

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)

(ASCODR1)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Helen Jones GOLD Command ASC SMT		Service: Adult Social Care Residential Homes for older people.	
Delegated Power Being Exercised: ?			
Subject of Decision:		Adult Social Care Residential Homes for Older People, closure to visitors	
Key decision?		yes	
Decision Taken(specify precise details):		Decision taken on 20/3/20 to cease to allow visits from friends and family.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>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.</p> <p>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.</p> <p>In addition it was raised in ASC Bronze that staff working in homes were becoming anxious about the on-going visits from relatives.</p>	
Alternative Options Considered (if appropriate)		<p>We considered keeping the homes open to restricted visitors (friends and families only). This was the position we had moved to earlier in the week, but seemed insufficient in the light of the guidance and advice received.</p> <p>We considered further social distancing measures. These were to be 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.</p> <p>This was in fact the position agreed at the 8.30 meeting on the 20.2.2020, however, we reverted subsequently after the advice from the DPH and formally changed the decision at a specially reconvened ASC Gold later in the day. Minutes of both meetings are available.</p>	

(ASCODR1)

	<p>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.</p>
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	<p>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</p>
Consultation with relevant Cabinet Member (s)	<p>This took place with Cllr Wharmby by phone on 20th March 2020.</p>
Decision:	<p>To close all DCC residential homes with immediate effect on 20.3.2020 and to advise independent sector homes of our position and expectation.</p>
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-social-distancing-and-for-vulnerable-people/guidance-on-social-distancing-for-everyone-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

(ASCODR2)

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):		<p>Closure of building based Day Centres for people with a Learning Disability with effect from 5pm on 23/03/2020.</p> <p>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.</p> <p>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.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
Alternative Options Considered (if appropriate)		<p>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.</p> <p>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.</p>	

(ASCODR2)

	Monitoring of the wellbeing of individuals will also be undertaken during the closure period.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Staff 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 23/03/2020
Decision:	Agreed
Signature and Date: Simon Stevens 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
- 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 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:		Service closure	
Decision Taken(specify precise details):		<p>Closure of building based Day Centres for people with a Learning Disability with effect from 5pm on 23/03/2020.</p> <p>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.</p> <p>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.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	
Alternative Options Considered (if appropriate)		<p>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.</p> <p>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.</p>	

(ASCODR3)

	Monitoring of the wellbeing of individuals will also be undertaken during the closure period.
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Staff 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 23/03/2020
Decision:	Agreed
Signature and Date: Simon Stevens 23/03/2020	

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

(ASCODR4)

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):		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)		<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>And so in order to protect them and other residents we need to cease the non-urgent respite delivery.</p>	
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:	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****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:	Temporary reduction / cessation in non-essential homecare service delivery across the internal and external homecare market.	
Decision Taken(specify precise details):	<p>To temporarily cease delivery of non-essential homecare services to adults across the homecare market with immediate effect.</p> <p>To undertake this cessation across the county as required in line with increased demand on the market to support hospital discharge and free up acute bed capacity for Covid-19 patients.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>As part of preparing for the significant increase in essential home care capacity demand as a result of the Coronavirus pandemic we have worked with homecare providers both internal and within the external market to undertake a risk analysis of all recipients of homecare services to identify three categories:</p> <p>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</p> <p>We have reviewed those RAG ratings through our P&P (social work) teams and also identified risk management arrangements for each individual to clarify how long it is felt they can manage without support and to ensure appropriate mechanisms would be in place for reviewing welfare and wellbeing should their service temporarily cease.</p> <p>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.</p> <p>Our homecare services are operating, internally, at around 70% staffing capacity and so there is no room to increase our offer to accommodate the system requirements.</p> <p>As a result we need to reduce our delivery of non-essential ('Green') provision to free up capacity to support the urgent hospital discharge work.</p>	

(ASCODR5)

	<p>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.</p> <p>Cost implications will be monitored and reported on via our finance department into the corporate finance team.</p>
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
Signature and Date:	Simon Stevens 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 COVID-19 Hospital Discharge Service Requirements 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

effected service users is being undertaken and the suspension is for a time limited period.

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

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

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

(ASCODR6)

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 fire risk mitigation works in our Residential Care Homes for Older People	
Decision Taken(specify precise details):		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)		<p>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.</p> <p>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.</p> <p>Further detailed discussions have taken place between Directors from both departments to weigh up the risks to residents and ASC 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.</p>	
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.	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		Property fire risk mitigation reports and work progress documents.	
Consultation with relevant Cabinet Member (s)		Taken to CMT for discussion w/c 30/03/2020	
Decision:		Agreed	

(ASCODR6)

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	1. Emergency placement with DCC staff, related form and risk assessment. 2. Re-approval of ex foster carers /adopters	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

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ian Price Head of Service		Service: Sport and Outdoor Education Services
Delegated Power Being Exercised: postponement of delivery of services to schools		
Subject of Decision:	School swimming programme suspended until end of summer term (July 2020)	
Decision Taken(specify precise details):	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)	<p>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.</p> <p>Decision taken in consultation with schools and facility providers.</p>	
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)	Discussions with Service Director for Schools and Learning and also with Children's Service Senior Management Team.	
Consultation with relevant Cabinet Member (s)	Consultation with Iain Peel, Jane Parfremment and Cllr Dale	
Decision:	Suspension of swimming programme from March 16 th to end of July 2020	
Signature and Date: <i>Ian Price</i> <i>19th March 2020</i>		

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ian Price Head of Service		Service: Sport and Outdoor Education Services
Delegated Power Being Exercised: postponement of delivery of services to schools		
Subject of Decision:	Residential and Outdoor Education provision from DCC Outdoor Education Service suspended until end of summer term (July 2020)	
Decision Taken(specify precise details):	Suspension of planned operational programme for schools and public from Lea Green, White Hall and Meadow Lodge Centres	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>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.</p> <p>Decision taken in consultation with schools and facility providers.</p> <p>This decision is also informed by government advice in regard to at risk groups and the need to provide ongoing educational and child care support for children of key workers to enable to continue to provide a longer term response to the medical and care needs of groups and individuals</p>	
Alternative Options Considered (if appropriate)	Other alternative option considered viable would be to scale back programmes. However this would not have reduced residential living risk factors and or created the staffing resource needed to re-focus on key worker family support and targeted support needed for vulnerable young people	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	Discussed with Service Director for Schools and Learning and with Children's Service SMT.	
Consultation with relevant Cabinet Member (s)	Consultation with Iain Peel, Jane Parfremment and Cllr Dale	
Decision:	Suspension of swimming programme from March 16 th to end of July 2020	
Signature and Date:		
<i>Ian Price</i> <i>19th March 2020</i>		

