reference to Council policy)	ons been asked redeploy st	LAC is considered a 'non-essential' service. The Council has been asked to suspend all 'non-essential' services and redeploy staff into other roles to help cope with Covid-19 virus pandemic.		
Alternative Options Considered appropriate)	skills will be support our Social Care This could in food and m vulnerable	ty response is being set up urgently and LACs redeployed to support Community Hubs, most vulnerable people and support our Adult Teams. nvolve supporting telephone triage, dropping off edicines, meal prep and/or other support to people in communities.		
Background/Reports/Informatic considered and attached (Legal, Personnel, Financial Implication etc)	,			
Consultation with relevant Cabi Member (s) Decision:	net Cllr Hart			
Signature and Date:				

Officer: Ellie Houlston			Service: 50+ Forums
Delegated Power Being Exercised: Service delivery suspension			
Subject of Decision:	Suspension of service		
Decision Taken(specify p details):	orecise	Suspension 20 <sup>th</sup> March.	of 50+ Forums across Derbyshire from Friday
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		Council has services and	is considered a 'non-essential' service. The been asked to suspend all 'non-essential' redeploy staff into other roles to help cope with us pandemic.
		be self-isola cancelled fo	v of 50+ members are over the age of 70 and will ting and all Open Forum events have been r the Summer. Autumn dates remain in place ill be reviewed at a later date.
Alternative Options Considered (if appropriate)		Support Offi Community	y response is being set up urgently and 50+ cer skills will be redeployed to support Hubs, support our most vulnerable people and Adult Social Care Teams.
		food and me	volve supporting telephone triage, dropping off edicines, meal prep and/or other support to eople in communities.
		Adhering to	all PHE guidance and safeguarding policy.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		None	
Consultation with relevant Cabinet Cllr Member (s)		Cllr Hart	
Decision:			
Signature and Date:			

Officer: Ellie Houlston	ton		Service: Safe Places	
Delegated Power Being Exercised: Service delivery suspension				
Subject of Decision:	Suspension	of service		
Decision Taken(specify precise details):		Suspension March.	of Safe Places across Derbyshire from Friday 20 <sup>th</sup>	
all reasons for taking the decisions including where necessary		Council has services and	s considered a 'non-essential' service. The been asked to suspend all 'non-essential' redeploy staff into other roles to help cope with us pandemic.	
Alternative Options Con appropriate)	sidered (if	Places Office Community support our This could in food and me vulnerable p	y response is being set up urgently and Safe er skills will be redeployed to support Hubs, support our most vulnerable people and Adult Social Care Teams. Noolve supporting telephone triage, dropping off edicines, meal prep and/or other support to beople in communities. all PHE guidance and safeguarding policy.	
Background/Reports/Inf considered and attached Personnel, Financial Imp etc)	d (Legal,	None		
Consultation with releva Member (s)	ant Cabinet	Cllr Hart		
Decision:				
Signature and Date:				

Officer: Ellie Houlston	er: Ellie Houlston		Service: Time Swap	
Delegated Power Being Exercised: Service delivery suspension				
Subject of Decision:	Suspension	of service		
			Suspension of Time Swap service across Derbyshire from Friday 20 <sup>th</sup> March.	
all reasons for taking the decisions Cou including where necessary ser		Council has services and	Time Swap is considered a 'non-essential' service. The Council has been asked to suspend all 'non-essential' services and redeploy staff into other roles to help cope with Covid-19 virus pandemic.	
Alternative Options Considered (if appropriate)		A community response is being set up urgently and Time Swap Officer skills will be redeployed to support Community Hubs, support our most vulnerable people and support our Adult Social Care Teams. This could involve supporting telephone triage, dropping off food and medicines, meal prep and/or other support to vulnerable people in communities. Adhering to all PHE guidance and safeguarding policy.		
Background/Reports/In considered and attache Personnel, Financial Imp etc)	d (Legal,	None		
Consultation with relevant Cabinet Member (s)		Cllr Hart		
Decision:				
Signature and Date:				

