

# REVISED AGENDA

## FINANCE AND POLICY COMMITTEE AGENDA



**Monday 13 October 2014**

**at 9.30 am**

**in the Council Chamber, Civic Centre, Hartlepool**

MEMBERS: FINANCE AND POLICY COMMITTEE

Councillors C Akers-Belcher, Dawkins, Hind, Jackson, James, Loynes, Payne, Richardson, Riddle, Simmons plus one vacancy.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To receive the minutes of the meeting of the Finance and Policy Committee held on 15 September 2014
- 3.2 To receive the minutes of the meeting of the Health and Wellbeing Board held on 11 August 2014.

**4. BUDGET AND POLICY FRAMEWORK ITEMS**

No items.

**5. KEY DECISIONS**

- 5.1 Community Engagement and Cohesion Strategy – *Director of Regeneration and Neighbourhoods*
- 5.2 Disposal of Surplus Assets – The Willows, 30 Raby Road, Hartlepool – *Director of Regeneration and Neighbourhoods*
- 5.3 Further Building Works at the Pupil Referral Unit (PRU), Brierton Site - *Director of Child and Adult Services*



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## 6. OTHER ITEMS REQUIRING DECISION

- 6.1 Local Growth Fund Programme Management Framework – *Director of Regeneration and Neighbourhoods*
- 6.2 Irrecoverable Debts – Council Tax and Business Rates – *Chief Finance Officer*
- 6.3 Service Planning 2015/16 – *Corporate Management Team*
- 6.4 Local Welfare Support/Discretionary Housing Payment Administration – Review of Frameworks – *Director of Child and Adult Services*
- 6.5 Healthy Weight Service Update – *Director of Public Health*
- 6.6 HR Policy and Procedure Review (Discipline and Grievance) – *Assistant Chief Executive*
- 6.7 Code of Conduct for Employees – *Chief Solicitor*
- 6.8 Safer Hartlepool Partnership Draft Reducing Re-Offending Strategy 2014-2017 – *Director of Regeneration and Neighbourhoods*

## 7. ITEMS FOR INFORMATION

- 7.1 Northgate Community Fund – *Assistant Chief Executive*
- 7.2 Clawback – The Domes, Tees Road, Seaton Carew, Hartlepool – Risk Management Arrangements – *Corporate Management Team*

## 8. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

### ITEMS FOR INFORMATION

**Date of next meeting – Monday 24 November 2014 at 9.30am in the Civic Centre, Hartlepool.**



## **FINANCE AND POLICY COMMITTEE MINUTES AND DECISION RECORD**

15 September 2014

The meeting commenced at 9.30 am in the Civic Centre, Hartlepool

### **Present:**

Councillor: Christopher Akers-Belcher (In the Chair)

Councillors: Keith Dawkins, Tom Hind, Peter Jackson, Brenda Loynes,  
Carl Richardson and Chris Simmons.

In accordance with Council Procedure Rule 5.2 (ii), Councillor Geoff Lilley was  
in attendance as substitute for Councillor David Riddle.

### **Also present:**

Councillor Jim Ainslie

Officers: Dave Stubbs, Chief Executive  
Andrew Atkin, Assistant Chief Executive  
Chris Little, Chief Finance Officer  
Alyson Carman, Legal Services Manager  
Gill Alexander, Director of Child and Adult Services  
Denise Ogden, Director of Regeneration and Neighbourhoods  
Ed Turner, Public Relations and Communications Assistant  
Laura Stones, Scrutiny Support Officer  
Angela Armstrong, Principal Democratic Services

### **48. Apologies for Absence**

Apologies for absence were received from Councillors David Riddle and  
Robbie Payne.

### **49. Declarations of Interest**

None.

### **50. Minutes**

- (i) Minutes of the meeting of the Finance and Policy Committee held on  
18 August 2014 – received.
- (ii) Minutes of the meeting of the Health and Wellbeing Board held on 29  
April 2014 – received.

## **51. Local Council Tax Support New Burdens Funding** (Chief Finance Officer)

### **Type of decision**

Key Decision – Test (i) applied – Forward Plan Reference CE66/14.

### **Purpose of report**

To recommend a strategy for using the Local Council Tax Support (LCTS) New Burdens funding allocation of £105,701 for Hartlepool.

### **Issue(s) for consideration**

The report provided the background to the Government's New Burdens Funding including the impact of the Local Council Tax Scheme on low income working age households in Hartlepool. Given the sustained volumes of enquiries/workload within the Revenues Service, it was proposed that £50,000 (48%) of the one-off funding be allocated to provide additional recovery capacity over an 18 month period covering the remainder of 2014/15 and 2015/16 as follows:

Revenues Officer (18 month fixed term contract) - £37,000;  
Revenues correspondence printing/mailing costs - £3,000;  
Revenues Officers' additional operational hours - £10,000.

The above proposal left an uncommitted New Burdens grant balance of £55,000 and it was recommended that this one-off funding be allocated to retain a total 2015/16 budget for the Advice and Guidance service of £110,000 which could be funded from a combination of:

Uncommitted New Burdens grant - £55,000; plus  
Contribution from Reserves Review and 2014/15 Outturn - £55,000.

In conclusion it was noted that the operation of the LCTS scheme continued to have a significant administrative impact for the Council and a significant financial impact on low income working age households against a background of the cumulative impact of the national welfare reforms. As there was no certainty as to future LCTS New Burdens funding, the Council needed to determine a balanced application of the 2014/15 one-off grant.

In response to comments by Members, the Chief Finance Officer confirmed that the costs associated with the fixed term contract Revenues Officer included overheads and that the appointment to this post would be undertaken in line with the Council's current recruitment policy.



The following recommendations were agreed unanimously.

### **Decision**

- (i) The allocation of £50,000 of the one-off New Burdens grant to provide additional temporary recovery capacity as set out in section 5.1 of the report was approved.
- (ii) The proposal to allocate the remaining £55,000 of the one-off New Burdens grant to partly fund the continuation of the Advice and Guidance service in 2015/16 was approved.
- (iii) It was noted that the Review of Reserves report recommended providing a further £55,000 towards the Advice and Guidance service in 2015/16.

## **52. Disposal of Surplus Assets – Redevelopment of Lynn Street Depot Site and Consideration of Alternative Depot Sites** *(Director of Regeneration and Neighbourhoods)*

### **Type of decision**

Key Decision – Test (i) applied – Forward Plan Reference RN13/09.

### **Purpose of report**

To seek approval to the principal of relocating the Council's current Lynn Street Depot facilities. The report considers the benefits of relocation and the alternative development opportunities that could be realised if the depot was relocated.

Details were also provided of the Cleveland College of Art and Design (CCAD) plans to expand and develop their Church Square estate, further to the recent announcement that they had been awarded Local Growth Fund (LGF) monies of £8.5m. The report sought approval to work together with CCAD to look at the feasibility of the College developing some of their new facilities on the depot site and the Council identifying an alternative location for the depot facility.

### **Issue(s) for consideration**

The report provided the background to the proposals and how this would form part of the Hartlepool Vision and the Hartlepool Regeneration Masterplan to improve Church Street. The LGF funding would be a major driver to improve the Church Street area with £8.5m notionally spread across 2 years with £2.5m currently earmarked for 2015/16. As a first step, the College was preparing a feasibility study to consider the viability of the

proposal and to develop some initial concept designs including the option to develop the depot site. A range of alternative sites for the location of the Council's depot will be considered as part of the options appraisal and initial discussions had already taken place with Cleveland Fire Brigade to enable the viability of the joint development of facilities at Queens Meadow to be explored. Additional work to prepare a detailed business case to define the cost/benefit rationale would also be undertaken. An outline of the financial considerations including the funding sources was included in the report.

The Director of Regeneration and Neighbourhoods confirmed that the LGF funding had been secured through joint working between Council Officers, the Cleveland College of Art and Design and Tees Valley Unlimited. In response to clarification requested from Members, the Director indicated that a number of options for the development and alternative sites for the relocation of the depot site and associated Council Officers were being explored to ascertain the best option for the College students as well as the Hartlepool Vision and further detail would form part of the feasibility study and business case for the proposal.

Members were supportive of the proposal as it presented a great opportunity for the redevelopment of the Church Street area as the skills and innovation centre of the Town as well as opportunities for Council Officers to be involved in the development of the proposal. It was recognised that the timescales associated with the LGF funding were challenging and Members looked forward to receiving further reports on the possible options for the relocation of the depot site.

The following recommendations were agreed unanimously.

### **Decision**

The relocation of the Lynn Street depot site to support The Hartlepool Vision and the regeneration of the Church Street area was approved in principle subject to the following:

- (i) A review to identify alternative sites suitable to accommodate a new Council depot facility was authorised.
- (ii) The development of a joint proposal with Cleveland College of Art and Design to prepare a masterplan for the depot site and undertake feasibility work to assess the viability of the Council relocating to alternative premises was authorised.
- (iii) It was noted that a detailed business case for funding the relocation of the depot will be developed and it was anticipated that this would result in a revenue budget pressure in 2016/17 (potential part year impact for 2015/16).

Councillor Jim Ainslie joined the meeting.

### **53. Medium Term Financial Strategy – Review of Reserves as at 31 March 2014** *(Corporate Management Team)*

#### **Type of decision**

Non key.

#### **Purpose of report**

To enable Members to consider:

- (i) The detailed review undertaken by the Corporate Management Team of the existing financial reserves that were held to manage financial risks:
- (ii) The Corporate Management Team recommendations in relation to the areas where risks had reduced, enabling reserves to be released and reallocated for other purposes, including continued support for the revenue budget beyond 2016/17 when existing one-off funding runs out.

#### **Issue(s) for consideration**

The report provided the background to the increasingly challenging position faced by the Council owing to the impact of continuing Government grant cuts, Local Council Tax Support Scheme, demand pressures and continued restrictions of council tax increases. The Chief Finance Officer highlighted the benefits of the Council continuing to adopt a multi-year approach to managing resources, including reserves. This includes phasing in cuts in Local Council Tax Support and support for the revenue budget over the period 2014/15 to 2016/17. The net value of the Council's reserves totalling £34.338m was outlined in the report with further details attached in Appendices A to F as follows:

Corporate Reserves - £28,756,000  
Child and Adult Services – £2,786,000  
Education Services - £1,022,000  
Regeneration and Neighbourhoods - £977,000  
Public Health - £297,000  
Chief Executive's Department - £297,000.

As a result of the review undertaken of the above reserves and the risks reserves were held to manage, the Corporate Management Team recommended that £1.870m could be released. Based on the review of the reserves and the initial assessment of the forecast 2014/15 outturn, the level of uncommitted one-off resources was between £2.170m and £2.285m. It was proposed that this one-off funding would provide the

following resources to fund protection costs and continue support for the revenue budget in 2017/18:

Advice and Guidance - £55,000\*

School Crossing Patrol and Lifeguards - £390,000\*\*

Protection costs from Terms and Conditions review\*\*\* – £750,000.

Support of 2017/18 budget (ie partial sustainability of £1,648m used to support 2016/17 budget) – between £975,000 and £1,090,000.

\* £55,000 will also be provided from the New Burdens grants.

\*\* Retains services for 2 years

\*\*\* It was recommended that any increase/decrease be funded by a corresponding increase/decrease in the resources allocated to support the 2017/18 budget.

It was highlighted that at the current stage, no provision for Ward Member budgets had been made for 2015/16 and that this issue would be addressed as part of the update of the forecast outturn for the current year. It was anticipated that the forecast outturn which could be allocated to support Ward Member budgets of £3,000 per Member. However, further consideration of this issue would be required for 2016/17 to determine if there was an alternative permanent funding source to continue Ward Member budgets. It was also anticipated that £30,000 will be provided from the current year outturn towards sustaining Community Centres in 2015/16.

The Chair thanked Officers for their hard work and commitment to achieving a multi-year approach to the Council's MTFS as well as the fact that funding had been sourced to support the school crossing patrol and lifeguards for a further two years.

The Chief Finance Officer provided clarification on a number of points raised by Members. It was noted that the recommendation of unearmarked reserves to be held by a Local Authority was between 3% and 5% and this review confirmed that this Council would hold around 4% reserves which was mid-range of this recommendation.

In response to concerns raised by a Member at the reduction in Ward Member budgets, the Chair confirmed that the reduction was in line with Council-wide budget cuts, however Ward Member budgets would be subject to a further review beyond 2015/16. A Member highlighted that previously, Ward Member budgets had been top sliced to support the Environmental Apprentice Scheme and clarification was sought on whether this has been included within the considerations. The Chair indicated that whilst this had not been included within the current considerations, this could be considered when the final budget report was considered by Members.

The following recommendations were unanimous.

## **Decision**

Members noted the report and approved the following recommendations to be included in the final budget proposals to be considered by this Committee on 24 November 2014 and Council on 11 December 2014:

- (i) The recommendation of the Corporate Management Team and Chief Finance Officer that following an assessment of risk, the reserves review had identified £1,870, which could be released was approved.
- (ii) The recommendation of the Corporate Management Team and Chief Finance Officer to allocate the one-off resources identified from the reserves review and the initial forecast 2014/15 outturn to fund the commitments detailed in the report was approved. It was noted that this recommendation reflected the decision made by this Committee on 30 June 2014 regarding the use of these resources.
- (iii) The recommendation of the Corporate Management Team and Chief Finance Officer that in the event of an increase/decrease in the forecast Terms and Condition Protection costs that this be funded by a corresponding increase/decrease in the resources allocated to support the 2017/18 budget was approved.
- (iv) That the proposal to continue Ward Member budgets in 2015/16 at £3,000 per Member to fund this amount from the forecast additional 2014/15 outturn was approved. It was noted that this proposal would provide a longer lead time to consider options regarding the sustainability of this initiative beyond 2015/15 including the Council's overall position.
- (v) That further consideration be undertaken when the Committee receives the final budget report in November 2014, to ascertain whether the current financial support from within the Ward Member budgets for the Environmental Apprenticeships would continue.

## **54. Medium Term Financial Strategy (MTFS) 2015/16 Savings Proposal – Budget Consultations** *(Corporate Management Team)*

### **Type of decision**

Non key.

### **Purpose of report**

To feedback the views/comments received from each of the individual Policy Committees in relation to the 2015/16 savings proposals.

**Issue(s) for consideration**

The report provided the background to the consideration of the budget proposals for 2015/16 along with an overview of the Council's financial position. In accordance with the agreed process, details of proposed savings for 2015/16 were presented to the individual Policy Committees in July/August/September 2014. The views and comments made by the Policy Committees were outlined in the report.

In accordance with the agreed process, the views/comments expressed by the individual Policy Committees would be utilised by the Corporate Management Team in the development of the final budget proposals which will be considered by this Committee on 24 November 2014 and referred to Council on 11 December 2014.

The Chair of the Neighbourhood Services Committee commented that there had been a lot of discussion around some difficult decisions taken by the Committee but that Members were pleased to note that funding had been identified to continue to support the school crossing patrol and lifeguard services for the forthcoming two years.

The Chair of the Children's Services Committee emphasised the significant concerns that the Committee had expressed in relation to the outsourcing of the core youth service provision and reiterated the Committee's view that the two remaining youth centres in the town should be preserved as they were very much valued by the local communities who use them. In relation to Looked After Children costs, it was highlighted to Members that Officers were hoping to reduce that budget through early intervention and ensuring families were helped earlier therefore reducing the need for children to become 'looked after'.

The Chair reiterated the need to be mindful of the shortfall in the capital receipt from the sale of Throston Community Centre and that community centres should be able to deliver more services to ensure their sustainability.

The following recommendations were unanimous.

**Decision**

- (i) That the views/comments expressed by each of the individual Policy Committees outlined in the report were noted and endorsed.
- (ii) That the responses received from the individual Policy Committees be fed back to the Corporate Management Team to assist in the preparation of finalised savings proposals for 2015/16 to be considered by this Committee on 24 November 2014.

## **55. Quarter 1 – Council Overview of Performance and Risk 2014/15** *(Assistant Chief Executive)*

### **Type of decision**

Non key.

### **Purpose of report**

To inform the Committee of the progress made against the 2014/15 Council Plan, for the period ending 30 June 2014.

### **Issue(s) for consideration**

The Assistant Chief Executive presented a report which described progress made against the actions and performance indicators included in the Council Plan for 2014/15. Updates had been provided for 63 of the 78 targeted indicators, data was either currently not available for the remaining 15 indicators or there were proposals to remove the indicator from the Council Plan. It was noted that at this stage 86% of actions were on target.

### **Decision**

- (i) The current position with regard to performance was noted.
- (ii) The removal of the following indicators was approved:  
CSD P109 – to be replaced with Percentage of C&F Assessments completed within 45 working days.  
LAA HC11  
RND P050  
RND P113
- (iii) The removal of the following action was approved:  
HS 2E3  
HS 2B2  
HS 3A 13
- (iv) The removal of the following risks were approved:  
CAD R012  
CAD R015  
RND R032  
CAD R045

## **56. Supermarket Levy Proposal** *(Chief Finance Officer)*

### **Type of decision**

Non key.

**Purpose of report**

To provide information on a request received to support a proposal to give local authorities the power to introduce a Levy of up to 8.5% of the rateable value on supermarkets or large retail outlets in their area with a rateable value of more than £500,000 and for the revenue to be retained by individual local authorities to be used to help improve their local communities. The Committee was asked to determine a recommendation to be referred to Council.

**Issue(s) for consideration**

The report provided the background to an approach received from Local Works (a national campaign body) to seek support for a proposal to give Councils powers to introduce a Levy on the rateable value of large retail outlets. The potential financial impacts for Hartlepool was that only 3 retailers with a rateable value in excess of £500,000 and they are all supermarkets and these three retailers together pay £3.46m in Business Rates.

It was noted that the introduction of a supermarket levy may have the potential to yield a new revenue stream that could be used to improve local communities. However, the large supermarket chains were likely to resist and challenge this potential legislation. There were no financial costs in signing up to the Derby levy proposal, however should the Government decide not to support the levy, there may be future costs for Councils who support the levy should they decide to pursue legislative change via a Private Members' Bill.

During the discussions that followed, Members considered the risk attached to supporting this levy and were supportive of awaiting Government guidance on the potential progression of this levy. Members were mindful of the amount of work and support in the community provided by local supermarkets. However, one Member did express support for the campaign.

**Decision**

It was recommended to Council that at the current time, Hartlepool Council should not support the campaign, and would await any guidance to be issued from Central Government on the progression of the Supermarket Levy.



**57. Employee Sickness Absence 1<sup>st</sup> Quarter 2014/15**  
(Assistant Chief Executive)

**Type of decision**

For information.

**Purpose of report**

To update the Committee on the Council's performance in relation to employee sickness absence, for the first quarter of 2014/15.

**Issue(s) for consideration**

The report provided details of employee sickness absence for the first quarter of 2014/15 and actions taken across the Council to achieve this. Members were advised that the target figure for 2014/15 was 7.40 days absence per wte (whole time equivalent). The actual sickness rate at the end of the first quarter showed the Council's performance was 6.89 days per whole time equivalent per employee per annum. There had been continuous improvement year on year, as detailed in the Council's annual sickness absence statistics included in the report. The Council continued to focus on sickness absence management to ensure the Council achieved its target at the end of the reporting year.

The report included sickness absence statistics by department, including and excluding schools, as well as a breakdown of long, medium and short term sickness absence.

**Decision**

That the employee sickness absence rates for the first quarter of 2014/15 were noted.

**58. Any Other Items which the Chairman Considers are Urgent**

None.

The meeting concluded at 10.25 am.

**P J DEVLIN, CHIEF SOLICITOR**

**PUBLICATION DATE: 22 September 2014**

# HEALTH AND WELLBEING BOARD

## MINUTES AND DECISION RECORD

11 August 2014

The meeting commenced at 2.00 p.m. in the Civic Centre, Hartlepool

### **Present:**

Councillor C Akers-Belcher, Leader of Council (In the Chair)

### **Prescribed Members:**

Elected Members, Hartlepool Borough Council – Councillors Jonathan Brash, Carl Richardson and Chris Simmons

Representatives of Hartlepool and Stockton-on-Tees Clinical Commissioning Group – Alison Wilson

Director of Public Health, Hartlepool Borough Council - Louise Wallace

Director of Child and Adult Services, Hartlepool Borough Council – Gill Alexander

Representative of Healthwatch – Margaret Wrenn

### **Other Members:**

Chief Executive, Hartlepool Borough Council – Dave Stubbs

Representative of the NHS England – Caroline Thurlbeck

Representative of Hartlepool Voluntary and Community Sector – Tracy Woodhall

Representative of Tees Esk and Wear Valley NHS Trust, David Brown (substitute for Martin Barkley)

Also in attendance – Dr Paul Pagni, Hartlepool and Stockton-on-Tees Clinical Commissioning Group

Officers: Alastair Rae, Public Relations Manager, Hartlepool Borough Council  
Joan Stevens, Scrutiny Manager, Hartlepool Borough Council  
Amanda Whitaker, Democratic Services Team, Hartlepool Borough Council

## **1. Appointment of Vice Chair**

It was agreed unanimously that Dr Schock be appointed Vice Chair of the Board for the ensuing Municipal Year.

Tribute was paid to Dr Pagni who had been Vice Chair of the Health and Wellbeing Board the previous year. Dr Pagni responded by thanking the Board for its support and wishing the Board continuing success.

## **2. Apologies for Absence**

Apologies for absence had been submitted on behalf of the following Board Members:-

Dr Schock, Hartlepool and Stockton-on-Tees Clinical Commissioning Group  
Ruby Marshall, Healthwatch

Denise Ogden, Director of Regeneration and Neighbourhoods, Hartlepool Borough Council

Martin Barkley, Tees Esk and Wear Valley NHS Trust

Alan Foster, North Tees and Hartlepool NHS Foundation Trust

## **3. Declarations of interest by Members**

Councillor Brash declared a non prejudicial interest as a trustee of Hartlepool Families First.

The Chair, Councillor Christopher Akers-Belcher, advised that in accordance with the Council's Code of Conduct, he declared a personal interest as Manager for the Local HealthWatch, as a body exercising functions of a public nature, including responsibility for engaging in consultation exercises that could come before the Health and Wellbeing Board. He advised that where such consultation takes place (or where there is any connection with his employer), as a matter of good corporate governance, he would ensure that he left the meeting for the consideration of such an item to ensure there was no assertion of any conflict of interest.

## **4. Minutes**

The minutes of the meeting held on 29 April 2014 were confirmed.

## **5. Strategic Context Presentation**

The Board received a joint presentation by the Director of Public Health, Director of Child and Adult Services and Chief Officer, NHS Hartlepool and Stockton on Tees Clinical Commissioning Group. The presentation highlighted the following issues in relation to consideration of the strategic context of the Board:-

- Summary of statistical evidence for Tees Valley
- Health and Wellbeing Priorities
- The Way Forward
- Challenges to be addressed
- Partnership Issues
- Better Care Fund
- Better Childhood Programme

- Developing the role of the Health and Wellbeing Board.

Followed the presentation, Board Members discussed issues associated with delayed hospital discharges together with measures to prevent admission to hospital.. Child poverty was highlighted as an issue which required the focus of the Board and the issue was discussed in the context of the Better Care Fund and Partnership working.

### **Decision**

The presentation was received by the Board.

## **6. Health and Wellbeing Board – Annual Review 2013/14 and Work Programming 2014/15**

In order to assist the Board in completing its 2013/14 Annual Review, a presentation was given by the Director of Public Health to inform and promote discussion in relation to progress during 2013/14 against each of the Boards key duties and priority outcomes and the challenges facing the Health and Wellbeing Board in the provision of effective health services for Hartlepool residents. In developing the operation of the Board, in addition to undertaking statutorily required activities, the Board was asked to also consider the establishment of a defined work programme for 2014/15, with the identification of a single item upon which it could focus its activities for the year. To assist the Board in its discussions, details were presented to the Board of the outcome of the Face the Public Event, held on the 23 June 2014, with views and comments compiled in response to specific questions relating to health priorities. In order to facilitate discussions, the Board agreed to 'break out' into three groups to discuss and agree the wider determinants of health in Hartlepool and to identify one determinant to be focused on in 2014/15.

Following the 'break out' sessions, the Board received feedback. Although there had been a range of topics discussed, it was agreed that one of the topics suggested, childhood obesity, was a determinant that the Board should focus upon. The Board discussed the selected determinant and identified linkages across all partner activities and how the piece of work was to be undertaken. The Board accepted the range of issues to be considered in the context of addressing childhood obesity including obesity in general to convey the message that children and adults needed to 'Eat well. Live well'. Members wanted to focus on a positive campaign to reduce obesity and recognised the role of the Children's Strategic Partnership in supporting the Board.

In order that all Board Members could be involved in undertaking the work of the Board, a Board Member suggested that consideration should be given to the time of commencement of Board meetings.

**Decision**

- (i) The outcomes of the Boards 'Annual Review' of activities during 2013/14 were noted.
- (ii) The Board approved the establishment of a defined work programme for 2014/15; and identified a topic area of work, namely childhood obesity, upon which to focus its activities during 2014/15.

**7. Communications and Engagement Strategy Presentation**

The Board received a presentation by Hartlepool Borough Council's Public Relations Manager. Board Members were advised on strategic priorities, key components of the Communications and Engagement Strategy, identification of key areas, public engagement and moving forward with particular reference to 2014/15.

Concerns were expressed regarding elements of existing communication between Partner Organisations. It was recognised that it was important to ensure that communication was through a central function. It was recognised also that there was a requirement for Board Members to assist in terms of communication. In relation to discussions earlier in the meeting which had identified childhood obesity as the Board's topic area of work for 2014/15, the Public Relations Manager agreed to submit a campaign proposal to the Board which would include brand proposals and key objectives. The Public Relations Manager agreed also to liaise with key partners to discuss the alignment of communication plans of partner organisations.

**Decision**

- (i) The Board received the presentation and the Public Relations Manager agreed to submit a campaign proposal to the Board.
- (ii) It was agreed that the composition of the Board should be reviewed to determine whether there is a requirement to co-opt onto the Board to progress the Board's topic area of work, childhood obesity.

**8. Meeting Dates**

The Chairman advised the Board that the date of the next meeting had been changed from 8<sup>th</sup> September to 10 September. Recognising a request made

earlier in the meeting by an elected Member, the Democratic Services Team Manager was requested to contact the elected member to determine suitable times for Board meetings and to submit a schedule of meeting times and dates to all Board Members. It was noted that Board Members required advance notice of meetings.

Meeting concluded at 4.15 p.m.

CHAIR

# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** COMMUNITY ENGAGEMENT & COHESION STRATEGY

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (ii) applies. Forward Plan Reference No: RN 24/14.

## 2. PURPOSE OF REPORT

2.1 To consider the merger of the Neighbourhood Management and Empowerment Strategy, and the Community Cohesion Strategic Framework to form a Community Engagement and Cohesion Strategy with a revised delivery model.

## 3. BACKGROUND

3.1 The Neighbourhood Management and Empowerment Strategy was introduced in 2010. The Neighbourhood Management vision was that *Hartlepool will be 'a place where people have pride and want to live and stay, with everyone taking part, and everyone understanding each others needs'.*

The strategy aimed to do this by focusing on the following:

- Ensuring appropriate governance arrangements are in place enabling the participation and empowerment of communities in local government decision making processes, supported by effective community development work that increases cohesion.
- Shaping public services around the residents and communities that use them, by ensuring joined up services across the Authority at a local level that add value to other services such as Neighbourhood Policing, and the Private and Voluntary Sectors.

- Improving quality of life and tackling deprivation in our most disadvantaged neighbourhoods by ensuring services are responsive to local need through good quality community planning that facilitates effective and sustainable change.
- 3.2 The Neighbourhood Management and Empowerment Strategy directly supports the Council's Sustainable Community Strategy - Hartlepool's Ambition in promoting Safer, Stronger Neighbourhoods and has particularly close links to the Community Cohesion Framework and associated action plan introduced in 2011/12. It is also directly contributes to the aims of the Equality Duty 2010 in ensuring that Hartlepool Borough Council tackles discrimination and advances equality of opportunity for all, including equal access to services.
- 3.3 This well established model for engaging communities was discussed by the Neighbourhood Services Committee in December 2013 where it was agreed that although the three aims of the existing Neighbourhood Management Strategy continued to be relevant and should remain, that a review of the current strategy and delivery model should be undertaken to address the risks posed by the relocation of Neighbourhood Managers and Community Safety staff to the Civic Centre in relation to reduced access to services. At the same meeting concerns were also expressed in relation to poor levels of cohesion in neighbourhoods evidenced through the Safer Hartlepool Partnerships strategic assessment and the towns Community Safety Plan.
- 3.4 As such a review of the strategy has been undertaken. This has included an examination of the current local and national landscapes in relation to community engagement and empowerment, along with an examination of a range of data sources to identify any gaps in current service provision/areas that need to be strengthened.

#### **4. NATIONAL/LOCAL CONTEXT**

- 4.1 Since the Neighbourhood Management Strategy was introduced in 2010 significant changes on both a national and local level have taken place resulting in changes to the way Neighbourhood Management is currently delivered.
- 4.2 Current government approaches to engaging and empowering communities are to be found in the Localism Act which embraces a number of community rights, and a range of other strategies aimed at safeguarding and promoting cohesive communities including the national CONTEST and PREVENT STRATEGY, the National Framework for Integration, Hate Crime, and the Organised Crime Strategy.
- 4.3 Whilst the new community rights in the Localism Act represent a shift in policy away from addressing social inclusion to one of promoting voluntary effort and self help in the face of financial stringency, the complex interplay of factors affecting good cohesion in neighbourhoods continues to represent a



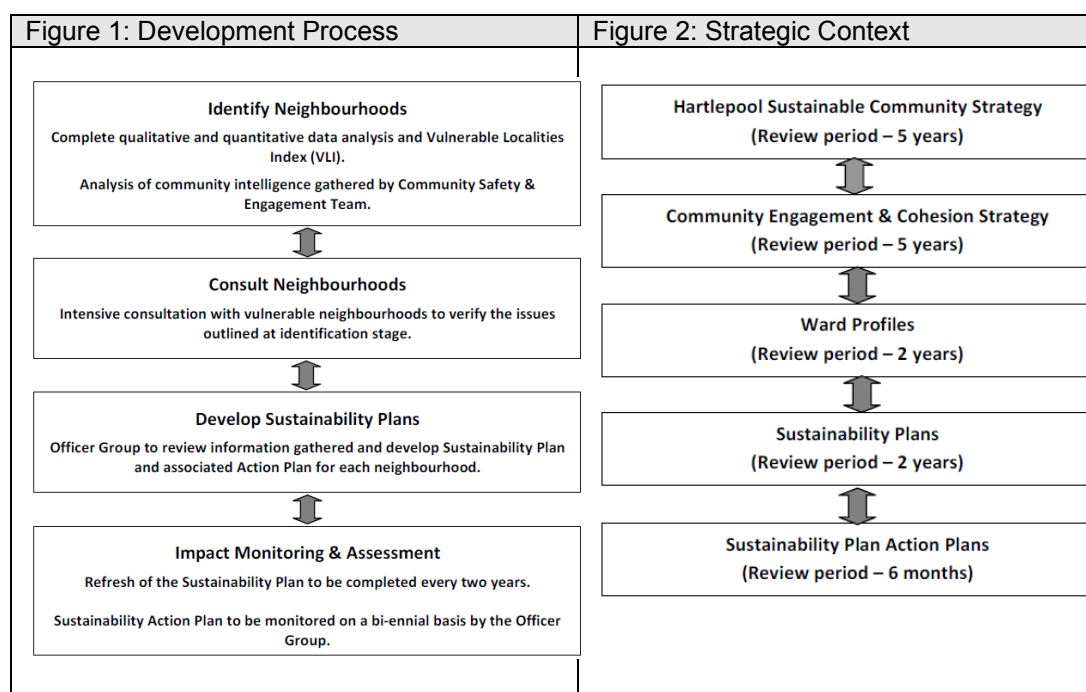
challenge for local Councils and their Partners. These factors include social and economic deprivation; and a number of perception based factors, both of which have formed the bedrock of the Neighbourhood Management approach since its inception in 1999.

- 4.4 Data from the Indices of Multiple Deprivation 2010 shows that Hartlepool communities remain some of the poorest nationally with Headland & Harbour, Manor House, Victoria, De Bruce and Jesmond wards falling within the top 10% most disadvantaged in the country. These wards account for approximately half of Hartlepool's population; and present a major challenge in terms of social inclusion, and subsequent levels of community cohesion. As evidenced at **Appendix A** which highlights the strong correlation between deprivation levels, low satisfaction, and cohesion levels as well as higher levels of the fear of crime and anti-social behavior compared to the Hartlepool average in deprived areas .
- 4.5 Further analysis on a neighbourhood level using the Vulnerable Localities Index (VLI) identifies neighbourhoods that are at significant risk of community breakdown and fragmentation located within our most deprived wards. The Vulnerable Localities Index (VLI) is a measure that is used to support Community Safety Partnerships in identifying neighbourhoods that require prioritised attention - it is a composite measure that brings together crime, anti-social behaviour, demographic and deprivation data, to identify localities that require further partnership analysis of their needs and vulnerability.
- 4.6 Using this methodology an index score for each of the 2011 Census Output Areas (COA's) in Hartlepool has been calculated, a COA with a score of 100 is representative of Hartlepool's average, 200 is twice the average (above average) and 50 (below average) is half the average. Analysis has identified nine vulnerable localities in Hartlepool, for prioritised partnership attention, these include:
- Oxford Road Ladder (Burn Valley);
  - Elwick Road Ladder (Burn Valley)
  - West View (De Bruce);
  - Belle Vue (Foggy Furze);
  - Burbank (Headland and Harbour);
  - Central Estate (Headland and Harbour);
  - Dyke House (Jesmond)
  - Wynyard Road area (Manor House)
  - Town Centre (Victoria)
- 4.7 As illustrated in the map attached at **Appendix B**, the highest concentration of vulnerable localities are situated around the town centre area, and share common characteristics; in particular, they are densely populated by private rented properties many of which are in located in current and proposed selective licensing areas, with community issues in these areas co-existing with other social problems that place heavy demands on partner resources.

## 5 PROPOSALS

- 5.1 To avoid duplication of effort in the future and given the evidence outlined above it is proposed that the Neighbourhood Management and Empowerment Strategy and the Community Cohesion Strategic Framework are merged to become the Community Engagement and Cohesion Strategy.
- 5.2 The approach would retain the existing strands of the Neighbourhood Management and Empowerment Strategy outlined in section 2 of the report, and in an attempt to provide a more structured and co-ordinated approach to tackling cohesion and basic quality of life issues in our poorest neighbourhoods, it is proposed that Sustainability Plans are produced for those areas where the evidence indicates priority action should be taken.
- 5.3 Sustainability Plans would build on the existing Ward Profiles developed in 2012 which are currently based around the four key themes of Jobs and Economy, Health and Wellbeing, Crime and Community Safety, and Environment and Housing. They would include consultation with local residents together with information drawn from other consultations, where available, such as selective licensing. This qualitative information would be used alongside the existing quantitative data to develop an action plan that will be updated on a rolling programme.
- 5.4 Neighbourhood Sustainability Plans, although clearly linked to local strategic plans across the theme areas, will consist of a small number of specific actions that are responsive to immediate and emerging local issues to be addressed in the short to medium term. An existing Ward Profile and example template that could be used for Sustainability Plans is attached as **Appendix C (1 & 2)**.
- 5.5 Where possible each Sustainability Plan will have a local lead organisation. This could be local housing, or other providers. For example Housing Hartlepool (now part the 'thirteen' group) plan to develop sustainability plans in the autumn linked to their Ward Area Profiles which were developed in conjunction with the Council in 2012. There is therefore an opportunity to work in conjunction with the housing provider in the future on the development and implementation of Neighbourhood Sustainability Plans.
- 5.6 Informal discussions with the housing provider suggest that this could be an appropriate way forward that would enable both organisations to make the best use of limited resources available. As such Neighbourhood Sustainability Plans will build on the strong working relationships already established with Housing Hartlepool and other local providers on a neighbourhood level, ensuring we build upon what others are doing rather than doing something separate and duplicating or adding to existing efforts.
- 5.7 Engagement with communities will be undertaken by the lead organisation using existing groups such as Residents Associations, and/or other mechanisms such as local small-scale surveys – whichever is appropriate for the local area.

- 5.8 A small Officer Group, meeting on a six monthly basis, and serviced by the Councils Community Safety and Engagement Team, could be established to oversee the delivery and monitoring of Sustainability Plans. To ensure a comprehensive oversight of each theme area, this will include the theme leads, or their appointed representatives, from existing theme groups within the Councils governance structure (Health and Well-Being Board; Safer Hartlepool Partnership; Housing Partnership, Children's Partnership, and the Economic Forum). The theme leads will identify their priorities to be included in each of the plans, and where issues/blockages are experienced in making changes, or improvements, or there are issues facing more than one area, these will be taken to the Theme groups as necessary.
- 5.9 The proposed process for the development, implementation, and monitoring of sustainability plans and their strategic fit is outlined in figures 1 & 2 below:



- 5.10 As identified in Figure 1 initial areas for action will be identified through the Vulnerable Localities Index. Sustainability Plans will be reviewed on a biannual basis, and both Ward Profiles and Sustainability Plans will be refreshed every two years with the impact of interventions and progress made being measured by revisiting the Vulnerable Localities Index. The overall Community Engagement and Cohesion Strategy will be reviewed after 5 years.

## **6. GOVERNANCE AND MONITORING OF THE STRATEGY**

6.1 It is proposed that the implementation of the strategy will be monitored via the following mechanisms:

- A six monthly Neighbourhood Sustainability Plan update and review, introducing new actions where needed, and a newsletter to local neighbourhood groups on progress to date based on the 'You Said, We Did' approach.
- An annual report outlining progress on the Community Engagement and Cohesion Strategy to the Safer Hartlepool Partnership; the Councils Finance and Policy Committee, and Neighbourhood Services Committee including progress against Sustainability Plans; and Ward Profiles
- An annual progress report to the Neighbourhood Forums on Sustainability Plans and Ward Profiles.

## **7. RISK IMPLICATIONS**

- 7.1 In relation to delivery of the Community Safety and Engagement Strategy and the development, production, and implementation of sustainability plans there is a risk of duplication of effort.
- 7.2 To mitigate against this risk and avoid duplication it is proposed that existing local governance structures are used.
- 7.3 Future changes to the Councils Governance/Constitutional arrangements such as a further reduction in Neighbourhood Forums from two to one.
- 7.4 To mitigate against this risk care has been taken to ensure that the strategy and revised delivery model are robust enough to withstand any such changes.

## **8. FINANCIAL CONSIDERATIONS**

- 8.1 There are no financial implications attached to the implementation of the Community Engagement and Cohesion Strategy and the revised delivery model – the idea being that more effective use is made of existing resources in areas of need through more collaborative working and the sharing of resources.

## **9. LEGAL CONSIDERATIONS**

- 9.1 None.

## **10. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 10.1 Through increased access to services in disadvantaged and vulnerable neighbourhoods, the strategy and revised delivery model will strengthen the Councils approach to addressing equality and diversity issues across the neighbourhoods of Hartlepool. An E/A will be completed.

## **11. STAFF CONSIDERATIONS**

- 11.1 Set against a backdrop of reduced resource across the Council, the revised strategy and delivery model provides the opportunity and mechanism for reshaping service delivery, ensuring everyone is working together on the same agenda with a focus on areas of identified need. This will ensure more effective and efficient use of staff resources.

## **12. ASSET MANAGEMENT CONSIDERATIONS**

- 12.1 None

## **13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 13.1 The Community Engagement and Cohesion Strategy and revised delivery model will strengthen the Councils ability to co-ordinate effective responses to crime and disorder issues on a local level, and ensure progress is made against the Safer Hartlepool Partnerships strategic objective of promoting safe, confident, and cohesive communities.

## **14. RECOMMENDATIONS**

- 14.1 It is recommended that the existing Neighbourhood Management and Empowerment Strategy and Community Cohesion Strategy are merged to create a Community Engagement and Cohesion Strategy as outlined in Section 5 of the report, and that the Council Constitution is updated to reflect this change.
- 14.2 It is recommended that consideration is given to the implementation of a revised delivery model in relation to neighbourhood working, that would build on existing approaches through the inclusion of the development of Neighbourhood Sustainability Plans for those neighbourhoods identified in Section 4.6 of the report as vulnerable.
- 14.3 It is recommended that Officers are tasked with progressing the development of Neighbourhood Sustainability Plans liaising with partners to identify a lead organisation for each area identified in Section 5.6 of the report.

14.4 That the Strategy is monitored as outlined in Section 6 of the report.

## **15. REASONS FOR RECOMMENDATIONS**

- 15.1 At their meeting on 19 December 2013, Neighbourhood Services Committee recommended that a future report be presented outlining a revised Neighbourhood Management and Empowerment Strategy and delivery model.
- 15.2 The merger of the Neighbourhood Management and Empowerment Strategy, and the Community Cohesion Strategic Framework, will retain the key elements of both strategies and avoid duplication of effort in monitoring the two strategies.
- 15.3 The creation of Neighbourhood Sustainability Plans will focus the co-ordinated efforts of agencies in those areas where the evidence suggests they are needed to protect the investment made in those neighbourhoods over previous years, and ensure the sustainability of all neighbourhoods within Hartlepool.