DERBYSHIRE COUNTY COUNCIL**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. Purpose of the Report**

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. 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. 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. 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.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Chris Caley, Early Help Transition and 0-5 Partnership Lead	Service: Children's Services
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 Centres
Key decision?	Yes
Decision Taken(specify precise details):	<p>To temporarily close all 22 of Derbyshire's Children's Centres with the exceptions as in the supplementary note:-</p> <ul style="list-style-type: none"> • Amber Valley – 4 Centres. Ironville, Alfreton, Langley Mill and Heanor. • Bolsover and North East Derbyshire – 5 Centres. Bolsover, Eckington, Shirebrook, Creswell and Alice's View. • Chesterfield – 4 Centres. Holme Hall, Birdholme, Old Whittington and Staveley. • Erewash – 3 Centres. Cotmanhay, Long Eaton and Charnos. • High Peak – 5 Centres. Matlock, Fairfield (Buxton), Glossop, Gamesley and Hadfield. • South Derbyshire – 1 Centre. Woodville. <p><i>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.</i></p> <p><i>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.</i></p> <p><i>Corporate Property – Asset Management are aware that Glossop and Hadfield will be used as food bank distribution</i></p>

	<p><i>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.</i></p>
<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
<p>Alternative Options Considered (if appropriate)</p>	<p>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:-</p> <p>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).</p> <p>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.</p>

	<p>Families who attend targeted groups will continue to receive support via telephone and Skype</p> <p>Regular case work support will continue for vulnerable families and will be provided by telephone or through Skype “containing calls.”</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Families visiting a closed centre and needing advice will be signposted through the posters displayed to the base within the locality which remains open.</p> <p>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.</p> <p>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.</p> <p>The Children’s Centres that remain open, are for public access, none of the Centres are used for office space only.</p>
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	<p>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.</p>
<p>Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<p>COVID-19 guidance for staff in Early Help and Safeguarding</p> <p>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.</p> <p>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.</p>
<p>Consultation with relevant Cabinet Member (s)</p>	
<p>Decision:</p>	
<p>Signature and Date:</p>	

DERBYSHIRE COUNTY COUNCIL**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. Purpose of the Report**

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 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.

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, Alfretton, 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. 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.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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 buildings	
Decision Taken(specify precise details):		<ul style="list-style-type: none"> • Charnos Family Support Centre temporarily closed to staff and service users 	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>Decision made in response to current Covid-19 concerns around staff and public 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.</p> <p>Families can contact staff via mobile working arrangements</p> <p>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.</p> <p>Early Help Manager has notified Caretaking services and Security Company to ensure building security during this temporary closure</p>	
Alternative Options Considered (if appropriate)		All staff advised to work from home and supported by line management for individual case action decisions	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		<p>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.</p> <p>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 ‘</p>	

	<p>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</p>
Consultation with relevant Cabinet Member (s)	
Decision:	
<p>Signature and Date:  25/03/20</p>	

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Louis Hughes		Service: Children's services
Delegated Power Being Exercised: Building reduction usage/closure		
Subject of Decision:	Building closure/reduction of usage	
Key decision?		
Decision Taken(specify precise details):	<p>In HPND we are reducing the usage of a number of buildings where staff work from. These include:</p> <p>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</p> <p>These are all offices where staff are based.</p> <p>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.</p> <p>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</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>COVID 19 . In line with govt guidance on social distancing we are reducing the number of staff in buildings and moving to operating from one office with a skeletal staff with coordination of services from there. This will currently be Buxton Area Office at Kents Bank.</p> <p>Staff who are based in the buildings/offices being closed will work from home.</p> <p>Buildings effected have been assessed in terms of impact on other users and options put in place to mitigate any deficit to users.</p> <p>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 ot those requiring a service.</p>	

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)	<p>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.</p> <p>Staff are in agreement with the proposals.</p> <p>Property services have been informed and will assist with care of the building and caretaking services will still be involved with the buildings.</p> <p>There are no obvious and immediate financial implications.</p> <p>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.</p> <p>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</p>
Consultation with relevant Cabinet Member (s)	None to date
Decision:	
Signature and Date:	

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Mary Lees		Service: Bolsover and NE district children services
Delegated Power Being Exercised:		
Subject of Decision:	Temporary closure of buildings	
Key decision?	Temporary closure of building due to COVID-19	
Decision Taken(specify precise details):	<p>It is proposed that there is a temporary closure of Bolsover Social care team office:</p> <p>The Pyramid 4 High Street Bolsover Chesterfield S44 6HF</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Social distancing measures has led to a critical reduction of staffing at the building due to COVID-19. This has reduced the capacity to keep the building open.	
Alternative Options Considered (if appropriate)	<p>There are arrangements for remote working for staff from the Bolsover social care team to ensure service continuity. There are signs placed in the windows to direct members of the public to call the area office who will be able to identify an officer to assist.</p> <p>Primarily the building is used as an office space for the Bolsover Social care team. However the public who do access the building are largely those already engaged with services and contact details for the public will be provided via notices. All members of the public that are being provided a service from this building also have direct dial access to workers. Answer phone messages have been set up to email via voip for each worker.</p>	

	<p>There are no facilities to offer direct services to members of the public. This building is office use only</p> <p>Services will continue to be provided in the locality via one office building and this will be made clear to those requiring a service.</p>
<p>Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<p>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.</p> <p>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.</p> <p>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</p> <p>Property Services have been notified that this building is now closed. Alarms have been set as usual and it is secure.</p>
<p>Consultation with relevant Cabinet Member (s)</p>	
<p>Decision:</p>	
<p>Signature and Date: 25th March 2020</p> <p></p>	

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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):	<p>Property services have been informed on 24/3/2020 and are they taking care of building security</p> <p>Building status - office base and used for direct delivery of services but not open to the general public</p> <p>The building holds, 2 business services, 6 social workers, 1 manager and 1 CCW.</p> <p>These worker are currently delivering a service from home or at the central base in Rink house Swadlincote. The provision to the public remains the same, contact details to the central office are on the door if required – family's open to social workers within the team have direct access to their mobile phones and skype for support.</p> <p>A Breast feeding group access the building once week, (health led) This group has been cancelled by health 2 weeks previous. – provision is being supported through skype and health as required</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>Due to COVID 19 – Social Workers advised by the government to work at home – they are key workers though able to deliver a service at home and from one central office at Rink house.</p> <p>Worker capacity means that we are unable to staff all the buildings in the locality.</p>	
Alternative Options Considered (if appropriate)	<p>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).</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	<p>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</p>	