Officer: Ellie Houlston	fficer: Ellie Houlston		Service: First Contact Service	
Delegated Power Being Exercised: Service delivery suspension				
Subject of Decision:	Suspension	of service		
			Suspension of First Contact Service across Derbyshire from Friday 20 <sup>th</sup> March.	
all reasons for taking the decisions The C including where necessary servi		The Council services and	t Service is considered a 'non-essential' service. has been asked to suspend all 'non-essential' redeploy staff into other roles to help cope with us pandemic.	
Alternative Options Considered (if appropriate)		Officer skills support our Social Care T This could in food and me vulnerable p	y response is being set up urgently First Contact will be redeployed to support Community Hubs, most vulnerable people and support our Adult Teams. Involve supporting telephone triage, dropping off edicines, meal prep and/or other support to beople in communities. all PHE guidance and safeguarding policy.	
Background/Reports/Info considered and attached Personnel, Financial Impli etc)	(Legal,	None		
Consultation with relevant Cabinet Member (s)		Cllr Hart		
Decision:				
Signature and Date:				

Officer: Ellie Houlston			Service: Disability Employment Service	
Delegated Power Being Exercised: Service delivery suspension				
Subject of Decision:	Suspension	of service		
Decision Taken(specify precise details):			Suspension of Disability Employment Service across Derbyshire from Friday 20 <sup>th</sup> March.	
all reasons for taking the decisionsservicincluding where necessaryessen		service. The essential' se	nployment Service is considered a 'non-essential' Council has been asked to suspend all 'non- rvices and redeploy staff into other roles to help ovid-19 virus pandemic.	
Alternative Options Cor appropriate)	nsidered (if	Employmen Community support our This could ir food and me vulnerable p	y response is being set up urgently and Disability t Officer skills will be redeployed to support Hubs, support our most vulnerable people and Adult Social Care Teams. Nolve supporting telephone triage, dropping off edicines, meal prep and/or other support to beople in communities. all PHE guidance and safeguarding policy.	
Background/Reports/In considered and attache Personnel, Financial Im etc)	ed (Legal,	None		
Consultation with relevant Cabinet C Member (s)		Cllr Hart		
Decision:				
Signature and Date:				

Officer: lain Little		Service: Intensive Health Visiting, Advisory Services and School Crossing Patrol Uniforms			
Delegated Power Being Exercised: Expenditure over £500,000, and effecting 2 or more elector divisions					
Subject of Decision: Ext	ension of contracts				
Decision Taken(specify prec details): Reasons for the Decision (sp all reasons for taking the de including where necessary	for a perio Int 31 Ad Co Su 3/- In addition the Intensi The costs of months wi including e in the atta pecify cisions	<ul> <li>To extend the existing contracts for the following services for a period of 6 months beyond the original award date: <ul> <li>Intensive Home Visiting Service – from 1/10/20 to 31/3/21</li> <li>Advisory Services in General Practice and Community Approach – from 1/4/21 to 30/9/21</li> <li>Supply of school crossing patrol uniforms – from 3/4/21 to 2/10/21</li> </ul> </li> <li>In addition, to pause the evaluation of submitted bids for the Intensive Home Visiting Service.</li> <li>The costs of extending the contracts for a period of 6 months will be £846,699. Further details of each service, including existing providers and contract values are included in the attached business case and Public Health SMT report.</li> <li>The temporary extensions of these contracts are required because both ongoing and upcoming procurements of these services will need to be postponed as both internal and</li> </ul>			
reference to Council policy) Alternative Options Conside appropriate)	external re 19 panden Submission now closed is propose procureme For the ot been adve contracts procureme red (if Continuing planned w external o	sources are being diverted to deal with the COVID-			

	1
	If the existing contracts for these services are not extended, the council would be left without services which support the people of Derbyshire and is likely to create pressure and extra demand on other health and social care services. It will also have a deleterious impact on the reputation of the council.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Approved by PH SMT 30 <sup>th</sup> March. Business case subsequently approved by procurement, legal and finance. PH SMT Report - contract extensions
	business-case-to extend PH contracts b
Consultation with relevant Cabinet Member (s)	Cllr Hart approved
Decision:	
Signature and Date:	