## **16. BACKGROUND PAPERS**

- 16.1 Neighbourhood Management and Empowerment Strategy 2011  
Community Cohesion Framework 2012-2015  
Localism Act (2011)  
CONTEST Strategy (2011)  
Challenge it, Report it, Stop it The Governments Plan to Tackle Hate Crime (2012)  
After the Riots: The Final Report of the Riots Communities and Victims Panel (2012).  
MORI Household Survey (2008)  
Place Survey (2008)  
Hartlepool Borough Council Household Survey (2013)  
Hartlepool Borough Council: Corporate Peer Review (LGA, 2012)  
Equality Duty (2011)  
Hartlepool Sustainable Community Strategy 2014-20

## **17. CONTACT OFFICERS**

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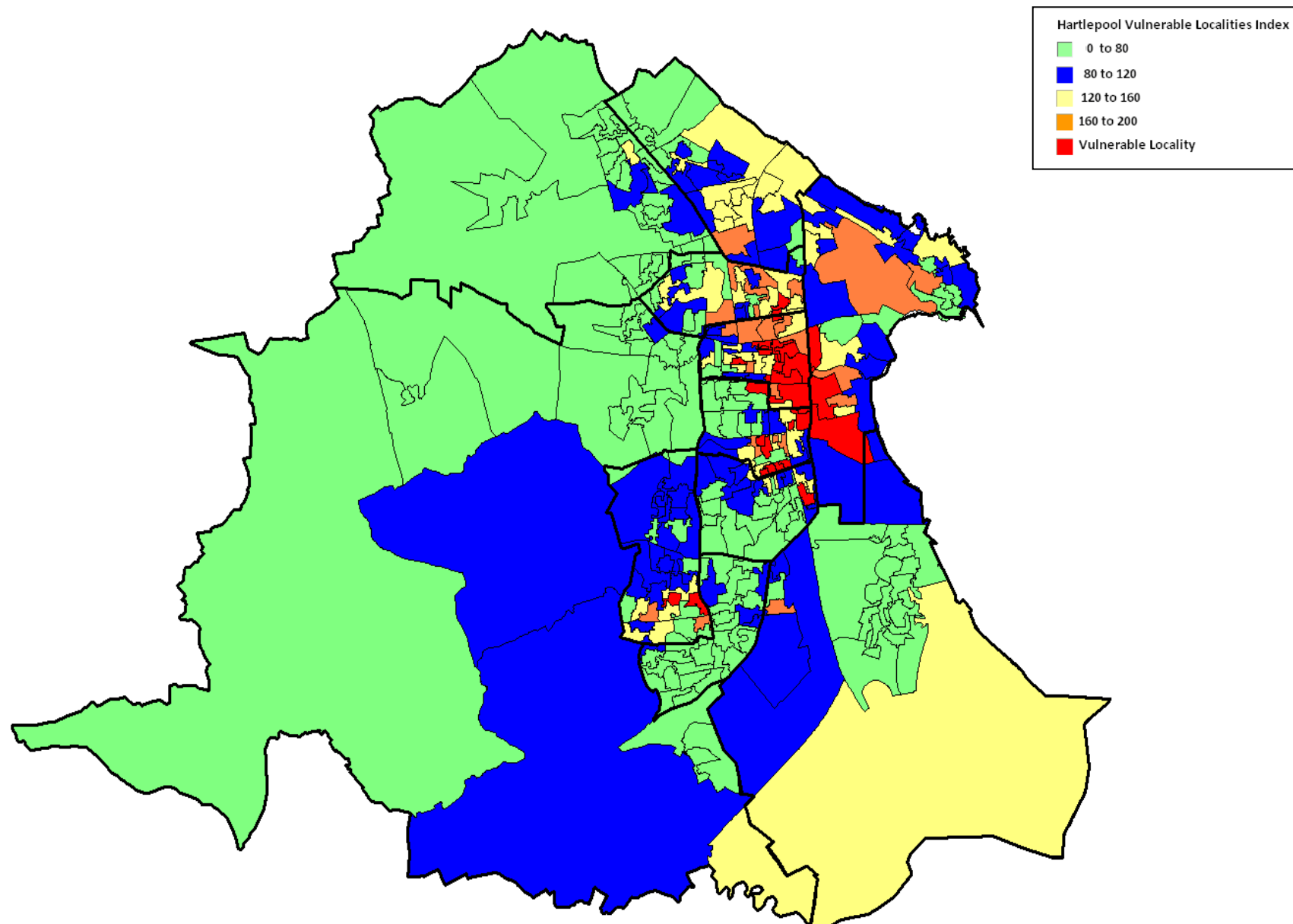
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## Appendix A

Indicators		National	Hartlepool	Most Deprived ← → Least Deprived										
				Headland & Harbour	Manor House	Victoria	De Bruce	Jesmond	Burn Valley	Foggy Furze	Fens & Rossmere	Seaton	Hart	Rural West
Hartlepool Household Survey 2013	% of people who think that they do not belong to their local area		29	27	31	40	27	35	33	31	24	22	32	24
	% of people you feel that they cannot influence decisions that affect their local area?		56	51	52	57	56	53	59	55	57	57	56	56
	% of people who do not feel part of the local community		53	48	56	59	54	60	58	57	52	48	57	42
	% of people who believe people from different ethnic backgrounds do not get on well together in their local area		16	19	19	19	19	20	19	17	13	12	15	9
	% of people who do not think that people in the area pull together to improve the local area		28	28	32	42	37	32	34	29	18	20	30	13
	% of people who feel unsafe when outside in your local area after dark		28	27	37	45	29	37	35	37	20	15	18	16
	% of people who feel unsafe when outside in your local area during the day		5	7	6	12	6	6	7	7	3	1	3	2
	% of people who think noisy neighbours or loud parties are a problem	11	12	16	19	23	16	18	17	14	6	5	6	4
	% of people who think rubbish or litter lying around is a problem	28	38	51	45	56	44	44	47	43	21	29	27	21
	% of people who think vandalism, graffiti and other deliberate damage to property or vehicles is a problem	18	17	26	22	31	23	23	22	17	7	9	10	9
	% of people who think drug use or dealing is a problem	25	29	42	40	54	39	29	46	37	12	12	7	11
	% of people who think drunk or rowdy in public places is a problem	20	19	27	24	40	18	20	34	23	9	9	7	7
	% of people who think groups hanging around the streets is a problem	21	25	27	32	37	31	34	29	28	20	18	18	12
	% of people who think abandoned or burnt out cars are a problem	3	2	3	1	2	2	5	2	1	1	1	1	1
	% of people who think run down or boarded up properties are a problem	-	18	23	9	42	12	23	42	23	4	19	3	8
	% of people who think speed and volume of road traffic is a problem	-	34	29	38	40	37	33	48	38	30	28	25	30
	% of people who think racial harassment is a problem	-	3	5	3	7	4	5	4	3	1	1	2	1
	% of people who think being attacked or harassed is a problem	-	9	15	12	20	10	14	13	10	4	4	5	3
	% of people who think household burglary is a problem	-	14	16	15	24	17	17	22	15	7	6	11	8
	% of people who think car crime is a problem	-	13	21	21	23	16	18	19	10	6	7	5	5
% of people who think property being set on fire is a problem	-	5	6	6	10	6	7	4	3	2	2	1	5	
Health and Wellbeing	% of people disatisfied with the quality of the service provided by the police	-	13	17	15	13	13	13	13	15	11	11	10	11
	% households with limiting long term illness (Census 2011)	23.2	17.9	26.3	26.4	23.7	25.1	24.5	21.5	25.3	23.5	22.6	14.9	20
	% people incapable of work (TVU 2013)	9.5		13.7	13.5	13.2	12.4	10.3	9.3	7	9	6.5	3.9	4
	Incidence of cancer 2007-2011 (Public Health England 2013)		100	129.3	111.7	107.9	117.5	129.3	107.5	103.9	109.8	109.6	92.5	96.5
	Emergency hospital admissions for all causes 2008 - 2013 (Public Health England 2013)		100	159	148.2	145.8	138.8	159	145.1	119.8	143.5	114.3	105.3	99.3
Employment and Attainment	Standard Mortality Rate All 2008-2012 (TVU)	121	100	131.9	124.2	145.1	122.7	111.8	128.6	98.5	108	90.1	76.5	107.5
	% of households economically inactive (Census 2011)	34.9	30.3	38.6	39.9	36.5	39.1	36.9	32.7	35.2	34.3	32.7	24.6	32.5
	% of households with noone working (Census 2011)	27.4	16.1	35.1	38.8	37.8	35.2	30	28.8	18	24.9	19	11.4	11.8
	% no qualifications (TVU 2013)	29.9	22.7	37.7	42.7	31.6	37.3	34.5	26.8	29.6	32.4	26.6	16.5	19.3
	% qualifications (5 GCSE A*- C / 1 A Level) (Census 2011)	16.2	15.3	15.3	16.5	16	15.9	17.2	17.4	15.6	16.8	15.9	16.2	14.7
Housing	% owner occupied (Census 2011)	60.3	64.3	33.7	39.6	48.7	49.4	55.2	60.8	77.4	68.8	75.5	82.7	84.4
	% social rented (Census 2011)	23.5	17.6	42.5	48	17.6	40.5	30.5	9.6	15.3	15.8	14.8	9.1	6.8
	% private rented (Census 2011)	16.1	18	23.8	12.4	33.7	10.1	14.3	29.7	7.3	15.4	9.7	8.1	8.9
	% overcrowding (TVU 2011)	4.3	8.5	7	7.1	6.3	5.7	4.6	4.3	2.2	2.8	2.9	1.8	1.2
Community Safety	Overall crime (per 1000 population) 2012/13 (TVU)	70.3		133.3	71.5	175.8	60.5	63.7	87.9	24.7	65.1	42.1	17.2	28.6
	Fire service incidents (per 1000 population) 2012/13 (TVU)	10.1		24.1	6.6	13.9	10.2	9.2	8.4	3	6.3	14.4	5	11.6
	Police recorded Anti Social Behaviour (per 1000 population) 2012/13 (TVU)	73.9		146.8	95.4	155	55.8	74.3	74.3	31.4	194.2	44.2	29.2	42.3
Deprivation	IMD national rank overall (IMD 2010)			99	224	325	337	385	928	1495	2032	2565	5411	6166
	% child poverty (TVU)		21.8	45.5	42.1	39.4	34.4	45.5	33	21.1	36.3	16.3	10.6	5.8
	% elderly living in poverty (TVU)		18.1	41.2	35.4	27.7	30.8	41.2	30.3	23.5	30.9	21.9	16.3	11.2
	% households with fuel poverty (TVU)	18.5	14.6	29.7	22	38.6	21.8	26.9	40.4	31	21.2	25.7	17.9	22.1
	% pupils receiving free school meals (TVU)	27.1		41.1	37.9	39.7	40.2	33.8	26.6	10.5	28.5	17.4	6	5.4
Vulnerable Localities Index	Number of neighbourhoods* classified as vulnerable (VLI 2013)			3	2	10		2	8	1				
	Number of neighbourhoods* classified as at risk of vulnerability (VLI 2013)			4	2	7	1	6	2			1		



## Hartlepool Vulnerable Localities Index 2013





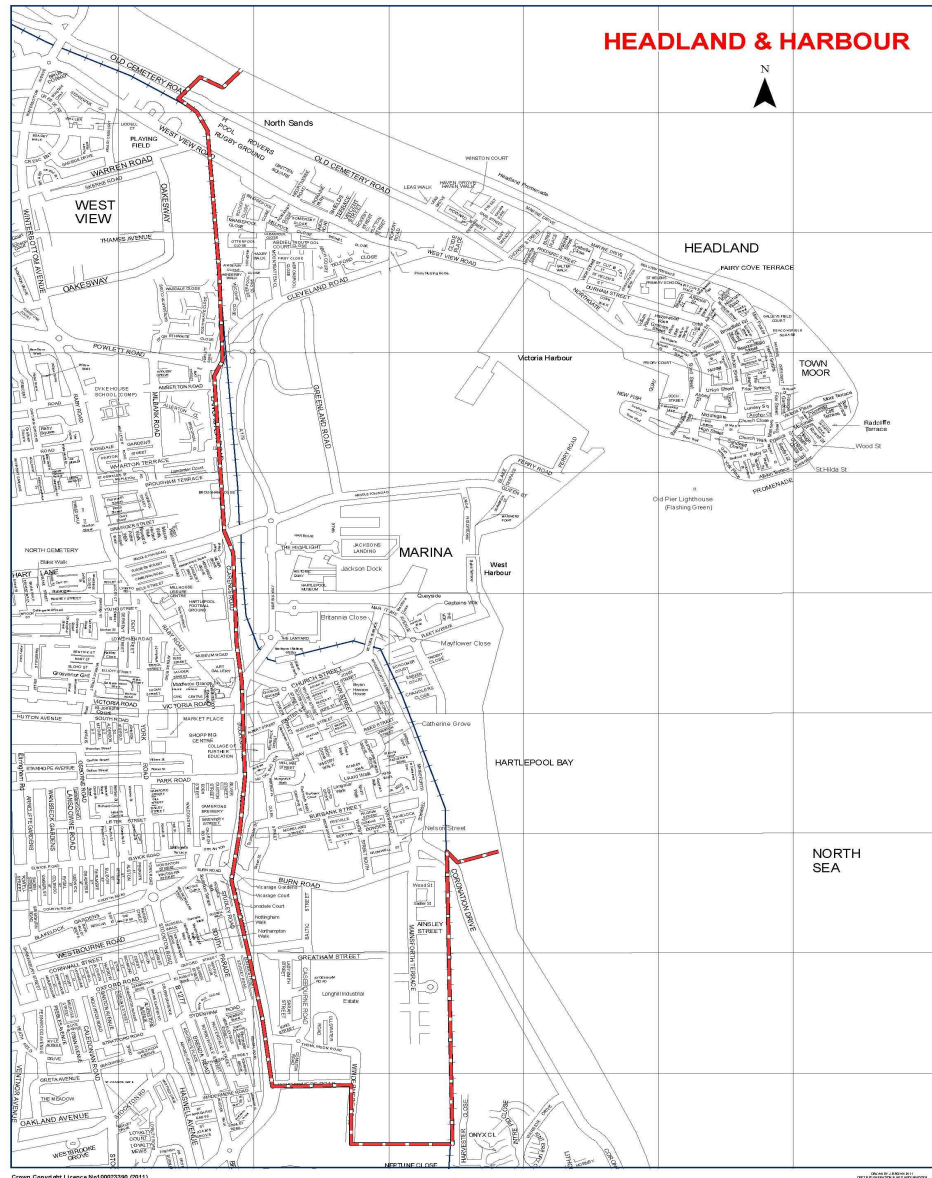
**Ward Profile** **COMMUNITY** together SUPPORT Jobs ACTION  
 Economy Ambition **Business Strengthening** CAREERS Consultation  
 Neighbourhood Challenges **Partnership** Development Planning  
 Change Growth Regeneration Facilities Priorities  
**Initiative** Health Skills  
 Open Spaces **Play**  
 Voluntary Groups  
**Information** Sharing FUNDING  
 Opportunities Youth  
 Residents Teamwork  
 Culture CCTV  
 Improvements Street Lighting  
 Involvement Crime Prevention Policy Research REVIEW Commissioning Traffic  
 Calming Services **Accessibility** Transport Cleanliness **PRIDE**  
 security Training Environmental Improvements Housing

## HEADLAND & HARBOUR WARD PROFILE



# Ward Profile: Headland & Harbour

## Map of the Headland & Harbour Ward



## Headland & Harbour Ward Priorities

- Tackling unemployment.
- Reducing crime and anti-social behaviour.
- Addressing derelict land and buildings.
- Tackling health issues.
- Support and guidance on benefit reform and universal credit changes.
- Local business support.
- Build relationships with key partners including the colleges and PD Ports.
- Maintain and improve commercial areas (including shopping parades).
- Environmental management, including the maintenance of highways and paths.
- Public transport.
- Maintain linkages with key registered social landlords.
- Improve levels of community spirit between neighbourhoods across the ward.

## How will your ward profile work?

The progress of the Headland & Harbour Ward Profile will be monitored by the North and Coastal Neighbourhood Forum twice a year with feedback taken to the Theme Groups (Safer Hartlepool Partnership, Housing Partnership, Economic Regeneration Forum and Shadow Health and Wellbeing Board) via the Forum Chairs if required.

Ward Profiles are produced by Hartlepool Borough Council's Neighbourhood Management Team. For further information, please ring 01429 523703.

# About The Headland and Harbour Ward

## Ward Overview:

- Total population of 7,540, encompassing the natural communities of Central Estate, Headland, Marina and Burbank.
- Strong maritime heritage and contains the main visitor and tourist locations in the town and the working port.
- The Headland formed the original settlement of Hartlepool and includes a number of historic listed buildings and large Victorian houses which form part of a Conservation Area.
- The ward encompasses the Port which will be instrumental in the development of the Offshore Windfarm Industry.
- A number of churches serve the ward.
- A number of active voluntary and community groups provide valuable services to the community.

## Community Facilities

- ⇒ Headland Sports Hall
- ⇒ Headland Library
- ⇒ Borough Hall
- ⇒ Phoenix Centre
- ⇒ Burbank Community Centre
- ⇒ Hartlepool Centre for Independent Living
- ⇒ Tees and Hartlepool Yacht Club
- ⇒ Water sports facilities
- ⇒ The Marina
- ⇒ Hartlepool Maritime Experience
- ⇒ Art Gallery & Tourist Information Centre
- ⇒ Heugh Gun Battery
- ⇒ Historic St. Hilda's Church

## Key Groups

- ⇒ Headland Parish Council
- ⇒ Hartlepool Boys and Girls Brigades
- ⇒ Headland Future
- ⇒ Headland Heritage Group
- ⇒ Headland Carnival Committee
- ⇒ North Linear Park Steering Group
- ⇒ Bridge Community Association
- ⇒ Bridge Builders
- ⇒ The Older Persons Club
- ⇒ Burbank Café
- ⇒ Central Estate Management Organisation
- ⇒ Central Correctors
- ⇒ Neighbourhoodies
- ⇒ Coastwatch

## Meet Your Councillors



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# Jobs, Skills and the Economy



## Key Facts:

- A key regeneration area known as the Innovation Skills Quarter (ISQ) has seen the rebuild of Hartlepool College of Further Education (HCFE) and the expansion of Cleveland College of Art and Design (CCAD). Further work will involve the preparation of a Masterplan for the ISQ area to assist and complement the regeneration of the Town Centre.
- Local shopping parade on Northgate, two supermarkets, Anchor Retail Park, Navigation Point restaurant, bars and shops are situated in the ward.
- Several schools are situated in the ward including St. Bega's, St. Helen's, St. Joseph's and Ward Jackson Primary Schools.
- The port is a designated enterprise site, as part of the wider Tees Valley Enterprise Zone.

## Statistics

- The Headland and Harbour ward is ranked 20th nationally out of 7934 in the employment domain of the Index of Multiple Deprivation (IMD 2010).
- The level of unemployment is 10.3%, which is higher than the Hartlepool Borough rate of 7.7% (TVU 2012).
- The percentage of working age population receiving key benefits is 28.3%, which is higher than the Hartlepool Borough average of 20.6% (DWP 2011).
- The percentage of Children in Poverty is 44%, which is higher than the Hartlepool Borough average of 28.9% (TVU 2008).
- The percentage of households living in Fuel Poverty is 23.4%, which is higher than the Hartlepool Borough average of 21% (TVU 2008).
- There are 533 enterprises per 10,000 population in the ward, this is double the Hartlepool Borough average and the highest level in the Town.

## Key Theme Priorities

- Unemployment, particularly in relation to young people.
- Opportunities for people to enter / re-enter employment.
- Support and guidance on benefit reform and universal credit changes.
- Local business support.
- Build relationships with key partners including the colleges and PD Ports.
- Maintain and improve commercial areas.
- Prepare a Masterplan for the ISQ area.

# Housing and Environment



## Key Facts

- A number of Registered Social Landlords (RSL's) manage social rented properties in the ward including Housing Hartlepool, the major RSL in the town.
- Informal sport and recreation facilities are available at Spion Kop, Central Park, Central Estate Community Garden and the Central Estate Community Forest.
- Part of the coastal strip to the north of the ward includes a Site of Special Scientific Interest (SSSI).
- The Coastal Defence Strategy (North Sands to Newburn Bridge) and the coastal and flood defence upgrade of the Town Wall are under review.
- The Headland and Church Street are classified as Conservation Areas, along with the Heugh Gun Battery, a scheduled ancient monument and several listed buildings, most notably St Hilda's Church.
- The Headland Parish Council are in the process of starting to develop a Neighbourhood Plan for the area.



## Statistics

- The total number of dwellings is 3,955 of which 3,745 are occupied.
- The average house price in the ward is £86,870, which is lower than the Hartlepool Borough average of £119,040 (TVU 2011/12).
- The level of long term vacancy of housing stock is 3.2%, this is higher than the Hartlepool Borough average of 2.1% (TVU 2011).
- The majority of housing is in Council Tax Band A at 75.8%, which is higher than the Hartlepool Borough average of 57.5% (TVU 2011).

## Key Theme Priorities

- Green spaces.
- Environmental management.
- Maintenance of highways and paths.
- Shopping parade maintenance.
- Housing investment.
- Public transport.
- Maintain linkages with key RSLs.
- Derelict land and buildings.
- Improve physical links between key regeneration sites.



# Health & Wellbeing



## Key Facts

- The ward incorporates the Headland Medical Centre, as well as a dentist on Northgate.
- Poor levels of health evident in the Central and Burbank areas both of which fall within the top 3% most deprived on the health indicator of the IMD 2010.
- There are a number of sports and leisure facilities providers based in the ward.
- The North Linear Park Steering Group is focussing resources on the development of Central Park, exploring options to formalise the area for recreational and exercise based use.



## Statistics

- 14.9% of the population require care (16+), higher than the Hartlepool Borough average of 11.6% (DWP 2011).
- 14.9% of the adult population are incapable of work, this is higher than the Hartlepool Borough average of 10.7% (DWP 2011).
- The rate of Alcohol Related Hospital Admissions (per 100,000 population) is 3,826.5, which is higher than the Borough wide rate of 2928.4 (TVU 2010/11).
- 41.1% of children are in receipt of free school meals, in comparison to 27.1% Borough wide (TVU 2012).
- Standard Mortality Ratio (SMR) between 2006 and 2010 was 146.6 (average is 100).
- The Burbank Health Audit was completed in 2010 highlighting a poor level of health, outlook and lack of engagement in health services.



## Key Theme Priorities

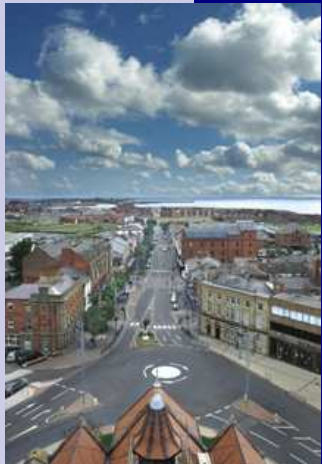
- Marketing and engagement of health services, particularly in the Central and Burbank areas.
- Vulnerability and isolation, particularly the elderly.
- Improve lifestyle habits including decreasing levels of smoking and alcohol intake.
- Improve levels and access to exercise based and recreational activity.

# Crime and Community Safety



## Key Facts

- Church Street and the Marina are key night-time economy spots within the town.
- Neighbourhood Policing Teams have good relationships with voluntary and community groups within the area.
- A number of diversionary activities are delivered for young people across the area.
- Housing Hartlepool who manage a significant level of housing stock across the ward have a Tenant Relations and Enforcement Team.



## Statistics

- The total crime for 2011-12 was 146.8 (per 1000 population), which is almost double the Hartlepool Borough average of 77.8 (TVU 2012).
- The total drug crime for 2011-12 was 4.9, which is the same as the Hartlepool Borough average (TVU 2012).
- The anti-social behaviour level for 2011-12 is 206.0 (per 1000 population), which is more than double the Hartlepool Borough average of 95.8 (TVU 2012).
- The total number of fires for 2011-12 is 24.4 (per 1000 population), which is more than double the Hartlepool Borough average of 9.0 (TVU 2012).
- Total theft (per 1000 population) is 61.9, which is significantly higher than the Borough wide rate of 27.9 (TVU 2012).

## Key Theme Priorities

- Decrease high levels of anti-social behaviour (night-time economy).
- Reduce levels of crime including drug and theft related incidents.
- Raise awareness of community safety issues and preventative measures available.
- Improve levels of community spirit between neighbourhoods across the ward.
- Improve Neighbourhood Policing visibility.







For further information on the implementation of this Profile, please contact:

David Frame  
Neighbourhood Manager (North & Coastal)  
Hartlepool Borough Council  
Community Partnership Office  
30 Miers Avenue  
Hartlepool  
TS24 9HH

Tel. 01429 523034  
Email. [david.frame@hartlepool.gov.uk](mailto:david.frame@hartlepool.gov.uk)  
Visit the Neighbourhood Management pages at [www.hartlepool.gov.uk](http://www.hartlepool.gov.uk)

To report any neighbourhood issues, please contact the Council's Contact Centre on 01429  
523333



**Sustainability** **COMMUNITY** together **SUPPORT** Jobs **ACTION**  
 Economy Ambition **Business Strengthening** **CAREERS** Consultation  
 Neighbourhood Challenges **Partnership** Development Planning  
 Change Growth **Regeneration** Facilities **Priorities**  
**Initiative** Health Skills  
 Open Spaces **Play**  
**Voluntary** Groups  
**Information** Sharing **FUNDING**  
 Opportunities Youth  
 Residents Teamwork  
 Culture **CCTV**  
**Improvements** **Manor House** Involvement Crime Prevention  
 Policy Research **REVIEW** Commissioning Traffic Calming **Services**  
**Accessibility** Transport Cleanliness **PRIDE** security Training  
 Environmental Improvements Housing Progress

(Area)

## SUSTAINABILITY PLAN



# OVERVIEW

## A PLAN FOR YOUR AREA....

**This Sustainability Plan sets out the key priorities for the area identified through consultation with residents and key partners to improve the following:**

- **Jobs and the Economy**
- **Crime and Community**
- **Safety, Housing and the Environment**
- **Health and Wellbeing.**

**It includes key actions to support local residents in making the area a better place to live.**

**Partners involved and working in your area include:**

- **Hartlepool Borough Council**
- **Thirteen Group**
- **(Name)**
- **(Name)**
- **(Name)**

**MAP OF THE AREA**  
**(Identified through Vulnerable Localities Index)**

**PICTURE BOX (IMAGES OF AREA)**

# **(Name) AREA**

## **DID YOU KNOW THAT IN YOUR AREA...**

**(Demographic / Deprivation Information)**

**(Housing Information)**

**(Jobs, Skills and the Economy Information)**

**(Health Information)**

**(Health and Wellbeing Information)**

**(Crime and Community Safety Information)**

**(WHAT KEY SERVICES AND / OR ASSETS ARE NEARBY)**

# **JOBS, SKILLS AND THE ECONOMY**

## **YOUR MAIN ISSUES:**

- (Example 1)
- (Example 2)
- (Example 3)



**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

# HOUSING & ENVIRONMENT

## YOUR MAIN ISSUES:

- (Example 1)
- (Example 2)
- (Example 3)



**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

# HEALTH & WELLBEING

## YOUR MAIN ISSUES:

- (Example 1)
- (Example 2)
- (Example 3)



**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

# CRIME & COMMUNITY SAFETY

## YOUR MAIN ISSUES:

- (Example 1)
- (Example 2)
- (Example 3)



**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)

**We will**

(Action)

**To achieve**

(Outcome)

**By**

(Timescale)



**For further information on this Plan, please contact:**

(Contact Details)  
(Address Line 1)  
(Address Line 2)  
(Address Line 3)  
(Email)  
(Tel. Number)  
(Website)



# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** DISPOSAL OF SURPLUS ASSETS -  
THE WILLOWS 30 RABY ROAD HARTLEPOOL

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Key Decision (test (i) applies) Forward Plan Reference No.13/09

## 2. PURPOSE OF REPORT

2.1 To consider the sale of The Willows (the former Registrar's Office) 30 Raby Road Hartlepool to Developing Initiatives and Supporting Communities (DISC).

## 3. BACKGROUND

3.1 The Willows building (as shown edged in **Appendix A**) extends to a total site area of around 610m<sup>2</sup> (0.15acres) and has a Net Internal Area (NIA) of 198m<sup>2</sup> (2,131sq.ft.). The property has now been declared surplus to the operational requirements of the Council following the relocation of the Criminal Justice Integrated Team (CJIT) to the Whitby Street Drug Centre.

## 4. PROPOSALS

4.1 DISC are a regional charity operating throughout the north-east and have over 25-years experience of helping people and communities deal with a whole range of life issues such as unemployment, poverty, crime, addiction, homelessness and family breakdown. DISC have been working in partnership with HBC for a number of years and are now one of the Council's contracted service providers for the treatment of people with longstanding drug and alcohol addictions.

4.2 DISC have been successful in securing a substantial capital grant from Public Health England (PHE) for delivery of a new Treatment Recovery HUB and The Willows has been identified as an appropriate building for the

delivery of this new service. The grant has been awarded from PHE to cover both the initial acquisition and refurbishment costs to set up the new HUB service.

- 4.3 The Recovery HUB will be used for those people in recovery from drug or alcohol addiction. There will be emphasis on building a supportive recovery community through group sessions, peer support and social enterprise including a café and using outbuildings and land to the rear of the property for other enterprises that will offer volunteer and future employment opportunities for service/ex-service users.
- 4.4 Heads of Terms for the proposed private treaty sale of The Willows have now been agreed with DISC and the details of such can be seen in the **Confidential Appendix B (This item contains exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 4.5 As part of the sale proposals DISC also require early access to the building to commence the required refurbishment works as the capital grant awarded needs to be fully spent by the end of the 2014/15 financial year. It is proposed that the Council will grant a separate licence agreement to facilitate this at a nil rental that will self terminate upon the formal transfer of the building. All the works are to be carried out entirely at the risk of DISC and there will be reinstatement clauses to protect the Council's interest should the sale not complete for whatever reason.
- 4.6 As part of the delivery of the HUB service DISC will also require a small area of land to the rear of the building as shown hatched in **Appendix A** for the purposes of the social enterprise activities in connection with the HUB project. The land does not form part of the Willows site, but it is in Council ownership and falls within the grounds of the Sir William Gray House Art Gallery and Museum. The Head of Culture and Information has been consulted on these proposals and has no objections to the land identified being used as part of the HUB proposals. DISC will pay an annual market rent for the land and the licence agreement will be authorised under the Director of Regeneration and Neighbourhoods Delegated Powers Procedure.

## 5. RISK IMPLICATIONS

- 5.1 The building is currently vacant and there is a risk of the property being subject to vandalism. The proposed disposal to DISC, together with early entry to commence the refurbishment works, will help alleviate the risk and provide a certain degree of security for the Council until the sale completes.
- 5.2 The grant funding awarded for the scheme from PHE has very stringent provisions attached in that if DISC are unable to continue and provide the

Treatment Recovery HUB service ownership would revert back to HBC. Under these proposals the Council would receive both the initial capital receipt then if the service failed also retain ownership in order to enable the commissioning of alternate provision from the property or subsequently dispose of the same.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 The building has not been offered for sale on the open market and the Council propose to proceed with a private treaty sale direct to DISC. The Estates and Regeneration Manager has advised that the proposed sale price represents market value and that the Council are receiving the best consideration reasonably obtainable under the LGA 1972 Sec.123 disposal requirements.
- 6.2 The report to Council on 6<sup>th</sup> February 2014 reminded Members that the Council has a capital receipts target of £6.5m to fund capital schemes which have already commenced. Achieving this target will be challenging in the current climate and needs careful management.
- 6.3 Although it is anticipated that the Capital Receipts target of £6.5m will be achieved the land sales will take longer than anticipated to achieve. This therefore increases the risk that there may be a shortfall in the level of receipts achieved and this will need to be funded from Prudential Borrowing
- 6.4 The proceeds of the sale of The Willows would be a contribution to the Capital Receipts target.

## **7. LEGAL CONSIDERATIONS**

- 7.1 The Chief Solicitor will advise on any final sale documentation and also the legal mechanism to transfer the property back into the ownership of the Council should DISC's provision of the service cease or fail to continue for whatever reason.

## **8. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 8.1 There are no equality or diversity implications to be considered as part of this report.

## **9. STAFF CONSIDERATIONS**

- 9.1 There are no staffing considerations to be considered as part of this report.

## **10. ASSET MANAGEMENT CONSIDERATIONS**

- 10.1 The attention of the Committee is drawn to the Asset Management element of the Medium Term Financial Strategy. The decision by Cabinet in January 2009 requires a commercial, proactive approach to be taken on Asset Management issues, the proceeds of this proposed transaction being a contribution to the Medium Term Financial Strategy (MTFS).
- 10.2 The decision to adopt a commercial approach to asset management strategies requires the Council to realize the full value of any properties or property rights that it disposes of.

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- 11.1 There are no Section 17 implications to be considered as part of this report.

## **12. RECOMMENDATIONS**

- 12.1 Committee are recommended to approve the private treaty freehold disposal of The Willows direct to DISC in accordance with the agreed terms and also authorise the granting of the early entry licence to allow the commencement of the refurbishment works.

## **13. REASONS FOR RECOMMENDATIONS**

- 13.1 The disposal to DISC provides an opportunity for the Council to dispose of a surplus asset at Market Value, whilst ensuring that a valuable service to the town is accommodated in appropriate accommodation with the long term safeguard that the property will be retained by the Council should the current service providers cease their operation.

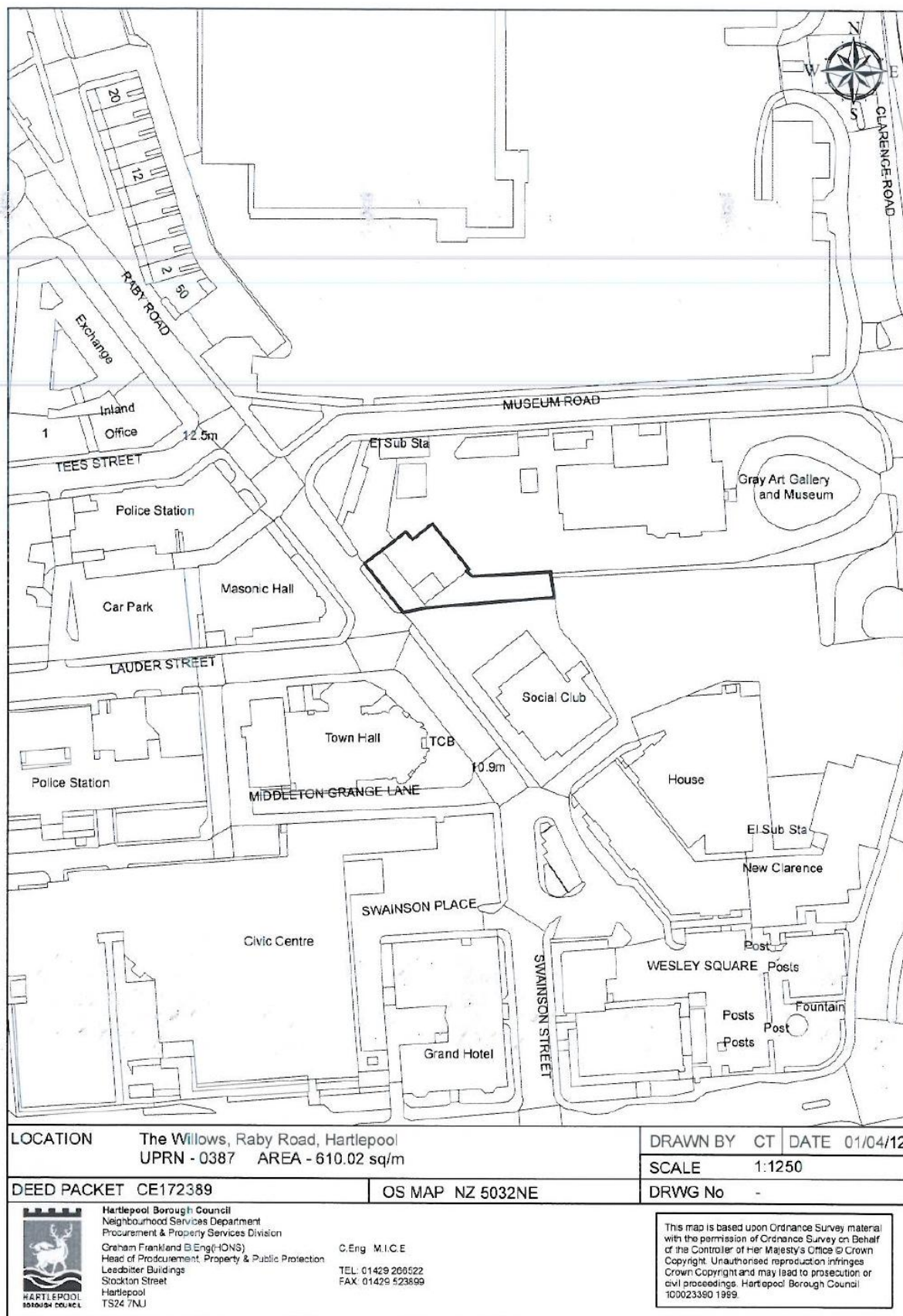
## **14. BACKGROUND PAPERS**

- 14.1 There are no background papers to consider as part of this report.

## **15. CONTACT OFFICER**

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Tel: 01429 523301





# FINANCE AND POLICY COMMITTEE

13 October 2014



**Report of:** Director of Child and Adult Services

**Subject:** FURTHER BUILDING WORKS AT THE PUPIL REFERRAL UNIT (PRU), BRIERTON SITE

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Key Decision – test (i) applies. Forward Plan Reference CAS 034/14.  
A Special Urgency Notice has been completed for this report to allow the works to progress at the earliest opportunity.

## 2. PURPOSE OF REPORT

- 2.1 To seek approval from the Finance and Policy Committee for the further development of teaching facilities and other curriculum areas at the re-located Pupil Referral Unit on the Brierton Site.

## 3. BACKGROUND

- 3.1 It was agreed at Cabinet in December 2012 as part of the Brierton site 'masterplan' to relocate the Pupil Referral Unit, then located at the Golden Flatts site, to Brierton with a view to opening in January 2014.
- 3.2 It was further agreed, pending proceeds from the sale of land at the Golden Flatts site, to phase the building programme identified for the Pupil Referral Unit over a period of time as funding permitted.
- 3.3 The initial programme of work did not include specialist provision within the Pupil Referral Unit for art, science and physical education and, in addition, had limited outdoor space for recreational purposes.
- 3.4 It was also agreed that, to further reduce costs, considerable amounts of furniture and display cases would be moved to the new site from the old Pupil Referral Unit. Two years on, much of this is no longer fit for purpose.

- 3.5 In February 2014, Ofsted reported, at a monitoring visit following a Grade 3 Requires Improvement inspection, that the Pupil Referral Unit should:

*‘consider ways in which the organisation of the unit can be further developed to prepare pupils more effectively for the next steps in education, employment or training. The existing primary-based approach is not fully effective in helping pupils to develop the skills they will need for their future lives.’*

*(Ofsted February 2014)*

- 3.6 Following the Ofsted monitoring report, the Pupil Referral Unit has now adopted a secondary-based approach and, as a consequence, requires additional specialist facilities to meet the needs of the secondary curriculum.
- 3.7 The local authority takes the view that providing the Pupil Referral Unit with the most appropriate facilities, similar to those found in many secondary schools, is critical to the school improving to a Grade 2 Good judgement at its next Ofsted inspection.

#### **4. PROPOSALS**

- 4.1 It is proposed that further building work is carried out to ensure that the Pupil Referral Unit can provide pupils with access to the full secondary curriculum, namely the development of:
- The gymnasium, pupil changing rooms and toilets;
  - The science laboratory and art / technology area;
  - An outdoor recreation area to provide pupils with additional space during non-classroom periods.
- 4.2 It is further proposed to purchase new classroom furniture to replace that which was to transfer from the old building and is no longer fit-for-purpose.
- 4.3 In addition, some further minor decorative work needs to be carried out to bring the interior of the Pupil Referral Unit up to the specification required for a high-quality learning environment.
- 4.4 The Education Division has recently been notified that:
- the phase two building work has been put on hold until full approval for the scheme has been agreed by the Finance and Policy Committee.
  - in addition, orders to purchase the materials required for the building work cannot be placed until approval is given.

As the re-located PRU is now operational (as from 1<sup>st</sup> September) and it moves towards offering an appropriate ‘secondary’ curriculum in order to meet both statutory and OFSTED requirements, and given the urgency in commencing the second phase of the building works, it is requested that the



Finance and Policy Committee give permission for the orders to be placed for the materials needed so that building work at the PRU can commence as soon as possible.

## 5. FINANCIAL CONSIDERATION

5.1 Set out in **Appendix 1** the cost of these works can be funded without additional cost to the Council by allocating monies from the following:

- School capital maintenance (contingency) – these funding is held to manage this type of situation.
- School improvement reserve – works will contribute to school improvement.
- School (PRU)

## 6. RECOMMENDATIONS

6.1 It is recommended that the Finance and Policy Committee agree to the future specialist curriculum building work and associated works being carried out at the Pupil Referral Unit, as detailed in **Appendix 1**.

6.2 It is recommended that the Finance and Policy Committee agree to the financing of the above works as detailed in paragraph 5.1 and **Appendix 1**.

## 7. BACKGROUND PAPERS

7.1 None

## 8. CONTACT OFFICER

Dean Jackson  
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01429 523736  
[Dean.jackson@hartlepool.gov.uk](mailto:Dean.jackson@hartlepool.gov.uk)

**APPENDIX 1: FINANCIAL CONSIDERATION**

The full financial details of the work required are detailed below

**701 - Brierton ( PRU) Estimates Summary****Oct 2014****Cost****estimate****£**

1	Sundries -Carpet to classrooms, Glazed doors to rooms 18, 26, Alterations to Room 16, Floor paint to Room 24, Anti-glare to full elevation of windows	15,041
2	Changing rooms Showers Cloaks	37,706
3	Staff Toilet opposite Changing rooms - Install Fan, Repair fittings, Decorate	5,240
4	Gym Corridor	4,492
5	Gym - Storage / Anti-Glare / Fire Door	7,214
6	Courtyard - Clearance / Landscaping	13,884
7	Science Lab / Art &Technology Area	74,068
8	Decoration- Paint skirtings, architraves and doors in Classrooms and Corridor, paint cupboard doors and shelves in Classrooms	8,992
9	Electrical - Door Access and CCTV to Classrooms and Corridor, Door Access to Science Lab	14,293
10	Classroom Furniture / Storage	24,500

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 205,430
 

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**Proposed Funding for Scheme**

<b>SOURCE</b>	<b>AMOUNT</b>
Schools Capital Maintenance (contingency)	£100,000
School Improvement Reserve	£84,887
PRU(10%)	£20,543
<b>TOTAL</b>	<b>£205,430</b>

# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** LOCAL GROWTH FUND PROGRAMME  
MANAGEMENT FRAMEWORK

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non key decision.

## 2. PURPOSE OF REPORT

2.1 This report provides an update on the Tees Valley Growth Deal and in particular the proposals for managing the Local Growth Fund element through a Programme Management Framework (PMF).

## 3. BACKGROUND

- 3.1 In response to Heseltine's Report 'No Stone Unturned' Government devolved £2bn of capital funding to Local Enterprise Partnerships (LEP's) in 2015/16 through Growth Deals to unlock jobs and growth creation. This is part of a wider initiative to devolve a minimum of £12bn over the course of the next 6 years by redirecting central Government funding down to the LEP level.
- 3.2 This funding, called Local Growth Funding (LGF) was split into competitive and non-competitive elements, with £1.1bn available to pre-approved projects (predominately transport) and £930m available to LEP's through a competitive process.
- 3.3 On 7<sup>th</sup> July 2014 the Tees Valley Unlimited (TVU) secured £90.3m of LGF through a Growth Deal with government (see **annex 1**). This funding will support the delivery of 15 new capital projects across the Tees Valley; these include 5 transport projects, 4 innovation builds/developments, 2 Further Education establishment builds/refurbishments, 3 projects which open up sites to enable development, and continued funding of capital grants to businesses through Business Compass – the Growth Hub for the Tees Valley.

- 3.4 Of the £90.3m secured, over £72m came from the LGF competitive element; the area performed well compared to other LEP's, coming 9<sup>th</sup> out of the 39 LEP's in terms of the amount of funding secured per capita (£108 per head of population, £31 more than the England average). Indeed, per capita the Tees Valley outperformed areas such as the North East (11<sup>th</sup>), Greater Manchester (12<sup>th</sup>), Leeds City Region (13<sup>th</sup>), Humber (15<sup>th</sup>), and York, North Yorkshire and East Riding (22<sup>nd</sup>). **Appendix 1** provides a detailed breakdown of the rankings.
- 3.5 With funding confirmed, TVU is now working closely with government to put the necessary arrangements in place to manage and deliver the Growth Deal/LGF projects successfully. This report outlines these requirements.
- 3.6 Local management of LGF funds will be through a Programme Management Framework which will operate under the existing TVU Joint Agreement (see **annex 2**); the latest version of the Framework can be found in **annex 3**. To ensure efficient and effective decision-making, it is proposed that the TVU governance groups assume full management responsibilities for Growth Deal/LGF funding.
- 3.7 Approval is therefore sought from the Finance and Policy Committee to devolve responsibilities to the TVU governance groups under the existing Joint Agreement and in accordance with the LGF Programme Management Framework.

#### 4. TEES VALLEY GROWTH DEAL – GOVERNMENT REQUIREMENTS

##### **A Funding Agreement with Government signed off in October**

- 4.1 Government has confirmed a 'simple' offer letter for LGF will be issued to LEP's with no extensive conditions; the grant will be fully awarded upfront through a section 31 arrangement. TVU are expecting the Funding Agreement to be signed off in October 2014 and to get the 2015/16 funding award in April 2015.

##### **An Implementation Plan will be signed off in October**

- 4.2 TVU is required to sign off an Implementation Plan with government. The Plan is 'high level' and 'light touch', with a 2015/16 focus. It sits alongside a suite of documents which detail the joint commitments between the LEP and government. These include an *Assurance Framework* that ensures value for money from projects, a *Monitoring and Evaluation Plan* and a *Strategic Communications Plan*.
- 4.3 Implementation Plans are expected to be signed off in October; TVU has had sight of a first draft and it covers the following:
- **Wider offer actions and milestones** secured through the Growth Deal – particularly with regard to the Homes and Communities Agency working with TVU towards a strategy for Onsite sites and to explore with DCLG options for driving forward the Enterprise Zone. These 'Asks' formed part of our Strategic Economic Plan also submitted to government alongside our LGF bid.

- **High level LGF Project milestones** which cover dates for completing Due Diligence, having Funding Agreements in place, procurement issue date, contract let, start/completion/site open dates.
- **Programme Management arrangements** and timescales for implementation, outputs and spend. It also covers details on local accountability and assurance frameworks, governance, delivery management, communications and monitoring and evaluation.
- **Risk Monitoring** which mainly relate to general project risks and detail a requirement to keep in regular contact with government on project development.

- 4.4 Government acknowledge that LEP's need the flexibility to change the Implementation Plan as required and has confirmed this can be discussed as part of the regular dialogue between the LEP and a government nominated 'Relationship Manager'.