	<p>security costs should the site remain closed for a prolonged period.</p> <p>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</p>
Consultation with relevant Cabinet Member (s)	
Decision:	
Signature and Date:  26.3.2020	

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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):	<p>Property services have been informed on 24/3/2020 and are they taking care of building security</p> <p>Building status - office base and used for direct delivery of services but not open to the general public / is only for families and young people specifically engaged with services</p> <p>The building holds Triple SEN 10 members of staff (including 1 BSA) they have been provided support remotely. These workers (triple SEN) are currently delivering a service from home and using skype – the public did not access this team via the building, and they were working from home prior to the building closure.</p> <p>The building usually supports - Preschool nursery (external) who would normally hold this daily they decided to cease last week.</p> <p>External Groups: Shout, Shout Out, Dance Group, Duke of Edinburgh – all contacted the locality last week to inform us they were not delivering this service for the next 4 weeks.</p> <p>Contact details to the central office are on the door if required and partners who have used the building for provision have the SDSD central contact details if they require support.</p>
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>Due to COVID 19 – Workers advised by the government to work at home, social distancing or 2 metre and groups of more than 2 people not encouraged.</p> <p>This building is currently empty due to this advice.</p> <p>The building Key will be kept at Rink house Swadlincote, where a manager duty rota will have oversight – if it required opening for emergency purpose this could be done Monday to Sunday and re-opened straight away if required.</p>

Alternative Options Considered (if appropriate)	<p>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).</p> <p>Youth groups are not encourage and not considered safe at this time (plans review in 4 weeks)</p>
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	<p>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.</p> <p>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</p>
Consultation with relevant Cabinet Member (s)	
Decision:	
<p>Signature and Date:</p> <p></p> <p>26.3.2020</p>	

DERBYSHIRE COUNTY COUNCIL**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. Purpose of the Report**

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 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.

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.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Jane Parfremment	Service: DACES
<p>Delegated Power Being exercised.</p> <p>Emergency Powers</p> <p>To carry out the functions of the Council as a local education authority in relation to adult/family learning and further higher education including the functions set out in section 18(3) of the Children Act 2004.</p> <p>The arrangements set out in this report would be reviewed in light of any Secretary of State direction that may be issued from time to time.</p>	
Subject of Decision:	To vary the current provision of learning and support for 14-19 learners and to close the remaining centres from 24 th March 2020 to both staff and learners.
Decision Taken (specify precise details):	<p>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:</p> <ul style="list-style-type: none"> • teams have identified the most vulnerable learners by geographical are; • Team members have contacted each individual to assess access to Internet and equipment; • Loan of laptops to be considered in individual cases (Loan agreement in place); • 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) • Learning Packs or online developed materials and access ensured. To the following Curriculum Area: <ul style="list-style-type: none"> ➢ BKS B - maths and English with link tutor ➢ Employability activities ➢ Personal Development and Wellbeing ➢ Podcasts/You Tube material for learners to watch • All resources and podcast material to be placed on shared Learning Pool area and list in folders maintained and updated. • Team to organise a virtual sessions via Zoom to be available to wider 14-19 provision Enrichment health & wellbeing – planner Here (30 min sessions) • Pinterest Journal developed for individual learners where internet access secure

	<ul style="list-style-type: none"> • Agreed contact time with learners to ensure safeguarding concerns to be passed on in usual way to leads. (Zoom/phone) • FTSP workers to have a caseload of learners including PSP where necessary to cover the service provision. • 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; • Food Bank Vouchers to be explored as a consistent Bursary allocation to qualifying learners
<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<p>The current intention to keep a core number of centres open is no longer sustainable as the small number of learners who were attending (in Shirebrook) have decided not to attend and are prepared to engage with the above online provision.</p> <p>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 but not able to enter.</p> <p>Lack of availability of staff on site means that the levels of enhanced cleanliness needed to maintain services cannot be guaranteed with staff feeling vulnerable and anxious.</p> <p>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.</p> <p>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</p> <p>These proposals are in line with action outlined in the guidance provided by the DfE over Further Education Provision. The service is currently not providing any provision in support of critical workers.</p>
<p>Alternative Options Considered (if appropriate)</p>	<p>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.</p>

<p>Guidance/Background/Reports/ Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<p>The Coronavirus Bill provides for the measures detailed to be implemented. These measures are also in accordance with guidance set out by the DoE as issued on the 23rd March 2020.</p> <p>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.</p> <p><u>Background:</u> https://www.gov.uk/government/publications/coronavirus-covid-19-maintaining-further-education-provision/maintaining-education-and-skills-training-provision-further-education-providers</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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Consultation with relevant Cabinet Member(s)	Consulted with Iain Peel, Jane Parfremment and Cllr Alex Dale.
Decision:	
Signature and Date:	

DERBYSHIRE COUNTY COUNCIL**CABINET****23 APRIL 2020****Report of the Executive Director for Children's Services****Report on the Temporary closure of the Derbyshire Adult Community Education Service (DACES) Centres in response to the COVID-19 Pandemic****1. Purpose of the Report**

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 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 [DfE over Further Education Provision titled, '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. **Human Resource Considerations**

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. **Executive Director's Recommendation**

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.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Karen Waring	Service: Early Years SEN Specialist Teaching 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 nursery.
Decision Taken(specify precise details):	<p>The EYSEN specialist teaching service supports children with long term and complex SEN attending early years settings. Specialist teachers do have some liaison with families but primarily that is through the early years provider.</p> <p>In line with government guidance only those SEN children with an EHCP, or who are known to social care or parents are key workers will remain in nursery settings.</p> <ul style="list-style-type: none"> • The EYSEN service will continue to support only those children in settings who meet this criteria • The EYSEN service will only accept new children onto the service who meet this criteria.
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Government guidance regarding children who should be attending nursery.
Alternative Options Considered (if appropriate)	<p>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.</p> <p>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.</p> <p>Alternative options would reduce the number of teachers available for deployment into other areas if needed.</p>
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	

Consultation with relevant Cabinet Member (s)	
Decision:	
Signature and Date:	

DERBYSHIRE COUNTY COUNCIL**CABINET****23 April 2020****Report of the Executive Director for Children's Services****Report on Suspension of Early Years SEN Specialist Teaching Service to Private, Voluntary and Independent Providers and Outline of Alternative Arrangements****1. Purpose of the Report**

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. 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.