Officer: Ellie Houlston	Service: Pension Credit Project
Delegated Power Being Exercised: Effecting 2 or more electoral divisions	
Subject of Decision: Suspensior	of service
Decision Taken(specify precise details):	Suspension of Pension Credit Project across Derbyshire from Monday 6 <sup>th</sup> April for 12 weeks and then review
	The Pension Credit project identifies and supports older people entitled to, but not claiming, pension credit.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	There is no scope to initiate face to face contact with new older people at this time, nor to run information sessions / attend outreach groups etc. The Council has been asked to suspend all 'non-essential' services and redeploy staff into other roles to help cope with Covid-19 virus pandemic.
Alternative Options Considered (if appropriate)	New contacts with clients were suspended from 13th March and the team has been following up on existing contact by telephone. Support remains available to older people through the work of the Welfare Rights Service more widely, but not on the scale achievable by the project. Staff who cannot currently do their usual roles will be re- allocated to support the ongoing work of the Welfare Rights Service and the Derbyshire Discretionary Fund both of which the council has designated as business critical.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Approved by PH SMT 30 <sup>th</sup> March - section in red only. CMT have been informed of other PH service suspensions v - LR additions - SMT report service si
Consultation with relevant Cabinet Member (s)	Cllr Hart approved Re suspension of services and changes
Decision:	·
Signature and Date:	

(PHODR11)

#### Report of the Director of Public Health -23 APRIL 2020

#### CHANGES TO SERVICE DELIVERY MODEL FOR THE PUBIC HEALTH PREVENTION GROUP SERVICES

#### 1. Purpose of the Report

To provide information on changes made to the delivery of the following Public Health Services as a result of the COVID-19 pandemic:

- Time Swap
- Safe Places
- Local Area Co-ordination
- Disability Employment Service
- First Contact
- 50+ Forums
- Pension Credit Project

#### 2. Information and Analysis

The COVID19 pandemic has resulted in the implementation of national guidance for self-distancing, self-isolation and the closure of schools. In light of these requirements the decision was taken to suspend non-essential Public Health Prevention Group services. The suspension of the services will be reviewed once government guidance no longer requires social distancing and self-isolation.

#### <u>Time Swap</u>

Time Swap is an initiative that encourages local communities to help each other by sharing time and talents. Time Swap members earn 'time' by giving help and support to other members in your community, and in return spend that time on getting help from other members.

Time Swap services were suspended across Derbyshire from 20 March.

#### Safe Places

Safe Places are public buildings in towns and communities across Derbyshire, such as libraries, shops, pharmacies and GP surgeries. A Safe Place is somewhere vulnerable individuals can go if they feel scared, are lost or need help when they are out and about.

Support for existing Safe Places, and registration of new Safe Places was suspended on 20 March 2020.

#### Local Area Co-ordination

Local area co-ordination is a way of supporting people with disabilities, mental ill health, older people and their families and carers. Local area coco-ordinators support people to live fulfilling lives, stay safe and be well connected with their local communities. Local area co-ordinators work in the Bolsover, Amber Valley and High Peak areas.

Support provided by Local Area Co-ordinators was suspended across Derbyshire on 20 March 2020.

### **Disability Employment Service**

The Disability Employment Service supports disabled people to find training, work experience, voluntary work and paid employment.

Support provided by the Disability Employment Service was suspended across Derbyshire on 20 March 2020.

### First Contact

First Contact is a service for adults living in Derbyshire. It provides an easy way for people to get in touch with local services who can support wellbeing and help with staying independent. The Council runs the scheme in partnership with a variety of local agencies.

The First Contact service was suspended across Derbyshire on 20 March 2020.

#### 50+ Forums

50+ Forums provide an opportunity for Derbyshire residents aged 50 and above to become involved in the services that are delivered in their area. The majority of 50+ Forum members are aged over 70 years old, and therefore are recommended to implement stringent social distancing and social isolation practices due to their increased risk of more severe illness from COVID19.