## 5. TEES VALLEY 'LGF PROGRAMME MANAGEMENT FRAMEWORK'

- 5.1 At a local level it is important that there is robust programme management systems and governance in place to ensure government requirements are met at all times (see section 2 above) and to ensure all projects are clear on what is expected of them at each stage of their development. TVU has drafted an LGF Programme Management Framework to handle projects from 'cradle to grave' (**annex 3**) and which exceeds government requirements.
- 5.2 The LGF Programme Management Framework has been developed with full support from Stockton Borough Council (SBC) as Accountable Body and with the full involvement of government. The LGF Programme Management Framework has also been approved by the TVU Investment Panel at their meeting on 23<sup>rd</sup> September 2014.
- 5.3 This Framework sets out how current and future LGF projects will be managed through the following stages:
- Stage 1: Project Planning and Development
  - Stage 2: Project Calls
  - Stage 3: Local Prioritisation and Selection
  - Stage 4: Government Approval
  - Stage 5: Due Diligence and Project Approval
  - Stage 6: Project Funding Agreement
  - Stage 7: Delivery, Monitoring and Evaluation
  - Stage 8: Project Closure
- 5.4 The principles set out in the Framework for LGF management and governance are crucially important; here are the key points to note:
- a) Key Responsibilities for General Programme Management:**

- **Leadership Board** will formally 'select' projects to put forward for future LGF funding (based on Investment Panel recommendations – stages 1-3 above);
- **Investment Panel** will oversee the management of these projects (stages 5-8 above);
- **Investment Panel** will be responsible for managing any future developments or changes to the LGF Programme Management Framework;
- **The Accountable Body** - SBC will assume legal responsibility for LGF decisions under the existing Joint Agreement. The arrangement has been used successfully to deliver major schemes in the past, such as elements of the Tees Valley Metro Scheme, Single Programme and ERDF funded projects.

**b) Key Responsibilities for Project Changes and Variations:**

- **Investment Panel will be responsible for overseeing and approving any project changes;**
- **Investment Panel will be able to re-profile and re-allocate spend to other 'selected' projects** where there is a requirement to do so (for example, if there is a project underspend or if a project drops off). This may be to the following:
  - Existing projects (for extra outputs);
  - Agreed 'strategic projects' (agreed at stage 1 by Leadership Board)
  - Projects previously 'selected' by the Leadership Board for LGF funding through an 'open call' (stage 2) but which were not successful with Government (stage 4).
- **Leadership Board would need to approve any 'new' projects** which have not been previously considered and/or put forward for LGF funding to Government (i.e: those that do not fall into the three categories above)
- **All projects would need to be (re-)assessed** to demonstrate they fit strategically, are deliverable and offer value for money, in line with the PMF and Accountable Body requirements.

**Seeking Formal Approval for the LGF Programme Management Framework**

- 5.5 The LGF Programme Management Framework more than meets current government requirements and we are working closely with our Relationship Manager to ensure any future developments are in line with expectations.

- 5.6 Approval is also being sought from each of the five Local Authorities as the existing Partnership Agreement does not adequately provide the existing TVU governance groups with the delegated authority to make decisions regarding LGF funding.
- 5.7 Please note that any arrangements put in place for LGF will be superseded by a future Combined Authority arrangement.

## **6. SUMMARY**

- 6.1 On 7<sup>th</sup> July 2014 the Tees Valley secured £90.3m of Local Growth Funding through a Growth Deal with government. This funding will deliver 15 capital projects across the Tees Valley; these include transport projects, innovation builds/developments, further education establishments and opening up sites to enable development.
- 6.2 With funding confirmed, TVU are now working closely with government to put the necessary arrangements in place to manage and deliver the Growth Deal successfully.
- 6.3 Local management of the Growth Deal funds will be through a LGF Programme Management Framework which will operate under the existing TVU Joint Agreement.
- 6.4 To ensure efficient and effective decision-making, it is proposed that the TVU governance groups assume full management responsibilities for current and future Growth Deal/LGF funding.

## **7. RECOMMENDATIONS**

- 7.1 The Finance and Policy Committee are asked to undertake the following:
- Note the requirements and progress made with the 2015/16 Growth Deal Funding Agreement and Implementation Plan.
  - Note the principles and approach for decision making under the LGF Programme Management Framework.
  - Approve the devolution of current and future Growth Deal/LGF management to TVU governance groups, as detailed under the existing Partnership Agreement and in accordance with the LGF Programme Management Framework.

## **8. CONTACT OFFICER**

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Tel: 01429 523301





### **TEES VALLEY GROWTH DEAL**

The Tees Valley Growth Deal will boost the economic growth of Tees Valley with investments in key transport, infrastructure, skills, innovation and business support projects that will support the further success of priority sectors: advanced manufacturing, low carbon, oil and gas, digital and logistics.

The Growth Deal, subject to a satisfactory conclusion of the funding agreement, will bring together local, national and private funding as well as new freedoms and flexibilities to focus on three key priority areas as identified in the LEP's Strategic Economic Plan:

- Driving skills and innovation
- Building more effective transport and infrastructure
- Creating the environment for business growth

The Tees Valley LEP has secured **£90.3m from the Government's Local Growth Fund to support economic growth in the area – with £14.1m of new funding confirmed for 2015/16 and £21.2m for 2016/17 to 2021**. This includes:

- as part of the Government's ongoing commitment to the Tees Valley LEP a provisional award of a further £36.7m of funding for projects starting in 2016 and beyond; and
- £18.3m of funding which the Government has previously committed as part of Local Growth Deal funding to the area.

This substantial investment from Government will **bring forward at least £100m of additional investment from local partners and the private sector. Combined together this will create a total new investment package of £190.3m for the Tees Valley LEP area.** By 2021, this Deal will create at least 1,000 jobs and allow 1,500 homes to be built.

The Tees Valley Local Enterprise Partnership brings together the five local authority areas of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton. The LEP is a public/private partnership underpinned by a legal agreement to work together to deliver economic growth.

#### **Summary of Tees Valley LEP Growth Deal projects and funding**

The Tees Valley LEP Growth Deal brings together different funding streams designed to support local growth with a share of the new Local Growth Fund.

<b>Tees Valley LEP Local Growth Fund breakdown (£m)</b>			
	<b>2015/6</b>	<b>2016 onwards</b>	<b>Total</b>
<b>Local Growth Fund award</b>	14.1	21.2	35.3
<b>Previously committed funding</b>	8.8	9.5	18.3
<b>Provisional allocation to projects starting in 2016/17 and beyond</b>	-	36.7	36.7
<b>Total</b>	22.9	67.4	90.3

These totals exclude match funding for European Social Fund (ESF) skills activities. The total amount of ESF skills activity LEPs have planned in their draft strategies over the 7 year programme is currently just over 1 billion euros. Actual skills ESF match will be used on the basis of the skills activity which is delivered at LEP level according to their final strategies.

**The Tees Valley LEP and Central Government have agreed to co-invest in the following jointly-agreed priorities:**

- **Central Park** - enabling infrastructure works on the Enterprise Zone site.
- **Bank Top station**- a study into remodelling the station in Darlington to support better connectivity, improved journey times and the commercial development of the station.
- **A689 Wynyard road improvements**- signalisation and road widening to complement the Highways Agency Pinch Point scheme on the A19 junction.
- **Materials Processing Institute** – creation of an open access technology centre.
- **Teesside Advanced Manufacturing Park (TAMP) Offshore Wind Validation Centre** – to provide research and validation services for offshore wind tower manufacturers as well as for the oil and gas and sub-sea sectors.
- **Cleveland College of Art and Design** – upgrading existing facilities including construction of a new building for creative industries.
- **Redcar and Cleveland College** – to provide specialist accommodation for an Oil and Gas Academy and provide specialist teaching and support accommodation for a number of skills initiatives.
- **Tees Valley Business Growth Hub** – the capital funding element of a programme to provide a range of coordinated funding and advice services to business.
- **Durham Tees Valley Airport** – new road to open up access to the south side of the airport for aviation-related activities.
- **Ingleby Way / Myton Way** – road and junction improvements at Ingleby Barwick to support new housing.

**The Tees Valley LEP and Central Government agree the following provisional allocations to projects starting in 2016/17:**

- A66 / Teesside Park Interchange;
- Central Park Bio-therapeutics;
- Central Park National Horizons Centre; and
- Sustainable Transport – Access to Employment.

**Local flexibility over Growth Deal programme:** Tees Valley Unlimited has demonstrated strong partnership arrangements which deliver collective decisions, has articulated a clear and deliverable vision for growth in the area, and has established strong financial monitoring procedures and cross local authority collaboration. Government will disburse funds to the LEP annually in advance. The Tees Valley LEP will be expected to deliver the projects highlighted in the Deal, but will have flexibility over the management of these projects in order to deliver the greatest economic benefits to the area. Any significant changes to the projects will need to be discussed with the Government in advance.

The Growth Deal does not amount to an endorsement of everything in the submitted SEP. All development decisions for specific proposals must go through the normal planning process and be guided by local plans taking into account all material considerations.

## **The Tees Valley Growth Deal**

The investment secured by the deal will be focused on three key areas to deliver transformative growth:

### **Driving skills and innovation**

The Deal includes a joint investment of £17m in two key skills projects. Firstly, the Deal will invest in the creation of a brand new building at Cleveland College of Art and Design in Hartlepool, the only specialist provider of Higher Education in the creative industries in the North East. The project will complement Hartlepool's plans to create a vibrant Innovation and Skills quarter in the town centre. The second project is the provision of specialist accommodation for an Oil and Gas Academy at Redcar and Cleveland College. Oil and Gas is a key growth sector for Tees Valley. The Deal also includes joint investment of £12m in the Materials Processing Institute that will provide access to laboratory, pilot and demonstration spaces for companies to test new products.

Local Enterprise Partnerships are well-positioned to enhance the current Careers Information, Advice and Guidance offer by influencing the shape of provision so that it meets the needs of the local economy. Moreover, they have the ability to link employers with education providers can have strategic influence over skills supply and have the ability to coordinate local services towards a shared goal.

Improving skills levels is a key factor in stimulating local growth and taking advantage of new economic opportunities. Government is committed to ensuring that adult skills provision is increasingly responsive to the needs of business and supports local economic growth and jobs.

<b>Tees Valley LEP commitments</b>	<b>Central Government commitments</b>
<ul style="list-style-type: none"><li>• Secure £1m of local private sector investment in Cleveland College of Art and Design.</li><li>• Invest £5.2m of local private sector investment in Redcar and Cleveland College Oil and Gas Academy.</li><li>• Invest £9m of local private sector resources in the Materials Processing Institute, to provide access to laboratory, pilot and demonstration spaces for companies.</li><li>• Facilitate stronger links between education providers and local businesses. Work with relevant local stakeholders to communicate priorities and align the offer to the National Careers Service (NCS) providers ahead of the new service's roll-out in October 2014 in order to augment the service.</li><li>• The LEP will consider skills implications as part of decisions taking on growth strategies.</li><li>• The LEP will clearly articulate and evidence skills priorities in the light of strategic national and local growth opportunities and communicate them to the Further Education and skills sector.</li><li>• The LEP will positively engage the Further Education and skills sector in key strategic partnerships e.g. Skills and Employment Boards.</li><li>• The LEP will recognise where the private sector has a responsibility to invest in skills provision and work with business and the skills system to realise</li></ul>	<ul style="list-style-type: none"><li>• Invest £8.3m in Cleveland College of Art and Design in Hartlepool with £2.5m in 2015/16.</li><li>• Invest £2.4m in Redcar and Cleveland College with £1.7m in 2015/16.</li><li>• Invest £3m in the Materials Processing Institute, to follow on from previous commitments by the Department for Business, Innovation and Skills, with £1.5m in 2015/16.</li><li>• Invest £3m in the Teesside Advanced Manufacturing Park (TAMP) Offshore Wind Validation Centre, with £1m in 2015/16.</li><li>• Commit to working with Tees Valley LEP to help ensure that local employer priorities are fed into the operation of the new National Careers Service providers in the region.</li><li>• Government, through the Skills Funding Agency, will support the process to ensure that provision meets local priorities and that increasing responsiveness is delivered through a three-pronged approach:<ul style="list-style-type: none"><li>○ Procurement of new provision: LEPs will be involved throughout the process and providers' track records against LEP requirements will be considered as part of this assessment.</li><li>○ Accountability: Providers will be required through their funding agreements with the Agency to explain to LEPs details of their provision and planning and we are testing ways in which they can be most effectively</li></ul></li></ul>

<p>that investment.</p> <ul style="list-style-type: none"> <li>The Government expects Tees Valley LEP to open up new jobs associated with the Local Growth Fund to local unemployed and long-term unemployed people working closely with local and national back to work initiatives. This would be part of a wider expectation that local areas use the Social Value Act, drawing on best practice across local councils and central expertise in maximising social value.</li> </ul>	<p>held to account for being responsive to local economic priorities. The Skills Funding Agency is trialling Skills Incentives Pilots from 2014/15 in Stoke and Staffordshire, the North East and West of England, designed to explore the mechanisms through which providers will account to LEPs for delivery.</p> <ul style="list-style-type: none"> <li>Allocations and Intervention: In future years, providers' records in delivering to LEP requirements will be taken into account when setting allocations and triggering interventions. From 2015/16 the Skills Funding Agency will take into account the outcomes of the Skills Incentive Pilots in Stoke and Staffordshire, the North East and West of England, in making allocations to those providers in scope; subject to evaluation of the pilots, these mechanisms will be rolled out to other LEPs in future years.</li> <li>Government will set out revised information for LEPs on how they can take advantage of this approach and options for seeking advice if provision is not responsive to their needs. The Skills Funding Agency will publish information during summer 2014 on how LEPs can influence the use of all skills budgets in their localities, and the steps they can take if they are dissatisfied with the pattern of delivery.</li> <li>Government will seek to improve the provision of skills data for LEPs and will develop and publish new reports that will quantify and assess responsiveness to local skills needs. In the summer of 2014 the Skills Funding Agency will provide all LEPs with a data set that updates them on the provision delivered in their areas.</li> </ul>
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### Building more effective transport and infrastructure

The Deal includes joint investment in five strategic transport and infrastructure projects starting in 2015/16 that will ease congestion and open up access to key housing and employment sites.

In addition, the Deal provides a provisional allocation to the Tees Valley LEP to support key projects starting in 2016/17 and beyond: a strategic maintenance scheme on the A66 to open up access to Teesside Park employment site, a package of schemes to support sustainable access to employment and two further projects to invest in a Bio-therapeutics Centre and National Horizons Centre at Central Park, projects which will be made possible through the 2015/16 investment in infrastructure works to provide site access.

Tees Valley LEP commitments	Central Government commitments
<ul style="list-style-type: none"> <li>Deliver a package of transport and infrastructure projects to improve key strategic routes and open up access to key employment and housing sites, including: <ul style="list-style-type: none"> <li>Invest £1m local private sector funding at Durham Tees Valley airport to create a new</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Invest £12.8m of the newly announced Local Growth Fund in a strategic transport and infrastructure package for the Tees Valley, with £6.9m in 2015/16: <ul style="list-style-type: none"> <li>£2.2m (in 2015/16) for transport and infrastructure works at Central Park EZ,</li> </ul> </li> </ul>

<p>access road that will open up the site for creation of a business aviation park.</p> <ul style="list-style-type: none"> <li>○ Invest £2.1m private sector funding in dualling Ingleby Way and Myton Way to open up key housing sites.</li> <li>• The Local Enterprise Partnership and partners agree to take a more proactive role in consultation on long-term rail planning and franchise specification; and provide a co-ordinating role between constituent local authorities.</li> <li>• The Local Enterprise Partnership agrees to take a more proactive role in consultation on long-term strategic road network planning and provide a co-ordinating role between constituent local authorities.</li> <li>• To support extension of superfast broadband coverage to 90% of UK premises by 2016, via existing broadband projects, Tees Valley LEP will commit to work with local partners and BT to support delivery. To support extension of superfast broadband coverage to 95% of UK premises by 2017, Tees Valley LEP will also work with local partners to help ensure match funding is in place for the next round of projects.</li> <li>• Progress on the development and delivery of the priority transport schemes identified by the Tees Valley Local Transport Body that are fundable within available pre-allocated Local Growth Fund resources</li> </ul>	<p>which will enable further development and investment in this key priority site.</p> <ul style="list-style-type: none"> <li>○ £300,000 into a study of Darlington Bank Top station, to enable proposals to be developed through the Network Rail GRIP process.</li> <li>○ £3m to improve signalisation and widen five roundabouts on the A689 at Wynyard. (£2m in 2015/16)</li> <li>○ £5m at Durham Tees Valley airport to create a new access road that will open up the site for creation of a business aviation park. (£1.4m in 2015/16)</li> <li>○ £2.3m dualling Ingleby Way and Myton Way to open up key housing sites. (£1m in 2015/16)</li> <li>• Provide £10.6m funding as previously announced to transport schemes in the Tees Valley LEP area, including £3.9m to the Middlehaven Dock Bridge, to promote the redevelopment of the Middlehaven site.</li> <li>• Provide a provisional allocation of £36.7m to support key projects starting in 2016/17 and beyond: a strategic maintenance scheme on the A66 (£0.9m), sustainable access to employment (£8.3m), and two projects to invest in a Bio-therapeutics Centre (£10m) and National Horizons Centre at Central Park (£17.5m).</li> <li>• The Homes and Communities Agency will continue to collaborate with the LEP and will work jointly with the LEP towards an exit strategy for disposal of the Onsite sites, so that, where possible, decisions support wider LEP objectives for growth.</li> <li>• The Department for Transport and Network Rail commit to more proactive engagement of the Local Enterprise Partnership in the long-term rail planning process (e.g. Route Studies) and in rail franchise specification through targeted local engagement of the Local Enterprise Partnership as part of an enhanced consultation process. The Department for Transport also commits to encourage bidders for franchises to identify and take into account the priorities of Local Enterprise Partnerships and other key local stakeholders as part of the franchising process, and will also encourage Train Operating Companies to continue with, and enhance where possible, their engagement with Local Enterprise Partnerships as key local stakeholders.</li> <li>• The Highways Agency commits to developing a more proactive and collaborative approach to promoting national and local growth and commits to continue building strong relationships and working arrangements with Local Enterprise</li> </ul>
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	<p>Partnerships and the Local Enterprise Partnership Network, in the same way as with Local and Combined Authorities and the Local Government Association. Through its Route Strategies, the Highways Agency will engage the Local Enterprise Partnership in better understanding the challenges and opportunities associated with the network and to develop evidence based long-term plans to bring about much needed local economic growth and development, and commits to providing each Local Enterprise Partnership with a named contact, generally the relevant regional director. The Highways Agency commits to forming a Growth and Economic Development Group to support Local Enterprise Partnerships at a national and sub-national level, and a draft licence published on 23rd June 2014 for the new Highway Agency company includes a requirement to co-operate, which will underpin the arrangements described above.</p> <ul style="list-style-type: none"> <li>• In addition, the Department for Communities and Local Government will continue work with the LEP to explore options for driving the Enterprise Zone.</li> </ul>
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### Creating the environment for business growth

The Deal includes joint investment into Tees Valley Business Compass, the Tees Valley Growth Hub. The project will build upon the successful Regional Growth Fund project with Lancaster University for business growth support. A range of services will be offered to business to include a growth fund to provide capital and revenue grants and improved access to business support services by sign-posting businesses to the most appropriate support for their needs dependent on size, sector, location and issue.

<b>Tees Valley LEP commitment</b>	<b>Central Government commitment</b>
<ul style="list-style-type: none"> <li>• Invest £8.7m local public sector resources in Tees Valley Business Compass (Growth Hub), and secure £43.5m private sector investment through capital and revenue grants to new start-up businesses and Small and Medium Enterprises (SMEs).</li> <li>• Provide £406,000 of local public and private revenue funding in 2015/16 to support the delivery of the local growth hub.</li> <li>• Provide a clear model for coordinating and simplifying business support so that it joins up national, local, public and private support and creates a seamless customer experience for businesses, which makes it easy for them to get the right support at the right time.</li> </ul>	<ul style="list-style-type: none"> <li>• Invest £5.8m capital in Tees Valley Business Compass, with £500,000 in 2015/16.</li> <li>• Provide £300,000 revenue funding in 2015/16 to the LEP for growth hub business support coordination, subject to the growth hub meeting minimum conditions that reflect the position agreed by the Government review on business support and services.</li> <li>• UK Trade and Industry will commit to effectively communicating its strategic priorities to LEPs and where possible help them access relevant opportunities. UKTI has doubled the number of Partnership Managers to 16. This will ensure that UKTI can work more closely with LEPs and help build their capability to secure more inward investment.</li> <li>• The Technology Strategy Board recognises the important and valuable role that LEPs are</li> </ul>

	<p>playing in promoting and supporting innovation, and is committed to developing strong and effective relationships with LEPs both individually and collectively to build on this.</p> <p>The Technology Strategy Board is committed to supporting LEPs in developing the emerging Growth Hubs and in exploring how LEPs can help drive up local business awareness and engagement in Technology Strategy Board programmes and initiatives.</p>
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**As part of the deal, the LEP will:**

- **Strengthen governance** by reviewing its local governance arrangements with a move to a joint committee or combined authority as appropriate.
- **Ensure implementation and demonstrate success** by accepting the funding agreement, and by tracking progress against milestones and agreed core metrics and outcomes in line with a monitoring and evaluation framework. This will include agreeing monitoring metrics and reporting arrangements with the Government by September 2014. The LEP will also produce an evaluation plan for the projects contained in the Deal before April 2015
- **Ensure value for money** by developing robust processes that will guide local decision-making. This will include agreeing an assurance framework with the Government by September 2014, building on existing local and national frameworks
- **Communicate the ongoing outputs and outcomes of the Deal to the local community and stakeholders** by publishing the Growth Deal and reporting regularly, and publically, on their progress to implement the strategy, ensuring that local people understand how Government money is being spent via the Growth Deal, and what the benefits are for them and the area. The Cities and Local Growth Unit will continue to work with the LEPs on communications activities, and help make the links with other Government communications teams.

Funding for projects starting in 2016/17 will be subject to conditions that Government will discuss with the LEP over the next few weeks and months, along with establishing the best timetable for the project, taking into account practicalities and affordability.

The Government commits to opening discussions with the LEP right away on its priorities for the next round of Growth Deals.



Dated 31<sup>st</sup> March ..... 2011

- (1) DARLINGTON BOROUGH COUNCIL
- (2) HARTLEPOOL BOROUGH COUNCIL
- (3) MIDDLESBROUGH BOROUGH COUNCIL
- (4) REDCAR AND CLEVELAND BOROUGH COUNCIL

and

- (5) STOCKTON-ON-TEES BOROUGH COUNCIL

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JOINT AGREEMENT

FOR THE GOVERNANCE OF TEES VALLEY UNLIMITED

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Director of Law and Democracy  
Stockton-on-Tees Borough Council  
Municipal Buildings  
Church Road  
Stockton-on-Tees  
TS18 1LD

- i. December 2010
- ii. January 2011
- iii. February 2011
- iv. February 2011
- v. March 2011

JOINT AGREEMENT FOR THE GOVERNANCE OF TEES VALLEY UNLIMITED

THIS AGREEMENT is made the 31<sup>st</sup> March 2011

BETWEEN

- (1) DARLINGTON BOROUGH COUNCIL
- (2) HARTLEPOOL BOROUGH COUNCIL
- (3) MIDDLESBROUGH BOROUGH COUNCIL
- (4) REDCAR AND CLEVELAND BOROUGH COUNCIL and
- (5) STOCKTON-ON-TEES BOROUGH COUNCIL

1. Particulars

- |      |                              |  |
|------|------------------------------|--|
| 1.1  | Agreement or Joint Agreement | This Agreement   |
| 1.2  | 1972 Act                     | The Local Government Act 1972  |
| 1.3  | 1970 Act                     | The Local Authorities (Goods and Services) Act 1970  |
| 1.4  | Board                        | One or other of the Boards described in Clause 4   |
| 1.5  | Clause                       | A clause of this Agreement   |
| 1.6  | Commencement Date            | The 1 <sup>st</sup> April, 2011  |
| 1.7  | Date                         | The date the Parties have delivered this Agreement as a deed as specified at the head of this Agreement                                      |
| 1.8  | First Agreement              | The joint agreement for the establishment and governance of Tees Valley Unlimited dated 31 March 2008 and made between the Local Authorities |
| 1.9  | FOIA                         | The Freedom of Information Act 2000  |
| 1.10 | FOIA Exemption               | Any applicable exemption to FOIA including, but not limited to, confidentiality (Section 41 FOIA), trade                                     |

secrets (Section 43 FOIA) and prejudice to commercial interests (Section 43 FOIA)

- |      |                                      |   |
|------|--------------------------------------|---|
| 1.11 | Investment Plan                      | The Tees Valley Economic and Regeneration Investment Plan, including all projects whether capital or revenue, which are required over and above mainstream activity and associated with economic, regeneration, housing and transport initiatives   |
| 1.12 | Local Authority or Local Authorities | The Councils of the Boroughs of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees, or any of them  |
| 1.13 | Local Enterprise Partnership         | Locally owned partnerships between local authorities and business, which play a key role in determining local economic priorities and undertake activities to drive economic growth   |
| 1.14 | Party or Parties                     | The parties to this Agreement or any one of them  |
| 1.15 | Regulations                          | The Environmental Information Regulations 1992  |
| 1.16 | Schedule                             | A schedule to this Agreement  |
| 1.17 | Statement of Ambition                | The Statement of Ambition sets out the vision for the Tees Valley for the next 15 years taking forward the work of the Tees Valley Vision (2002) and City Region Business Case (2006). The Statement sets out the Parties key priorities and builds on the achievements of the Tees Valley economy for the last decade, showing how the parties intend to work with government agencies, the private sector and the National Government to develop the Tees Valley's economic assets and tackle its barriers to growth. |

- |      |             |  |
|------|-------------|--|
| 1.18 | SBC         | The Council of the Borough of Stockton-on-Tees   |
| 1.19 | Tees Valley | The combined areas of the Local Authorities.   |
| 1.20 | TVU         | Tees Valley Unlimited being an unincorporated partnership of Local Authorities, business and other sectors acting in concert to support the economic development of the Tees Valley by facilitating the realisation of the Statement of Ambition and its supporting Investment Plan, which on 28 October, 2010 was confirmed by the Secretary of State for Communities and Local Government as a Local Enterprise Partnership. |
| 1.21 | TVU Costs   | The costs relating to TVU being the costs of employees, premises, transport, supplies and services and support services.   |

## 2. Background

- 2.1 The First Agreement established the TVU in order to define and regulate how the Local Authorities and their key partners would act together in a coordinated manner to improve the economic performance of the Tees Valley.
- 2.2 As part of the Statement of Ambition which establishes the agreed priorities to bring about further improvements to the economic performance of the Tees Valley, a review of the TVU, its role, purpose and structure has been carried out.
- 2.3 The principal outcome of the review is that the Parties have agreed that they will work together to develop the TVU as an organisation fit to deliver the emerging strategic aims and objectives of the Statement of Ambition.
- 2.4 To this end, the Parties submitted an application to become, and were confirmed as a Local Enterprise Partnership on 28 October 2010 by the Secretary of State for

## Communities and Local Government

### 3. Purpose of the Agreement

- 3.1 The purpose of this Joint Agreement is to define and regulate how the Parties will on and from the Commencement Date coordinate their activities and work together to assist in delivering the Statement of Ambition, under the style of a revised TVU public, private local enterprise partnership, and which on the part of the Local Authorities will be undertaken pursuant to the provisions of Section 101 of the 1972 Act and the 1970 Act and any other relevant statutory provisions.
- 3.2 TVU will discharge the roles, functions and activities specified at **Schedule 1** through a developing framework of Boards which will be constituted, operated and serviced as provided in, and pursuant to this Agreement.
- 3.3 The Parties, to this end, will be responsible for:-
- 3.3.1 ensuring the nomination and participation of their member and officer representatives as specified in Clause 4
  - 3.3.2 providing necessary funding for the administrative and technical support of the Boards as provided for in Clause 5
  - 3.3.3 receiving in accordance with **Schedule 4** minutes, reports and other communications from TVU, and taking such action thereon as is appropriate, including submitting proposals, emanating from the TVU through the administrative and democratic processes applicable to their respective organisations.
  - 3.3.4 Implementing the consequent decisions in a coordinated matter.

### 4. The Boards

- 4.1 The roles and functions of the TVU will be carried out by the following Boards:-
- 4.1.1. The Leadership Board and

4.1.2. The Investment Board

4.2 The Leadership Board

4.2.1 The membership of the Board will comprise:-

4.2.1.1 Five Local Authority representatives, namely the Leader or Elected

Mayor of each Local Authority, each of whom will nominate a substitute to attend when the principal representative is unable to do so;

4.2.1.2 Six representatives of non-local authority organisations, including organisations from the commerce, education and voluntary sectors who shall be appointed following such recruitment and selection processes as the Parties shall establish and for such terms of office as they shall determine, from time to time

4.2.2 The Chair of the Board will be appointed by the Parties as one of the six non-local authority representatives referred to in Clause 4.2.1.2.

4.2.3 The Vice-Chair of the Board will be elected by the Parties' representatives on the Board from amongst their number and shall hold office at the discretion of the Parties.

4.2.4 The Board may invite such observers to attend its meetings as it may determine from time to time.

4.2.5 The remit and accountability of the Board will be as set out in **Schedule 2**

4.3 The Investment Board

4.3.1 The membership of the Board will comprise:-

4.3.1.1 Five Local Authority Chief Executives, each of whom will nominate a substitute to attend when they are unable to do so;

4.3.1.2 Such other representatives as the Parties shall determine, following such consultation and in accordance with such recruitment and selection processes, and for such terms of office, as they consider

appropriate

4.3.2 The Board will elect a Chair from amongst their number annually or otherwise as they may determine

4.3.3 The Board may invite such observers to attend its meetings as it may determine from time to time

4.3.4 The remit and accountability of the Board will be as specified in **Schedule 3**

## 5. Meetings of the Boards

5.1 The Boards will agree a diary for their meetings during the year as soon as practicable after the Annual Meetings of the Local Authorities

5.2 Meetings of the Boards will be arranged and serviced by the TVU, with such other administrative support as the TVU, in consultation with the Parties, may determine to be necessary.

5.3 The timetable and procedures for the calling and conduct of meetings of the Boards will be as set out in **Schedule 4**.

## 6. TVU

6.1 All TVU staff are employees of SBC.

6.2 The Managing Director will provide high level strategic direction for TVU and will report to the Leadership Board and work closely with the Local Authority Chief Executives and Senior Officers of the Local Authorities

6.3 The Parties have agreed that SBC is the accountable body regarding the operational activities of TVU.

## 7. Decision Making

7.1 SBC, as employer of all TVU employees and accountable body for the administrative affairs of TVU, has developed a scheme of delegation ("the Scheme")

regarding decisions which need to be made in relation to TVU employees, procurement and financial issues, operational activities, policy and strategy, and any other matters concerning TVU, and which has been developed in consultation with all of the other Parties.

- 7.2 The Scheme determines which such decisions are to be taken by SBC through a meeting of its full Council, a meeting of its executive, or by one or other of its Members or Officers, and which decisions are to be made by all of the Parties jointly, indicating in each case what, if any, consultation or other checks and balances are required prior to a particular decision being taken.
- 7.3 The Scheme ensures that SBC's representatives on the Leadership and Investment Boards have the necessary delegated authority required to make appropriate decisions on behalf of SBC at Board meetings.
- 7.4 The other Parties have ensured that they each have their own approved scheme of delegation relating to TVU and its activities, which enables them and their representatives to take any decisions which they are required to take pursuant to Clause 7.2, and at meetings of the Leadership and Investment Boards.
- 7.5 SBC will keep the Scheme under review and will ensure that any necessary revisions to the Scheme are developed in consultation with the other Parties prior to their application.
- 7.6 The other Parties will ensure that their own schemes of delegation are revised appropriately in order, where necessary, to accommodate any revisions to the Scheme made pursuant to Clause 7.5
- 7.7 No powers of the Parties are delegated to TVU or the Boards and the decisions of TVU and the Boards are not binding on the Parties or their representatives, save where and to the extent to which such powers are delegated in, and such decisions are binding as a result of the Scheme, and save to the extent that where the Parties representatives are empowered by their respective schemes of delegation to



exercise delegated powers, they choose to exercise those powers.

- 7.8 In relation to any recommendations or proposed decisions of the Boards the effect of which is that the Parties should or should not exercise their functions in any manner, voting by Board Members will be restricted to the representatives of the Parties.

## 8. Financial Arrangements

- 8.1 TVU Costs will be allocated to each Local Authority in the following proportions:-

-	Darlington Borough Council	15.80%
-	Hartlepool Borough Council	14.67%
-	Middlesbrough Borough Council	20.89%
-	Redcar & Cleveland Borough Council	20.98%
-	Stockton-on-Tees Borough Council	27.66%

- 8.2 The annual budget and the Local Authority contributions for TVU Costs will be formally approved by the Leadership Board prior to 28 February of each year.

- 8.3 With the exception of SBC, the contributions shall be paid by each Local Authority on 1<sup>st</sup> day of April, July, October and January each year, starting with the Commencement Date.

## 9. Confidentiality and Publicity

- 9.1 The Parties shall both during and after the term of this Agreement keep confidential all information which they may acquire in the performance of this Agreement as to the business of the other Parties (except to the extent that such information enters the public domain otherwise than through the performance of the statutory duties of a Party or through its own default)
- 9.2 Notwithstanding the general obligation of confidentiality in Clause 9.1. it is recognised that the Parties are subject to legal duties which may require the release

of information under FOIA or the Regulations or any other applicable legislation or codes governing access to information and that each of the Parties may be under an obligation to provide information on request. Such information may include matters relating to, arising out of or under this Agreement in any way.

9.3 In the event that any one or more of the Parties receives a request for information under FOIA or the Regulations or any other applicable legislation governing access to information, the Party or Parties concerned shall be entitled to disclose all information and documentation (in whatever form) as necessary to respond to that request in accordance with FOIA or the Regulations or the other applicable legislation governing access to information, but shall use reasonable endeavours to consult with each of the other Parties as soon as reasonably practicable and shall not:

- (a) confirm or deny that the information in question is held by them; or
- (b) disclose the information requested,

to the extent that in their opinion (having taken into account the views of the other Parties) a FOIA exemption is or may be applicable to some or all of the information requested in accordance with the relevant section of FOIA.

## 10. Dispute Resolution

10.1 Any dispute or question arising between the Parties in relation to the provisions of this Agreement is to be referred for determination of an independent expert in accordance with the remaining provisions of this Clause 10.

10.2 The expert is to have had at least ten years' experience appropriate to the general subject matter of the dispute and is to be appointed by the Parties jointly or if they cannot or do not agree on the appointment appointed by which of the following is agreed to be appropriate having regard to the nature of the dispute in question:-

10.2.1 the president from time to time of the Royal Institution of Chartered

Surveyors;

10.2.2 the president of the Royal Institution of British Architects;

10.2.3 the president for the time being of the Institution of Civil Engineers;

10.2.4 the chairman for the time being of the Bar Council;

or in any case the duly appointed deputy of the president or other person authorised by him to make appointments on his behalf

- 10.3 If within 15 working days after a dispute has arisen the Parties in dispute have been unable to agree which of the persons referred to in clause 10.2 is appropriate to appoint the expert then the expert shall be appointed on the application of either or one party to the President for the time being of the Law Society or his duly appointed deputy or other person authorised by him to make appointments
- 10.4 The person so appointed is to act as an expert and not as an arbitrator and is to be required to use his reasonable endeavours to deliver his determination within 21 days from his appointment.
- 10.5 The expert so appointed must afford the Parties the opportunity within such a reasonable and proper time limit as he may stipulate to make representations to him (accompanied by such professional reports or other appropriate evidence in the relevant circumstances) and permit each Party to make submissions on the representations of the other.
- 10.6 The fees and expenses of the expert including the cost of his nomination are to be borne as the expert may direct (but in the absence of such a direction by the Parties in equal shares) but (unless they otherwise agree) the Parties will bear their own costs with respect to the determination of the issue by the expert.
- 10.7 One Party may pay the costs required to be borne by another Party if they remain unpaid for more than 21 days after they become due and then recover these and any incidental expenses incurred from the other Party on demand.
- 10.8 If the expert refuses to act becomes incapable of acting or dies the Parties in

dispute may request the appointment of another expert in his stead.

- 10.9 The determination of the independent expert except in case of manifest error is to be binding on the Parties in dispute.

11. Notices

- 11.1 Any written notice required to be served under this Agreement will be served:-

- 11.1.1 as regards notice to be served on Darlington Borough Council, by personal delivery or by sending it by recorded postal delivery to Darlington Borough Council, Town Hall, Feethams, DL1 5QT (marked for the attention of Catherine Whitehead)
- 11.1.2 as regards notice to be served on Hartlepool Borough Council, by personal delivery or by sending it by recorded postal delivery to Hartlepool Borough Council, Civic Centre, Victoria Road, Hartlepool, TS24 8AY (marked for the attention of Peter Devlin)
- 11.1.3 as regards notice to be served on Middlesbrough Borough Council, by personal delivery or by sending it by recorded postal delivery to Legal and Democratic Services, PO Box 503, Town Hall, Middlesbrough, TS1 9FX (marked for the attention of Richard Long)
- 11.1.4 as regards notice to be served on Redcar and Cleveland Borough Council, by personal delivery or by sending it by recorded postal delivery to Corporate Resources, Town Hall, Fabian Road, South Bank, TS6 9AR (marked for the attention of Richard Frankland)
- 11.1.5 as regards notice to be served on SBC, by personal delivery or by sending it by recorded postal delivery to Law and Democracy, PO Box 11, Municipal Buildings, Church Road, Stockton-on-Tees, TS18 1LD (marked for the attention of David Bond)

12. Jurisdiction

- 12.1 This Agreement will be governed by and construed in accordance with the Law of England and the Parties submit to the jurisdiction of the English Courts.

13. Miscellaneous

- 13.1 If at any time any of the provisions of this Agreement become illegal, invalid or unenforceable in any respect under any law or regulation of any jurisdiction, the legality, validity or enforceability of the remaining provisions of the Agreement will not be in any way affected as a result.
- 13.2 Nothing contained in or done under this Agreement and no consents given by any Party pursuant to this Agreement, shall prejudice such Party's rights, powers, duties and/or obligations in the exercise of its functions or under any statutes, by-laws, instruments, orders or regulations
- 13.3 The Parties expressly agree for the purposes of the Contracts (Rights of Third Parties) Act 1999 that they do not intend any person other than a Party to this Agreement to be able to enforce any of its terms.

14. Assignment and Sub-Contracting

- 14.1 None of the Parties shall, without the prior written consent of each of the other Parties, assign or transfer, or deal in any other way with this Agreement, or its rights or obligations under it, or purport to do any of the same

15. Status, duration, variation and execution of this Agreement

- 15.1 The arrangements specified in this Agreement do not constitute a partnership for the purposes of the Partnership Act 1890 or any other legislation, and none of the parties to this Agreement is responsible or liable by way of indemnity or otherwise

for the actions, omissions, liabilities, debts or losses of any of the other Parties save for, and the extent to which this Agreement provides for the same.

15.2 Subject to Clause 15.4, this Agreement will remain in force until brought to an end by mutual agreement of the Parties.

15.3 Such mutual agreement to make appropriate provision for:-

15.3.1 the redeployment, transfer or secondment and/or the payment of the costs of redundancy, including pension liabilities, of those TVU employees who will no longer be required by SBC following termination of the Agreement.

15.3.2 the closing of any accounts and the payment of any outstanding costs relating to the TVU joint arrangement.

15.3.3 the sharing of any costs or other liabilities relating to the continued occupation and/or termination of occupation of any accommodation no longer required by SBC for the purposes of TVU employees and/or the TVU joint arrangement.

15.3.4 the sharing of any costs or liabilities regarding any funding arrangements, other agreements or contracts relating to the TVU and/or the TVU joint arrangement.

15.3.5 the disaggregation between the Parties of any TVU (non-personnel) assets (financial or otherwise), rights and liabilities at the time of termination.

15.3.6 all of the costs or liabilities to be shared in the same proportions as the Local Authority contributions referred to in Clause 8.1.

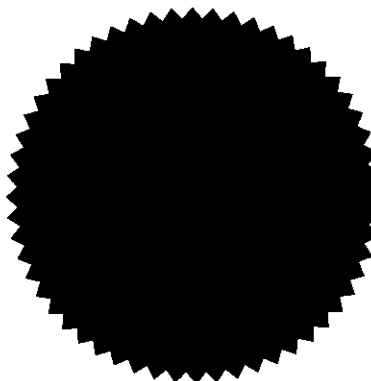
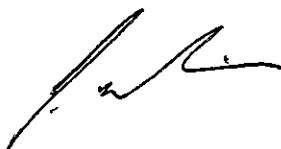
15.4 Any Party may withdraw from this Agreement by giving to each of the other Parties not less than 15 months prior notice terminating on the 31 March in any year, at the expiration of which this Agreement, should the remaining parties so determine, will terminate and be of no further effect, without prejudice however to any obligations arising under Clause 15.3 up to the date of termination, and subject to the following provisions in Clause 15.5

- 15.5 Such termination notice must make appropriate provision for:-
- 15.5.1 the redeployment, transfer or secondment and/or payment of the costs of redundancy, including pension liabilities, of those TVU employees who will no longer be required by SBC following the withdrawal of the relevant Party and for the relevant Party to be responsible for such costs.
  - 15.5.2 the payment by the relevant Party of its share of any accounts or outstanding costs relating to the TVU joint arrangement
  - 15.5.3 the sharing of any costs or other liabilities relating to the continued occupation and/or termination of occupation of any accommodation no longer required by SBC for the purposes of TVU staff and/or the TVU joint arrangement
  - 15.5.4 the sharing of any costs or liabilities regarding any funding arrangements, other agreements or contracts relating to the TVU and/or the TVU joint arrangement.
  - 15.5.5 the disaggregation between the relevant Party and the other Parties of any TVU assets (financial or otherwise), rights and liabilities at the time of the relevant Party's withdrawal, and assuming that the TVU joint arrangement is to continue in operation
  - 15.5.6 all costs or liabilities referred to in Sub-Clauses 15.5.2 to 15.5.4 inclusively to be shared in the same proportions as the Local Authority contributions specified in Clause 8.1
- 15.6 Such disaggregation of any TVU assets, rights and liabilities may, however, be deferred by the remaining Parties to a future date which they determine, where they consider that the disaggregation would prejudice the discharge of the functions of the TVU or the operation of the TVU joint arrangement
- 15.7 Where a Party has given notice of withdrawal and the remaining Parties consider that it would be more appropriate for the TVU joint arrangement as a whole to be

terminated by mutual agreement, the foregoing provisions at Clause 15.3 will apply.

- 15.8 As a guiding principle, SBC as employing authority of TVU employees, shall not at any time be disadvantaged to a greater or lesser extent than any other Party by the transfer of employees to it for the purposes of the TVU joint arrangement.
- 15.9 To this end, on the withdrawal of a Party to the Agreement or the termination of the TVU joint arrangement and this Agreement as a whole, there will be fair sharing of the benefit and burden of employees employed in the TVU, and of all other costs and liabilities relating to the TVU and/or the TVU joint arrangement, at the time of such withdrawal or termination, in accordance with the proportions ascribed to each Local Authority in Clause 8.1.
- 15.10 The provisions of this Agreement may be varied, added to or removed by mutual written agreement of all of the Parties.
- 15.11 On the Commencement Date the First Agreement will terminate and be of no further effect, save in relation to any obligations of any of the parties to the First Agreement which have arisen and remain to be discharged, either in whole or in part, prior to the Commencement Date.
- 15.12 All Parties have executed this Agreement as a deed and it is delivered on the Date specified in the Particulars

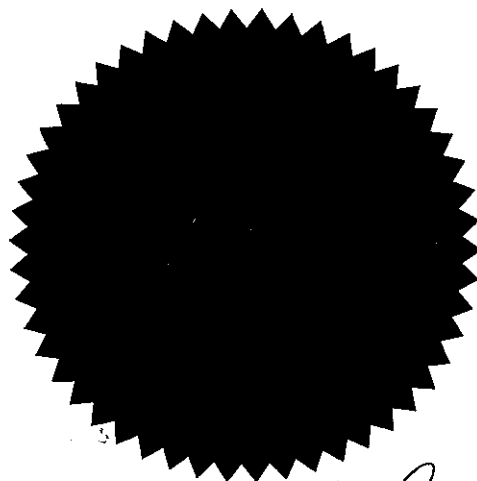
Executed as a deed by affixing THE  
COMMON SEAL OF THE COUNCIL OF  
THE BOROUGH OF DARLINGTON in  
the presence of: -



13113



Executed as a deed by affixing THE  
COMMON SEAL OF THE COUNCIL OF  
THE BOROUGH OF HARTLEPOOL in  
the presence of: -



SN5A76

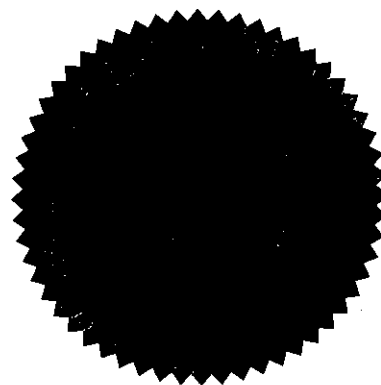
*A. Bauer*

8211823

Executed as a deed by affixing THE  
COMMON SEAL OF THE COUNCIL OF  
THE BOROUGH OF MIDDLESBROUGH  
in the presence of: -

*Reharg*  
Director

Executed as a deed by affixing THE  
COMMON SEAL OF THE COUNCIL OF  
THE BOROUGH OF REDCAR AND  
CLEVELAND in the presence of: -



*[Signature]*

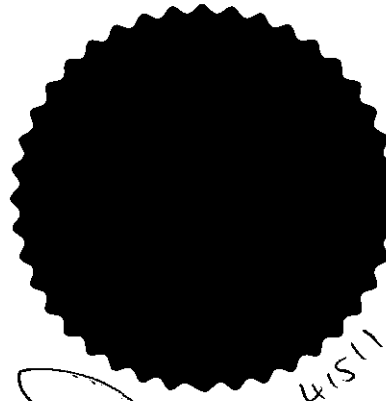
AUTHORISED OFFICER.