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. Staff are providing support to children and families via telephone or video conference.

6. 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.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Karen Waring	Service: Early Years SEN , Childrens Services
Delegated Power Being Exercised:	
Subject of Decision:	Cessation of early years inclusion fund (EYIF)
Decision Taken(specify precise details):	<p>EYIF is a mandatory funding stream to support inclusion and early intervention for young children with SEND in nurseries. In Derbyshire it is funded through HNBF and allocated by the Early Years SEN panel. Karen Waring coordinates that panel.</p> <p>Proposal: To suspend EYIF during the period of nursery setting closures due to government guidance on Coronavirus. The exception being children in receipt of EYIF who also meet the criteria for places within nursery (ie known to social care, parents key workers)</p>
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>Rationale:</p> <p>Government guidance during the COVID-19 pandemic for children with SEND who attend nursery education limits places to those with an EHCP. EYIF is not, itself a reason for a child to continue to attend nursery.</p> <ul style="list-style-type: none"> • Providing funding streams from the LA that encourage settings to disregard government guidance does not seem appropriate. • EYIF is allocated for 6 months from date of the agreement letter, this means that each week funding periods come to an end, an evaluation completed and continued funding decided by the EYs SEN panel. Once agreed, it is practice for non- maintained nurseries to invoice the LA within the boundary of the funding agreement. Monitoring this and holding settings accountable for not using this money would be almost impossible to manage. The LA is not in a position to retrieve this money from the PVI sector. • We already know the government is likely to provide further guidance on flexible adherence to teaching and learning. 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 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 with relevant Cabinet Member (s)	
Decision:	
Signature and Date:	

DERBYSHIRE COUNTY COUNCIL**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. Purpose of the Report**

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. Financial Considerations

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. Executive Director's Recommendation

It is recommended that Cabinet receive the report and note the temporary suspension of Early Years Inclusion Funding.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Jane Parfremment	Service: Out of School Tuition for children with medical needs	
Delegated Power Being Exercised: Emergency Powers		
Subject of Decision:	<p>To vary the way in which Out of School Tuition is provided in light of the impact of coronavirus as follows:</p> <ul style="list-style-type: none"> • 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 student's own homes or sometimes in Derbyshire buildings such as libraries. The CV 19 outbreak and the most recent government guidance is impacting this service and has made it impossible to continue to visit pupils at home. In addition libraries and adult Education Centres, sometimes used as venues for education are now closed. • Guidance received and referred to: 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; • A small group of pupils are tutored at Alfreton ACE as part of the OOST service 	
Decision Taken(specify precise details):	<ul style="list-style-type: none"> • No further visits by tutors to teach pupils in their homes or in libraries and Adult Education Centres; • 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. • 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 • 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. • OOST Alfreton small group no longer taking place, to be reviewed regularly 	

<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<ul style="list-style-type: none"> • CV 19 and the most recent government guidance is impacting this service and has made it impossible to continue to visit pupils at home. This group of pupils are 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 from 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.
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	<ul style="list-style-type: none"> • 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. • 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. • 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. • 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.
Alternative Options Considered (if appropriate)	<ul style="list-style-type: none"> • 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. • 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. • 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. • 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.

<p>Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<p>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</p> <p>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 of 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</p>
<p>Consultation with relevant Cabinet Member (s)</p>	
<p>Decision:</p>	
<p>Signature and Date:</p>	

DERBYSHIRE COUNTY COUNCIL**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. Purpose of the Report**

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. **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. Staff are working remotely from home and are setting work and keeping in contact with young people.

6. **Background Papers**

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 from COVID-19 24.3.2020

7 Executive Director's Recommendation

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.

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Jane Parfremment	Service: Central Education Welfare Team
<p>Delegated Power Being Exercised: Emergency powers</p> <p>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.</p> <p><i>The arrangements set out in this report would be reviewed in light of any Secretary of State direction that may be issued from time to time</i></p>	
Subject of Decision:	Education Welfare Service proposed changes to prosecution processes.
Decision Taken(specify precise details):	<p>The letter sent to all Local Authorities from the Secretary of State dated 22nd March 2020 directs that no legal action should be taken in relation to pupil school absence from March 16th. All of our current and pending cases however, relate to an absence period prior to March 16th thereby a decision is needed in relation to these cases.</p> <p>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.</p> <p>All current outstanding cases will be formally notified by letter that the case is on hold.</p> <p>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.</p> <p>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.</p>

<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
<p>Alternative Options Considered (if appropriate)</p>	<p>Continue the current process – 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.</p> <p>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.</p>
<p>Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  SoS to DCS 2232020.pdf </div> <div style="text-align: center;">  Code of Conduct reviewed Oct 2019.p </div> </div> <p>http://www.legislation.gov.uk/ukpga/1996/56/section/444</p>

	<p>In making this proposal we have considered the above legislation, Government guidance and DCC code of conduct.</p> <p><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.</p> <p>Due to the self-funding nature of the process any loss in income will be managed within the team budget.</p> <p><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.</p> <p>Due to the constantly evolving situation the new processes will be regularly reviewed in line with updated Government advice.</p>
Consultation with relevant Cabinet Member (s)	
Decision:	
Signature and Date:	

DERBYSHIRE COUNTY COUNCIL**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. Purpose of the Report**

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. **Financial Considerations**

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. **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 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. 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. Staff are working from home and have completed the skills survey and are available for redeployment.

6. Executive Director's Recommendation

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*

DERBYSHIRE COUNTY COUNCIL

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.

LEGISLATION AND GUIDANCE

Legal Basis for Issuing Penalty Notices¹

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 days² 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.

¹ School attendance - parental responsibility measures. Statutory guidance for local authorities, school leaders, school staff, governing bodies and the police – January 2015

² "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 authorisation³. 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

8. 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.

³ 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 case-by-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 term-time, 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.