All 50+ Forums were suspended across Derbyshire on 20 March 2020.

## Pension Credit Project

The Pension Credit project identifies and supports older people entitled to, but not claiming, pension credit. New contacts with clients were suspended from 13th March and the team has been following up on existing contacts by telephone. Support remains available to older people through the work of the Welfare Rights Service more widely, but not on the scale achievable by the project.

The programme was suspended across Derbyshire on 6 April 2020.

Staff have been re-allocated to support the ongoing work of the Welfare Rights Service and the Derbyshire Discretionary Fund, both of which the Council has designated as business critical.

## 3. Financial Considerations

The majority of costs allocated to these services are staff costs. As a result, the financial impact as a result of the suspension of the services is envisaged to be minimal as staff have been redeployed, where appropriate, to support the work of the Community Response Unit.

## 4. Legal Considerations

The Council has powers in accordance with s1-6 of the Localism Act 2011 to do that which will be to the 'benefit of the authority, its area or persons resident or present in its area'. The proposed benefit of this action is to support the reduction in COVID-19 infections and reduce the transmission of the virus. Due to the timescales involved it has not been possible to consult affected persons.

The decision is a proportionate and reasonable response to COVID-19 risks.

The Director of Public Health will review on a monthly basis the decision to suspend delivery of these services, particularly in light of any changes to the Government's social distancing and self-isolation recommendations.

# 5. Human Resources considerations

A Community Response Unit has been established to lead the Council's response to the COVID-19 pandemic. Staff from these services will be redeployed, where appropriate, to support this, support our most vulnerable people and support the Council's Adult Social Care Teams.

## 6. Other Considerations

In preparing this report the relevance of the following factors has been considered: Social Value, Human Rights, equality of opportunity, health, environmental, transport, property, social value and crime and disorder considerations.

### 7. Background Papers

Discussion with Cllr Hart on 31 March 2020.

#### 8. Key Decision

Yes

# 9. Is it required that the Call-in period be waived in respect of the decisions being proposed within this report?

No

#### **10.** Officer's Recommendation

To note the changes in service delivery of the Time Swap, Time Swap, Safe Places, Local Area Co-ordination, Disability Employment Service, First Contact, 50+ Forums, and Pension Credit Project

> Dean Wallace Director of Public Health County Hall Matlock

Agenda Item 6(g) Public

Agenda Item No.6 (g)

### DERBYSHIRE COUNTY COUNCIL

## CABINET

## 23 April 2020

## Report of the Executive Director for Adult Social Care and Health

### TEMPORARY FUNDING FOR ADULT SOCIAL CARE PROVIDERS DURING THE COVID 19 CRISIS

# ADULT CARE

### 1. Purpose of the Report

To seek Cabinet approval to increase payments on a monthly basis for the following service areas from 1 April 2020:

- Standard Residential and Nursing Care Home fees by 10%
- Specialist Care fees by a value equivalent to the standard nursing or residential fees increase.
- Hourly Home Care and hourly Supported Living Payments by 10%

The Executive Director of Adult Social Care and Health to have delegated powers to make a decision following discussion and agreement with the Director of Finance and ICT and Cabinet Member for Adult Care to extend the additional funding agreement beyond April 2020 on a month by month basis for up to three months in response to ongoing concerns about Covid 19.

### 2. Information and Analysis

#### 2.1 Background

Shared guidance to local authority commissioners from the Association of Directors of Adult Social Services (ADASS), the Local Government Association (LGA) and the Care Provider Alliance (CPA) was made on the 13 March 2020. This was made in response to the requests from Commissioners and Providers that a national approach was needed to provide additional funding to the PVI sector.

https://local.gov.uk/coronavirus-information-councils/social-care-providerresilience-during-covid-19-guidance-commissioners

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This guidance and related LGA/ ADASS communications supports Local Authorities making an additional 10% fee increase from 1 April 2020 for an initial 1 month to be reviewed on a monthly basis to assist providers with meeting the additional costs associated with Covid 19 in the adult care and health sector. It is acknowledged that providers will be variably impacted by Covid 19 but that it is better to have a standardised approach across the adult care and health sector to fund this market rather than asking each provider to submit evidence of additional costs.