*[Signature]*

AUTHORISED OFFICER

26/5884 ddd

Executed as a deed by affixing THE  
COMMON SEAL OF THE COUNCIL OF  
THE BOROUGH OF STOCKTON-ON-  
TEES in the presence of: -



Authorised Officer

## **Schedule 1**

### **The Roles, Functions and Activities of TVU**

1. **Roles**

Research and intelligence

Strategy and policy development

Investment planning

Commissioning

Delivery and implementation

Evaluation

Such other roles as the Parties may determine from time to time

2. **Functions**

Planning

Housing

Transport

Economic development and regeneration projects

Business Investment and business support (including finance to business)

Employability and skills

Such other functions as the Parties may determine from time to time

3. **Activities**

The activities specified in the Statement of Ambition.

The activities, freedoms and flexibilities specified in the TVU submission to Government regarding the initial proposals for the Tees Valley Local Enterprise Partnership.

## **Schedule 2**

### **Remit and Accountability of the Leadership Board**

1. Terms of Reference:-

- To approve the Tees Valley Statement of Ambition and any revisions thereof
- To agree the Investment Plan
- To ensure the delivery of the approved Investment Plan
- To agree any revisions of the Investment Plan, including any required changes to programmes, projects and/or funding
- To ensure the Statement of Ambition and Investment Plan priorities are reflected in regional and national policies and decisions.
- To engage with local MPs and Central Government
- To consider and approve proposals for funding

2. Accountability:-

- To all of the Parties to the Agreement
- All members of the Board have a vote and the Parties representatives have the appropriate delegated decision making powers

3. Support:-

The TVU Managing Director will provide high level strategic direction and report to the Board, working closely with the Local Authority Chief Executives and senior officers from the Local Authorities

### **Schedule 3**

#### **Remit and Accountability of the Investment Board**

1. Terms of Reference:-

- To ensure the development of the Investment Plan and any required revisions thereto
- Responsibility for the management and delivery of the Investment Plan approved by the Leadership Board and for its agreed programmes and projects.
- Identifying, developing and overseeing funding opportunities and applications
- Considering performance reports on progress against milestones and targets on all the projects and funds included in the Investment Plan;
- Considering where necessary re-profiling within programmes to achieve maximum outcomes for the Tees Valley;
- Consideration and approval of projects within any funding programmes that are delegated to the Leadership Board;
- Developing with National Government an approach to Community Budgets which maximise the investment and use of different funding programmes within the Tees Valley;
- To establish Task and Finish Groups when necessary, for example, for the preparation of funding applications and proposals;
- To advise on reprofiling funding within the funding programmes to achieve the maximum outcome and spend;
- To report to the Leadership Board on performance against the delivery of the Investment Plan and the funding programmes which the Investment Board are overseeing;

- To report to the Leadership Board on any new funding opportunities that become available to support the delivery of the Investment Plan and the approach being recommended for TVU in pursuing such opportunities

## 2. Accountability

- To the Leadership Board
- To the Parties to the Agreement
- All Members of the Board have a vote and the Parties' representatives have the appropriate delegated decision making powers

## 3. Support

The Managing Director will, with support from TVU employees and others where appropriate, provide leadership and direction in support of the Board.

## **Schedule 4**

### **Timetable and Procedures for calling and conducting meetings of the Boards**

1. The Chair in consultation with any vice-chair may call a meeting at any time and shall call a meeting within 7 days of being so required by any of the Parties' representatives on the relevant Board.
- 2.1 The agenda for any meeting shall be determined in consultation with the Chair
- 2.2 Except with the approval of the Chair (to be given only in a case of clear urgency) five clear days at least before a meeting, a summons to attend the meeting specifying the business proposed to be transacted will be sent to every member of the relevant Board and a copy thereof shall be sent to the Chief Executive or other senior representative of and not more than four officers nominated by each of the Parties.
3. Meetings shall be held at such place as the Chair shall determine and on such days and at such times as the Boards may determine from time to time
4. Every matter arising at a meeting shall be determined by the majority of the votes of the members present and voting on the question and the Chair shall not be entitled to exercise a casting vote.
5. One quarter of the membership shall form a quorum provided that not less than 3 of the Local Authorities are represented at the meeting.
- 6.1 A minute book shall be provided and a record of the proceedings duly recorded therein. The minutes of any meeting shall be submitted to the next meeting of the relevant Board for approval.
- 6.2 Copies of the minutes of each meeting shall be sent to each member of the relevant Board and to the Chief Executive or other nominated officer of each of the Parties within 7 days after the date of the meeting.

7. Meetings will not be public meetings for the purposes of the Access to Information provisions of the 1972 Act, but a meeting may be open to the public if and to the extent that the relevant meeting so determines.
8. The interests provisions of the Model Code of Conduct for Local Authority Members, contained in the Local Authorities (Model Code of Conduct) Order 2007, including any statutory extension, modification, or amendment or replacement of the same, will be deemed to apply to all members of the Boards.



**TEES VALLEY UNLIMITED**

**LOCAL GROWTH FUND**

**PROGRAMME MANAGEMENT**

**FRAMEWORK**

**SEPTEMBER 2014**

***DRAFT COPY***

SECTION	CONTENTS	PAGE
1	Overview	3
2	Transparency and Openness	4
3	LGF Assurance Framework	5
	Stage 1: Planning and Development	6
	Stage 2: Project Call	7
	Stage 3: Local Prioritisation and Selection	9
	Stage 4: Government Approval	11
	Stage 5: Due Diligence and Project Approval	13
	Stage 6: Project Funding Agreement	14
	Stage 7: Delivery, Monitoring and Evaluation	15
	Stage 8: Project Closure	16
4	Dealing with Programme and Project Management and Changes	17
5	LGF Governance	18
	LGF Programme Management Framework Approval	18
	Role of the Leadership Board	19
	Role of the Investment Panel	20
	Role of the Accountable Body	21
	Role of the LGF Appraisal Panel	21
	Collaboration with Government	21
	Local Audit	21
	Managing Conflicts of Interest	22
	Gifts / Hospitality	22
	Equality and Diversity	22
	Complaints and Whistle Blowing	22
6	LGF Strategic Communications Plan	23
APPENDIX - SEE SEPARATE DOCUMENT		

# 1 OVERVIEW

- In response to Heseltine's report 'No Stone Unturned' government will devolve funding to LEPs through Growth Deals to unlock jobs and growth creation. It is anticipated this initiative will devolve a minimum of £12bn over a six year period (April 2015- March 2021) by redirecting central government funding down to the LEP level.
- This funding, called Local Growth Funding (LGF) is split into competitive and non-competitive elements. This Programme Management Framework covers both elements.
- **Competitive LGF** will be available to LEPs annually through a 'bidding' process. The best proposals to put forward are determined by the LEP Partnership and government decides which projects are to be supported on an annual basis.
- **Non-competitive LGF** relates to funding previously allocated to LEPs through DfT Local Majors Funding. For the Tees Valley £10.6m has been secured over a four year period (April 2015 – March 2019). Proposals to allocate this funding have been previously managed through the Tees Valley Local Major Transport Schemes Assurance Framework – this Framework will now be superseded by the Local Growth Fund Programme Management Framework.
- **Tees Valley Unlimited (TVU) is responsible for administering Local Growth Funding**, in accordance with government requirements and those of Stockton Borough Council acting as the Accountable Body for TVU.
- **LGF Programme Management** is overseen by existing TVU governance arrangements, as detailed within this Framework.

## 2 TRANSPARENCY AND OPENNESS


- It is important that all decisions taken regarding LGF funding are open and transparent.
- Transparency will be maintained through existing TVU arrangements as set out in the Joint Agreement and by adhering to the Local Government Transparency Code.
- A diary of all Leadership Board and Investment Panel meetings will be agreed during the year as soon as possible after the Annual Meetings of the Local Authorities.
- Wherever practicable, a minimum 5 day notice period will be given to members of the Investment Panel and Leadership Board prior to an arranged meeting. Minutes will be made available to members within 7 days of the meeting and will be subsequently available on the TVU Website.

### FREEDOM OF INFORMATION ACT 2000

- As a public body, TVU will be responsible for holding the official record of LGF proceedings and all LGF documents.
- The Freedom of Information Act requires TVU to make available to the public any information held. Any information held by TVU will be supplied upon request under the Freedom of Information Act 2000, unless it is subject to one of the 23 exceptions under the Act. Full details of TVU's Freedom of Information requests procedures can be found on the TVU website.
- It will be the Project Applicant's responsibility to declare any information provided to us that is confidential in nature. If a third party requests access to this information we will liaise with the Project Applicant to inform them of the request. However, we will be obliged to disclose information if it has been declared 'confidential' by the Applicant **and** it is proven to be exempt from disclosure in accordance the legislation. Accordingly, we offer no assurances that Project Applicants' information will be maintained in confidence and we advise them to obtain independent legal advice before submitting any proprietary or sensitive information to us.

### 3 LGF ASSURANCE FRAMEWORK

The purpose of the Tees Valley LGF Assurance Framework is to detail the operating principles and the governance arrangements for decision-making at each stage of the process. It offers stakeholders - including government, TVU partners and local communities – the assurance that there is a robust framework in place to manage LGF projects in an appropriate way, from project planning and development through to selection, delivery and closure, ensuring at all times maximum impact and value for money for the local area. The Tees Valley LGF Assurance Framework is compliant with the government's LGF Assurance Framework (see appendix xx – available in autumn); it covers the following:

LGF PROGRAMME MANAGEMENT	Project Stage	Steps		TVU Group Role	LGF COMMUNICATIONS PLAN		
	STAGE 1: Planning and Development	TVU Groups to develop up potential projects across a 10 year programming period. Projects which are considered of 'strategic importance' are identified through a Project Initiation & Planning form (PIP form) and are prioritised for project development.					
		Transport & Infrastructure	Transport and Infrastructure Group				TVU and themed chair/TIG to make recommendations to TVU Management Group who will coordinate and consider priorities. This will feed up to the Investment Panel and then Leadership Board
		Skills Capital	Employment and Skills Group Chair				
		Innovation	Innovation Leadership Group Chair				
		Business Growth	Economic Development Group Chair				
	STAGE 2: Project Call	Call for projects issued. An LGF Application Form is completed by the Project Applicant.		Projects are appraised by the LGF Appraisal Panel using LGF Assessment Framework.			
	STAGE 3: Local Prioritisation & Selection	Projects to be put forward for the LGF bid to government are agreed.		Leadership Board 'select' projects for inclusion into the LGF bid to government based on Investment Panel recommendations.			
	STAGE 4: Government Approval	LGF bid submitted to government with supporting documentation provided.		Bid and supporting evidence is submitted to government on behalf of the Leadership Board. Government approve projects to proceed.			
STAGE 5: Due Diligence & Project Approval	Independent Assessment of government approved projects following Green Book principles. Recommendations are made on projects' ability to proceed.		Final approval of projects made by the Investment Panel based on Due Diligence recommendations.				
STAGE 6: Project Funding Agreement	Funding Agreements in place. Project is able to proceed to delivery.		Funding Agreements approved by Stockton Borough Council (as TVU accountable body) and Project Lead.				
STAGE 7: Delivery, Monitoring and Evaluation	Monitoring includes claims and verification checks and progress update reports. Evaluations will be performed at appropriate intervals and at the end of the project.		Investment Panel oversee project delivery, monitoring and evaluation and report to government as necessary. A Communications Plan ensures key progress and delivery updates are given to stakeholders.				
STAGE 8: Project Closure	This includes project closure on both financial and practical matters.		Investment Panel oversee both financial and practical closure arrangements.				

## STAGE 1: PROJECT PLANNING AND DEVELOPMENT

### Strategic Project Identification & Development

- TVU Groups, many of which are chaired by a private sector member of the Leadership Board, are responsible for overseeing the identification and development of strategically important projects over a 10 year + programming period. These projects must offer maximum sub-regional impact, particularly in relation to unlocking jobs and growth.
- Where appropriate, projects which are deemed to be of strategic importance may have funding allocated to help develop and work up proposals further, enabling them to potentially access future LGF funding. Here are the steps to be taken for strategic project development approval:
  - **TVU Group Chairs will work with TVU** and will make recommendations on projects which are considered to be strategically important based on completed 'PIP' forms; they will identify which ones they consider to be priority for early development.
  - **TVU Management Group** will coordinate and consider the proposed priority projects put forward by TVU Group Chairs and will make recommendations made to the Investment Panel on behalf of the TVU Groups;
  - The **Investment Panel** will consider the recommendations and the evidence presented by the TVU Management Group on behalf of the TVU Groups. The will make final recommendations to the Leadership Board. This will include details on which projects may require funding to work up proposals further<sup>1</sup>.
  - The **Leadership Board** will agree the 10 year list of strategically important projects and will consider the recommendations made by the Investment Panel to prioritise projects for development funding as required.
  - The **Investment Panel** will oversee strategic project development.
- Projects that are sufficiently developed/scoped will be put forward for LGF funding as required (refer to next step).

### Supporting Documentation:

Appendix xx: PIP Form (to be developed)

Appendix xx: PIP Guidance (to be developed)

### SHARING OF INFORMATION AT STAGE 1:

*Wherever possible, papers and minutes of the meetings above will be shared openly with partners and the wider community through the TVU website.*

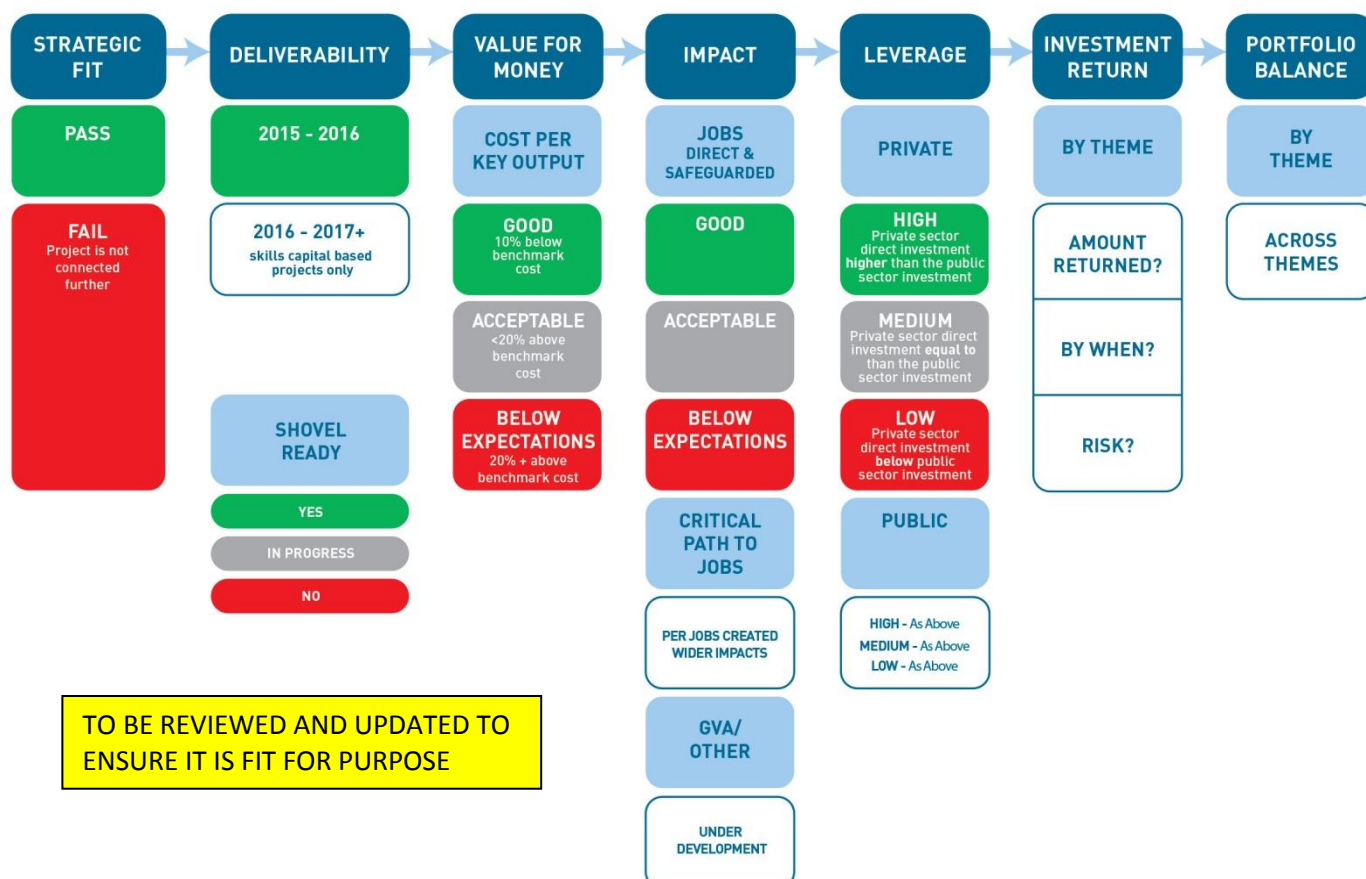
*However, any information that is deemed to be sensitive in nature must be declared at each meeting and will then be classed as **restricted**. This will mean that any information relating to the project will not be shared outside of the groups detailed above without the consent of the Project Applicant or as required by law. In these instances all members of the groups shall treat the information provided as confidential.*

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<sup>1</sup> This allocation will be given where the Investment Panel has been given a clear mandate to do so under existing funding arrangements and will be open and transparent in its approach; e.g, where it is proposed Growing Places Funding will be used to fund project development, the Investment Panel will award the funding in full accordance of any grant conditions laid out by the fund; for the Tees Valley Investment Fund, awards will be given in full accordance of agreed local arrangements.

## STAGE 2: PROJECT CALL

- Project Calls will be issued annually by TVU in line with government timescales (consideration to be given on the call content and communication/coverage).
- Details of the project will be drafted through an 'LGF Application Form' (appendix xx – under review to ensure it is 'fit for purpose').
- Enough detail – independently verified where necessary – must be provided to ensure the relevant decision can be made to confirm strategic fit, impact, value for money and deliverability, and ultimately to determine whether the project is deemed to be strategically important.
- Planning for the project should be commensurate with its size, complexity, scope and risk. It is the responsibility of the Project Applicant to complete the Form within the timescales given and to cover any costs associated with the EOI stage.
- All projects will be expected to consider and have full regard for the **LGF Assessment Framework** (see below). They must demonstrate a clear strategic fit and be shown to be of strategic importance to the Tees Valley. They must be able to demonstrate their ability to offer value for money and must show how they will maximise their impact across the Tees Valley (particularly in relation to jobs and growth). They must also offer assurances regarding their deliverability and show consideration for their ability to payback the LGF funding, where appropriate. A more detailed breakdown of LGF Assessment Framework requirements can be found in appendix xx (under review to ensure it is 'fit for purpose').



**Supporting Documentation:**

Appendix xx: LGF Application Form (under review to ensure it is 'fit for purpose')

Appendix xx: LGF Application Form Guidance Note (under review to ensure it is 'fit for purpose')

Appendix xx: LGF Assessment Framework (under review to ensure it is 'fit for purpose')

**SHARING OF INFORMATION AT STAGE 2:**

*The LGF Expression of Interest Form will have guidance to aid completion and the LGF Assessment Framework will be shared openly with potential Project Applicants through the LGF Programme Framework and directly through the Project Call.*



## STAGE 3: LOCAL PRIORITISATION AND SELECTION

- All projects which have submitted an LGF Application Form will undergo an appraisal by the TVU Appraisal Panel using the LGF Assessment Framework detailed in stage 2. This group will consist of TVU representatives from a wide range of backgrounds who will consider and advise on the policy/strategic context and provide appropriate technical advice where required. The Terms of Reference for this Group can be found in the appendix (to be written).
- The **TVU Appraisal Panel** will complete an LGF Appraisal Form for each project and will make recommendations to the Investment Panel on the following:
  - Projects which do not fit strategically with the TVU Strategic Economic Plan and which should therefore be rejected;
  - Based on the evidence presented, identify projects which are able to deliver / proceed over the proposed funding period;
  - Based on the evidence presented, identify the best performing projects by category (i.e: transport, skills capital, innovation, etc);
  - Please note: if there is an occasion where members of the **TVU Appraisal Panel** do not agree on the appraisal outcome, it will be the responsibility of the Appraisal Panel Chair to reach a final decision on the recommendations to be made to the Investment Panel.
- The **Investment Panel** will review the evidence presented to them by the LGF Appraisal Panel. Their role will be to undertake the following:
  - Reject projects which do not fit strategically with the TVU Strategic Economic Plan;
  - Agree which projects are able to deliver / proceed over the proposed funding period;
  - Identify the best performing projects by category and recommend to the Leadership Board a priority list of projects for inclusion into the LGF annual bid to government.
- The **Leadership Board** will have the authority to select projects for inclusion into the annual LGF bid to government and will have final agreement on the order of prioritisation.

### Supporting Documentation:

Appendix xx: LGF Assessment Framework (under review to ensure it is 'fit for purpose')

Appendix xx: LGF Appraisal Form (form under review to ensure it is 'fit for purpose')

### SHARING OF INFORMATION AT STAGE 3:

*Due to the nature of the LGF bidding process and the sensitivity of the information provided, all LGF Application Forms and the LGF Appraisal Forms are classed as **restricted**. This will mean that any information relating to the project will not be shared outside of the groups detailed above without the consent of the Project Applicants. In these instances all members of the groups shall treat the information provided as confidential.*

*Add in statement here from Stockton legal team regarding the applicant's obligation to declare what is confidential and therefore not available publicly upon request.*

*Investment Panel and Leadership Board minutes relating to LGF will also be classed as **restricted**. However, once the Growth Deals have been announced, the restricted sections of the minutes will be recategorised as 'open' and will be made available to the wider partnership and to the public through the TVU website.*

*Appropriate information will also be shared with government teams who are responsible for LGF to aid their decision-making and to strengthen the Tees Valley LGF bid. All information will be passed over marked 'restricted' and therefore will be treated as confidential in nature by government.*

*There may be instances when information provided by the Project Applicant will be used to write LGF local and national press releases. TVU and government will use the information provided sensitively but reserve the right to use the information provided as and when required. This will be done with full consideration of the nature and sensitivity of the information provided. All Project Applicants will be required to sign up to this approach as part of their LGF Expression of Interest Form submission.*

## STAGE 4: GOVERNMENT APPROVAL

### Project Selection

- Based on the outcomes of stage 3, an LGF bid will be submitted to government with supporting documentation as required.
- Government make announcements on selected projects through the Growth Deal and all Project Applicants will be informed of the outcome by TVU.
- Where requested, feedback on unsuccessful projects will be requested from government by TVU on behalf of the Project Applicant.
- TVU will liaise with the Project Applicants of selected projects to discuss next steps and timetables for delivery.

### Growth Deal Approval

- The Growth Deal sets out how the Government and TVU will deliver the Tees Valley Strategic Economic Plan. The Growth Deal is supported by a suite of other documents which detail the joint commitments between TVU and government, including:
  - A **Funding Agreement** between government and TVU (through SBC as Accountable Body) will allow all funding associated with the Growth Deal (such as Local Growth Funding) to be devolved to TVU as the LEP for the Tees Valley. This agreement will need to be signed by Stockton Borough Council acting in their capacity of Accountable body for the LEP.
  - A **Tees Valley LEP Implementation Plan** which sets out how TVU and the government will make the Growth Deal operational through clearly defined activities, responsibilities and milestones, with the aim that the Growth Deal is fully ready for delivery by April 2015.
  - An **Assurance Framework** that provide guidance to LEPs to ensure value for money across a range of interventions;
  - A **Monitoring and Evaluation Plan** that sets out how the Growth Deal will be measured, reported and evaluated;
  - A **Strategic Communications Plan** that sets out how TVU and Government will work together on communications activity.
- Wherever possible government intends to build on the process and documents that LEPs already have in place. This document, the **Tees Valley LGF Programme Management Framework**, sets out the local approach to all of the above and will evolve to incorporate specific government requirements.
- It is the **responsibility of the Investment Panel** to oversee the development and implementation of the Tees Valley LGF Programme Management Framework, as designated by the Leadership Board on the 23<sup>rd</sup> July 2014 and by the five Tees Valley Local Authorities (dates to be added in if and when approval given).

### Supporting Documentation:

Appendix xx: Tees Valley LGF Funding Agreement (expected to be signed in October 2014)  
Appendix xx: Tees Valley LEP Implementation Plan (expected to be agreed by October 2014)  
Appendix xx: HMG LGF Assurance Framework (formal guidance expected in autumn 2014)  
Appendix xx: Tees Valley LGF Monitoring and Evaluation Plan (expected to be agreed by February 2015)  
Appendix xx: Tees Valley LGF Strategic Communications Plan (date tbc)

**SHARING OF INFORMATION AT STAGE 4:**

*The final versions of the Growth Deal and all associated documents will be put onto the TVU website at the earliest opportunity, as will the Tees Valley LGF Programme Management Framework.*

*For future Growth Deals, TVU will issue a press release regarding any announcement and will liaise with successful Project Applicants and other key stakeholders regarding their own press releases to ensure a coordinated and cohesive approach on key messages.*

## STAGE 5: DUE DILIGENCE & PROJECT APPROVAL

- TVU on behalf of the partnership will undertake independent assessments of government approved projects following Green Book principles and in accordance with the Assurance Framework Guidance note from government (expected Autumn 2014);
- A Due Diligence organisation will be appointed using Stockton Borough Council's procurement procedures;
- The appointed Due Diligence organisation will review the project evidence provided to date and will inform the Project Applicant of any additional requirements to be met in order to complete Due Diligence;
- Where there is any costs to be incurred by the Project Applicant to complete TVU Due Diligence, these will be identified and communicated at this stage;
- The Project Applicant will be given an agreed timeframe to provide the evidence needed to complete Due Diligence. The level of Due Diligence to be undertaken will be commensurate with the project size, scale, complexity and associated risks;
- The appointed Due Diligence organisation will make recommendations to the Investment Panel regarding the projects' ability to proceed to delivery;
- Final approval of projects will be made by the **Investment Panel** based on Due Diligence recommendations.
- **All approved projects will have their LGF funding allocation confirmed at this point** and will proceed to the next stage: Funding Agreement.

## SUSTAINABLE DEVELOPMENT

Sustainable development is a collection of methods to create economic growth which protects the environment, relieves poverty, and does not destroy natural capital in the short term at the expense of long term development. All projects must consider Sustainable Development issues during the development and delivery phases. This will be checked at the Due Diligence Stage through the Due Diligence Form projects are asked to complete.

### Supporting Documentation:

- Appendix xx: HMG Assurance Framework (expected autumn 2014)
- Appendix xx: Tees Valley LGF Due Diligence Framework (under development)
- Appendix xx: LGF Due Diligence Form (under development)

### SHARING OF INFORMATION AT STAGE 5:

*Due to the sensitive nature and level of information provided at this stage, the detailed Due Diligence information shall remain **restricted** at all times. This will mean that any information relating to the project will not be shared outside of the groups detailed above without the consent of the Project Applicant. In these instances all members of the groups shall treat the information provided as **confidential**.*

*However, minutes of the Investment Panel meeting will be 'open' and will be made available to the wider partnership and to the public through the TVU website.*

## STAGE 6: PROJECT FUNDING AGREEMENT

- Project level Funding Agreements must be approved by Stockton Borough Council (as TVU accountable body) and the Project Applicant.
- All Funding Agreements must be signed by an appropriate representative of both Stockton Borough Council and the Project Applicant and must have the appropriate level of autonomy and delegation to commit and bind their organisation to the Funding Agreement.
- Once the Funding Agreement is signed the Project Applicant can proceed to the next stage, in full accordance with the Funding Agreement.

### Supporting Documents:

Appendix xx: Draft Project Funding Agreement (under development)

## STAGE 7: DELIVERY, MONITORING AND EVALUATION

### SECTION UNDER DEVELOPMENT

#### Project Delivery

- Investment Panel oversee project delivery, monitoring and evaluation and reports to government as necessary.
- Once the Funding Agreement has been signed the project moves from development to delivery.
- The delivery phase is comprises a range of activities to ensure the project is delivered effectively. Whilst the development phase deals with the project in terms of how it is expected to be delivered, delivery deals with the live project being delivered. This means that unanticipated issues could arise once delivery has commenced; therefore the project often has to evolve and develop during the delivery phase.
- There are a number of processes that support project delivery. Some of these will be undertaken for every project, where others will be invokled where necessary.

#### Every project will need to undergo the following in the delivery phase:

- **Project Starts:**
  - Project Engagement Visit – will offer support to Project Applicants to ensure they are familiar with claims requirements
  - Ongoing project engagement arrangements may be arranged, where required
- **Claims:**
  - **Pre 2015 claim:** procedures/stages/evidence required for this claim to be developed (i.e: pre-delivery costs form – issues raised – sign off – approval. Evidence- procurement procedures followed, PO's, invoices paid and certified – payment made, evidence of defrayment, etc)
  - **Delivery phase April 2015+:** Evidence required for claims, monitoring of milestones and progress updates. Management of late claims, claim certification and authorisation; Nil claims
  - **The above must be in line with any governmal grant conditions at all times**

#### Project Audits

#### Project Closure

- Financial completion checks
- Practical completion checks - 15% kept back until proof of practical completion
- Ongoing monitoring requirements – to be defined
- Comms requirements – to be defined

#### Evaluation

- A Programme Monitoring and Evaluation Plan is under development

The following will be invokled only when necessary **(under development):**

- **Changes and variations** – procedures - dealing with Minor issues (<10% variance spend / outputs/ project delivery slippage) /major issues (>10% variance spend / outputs/ project delivery slippage, etc);
- **Irregularities** – procedures, i.e: not capital spend
- **Clawback/recovery** – procedures – when? How? Approval?
- **Appeals** – management of/procedures at each stage

## **Programme Risk Management Procedures**

Currently under development

### **Supporting Documents:**

To be defined and developed

## **STAGE 8: PROJECT CLOSURE**

### **SECTION UNDER DEVELOPMENT**

- This includes project closure on both financial and practical matters.
- Investment Panel oversee both financial and practical closure arrangements.
- End of project visit
- Closure report



## 4 DEALING WITH PROGRAMME AND PROJECT MANAGEMENT AND CHANGES

**General Programme Management will be the responsibility of the following groups:**

- **Leadership Board** will formally 'select' projects to put forward for future LGF funding (based on Investment Panel recommendations – stages 1-3 of the LGF Assurance Framework)
- **Investment Panel** will oversee the management of these projects (stages 5-8 of the LGF Assurance Framework)
- **The Accountable Body** – Stockton Borough Council will assume legal responsibility for LGF decisions under the existing Joint Agreement. The arrangement has been used successfully to deliver major schemes in the past, such as elements of the Tees Valley Metro Scheme, Single Programme and ERDF funded projects.

**Any Project changes will be managed in the following way:**

- **Investment Panel will be responsible for overseeing and approving any project changes;** minor changes (those that have a <10% variance spend / outputs/ project delivery slippage) will be approved and dealt with by TVU staff, in full partnership and accordance with the Accountable Body requirements.
- **Investment Panel will be able to re-profile and re-allocate spend to other 'selected' projects** where there is a requirement to do so (for example, if there is a project underspend or if a project drops off). This may be to the following:
  - Existing projects (for extra outputs);
  - Agreed 'strategic projects' (agreed at stage 1 by Leadership Board);
  - Projects previously 'selected' by the Leadership Board for LGF funding through an 'open call' (stage 2 of the LGF Assurance Framework) but which were not successful with Government (stage 4 of the LGF Assurance Framework).
- **Leadership Board would need to approve any 'new' projects** which have not been previously considered and/or put forward for LGF funding to Government (i.e: those that do not fall into the three categories above)
- **All projects would need to be (re-)assessed** to demonstrate they fit strategically, are deliverable and offer value for money, in line with the PMF and Accountable Body requirements.

## 5 GOVERNANCE

### SECTION UNDER DEVELOPMENT

Set up by the five Local Authorities, TVU is a voluntary public / private partnership set up to develop and deliver strategic economic growth across the Tees Valley. It is the Local Enterprise Partnership for the Tees Valley and has a private sector-led Leadership Board, an Investment Panel and a range of thematic groups that support, advise and inform the Panel and Board on key strategic matters.

The LGF Programme Management Framework will operate under the existing Partnership Agreement in place for the Tees Valley (see appendix xx).

### LGF Programme Management Framework Approval

- The PMF provides a robust, transparent and thorough approach to all aspects of LGF programme management.
- Developed by Tees Valley Unlimited, the process has been informed by TVU stakeholders and will be managed by **TVU Investment Panel**, as delegated by the **TVU Leadership Board** on 23<sup>rd</sup> July 2014.
- The LGF Programme Management Framework will operate under the existing Partnership Agreement in place for the Tees Valley (see appendix xx). Under this agreement, TVU is seeking approval from each of the five **Tees Valley Local Authorities** to delegate any future amendments of the Framework to the TVU Investment Panel (to be updated after LA cabinet / Committee meetings).
- Government approval for the Tees Valley LGF Programme Management Framework will be demonstrated through the annual Tees Valley LEP Implementation Plan (see appendix xx – available end of October) and through meeting the requirements set out in Government's Assurance Framework (still in draft form).
- The responsibility to make any future developments and amendments to the LGF Programme Management Framework or the grant conditions contained therein lies with the Investment Panel. Where necessary the Panel must seek assurances from the Leadership Board and/or from government; these circumstances are defined under section 4: Dealing with Programme and Project Changes.

DIAGRAM TO BE ADDED HERE TO SHOW THE FLOW OF DECISION-MAKING AT EACH STAGE

## Role of the Leadership Board

- The Leadership Board is responsible for the development and delivery of the Tees Valley Strategic Economic Plan, ensuring that local strategic aims are considered alongside national aims and suitable funding mechanisms are sought and implemented to deliver the necessary investment in Tees Valley.
- The Board is responsible for the delivery of the Growth Deal, City Deal and activities to achieve the plan for the area. It is responsible for the strategic oversight of all local investments, be that from the Local Growth Fund, European Structural & Investment Funds, Tees Valley Investment Fund or any other future funding streams.
- The TVU Leadership Board is the designated 'Local Transport Board' as agreed in the Local Major Transport Assurance Framework; this will evolve to include responsibility for the Local Growth Fund and the delivery of the overall Growth Deal. The full role and remit of the Leadership Board can be found in **appendix xx**.
- On matters relating to Local Growth Funding, the Board has overall responsibility for 'selecting' projects to put forward to government in a bid to receive funding (further details are given in section 4).
- All projects are selected by consensus by members who have delegated voting rights. Decisions will be reached by working with the advisors to agree the best possible proposals to put forward for funding. If a member with voting rights is conflicted (i.e: the project has been put forward by their own organisation), then the conflicts of interest procedure must be followed (see below).
- The Board consists of the following members:

Members		Organisation	Local Growth Fund Vote
Sandy	Anderson	Tees Valley Unlimited	CHAIR
Bill	Dixon	Darlington Borough Council	YES
Christopher	Akers-Belcher	Hartlepool Borough Council	YES
Ray	Mallon	Middlesbrough Council	YES
George	Dunning	Redcar & Cleveland Borough Council	YES
Bob	Cook	Stockton Borough Council	YES
Nigel	Perry	CPI	PRIVATE SECTOR ADVISOR
Alastair	MacColl	BE Group	PRIVATE SECTOR ADVISOR
Alison	Thain	Thirteen	PRIVATE SECTOR ADVISOR
Paul	Booth	SABIC UK Petrochemicals	PRIVATE SECTOR ADVISOR
Graham	Henderson	Teesside University	ADVISOR
David	Robinson	PD Ports	PRIVATE SECTOR ADVISOR
Tim	Grant	Darlington College	PRIVATE SECTOR ADVISOR
Naz	Parkar	Homes & Communities Agency	ADVISOR
David	Soley	Cameron's Brewery	PRIVATE SECTOR ADVISOR
Martin	Raby	Cleveland College of Art & Design	ADVISOR
Ian	Kinnery	Team Massive Results	PRIVATE SECTOR ADVISOR
Anne	Yare	CTC Marine Darlington	PRIVATE SECTOR ADVISOR

## Role of the Investment Panel

- The Investment Panel was set up to manage any funds under the direction of TVU. These include overseeing the delivery of Business Compass (the Growth Hub for the Tees Valley funded through RGF), the Jobs and Skills Investment Scheme (RGF funded), Contract Catalyst (RGF funded), Growing Places Funding and Enterprise Zone income.
- The Panel is split into two parts:
  - The Tees Valley ESIF Committee, which will be operating in shadow form from October 2014, is responsible for the management and direction of European Structural Funding;
  - The wider Investment Panel meeting focuses on wider LEP Investments, such as the management of Enterprise Zone income and Growing Places Funding.
- The Panel has delegated authority to manage the Local Growth Fund on behalf of the Leadership Board. It is responsible for managing the LGF Programme Management Framework and for overseeing project development, delivery and closure and performance management;
- The Panel is also responsible for making recommendations to the Leadership Board for 'selecting' projects to put forward to government in a bid to receive funding (further details are given in section 4). If a member conflicted (i.e: the project has been put forward by their own organisation), then the conflicts of interest procedure must be followed (see below).
- The Panel consists of the following members (the full role and remit can be found in **appendix xx**):

Member		Organisation
Hugh	Morgan-Williams (OBE)	Independent Representative
Alastair	MacColl	BE Group
Ada	Burns	Darlington Borough Council
Mike	Airey	Handelsbanken Darlington
Dave	Stubbs	Hartlepool Borough Council
Ralph	Pickles	Helmsway Ltd
Bill	Carr	Homes & Communities Agency
Mike	Robinson	Middlesbrough Council
Amanda	Skelton	Redcar & Cleveland Borough Council
Neil	Schneider	Stockton Borough Council (CHAIR)
Cliff	Hardcastle	Teesside University
Laura	Woods	Teesside University
Alison	Thain	Thirteen

## Role of the Accountable Body

### TO BE VERIFIED AND CHECKED BY THE ACCOUNTABLE BODY

- Stockton-on-Tees Borough Council (SBC) is the accountable body for the Local Growth Fund, on behalf of TVU, and assumes legal responsibility for LGF decisions.
- SBC have worked with TVU on all legal and financial aspects of the LGF Programme Management Framework, ensuring at all times that it adheres to their policies and procedures;
- SBC will be responsible for signing the Funding Agreement with Government, on behalf of TVU;
- SBC will be responsible for signing off the Funding Agreements with Project Applicants;
- SBC assume legal responsibility for authorising claims for payment over to Project Applicants and for project closure;
- Any ongoing responsibilities relating to LGF performance management will be the legal responsibility of SBC.

## Role of the LGF Appraisal Panel

### TO BE DEFINED

Must attend: Chair / Deputy Chair

Other attendees: TVU Strategic Investment Planning team and Infrastructure and Transport Team

Potential Attendees (project specific): Internal thematic experts

## Collaboration with Government

TVU will work closely with the government's Relationship Manager to ensure the LGF Programme Management Framework is in keeping with government expectations and requirements, as set out in the government Funding Agreement, the LEP Implementation Plan, LGF Monitoring and Evaluation Plan and the LGF Strategic Communications Plan.

## Local Audit

Our Approach will be to use SBC auditors to independently audit the Tees Valley local Growth Fund LGF annual basis as part of the external audit of SBC's accounts.

## Gifts / Hospitality

Existing TVU gifts and hospitality procedures apply where any gift or hospitality over the value of £25 will be declared and documented. These procedures can be found on the TVU Website.

## Equality and Diversity

An Equality Framework has been established that covers the work and outputs of all of the TVU boards, panels and groups, which is updated on an annual basis. This is available on the TVU Website.

## Conflicts of Interest Procedures

Existing TVU conflicts of interest procedures apply for LGF matters:

- A standing item, regarding conflicts of interest, is included on each agenda at the start of TVU meetings. All members should declare the existence and nature of any interests at this point;
- Details of the declaration are recorded in the minutes of the meeting. If members arrive part way through a meeting they should declare any interest at the start of the relevant item or as soon as it becomes apparent that they have an interest;
- TVU will maintain a publically available register of such declared interests, detailing the nature and extent of such an interest;
- Where a conflict of interest occurs, the member should withdraw from the meeting room whilst the relevant business is being considered / determined and, must not vote or otherwise improperly influence decisions on that business;
- In respect of collective decisions, such as partnership quarterly grant claims or the approval of annual delivery plans, partnership members should consider the issues in respect of the *other* elements of the schemes and not their own projects or interests. *In practice, this means that within the context of an overall scheme decision, members should vet each other's claim or submission.*
- All TVU Board and Investment Panel members are required to complete a TVU Member Notification of Personal Interest Form when joining the group, which is then repeated on an annual basis. This ensures that Members adhere to a Model Code of Conduct, issued under section 50 of the Local Government Act 2000. Elected TVU Board Members will also have signed an undertaking to adhere to a Model Code of Conduct, which has been adopted by their authority.

## Complaints and Whistleblowing

- TVU has a dedicated complaints procedure which is followed upon receipt of a complaint. The details of which are published on the TVU website.
- In summary a complaint must be sent to TVU's Office Manager in writing (fax and email also accepted).
- All complaints will be investigated and fully responded to within 10 working days of receipt.
- If the sender of the complaint is unhappy with the response or action taken, a further response will be within 20 working days.
- If the sender is still unhappy the matter can be put to the Local Government Ombudsman.

### Supporting Documentation:

Appendix xx: TVU LA Joint Agreement  
Appendix xx: Leadership Board terms of Reference  
Appendix xx: TVU Investment Panel Terms of Reference  
Appendix xx: LGF Appraisal Panel Terms of Reference

## LGF STRATEGIC COMMUNICATIONS PLAN

### SECTION UNDER DEVELOPMENT

- Communications Plan ensures key progress and delivery updates are given to stakeholders.
- The communications approach will be defined for each stage, taking into account the requirements for the following:
  - Project Applicants
  - TVU Governance requirements
  - Wider partnership requirements
  - Communities' requirements

***LAST PAGE***



## Tees Valley Local Growth Funding Allocation Compared to Other LEPs

COMPETITIVE LGF ONLY					
		Total			
Order	LEP Competitive	Competitive Allocation £ph	Order	LEP Competitive	Total Competitive Allocation £m
1	SWINDON AND WILTSHIRE	£171.31	1	GREATER BIRMINGHAM AND SOLIHULL	322.4
2	GREATER BIRMINGHAM AND SOLIHULL	£164.47	2	LEEDS CITY REGION	295.5
3	THAMES VALLEY BERKSHIRE	£161.09	3	GREATER MANCHESTER	273.1
4	OXFORDSHIRE	£152.39	4	LONDON	236.1
5	CHESHIRE & WARRINGTON	£136.53	5	SHEFFIELD CITY REGION	234.6
6	SHEFFIELD	£134.45	6	SOUTH EAST	208.2
7	HERTFORDSHIRE	£130.19	7	NORTH EAST	196.2
8	LIVERPOOL CITY REGION	£124.52	8	LIVERPOOL CITY REGION	188.2
9	TEES VALLEY	£108.50	9	COAST TO CAPITAL	178.2
10	BLACK COUNTRY	£101.24	10	HERTFORDSHIRE	147
11	NORTH EAST	£101.20	11	LANCASHIRE	133.9
12	GREATER MANCHESTER	£101.07	12	D2N2	131.5
13	LEEDS CITY REGION	£99.41	13	CHESHIRE & WARRINGTON	123.7
14	THE MARCHES	£97.76	14	SWINDON AND WILTSHIRE	118
15	HUMBER	£95.31	15	BLACK COUNTRY	116.1
16	COAST TO CAPITAL	£91.67	16	OXFORDSHIRE	100.7
17	LANCASHIRE	£91.36	17	SOLENT	100.1
18	WEST OF ENGLAND	£79.77	18	HEART OF THE SOUTH WEST	98.1
19	NORTHAMPTONSHIRE	£79.50	19	ENTERPRISE M3	93.8
20	CORNWALL & ISLES OF SCILLY	£74.05	20	HUMBER	87.8
21	DORSET	£72.24	21	WEST OF ENGLAND	86.2
22	YORK, NORTH YORKSHIRE AND EAST RIDING	£72.11	22	THAMES VALLEY BERKSHIRE	82.4
23	BUCKINGHAMSHIRE THAMES VALLEY	£70.19	23	YORK, NORTH YORKSHIRE AND EAST RIDING	82.1
24	WORCESTERSHIRE	£69.07	24	NEW ANGLIA	81.8
25	COVENTRY AND WARWICKSHIRE	£67.50	25	TEES VALLEY	72
26	LEICESTER & LEICESTERSHIRE	£64.56	26	GREATER LINCOLNSHIRE	67.3
27	GREATER LINCOLNSHIRE	£64.29	27	THE MARCHES	64.6
28	SOLENT	£64.27	28	SOUTH EAST MIDLANDS	64.6
29	GLOUCESTERSHIRE	£64.26	29	LEICESTER & LEICESTERSHIRE	63.8
30	D2N2	£61.94	30	STOKE-ON-TRENT AND STAFFORDSHIRE	61.7
31	HEART OF THE SOUTH WEST	£58.48	31	COVENTRY AND WARWICKSHIRE	58.8
32	ENTERPRISE M3	£57.05	32	GREATER CAMBRIDGE GREATER PETERBOROUGH	57
33	STOKE-ON-TRENT AND STAFFORDSHIRE	£55.99	33	NORTHAMPTONSHIRE	55.7
34	SOUTH EAST	£51.78	34	DORSET	54.2
35	NEW ANGLIA	£51.20	35	CORNWALL & ISLES OF SCILLY	40
36	GREATER CAMBRIDGE GREATER PETERBOROUGH	£41.23	36	WORCESTERSHIRE	39.3
37	CUMBRIA	£38.07	37	GLOUCESTERSHIRE	38.7
38	SOUTH EAST MIDLANDS	£37.23	38	BUCKINGHAMSHIRE THAMES VALLEY	35.9
39	LONDON	£28.42	39	CUMBRIA	19
	TOTAL COMPETITIVE ALLOCATION £PH	£77.76		TOTAL COMPETITIVE ALLOCATION	4508.3
	TOTAL LEP POPULATION	57,974,799			
	TV v National	£30.74			

# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Chief Finance Officer

**Subject:** IRRECOVERABLE DEBTS – COUNCIL TAX  
AND BUSINESS RATES

**1. TYPE OF DECISION/APPLICABLE CATEGORY**

Non Key Decision.