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

Appendix 3

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)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Emma Alexander (Sandy McManus, Supt Registrar)	Service: Registration (CCP)
Delegated Power Being Exercised: Emergency Powers	
Subject of Decision:	Access to Registration Offices 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.
	<p>The Registration Service is proposing changes to existing services for a temporary period in light of the impact of the Coronavirus.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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).</p>

	<p>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.</p> <p>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.</p> <p>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.</p>
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:	

DERBYSHIRE COUNTY COUNCIL**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

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Paul Stone, Assistant Director of Finance (Financial Management)		Service: Finance & ICT
Delegated Power Being Exercised: Change to Community Leadership Scheme		
Subject of Decision:	Member's Community Leadership Scheme	
Key decision?	Yes, affects more than one ward	
Decision Taken(specify precise details):	<p>The members' Community Leadership Scheme allocates to each of our 64 county councillors an annual fund of £3,860 which can be used to support projects in their division. Organisations seeking support under the scheme should contact their local county councillor explaining the nature of the project, the amount sought, what other funding may be available, and how it will benefit the community.</p> <p>The scheme is designed to meet one-off costs.</p> <p>It is for the local county councillor to recommend which projects should be supported under the scheme.</p> <p>At the end of each financial year, the unspent balance is brought forward to the next financial year and a 'new year' balance of £3,860 is allocated.</p> <p>To support communities in these unprecedented times it is proposed that if the Member spends their 2020/21 current year balance anytime 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 support further projects. Subject to a maximum total allocation of £1,000 being available for the period 1 January 2021 to the 31 March 2021</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	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.	
Alternative Options Considered (if appropriate)	Members continue to receive their current allocations for the year and roll forward any outstanding balances to the next financial year.	
Background/Reports/Information considered and attached (Legal,	The additional costs will be met from General Reserve.	

Personnel, Financial Implications etc)	
Consultation with relevant Cabinet Member (s)	Not yet.
Decision:	
Signature and Date:	

DERBYSHIRE COUNTY COUNCIL**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

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Paul Stone, Assistant Director of Finance (Financial Management)		Service: Finance & ICT
Delegated Power Being Exercised: Key decision as results in a saving greater than £500k		
Subject of Decision:	Advanced payment of pension contributions.	
Key decision?	Yes	
Decision Taken(specify precise details):	<p>Not to proceed with the proposed lump sum payment on the 30 April 2020 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.</p> <p>Instead, to make separate lump sum payments to the Fund for the Council's employer contributions, in full, as follows:</p> <ol style="list-style-type: none"> 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) 	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<ul style="list-style-type: none"> • 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. 	
Alternative Options Considered (if appropriate)	<ol style="list-style-type: none"> 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 	

	<p>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.</p>
<p>Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<p>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.</p> <p>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.</p> <p>Estimates of the financial impacts are provided in the Appendices to this report.</p> <p>The following assumptions have been made when preparing these estimates:</p> <ul style="list-style-type: none"> • 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 make the payment at the end of April each year.
<p>Consultation with relevant Cabinet Member (s)</p>	<p>Yes. Cllr Lewis has been advised of change from original proposal considered by Cabinet on 16 March 2020.</p>
<p>Decision:</p>	
<p>Signature and Date:</p>	

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
<u>LESS: Interest Costs</u>	
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	0.998	1.027	1.059	3.084
Reduction in Interest Receivable on Internal Balances	-0.254	-0.250	-0.246	-0.750
Saving / (Cost)	0.744	0.777	0.813	2.334

Appendix 4

Month Ending	Lump Sum Prepayment £	PWLB Borrowing £	Local Authority Borrowing £	Reduction in Employer Contributions Payable £	Interest Payable on PWLB Borrowing £	Interest Payable on Local Authority Borrowing £	Reduction in Interest Received on Balances £	Net Cash (Out)/In Flow for Month £	Cumulative Cash (Out)/In 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
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
TOTAL	-172,875,432.00	0.00	0.00	175,959,676.80	0.00	0.00	-750,346.87	2,333,897.93	

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 be 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 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 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

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
<u>LESS: Interest Costs</u>	
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	0.998	1.027	1.059	3.084
Reduction in Interest Receivable on Internal Balances	-0.254	-0.250	-0.246	-0.750
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Public
Appendix Four

Month Ending	Lump Sum Prepayment £	PWLB Borrowing £	Local Authority Borrowing £	Reduction in Employer Contributions Payable £	Interest Payable on PWLB Borrowing £	Interest Payable on Local Authority Borrowing £	Reduction in Interest Received on Balances £	Net Cash (Out)/In Flow for Month £	Cumulative Cash (Out)/In Flow £
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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
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30/09/2021				4,886,722.57			-26,811.12	4,859,911.45	-27,715,192.00
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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
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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) Country Parks Closure continuation (ETEODR3)	Countryside Parks Temporary Closure – Covid 19 (ETEREP1)
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 Deferral (ETEODR10)	Proposal to Defer Rents for DCC Business Tenants (ETEREP5)
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DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Mike Ashworth	Service: Countryside Services
<p>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 County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.</p>	
Subject of Decision:	Temporary Closure of Country Parks
Key decision?	Yes. Significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire
Decision Taken(specify precise details):	<p>The temporary closure of Derbyshire County Council Country Parks.</p> <ul style="list-style-type: none"> • Shipley Country Park • Elvaston Castle Country Park • Middleton Top • Black Rocks • Grassmoor Country Park • High Peak Junction • Cromford Wharf <p>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.</p> <p>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.</p> <p>At Middleton Top access to the High Peak Trial and Pennine Bridle Way has been maintained, only the car parks have been closed.</p> <p>Other car parks leading to Glapwell, Poulter & Tibshelf, Grin Low, Williamthorpe and Peter Fidler countryside sites are to be closed on 23/3/20.</p>

	<p>These are car parks leading to countryside sites and trails although are not major destination sites.</p> <p>Café operators (2 at Shipley & 1 at Elvaston & 1 at Black Rocks) have been instructed to close.</p> <p>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.</p> <p>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)</p>
<p>Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)</p>	<p>Current government advice is to practice social distancing to prevent and delay the spread of the Covid-19.</p> <p>It has become clear during the course of the weekend 21st and 22nd 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

	have accessed the sites that the sites are closed and requesting that they leave.
Alternative Options Considered (if appropriate)	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)	<p>Cllr Barry Lewis (Leader of the Council) consulted on 22nd March and supports recommended decision.</p> <p>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.</p>
Decision:	To close the Country Parks on a temporary basis effective from 1pm on Sunday 22 nd 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:	