## 2.2 Proposed Actions

• To implement an increase standard residential and nursing care home fees by 10% from 1 April 2020 for an initial 1 month

This would result in weekly increased costs for a residential placement will be between  $\pounds 56$ -  $\pounds 58$  per week for older people. For a nursing placement it will be between  $\pounds 60$ -  $\pounds 62$ .

• To increase specialist care fees by a value equivalent to standard nursing or residential fees for an initial 1 month.

The fees for specialist placements are often substantially more than the standard care home fees. The additional funding (top-up) paid for a specialist placement reflects the greater investment in staff and training to meet an individual's needs. It is not appropriate to inflate fees for these services by 10% as this would be a disproportionately greater amount than paid to care homes for older people that are experiencing many more incidents of having staff and clients with Covid 19 or similar. It is therefore suggested that providers are paid the equivalent value as standard care homes.

 To increase hourly Home Care and hourly Supported Living Fees by 10% for an initial 1 month

It is suggested that an additional payment be made equivalent to 10% of the value of all open Purchase Orders, which will give the equivalent of an hourly increase in payment from  $\pounds$ 1.57 per hour for the home care market and between  $\pounds$ 1.50 and  $\pounds$ 2.00 for supported living.

# 2.2 Business Continuity

It is worth noting that there is an inherent risk that if additional payments are not made that the sustainability of individual services may be put at risk. Over half of the providers commissioned to provide care on behalf of Adult Care have made requests for funding to assist with meeting additional costs including spiralling costs of PPE and meeting the costs associated with

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backfilling self –isolated staff with agency workers and the additional staffing needed to care for people who are self-isolated, especially in a care home setting.

A number of Providers have also referenced that their services in other parts of the country are being supported financially by their local Council to ensure that they can continue to be sustainable and offer a safe service.

# 3. Financial Considerations

The additional costs of this payment for April would be approximately £1.645m. This would be a commitment against council resources and partially offset from the non-ringfenced Covid-19 Government Grant. All decisions around meeting Covid-19 costs are unlikely to be fully funded from current Government additional funding available. As such implications will fall on the ability to provide services for the rest of the financial year and into the medium term.

## 4. Legal Considerations

The Care Act 2014 places a duty on the Council to promote an efficient and effective market. In performing that duty, the Council must have regard to the importance of ensuring the sustainability of the market. Case law is clear that the Council should take steps to ensure that fee levels reflect the actual cost of care and not jeopardise the market or the quality of care. The rates should also take into account the legitimate current and future costs.

The proposal is a proportionate response to the COVID- 19 situation and is reflective of the available guidance. Due to the urgency of the situation it has not been possible to consult fully with affected parties but the decision is a time limited one which will subject to ongoing review.

# 5. Equality and Diversity Considerations

Providers are required to adhere to Derbyshire County Council's Equal Opportunities policies. The Council also encourages Providers to gain the Derbyshire Respect and Dignity award.

# 6. Other Considerations

In preparing this report the relevance of the following factors has been considered: human resources, health, environmental, transport, and crime and disorder considerations.

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# 7. Key Decision

Yes

# 8. Is it necessary to waive the call-in period?

No

# 9. Officer's Recommendation

That Cabinet agrees to:

Increase payments on a monthly basis for the following service areas from 1<sup>st</sup> April 2020:

- standard residential and nursing care home fees by 10%
- specialist care fees by a value equivalent to the standard nursing or residential fees increase.
- hourly home care and hourly supported living payments by 10%

The Executive Director of Adult Social Care and Health to have delegated powers to make a decision following discussion and agreement with the Director of Finance and ICT and Cabinet Member for Adult Care to extend the additional funding agreement beyond April 2020 on a month by month basis for up to three months in response to ongoing concerns about Covid 19.

#### Helen Jones Executive Director – Adult Social Care and Health County Hall Matlock

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