**2. PURPOSE OF REPORT**

- 2.1 To seek members approval to write-out a number of Council Tax and Business Rates debts which are now considered to be irrecoverable.

**3. BACKGROUND**

- 3.1 The Council's financial procedure rules provide that any debt due to the Council of £1000 or more can only be written-out with the express permission of Members.

**4. RECOMMENDED WRITE OUT**

- 4.1 The following sectors provide historic collection performance and recommended write off for Council Tax and Business Rates.

**4.2 Council Tax**

- 4.3 After the award of relevant discounts, exemptions and Local Council Tax Support awards, the Council collects annually about £38.6m of Council Tax covering over 42,000 properties. The Council's performance in collection of Council Tax continues to be positive, despite the difficult economic climate and the impacts of the abolition of Council Tax Benefit and the introduction of Local Council Tax Support.

- 4.4 In 2013/14, about 6,000 households received a Council Tax bill for the first time (who previously received 100% Council Tax Benefit) and a further 2,600 households received a higher Council Tax bill (these households previously received partial Council Tax Benefit). Comparative data shows that in 2013/14, the Council collected 96.1%

of the Council Tax due, second highest in the Tees Valley and slightly higher than the national Metropolitan and Unitary average of 96.05%.

- 4.5 After 5 years, in Hartlepool in excess of 99.2% of Council Tax will have been collected and the Council continues to vigorously pursue recovery of the remaining amounts. However, the Council recognises that those facing hardship may require additional time to pay their Council Tax. During the recovery process efforts are made to distinguish between those that “can’t pay” from those that “can pay but won’t pay”.
- 4.6 **Business Rates**
- 4.7 The Council currently bills and collects about £33 million of business rates per annum and with the introduction of the retained business rates system on 1<sup>st</sup> April 2013, it is even more important that the Council has effective arrangements for recovery of these sums. In addition, the Council is responsible for continuing to pursue collection of outstanding business rates arrears relating to the former National Non Domestic Rates (NNDR) Pool that operated until 31<sup>st</sup> March 2013.
- 4.8 The Council’s performance in collection of NNDR is positive. In 2013/14, 98.5% of business rates were collected within the financial year it was billed, which is higher than the national average for Metropolitan and Unitary Councils of 97.25%. In terms of long term collection of business rates, after 5 years in Hartlepool, in excess of 99.5% of business rates due will have been collected.
- 4.9 Most of the Business Rates recommended for write out relate to company insolvencies where the Council is limited to submitting a claim in insolvency proceedings. The Council is unlikely to receive any settlement from these proceedings, as the Council ranks below other creditors notably HM Revenue and Customs, therefore the debt is being prudently written out of the accounting system.
- 4.10 **Recovery Actions Council Tax and Business Rates**
- 4.11 A range of recovery actions are deployed to secure Council Tax and Business Rates recovery including court action, Enforcement Agents (Bailiffs), Attachment of Earnings Orders, Attachment of Benefits Orders, bankruptcy / liquidation proceedings and charging orders. For absconded debtors, extensive tracing is undertaken over a period of time and should any forwarding address become apparent, the relevant Council Tax / Business Rate debt would be reinstated onto the system, and enforcement action would recommence.
- 4.12 If any payment is subsequently received in respect of any of the individual debts referred to in this report, the relevant debt will also be reinstated onto the council’s accounting systems. Whilst every effort is made to collect debts due to the Council, certain debts become irrecoverable, and this report seeks agreement for their write-out.

## 5. FINANCIAL IMPLICATIONS

- 5.1 In terms of the annual Council Tax debit to be collected, the amount proposed for write out continues to be very low. National benchmarking puts Hartlepool in the lowest quartile for Council Tax write outs (no comparative data is available for business rates) and the proposed write outs in this report are well within the financial planning assumptions underpinning the Council's budget. The total amount recommended for write out is £3,467.03.
- 5.2 For Business Rates, historical accounting provisions have been established and have been charged against the former National Non Domestic Rates / Business Rates Pool for any business rates debts prior to 1<sup>st</sup> April 2013, considered to be at risk of non recovery. **Of the proposed business rates write outs contained in this report of £51,953.76, the majority (75% or £39,122.62) will be charged against the central government National Non Domestic Rates Pool bad debt provision and thereby will have no financial impact on the Council.** The proposed write outs are within the financial planning assumptions underpinning the Council's budget.
- 5.3 The appendices attached to this report detail the individual Council Tax and Business Rates debts over £1000, and the reasons why each debt remains unrecovered. The amounts recommended for write out are the net debt outstanding and the net amounts involved often span more than one financial year:

**Appendix A – Company Liquidated / Dissolved - £50,361.71**  
**(This information is disclosed as it would be in the public domain via Companies House.)**

**Appendices B, C and D contain exempt information under Schedule 12A Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely (para3), information relating to the financial or business affairs of any particular person (including the authority holding that information)**

**Appendix B – Absconders - £1,139.37**  
**Appendix C – Miscellaneous - £1,201.00**  
**Appendix D – Bankrupt - £2,718.71**

**Total £55,420.79, comprising:**

- **Council Tax £3,467.03 and**
- **Business Rates £51,953.76**

All debts submitted for write-out from the accounting records have been comprehensively scrutinised by officers.

**6. RECOMMENDATION**

- 6.1 It is recommended that Members
- i) approve the write-out of irrecoverable Council Tax of £3,467.03 and Business Rates debts of £51,936.70
  - ii) and to note that £39,122.62 of Business Rates write out relates to former national non domestic rates and will be charged to the former national pool bad debts provision, thereby having no financial impact on Hartlepool.

**7. REASONS FOR RECOMMENDATION**

- 7.1 To ensure the appropriate accounting treatment of debtors within the council's financial systems and financial accounts.

**8. BACKGROUND PAPERS**

- 8.1 No background papers.

**9. CONTACT OFFICER**

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**Companies Liquidated / Dissolved****6.2 Appendix A**

Account Ref	Name	Address	O/S BALANCE	From	To	Reason for write off / comments
9050298419	Chris Berry Glazing Ltd	24 Brenda Road	£4,840.46	24/11/08	02/05/12	Liquidated
9050286593	Maven UK Ltd	R/O 89 Raby Road	£1,897.16	01/04/13	30/04/14	Liquidated
9050292674	Coffee Rapport Bar (York Road) Ltd	144 York Road	£3,271.22	01/04/12	31/12/12	Liquidated. New trader operating.
9050294235	Internacionale Retail Ltd	Unit F, Middleton Grange	£22,137.18	01/04/11	11/07/13	Liquidated
9050338216	I J & R Hindle & Son Ltd	Unit 12, Graythorpe Industrial Estate	£1,129.17	01/04/12	31/05/13	Company Dissolved
9050316115	PVW Services Ltd	Unit 21, Prospect Way	£17,086.52	01/04/11	31/12/12	Company Dissolved
		<b>Totals</b>	<b><u>£50,361.71</u></b>			

**£39,122.62 of this total of £50,361.71  
will be charged against the Central  
Government National Non Domestic  
Rates Pool bad debt provision and  
thereby will have no financial impact  
on the Council.**

# FINANCE AND POLICY COMMITTEE

13 October 2014



**Report of:** Corporate Management Team

**Subject:** SERVICE PLANNING 2015/16

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non-Key Decision.

## 2. PURPOSE OF REPORT

- 2.1 The purpose of the report is for Finance and Policy Committee to consider and agree the proposed Outcome Framework and service planning timetable for 2015/16.

## 3. BACKGROUND

- 3.1 The Council's Service Planning Framework has been developed over the last few years. The suite of Service Planning documents has included the Council Plan and four Departmental Plans. All have been based on the main building blocks of **Outcomes, Actions, Performance Indicators, Targets** and **Risks** and have been used to develop the Council's suite of Service Planning documents for the coming year. It is proposed that these building blocks remain in place for 2015/16.

## 4. OUTCOME FRAMEWORK 2015/16

- 4.1 The Outcome Framework was last reviewed and updated as part of the service planning process in 2014/15. Discussions have taken place with Council Officers from across all Departments on the revision of the outcome framework, and as a result of these discussions, it is not proposed to radically change the framework for 2015/16.
- 4.2 The proposed outcome framework for 2015/16 is shown in paragraph 4.3. The proposed framework contains 34 outcomes that address the eight Community Strategy themes. There have been a few minor changes to the wording of some of the outcomes within the framework. The Culture and Leisure outcome have been split into two to reflect the new organisational arrangement and to help clarify aims and objectives across this area. Two outcomes within organisational development have also been merged to

reflect changes in service delivery. Finally one of the outcomes has been removed as all actions, PIs and risks from this outcome sit better under the remaining outcome in Strengthening Communities Theme.

#### 4.3 **Jobs & the Economy**

<b>Outcome</b>
Hartlepool has improved business growth and business infrastructure and an enhanced culture of entrepreneurship
Hartlepool has attracted new investment and developed major programmes to regenerate the area and improve connectivity
Hartlepool has increased employment and skills levels with a competitive workforce that meets the demands of employers and the economy
Hartlepool has increased economic inclusion of adults and is tackling financial exclusion
Hartlepool has a boosted visitor economy
Reduction in the prevalence of child poverty

#### **Lifelong Learning & Skills**

<b>Outcome</b>
To promote opportunities for all children and young people to reach their full potential by accessing good quality teaching and curriculum provision which fully meets their needs and enables them to participate in and enjoy their learning
Provision of high quality community learning and skills opportunities that widen participation

#### **Health & Wellbeing**

<b>Outcome</b>
Health Improvement - people are helped to live healthy lifestyles, make healthy choices and reduce health inequalities
Health Protection - Health Protection: the populations health is protected from major incidents and other threats, whilst reducing health inequalities
Healthcare public health and preventing premature mortality - reduce the number of people living with preventable ill health and people dying prematurely, whilst reducing the gap between communities
Every child has the best start in life
Children and young people are safe and protected from harm
Vulnerable adults are supported and safeguarded and people are able to maintain maximum independence while exercising choice and control about how their outcomes are achieved



**Community Safety**

Outcome
Hartlepool has reduced crime and repeat victimisation
There is reduced harm caused by drugs and alcohol misuse
Communities have improved confidence and feel more cohesive and safe
Offending and re-offending has reduced

**Environment**

Outcome
Hartlepool has an improved natural and built environment
Quality local environments where public and community open spaces are clean, green and safe
Provide a sustainable, safe, efficient, effective and accessible transport system
Hartlepool is prepared for the impacts of climate change and takes action to mitigate the effects

**Housing**

Outcome
Hartlepool has an improved and more balanced housing offer that meets the needs of residents and is of high quality design
Hartlepool has improved housing stock where all homes across tenures offer a decent living environment
Housing Services and housing options respond to the specific needs of all communities within Hartlepool

**Culture and Leisure**

Outcome
Local people have access to Arts, Museums, Community Centres and Events which enrich people's lives.
Local people have access to library services which enrich people's lives

**Strengthening Communities**

Outcome
Local people have a greater voice and influence over local decision making and the delivery of services

**Organisational Development**

<b>Outcome</b>
Improve the efficiency and effectiveness of the organisation
Deliver effective customer focused services, meeting the needs of diverse groups and maintaining customer satisfaction
Maintain effective governance arrangements for core business and key partnerships
Maintain the profile and reputation of the Council
Deliver effective Member and Workforce arrangements, maximising the efficiency of the Council's Democratic function
Ensure the effective implementation of significant government policy changes

**5. NEXT STEPS**

- 5.1 Further work is currently being undertaken to develop the actions and identify the performance indicators and risks that will underpin the outcomes, and will ultimately appear in the Council Plan. The key steps in agreeing the Council Plan, which incorporates the four Departmental Plans, are as follows: -

<b>Who</b>	<b>What</b>	<b>When</b>
Finance & Policy Committee	To consider & agree the Council Plan outcome framework for 2015/16 and agree the timetable for preparing the detail of the Plan.	13 <sup>th</sup> October 2014
Adult Services Committee	To present the relevant draft Council Plan sections to Policy Committees for consultation.	9 <sup>th</sup> February 2015
Children's Services Committee		10 <sup>th</sup> February 2015
Regeneration Services Committee		12 <sup>th</sup> February 2015
Neighbourhood Services Committee		16 <sup>th</sup> February 2015
Finance & Policy Committee (CED & PH)		23 <sup>rd</sup> February 2015
Finance & Policy Committee	To present the final draft of the Council Plan for consideration and approval. Where required this will include the responses from Departments to those queries raised by the Policy Committees in February.	23 <sup>rd</sup> March 2015
Council	To present the final draft of the Council Plan 2015/16 for approval.	26 <sup>th</sup> March 2015

## **6. RECOMMENDATIONS**

6.1 Finance and Policy Committee are asked to consider and agree: -

- the proposed Outcome Framework as set out in paragraph 4.3;
- the overall timetable as set out in paragraph 5.1.

## **7. REASONS FOR RECOMMENDATIONS**

7.1 Finance and Policy Committee have overall responsibility for Performance Management.

## **8. BACKGROUND PAPERS**

8.1 No background papers were used in the preparation of this report.

## **9. CONTACT OFFICER**

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# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Director of Child and Adult Services

**Subject:** LOCAL WELFARE SUPPORT/ DISCRETIONARY  
HOUSING PAYMENT ADMINISTRATION – REVIEW  
OF FRAMEWORKS

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non key.

## 2. PURPOSE OF REPORT

- 2.1 To seek approval for revised Local Welfare Support (LWS) administration framework and Discretionary Housing Payment (DHP) administration framework.

## 3. BACKGROUND

- 3.1 Cabinet approved Hartlepool's LWS and DHP administration frameworks in March 2013. These frameworks were developed to respond to the transfer of responsibility of discretionary support from DWP to the council in 2013.
- 3.2 The frameworks for the administration of LWS and DHP have been in place for over 12 months and a review has taken place to take into account the learning over this initial phase of Council responsibility. The attached appendices are the revised frameworks and contain some amendments to the previously approved frameworks.
- 3.3 The DWP has notified Local Authorities that Local Welfare Support funding will be withdrawn after 2014/15. This was highlighted within the MTFs in Feb 2014 and Members agreed that the following funding would be allocated up until 2016/17:

	2014/15 £'000	2015/16 £'000	2016/17 £'000	Total £'000
Staffing resources *	80	80	80	240
Financial support to individuals	180	180	180	540
	260	260	260	780

\* Staffing costs reflect support of both Local Welfare Support and Discretionary Housing Payments.

- 3.4 From May 2014 responsibility for LWS and DHP applications/decision making were transferred from Revenue and Benefits to the Advice and Guidance Hub.

#### **4. LOCAL WELFARE SUPPORT AWARDS AND SPEND 2014/15**

- 4.1 The budget available for LWS awards in 2014/15 is £180,000. The Advice and Guidance Hub have dealt with 410 crisis and 277 non crisis awards between 1<sup>st</sup> April 2014 and 31<sup>st</sup> August 2014. There have been 328 applications approved, 86 declined and 129 ineligible. There has been £61,671.12 spent/ committed against a budget profile of £75,000 (for the 5 months). This means there is an under spend currently of £13,328.88. It is expected that there will be some peak as we approach Christmas and the colder winter months where spend is likely to be higher.

#### **5. DISCRETIONARY HOUSING PAYMENTS AWARDS AND SPEND 2014/2015**

- 5.1 The current budget for Discretionary Housing Payment is £346,497: £42,000 is for general DHP support, £84,000 is for those affected by Local Housing Allowance, £125,997 is for those affected by under occupation charge, £94,500 for those affected by benefit cap.

There has been no notification of a reduction in this funding from 2015/16 but it is unclear whether further funding will be available in 2016/17.

- 5.2 There have been 2,166 DHP awards made between April 2014 and August 2014 which includes the restricted groups. The DHP panel meets weekly. Approx 20-25 applications are received every week and completed applications with supporting evidence are taken to the panel, which usually equates to 8. The Panel is increasingly seeing tenants that have applied several times for DHP but have made no change to their circumstances.
- 5.3 1,500 residents are affected by under occupation. Of these, DHPs have been 'automatically' given to 73 benefit cap families, 7 foster carers, 9 residents in significantly adapted properties, 30 significant age changes (i.e. resident requires an extra room due to date of birth changes) and 31 people of pension age.

5.4 Thirteen (Housing Hartlepool) offer a DHP to tenants and the Council work with Thirteen to agree a potential funding plan for eligible tenants.

5.5 Current spend/ commitments

DHP Reason	Number of successful claims	Total amount
Benefit Cap Financial Hardship	135	£35,006
LHA Financial Hardship	61	£22,554
LHA Medical Needs	3	£5,484
LHA Other reasons	6	£1,004
SSSC Adapted property	20	£5,448
SSSC Financial Hardship	74	£16,806
SSSC Foster Care	8	£3,983
SSSC Other reasons	118	£24,505
<b>Total</b>	<b>425</b>	<b>£114,790</b>

\*LHA – Local Housing Allowance  
SSSC – Social Sector Size Criteria

## 6. LOCAL WELFARE SUPPORT (LWS) FRAMEWORK CHANGES

6.1 It is proposed that the following additions/amendments are made to the existing framework:

- Add an exception to the need to be in receipt of out of work benefits when hardship is evident e.g maternity allowance, in work poverty (*section 2.4.1 of framework*)
- The need to offer funding support to families with income/ cashflow crisis e.g. a family bereavement, a family member moving out, a benefit sanction) that would alter the family's finances dramatically has been added (*section 2.4.4 of framework*)
- Strengthen the section on supporting families who suffer a breakdown in relationships e.g. a parent moving out and therefore the impact this will have on their benefit claim (*section 2.4.4 of framework*)
- Add that Advice and Guidance Hub will liaise with any workers involved with the person to ensure appropriate decision is made (*section 2.4.8 of framework*)
- Foodbank paragraph added. We have specified in the framework that LWS budget is set aside each year to support the Foodbank. (*section 3 of framework*).
- Add an exception to the maximum two awards a year rule allowing the Advice and Guidance Hub Manager to agree to further awards in a financial year where crisis is genuine and individuals are most vulnerable. (*section 4.2 of framework*)
- Include an option to buy second hand goods from charity shops, in particular the British Heart Foundation (BHF) who has begun to offer this service across other Local Authorities. Other LAs have started to use

this as a way to extend use of funding. The BHF can guarantee safety checks on electrical goods, fire testing and fire resistant materials and 12 month guarantees on purchases. *(section 5.1 of framework)*

- Increase award value from £500 to £650. Exceptions to this rule can be agreed by the Advice and Guidance Hub Manager. This is because £500 is very quickly spent when someone is setting up a new home. *(section 5.2 of framework)*
- Remove Disability Living Allowance, Personal Independence Payments, Child Maintenance, War Pensions (not limited to) from income assessment – these will now be disregarded. *(section 8.1 of framework)*

## **7. DISCRETIONARY HOUSING PAYMENT (DHP) FRAMEWORK CHANGES**

7.1 It is proposed that the following changes are made to the existing framework:

- More than one year on from welfare reform increasing numbers of DHP applications are being made from previous applicants. DHP applicants that were supported initially with shortfall in rent due to under occupation charges have been unable to move to alternative smaller/ more affordable accommodation. One of the reasons for this is a lack of funds to support a move from one place to another. The change within the framework is therefore to tackle this issue making it explicit that we will accept applications for funds to support a move including removal van, new carpets etc for a new more affordable property. We will also support rent in advance/ deposits if it supports the tenant into suitable alternative accommodation. This was explicitly refused in the last framework but is now acceptable in the updated guidance. *(section 10.3 of the framework)*
- Benefit cap families continue to claim DHP (though at a reduced level than their first DHP claim) and their circumstances have rarely changed. The new framework includes the need to take a team around approach with them and ensure that the Advice and Guidance Hub is part of the team around to support positive change *(section 2.5 of the framework)*
- There has been on rare occasions a need for a DHP on two homes e.g. a claimant may need to temporarily leave their home (family breakdown/ crisis/ DV etc) and take up a tenancy in a second property. *(section 4 of the framework)*
- Disregarding removal of Disability Living Allowance (DLA)/Personal Independence Payments, Child Maintenance, War Pension (not limited to) when undertaking income assessment. This is within the guidance issued by DWP. *(section 11. of the framework)*

## **8. FINANCIAL CONSIDERATIONS**

- 8.1 The revised LWS framework proposes to remove Disability Living Allowance, Personal Independence Payments and Child Maintenance from income assessment. Looking back on previous applications received into the hub this would not have a significant adverse impact in the budget available.
- 8.2 Removal of DLA/ PIP and Child Maintenance when undertaking income assessment within the DHP process has been proposed in the revised framework. This is included within the guidance issued by DWP. A review of previous applications shows that whilst a lot of applicants receive DLA/ PIP the amount of award is relatively low e.g. for example a typical rent shortfall is perhaps £20-£25 per week- even if they received the full amount for 26 weeks this only comes to £520-£650.
- 8.3 All other changes to the framework as set out in section 6 and 7 can be covered within the existing budget.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that Finance and Policy Committee:
- Approve the revised Local Welfare Support Administrative Framework 2014/15
  - Approve the revised Discretionary Housing Payment Administrative Framework 2014/15

## **10. REASONS FOR RECOMMENDATIONS**

- 10.1 To ensure that timely support is available for individuals/ families
- 10.2 To ensure the Council is meeting its requirements in relation to LWS and DHP.

## **11. APPENDICES**

**Appendix A** – Local Welfare Support Administration Framework 2014/15

**Appendix B** – Discretionary Housing Payment Administration Framework 2014/15

## **12. BACKGROUND PAPERS**

Cabinet report 4<sup>th</sup> March 2013

DWP Discretionary Housing Payment Guide April 2014



**13. CONTACT OFFICER**

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# **Local Welfare Support Administration Framework**

## **2014/2015**

**Hartlepool Borough Council**  
**Local Welfare Support Administration Framework**

**SECTIONS**

- 1. Purpose**
- 2. Considerations for an award**
- 3. Hartlepool FoodBank**
- 4. Crisis forms of support and award values**
- 5. Non Crisis forms of support and award values**
- 6. Claiming a crisis award**
- 7. Claiming a non crisis award**
- 8. Awarding a payment**
- 9. Method of Payment**
- 10. Notification**
- 11. When Local Welfare Support Applications will not be awarded**
- 12. Review**
- 13. Monitoring arrangements and managing Local Welfare Support**
- 14. Publicity**
- 15. Fraud**

## **Local Welfare Support**

### **Section 1 - Purpose**

1.1 The purpose of this administration framework is to specify how Hartlepool Borough Council's Advice and Guidance Hub will operate the Local Welfare Support Scheme (LWSS) and outline the framework within which award determinations will be made. Each case will be treated strictly on its merits and all applicants will receive equal and fair treatment within a transparent process taking full account of the Council's responsibilities under all relevant government legislation.

### **Section 2 - Considerations for an award**

2.1 The Advice and Guidance Hub will consider making an award from the LWSS to those applicants that are living in Hartlepool who meet the qualifying criteria as specified in this policy.

2.2 There are two strands to the LWSS that will be considered when assessing applications - awards for those who present to the Council in crisis and awards for those who are residents of Hartlepool, not in crisis but need help for example, to resettlement into the community or stay in their own home.

#### **2.3 In Crisis**

2.3.1 These awards cover scenarios where, due to a crisis, there is a severe risk to the health and safety of the applicant or an immediate family member or dependent which cannot be dealt with via other support mechanisms e.g. Section 17 Payments, Preventing Homelessness Grant etc. Payments may be made to cover the following risks:

- No access to essential needs
- Imminent deterioration in health

2.3.2 A crisis could also be an event of great or sudden misfortune such as major flooding, gas explosion or a house fire but it is not expected that a minor mishap or damage or failure of a household item would be deemed a crisis in most circumstances.

#### **2.4 Non Crisis**

Hartlepool arrangements for non crisis awards reflect applicant demand for former DWP Community Care Grants where 76% of awards were made to single applicants.

2.4.1 Applicants may receive a LWSS Award if they are receiving Income Support, Income Based Jobseekers Allowance, Income Related Employment Support Allowance or any type of Pension Credit (currently known as "passported" benefits) and from October 2013 payment of relevant elements of Universal Credit.

In exceptional circumstances the applicant may not be in receipt of an out of work benefit however they will be experiencing significant hardship e.g maternity allowance, in work poverty. These cases will be referred to the Advice and Guidance Manager for approval.

2.4.2 Applicants may be able to access a LWSS award if they are leaving accommodation in which they received significant and substantial care and supervision and they expect to be discharged within 6 weeks. These applicants will not have a current tenancy or be a home owner and will need to find somewhere to live in the community. Such applicants must also be expected to receive a “passport” benefit (as set out in 2.4.1) or a relevant element of Universal Credit when they leave the accommodation. Examples of such accommodation that would fit this criterion are:

- Prison or detention centre
- Hospital or other medical establishment
- Care home
- Hostel
- Staff intensive sheltered housing
- Local authority care

2.4.3 A LWSS Award may be made if this will help an individual to stay at home in the community rather than move into residential care or hospital. One of the factors considered is how immediate the likelihood is of going into such accommodation and whether the type of item or service required would prevent this happening. Some examples are:

- Help with expenses to maintain independent living, where no other funds are available to meet this need e.g. moving from a furnished flat to an unfurnished one.
- Help to move to a more suitable place to live or to be nearer someone who will provide care and support

Applicants will be signposted to other advice providers such as West View Advice and Resource Centre. In addition, details of any other potential sources of funding will be provided to the applicant where appropriate.

2.4.4. LWSS Awards may be made to support a family facing exceptional pressure. Some examples of situations that may give rise to exceptional pressure are:

- The family suffers an income and cashflow crisis (eg the main person in the family that receives benefits dies/ moves out/ is taken into prison/ is benefit sanctioned)
- Someone in the family suffers from a disability or chronic illness which gives rise to an exceptional need
- There is, or has been, a breakdown of relationships within the family (eg a relationship ends, couple separate due to domestic violence) and a change in benefit income ensues

- There is a serious problem with the accommodation (eg overcrowding/ structural problems)
- Domestic upheaval because of unforeseen circumstances such as house fire, flooding or other disaster

The above is not an exhaustive list and officers needs to work within the parameters of 'exceptional pressure'.

2.4.5. What causes exceptional pressure can cover a very wide range of personal circumstances. When considering applications, assessors will look at all the factors causing pressures on the family and will decide:

- Whether any of them individually or collectively when looked at as a whole, constitute exceptional pressure, and:
- If so, whether the items applied for will ease that exceptional pressure

2.4.6 LWSS payments will also enable the Council to provide support for vulnerable people in financial crisis. The Advice and Guidance Hub will treat all applications on an individual basis. When making a decision on any application, consideration will be given to the following priorities:

- Safeguard Hartlepool residents in their homes
- Help those who are trying to help themselves
- Keep families together
- Help provide stability to children
- Support the vulnerable in the local community
- Help applicants through personal crisis and difficult events

2.4.7 Unless there are exceptional circumstances applications from single people (non dependants) living with other family members will not be awarded as they are likely to have access to support from other family members.

2.4.8 Where a professional is involved with the person (eg a Social Worker, Family Support Worker, Mental Health Worker) The Advice and Guidance Hub will liaise with them to ensure an appropriate decision on an award of LWSS is made. If an award is not made the Advice and Guidance Hub will support the professional to source alternative funding opportunities.

### **Section 3 – Hartlepool FoodBank**

The Trussell Trust and Hartlepool Churches Together operate a food bank from Church Street two days a week. The Advice and Guidance Hub refers appropriate people to the foodbank and is the largest referrer in the town. On average some 30 referrals are made a week by the Hub for vulnerable single people and families with dependent children. When someone contacts the Advice and Guidance Hub in a food crisis a discussion takes place to determine if a foodbank referral is appropriate. Given LWSS reliance on the foodbank funding is offered from the LWSS budget to the FoodBank each year to support a contribution to the cost of such referrals.

## **Section 4 – Crisis forms of support and award values**

### **4.1 Forms of support**

Awards will be made for the provision of:

- Food and essential toiletries (voucher/prepaid card/food parcel)
- Essential clothing and nappies (voucher/prepaid card)
- Heating (payment of credit to a pre-payment meter)
- Reconnection (payment direct to the supplier)
- Access to hospital (bus voucher/ticket ) where no reimbursement is available from any other source
- Other forms of support in exceptional circumstances

### **4.2 Award values**

A maximum payment of 60% of the basic personal allowance, as set by the Department for Work and Pensions for a single person or a couple will be payable plus an amount equivalent to the dependent child addition in Child Tax Credit. Awards may be less than the maximum amount. Period of awards will be considered dependant on an applicants individual circumstances although such awards should not routinely exceed 14 days. In general, applicants will only receive a maximum of two awards relating to similar issues in a rolling financial year however exceptions can apply. In such circumstances, the applicant must show genuine crisis and not an ongoing problem. The Advice and Guidance Hub Manager will agree any such awards.

Applicants making repeat applications for crisis awards will be signposted to relevant advice services, generally at the point of making a second application.

## **Section 5 – Non crisis forms of support and award values**

### **5.1. Forms of support**

The Advice and Guidance Hub continues to use Your Homes Newcastle and The Furnishing Service for new equipment/ items for the Non Crisis scheme. Awards may be made for the provision of:

- Bed and bedding
- Cooking utensils, basic kitchen equipment, including microwave
- Chair / seating
- White goods – cooker, fridge freezer, washing machine (and the connection thereof)
- Curtains, carpets

In addition service users may be offered the opportunity to purchase second hand items from charity organisations such as The British Heart Foundation Store. Stores such as the British Heart Foundation support Crisis Schemes for Local Authorities throughout the country and offer a low cost alternative to essential household items. Such items will be clean, in new/ nearly new condition and include a guarantee. This may allow an award made to a service user to be 'stretched' in order for them to acquire more items than if they chose new.

## **5.2. Award values**

Award values will be at the discretion of the Council but will be based on standard prices for items required including the cost of delivery and installation.

It is expected that typically an award value will not exceed £650. There may be exceptions when a higher award needs to be made. Such exceptions will be agreed by The Advice and Guidance Hub Manager and usually be accompanied by a supporting statement from a professional working with the person/ family (eg Social Worker).

The value of a LWSS Award will be reduced, on a pound for pound basis, by any savings a applicant or their partner has over £650 (£1000 if the applicant or their partner is aged 60 or over).

## **Section 6 – Claiming a crisis award**

6.1. Applications for a crisis award will normally be by telephone or drop in to the Advice and Guidance Hub. A dedicated telephone line is available during normal office hours.

6.2. Usually a Discretionary Award officer will complete an application over the phone confirming if the applicant is eligible and if so, the amount to be awarded. If successful, the applicant will be able to collect the relevant crisis award from Civic Centre, Victoria Road, Hartlepool as soon as is reasonably practicable, and wherever possible on the same day.

6.3. Where the officer decides that an interview is required to clarify and validate information the applicant will be offered an appointment, arranged as soon as is reasonable practicable, giving due consideration to the reason for the application.

6.4. Where an applicant cannot visit the Civic Centre due to health/mobility issues and cannot use a telephone and has no one else who can act on their behalf an officer may make arrangements to visit the applicant in their home.

6.5. A decision letter will be sent by post within 24 hours wherever this is reasonably practicable, explaining the determination made and the review



process for both successful and unsuccessful applications. Alternative arrangements will be put in place as necessary for those who do not have a permanent contact address. Where the relevant award is collected personally, the applicant will be given the letter at the same time, wherever practicable. The applicant may be asked to bring supporting documents such as proof of identity, bank statements to be checked prior to releasing the award.

6.6. The Advice and Guidance Hub will also consider crisis applications submitted by Key Service Providers/ Professionals who act on behalf of individuals. Such applications are to be made with the individual's explicit consent. Providers may include Social Workers, Mental Health Workers, The Women's Refuge, Homeless Hostels and Independent Living providers. The Hub will take into consideration any information provided by key service providers in support of applications.

## **Section 7 – Claiming a non crisis award**

### **7.1. Application made direct by applicant**

- Applicant completes and submits LWSS application form
- Officer reviews application
  - If the application is fully complete the Advice and Guidance Hub will aim to write to the applicant within 14 days with a decision
  - If the application is incomplete the Advice and Guidance Hub will contact relevant services or the applicant for further information. Once all relevant data has been collected the team will contact the applicant with a decision by post
  - If successful, awards will be provided in line with the applicants needs

A letter will be sent within 2 working days of the decision date, to explain the decision to both successful and unsuccessful applicants together with the reconsideration process.

### **7.2. Application via key services provider**

Key service providers are identified in paragraph 5.7. The following provides details of how the referral process will be administered:

- Applicant presents to key service providers
- Service provider identifies that applicant may be eligible for LWSS Award
- Service provider supports applicant to complete LWSS Award application and forwards it to Advice and Guidance Hub together with supporting evidence
- Officer considers the application and makes a decision within one month
- If successful, awards will be provided in line with the applicants needs.
- A letter will be sent within 2 working days of the decision date to explain the decision to both successful and unsuccessful applicants together with the review process

### **7.3. General**

7.3.1. The Advice and Guidance Hub may request any reasonable evidence in support of an application for a LWSS payment. The applicant will be asked to provide the evidence within 7 days of a request being made although this will be extended in appropriate circumstances.

7.3.2 The Advice and Guidance Hub reserves the right to verify any information or evidence provided by the applicant in appropriate circumstances. Any such request will be essential to the decision making process and will only be used in connection with the LWSS application. If the applicant is unable to provide evidence due to the nature of an 'In Crisis' application the Hub may still consider the application and will take into account any other available information. The Hub also reserves the right to close applications where evidence available to the applicant has been requested and not supplied.

7.3.3 The Advice and Guidance Hub will also seek to maximise the applicant's income by checking the availability of state benefits and other sources of financial assistance that may be available to the applicant upon application.

7.3.4 The Advice and Guidance Hub will offer support to those most vulnerable. This may include the offer of early intervention through Common Assessment, referral for social care assessment (adult or children's), referral to other agencies including the voluntary sector for appropriate services. All will be undertaken with explicit consent.

## **Section 8 - Awarding a payment**

### **8.1 Crisis**

The officer will consider the full circumstances before deciding whether or not to award a LWSS payment. In deciding whether to award a LWSS payment, the officer will take into account the following as applicable to the application:

- The exceptional nature of the applicant and their circumstances
- The financial, and medical circumstances of the applicant and their household, if they are relevant to the LWSS request
- The income and essential expenditure of the applicant and their household when considering the applicants income. All relevant income will be taken into account. Certain payments/ allowances will not be included within the assessment which includes, but is not limited to: Disability Living Allowance, Personal Independence Payments, Child Maintenance, Pension Credit, Direct Payments
- Where appropriate applicants will be signposted to other agencies that may be able to provide support and advice.
- Any savings and investments held by the applicant and their household, which could be used to help their financial situation
- Whether other family members external to the household help in any way

- towards the applicants financial expenditure
- Whether the applicant and their household are entitled to other welfare benefits but are not claiming them
- Any steps taken by the applicant to improve their circumstances
- Financial advice they have sought to alleviate their situation, such as from Citizens Advice Bureau or West View Advice and Resource Centre

The officer will record the reasons why a decision to award or refuse an application has been made.

## 8.2 Non Crisis

The officer will consider the full circumstances before deciding whether or not to award a LWSS payment. In deciding whether to award a LWSS payment, the officer will take into account the following as applicable to the application:

- The applicant meets the criteria set out at 2.4.1 and 2.4.2 of this policy
- The applicant is under exceptional pressure and/ or suffering through unexpected circumstances
- Liaison with key service providers to assist with claim validation
- If the award will help the claimant stay in the community
- If the award will facilitate resettlement into the community

The officer will record the reasons why a decision to award or refuse an application has been made.

## Section 9 - Method of payment

9.1 The Advice and Guidance Hub will decide the most appropriate person to pay based upon the circumstances of each case.

9.2 Depending on individual circumstances, awards may be payable to:

- The applicant
- Their partner
- An appointee
- Any third party to whom it might be most appropriate to make payment i.e. directly to the supplier of goods or services

9.3 The Advice and Guidance Hub will pay a LWSS award usually in the form of a voucher or pre paid card.

## Section 10 - Notification

10.1 The Advice and Guidance Hub will aim to inform the applicant in writing of the outcome of their crisis award application within 24 hours, wherever practicable and within 14 days of receipt of a non crisis application. Where the application is unsuccessful, the Hub will set out the reasons why this decision

was made and explain how to ask for a review. Where the application is successful, the Hub will advise:

- The amount of LWSS payment awarded
- How, when and to whom the award will be paid
- How to ask for a request a review

## **Section 11 - When Local Welfare Support applications will not be awarded**

11.1 In Crisis Awards will **not** be provided for the following:

- A need which occurs outside the United Kingdom
- Any expense which the Council has a statutory duty to meet
- An educational or training need including clothing and tools
- Travelling expenses to or from school because funding is available from other sources
- Expenses in connection with Court (legal) proceedings such as legal fees, Court fees, fines, costs, damages, subsistence or travelling expenses (other than emergency travelling expenses when stranded away from home)
- Removal or storage charges if you are being re-housed following a compulsory purchase order, a redevelopment or closing order, a compulsory exchange of tenancies, or under a housing authority's statutory duty to the homeless
- The cost of domestic assistance and respite care
- Any repair to property owned by public sector housing bodies including housing associations , housing co-operatives and housing trusts
- A medical, surgical, optical, or dental item or service (these needs can be provided free of charge by the National Health Service, if you are getting Income Support, income-based Jobseeker's Allowance, Employment and Support Allowance (income-related) or Pension Credit (which includes the guarantee credit))
- Work related expenses including fares when seeking work and the cost of work clothes because help is available from other sources
- Debts to Government Departments
- Investments
- Purchase, installation, rental and call charges for a telephone
- Mobility needs
- Holidays
- A television, radio, a TV licence, aerial or rental charges for a television or radio
- Garaging, parking, purchase, and running costs of any motor vehicle except where the payment is being considered for emergency travel expenses
- Housing costs,
- Council tax, water charges
- Applicants who have no recourse to public funds in the United Kingdom
- Maternity and funeral expenses
- Where DWP payment is available.

## **Section 12 - Review**

12.1 Reviews of any LWSS decision can be requested using the procedure below.

12.2 An applicant (or their appointee or agent) who disagrees with a LWSS decision may challenge the decision. A request for a review for non crisis applications should be made in writing to the Council within one calendar month of the written LWSS decision being issued to the applicant. A request for review for in crisis applications should be made in writing within two days of the written decision being issued to the applicant.

12.3 When a request is made the Council will conduct a review of the decision and contact the applicant within one month of the review request being received. All reviews will be considered by a Senior Officer not involved in the original decision. The outcome of this review will be notified in writing to the applicant and/or the person submitting the review request.

## **Section 13 - Monitoring arrangements and managing Local Welfare Support**

13.1 The Advice and Guidance Hub will undertake careful monitoring of the number, amount and period of LWSS awards in relation to the available weekly LWSS budget. The purpose is to ensure the LWSS has sufficient funds to meet demands on the LWSS budget throughout the financial year and to support informed profiling of future year's budgets.

13.2 The Advice and Guidance Hub will also monitor cases where a LWSS request has been refused to ensure decisions are being made fairly and consistently. The Council is subject to the general equality duty. This means that steps will be taken to monitor implementation of this policy to ensure no one is subject to disproportionate adverse treatment because they had a protected characteristic. The Council will fully comply with general equality duties.

## **Section 14 - Publicity**

14.1 The Advice and Guidance Hub will work with partner organisations to raise awareness of the Scheme.

## **Section 15 - Fraud**

15.1 Hartlepool Borough Council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a LWSS Award by falsely declaring their circumstances, providing a false statement or evidence in support of their application, may have committed an offence under the

Fraud Act 2006. Where it is alleged or the authority suspects that such a fraud may have been committed, the matter will be investigated and if fraud is found to have occurred, action will be taken including if appropriate criminal proceedings.

September 2014



# Discretionary Housing Payment Administration Framework 2014/15

# **Hartlepool Borough Council**

## **SECTIONS**

- 1. Background**
- 2. Funding**
- 3. DHP Manual and Procedure**
- 4. Key Principles**
- 5. DHP Administrative Framework**
- 6. Purpose of the DHP Administrative Framework**
- 7. Statement of Objectives**
- 8. Claiming a DHP**
- 9. Decision Making**
- 10. Period of Award**
- 11. Awarding a DHP**
- 12. Change in Circumstances**
- 13. Method of Payment**
- 14. Notification**
- 15. Right of Review**
- 16. Service Standards**
- 17. What a DHP cannot cover**
- 18. Overpayments**
- 19. Publicity**
- 20. Fraud**



## 1. Background

- 1.1 The Discretionary Housing Payments Scheme (DHP) was introduced on 2<sup>nd</sup> July 2001 and granted Local Authorities new powers to pay a discretionary amount to top up Housing Benefit or Council Tax Benefit. Legislation governing DHP is found in the Discretionary Financial Assistance Regulations 2001 (SI 001/1167).
- 1.2 The DHP scheme is only available to claimants who are entitled to payment of at least the minimum Housing Benefit allowed.

## 2. Funding

- 2.1 The DWP provides local authorities with an annual cash limited fund to enable councils to provide discretionary “top up” help. However with the abolition of Council Tax Benefit on 31<sup>st</sup> March 2013, the allocations of discretionary housing payment funding can now only be applied to help with housing benefit awards.
- 2.2 To help manage the impact of the government’s housing and welfare reforms the DWP increased the amount of funding provided to local authorities for Discretionary Housing Payment purposes in 2013/14 and again in 2014/15. It is unknown at this stage what the 2015/16 allocation will be however the assumption is that a similar level of DHP will be received in order to support the ongoing impact of welfare reform.
- 2.3 Hartlepool’s allocation for 2014/15 is set out in the following table:

### **DWP Discretionary Housing Payment Allocation 2014/15**

	£
General DHP Support (continuing)	42,000
Local Housing Allowance (private rented sector) (continuing)	84,000
<u>NEW</u> Social Sector Size Criteria (Bedroom Tax)	125,997
<u>NEW</u> Welfare Benefit Cap	94,500
<b>Total</b>	<b>346,497</b>

## 2.4 Restricted Groups

Good practice tells us that some circumstances should give automatic entitlement to a DHP for those whose rent shortfall is caused by Social Sector Size Criteria (under occupation charge/ “bedroom tax”). These include –

- 100% DHP protection for households where children are on an age threshold which would result in an additional bedroom entitlement within the next 12 months;

- 100% DHP protection for claimants who are within 12 months of pension credit qualifying age;
- 100% protection for claimants whose property has been significantly adapted via a Disabled Facilities Grant to meet their disability needs;
- 100% DHP protection for a pregnant mother claimant who is over 24 weeks pregnant who may shortly have an additional room entitlement up to the expected date of birth of the child;
- 100% DHP entitlement for terminally ill claimants;
- 50% DHP entitlement for claimants requiring an extra bedroom under child access arrangements.