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Mike Ashworth		Service: Countryside Services
<p>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 County Council, cannot be dealt with by submission to the next following meeting of the Council, Cabinet, Cabinet Member or Committee.</p>		
Subject of Decision:	Update on Temporary Closure of Country Parks	
Key decision?	Yes. Significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in Derbyshire	
Decision Taken(specify precise details):	<p>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.</p> <p>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.</p> <p>Trails and Public Rights of Way (PROW) remain open.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>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.</p> <p>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.</p> <p>Communications are being issued to raise awareness and understanding of the position.</p> <p>Basic litter collection services will be put in place to manage the sites.</p>	

Alternative Options Considered (if appropriate)	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/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	
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:	To continue with the closure of Country Parks on a temporary basis but with local access for exercise. Effective from 9am on Tuesday 24 March 2020 for the purposes of minimising social contact in accordance with government advice on social distancing to delay the spread of Covid-19 and enabling the public access for exercise.
Signature and Date: 24/03/20	

DERBYSHIRE COUNTY COUNCIL**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

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Joe Batty		Service: Economy and Regeneration	
Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE			
Subject of Decision:		Support to contracted transport - amended as of 23 March 2020	
Decision Taken(specify precise details):		<p>See also Government Guidance issued 22 March 200 – attached</p> <p>To pay all operators who currently provide the Council with transport services, 100% of the contract value until at least the end of June 2020, irrespective of whether services are disrupted or suspended.</p> <p>This is in line with new Government advice</p> <p>This decision will supersede that taken by CMT Gold on Friday 20th March</p> <p>Contractors to be sent a ‘variation of contract’ notice – supported by Legal – to secure flexibility in the use of contractor resources over this period.</p> <p>For the avoidance of doubt, it is proposed the decision regarding concessionary fares remains in place (unless any other Govt guidance supersedes it)</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		The reasons for this decision remain as per the original proposal but are now supported by Govt advice and requires the full 100% of contract value to be paid, not just 90%	
Alternative Options Considered (if appropriate)		1) Do nothing – ignoring Govt advice is not considered an appropriate option	
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 th March 2020	
Consultation with relevant Cabinet Member (s)		Not yet advised	
Decision:	Report		

Signature and Date:
Joe Battye 23rd March 2020



Cabinet Office

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/pre-payment, 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.

SUPPLIER RELIEF DUE TO COVID-19

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 non-payment 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 2015¹. 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.

¹ 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 contract) 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 on the Government's support package, notably the smaller businesses 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 from 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 1st 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 Batty	Service: Economy and Regeneration
Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE	
Subject of Decision:	Council business properties – rent deferral
Decision Taken(specify precise details):	<p>See attached report also To offer a deferral of rent to business tenants of DCC property for a period of 3 months from April to June 2020 inclusive.</p> <p>The terms of the deferral will be to secure repayment of the rent from the tenant over the period up to end March 2022.</p> <p>Business premises to include Markham Vale, all premises managed by Corporate Property and those in the Countryside service</p> <p>This proposal does not result in an overall deficit to DCC's rental income but will result in 3 months rental income of a maximum of £497,398 not being received during the 1st quarter of 2020/2021.</p> <p>The deferral will be reviewed during June 2020 to assess the amount of take-up and any ongoing need if the Covid 19 crisis continues.</p>
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>The COVID 19 situation has already (as of 20 March) had a significant impact on local businesses and the level of financial hardship is likely to deepen as things progress over the coming months.</p> <p>The Council's stated priorities in the Corporate Plan are to support economic growth and help existing businesses to survive and thrive.</p> <p>Although Government has announced a significant package of support, there are noted gaps and as a landlord, the Council is able to take decisions that help meet its wider objectives of supporting the local economy.</p> <p>This proposal will provide immediate and meaningful financial relief to local businesses at this time of crisis.</p>
Alternative Options Considered (if appropriate)	<p>1) Do nothing – this is not considered an appropriate option given the significance of the impact on local businesses and the potential to recoup the 'lost' income over time.</p>

	<p>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</p>
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 th March 2020
Consultation with relevant Cabinet Member (s)	Discussion with Cllr Barry Lewis on 19 th March Discussion with Cllr Tony King on 20 th March
Decision:	Report approved in full – including extension of rent deferral to properties within the Countryside portfolio
Signature and Date: Joe Battye 20 th 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 on the Government's support package, notably the smaller businesses 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 from 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 1st 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 of the Local Transport Plan capital programme and budgets for 2020/21	
Key decision?	Yes	
Decision Taken(specify precise details):	<p>To approve a Local Transport Plan capital programme and budget prior to official Department for Transport confirmation of the annual settlement. Informal advice from DfT officials suggests that a similar settlement to 2019/20 should be expected, as follows:</p> <ul style="list-style-type: none"> • Maintenance block £15.273m • Integrated transport block £3.644m • Incentive funding £3.181m <p>A broad LTP capital programme, totalling £22.098m based on these provisional allocations, has been developed and requires approval. Schemes in the programme are intended to address the highest priority safety, maintenance and flood damage issues across the county.</p> <p>The programme is set out as blocks of funding for specific types of work and will be populated over time with the appropriate mix of individual schemes. The proportion of funds assigned to the blocks in the programme and the list of schemes are expected to change to address emerging issues such as the response to the Covid-19 pandemic and the availability of other funds such as the pothole fund.</p> <p>Authority to make changes is delegated to the Executive Director – Economy, Transport and Environment in consultation with the Cabinet Member for Highways, Transport and Infrastructure.</p> <p>A Cabinet report outlining the programme is attached to this report.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>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.</p> <p>The highways service has prepared an LTP programme set out in Appendix 1 of the attached Cabinet report that</p>	

	<p>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.</p> <p>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 inevitable while LTP and flood damage schemes are not carried out.</p> <p>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.</p> <p>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.</p> <p>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.</p>
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)	<p><u>Financial Considerations</u></p> <p>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</p>

	<p>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.</p> <p><u>Legal Considerations</u></p> <p>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.</p>
Consultation with relevant Cabinet Member (s)	Mike Ashworth has agreed the principles of the report and 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
- 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 7th 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 as 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.

Summary

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.
3. 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 Highway 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 removal		1,500,000
06	Lighting replacement on the strategic 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 Integrated Transport Programme			
01	Road, Freight and Parking Management		200,000
02	Key Cycle Network investment plan		100,000
03	Local cycling and walking investment plan		130,000
04	Sustainable Economic Connectivity		350,000
05	Casualty reduction initiatives		1,500,000
06	Preparation and Implementation of Major Highway Projects		1,050,000
		Integrated Transport Programme Total	3,330,000
03 Flood Damage Programme			
01	Landslip investigation and repair, including road reconstruction		2,900,000
02	Drainage investigation and reconstruction/repairs		1,500,000
03	Highway bridges and retaining wall reconstruction and repairs		550,000
04	Carriageway repairs and reinstatement		2,368,000
		Flood Damage Programme Total	7,318,000
Local Transport Capital Programme Total			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 AnalysisLocal 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 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 7th 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 as 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.

Summary

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.
3. 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 Batty	Service: Economy and Regeneration
Delegated Power Being Exercised: Decision making in relation to COVID 19 – with support of Executive Director, ETE	
Subject of Decision:	Council business properties – rent deferral
Decision Taken(specify precise details):	<p>See attached report also To offer a deferral of rent to business tenants of DCC property for a period of 3 months from April to June 2020 inclusive.</p> <p>The terms of the deferral will be to secure repayment of the rent from the tenant over the period up to end March 2022.</p> <p>Business premises to include Markham Vale, all premises managed by Corporate Property and those in the Countryside service</p> <p>This proposal does not result in an overall deficit to DCC's rental income but will result in 3 months rental income of a maximum of £497,398 not being received during the 1st quarter of 2020/2021.</p> <p>The deferral will be reviewed during June 2020 to assess the amount of take-up and any ongoing need if the Covid 19 crisis continues.</p>
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>The COVID 19 situation has already (as of 20 March) had a significant impact on local businesses and the level of financial hardship is likely to deepen as things progress over the coming months.</p> <p>The Council's stated priorities in the Corporate Plan are to support economic growth and help existing businesses to survive and thrive.</p> <p>Although Government has announced a significant package of support, there are noted gaps and as a landlord, the Council is able to take decisions that help meet its wider objectives of supporting the local economy.</p> <p>This proposal will provide immediate and meaningful financial relief to local businesses at this time of crisis.</p>
Alternative Options Considered (if appropriate)	<p>1) Do nothing – this is not considered an appropriate option given the significance of the impact on local businesses and the potential to recoup the 'lost' income over time.</p>

	<p>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</p>
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 th March 2020
Consultation with relevant Cabinet Member (s)	Discussion with Cllr Barry Lewis on 19 th March Discussion with Cllr Tony King on 20 th March
Decision:	Report approved in full – including extension of rent deferral to properties within the Countryside portfolio
Signature and Date: Joe Battye 20 th 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 on the Government's support package, notably the smaller businesses 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 from 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 1st 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

Date of Decision	Officer Decision Review	Cabinet Report
20/3/2020	School Crossing Patrols (PHODR1) Live Life Better Derbyshire (PHODR2)	Changes to Service Delivery Model for Live Life Better Derbyshire, including School Crossing Patrols (PHREP1)
23/3/2020	Transfer from tariff-based contract to block contract (PHODR3)	Contract Variation – Sexual and Mental Health Services (PHREP2)
24/3/2020 1/4/2020 1/4/2020	Suspension of LAC Service (PHODR4) Suspension of 50+ Forums (PHODR5) Suspension of Safe Places (PHODR6) Suspension of Time Swap Service (PHODR7) Suspension of First Contact Service (PHODR8) Suspension of Disability Employment Service (PHODR9) Extension of service contracts (PHODR10) Pension Credit Project: Suspension of service (PHODR11)	Changes to Services Delivery Model for the Public Health Prevention Group Services (PHREP3)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Iain Little		Service: School crossing patrol	
Delegated Power Being Exercised: Service delivery suspension			
Subject of Decision:		Suspension of service	
Decision Taken(specify precise details):		Suspension of school crossing patrol service across Derbyshire from end of school duty on Friday 20 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		A number of service staff are self-isolating in line with national guidance for those with underlying health conditions. In addition, school provision suspension for all children except those of key workers will result in reduced numbers of children requiring this service. If over-70 self-isolation policy is introduced (as has been suggested by the Prime Minister) then the service would not be sustainable based on age demographic of staff. Service is not on dept business critical list for continuation and staff are not identified as business critical workers.	
Alternative Options Considered (if appropriate)		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/Information considered and attached (Legal, Personnel, Financial Implications etc)		None	
Consultation with relevant Cabinet Member (s)		Cllr Hart	
Decision:			
Signature and Date:			

(PHODR1)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Iain Little		Service: Live Life Better Derbyshire, including National Child Measurement Programme	
Delegated Power Being Exercised: Service delivery suspension/change of service delivery model			
Subject of Decision:		Suspension of service/change of service delivery model	
Decision Taken(specify precise details):		<p>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).</p> <p>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.</p>	
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)		 <p>COVID-19 prioritisation within c</p>	
Consultation with relevant Cabinet Member (s)		Cllr Hart	
Decision:			

Signature and Date:

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DERBYSHIRE COUNTY COUNCIL

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 18th 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

(PHREP1)

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 31st 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 20th 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.

(PHREP1)

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**

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Iain Little		Service: Sexual health and mental health service commissioning
Delegated Power Being Exercised: Financial decision-making		
Subject of Decision:	Transfer from tariff-based contract to block contract	
Decision Taken(specify precise details):	Transfer of payments to 2 providers (Derbyshire Community Health Services NHS Trust and Harmless) from a tariff-based contract to a block payment, for a period of 3 months from 1 April 2020. Monthly payment will be based on 1/12 th of the 2020/21 budget allocation.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Due to pressures on the NHS and implementation of social distancing requirements due to covid19, these 2 providers have been identified at high risk of financial instability due to the existing tariff-based model due to suspension of service delivery, or reduction in activity within the service. Transfer to a block payment for a period of 3 months will provide an additional degree of stability, thus ensuring less service disruption on resumption of normal service delivery.	
Alternative Options Considered (if appropriate)	N/A	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	 SMT report contract variations march 2020	
Consultation with relevant Cabinet Member (s)	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 1st 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 1/12th 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 1/12th 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 to 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**

(PHODR4)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ellie Houlston		Service: Local Area Coordination (LAC)	
Delegated Power Being Exercised: Service delivery suspension			
Subject of Decision:		Suspension of service	
Decision Taken(specify precise details):		Suspension of LAC service across Derbyshire from Friday 20 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		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 (if appropriate)		A community response is being set up urgently and LACs 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/Information considered and attached (Legal, Personnel, Financial Implications etc)		None	
Consultation with relevant Cabinet Member (s)		Cllr Hart	
Decision:			
Signature and Date:			