## 2.5 The Benefit Cap

Families subject to the benefit cap will be targeted by a Benefits Liaison Officer from the Revenue and Benefits Team and offered the opportunity to apply for DHP using a shortened application form. Verification of income/expenditure will not be required. Such families will be offered support through a 'team around' approach with an appropriate range of individuals and organisations brought together with the family with the aim of making change.

## 3. DWP DHP Guidance Manual and Local Procedures

- 3.1 DWP produces a Local Authority Good Practice Guide, the latest edition being April 2014. This offers advice on how DHPs can be used to support claimants affected by some of the key welfare reforms paying particular attention to those affected by the benefit cap, removal of spare room subsidy in social rented sector (under occupation charge or 'bedroom tax') and reductions in Local Housing Allowance.
- 3.2 The manual does not stipulate how DHP should be administered and leaves Local Authorities to make local decisions on administrative practice. DHP has historically been managed by the Revenue and Benefits team however following a decision by Members aspects of DHP were transferred to the Advice and Guidance Hub in May 2014.
- 3.3 The Advice and Guidance Hub has drafted and now follows a DHP procedure which sees all applications for DHP channelled through the Hub with award decisions made by the Hub (including any additional support claimants may require). The actual calculation and processing of their payment continues to be undertaken by the Revenue and Benefits team.

## 4. Key Principles of the DHP Guidance Manual - Good Practice Guide

The updated Guidance Manual (April 2014) covers a number of key areas that need to be considered in the administration of DHP. These include –

LAs need to follow all relevant financial regulations however remain flexible in their decision making. They need to be fair, reasonable and consistent in their decision making. Locally this needs to be:

- Support towards housing costs does not only mean rent liability. It can include rent in advance, deposits and other lump sum costs to assist a move such as removal costs.
- A DHP can be made on more than one home where an applicant is temporarily absent from their home, perhaps due to a crisis (eg fleeing domestic violence).
- It cannot cover rent arrears, service charges, certain sanctions or reductions in benefit.
- The length of the award and the frequency of payment are at the LAs discretion.
- An LA may decide to disregard certain income such as related benefits which are awarded for a very specific reason
- There is no right to appeal- an applicant can ask for reconsideration.

## **5. DHP Administrative Framework**

- The administration of the scheme is managed by the Advice and Guidance Hub and they are the overall budget holder. The Advice and Guidance Hub receives all requests for DHP and makes decisions. The Revenue and Benefits Service undertakes calculations and payments of subsequent DHP awards.
- The scheme is of a discretionary nature; a claimant has no statutory right to payment and no statutory right to appeal
- The total amount an Authority can pay out in any financial year is cash limited by the Secretary of State
- The policy is predicated on the assumption that Council policy will not provide any additional funding on top of the DWP annual funding allocation for DHP's
- Discretionary Housing Payments are not payments of Housing Benefit, but at least the minimum amount of Housing Benefit must be in payment for each week a Discretionary Housing Payment is made
- From April 2014 at least the minimum amount of Housing Benefit must be in pay (or Universal Credit where applicable).

## **6. Purpose of DHP Administration Framework**

- 6.1 The purpose of this policy is to specify how Hartlepool Borough Council's Advice and Guidance Hub will operate the DHP scheme and to outline some of the factors to be taken into account when considering awarding a DHP.
- 6.2 The Advice and Guidance Hub is committed to working with Hartlepool Borough Council's Revenue and Benefits Team, Housing Advice Team, The Third Sector, Registered Providers, and other interested parties with a view to maximising entitlement to all available state benefits and this will be reflected when administering the DHP scheme.
- 6.3 The scheme will operate in an equitable and fair way. Prior to any award, claimants will be encouraged to take up all other available financial assistance to which they may be entitled and will be signposted to any agencies in the Borough that can assist them to do so.

## **7. Statement of Objectives**

- 7.1 The Advice and Guidance Hub will consider making a DHP to all claimants who meet the qualifying criteria set out in this policy. All applications will be treated on their individual merits and the Advice and Guidance Hub will seek, through operation of this policy to:
- Help those adversely affected by the government's Welfare Reform programme;
  - Reduce homelessness and alleviate poverty;
  - Help claimants through personal crises and difficult events;
  - Support vulnerable residents in the local community;
  - Support vulnerable young residents in the local community in the transition to adult life;
  - Keep families together;
  - Safeguard Hartlepool residents in their own homes;
  - Encourage Hartlepool residents to obtain and sustain employment;
  - Assist Hartlepool residents to obtain and sustain tenancies;
  - Help those who are trying to improve their circumstances.
- 7.2 The DHP scheme is seen by the Advice and Guidance Hub to be a short term emergency fund. It cannot and should not be considered as means of circumventing current or future entitlement restrictions set out in Housing Benefit/ Localised Council Tax Reduction Schemes and Universal Credit legislation. DHP should be seen as part of an overall action plan to make changes to a tenants' financial/ housing situation.
- 7.3 Careful scrutiny and financial management of the DHP fund will ensure that funds are available throughout the year to support DHP claimants where appropriate and to direct the extra funding towards DHP claimants who have a new or greater shortfall to meet due to the changes from Welfare reforms listed above.

## **8. Claiming a Discretionary Housing Payment**

- 8.1 A claim must be made in writing and signed by the claimant. A signed letter or statement made at the Civic Centre will be deemed sufficient providing the following conditions are met:
- On request or wherever appropriate, the Advice and Guidance Hub will issue the claimant an application form specifically for claiming a DHP.
  - The form will be date stamped with the issue date and the claimant will have one month to complete and return it and will be encouraged to include any supporting evidence.
  - The Advice and Guidance Hub may request any reasonable evidence (eg receipts/ proof of expenditure) in support of a DHP application.
  - Evidence already held in connection with Housing Benefit claims will be taken into account.
  - The Advice and Guidance Hub reserves the right to verify any information or evidence already held.
  - The Advice and Guidance Hub reserves the right to signpost the claimant to Compass (Housing Options) to seek help to obtain housing in the social sector or cheaper housing within other sectors, especially where the claimant is under 35.
  - The Advice and Guidance Hub reserves the right to signpost the claimant to support and advice appropriate to the individuals' circumstances and to seek confirmation that engagement has taken place.
  - The Advice and Guidance Hub will ensure that all fully completed DHP forms are prepared and taken to panel for consideration.

## **9. Decision Making**

- 9.1 DHP panel meets weekly. The meeting is minuted for audit purposes and to ensure all decisions are recorded within the Advice and Guidance Hub.
- 9.2 DHP Panel consists of a minimum of three people including – Discretionary Awards Officers (i.e. a member of the LWS/ DHP team), Advice and Guidance Contact Officer, the Advice and Guidance Hub Manager/ Team Supervisor. In addition, other appropriate professionals may attend including those that have an understanding of a particular clients' case.
- 9.3 Final decisions remain the responsibility of the Advice and Guidance Hub.
- 9.4 Requests for reconsiderations are reviewed by a senior manager that was not present at the original decision making meeting. In the majority of cases this will be The Advice and Guidance Hub Manager or Head of Service where appropriate.

- 9.5 Referral and signposting to outside agencies (e.g. debt advice, housing advice) will be made where appropriate focusing in particular where a DHP will not resolve serious underlying financial problems.

## **10. Period of Award**

- 10.1 The Advice and Guidance Hub will decide on the length of time for an award, based on the evidence supplied and the facts known.
- 10.2 The start date of an award will normally be:
- The Monday after the written claim for a DHP is received, or;
  - The date on which entitlement to Housing/Universal Credit commenced (where the application is received within one calendar month of a claim for Housing/Universal Credit being decided.) whichever is the earlier or most appropriate.
- 10.3 A DHP can only be made for an existing Housing Benefit/Universal Credit award and cannot be paid for any other time.
- The minimum period of an award will be one week;
  - For prioritised cases awards may be made for up to 52 weeks;
  - Awards may be made on a sliding scale to assist with budgeting and to avoid “cliff edge” reduction in income when the DHP ends;
  - DHPs may be for the whole rent shortfall or part of that amount and it is not unreasonable to ask the applicant to help pay a proportion of their shortfall in rent themselves;
  - Reasonable requests for a backdated award will be considered but will usually be limited to the current financial year;
  - Priority may be given to those most adversely affected by Welfare Reform;
  - Priority may be given to those who actively show engagement with other agencies (e.g. such as Housing) who can demonstrate that they are taking reasonable steps to improve their circumstances;
  - DHPs are not restricted to shortfalls in rent. A DHP award can be made to support an applicant move to more appropriate accommodation that meets their financial circumstances and can include – rent in advance, deposits, removal costs and minor works to a new property to make it tenant ready (e.g. fitting a new carpet/ curtains).

## **11. Awarding a Discretionary Housing Payment**

- 11.1 The decision making process will include consideration of the following:
- All applications will be subject to an income/expenditure assessment the only exception being those set out in Section 2 above;
  - Benefits/Allowances that are awarded for a specific reason will not be included in the income assessment this includes but is not limited to: Disability Living Allowance, Personal Independence Payments and Child Maintenance, Pension Credit, Direct Payments;

- The shortfall between Housing Benefit / UC/ funds available to pay rent and the gross rental liability;
- Any steps taken by the claimant to reduce these liabilities e.g. negotiating a reduction in gross rent, attempts to reduce household expenditure;
- Impact of Welfare Reform;
- Compliance with reasonable requests to engage with others to improve circumstances eg housing, work activity providers, debt advice;
- The financial circumstances of the claimant and all members of the claimant's household;
- The medical circumstances of the claimant and all members of the claimant's household;
- Any savings or capital available to the claimant and all the members of the claimant's household;
- The level of debt owed by the claimant and all of the claimant's household
- Any exceptional circumstances of the claimant and all of the claimant's household;
- The amount available in the Discretionary Housing Payment fund at the time of the application;
- The possible impact of not making an award;
- Any other special circumstances brought to the attention of the Advice and Guidance Hub.

11.2 The Advice and Guidance Hub will decide on the amount and length of the award and no guarantee can be given that a further award will be made.

## **12. Changes in Circumstances**

An award may be revised or withdrawn where the claimant's circumstances have materially changed.

## **13. Method of Payment**

13.1 The Advice and Guidance Hub will decide on whom to pay on a case by case basis. This may include:

- The claimant
- The claimant's partner
- An appointee
- The landlord or agent of the landlord
- Any third party where it is appropriate to do so.

13.2 The method of payment may include:

- By BACS or cheque
- By crediting the Rent Account

13.3 The payment frequency may fall in line with the Housing Benefit /Universal Credit payments.

## **14. Notification**

14.1 Once a decision is made, the claimant will be notified in writing. This will be undertaken by the Revenue and Benefits Service who will strive to do so within 14 days of panel.

14.2 Where the application is unsuccessful, the notification will include:

- The reason for the decision
- The right to ask for a review, although there is no actual right of appeal

14.3 Where the application is successful, the notification will include:

- The weekly amount of the award
- The period of the award
- Whether it will be paid in arrears or in advance
- The payment method, date of payment and the payee
- The need to report a change in circumstances.

## **15. The Right of Review**

15.1 DHPs are not payments of Housing Benefit and are not subject to any statutory appeals mechanism. Councils are expected to set up an appropriate review process.

15.2 Any request for a review will be subject to the following policy:

- The claimant (or the claimant's appointee /agent) who disagrees with a decision about a DHP may dispute the decision;
- Disputes must be requested in writing and will be considered where they are received by the Advice and Guidance Hub within one calendar month of the written decision being issued to the claimant;
- Disputes will be considered by The Advice and Guidance Hub Manager or Head of Service – whichever was not involved in the first decision;
- The outcome will be notified in writing.

## **16. Service Standards**

The Advice and Guidance Hub will endeavour to process 100% of applications for DHPs within four weeks of the applicant providing full information.

## **17. What a DHP cannot cover:**

There are certain parts of rent that cannot be included in housing costs for the purposes of a DHP because the law excludes them. These are as follows:



- Ineligible service charges;
- Increases in rent due to outstanding arrears;
- Certain benefit sanctions;
- Since April 2013 the fund cannot be used in respect of Council Tax Support (the local scheme which replaces Council Tax Benefit);
- Overpayments of Housing Benefit.

## **18. Overpayments**

The Revenue and Benefits Service will seek to recover any DHP found to be overpaid. The method of recovery will generally be by invoice but reduction in weekly Housing Benefit will be considered where a request is received in writing. Generally any overpayments caused by official error will be treated as not recoverable. Overpayments will be notified in writing and have a right of review.

## **19. Publicity**

The Advice and Guidance Hub will publicise the DHP Scheme and will work with all interested parties to achieve this. Information relating to the amount spent will be made available at the end of each financial year.

## **20. Fraud**

The Advice and Guidance Hub and the Revenue and Benefits Service are committed to prevention and detection of fraud. Where false statements or false evidence is used to obtain payment by way of the DHP Scheme then an offence may have been committed. Where fraud is suspected, the matter will be investigated appropriately and this may lead to criminal proceedings being instigated. The Council has a duty to protect public funds we handle, and so may use information given to prevent and detect fraud and may give some information to other organisations where the law allows.

September 2014

# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Director of Public Health

**Subject:** HEALTHY WEIGHT SERVICE UPDATE

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non key decision.

## 2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to seek approval from the Finance and Policy Committee to a preferred option for the future delivery of the health trainer service.

## 3. BACKGROUND

- 3.1 At Finance & Policy Committee on 30 June 2014, it was agreed to secure a healthy weight service for Hartlepool, funded through the ring fenced Public Health Grant, to commence on 1<sup>st</sup> April 2015.
- 3.2 The healthy weight service currently operates as the NHS Health Trainer Service across Hartlepool and Stockton, a contract inherited by HBC under the statutory transfer order. On 29<sup>th</sup> November 2013, the Finance and Policy Committee agreed to place a one year contract from April 2014 with the existing provider of Healthy Weight Services, North Tees and Hartlepool NHS Foundation Trust. In the spirit of openness and transparency, it was also agreed that the Local Authority would publish a Voluntary Ex-Ante Transparency Notice (VEAT) in relation to this proposed contract award. No formal challenges were made.
- 3.3 The service is the only Tier 2 (Community) Weight Management Service for adults currently operating in Hartlepool where obesity and overweight currently affects 68.5% of adults. As such, the service forms an integral part of the Healthy Weight Healthy Lives Strategy and obesity pathway for Hartlepool. Patients are not generally accepted into Tier 3 (specialist, clinical) or Tier 4 (pre-bariatric, surgical) services until they have completed a Tier 2 intervention.

- 3.4 There are currently 7 members of staff employed in Hartlepool by the current service provider: a service manager (shared 0.5wte with Stockton), a team leader (0.8wte) and five health trainer posts (5.0wte). 12% of one health trainer's time is currently paid by the provider to support the NHS Cardiac Rehab team.
- 3.5 The service provides free weight management support to adults aged 18+ in Hartlepool either on a one-to-one basis or in groups, throughout the community. Clients are typically offered a programme of 12 sessions, and weight and lifestyle factors are monitored and recorded to gauge progress. Health Trainers support clients in community settings such as children's centres, sports/community centres, libraries and make home visits. Clinics are also held in partnership with several GP practices in Hartlepool.
- 3.6 The service also supports clients with long-term conditions such as heart disease, diabetes and COPD, and links into the heart failure and cardiac rehab pathways via the NHS Trust. It also works with clients accessing services such as the HBC GP referral Exercise for Life Programme.
- 3.7 There is a growing evidence base for the effectiveness and efficacy of Health Trainer Services. Using data from a national database (n=4,418), Gardiner et al (2012) showed that Health Trainer services were effective at improving the health of their clients by:
- Decreasing BMI
  - Improving fruit and vegetable consumption
  - Reducing fried snack consumption
  - Increasing the frequency of moderate or intensive activity
  - Enhancing self-efficacy and perceived health and wellbeing
- 3.8 Additionally, clients with a higher BMI, poorer diet or less activity at baseline achieved a greater change. This evidence is backed up by a number of other studies whilst evidence also exists for the implementation of Health Trainers in specific settings such as probation, HIV clinics and with pregnant women. Additionally, Health Trainer services can achieve the aim of reducing health inequalities (White et al, 2013).
- 3.9 Various qualitative investigations have shown high levels of satisfaction with Health Trainer services – for example, Carr et al (2011) reported that “levels of acceptability appeared to be high. Lifestyle Advisors acted as translational agents, sometimes removing barriers to prescribed behaviour or helping to create facilitative social environments”.

#### **4. Service Review Outcomes**

- 4.1 A review of the current NHS Health Trainer Service, provided by North Tees and Hartlepool NHS Foundation Trust, has taken place in partnership with Stockton Borough Council. The review involved making various information

and data requests to the current provider regarding the use and outcomes of the service, interviews with managers and operational staff, feedback from clients, and also included meetings and consultations with key stakeholders and a survey of Hartlepool residents.

- 4.2 Throughout the service review, it became clear that Hartlepool and Stockton has different opinions of how the healthy weight service would operate in each area in the future, therefore any new service would be bespoke to Hartlepool and operate separately to the Stockton Healthy Weight Services.
- 4.3 Quantitative data from the information requests submitted to the current provider has shown that 41% of the 468 service users in Hartlepool in 2013/14 completed at least 12 sessions with a Health Trainer, with 69% of all clients living in disadvantaged areas and 67% of referrals coming from health professionals. 85% of service users completing at least 2 sessions achieved some weight loss at follow up, with 63% increasing levels of moderate exercise:

<b>Outcome (2013/14)</b>	<b>Hartlepool</b>	<b>Stockton</b>
Total number of individual service users	468	579
% of service users who complete 12 sessions	40.74%	39.5%
% of service users who achieve weight loss on completion	85%	82%
% of service users who increase baseline measurements of physical activity at completion of 12 sessions	63% increased moderate exercise 25% increased vigorous exercise	56% increased moderate exercise 23% increased vigorous exercise
Gender breakdown	71.58% female 28.42% male	73.06% female 26.94% male
% of clients from disadvantaged areas	69%	57%

- 4.4 Qualitative data from the service was gathered via interviews with management and operational staff from the service. This exercise gave a more detailed understanding of:
- Changes and developments to the service since its conception
  - The extent of support provided around a range of health issues and long-term conditions
  - Knowledge, qualifications, skills and training needs within the team
  - Pathways, referrals and links with other services and teams
  - Monitoring and data collection and any limitations
  - Long-term outcomes and follow-up procedures for clients
- 4.5 A stakeholder consultation questionnaire was sent to Hartlepool GP's, Healthy Living Pharmacies, Public Health staff, Better Health at Work

businesses, and Healthy Weight Healthy Lives Steering Group members, attracting 38 responses. 80% of respondents rated the service as 'excellent' or 'good' and 81% felt they work well with the service. The consultation did highlight a need for greater visibility and promotion of the service, including improvements to referral systems and stronger links with GPs. It was suggested that physical activity delivery within the service duplicated existing services where signposting would be more appropriate, and better information sharing and partnership working is also needed in some areas (a detailed breakdown of the consultation results is available on request).

- 4.6 An online community consultation was circulated to the Hartlepool Online Panel, HBC staff, Better Health at Work businesses and promoted via the Hartlepool Mail to the wider community, attracting over 300 responses (60% female, 40% male). The public consultation aimed to ascertain what the community want from a healthy weight service in the future, and highlighted that 43% of respondents felt their weight was 'very' or 'quite unhealthy', with 52% either 'unhappy' or 'very unhappy' with their weight. The main reasons for wanting to lose weight were 'to reduce my risk of poor health' (61.5%) and 'to improve how I feel about myself' (57%). The main barriers to weight loss were cited as motivation (51.5%), limiting health condition (33%) and mood (32%). 43% of respondents were currently trying to lose weight, with 39% having tried in the past.
- 4.7 Regarding future services, if wanting to lose weight in the future, 42% of respondents stated they would 'look for somewhere that I could join in with physical activities', 28% 'would join a slimming club', 19% would use an online service or app and 18% would join a local NHS weight loss service. The most important elements of a service were cited as affordability/cost (55%), opportunities to take part in exercise (44%), and to be available outside of core working hours (33%). In terms of location, 40% suggested 'leisure facility', 38% 'community centre', 29% 'NHS health centre' and 25% 'GP Practice'. Regarding after-care and support, 55% wanted to be able to attend as long as they wanted, 40% wanted support to increase physical activity, 39% wanted to be weighed at regular intervals and 37% wanted access to discounted exercise sessions (a detailed breakdown of the consultation results is available on request).
- 4.8 The overall findings of the review tell us that the current service has achieved some very successful outcomes with a significant number of clients, and there is still a significant need in the town for a community-based healthy weight service for adults which is accessible, affordable (free), and visible to the community and other partners, and acts as an enablement and signposting service into other providers where appropriate. There are significant opportunities for the new service to link with the Better Care Fund and associated low level preventative services, including tailored weight management support for individuals with long-term conditions to reduce the spend on personal health budgets. There is also a need to link more effectively with the Council's sport and physical activity services to reduce duplication and improve referrals between the services.

## 5. Options

### 5.1 There are two possible options for securing a new Healthy Weight Service for Hartlepool:

#### Option A:

Develop our own delivery model and provide the service in-house, with existing and eligible staff subject to TUPE into HBC.

#### Option B:

Develop a service specification and procure an external service provider. Any successful bidder may also be subject to TUPE regulations with regards to eligible staff.

### 5.2 Option A – In house provision

#### **Opportunities:**

- Overheads would be greatly reduced and management arrangements would be absorbed by HBC Public Health
- Allows greater control and flexibility over the delivery of the service as it evolves
- Actions and performance indicators for the service would be easier to monitor in-house via Covalent
- Costs of around £2.5K would be saved on the promotion and advertising of an external tender
- Allows more control over integration of the service with wider Council services such as Sport and Recreation, Adult Social Care, Better Care Fund etc.
- There is scope to include childhood obesity support in the service model, as the Health & Wellbeing Board's key priority.

#### **Challenges:**

- Management arrangements for the service would need to be developed
- An in-house delivery model would need to be developed
- New branding and promotional materials for the service will need to be developed (but opportunity to deliver in-house and re-brand service as HBC-led) – this may be offset by the £2.5K savings above

### 5.3 Option B – External tender

#### **Opportunities:**

- Overall employment and management of staff would be handled by the successful bidder
- The delivery model would be developed by the successful bidder aligned to the service specification
- Data collection and monitoring of the service would be managed by the successful bidder

- Promotional materials and branding will be developed by the successful bidder.

**Challenges:**

- Less control over integration of staff with wider Council services
- Less control over service delivery once contract is agreed
- Obtaining accurate service data and performance monitoring information from external providers via Covalent has proven challenging in the past
- Additional overheads and costs must be considered in contract value
- Additional funds needed to advertise the external tender specification

**6. FINANCIAL CONSIDERATIONS**

6.1 As part of the service review in Stockton, a market engagement event was held on 29 April 2014 for both school nursing services and healthy weight services. 12 organisations registered to attend the event with 4 Foundation Trusts, 1 voluntary sector provider and 6 private sector providers expressing their interest in providing Weight Management Services in the Borough. It is anticipated that interest from providers may be reduced due to the Hartlepool contract value being lower than Stockton.

6.2 **Option A** – By bringing the service in-house, absorbing management costs through existing Public Health capacity and providing the service at staff cost, it is envisaged that savings of at least £20K per annum can be achieved against the existing contract value.

Potential redundancy costs for the eligible staff transferred via TUPE are estimated at no more than £60k. These costs would only be incurred in the event of a future decision to terminate this service and it not being possible to redeploy staff into alternative roles. This is currently assessed as a low risk. Furthermore, these potential costs need to be considered in the context of the forecast annual saving from an in-house service.

6.3 **Option B** – If, as expected, there is no additional public health funding for the contract in 2015/16, there is a risk that the existing level of service could not be provided or maintained by an external provider. Overheads from external providers can be between 12-25% of overall costs.

**7. LEGAL CONSIDERATIONS**

7.1 The Health and Social Care Act 2012 places a duty on Local Authorities to improve and protect the health of the population using a ring fenced public health grant.

## **8. STAFF CONSIDERATIONS**

- 8.1 Option A may involve the TUPE of staff from the current provider into the Local Authority. It is noteworthy that the staff likely to be eligible for TUPE are employed on NHS terms and conditions under Agenda for Change. As highlighted in 5.2, any potential future redundancies under NHS terms and conditions may be a higher cost to the Council but considered low risk and estimated to be at no more than £60k, which could be offset against a minimum saving of £20k per annum.
- 8.2 Option B – staffing implications will be as for any procured services between providers and will be reflected in the agreed contract price.

## **9. RECOMMENDATIONS**

- 9.1 It is recommended that Members approve option A as the preferred option for the future delivery of the healthy weight service.

## **10. BACKGROUND PAPERS**

- 10.1 Report of the Director of Public Health to Finance and Policy Committee on 29<sup>th</sup> November 2013 regarding Public Health Commissioning Programme 2014/15.
- 10.2 Report of the Director of Public Health to Finance and Policy Committee on 30<sup>th</sup> June 2014 regarding Healthy Weight Service key decision.
- 10.3 Report of the Director of Public Health to Finance and Policy Committee on 21<sup>st</sup> July 2014 regarding the Director of Public Health Annual Report.
- 10.4 Gardner B, Cane J, Rumsey N, Michie S. Behaviour change among overweight and socially disadvantaged adults: A longitudinal study of the NHS Health Trainer Service. *Psychol Health* 2012;27(10):1178-93.
- 10.5 White J, Woodward J, South J. Addressing inequalities in health – what is the contribution of health trainers? *Perspect Public Heal* 2013;133:213-220.
- 10.6 Carr SM, Lhussier M, Geddes L, Deane K, Pennington M, Visram S, White M, Michie S, Donaldson C, Hildreth, A. An evidence synthesis of qualitative and quantitative research on component intervention techniques, effectiveness, cost-effectiveness, equity and acceptability of different versions of health-related lifestyle advisor role in improving health. *Health Technology Assessment* 2011;15(9).



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# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Assistant Chief Executive

**Subject:** HR POLICY & PROCEDURE REVIEW  
(DISCIPLINE & GRIEVANCE)

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

Non Key Decision.

## 2. PURPOSE OF REPORT

- 2.1 To request approval for the revised Discipline and Grievance Policies and Procedures as part of the HR policy review programme.

## 3. BACKGROUND

- 3.1 HR Policies and Procedures are being reviewed as part of an ongoing update process. The Discipline and Grievance Policies and Procedures have been revised in line with the ACAS codes of practice and updated to reflect any changes to personnel in line with the corporate reorganisation of Council Services.
- 3.2 The trade unions have been consulted and the attached Policies and Procedures have been accepted.

## 4. PROPOSALS

- 4.1 The Discipline policy and procedure (with associated guidance **Appendix Ai**) at **Appendix A** has the following key changes:
- Removal of the verbal warning in line with the ACAS code of practice
  - Reviewed the rules on gross misconduct
  - Streamlined procedure with updated management guidance notes
- 4.2 The Grievance Policy and Procedure at **Appendix B** has no key changes but has been modernised to ensure that it continues to meet with the ACAS code of practice.

## **5. CONSIDERATIONS**

There is one main consideration in relation to these policies.

### **5.1 LEGAL CONSIDERATIONS**

The revisions to both policies reflect current practice and bring the policies and procedures up to date with current ACAS statutory codes of practice.

## **6. RECOMMENDATIONS**

- 6.1 To approve the revised Discipline Policy and Grievance Policy and related procedures.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 To ensure the Council follows best practice in line with the Statutory Codes of Practice when managing matters of a discipline and grievance nature through up to date policies and procedures.

## **8. BACKGROUND PAPERS**

None.

## **9. CONTACT OFFICER**

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# Discipline Policy & Procedure

HR Division

## Contents

	Page
1 Introduction	3
2 Minor Misconduct	3
3 Suspension	3
4 Disciplinary Investigation	4
5 Stages in the Formal Procedure	5
6 Appeals	6
7 Trade Union Representatives	6
8 Attendance at and Representation during Investigations and/or Disciplinary Proceedings / Appeals	6
9 Disciplinary Records / Time Limits	7
10 Probationary Period	7
11 Offences Against the Law	7
12 Diversity Impact Assessment	8
13 Miscellaneous Issues	8
 Appendix A - Examples of Gross Misconduct	 9
Appendix B - Administration of Disciplinary Hearings	10
Appendix C - Appeals against Warnings	11
Appendix D - Appeals against Dismissal	14

## **SCOPE & PURPOSE**

This procedure applies to all employees of the Council with the exception of those in schools with delegated budgets where the Governing Bodies of individual schools have their own procedure. The intention of this procedure is to provide a fair and consistent basis for dealing with disciplinary issues.

### **1. INTRODUCTION**

- 1.1 This policy and procedure applies to all employees of Hartlepool Borough Council (the Council). This deals with conduct which is either unsatisfactory or fails to meet the reasonable standards set. Discipline is about maintaining acceptable standards within the Council and its main aim is to bring about permanent change in the conduct of an employee through the warnings given, rather than simply to punish employees.

### **2. MINOR MISCONDUCT**

- 2.1 Informal guidance issued by managers about minor misconduct issues does not come within the remit of this policy; please see the notes in the Disciplinary Guidance Document HRPP-5/G12.

### **3. SUSPENSION**

- 3.1 In cases where a period of suspension with pay is considered necessary;
- This period should be as brief as possible.
  - Should be kept under review.
  - It should be made clear that suspension is not considered disciplinary action. (See Suspension Guidance Document HRPP-5/G12)

An employee may be suspended if:

- It is considered that an act of gross misconduct may have occurred (See Appendix A).
- The employee is the subject of investigation by the Police which may lead to charges being taken and this could affect the tenability of their employment with the Council.
- The employee appears to be incapable of undertaking their duties without presenting a serious risk to themselves or to others.
- A further act of misconduct (same or similar) may have taken place, the employee has on record a current final warning and it is considered that they should be removed from work because of the risk to the employee, colleagues or other persons, or the work of the Council.
- It would be difficult to carry out a full investigation with the employee at work, or the employee has the opportunity to prevent or hamper an investigation, e.g. where it is considered possible that the employee may influence witnesses or interfere with relevant evidence.
- There was a likelihood of further instances to occur if the employee remained at work, e.g. where a cooling off period is beneficial.

- If deemed appropriate by the relevant Head of Service and Assistant Chief Executive or delegated representative.
- 3.2 If the matter under investigation relates to a safeguarding issue (harm or risk of harm to children or vulnerable adults in the workplace regardless of whether the work is paid or voluntary), the matter may be referred to the Disclosure & Barring Service and/or the Health Care Professions Council.

#### **4. DISCIPLINARY INVESTIGATION**

- 4.1 It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. No disciplinary action will be taken against an employee until the case has been investigated as fully as is required in the circumstances. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence by the employer for use at any disciplinary hearing.

The investigation will normally be carried out by an Investigating Officer(s) designated for this purpose. The purpose will be to establish the facts promptly and before memories fade, taking into account statements of any relevant witnesses.

- 4.2 At any investigatory interview the employee may be accompanied by a trade union representative or a work colleague.
- 4.3 The employee shall be notified of the nature of the complaint against them at the earliest opportunity. It must be noted, that in certain circumstances the employee may not be notified that an investigation is underway until it is deemed appropriate. This will normally be in cases where there is a need for strict confidentiality and/or where the Police may be involved, for example, child protection issues, fraud, theft or other financial irregularities. In all cases verbal notification will be followed up in writing as soon as possible.
- 4.4 Following the investigatory process the Investigating Officer will decide whether to recommend that a Disciplinary Hearing be held or not.
- 4.5 If an employee reports that they are unfit to engage in the process through health issues, they will be referred to Occupational Health.
- 4.6 It is a reasonable management instruction to attend investigatory interviews. There may be occasions when an employee is repeatedly unable or unwilling to attend a meeting. This may be for various reasons, including illness or a refusal to face up to the issue. Managers will need to consider all facts and come to a reasonable decision on how to proceed. Considerations may include:
- The seriousness of the disciplinary issue under consideration.

- The employee's general work record, work experience, position and length of service.
- Medical opinion on whether the employee is fit to attend the meeting.
- How similar cases in the past have been dealt with.

Where an employee continues to be unavailable to attend a meeting management may conclude that a decision will be made on the evidence available.

- 4.7 Employees who provide information for a disciplinary investigation should be aware that if the matter does progress to a Disciplinary Hearing, the information they provide will in normal circumstances be disclosed.

## **5. STAGES IN THE FORMAL PROCEDURE**

### **5.1 First Written Warning**

A First Written warning may be given only by a Hearing Officer, a Band 15 Manager or Designated Officer (Assistant Director or above) following a Disciplinary Hearing, where misconduct is confirmed.

The warning will be confirmed in writing and will set out the nature of the misconduct, the improvement(s) required, the likely consequences of further misconduct and any time limits imposed.

### **5.2 Final Written Warning**

A Final Written Warning may be given only by a Hearing Officer, a Band 15 Manager or Designated Officer following a Disciplinary Hearing, where misconduct is confirmed.

Such a warning may be given if the breach of discipline or unsatisfactory conduct is so serious that a First Written Warning would not be appropriate in the circumstances or where there has been further unsatisfactory conduct or a breach of discipline following a First Formal Written Warning.

The Final Warning will be confirmed in writing and will set out the nature of misconduct, the improvement(s) required; any time limits imposed and will make it clear that further misconduct could lead to a recommendation that the employee be dismissed.

### **5.3 Dismissal**

Only a Assistant Director or above may hear cases that may result in a dismissal. Dismissal is normally invoked:

- Where there has been gross misconduct (see Appendix A for examples).
- Where the employee has on record a current final warning for a same or similar type of disciplinary incident.

Gross misconduct will normally result in summary dismissal, that is, dismissal



without notice or pay in lieu of notice.

Where an employee has a First Written Warning, dismissal may be considered instead of a Final Written Warning if the breach of discipline or unsatisfactory conduct is so serious that a final warning would not be appropriate in the circumstances.

## **6. APPEALS**

- 6.1 There shall be a right of appeal against all warnings and dismissals given under Section 5.
- 6.2 Appeals must be notified, in writing, to the Assistant Chief Executive, within fourteen days of notification of the warning/dismissal. Where possible written confirmation will be sent by 1<sup>st</sup> class post and also sent by email. If no appeal is received within this period the employee/appellant will lose the right of appeal. It will be for the employee/appellant to demonstrate that they were not notified of the decision in time.
- 6.3 All appeals must be lodged by the employee concerned and cannot be lodged by other parties or representatives on behalf of the employee.
- 6.4 The appeal will be arranged as soon as practicable and the employee will receive a minimum of fourteen days notice of the date of the appeal hearing. This period may be reduced by mutual agreement.
- 6.5 Appeals against Written Warnings will be heard in accordance with Appendix C. Appeals against dismissal will be heard in accordance with Appendix D.

## **7. TRADE UNION REPRESENTATIVES**

- 7.1 Normal disciplinary standards apply to Trade Union Representatives.
- 7.2 In normal circumstances no action relating to suspension or discipline should be taken against a representative of a recognised Trade Union without consulting a senior member of staff in Human Resources nor until the case has been discussed with a Senior Trade Union Representative or Full-Time Official.

## **8. ATTENDANCE AT AND REPRESENTATION DURING INVESTIGATIONS AND / OR DISCIPLINARY PROCEEDINGS / APPEALS**

- 8.1 Employees may arrange to be represented by their trade union representative or a colleague from work at all stages of the formal procedure relating to suspension (where possible), disciplinary investigation, hearings and appeal.
- 8.2 Where unreasonable delay might be caused by awaiting the availability of the chosen representative management reserves the right to proceed with the hearing/appeal on the date set and to advise the employee to seek an

alternative representative. It would be reasonable to rearrange the date at least once if there are issues in relation to availability, therefore the opportunity should be given for the representative to provide an alternative date within 5 days.

- 8.3 Where the employee refuses to attend, or fails to attend without giving an acceptable reason, an investigatory meeting / interview, a Disciplinary Hearing, the Officers concerned may proceed with the investigation / hearing and make a decision based on such evidence and information as is available to them at the time. Where the employee refuses to attend, or fails to attend without giving an acceptable reason at the Appeal Stage, the employee may lose the right of appeal.

## **9. DISCIPLINARY RECORDS / TIME LIMITS**

- 9.1 The following maximum time periods will normally apply to warnings given and the Disciplinary Officer should select an appropriate time period taking into account the type of offence:
- First written warning – normally 1 year, but up to 2 years in exceptional circumstances.
  - Final written warning – normally 2 years maximum.
- 9.2 Safeguarding issues may be reported to the Disclosure and Barring Service or the Health Care Professions Council for further action as required by law or guidance.
- 9.3 Records will not be taken into account for disciplinary purposes after the above time periods have been exhausted providing that no further same or similar type of disciplinary incident has occurred during the time period. Where a disciplinary investigation begins prior to the expiry of a previous warning, it will be taken that the warning was valid for the purpose of the current disciplinary proceedings, provided it is the same or a similar matter.
- 9.4 Where an employee who has received a warning is subsequently absent from work by reason of sickness during the currency of the warning for, in aggregate, more than ten days, the amount of absence above ten days shall be added to the original time period specified in the warning. This will ensure that the employee has the full specified period to demonstrate satisfactory conduct.
- 9.5 Records for disciplinary matters will be held for a minimum of 2 years except safeguarding (children & vulnerable adults) issues which will remain on file for the period of employment of the individual(s) involved.

## **10. PROBATIONARY PERIOD**

- 10.1 During the probationary period of an employee the Council's Probation Procedure applies, not the Disciplinary Procedure.

## **11. OFFENCES AGAINST THE LAW**

- 11.1 Where it is believed that an employee may have committed an offence against the law within employment this will be considered in its employment context within the Disciplinary Policy. The Chief Executive or Assistant Chief Executive will be advised of such instances and will consider reporting the matter to the Police with the advice of Human Resources.
- 11.2 The fact that an employee has been cautioned, charged, remanded in custody or has been convicted of an offence outside employment shall not be regarded as an automatic reason for disciplinary action or dismissal. In such cases Human Resources should be consulted and consideration must be given as to whether the offence is one which has any connection with, or bearing upon, the employee's work and/or the tenability of their continued employment with the Council. Where appropriate a disciplinary investigation should be carried out to consider the matter.
- 11.3 In such cases, where a Disciplinary Hearing is held, disciplinary action need not await the outcome of criminal court proceedings.

## **12. EQUALITY IMPACT ASSESSMENT**

- 12.1 This policy does not disadvantage any employee who may have a protected characteristic under the Equality Act 2010.

## **13. MISCELLANEOUS ISSUES**

- 13.1 As an organisation which is open and respects its employees, the Council similarly expects its employees to adhere to high standards of personal integrity and not record meetings without the express consent of all parties present. If an individual asks to record a meeting and one person present objects to the recording, the meeting should not be recorded. If an individual continues to record a meeting ignoring such request or records the meeting without asking other individuals present this behaviour may be dealt with as a disciplinary issue.
- 13.2 This policy applies to employees and not workers of the Council.
- 13.3 In the event of a trade union representative having an issue relating to a disciplinary investigation, then in the first instance the concern should be raised with the relevant departmental HR Business Partner. If the trade union representative is not satisfied with the decision of the HR Business Partner then the HR Business Partner will escalate the matter for a final decision to the Assistant Chief Executive (or in their absence the Chief Executive). The disciplinary process will not be suspended during this time.
- 13.4 If a manager identifies a conflict between the contractual job role of a local trade union representative and their trade union activity then they should contact the relevant senior trade union official to notify them of the issue and seek a resolution. This does not prevent the manager dealing with the work situation accordingly.

## **Appendices to the Disciplinary Procedure**

- Appendix A - Examples of Gross Misconduct
- Appendix B - Administration of Disciplinary Hearings
- Appendix C - Appeals against Warnings
- Appendix D - Appeals against Dismissal

## **Documentation**

HRPP-5/G1 Discipline Policy Guidance

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## Appendix A

### Gross Misconduct

Gross misconduct is conduct of such a serious nature by an employee that the Council could not tolerate the continuation of that employee at work and could not tolerate a repetition of such conduct. Gross misconduct will normally result in summary dismissal, that is, dismissal without notice or pay in lieu of notice. The list below contains examples of the type of conduct which will normally be considered to be gross misconduct and will therefore normally result in summary dismissal:

- a) Acts of violence or intimidation whilst on duty against colleagues, service users, the Council or members of the public.
- b) Fraud or serious theft, e.g. deliberate falsification of documents such as invoices, false accounting, time sheets, expense claim forms, annual leave records etc.
- c) Malicious damage to the property of colleagues, service users, the Council or members of the public.
- d) Serious personal harassment or bullying.
- e) Conviction of a criminal offence relating to duties at work or of an offence outside employment which renders the employee unacceptable for duties.
- f) Failure to carry out duties resulting in individual(s) being at risk of serious harm.
- g) Whilst on duty, being drunk or otherwise incapacitated by the abuse of alcohol or drugs.
- h) Abandoning duties and place of work without permission or acceptable reason.
- i) Deliberate falsification of information on application for appointment (such as qualifications, previous posts etc) whether or not these are a statutory requirement or result in additional remuneration.
- j) Wilful negligence or refusal to carry out a reasonable instruction or serious and deliberate breaches of health and safety rules and other regulations/rules of the Council, e.g. data protection requirement.
- k) Deliberate access to or download of pornographic, offensive or obscene material.
- l) Serious insubordination.
- m) Serious misuse of the Council's property or name.
- n) Action or conduct which may bring the organisation into disrepute.
- o) Acceptance of bribes, unauthorised gifts or gratuities or other corrupt practices.
- p) Serious breach of confidence such as disclosure of confidential or personal information to public sources/persons not authorised to receive such information or other unauthorised use of corporate or personal information.
- q) Holding unauthorised paid employment during the time you are being paid by the Council e.g. paid employment elsewhere while on sick leave.
- r) Unauthorised accessing and/or usage of data.

This list is neither exclusive nor exhaustive.

## Appendix B

### Guidance on the Administration of Disciplinary Hearings

1. When a disciplinary hearing is to be held, the employee should be informed in writing and given reasonable notice of the date, time and place for the hearing (5 working days would normally be the minimum notice given).
2. Where further written statements are to be submitted in evidence, the statement(s) should be copied to the Designated Officer/employee as appropriate at least 2 days before the hearing. This will save time at the hearing and also allow both parties reasonable time to consider the content of the statement(s).
3. In normal circumstances witnesses may not be called to give oral evidence to a disciplinary hearing unless requested. If an employee is to rely on a witness being present at the hearing then they should request their attendance in writing to the Hearing Officer.
4. Where witnesses are to be called by either party the number of witnesses involved should be confirmed to the other party at least 2 days before the hearing so that administrative arrangements can be made to accommodate the witnesses and to alert each party to the involvement of witnesses.
5. If an individual wishes to bring witnesses to a disciplinary hearing who were not part of the investigatory process, it should be noted that it is their responsibility to inform the witness of the time and date of the hearing and for them to agree/arrange the witnesses attendance.

## Appendix C

### Appeals against Written Warnings

#### 1. Administration

Appeals against warnings or dismissal must be notified to the Assistant Chief Executive in writing, (by letter or email) within 14 days of the date of the letter confirming the disciplinary action. If no appeal is received within this period the employee will lose the right of appeal. It will be for the employee to demonstrate that they were not notified of the decision in time. All appeals must be lodged by the employee concerned; appeals cannot be lodged by other parties or representatives on behalf of the employee. An appeal hearing will then be arranged and the employee will receive at least 14 days notice of the hearing of an appeal and may be represented at this by a trade union representative or colleague. The notice period of 14 days may be reduced by mutual agreement. A fundamental aim of the appeals procedure is for the Council not only to be fair but also to be seen to be fair in dealing with its staff. Where the procedure is silent on any point which may arise during the course of the hearing it is for the Hearing Officer / Committee to decide, in the light of any representations made by management and the employee and/or representative, what course of action should be followed.

#### 2. Appeals against Warnings

First Written Warning. Appeal heard by one Band 15 Manager or Chief Officer not involved in the original hearing and a representative of Human Resources

Final Written Warning. One relevant Chief Officer not involved in the original hearing plus a representative of Human Resources.

The procedure for the appeal hearing will be as follows:-

- (a) The management representative and/or Human Resources representative shall state the case.
- (b) Whilst stating the case, if appropriate, the management representative and/or Human Resources representative may call witnesses. The procedure for each witness shall be:-
  - Management representative and/or Human Resources representative to question.
  - Employee and/or representative to question.
  - Panel to ask any questions.
  - Management representative and/or Human Resources representative to re-examine.
  - Witness to leave the room.