(PHODR5)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ellie Houlston		Service: 50+ Forums	
Delegated Power Being Exercised: Service delivery suspension			
Subject of Decision:		Suspension of service	
Decision Taken(specify precise details):		Suspension of 50+ Forums across Derbyshire from Friday 20 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)		<p>50+ Forums 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.</p> <p>The majority of 50+ members are over the age of 70 and will be self-isolating and all Open Forum events have been cancelled for the Summer. Autumn dates remain in place and these will be reviewed at a later date.</p>	
Alternative Options Considered (if appropriate)		<p>A community response is being set up urgently and 50+ Support Officer skills will be redeployed to support Community Hubs, support our most vulnerable people and support our Adult Social Care Teams.</p> <p>This could involve supporting telephone triage, dropping off food and medicines, meal prep and/or other support to vulnerable people in communities.</p> <p>Adhering to all PHE guidance and safeguarding policy.</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)		None	
Consultation with relevant Cabinet Member (s)		Cllr Hart	
Decision:			
Signature and Date:			

(PHODR6)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ellie Houlston		Service: Safe Places
Delegated Power Being Exercised: Service delivery suspension		
Subject of Decision:	Suspension of service	
Decision Taken(specify precise details):	Suspension of Safe Places across Derbyshire from Friday 20 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Safe Places 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)	<p>A community response is being set up urgently and Safe Places Officer skills will be redeployed to support Community Hubs, support our most vulnerable people and support our Adult Social Care Teams.</p> <p>This could involve supporting telephone triage, dropping off food and medicines, meal prep and/or other support to vulnerable people in communities.</p> <p>Adhering to all PHE guidance and safeguarding policy.</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	None	
Consultation with relevant Cabinet Member (s)	Cllr Hart	
Decision:		
Signature and Date:		

(PHODR7)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ellie Houlston		Service: Time Swap
Delegated Power Being Exercised: Service delivery suspension		
Subject of Decision:	Suspension of service	
Decision Taken(specify precise details):	Suspension of Time Swap service across Derbyshire from Friday 20 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	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)	<p>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.</p> <p>This could involve supporting telephone triage, dropping off food and medicines, meal prep and/or other support to vulnerable people in communities.</p> <p>Adhering to all PHE guidance and safeguarding policy.</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	None	
Consultation with relevant Cabinet Member (s)	Cllr Hart	
Decision:		
Signature and Date:		

(PHODR8)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ellie Houlston		Service: First Contact Service
Delegated Power Being Exercised: Service delivery suspension		
Subject of Decision:	Suspension of service	
Decision Taken(specify precise details):	Suspension of First Contact Service across Derbyshire from Friday 20 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	First Contact Service 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)	<p>A community response is being set up urgently First Contact Officer skills will be redeployed to support Community Hubs, support our most vulnerable people and support our Adult Social Care Teams.</p> <p>This could involve supporting telephone triage, dropping off food and medicines, meal prep and/or other support to vulnerable people in communities.</p> <p>Adhering to all PHE guidance and safeguarding policy.</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	None	
Consultation with relevant Cabinet Member (s)	Cllr Hart	
Decision:		
Signature and Date:		

(PHODR9)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

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 th March.	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	Disability Employment Service 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)	<p>A community response is being set up urgently and Disability Employment Officer skills will be redeployed to support Community Hubs, support our most vulnerable people and support our Adult Social Care Teams.</p> <p>This could involve supporting telephone triage, dropping off food and medicines, meal prep and/or other support to vulnerable people in communities.</p> <p>Adhering to all PHE guidance and safeguarding policy.</p>	
Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)	None	
Consultation with relevant Cabinet Member (s)	Cllr Hart	
Decision:		
Signature and Date:		

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Iain 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 electoral divisions		
Subject of Decision:	Extension of contracts	
Decision Taken(specify precise details):	<p>To extend the existing contracts for the following services for a period of 6 months beyond the original award date:</p> <ul style="list-style-type: none"> • Intensive Home Visiting Service – from 1/10/20 to 31/3/21 • Advisory Services in General Practice and Community Approach – from 1/4/21 to 30/9/21 • Supply of school crossing patrol uniforms – from 3/4/21 to 2/10/21 <p>In addition, to pause the evaluation of submitted bids for the Intensive Home Visiting Service.</p> <p>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.</p>	
Reasons for the Decision (specify all reasons for taking the decisions including where necessary reference to Council policy)	<p>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 external resources are being diverted to deal with the COVID-19 pandemic.</p> <p>Submission of bids for the Intensive Home Visiting Service has now closed, but no evaluation of the bids has commenced. It is proposed to notify all bidders of the pause in the procurement process.</p> <p>For the other three contracts, the procurement has not yet been advertised, and therefore the extension of the existing contracts will allow for a re-scheduling of the proposed procurement timelines for each contract.</p>	
Alternative Options Considered (if appropriate)	<p>Continuing with the procurements for these contracts as planned would place an unnecessary burden on DCC staff and external organisations whose current focus is on responding to the COVID-19 pandemic. This could result in organisations not responding to the tender, leading to a less effective service being commissioned.</p>	

(PHODR10)

	<p>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.</p>
<p>Background/Reports/Information considered and attached (Legal, Personnel, Financial Implications etc)</p>	<p>Approved by PH SMT 30th March. Business case subsequently approved by procurement, legal and finance.</p> <p> PH SMT Report - contract extensions</p> <p> business-case-to extend PH contracts b</p>
<p>Consultation with relevant Cabinet Member (s)</p>	<p>Cllr Hart approved</p> <p> Re another decision to inform you about.n</p>
<p>Decision:</p>	
<p>Signature and Date:</p>	

(PHODR11)

DERBYSHIRE COUNTY COUNCIL

OFFICER DECISION RECORD

Officer: Ellie Houlston		Service: Pension Credit Project	
Delegated Power Being Exercised: Effecting 2 or more electoral divisions			
Subject of Decision:		Suspension of service	
Decision Taken(specify precise details):		Suspension of Pension Credit Project across Derbyshire from Monday 6 th 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 th 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)

DERBYSHIRE COUNTY COUNCIL

Report of the Director of Public Health -23 APRIL 2020

CHANGES TO SERVICE DELIVERY MODEL FOR THE PUBLIC 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.

Time Swap

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

(PHREP3)

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 co-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.

(PHREP3)

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**