- (c) The employee and/or representative may ask questions of the management representative and/or Human Resources Representative.
- (d) The Panel may ask questions of the management representative and/or Human Resources representative.
- (e) The employee and/or representative to state the case.
- (f) Whilst stating the case the employee and/or representative may call witnesses and the procedure for each witness shall be:-
- Employee and/or representative to question.
  - Management and/or Human Resources representative to question.
  - Panel to ask any questions.
  - Employee and/or representative to re-examine.
  - Witness to leave the room.
- (g) The management representative and/or Human Resources representative may ask questions of the employee and/or representative.
- (h) The Panel members may ask questions of the employee and/or representative.
- (i) The management representative and/or Human Resources representative to have the opportunity to sum up his/her case if he/she wishes.
- (j) The employee and/or representative to have the opportunity to sum up his/her case if he/she wishes.
- (k) The management representative and Human Resources representative and employee and representative to withdraw.
- (l) The Panel to deliberate recalling management representative and Human Resources Representative and employee/representative only if clarification of evidence already given is required. In such instances both parties should be recalled even though clarification may be required from only one side.
- (m) The Panel shall announce its decision to both sides unless further time for deliberation is needed, in which case both sides will be advised of this.
- (n) The decision of the Panel will be notified to both sides in writing within 7 days of the appeal hearing.

Notes: The provision for summing up at (i) and (j) does not include the right to introduce new evidence at this stage in the procedure. If this



becomes necessary, then the other side should be given the right of reply.

Where points of clarification which affect the understanding of the case being put need to be raised, the Panel may ask questions at any point during the proceedings but otherwise will raise questions at the appropriate stages.

Any matters of procedure not covered above will be for the Panel to decide.

Where the Chief Executive is the Designated Officer any appeal will be heard by the Personnel Sub-Committee of the Council.

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## Appendix D

### Appeals Against Dismissal

#### **Constitution of Appeals Committee**

Appeals against dismissal are heard by a duly convened and quorate Personnel Sub Committee of the Council. The Constitution defines the makeup of the Committee and how many Members constitute a quorum.

Members who have had any direct prior involvement in the case will be excluded from sitting. The Human Resources Adviser to the Committee will attend appeals against dismissal to provide advice (including procedural and employment law advice) to the Committee and to assist Members generally in establishing the arguments and facts being presented to them.

Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

#### **Written Statements**

Both management and the employee will be invited to submit written statements of case which will be forwarded to Elected Members 7 days before the hearing. Where both parties have provided statements these will also be exchanged 7 days before the hearing. If one party does not produce a statement, they will receive the other party's statement as early as practicable on the day of the hearing.

#### **Representation and Attendance**

The normal procedure will be for the employee plus one representative, and the dismissing manager, the relevant service manager, plus one Human Resources representative, to attend the hearing and present their cases. Witnesses will be called in, in turn, to give evidence and will then leave the hearing. It is at the discretion of the Committee to permit either party to bring additional representatives/managers and to decide whether they may attend in an observer or participant capacity.

#### **Decisions**

On the basis of the evidence presented, the Committee may make any lawful decision it so decides.

Decisions generally will fall into two categories, namely:

- (a) Not allowing the appeal (appeal not upheld) in which case the employees' dismissal is confirmed.

- (b) Allowing the appeal (appeal upheld) in which case the employee is reinstated. If the Committee are of the view that some disciplinary action is necessary, they may consider one or more courses of action such as:
- i. First Written Warning in accordance with the Council's disciplinary procedure.
  - ii. Final Written Warning in accordance with the Council's disciplinary procedure.
  - iii. Redeployment/demotion to another post.

Although the above list is not exhaustive.

The Committee shall give its decision in full detail in the presence of both parties and the Human Resources Adviser to the Committee, and clarification may be sought by any party.

### **Re-engagement**

In exceptional circumstances, where the appeal has not been allowed, the Committee may nonetheless decide to offer re-engagement, on whatever terms it chooses. If so the Committee will announce, when it gives its decision on the appeal that it intends to exercise its discretion in this way. The terms of the re-engagement will be set out in a separate letter sent with confirmation of the Committee's decision. The offer must be accepted in writing before the employee can start work.

### **Procedure**

The procedure will be as follows:-

#### Management Case

1. The management representative and/or Human Resources representative shall state the case.
2. The management representative and/or Human Resources representative may call witnesses and the procedure for questioning each witness shall be:
  - Management and/or Human Resources representative to question
  - Employee and/or representative to question
  - Each Member of the Committee and the Human Resources Adviser to the Committee to be invited to ask any questions
  - Management and/or Human Resources representative to re-examine
  - Witness to retire
3. The employee or representative may ask questions of the management representative and/or Human Resources representative.
4. The Committee Members and the Human Resources Adviser to the Committee may ask questions of the management representatives and/or Human Resources representative.

## Employee Case / Response

5. The employee or representative shall state the case.
6. The employee or representative may call witnesses and the procedure for questioning each witness shall be:
  - Employee and/or representative to question.
  - Management representative and/or Human Resources representative to question.
  - Each Member of the Committee and the Human Resources Adviser to the Committee to be invited to ask any questions.
  - Employee and/or representative to re-examine.
  - Witness to retire.
7. The management representative and/or Human Resources representative may ask questions of the employee.
8. The Committee Members and the Human Resources Adviser to the Committee may ask questions of the employee and/or representative.

## Summing Up

9. The management representative and/or Human Resources representative to have the opportunity to sum up the case, if they choose to.
10. The employee and/or representative to have the opportunity to sum up the case, if they choose to.
11. The management representative and Human Resources representative, the employee and representative to withdraw.
12. The Committee to deliberate in private with only the Human Resources Adviser to the Committee and Democratic Services Officer in attendance, recalling the management representative, Human Resources representative, the employee and representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.

## Decision

13. The Committee shall announce its decision to both parties unless further time for deliberation is needed; in which case both parties will be advised of this.
14. The decision of the Committee and the terms of this will be notified to both parties in writing within 7 calendar days of the hearing.

## General Notes

1. The provision for summing up at (9) and (10) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other party should be given the right of reply.
2. Any matters not covered by the above procedure will be for the Committee to determine.
3. The employee representative must be a Trade Union representative or colleague from work.
4. When advising the Committee, the Human Resources Adviser to the Committee shall not have had any involvement in the original decision to dismiss.
5. Where a decision has been taken not to allow the appeal and this has been communicated to the member of staff as in (13) above and the Committee wish to make an offer of re-engagement, such an offer would be made after stage (13) of the procedure as a distinctly separate matter from the appeal.



# Discipline Guidance

**This document should be read in  
conjunction with the Disciplinary  
Policy & Procedure**

HR Division

## Contents

	Page
1 Minor Misconduct	3
2 Investigation	3
3 Preparing for a Disciplinary Hearing	4
4 Guidance on the Administration of Disciplinary Hearings	4
5 How should the Disciplinary Hearing be conducted	5
6 Statement of the Complaint	5
7 Witnesses	5
8 Employee's Response	5
9 Using the Conversation to Establish all the Facts	6
10 Summing Up	6
11 Adjournment Before Decision	6
12 What Problems May Arise and how Should they be Handled	7
13 The Companion	7
14 What Should be Considered Before Deciding a Disciplinary Penalty	8
15 Role of HR Representative in Disciplinary Matters/Appeals	8
16 Disciplinary Action Confirmatory Letters	9
17 Types of Evidence that may be used in Disciplinary Investigations	9
18 Surveillance	10

## **1. Minor Misconduct**

- 1.1 Cases of minor misconduct or unsatisfactory performance are usually best dealt with informally. A quiet word is often all that is required to improve an employee's conduct or performance. In some cases additional training, coaching and advice may be what is needed. There will be situations where matters are more serious or where an informal approach has been tried but is not working.
- 1.2 How should it be done? Talk to the employee in private, this should be a two-way discussion, aimed at discussing possible shortcomings in conduct or performance and encouraging improvement. Criticism should be constructive, with the emphasis being on finding ways for the employee to improve and for the improvement to be sustained. Listen to whatever the employee has to say about the issue. It may become evident there is no problem – if so make this clear to the employee. Where improvement is required make sure the employee understands what needs to be done, how their performance or conduct will be reviewed, and over what period. It may be useful to confirm in writing what has been decided.
- 1.3 Keep brief notes of any agreed informal action for reference purposes. There should be reviews of progress over specified periods; these could be placed on the employee's supervision record.
- 1.4 If informal action does not bring about an improvement, or the misconduct or unsatisfactory performance is considered too serious to be classed as minor, the employee should be given a clear signal of management's dissatisfaction by taking formal action.

## **2. Investigation**

- 2.1 It should be noted that it may be necessary for a manager to meet with an employee in relation to an issue or incident to establish the facts of the case to determine if a disciplinary investigation is required. This is not considered part of the formal disciplinary investigation process.
- 2.2 It is important to carry out necessary investigations of potential disciplinary matters without unreasonable delay to establish the facts of the case. In some cases this will require the holding of an investigatory meeting with the employee before proceeding to any disciplinary hearing. In others, the investigatory stage will be the collation of evidence for use at any disciplinary hearing.
- 2.3 When investigating a disciplinary matter take care to deal with the employee in a fair and reasonable manner. The nature and extent of the investigations will depend on the seriousness of the matter and the more serious it is then the more thorough the investigation should be. It is important to keep an open mind and look for evidence which supports the employee's case as well as evidence against. It is not always necessary to hold an investigatory meeting (often called a fact finding meeting). If a meeting is held, give the employee advance warning and time to prepare. Any investigatory meeting conducted



by an Investigating Officer should be confined to establishing the facts of the case.

- 2.4 It is important that disciplinary penalties are not considered at an investigatory meeting. If it becomes apparent that formal disciplinary action may be needed then this should be dealt with at a formal meeting at which the employee will have the statutory right to be accompanied. Check if there are any special circumstances to be taken into account, e.g. are there personal or other outside issues affecting performance or conduct?

### **3. Preparing for a Disciplinary Hearing**

- 3.1 An invitation to a Disciplinary Hearing should contain sufficient details for the employee to understand the allegation or matter of concern, confirmation of the right of the employee to be represented at the hearing by their trade union official or a colleague from work and the right of the employee to produce witnesses and/or submit written statements as evidence. Any written statements made at this point should be provided with the letter.
- 3.2 The letter should also refer the employee to paragraph 8.3 in the Disciplinary Procedure, concerning refusal or failure to attend the hearing without giving an acceptable reason.
- 3.3 Where the hearing may involve consideration of dismissal, this should be explained in the letter to the employee.

### **4. Guidance on the Administration of Disciplinary Hearings**

- 4.1 In preparation of a Disciplinary Hearing, consider the following;
- Ensure that all the relevant facts are available, such as disciplinary records, any other relevant documents; and ensure a copy of all relevant information is provided to the individual(s) who is subject to the disciplinary process.
  - Allow the employee time to prepare their case.
  - Arrange a time for the meeting, which should be held as privately as possible, in a suitable room, and where there will be no interruptions.
  - Try and get a written statement from any witness from outside the organisation who is not prepared to or is unable to attend the meeting.
  - Allow the employee to call witnesses or submit witness statements.
  - Make provision for any reasonable adjustments to accommodate the needs of a person with disabilities or communication issues, e.g. language.
  - Think about the structure of the meeting and make a list of issues or questions to be raised.

### **5. How should the Disciplinary Hearing be Conducted**

5.1 Remember that the point of the meeting is to establish the facts, not catch people out and that the meeting may not proceed in neat, orderly stages, but it is good practice for the Hearing Officer to;

- Introduce those present to the employee, explain the role of the accompanying person if present and explain the matter(s) to be considered.
- State that witnesses may be called if appropriate.
- That the employee / companion will have the opportunity to ask questions.
- The employee will be able to respond, may call witnesses, the Hearing Officer to have the opportunity to ask questions of the employee and/or witnesses.
- Explain that the purpose of the meeting is to consider whether disciplinary action should be taken in accordance with the Disciplinary Procedure.
- Explain how the meeting will be conducted.
- Confirm the meeting should not be recorded.

## **6. Statement of the Complaint**

6.1 State precisely what the complaint is and outline the case briefly by going through the evidence that has been gathered. Ensure that the employee and his or her representative or accompanying person are allowed to see any statements made by witnesses and question them.

## **7. Witnesses**

7.1 When witnesses are called they should be called into the hearing in turn to give their evidence and should withdraw after providing information and being questioned if necessary.

7.2 If any witnesses are called back into the hearing for the purpose of clarifying facts, the employee shall be also present.

## **8. Employee's Response**

8.1 Give the employee the opportunity to state their case and answer any allegations that have been made. They should be able to ask questions, present evidence and call witnesses. The accompanying person may also ask questions and should be able to confer privately with the employee. Listen carefully and be prepared to wait in silence for an answer as this can be a constructive way of encouraging the employee to be more forthcoming.

8.2 Establish whether the employee is prepared to accept that they may have done something wrong or are not performing to the required standard. Then agree the steps which should be taken to remedy the situation.

- 8.3 If it is not practical for witnesses to attend, consider proceeding if it is clear that their verbal evidence will not affect the substance of the complaint. Alternatively, consider an adjournment to allow questions to be put to a witness who cannot attend in person but who has submitted a witness statement.

## **9. Use the Conversation to establish all the Facts**

- 9.1 Ask the employee if they have any explanation for the alleged misconduct or unsatisfactory performance, or if there are any special circumstances to be taken into account, if it becomes clear during this stage that the employee has provided an adequate explanation or there is no real evidence to support the allegation, bring the proceedings to a close.
- 9.2 Keep the approach formal and polite and encourage the employee to speak freely with a view to establishing the facts. A properly conducted Disciplinary Hearing should be a two-way process. Use questions to clarify the issues and to check that what has been said is understood. Ask open-ended questions, for example, 'what happened then?' to get the broad picture. Ask precise, closed questions requiring a yes/no answer only when specific information is needed.
- 9.3 Do not get involved in arguments and do not make personal or humiliating remarks. Avoid physical contact or gestures which could be misinterpreted or misconstrued as judgemental. If new facts emerge, it may be necessary to adjourn the meeting to investigate them and reconvene the meeting when this has been done.

## **10. Summing Up**

- 10.1 Summarise the main points of the discussion after questioning is completed. This allows all parties to be reminded of the nature of the issue, the arguments and evidence put forward and to ensure nothing is missed. Ask the employee if they have anything further to say. Following this the employee and their representative should withdraw.

## **11. Adjournment before Decision**

- 11.1 Adjourn before a decision is taken about whether a disciplinary penalty is appropriate. The Designated Officer will then consider their decision in the presence of Human Resources. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised, particularly if there is any dispute over facts. The decision will be notified to the employee as soon as practicable and then confirmed in writing within ten working days.

## **12. What problems may arise and how should they be handled**

- 12.1 When an employee raises a grievance during the meeting it may sometimes be appropriate to consider stopping the meeting and suspending the Disciplinary Procedure – for example when:
- The grievance relates to a conflict of interest that the manager holding the disciplinary meeting is alleged to have.
  - Bias is alleged in the conduct of the disciplinary meeting.
  - Management have been selective in the evidence they have supplied to the manager holding the meeting.
  - There is possible discrimination.
- 12.2 It would not be appropriate to suspend the meeting where the employee makes an invalid point, e.g. if they mistakenly claim that they have the right to be legally represented or that a collectively agreed and applicable procedure does not apply to them because they are not a union member.
- 12.3 It is possible that the hearing may not proceed smoothly – people may be upset or angry. If the employee becomes upset or distressed allow time for them to regain composure before continuing. If the distress is too great to continue then adjourn and reconvene at a later date – however, the issues should not be avoided. Clearly during the meeting there may be some ‘letting off steam’, and this can be helpful in finding out what has actually happened, however, abusive language or conduct should not be tolerated.

## **13. The Companion**

- 13.1 The companion may be:
- A Council employee.
  - An official employed by a Trade Union, or a Workplace Trade Union representative.
- 13.2 Work colleagues or Trade Union Officials do not have to accept a request to accompany a worker, and they should not be pressurised to do so.
- 13.3 An employee who has agreed to accompany a colleague is entitled to take a reasonable amount of paid time off to fulfil that responsibility. This should cover the hearing and time for the companion to familiarise themselves with the case and confer with the employee before and after the hearing.
- 13.4 Before the hearing takes place, the employee should tell the Designated Officer who they have chosen as a companion. In certain circumstances it can be helpful for the companion and employer to make contact before the hearing.
- 13.5 The companion should be allowed to address the hearing in order to:
- Put the employee’s case.
  - Sum up the employee’s case.
  - Respond on the employee’s behalf to any view expressed at the hearing.

- 13.6 The companion can also confer with the employee during the hearing. It is good practice to allow the companion to participate as fully as possible in the hearing, including asking witnesses questions. The companion should not answer questions on the employee's behalf, or address the hearing if the employee does not wish it, or prevent the employee from explaining their case.
- 13.7 Reasonable adjustment may be needed for a worker with a disability (and possibly for their companion if they are disabled), e.g. the provision of a support worker or advocate with knowledge of the disability and its effects.

#### **14. What should be considered before deciding any Disciplinary Sanction**

- 14.1 When deciding whether a disciplinary sanction is appropriate and what form it should take, consideration should be given to:
- What HBC Guidance indicates the likely penalty will be as a result of the particular misconduct.
  - The penalty imposed in similar cases in the past.
  - Whether standards of other employees are acceptable, and that this employee is not being unfairly singled out.
  - The employee's disciplinary record (including current warnings), general work record, work experience, position and length of service.
  - Any special circumstances which might make it appropriate to adjust the severity of the penalty.
  - Whether the proposed sanction is reasonable in view of all the circumstances.
  - Whether any training, additional support or adjustments to the work are necessary.
- 14.2 It should be clear what the normal practice is for dealing with the kind of misconduct or unsatisfactory performance under consideration. This does not mean that similar offences will always call for the same disciplinary action: each case must be looked at on its own merits and any relevant circumstances taken into account. Such relevant circumstances may include health or domestic problems, provocation, justifiable ignorance of the rule or standard involved or inconsistent treatment in the past.

#### **15. Role of Human Resources Representative(s) in Disciplinary Matters and Appeals**

- 15.1 Human Resources staff can provide advice on the application of the procedure at any stage.
- 15.2 At all stages under Suspension, Hearings and Appeals the involvement of a Human Resources Representative is required.
- 15.3 Their role will be to assist in ensuring that correct procedural steps are taken, to provide advice based on Council-wide implementation of the procedure so as to promote consistency and fairness. This may involve asking questions

for the purpose of clarification on matters which have been raised during the course of the disciplinary proceedings or hearing.

- 15.4 At Appeal Hearings, the Human Resources Representative may either assist the manager in their presentation or may undertake the presentation.

## **16. Disciplinary Action Confirmatory Letters**

- 16.1 Letters confirming any disciplinary action taken will be sent by the Designated Officer within ten working days of the hearing and will contain the following information:-

- Details of the offence or behaviour.
- Confirmation that repetition of this, or related offences/behaviour are liable to lead to further disciplinary action.
- Details of the right of appeal and how that may be exercised.
- If appropriate, any period of time set for a review.
- Details of any action required of the employee.
- Details of any assistance or training to be provided by management.
- Confirmation of the period of time for which the warning will remain current.

- 16.2 Letters of dismissal will also be sent within ten working days of the hearing and contain:-

- The effective date of termination and whether notice or payment in lieu of notice is being given.
- The reason for dismissal stated as precisely and clearly as possible.
- Details of the right of appeal and how this can be exercised.

## **17. Types of Evidence that may be used in Disciplinary Investigations**

- 17.1 Examples of evidence that may be used in the investigation of discipline issues within HBC:

- Workplace internet records.
- Workplace email.
- Workplace telephone.
- CCTV.
- Council vehicle GPS data.
- Public information from the internet such as social networking sites.
- Interviews with person(s) subject to investigation and other staff members.
- Statements from third parties.

- 17.2 Information from anonymous sources will not be used as evidence, but the information may be used to establish the facts of an issue, which may lead to an investigation.

- 17.3 Hartlepool Borough Council (HBC) is registered under the Data Protection Act 1998 for the collection of data in a wide variety of forms and is therefore entitled to store and use data in accordance with this legislation.
- 17.3 CCTV images are recorded and retained in accordance with the Information Commissioners Office (ICO) CCTV Code of Practice, Revised Edition 2008. Appendix 3 'Monitoring Your Workforce' as amended by the Protection of Freedoms Act 2012. The purposes of CCTV in the workplace is crime prevention and public safety and not about monitoring staff. CCTV images will only be used in serious disciplinary issues.

## **18. Surveillance**

- 18.1 In some circumstances it is appropriate and necessary to undertake covert surveillance. Covert monitoring is where video or audio recording equipment is used, and those being monitored are unaware that this is taking place. All covert surveillance of employees must be authorised by a senior member of Human Resources in conjunction with the Director of the relevant department.
- 18.2 When determining whether covert surveillance is necessary, the following will be taken into account:
- Would it prejudice the investigation to tell workers that surveillance equipment is being used?
  - The reasons for the surveillance – is this an exceptional circumstance, e.g. criminal activity or serious malpractice?
  - The availability of other sources of information to provide evidence in relation to the investigation.
  - The nature of the surveillance, will the camera(s) be removed on completion of the investigation?
  - The extent of the intrusion into the privacy of others and how this will be minimised.
  - The possible outcomes of the surveillance.
  - Cameras and listening devices should not be installed in private areas such as toilets and private offices, except in the most exceptional circumstances where serious crime is suspected. This should only happen where there is an intention to involve the police, not where it is a purely internal disciplinary matter.
  - If covert surveillance is installed for one investigation and turns up evidence of other criminal behaviour or disciplinary offences, this evidence will only be used where the offence is serious, for example, gross misconduct or misconduct putting others at risk. It would be unfair to use evidence obtained covertly for minor disciplinary matters.
- 18.3 Where appropriate, the Councils policy and procedure in relation to the Regulation of Investigatory Powers Act 2000 will be complied with.



# Grievance Policy & Procedure

HR Division



## Contents / Index

Section	Contents	Page
	Contents / Index	2
1	Introduction	3
2	Scope of the Procedure	3
3	Representation	3 - 4
4	Collective Grievance	4
5	Raising a Grievance	4
6	Stages of the Grievance Procedure <ul style="list-style-type: none"> <li>• Informal – Stage 1</li> <li>• Formal – Stage 2</li> <li>• Formal Appeal – Stage 3</li> </ul>	4 - 5 5 5 - 6
7	Chief Officers	6
8	Directors	6
9	Chief Executive	6
10	Timescales	6
11	Illness / Absence During the Formal Grievance Procedure	6 - 7
12	Overlapping Grievance and Disciplinary Cases	7
13	Mediation	7
14	Malicious Complaints and Behaviour	7
15	Records and Confidentiality	7
16	Withdrawal of a Grievance	8
	<b>Appendix A</b>	
1	• Constitution of the Committee	9
2	• Written Statements	9
3	• Representation and Attendance	9 – 10
4	• Procedure	10 – 11



## **1. Introduction**

- 1.1 Hartlepool Borough Council is committed to the welfare of all employees (including workers). It is, however, recognised that on occasion grievances may arise.
- 1.2 This procedure provides a mechanism for employee concerns, problems or complaints relating to their work, working environment or working relationships to be raised and addressed fairly, quickly and as close to the source of the problem as possible. Examples may include:
- Terms and conditions of employment
  - Health and safety
  - Work relations
  - New working practices
  - Organisational change
  - Discrimination
  - Bullying and Harassment (separate procedure)

## **2. Scope of the Procedure**

- 2.1 This policy and procedure applies to all employees of the Council with the exception of those employed in schools with delegated budgets who have alternative procedures adopted by their Governing Bodies.
- 2.2 Some complaints about employment fall outside the scope of the Grievance Procedure as they require different treatment. Examples may include:
- Disciplinary
  - Job Evaluation
  - Reorganisation
  - Whistleblowing
- 2.3 An employee may have a number of grievances some of which may be unrelated to each other. In such cases it may be necessary to apply the grievance procedure to each issue separately or, if appropriate, apply a different procedure.
- 2.4 This grievance procedure does not apply to ex-employees.

## **3. Representation**

- 3.1 Employees have the right to be accompanied by their Trade Union Representative or a work Colleague at all formal stages of this process.
- 3.2 Where unreasonable delay may be caused by awaiting the availability of the chosen representative; management reserve the right to proceed with the investigation on the date set and to advise the employee to seek an alternative representative.

- 3.3 Where the employee raising the grievance does not engage in the process without acceptable reason; then a decision will be made by the relevant Chief Officer, with Human Resources (HR) advice, on whether to draw conclusion on the facts available or alternatively to discontinue the grievance. This will be confirmed in writing to the employee.

#### **4. Collective Grievance**

- 4.1 In some circumstances a grievance may apply to more than one employee (collective grievance). In such cases the group will be required to select one member to represent the group to state their case, supported by a Trade Union Representative if required. In some circumstances, it may be necessary to miss out the informal stage and address the matter formally.

#### **5. Raising a Grievance**

- 5.1 A quiet word is often all that is required and many problems can be raised and settled at an early stage during the course of everyday working relationships. This approach is normally less time consuming and less likely to damage working relationships.

#### **6. Stages of the Grievance Procedure**

##### **6.1 Informal – Stage 1**

- 6.1.1 Employees should aim to settle problems informally with their Colleagues and/or Line Manager where possible without recourse to the formal grievance procedure.
- 6.1.2 It is important that an employee raises their grievance verbally (although may opt to do this in writing) with their Line Manager. Where possible a grievance should be raised as soon as reasonably practicable after an incident / cause for grievance has occurred.
- 6.1.3 If the concerns relate to a Line Manager, an employee should still raise their grievance directly with the Line Manager if they feel able to do so. Where this is not possible, employees should discuss their concerns with the next most senior person.
- 6.1.4 If an employee is unsure as to who they should contact about a grievance they may, in confidence, ask HR who will let them know who the appropriate person is.

#### 6.1.5 The Line Manager should:

- Within 5 working days of receipt of the grievance (working days for the purposes of this procedure are Monday to Friday in any working week excluding bank holidays), respond to the employee clearly outlining the issues and subsequent actions agreed.
- Where the grievance is not upheld then make sure the reasons are explained.

6.1.6 Where the employee feels that their grievance has not been satisfactorily resolved at this informal stage then they should raise the matter formally at Stage 2 without unreasonable delay.

### 6.2 Formal - Stage 2

6.2.1 If the matter is not resolved at the informal stage and the employee is still aggrieved the employee should submit a grievance, in writing, on the grievance form, setting out the nature of the grievance to the appropriate Chief Officer within 5 working days of receipt of the written outcome of the informal stage.

6.2.2 The Chief Officer will respond in writing as soon as possible and within 5 working days or arrange a meeting as soon as possible with the employee and his/her Trade Union Representative or Colleague from work, the immediate Line Manager (if appropriate), a HR Representative and any other relevant people.

6.2.3 The Chief Officer's decision may be to accept the grievance, dismiss the grievance, refer the matter back to the immediate Line Manager for resolution with appropriate comments/guidance, or any other course of action which would be reasonable in the circumstances of the individual case.

6.2.4 A decision following a meeting will be confirmed in writing within 5 working days.

### 6.3 Formal Appeal - Stage 3

6.3.1 If the matter is not resolved at the formal stage and the employee is still aggrieved the employee should submit an appeal, in writing, setting out the grounds for the appeal to the Assistant Chief Executive within 14 days of the date of the letter confirming the decision reached at Stage 2. If no appeal is received within this period the employee will lose the right of appeal.

6.3.2 All appeals must be lodged by the employee concerned and cannot be lodged by other parties or representatives on behalf of the employee.

6.3.3 The grievance will be heard as soon as practicable by a Personnel Sub Committee of the Council. The employee will receive a minimum of 7 days notice of the date of the appeal hearing. This period may be reduced by mutual agreement.

6.3.4 The procedure for Appeals under Stage 3 are outlined in detail at Appendix A.

## **7 Chief Officers**

- 7.1 As Chief Officers have only one or two officers who are senior to them in the structure of the Council it may not be possible for them to use all the stages of the grievance procedure as described above.
- 7.2 Grievances should, therefore, be referred to the appropriate Director in the first instance, who will respond within 14 days, and as a second stage to the Chief Executive who will respond within 14 days. Stage 3 will apply thereafter.

## **8. Directors**

- 8.1 Directors and Divisional Heads within the Chief Executive's Department, should refer their grievance to the Chief Executive in the first instance. Stage 3 will apply thereafter.

## **9. Chief Executive**

- 9.1 The Council's Grievance Procedure will be varied for the Chief Executive as necessary to ensure compliance with the CEX National Conditions of Service.

## **10. Timescales**

- 10.1 Where it is not possible to respond to an employee within a specified time period e.g. a requirement for further investigation, then the employee should be notified of this delay and also advised as to when a response can be expected.
- 10.2 Within the terms of this procedure, if leave of the employee raising the grievance, or of the officer to whom it must be referred, impedes the application of the time limits shown then these may be extended by the requisite number of days.
- 10.3 Timescales set in the grievance procedure may be varied by mutual consent between the aggrieved employee and the person with whom the grievance has been lodged at the appropriate stage.

## **11. Illness / Absence During the Formal Grievance Procedure**

- 11.1 Where an employee submits a grievance and is absent from work due to illness then the Council may, where necessary, seek advice from the Council's Occupational Health Advisor to determine the employee's fitness to engage in the process.

- 11.2 The Council will progress the grievance in the absence on an employee as far as possible.
- 11.3 The Council's Attendance Management Policy will continue to be implemented as normal throughout any grievance process.

## **12. Overlapping Grievance and Disciplinary Cases**

- 12.1 If it becomes evident during any stage of the grievance procedure that a potential disciplinary issue is involved, the grievance procedure may be suspended and the matter dealt with under the Council's Disciplinary Policy and Procedure.
- 12.2 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be suspended temporarily in order to deal with the grievance. However, where the grievance and disciplinary cases are related, the Council may deal with both issues concurrently under the disciplinary process.

## **13. Mediation**

- 13.1 At any stage of this procedure, where both parties agree to participate, it may be appropriate for the Council to arrange mediation.

## **14. Malicious Complaints or Behaviour**

- 14.1 The Council treats concerns raised by its employees very seriously. Similarly, it will view the raising of unfounded concerns for vexatious or malicious purposes, or for personal gain, very seriously and actions of this nature will be considered as potential disciplinary offences.

## **15. Records and Confidentiality**

- 15.1 Information relating to an employee grievance will be retained in accordance with the Data Protection legislation. This will include:
- the nature of the grievance
  - what was decided and actions taken
  - the reason for the actions
  - whether an appeal was lodged
  - the outcome of the appeal
  - any subsequent developments
- 15.2 Copies of formal meeting records will be given to the employee including copies of any formal minutes that may have been taken. In certain

circumstances, the Council may withhold some information e.g. to protect a witness.

## **16. Withdrawal of a Grievance**

- 13.1 On occasion an employee may decide that they want to withdraw their grievance. This may be due to a genuine change of heart; the employee resolving the issue personally or the receipt of information that has shed new light on an issue.
- 13.2 Where an employee chooses to withdraw this must be notified, in writing, to the Line Manager / chief officer dealing with the case outlining the reasons for withdrawal. This will be acknowledged, in writing, by the Line Manager / Chief Officer advising on how the Council will deal with this e.g. in some cases a grievance raised may be so serious that the Council still needs to pursue an investigation.

### **Documentation**

HRPP-9 / F1              Employee Grievance Form



## **Appendix A**

### **1 Constitution of the Committee**

- 1.1 A Stage 3 Grievance will be heard by a duly convened and quorate Personnel Sub Committee of the Council. The Constitution defines the makeup of the Committee and how many Members constitute a quorum.
- 1.2 Members who have had any direct prior involvement in the case or where they have a prejudicial or pecuniary interest in the case will be excluded from sitting. The Human Resources Adviser to the Committee will attend the appeal to provide advice (including procedural and employment law advice) and will assist Members in establishing the facts being presented to them.
- 1.3 Normal Council Democratic Services support will be provided to the Committee. The Democratic Services Officer shall record the decision of the Committee but is not present to provide any form of advice other than on administrative matters.

### **2 Written Statements**

- 2.1 Both Management and the Employee will be invited to submit a written statement of case.
- 2.2 Members of the committee will receive these statements (where submitted) 7 days before the hearing.
- 2.3 Where both parties have submitted statements these will be exchanged at least 3 days before the date of the hearing or as soon as possible if received after 3 days.
- 2.4 If one party does not produce a statement then they will receive the other party's statement as early as practicable on the day of the hearing.
- 2.5 Notice of a hearing will normally be 7 days unless it is agreed by both sides that a shorter notice period is acceptable.

### **3 Representation and Attendance**

- 3.1 The Employee bringing the grievance appeal may attend with one Representative.
- 3.2 The Manager attending the appeal will attend with one HR Representative.
- 3.3 Witnesses, if any, will be called in to give evidence and will then leave the hearing.

- 3.4 It is at the discretion of the Panel to permit either side to bring additional Representatives/Managers and to decide whether they may attend in an observer or participant capacity.

#### **4 Procedure**

The procedure will be as follows:

- (a) The aggrieved Employee and/or Representative shall state their grievance.
- (b) Whilst stating the grievance, if appropriate the Employee or their Representative may call Witnesses. The procedure for each Witness shall be:
  - Employee and/or Representative to question.
  - Management and/or HR Business Representative to question.
  - Employee or Representative to re-examine.
  - Chair to invite each member of the Committee and the HR Advisor to ask any questions.
  - Witness to leave the room.
- (c) The Management and/or HR Representative may ask questions of the Employee or Representative.
- (d) The Committee Members and the HR Advisor may ask questions of the Employee or Representative.
- (e) The Management and/or HR Representative to state the response to the grievance.
- (f) Whilst responding the Management and/or HR Representative may call Witnesses and the procedure for each Witness shall be:
  - Management and/or HR Representative to question.
  - Employee and/or Representative to question.
  - Management and/or HR Representative to re-examine.
  - Chair to invite each member of the Committee and the HR Advisor to ask any questions
  - Witness to leave the room.
- (g) The Employee/Representative may ask questions of the Manager and/or HR Representative.
- (h) The Committee members and the HR Advisor may ask questions of the Management and/or HR Representative.
- (i) The Management and/or HR Representative to have the opportunity to sum up his/her case if he/she wishes.

- (j) The Appellant or Representative to have the opportunity to sum up his/her case if he/she wishes.
  - (k) The Management and HR Representative and the Appellant and Representative to withdraw.
  - (l) The Committee to deliberate in private with only the HR Advisor and Secretary in attendance recalling the Management Representative, HR Representative, the Employee and Representative only if clarification of evidence already given is required. In such instances all parties should be recalled even though clarification may be required from only one party.
  - (m) The Committee shall announce its decision to both sides unless further time for deliberation is needed, in which case both sides will be advised of this.
  - (n) The decision of the Committee will be notified to both sides in writing within 7 days of the hearing.
- 4.1 The provision for summing up at (i) and (j) does not include the right to introduce new evidence at this stage in the procedure. If this becomes necessary, then the other side should be given the right of reply.
- 4.2 Any matters of procedure not covered above will be for the Committee to decide.

Grievance Form	
<b>Name</b>	
<b>Job Title</b>	
<b>Service/Department</b>	
<b>Line Manager Name</b>	
<b>Preferred Telephone Number for Contact</b>	
<b>Preferred E-mail Address for Contact</b>	
<p><b>* Delete as appropriate:</b></p> <p>I *have / have not informally raised my concerns/issues.</p> <p>Name of Colleague / Line Manager discussed with (where applicable):</p> <hr/> <p>I *have / have not requested the support of a Trade Union Representative / Colleague.</p> <p>Name of Representative / Colleague (where applicable):</p> <hr/>	
<p><b><u>Details of grievance:</u></b> (continue on a separate page if required)</p>	

# FINANCE AND POLICY COMMITTEE

13 October 2014



**Report of:** Chief Solicitor

**Subject:** CODE OF CONDUCT FOR EMPLOYEES

## 1. TYPE OF DECISION

1.1 Non key decision.

## 2. PURPOSE OF REPORT

2.1 For the Committee to consider the appended draft 'Code of Conduct for Employees' following on from the consolidation of this item by the Audit and Governance Committee on 25<sup>th</sup> September 2014. This report therefore appends the existing Code as agreed with Trade Unions as part of the Single Status Agreement (**Appendix A**) and a suggested revision (**Appendix B**) covering the expanded themes and principles behind such a Code. This draft Code has been considered by the Joint Local Consultative Committee and has met with their approval. There has also been further reference of this document to the Trade Unions at their Single Table meeting in September and no adverse comments have been made. It is therefore a recommendation that this Committee requests Council to adapt this amended Code and the same is incorporated into Part 5 of the Constitution ('Codes and Protocols').

## 3. CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

3.1 The Local Government Act, 2000 (Section 82 refers) provided the Secretary of State with a discretion to issue a Code '*as regards the conduct that should be expected of employees within local authorities in England and police authorities in Wales.*' Although, subsequent consultation exercises followed through the then Office of the Deputy Prime Minister and also through the Standards Board for England, no government has yet introduced a statutory requirement for a Code of Conduct to be adopted in respect of local authority employees. The National Assembly for Wales has issued a Code for qualifying employees in relevant authorities in Wales (other than police authorities). It is of note, that before making an Order under the 2000 Act, the Secretary of State must consult;

- Such representatives of relevant authorities in England and those employees of such authorities, as he considers appropriate
  - The Audit Commission, and
  - The Commission for Local Administrations in England.
- 3.2 It was therefore envisaged that such a Code would be subject to formal consultation, sufficient for the incorporation into an Officers terms and conditions of employment. As mentioned, the Council's Single Status Agreement did introduce a Code which is appended to this report (**Appendix A**). That Code was locally agreed as part of the implementation of the Single Status Agreement. It is appropriate for this amended Code to be similarly subject to local agreement and this is the reason this document was considered by Trade Unions at their 'Single Table' meeting on 16<sup>th</sup> September.
- 3.3 The Local Government Act, 2000 as indicated refers to the involvement of the Audit Commission and also the Commissioner for Local Administration in England in respect to the introduction of a National Code. The Audit Commission will be abolished under the provisions contained in the Local Audit and Accountancy Act, 2014. The functions of the Audit Commission will be undertaken through a local external audit process, and a copy of the draft Code (**Appendix B**) has therefore been provided to the Council's external auditors for information and any comment that they may wish to make.

#### 4. THE EMPLOYER/EMPLOYEE RELATIONSHIP

- 4.1 The terms behind a contract of employment can be either expressed or implied, but will be void if the same are either illegal or contrary to public policy. Clearly, it is more beneficial if a term is expressly agreed between the parties through collective bargaining with Trade Unions or where applicable, those terms that by their nature can be incorporated through ie. a staff handbook. It is therefore recommended that the suggested revised Code should effectively replace that agreed locally through the Single Status Agreement back in 2008. The draft Code reinforces the nature of the employer/employee relationship which is built upon reasonableness and mutual trust and confidence and particularly the aspect of fidelity between the parties.
- 4.2 The draft Code through a variety of references (Whistle-blowing, Political Restrictions etc.,) provides a number of 'signposts' for employees to have regard in the conduct of their employment. It builds upon the Code agreed under the Single Status Agreement and is more expansive in its content and application. In particular it 'up-dates' the earlier document with references to the Bribery Act provisions and the movement towards more 'open and accountable local government' as illustrated in the Department for Communities and Local Government' Guidance document (June 2014) and

The Openness of Local Government Bodies Regulations 2014 (enacted August 2014).

## **5. SUMMARY AND CONCLUSION**

- 5.1 Both the original and proposed codes of conduct make reference to the key principles of standards in public life which came from the deliberations and recommendations of the 'Nolan Committee'. There are additional references in the revised draft Code, for example, that are designed to safeguard against the misuse of Council resources, namely through any misuse of computers, use of social networking sites etc. It is therefore recommended that any adoption of this revised document is through incorporation within the Council's constitutional arrangements, namely, Part 5 of the Council's Constitution ('Codes and Protocols'). It is also important that staff, are made aware of the revised Code and some element of publicity will be required in that regard.

## **6. RECOMMENDATIONS**

- 6.1 To consider the attached 'Code of Conduct for Employees' and to make recommendations in unison with the Audit and Governance Committee to Council for adoption of the amended Code into the Council's constitutional arrangements.

## **7. BACKGROUND PAPERS**

None.

## **8. CONTACT OFFICER**

Peter Devlin  
Chief Solicitor  
01429 523003

[BACK TO INDEX](#)

improve service delivery and efficiency (any subsequent changes to posts would be subject to evaluation through the job evaluation process)

**15.16 Equal Pay Audits**

- 15.16.1 Equal pay audits will be undertaken regularly in accordance with the Equality and Human Rights Commission guidance and Part 4.10 of the "Green Book" with effect from 1 April 2012.

**15.17 Employment related Strategies, Policies and Procedures**

- 15.17.1 The current employment related Strategies, Policies and Procedures are detailed at [Annex 27](#)
- 15.17.2 Strategies, Policies and Procedures may be reviewed, removed or supplemented following
- agreement with the Trade Unions party to this agreement at the Single Table Group (or any successor body) and
  - Executive ratification

**15.18 Employees' Code of Conduct**

- 15.18.1 An Employees' Code of Conduct as shown below will apply from 1 July 2008.

**Employee Code of Conduct****Honesty, Integrity, Impartiality and Objectivity**

1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.

**Accountability**

2. An employee must be accountable to the authority for his/her actions.

**Respect for Others**

3. An employee must
  - a) treat others with respect;
  - b) not discriminate unlawfully against any person; and
  - c) treat members and co-opted members of the authority professionally.

**Stewardship**

4. An employee must
  - a) use any Public and Bank funds entrusted to or handled by him/her in a responsible and lawful manner; and
  - b) not make personal use of property or facilities of the authority unless properly authorized to do so.



**Personal Interests**

5. An employee must not in his official or personal capacity
  - a) allow his/her personal interests to conflict with the authority's requirements; or
  - b) use his/her position improperly to confer an advantage or disadvantage on any person.

**Registration of Interests**

6. An employee must comply with any requirements of the authority -
  - a) to register or declare interests; and
  - b) to declare hospitality, benefits or gifts received as a consequence of his/her employment.

**Reporting procedures**

7. An employee must not treat another employee of the authority less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

**Openness**

8. An employee must
  - a) not disclose information given to him in confidence by anyone, or information acquired which s/he believes is of a confidential nature, without the consent of a person authorized to give it, or unless s/he is required by law to do so; and
  - b) not prevent another person from gaining access to information to which that person is entitled by law.

**Appointment of staff**

9. (1) An employee must
  - a) declare an interest to the relevant Director/Chief Officer/Headteacher if s/he is due to be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or close friend or for any other reason where the employee may be, or perceived to be, in a position to unduly influence the decision and
  - b)
    - i) be disqualified if s/he is a relative of another employee, or prospective employee or if for any other reason the relevant Director/Chief Officer/Headteacher determines the circumstances merit disqualification
    - ii) continue to be involved with the approval of the relevant Director/Chief Officer/Headteacher, subject to any additional safeguards the relevant Director/Chief Officer/Headteacher identifies as being necessary.

(2) In this paragraph

a) "relative" means a spouse, partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and

b) "partner" in sub-paragraph (a) above means a member of a couple who live together.

(Further clarification is given in the Council's Recruitment & Selection Policy)

**Duty of trust**

10. An employee must at all times act in accordance with the trust that the Public is entitled to place in him/her.

**Criminal Convictions**

11. An employee must comply with any requirements of the authority to declare any criminal convictions.

- 15.18.2 Guidance on the application of the Employee Code of Conduct (clause 6b) in respect of Gifts and Hospitality is provided at [Annex 28](#)

**15.19 Additional Work Outside the Council**

- 15.19.1 With effect from 1 July 2008, all employees on Bands 13-15 shall obtain written permission from their Director (with the agreement of the Chief Customer and Workforce Services Officer and the Chief Finance Officer) to undertake additional paid work outside the Council. Employees on Bands 1-12 do not need formal approval to undertake paid work outside the Council but should comply with the Code of Conduct (as detailed in Part 2, Section 15.18).

**15.20 Payments to Employees in the Event of Death or Permanent Disablement Arising from Assault in the Course of, or as a Consequence of, their Employment**

- 15.20.1 From 1 October 2010 employees who suffer death or disablement shall be entitled to the payments detailed in Table 2.23 (set out overleaf) providing the death or disablement occurs
- as a consequence of a violent or criminal assault and
  - within 12 months of the violent or criminal assault taking place and
  - in the course of, or as a consequence of, their employment

## HARTLEPOOL BOROUGH COUNCIL

### CODE OF CONDUCT FOR EMPLOYEES

#### **Introduction**

This Code of Conduct for employees explains how the Council expects you to behave as an employee. It is based on the principles established through the Committee on Standards in Public Life ("the Nolan Committee") as set out below. The Code also provides you with guidance about your rights and responsibilities, to give the highest possible standard of service to the public, and other stakeholders and to reflect some employee duties, to provide advice to Councillors and fellow employees with impartiality.

The Code is also based on the various national conditions of service and this Code is to be used as a benchmark of good practice where complaints alleging maladministration have been made to the Office of the Local Government Ombudsman.

This Code can also be read in conjunction with those 'Procedure Rules' contained within Part 4 of the Council's Constitution and those codes and protocols contained within Part 5, in particular those governing 'Officer/Member' relations, as well as the Council's Code of Corporate Governance. The Council is committed to maintaining high standards of conduct amongst its elected and co-opted Members and also Officers of the Borough Council and the Council may take disciplinary action if an employee, at any level, breaches the Code. Further, an employee should also comply with this Code so far as is possible if you are a representative of the Council on any Board, Trust, Company or other organisation, in addition to the governance arrangements surrounding those bodies.

The Code is not exhaustive and employees should, where not directly mentioned, adhere to principles of the Code as outlined below. The overriding intention of the Code is to protect employees and provide clarity.

#### **The Key Principles of Public Life**

<b>Selflessness</b>	Decisions should be based solely on the Council's best interests. Employees should not take decisions which would result in any financial or other benefit to themselves, their family or their friends
<b>Integrity</b>	Employees should always act with integrity and not place themselves under any financial or other obligation to an individual or other organisation which might influence them in their work with the Council.
<b>Objectivity</b>	Any decisions which are made in the course of an employees work with the Council, including making appointments, or writing contracts or recommending individuals for rewards or benefits, must be based solely on merit.
<b>Accountability</b>	Employees are accountable to the Council as their employer. The Council, in turn, is accountable to the general public.



<b>Openness</b>	Employees should be as open as possible in all their decisions and their actions that they take. Employees should give reasons for their decisions and should not restrict information unless this is clearly required by Council policy or by the law.
<b>Honesty</b>	Employees have a duty to declare any private interests which might affect their work for the Council.
<b>Respect</b>	Employees must respect all other employees and Councillors and the role they play, treating them with courtesy at all times.
<b>Leadership</b>	Managers should promote and support these principles by leadership and example.

## **1. Relationships**

### **1.1 The public**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups or individuals within that community as defined by the policies of the Council. The Council is committed to promoting equality of opportunity and to eliminating discrimination within its own employment practices and service delivery and therefore you must follow the Council's 'Equality and Diversity in Employment' policy and other policies covering these matters.

### **1.2 Councillors**

Employees are responsible to the Council through its senior managers. Mutual respect between employees and Councillors is essential to good local governance. Inappropriate relationships between employees and individual Councillors can damage the reputation of the Council as well as individuals and should be avoided. Officers are therefore reminded of the guidance contained within the Officer/Member Protocol within the Council's Constitution.

### **1.3 Contractors**

You must be fair and impartial in your dealings with contractors, sub-contractors and suppliers. If you are involved in a tendering process you must comply with Council 'Contract Procedure Rules' and the guidance within the Council's 'Officers Guide to Procurement'. All relationships of a business or private nature with external contractors, sub-contractors and suppliers, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, through fair competition.

If you have access to confidential information on tenders or costs for either internal or external contractors, you must not disclose that information to any unauthorised individual or organisation in accordance with statutory regulations and local procurement protocols.

### **1.4 Other Council Employees**

You may have dealings with the Council on a personal level, for instance as a Council Tax payer, or as an applicant for a grant of any permission, licence, or

consent. You should never seek or accept preferential treatment in those dealings because of your position. You must also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Similarly, you should never use your position to seek preferential treatment for friends or relatives or firm or body for which you are personally connected.

## **2. Political Neutrality**

- 2.1** Employees serve the Authority as a whole. It follows they must serve all Councillors and not just those of the controlling group and must ensure that the individual rights of all Councillors are respected.
- 2.2** Officers should never compromise their political neutrality. Employees should be aware whether they hold a politically restricted post under the Local Government and Housing Act, 1989, as amended. Further, they should follow the policy of the Council on such matters and must not allow their own personal or political opinions to interfere with their work.

## **3. Conflicts of Interest**

- 3.1** The best interests of the Council should always be the paramount consideration. You must never allow any private interests to influence your decisions.
- 3.2** You must not offer advice or guidance or participate in or influence any decisions making process where you have a prejudicial or pecuniary interest, or a member of the public may reasonably believe that you have such an interest.
- 3.3** Employees must declare any non-financial and financial interests that they consider bring about any conflict with the Council's interests. Such interests may be a financial in nature or which a member of the public might reasonably believe may affect a person's judgement in the public interest. All interests of a prejudicial or pecuniary nature must therefore be declared using the 'Declaration of Interest' form, found on the Council's Intranet, as soon as you become aware of these interests.
- 3.4** If the interest involves a decision to be taken by the Council, it's Committees or under delegated powers, you should take no part in the process by which the decision is taken.
- 3.5** If you are involved in a business or any commercial enterprise which might result in a conflict of interest or could reasonably be perceived by a member of the public as creating a possible conflict of interest in relation to any aspect of your work with the Council then you should inform your line manager. Again, this may require the completion of the necessary form of declaration to ensure that a full and proper disclosure has been made.

## **4. Information**

- 4.1** The law requires that certain types of information must be available to Councillors, auditors, government departments, service users and the general public. The Borough Council proceeds on the basis of "open government" however certain types of information is necessarily exempt or confidential and

the maintenance of integrity and sensitivity behind that information is therefore essential. The Freedom of Information Act, 2000, provides rights of access to anyone wishing to see information held by the Council (except personal data which is subject to the Data Protection Act, 1998). You must assist any person to gain access to information to which they are entitled by law. The Council's publication scheme issued under the Freedom of Information Act, 2000, outlines those categories of information to which the public have access. The Council will apply any exemptions for the non-disclosure of information only when required to do so in compliance with the law. Accordingly, you must not allow access to information given to you in confidence or information which you believe is of a confidential nature without the consent of the person authorised to give it unless you are required to do so by law. The Data Protection Act, 1998 and the Council's Data Protection Policy sets out key requirements for the handling of personal data. In addition, all employees should be aware and conform with the Council's 'Internet and e-mail' policy. Employees should also familiarise themselves generally with the Council's information security procedures and related guidance which should be followed at all times to protect all information held by the Council.

- 4.2** Employees should not use any information obtained in the course of their duties for personal gain or benefit, nor should they pass it on to others that might use it in such a way. The Council is committed to ensuring that its information systems are only used for purposes which are lawful and acceptable to the Council. You should be aware that the Council has the right to monitor e-mail, telephone calls, websites visited and all files created by you. You must therefore bear in mind the office environment and respect your colleagues in respect of messages or images on computers, mobile phones etc.
- 4.3** The confidentiality of information received in the course of an employee duties should be respected and must never be used for personal or political gain. Employees must not knowingly pass information on to others who might use it in such a way. If an employee believes that information should be disclosed in the public interest they should follow the Council's adopted procedures under the 'Whistle-blowing' policy and any applicable confidential reporting policies of the Council.
- 4.4** Employees must not communicate confidential information or documents to others who do not have a legitimate right to know. Furthermore, information which is stored whether on computer systems or manually must only be disclosed in accordance with the requirements of the Data Protection Act 1998.
- 4.5** Information given in the course of an employee's duties should be accurate and fair and never designed to mislead.

## **5. Paid Employment Outside the Council**

- 5.1** Some employees have conditions of service which require them to obtain written consent to take on any outside employment and even where this is not the case, there are presumptions against certain officers taking secondary employment/business activity unless specific consent has been obtained. All employees should be clear about their contractual obligations and should not take any outside employment which conflicts with the Council's interests.

- 5.2** You are not allowed to use the equipment and resources of the Council on any outside employment without permission from your line manager. Employees should also follow the Council's rules on the ownership of intellectual property or copyright created during their employment.

**6. Gifts and Hospitality**

- 6.1** You must not accept any personal gifts, other than those of a modest/token nature (e.g. calendars, diaries or other small articles for obvious use) or being an otherwise inexpensive gift. Guidance should always be obtained either from your line manager or from the Council's Monitoring Officer if you are offered a gift which has or could be construed as being more than of token value. In order to ensure transparency, employees are requested to formally register any gift on the form appended to this guidance.
- 6.2** You must also refer all offers of hospitality to your line manager and generally you should not accept offers of hospitality unless you can answer in the affirmative, the following:
- Can the hospitality be justified to the Council, public and media?
  - Can I be sure the hospitality will not be subject to legitimate criticism?
  - Is the extent of the hospitality reasonable and appropriate?
  - Can a response to the level of hospitality be given in an appropriate fashion?
  - Am I comfortable with the decision to accept the hospitality?
- 6.3** You should only accept offers to attend social/sporting events where these are clearly part of the Council's role in the community and where the Council would expect to be represented. When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures operating within the Council.
- 6.4** When receiving authorised hospitality, employees should still be particularly sensitive as to its timing in relation to decisions which the Council may be taking which potentially affects those providing the hospitality. Where visits to inspect equipment, vehicles, land or property etc. are required, employees should ensure that the Council meets the cost of such visits without jeopardising the integrity of subsequent purchasing decisions.
- 6.5** When an outside organisation wishes to sponsor or is seeking to sponsor the Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.
- 6.6** Where the Council wishes to sponsor an event or services, neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full prior disclosure to the Council of any such interest. Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

## **7. Corruption**

- 7.1** Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, deed, reward or advantage in doing or not doing anything or showing favour or disfavour to any person in their official capacity.
- 7.2** The Bribery Act, 2010, effectively repeals all previous statutory provisions in relation to bribery and instead replaces them with the following offences:
- The crime of bribery
  - The crime of being bribed
  - The bribery of a foreign public official
  - The failure of a commercial organisation to prevent bribery on its behalf.
- 7.3** A person will commit the crime of bribery when a person offers, gives or promises to give a 'financial or other advantage' to another individual in exchange for "improperly" performing a "relevant function or activity". The offence of being bribed, is defined as requesting, accepting or agreeing to accept such an advantage, in exchange for improperly performing such a function or activity.
- 7.4** Employees are reminded that if they are aware that they have an interest whether financial or otherwise in any contract involving the Council they are under a legal obligation (Section 117 of the Local Government Act, 1972 refers) to disclose that interest. Such disclosures should be passed to your senior line manager or if necessary, to the Council's Chief Executive, as Head of Paid Service or alternatively to the Council's Monitoring Officer or Section 151/Chief Finance Officer.

## **8. Use of Resources**

- 8.1** Employees must also ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid challenge to the Council.
- 8.2** Employees should always ensure that any facilities such as transport, stationery, computer or secretarial services provided by the Council used in their duties are used strictly for those duties and for no other purpose. This will not prohibit staff from "working from home" and from time to time taking necessary equipment home for this purpose. However, as a safeguard, you should alert your line manager that you are intending to take home valuable equipment.

## **9 Safeguarding**

- 9.1** All employees must undertake their work (and associated training) in accordance with requirements laid down in support of the Council's duties for safeguarding and protecting children, young people and vulnerable adults.
- 9.2** An employee must comply with any legal requirements of the Council to declare any criminal convictions



- 9.3** Employees must not conduct themselves in a way that is contrary to any relevant policy and/or procedure of the Council. This includes conduct which would bring into question their suitability to work with children, young people and vulnerable adults.
- 9.4** All employees working with children, young people and vulnerable adults have a responsibility to maintain public confidence in their ability to safeguard the welfare and best interests of children, young people and vulnerable adults. It is therefore expected that they will adopt high standards of personal conduct in order to maintain the confidence and respect of the public in general and all those with whom they work.
- 9.5** There may be times, for example, when an employees' behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour is considered to compromise their position in the workplace or indicate unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.
- 9.6** Employees in contact with children, young people and vulnerable adults should therefore understand and be aware that safe practice also involves using judgement and integrity about behaviours in places other than the work setting.
- 9.7** The behaviour or actions of an employee's partner or other close family member may raise similar concerns and may require careful consideration by the employee and the Council as to whether there may be a potential risk to children, young people and vulnerable adults in the workplace.

## **10. Equality Issues**

- 10.1** All local government employees should ensure that policies relating to equality issues as agreed by the Council are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality. The Council is committed to promoting equality of opportunity and to eliminating discrimination within its own employment practices and service delivery and therefore you must follow the Council's 'Equality and Diversity in Employment' policy and other policies covering these matters.

## **11. Appointments**

- 11.1** Policies covering recruitment and selection must be followed to ensure that all appointments are made on the basis of merit.
- 11.2** If you are involved in the recruitment and selection process and have any kind of relationship with any applicant which might affect your ability to be impartial, that relationship must be declared. The existence of such a relationship will preclude your involvement in the recruitment and selection process.
- 11.3** If you have been lobbied by an applicant, a colleague, a Councillor or any other person you must report the matter to your line manager. You must also not lobby a Councillor or a colleague either directly or indirectly to secure your own appointment or promotion, or the appointment or promotion of any other person.

**11.4** Personal relationships between colleagues who work together can give rise to conflicts of interest. Employees should therefore be mindful of such situations and be prepared to inform their Line Manager. Any information declared or so disclosed should be recorded on the employees' personal files and treated in strict confidence.

## **12. Media**

**12.1** When acting in matters initiating or responding to contact with the media this should only take place when this has been authorised by the Council. You must follow any guidance issued by the Council particularly in times of particular sensitivity eg. the so called "Purdah period" during the holding of elections and also have regard to the Code on Recommended Practice relating to local authority publicity as issued under the Local Government Act, 1986.

**12.2** As an ordinary citizen, you are entitled to express your views about the Council, provided you do not make use of any private or confidential information gained through your work with the Council. However, you should not in your capacity as an employee criticise the Council either through the media or at a public meeting or in any written communication with members of the public. This clearly does not preclude an employee of the Council reporting on, or acknowledging improvements required in the work of the Council where this is a requirement of the employee's duties or responsibilities. In more serious cases where an employee reasonably believes the commission or likely commission of an offence would warrant a "protected disclosure" being made in the public interest, then the same is permissible through the Council's "Whistle Blowing" policy and procedure" which is available upon the Council's Intranet and conforms with the Public Interest Disclosure Act, 1998 as inserted into the Employment Rights Act, 1996. The Act covers behaviour which amounts to:

- A criminal offence
- A failure to comply with any legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment; and
- The concealment of information about any of the above matters.

**12.3** If you have any concerns about any such behaviour and you wish to raise them to report your concerns to your immediate line manager or if you feel you are unable to discuss your concern with your line manager or other Chief Officer within your service area, then you can report your concerns to the Council's Monitoring Office or with a representative of a recognised Trade Union.

**12.4** This provision will not have application to a Trade Union official, when acting in that capacity.

## **13. Access to your Councillor and the use of Complaints Procedure**

**13.1** As a member of the public you are entitled to raise with your Councillor any complaint which you have about the services of Hartlepool Borough Council. Employees are expected to do this in their own time and not to use Council resources to express their views or to lobby Councillors. You are perfectly entitled to proceed with a complaint using the Council's own 'Corporate Complaints Procedure'. However, if your complaint concerns any aspect of

your work with the Council you should make use of the Council's Grievance Procedure.

- 13.2** As an employee you are entitled to expect equality of treatment with colleagues, managers and from Councillors. If you feel that you have been unfairly treated or been discriminated against you are perfectly entitled to make use of the appropriate Council procedures. You should also approach a trade union for advice if you are a member or you may choose to take independent legal action, if you prefer.

#### **14. Computer Use**

- 14.1** The Council wants employees to use computers to the full and to feel competent and comfortable about doing so. However, it is essential that computers are used appropriately. Any reference to computers should be taken to mean all computer equipment and any associated technology.

#### **15. Misuse of Computers**

- 15.1** The misuse of Council resources is a serious matter and may result in employees being subject to disciplinary and, where appropriate, legal action.
- 15.2** Guidance documents exist within the Council in relation to the use of computers and information technology. Employees must be familiar with, and abide by the Council's policies on computer use.
- 15.3** Private use of Council facilities, such as computers (including use of the Internet), stationery and fax machines, is governed by these documents. Employees should not arrange to receive correspondence, telephone calls and fax messages in the Council related to outside work or private interests.
- 15.4** An employee who is aware or reasonably suspects that abuse of computers, email or the internet is taking place should consider reporting this information in a timely manner to their Line Manager, if necessary, in accordance with the Council's Whistle-blowing policy. .
- 15.5** The Council will monitor the use of computers etc in compliance with statutory provisions.. A record of any sites accessed by staff is automatically stored on the system and may be examined later if misuse is suspected.

#### **16. Use of Social Networking Sites**

- 16.1** The growing popularity of personal web logs (blogs) and social networking sites, such as Facebook and MySpace, may raise issues for the Council, particularly where employees choose to write about their work and the Council in which they are employed.
- 16.2** In this connection, the Council have adopted an Internet & Email Policy / Social Networking Policy; a copy of which is available from your Line Manager. Employees should ensure that they do not publish or incite or allow anyone else to publish material which may criticise a fellow employee, Councillor or any individual or body which would bring the Council into disrepute.

#### **17. Disciplinary Action**

- 17.1** This Code of Conduct is provided in order to ensure a degree of certainty. Any areas which require clarification should be queried with your line manager as appropriate. Any contravention of the provisions of this Code may lead to the matter being dealt with through the Disciplinary Procedure.

## PRO-FORMA

<b>Officers Name:</b>	
<b>Service Area:</b>	
<b>Gifts and Hospitality:</b>	
<b>Date:</b>	
<b>Received From:</b>	
<b>Given to or received by:</b>	
<b>Type of gift/nature of hospitality:</b>	
<b>Action taken e.g. accepted/refused/passed to a charity/etc.:</b>	
<b>Relevant circumstances/ comments:</b>	
<b>Employee interest:</b>	
<b>Date:</b>	
<b>Signed: (Officer)</b>	
<b>Counter-signed: (Line Manager)</b>	

# FINANCE AND POLICY COMMITTEE

13<sup>th</sup> October 2014



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** SAFER HARTLEPOOL PARTNERSHIP DRAFT  
REDUCING RE-OFFENDING STRATEGY 2014-2017

## 1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-key Decision.

## 2. PURPOSE OF REPORT

2.1 To present and seek comments from the Finance and Policy Committee on the second draft of the Safer Hartlepool Partnership Reducing Re-offending Strategy 2014-2017.

## 3. BACKGROUND

3.1 The Crime and Disorder Act 1998 established a statutory duty for the Local Authorities, Police, Fire Brigades, Clinical Commissioning Groups and Probation Trusts to work together to address local crime and disorder, substance misuse and re-offending issues. Collectively these five bodies are known as the Responsible Authorities and make up the Safer Hartlepool Partnership.

3.2 Following the Safer Hartlepool Partnership Development Day held in April 2013, the Safer Hartlepool Partnership agreed that there was a need to develop a local Reducing Re-offending Strategy to tackle high rates of re-offending whilst at the same time managing changes brought about by the Government 'Transforming Rehabilitation' agenda.

## 4. STRATEGY DEVELOPMENT

4.1 In September 2013 the first draft of the Reducing Re-offending Strategy was presented to and approved by the Safer Hartlepool Partnership; however it was acknowledged that finalisation and consultation on the strategy should

be delayed pending findings from the Audit and Governance investigation into the level, complexities and impact of re-offending in Hartlepool.

- 4.2 Following the conclusion of the Audit and Governance investigation in May 2014, the strategy was revised, second draft as attached at **Appendix 1**, and approved for consultation by the Safer Hartlepool Partnership on 18<sup>th</sup> July 2014.
- 4.3 The overall aim of the strategy is – ‘To break the cycle of reoffending by ensuring that local services are co-ordinated in a manner that meets the needs of offenders, whilst at the same time ensuring local communities remain safe’. It is proposed that this will be achieved through the focus on three key objectives:
- Improving pathways out of re-offending.
  - All partners working together with the needs of offenders and public safety at the heart of service planning.
  - Delivering a local response to local problems through a better understanding of offending behaviour and impact of interventions.
- 4.4 In addition an action plan, attached at **Appendix 2**, underpinning delivery of the strategy has been developed by the Safer Hartlepool Partnership Reducing Re-offending Task Group, taking into account key findings from the Offender Housing Needs Event held in December 2013 and ongoing work to develop a Tees-wide single Integrated Offender Management (IOM) scheme, to address the behaviour of our most chaotic and priority offenders.
- 4.5 Responsibility for delivery against the strategic objectives and action plan has been allocated to the Safer Hartlepool Partnership Reducing Re-offending Task Group, where performance will be monitored by the Safer Hartlepool Partnership.

## 5. NEXT STEPS

- 5.1 The draft strategy is being consulted upon in accordance with the Voluntary and Community Sector Strategy undertaking (this contains the former consultation codes of the Hartlepool Compact). The results of the consultation on the second draft of the Reducing Re-offending Strategy 2014-2017 will be considered and used to inform the production of the final draft which will be presented to the Safer Hartlepool Partnership in October 2014 for adoption.

## 6. LEGAL CONSIDERATIONS

- 6.1 Under the Crime and Disorder Act 1998 the Safer Hartlepool Partnership has a duty to provide a co-ordinated response to reducing crime and disorder, tackling substance misuse, and reducing re-offending in Hartlepool.

**7. EQUALITY AND DIVERSITY CONSIDERATIONS**

- 7.1 Effective implementation of the strategy will ensure that offenders are not placed at a disadvantage in relation to the provision of local services, as well as protecting our most disadvantaged and vulnerable communities who are at the greatest risk of crime and anti-social behaviour.

**8. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 8.1 Failure to implement a reducing re-offending strategy will undermine the Safer Hartlepool Partnerships ability to fulfil its statutory obligations under Section 17 of the Crime and Disorder Act 1998 to reduce re-offending.

**9. RECOMMENDATION**

- 9.1 Finance and Policy Committee is requested to note and comment on the draft Safer Hartlepool Partnership Reducing Re-offending Strategy 2014-2017.

**10. REASON FOR RECOMMENDATION**

- 10.1 As a Responsible Authority, the Local Authority has a statutory obligation under the Crime and Disorder Act 1998 to reduce re-offending in Hartlepool.

**11. BACKGROUND PAPERS**

Report to Safer Hartlepool Partnership 5<sup>th</sup> July 2013 - Safer Hartlepool Partnership Development Day Feedback

[http://www.hartlepool.gov.uk/egov\\_downloads/05.07.13\\_-\\_Safer\\_Hartlepool\\_Partnership\\_Agenda.pdf](http://www.hartlepool.gov.uk/egov_downloads/05.07.13_-_Safer_Hartlepool_Partnership_Agenda.pdf)

Report to Safer Hartlepool Partnership 27<sup>th</sup> September 2013 – Reducing Re-offending in Hartlepool

[http://www.hartlepool.gov.uk/egov\\_downloads/27.09.13\\_-\\_Safer\\_Hartlepool\\_Partnership\\_Agenda.pdf](http://www.hartlepool.gov.uk/egov_downloads/27.09.13_-_Safer_Hartlepool_Partnership_Agenda.pdf)

Report to Audit and Governance Committee 15<sup>th</sup> May 2014 – Draft Final Report – Re-offending Investigation

[http://www.hartlepool.gov.uk/egov\\_downloads/15.05.14\\_-\\_Audit\\_and\\_Governance\\_Committee\\_Agenda.pdf](http://www.hartlepool.gov.uk/egov_downloads/15.05.14_-_Audit_and_Governance_Committee_Agenda.pdf)



Report to Safer Hartlepool Partnership 18<sup>th</sup> July 2014 – Reducing Re-offending Strategy 2014-2017 -

[http://www.hartlepool.gov.uk/egov\\_downloads/Safer\\_Hartlepool\\_Partnership.pdf](http://www.hartlepool.gov.uk/egov_downloads/Safer_Hartlepool_Partnership.pdf)

## 12. CONTACT OFFICERS

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# **Hartlepool Reducing Re-offending Strategy**

## **2014-2017**

*'Breaking the cycle of re-offending by ensuring that local services are coordinated in a manner that meets the needs of offenders, whilst at the same time ensuring local communities remain safe.'*

## Contents

<b>Foreword.....</b>	<b>Page 3</b>
<b>National Context.....</b>	<b>Page 4</b>
<b>Local Context.....</b>	<b>Page 5</b>
<b>The extent of re-offending in Hartlepool.....</b>	<b>Page 6</b>
<b>The needs of offenders and pathways out of re-offending....</b>	<b>Page 8</b>
<b>Strategic Priorities.....</b>	<b>Page 10</b>
<b>Monitoring Delivery of the Reducing Re-offending Strategy..</b>	<b>Page 11</b>

## Foreword

I am very pleased to be able to introduce the Hartlepool Reducing Re-offending Strategy 2014-2017 which has been developed by the Safer Hartlepool Partnership.

The strategy builds in the excellent work that has been going on in Hartlepool for a number of years now.

Despite this, re-offending continues to be of great concern in Hartlepool, with a small number of offenders causing a disproportionate amount of crime and disorder in our local community.

As a partnership we need improve pathways out of re-offending and ensure services meet the needs of offenders, whilst at the same time keeping the Hartlepool community safe.

**Cllr Christopher Akers-Belcher**  
**Chair of the Safer Hartlepool Partnership**

## National Context

Nationally, significant changes are currently underway in relation to the transformation of rehabilitation services with the aim of bringing about greater reductions in re-offending and addressing the wider harm caused to the community by re-offending behaviour.

Re-offending has a personal cost for victims. In many cases this may be an immediate financial loss, but it is the impact of crime on the mental and physical well being of victims that can often have long lasting devastating consequences on individuals, and their families.

Re-offending also has a broader economic impact on society in general (estimated to be over £4bn annually). Investment in prisons and probation has not realised reduced reoffending rates with those sentenced to under 12 months receiving no form of statutory support in the community. This has led to a review in the way rehabilitation services could be delivered in the future. As such the recently published report 'Transforming Rehabilitation: A Strategy for Reform' (May 2013) sets out governments plans to transform the way rehabilitation services will be delivered in the future underpinned by the following principles:

- Offenders need to be **supported through the prison gate**, providing consistency between custody and community.
- Those released from **short-term sentences**, who currently do not get support, need rehabilitation if we are to bring their offending under control.
- **Public protection** is paramount, and the public sector must take the role in keeping people safe.
- **The voluntary sector** has an important contribution to make in **mentoring** and turning offenders lives around.
- Nothing will work unless it is rooted in **local partnerships** and brings together the full range of support, be it housing, employment advice, drug treatment or mental health service.

The reforms thus make provision for: new 'through the gate' services and designated resettlement prisons where prisoners will be returned for at least 3 months prior to release; the extension of rehabilitation to the most prolific offenders (those receiving less than a 12 month custodial sentence); the opening up of competition for the delivery of rehabilitation services to a wider range of providers; and the introduction of a payment by results system.

The new system which will go live in autumn 2014 also introduces a new national public sector probation service which will retain the management of offenders who pose a high risk of serious harm to the public. For those offenders falling outside of the 'high risk' category new providers of services

will be expected to integrate with existing local partnerships to make the new system work. In this respect 21 contract package areas have been identified nationally with the current Durham Tees Valley Probation Trust area being identified as one contract package area.

As such intelligence on local needs and priorities will be fundamental in informing the future commissioning process, as will the commissioning priorities of local partners, including the Police and Crime Commissioner (PCC), and health providers.

The new providers are also expected to have regard to PCC Plans, and once contracts are let, new providers are expected to work collaboratively with PCCs who are in turn expected to engage with providers through local forums such as Community Safety Partnerships, thus ensuring that providers are working together to deliver local priorities and reduce crime in local areas.

The key role for local Community Safety Partnerships in this new landscape will therefore be to ensure that the full range of local support services are co-ordinated in manner that meets the needs of offenders whilst at the same time keeping the Hartlepool community safe.

## **Local Context**

Over the last seven years crime and disorder rates in Hartlepool have been reducing year on year with the most recent statistics for 2012/13 showing a reductions of 9.7% in relation to crime and a reduction of 22.4% in relation to anti-social behaviour. However, compared to our local peers Hartlepool continues to have the second highest crime and anti-social behaviour rate across the Cleveland force area, and in terms of re-offending, according to the Ministry of Justice single proven re-offending measure Hartlepool has the second highest re-offending rate nationally (October 2011-2012).

Within this context the national reforms underway in relation to rehabilitation services will inevitably present some key challenges for the Safer Hartlepool Partnership.

Engaging with new providers of rehabilitation services will require an investment in developing good quality relationships if we are to make the system work. Equally local partners will also need to consider how they will deal with the increased demand for their services following the statutory expansion of rehabilitation services to those offenders receiving a custodial sentence of less than twelve months.

Having a clear picture of who the re-offenders are in Hartlepool, why they reoffend and the likely demand on services is therefore crucial to successfully delivering rehabilitation services in the future to reduce re-offending and the broader harm caused to communities.

## **The Extent of Re-offending in Hartlepool**

According to the Ministry of Justices single 'proven reoffending' measure Hartlepool has the second highest reoffending rate nationally.

The single 'proven re-offending' measure was introduced by the Ministry of Justice in 2011 with the aim of providing a consistent measure enabling communities to hold local service providers to account. This data is published on a quarterly basis in relation to adults and juveniles, who, within a rolling period of 12 months have:

- Received a caution, reprimand or warning; or
- Received a court conviction other than immediate custody; or
- Were discharged from custody; or
- Tested positive for class A drugs on arrest

In an effort to provide some further insight into re-offending in Hartlepool, additional analytical was undertaken by the Safer Hartlepool Partnership examining a cohort of Hartlepool reoffenders for the period April 2012 - March 2013. This work looked at who the offenders are, who is currently working with them, and the types of offence committed. The top 10 offenders were also identified along with the breadth of their offending behaviour and where they were likely to commit offences.

### **Who are the re-offenders in Hartlepool?**

The analysis reveals that during the 12 month period a total cohort of 1,704 offenders were identified with 531 of these offenders having committed a reoffence within the 12 month period.

The majority of re-offenders were adults (93%), with 84.4 % (420) being male. Within the male reoffending cohort the 21-24 years age group and 29-31 years age group were dominant but this was also accompanied by a spike in the number of male adult re-offenders aged 18 years, the majority of which were previously known to the Youth Offending Service. The age range in relation to female re-offenders in the group was also slightly different with the 23-25 years and 31-34 years age groups being predominant.

## **Which services are the re-offenders engaged with?**

42% of the adult re-offending cohort were known to probation and many of these (16%) were receiving intensive intervention via the Integrated Offender Management Team (IOM), known locally as the Criminal Justice Interventions Team (CJIT), or the Team around the Household Initiative (TAH). All juvenile re-offenders (33) within the re-offending cohort were known to the Youth Offending Service and were therefore receiving intensive intervention to address their re-offending behaviour

Significantly, just over one third of the re-offenders tested positive for opiates or cocaine and a similar percentage (35%) were known to local drug and alcohol treatment services.

## **What are the predominant types of re-offences committed?**

Crimes of an acquisitive nature represented over a third of the re-offences committed by re-offending cohort with a further 14% of re-offences being linked to violence against the person with 35% of violence re-offences being domestic related. Of interest, the offending profile of those re-offenders not known to probation showed a slight difference in terms of the types of reoffences committed with those re-offenders not known to Probation committing more anti-social behaviour related crimes such as drunk and disorderly and criminal damage offences.

The differences in offending behaviour across gender was also apparent with more than one third (39%) of female re-offenders committing shoplifting offences, compared to 22% of males. Within the re-offending cohort males were also more likely to commit serious acquisitive crime offences such as burglary and violence offences, with 8% of male re-offenders also being Prolific and Priority Offenders (PPOs).

Substance misuse, particularly opiates, was found to be a motivating factor in re-offending across both genders within the cohort, but females are more likely to seek support from treatment service than males.

## **What is the profile of the top ten re-offenders in Hartlepool 2012/13?**

The profile of the top ten adult re-offenders displays the breadth of their offending in Hartlepool but most noticeably, only seven of the offenders were known to probation with only one being a PPO, and six of the offenders being High Crime Causers (HCCs). Further geographical analysis also demonstrated that the top ten adult re-offenders tend to reside in and offend in the most vulnerable and disadvantaged communities in Hartlepool.



## **The needs of offenders and pathways out of re-offending**

Both national and local research indicates that adults and young people who offend are often the most socially excluded in society with the majority often having complex and deep rooted problems, such as substance misuse, mental health, homelessness and financial problems.

Improving pathways out of re-offending through the provision of local services that meet the needs of offenders, and tackling their issues in a holistic, and coordinated way is therefore fundamental to achieving the reduction in reoffending that is anticipated by government through their reforms.

An 'offender centric' approach is already evident in local initiatives in Hartlepool, including the Integrated Offender Management Team, and Team around the Household Initiative where it has been used to great success with offenders being at the centre of service design supported by a multi-agency team underpinned by a restorative approach to reducing offending.

However, addressing the underlying causes of re-offending in order to prevent re-offending is recognised as an inherently complex task and in many cases may require services to be reshaped to meet the need of offenders and growing demand for services.

The main criminogenic needs of offenders and therefore pathways out of reoffending are generally identified as follows:

- Accommodation
- Employment, Training, and Education
- Health – physical and mental
- Drugs and Alcohol
- Financial management
- Attitudes, thinking and behaviour, and relationships

A further insight into the criminogenic needs of those re-offenders known to Durham Tees Valley Probation Trust has also been provided as a result of analytical work undertaken by the Trust during 2012/13. This piece of work informs that those offenders who go onto re-offend within the Durham Tees Valley area have a different criminogenic needs profile to those who don't go on to re-offend, with accommodation, employability, drugs and alcohol, and financial management being the key factors to addressing their offending behaviour.

The importance of the drug and alcohol treatment pathway is also evident in the data collated by the Safer Hartlepool Partnership, and following the need for greater collaboration in the commissioning of health services being

identified at the Safer Hartlepool Partnership development day held in April 2013.

Regard is also given to recent regional research into pathways to rehabilitation undertaken by ANEC/NOMs (Reducing Reoffending in the North East: improving joint working between prisons and local authorities June 2013) which sets out how 'through the gate' services could be improved to reduce reoffending through improved joint working between local authorities and prisons. Of particular note in this respect is the growing evidence base highlighted in the report suggesting that by far the most important criminogenic need / pathway to rehabilitation is accommodation.

This is also supported through the evaluation of the local Team around the Household Initiative which involved some of the most difficult families/households to engage with in Hartlepool. These were households where offending behaviour had been passed from one generation to the next, sometimes across as many as five generations, and all of the households were known to all local agencies for the wrong reasons.

During 2011 the Safer Hartlepool Partnership identified these households for intensive intervention due to the negative impact their offending behaviour was having on the local community. Offender engagement with the TAH process was consensual, and without exception all offenders involved in the initiative had accommodation needs with the offer of appropriate accommodation often being the hook to get offenders engaged in the TAH process. The evaluation also demonstrated that having the right housing for the households involved was key to stabilising household members and reducing/stopping their offending behaviour.

For agencies involved in the TAH process the management of the households involved was also easier. Similar to Multi Agency Public Protection Assessment (MAPPA) arrangements, by sharing the risk, both potential victims, and the broader community were given maximum protection whilst giving offenders the best chance to rehabilitate. This subsequently resulted in improved financial management and increased employability prospects for those offenders involved.

The local 'Offender Housing Needs Group', chaired by the Safer Hartlepool Partnership Housing Sector representative, has also identified that whilst appropriate accommodation is, and can be made available to offenders through increased flexibility in allocation policies, and greater collaboration with 'through the gate' services, there is both a clear need for an improved understanding of existing locally commissioned services across all pathways, together with the need to provide day to day support for offenders to ensure

that offenders remain on the right track in order to break the cycle of their reoffending.

From an operational perspective moves are also underway to explore the criminogenic needs profile of the top ten offenders as identified by the Partnership and merging the best practice of the IOM approach and the TAH approach. This will result in an individual action plan for each offender with sanctions developed on the basis of an offender profile that enables all needs and interventions to be assessed and outcomes measured.

However, it is the view of the Offender Housing Needs Group, that on the basis of existing evidence, the Safer Hartlepool Partnership, should give consideration to pooling resources to commission the service of a specialist housing advisor dedicated to working with re-offenders in Hartlepool. The Group also recommends that the need for day to day support for offenders in order to keep offenders on the right track and break the cycle of reoffending should remain paramount. The type and level of support required for the total cohort of re-offenders is therefore something that requires further investigation.

## Strategic Priorities

The Safer Hartlepool Partnership has a statutory duty to develop a strategy to reducing reoffending in Hartlepool. High reoffending rates in Hartlepool and changes in national policy, together with national, regional and local research indicates that the main thrust of a local reducing reoffending strategy for Hartlepool should be to:

*‘Ensure that local services are coordinated in a manner that meets the needs of offenders, whilst at the same time ensuring local communities remain safe.’*

It is proposed that this will be achieved locally by focusing on:

- Improving pathways out of re-offending
- All partners working together with the needs of offenders and public safety at the heart of service planning.
- Delivering a local response to local problems through a better understanding of offending behaviour and impact of interventions.

The strategy will be backed by an action plan based on the above objectives, and the collation of ongoing evidence with appropriate outcomes will be adopted to measure the success of the strategy and direction of travel in relation to the cohort of re-offenders identified.

In relation to criminogenic needs and pathways to services, the

accommodation pathway will be a priority in the first year of the strategy with consideration being given as to how this pathway can be improved, and ensuring that the support of a specialist housing advisor is in place.

## **Monitoring Delivery of the Reducing Re-offending Strategy**

An action plan has been produced that details how the aim and objectives of the Strategy will be achieved.

It is imperative that progress made against the Strategy is managed and monitored. This will be overseen by the Safer Hartlepool Partnership Reducing Re-offending Task Group. The action plan will be monitored on a quarterly basis and reviewed annually by the Safer Hartlepool Partnership to ensure that delivery is being achieved as well as to ensure that it is kept up to date with any changes in national or local policy.

DRAFT



## Safer Hartlepool Partnership Reducing Re-offending

### DRAFT ACTION PLAN

This action plan accompanies the Safer Hartlepool Partnership Reducing Re-offending Strategy and underpins its implementation. This plan details how we will achieve and monitor the objectives set out in the strategy. The actions contained within this plan contribute to the overarching aim of the strategy which, is to 'Ensure that local services are co-ordinated in a manner that meets the needs of offenders, whilst at the same time ensuring local communities safe'.

Objective 1: Improving pathways out of re-offending						
Priority	Key Action	Progress Measure	Responsibility Resource	Timescale	Progress	Outcome
1.1 Improve housing pathways for offenders within the custody setting.	<p>Create a Housing Liaison post to work between the custody setting and local housing teams/landlords to help offenders to find tenancies in advance of release date.</p> <p>Develop supported housing provision in Hartlepool for the most problematic offenders from the Hartlepool area.</p>	<p>Increase in the number of referrals into housing support services.</p> <p>Increase in the number of offenders leaving the custody setting into suitable accommodation.</p> <p>Increase in the number of PPOs into supported accommodation on release from custody into the local area</p>				<p>Offenders have improved access to appropriate accommodation on leaving the custody setting.</p> <p>Offenders leaving custody have access to supported accommodation in Hartlepool</p>
1.2 The development of improved partnership working with checks in place to ensure flexibility	Housing advice to begin in adequate time prior to release from custody	Increase in the number of offenders receiving Housing advice no less than				Offenders in custody have improved access to housing advice

in local approaches to the housing of offenders, and that there is no stigma applied to offenders in the allocation of housing.	<p>Review and streamline the Compass application process, including housing history</p> <p>Agencies to have a shared understanding of the need and risk of offenders. Explore the feasibility of introducing the use of one risk assessment form, accompanied by a workable risk management plan.</p>	<p>3 months prior to release from custody</p> <p>Increase in the number of offenders being placed in appropriate accommodation</p> <p>Risk assessment agreed and in place</p>				<p>Offenders receive an improved service through the housing options centre that is non-discriminatory and flexible to their address needs resulting in increased access to appropriate housing.</p> <p>The risks to the community in relation to re-offending are shared and there is improved management of risk between agencies</p>
1.3 Improve the employment pathway for those leaving custody.	Explore local involvement with schemes similar to the 'Change for Change' scheme operated at Deerbolt Prison encouraging the provision of employment /apprentice opportunities for ex-offenders with	Increase in the number of offenders leaving custody going into training and employment within the local authority area				Offenders leaving custody have increased employment and training

	businesses and within the local authority context					
1.4 Address unemployment and poor educational attainment in disadvantaged areas, to raise aspirations and challenge the cycle of offender behaviour across generations.	Pilot the Our Place programme in the Dyke House Area of Hartlepool by developing a partnership of employment and training providers linking employment and training opportunities to the Hartlepool vision	Pilot Programme commenced in the Dyke House area				A network of employment and training providers is in place to raise aspirations of the Local residents in the Dyke House area
1.5 Improve offender mental health pathways through the early identification of problems and the early intervention of mental health /drug alcohol services.	Criminal Justice Liaison and Diversion Service be developed in Hartlepool.	An increase in offenders/those at risk of offending receiving a mental health assessment and referrals to appropriate mental health/drug and alcohol services Plans are in place for the joint commissioning of the criminal justice liaison and diversion service considered by the CCG/public health and PCC				Offenders with mental health /substance misuse problems have improved access to health and social services at the earliest opportunity
1.6 Work to improve the finance and benefits pathway by developing better co-ordination of services to offenders on the day of release from	Explore the introduction of a 'one-stop shop' to bring services and benefits directly together for offenders upon their	Increase in the number of offenders receiving co-ordinated services on release from custody				Offenders are provided with the services they need on release from custody to prevent them from reoffending and re-entering the

custody particularly around benefits	release.					prison system
1.7 Support families to maintain relationships where a family member receives a custodial sentence	<p>Ensure as far as possible prison placements to be within the local area</p> <p>Process for Team Around Meetings to be established across the custody setting, linking with Troubled Families agenda.</p>					Offenders and their families are able to maintain their relationships beyond the prison gate and have the opportunity to joint plan for release to reduce the risk of reoffending

**Objective 2: All partners working together with the needs of offenders and public safety at the heart of service planning.**

Priority	Action	Progress Measure	Responsibility Resource	Timescale	Progress	Outcome
2.1 Implement a co-ordinated approach to address the needs of offenders, using a Team around the Offender' model and IOM principles as a template for the provision of holistic offender/centric services	<p>Ensure continuation of IOM model through the new Community Rehabilitation Company</p> <p>The continued development and delivery of holistic/offender centric plans incorporating risk, criminogenic needs, and the inclusion of a range of sanctions falling outside those attached to sentencing</p>	<p>Number of PPOs/HCCs/DRR offenders supported through the IOM approach</p> <p>Increased offender engagement with services and an increase in the breadth of sanctions used to ensure compliance with offender management plans</p>				<p>IOM cohort identified and receiving co-ordinated and intensive interventions to reduce their offending behaviour.</p> <p>Multi-agency holistic offender management plans are used by all agencies working with offenders incorporating criminogenic needs.</p>



<p>2.2 Embed a restorative approach to reducing re-offending and improving victim satisfaction with the punishment of offenders</p>	<p>Ensure restorative interventions are offered to all victims of crime.</p> <p>Explore with Cleveland Police the further development of the extension of the triage service to adults</p> <p>Those working with offenders to receive training in restorative interventions</p> <p>The Community Payback scheme to be supported, and in taking it forward additional training be provided for staff to equip them to effectively interact with ex-offenders in a work environment</p>	<p>Increase in the number of victims of crime receiving restorative interventions</p> <p>Triage scheme developed with an increase in adult offenders receiving punishments outside of the court processes</p> <p>Increase in the number of those working with offenders receiving training in restorative interventions</p> <p>New agreement established for the continuance of Community Payback in Hartlepool in conjunction with the CRC, and HBCs Community Safety and Environmental Services</p> <p>Toolbox Talk developed – increase in the number of HBC staff trained on how to interact with</p>				<p>Offenders have a Increased awareness of the impact of their offending behaviour resulting in subsequent reductions in offending</p> <p>Victims feel that justice has been done and have an improved satisfaction with the criminal justice process</p> <p>Increased visibility in justice being done within the community setting and an increase in the number of offenders putting something back into the community</p>
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		offenders in the workplace				
2.3 Improve the transition of young re-offenders into adult services.	Review the needs of 16/17 year re-offenders current to YOS.	Assessments are in place for all young offenders moving from child to adult offender management services				Services have a better understanding of the needs of this group of offenders and are able to improve the support provided resulting in a reduction of the reoffending rate of this particular group
2.4 Ensure adequate substance misuse support services are in place for offenders that adopt a Team Around Approach to support delivery of integrated offender management plans  Plans for the joint commissioning of the criminal justice liaison and diversion service considered by the CCG/public health and PCC	Review and Re-commission drug support services through Criminal Justice Interventions Team	Drug services are reviewed and successfully commissioned to ensure integration and support for the delivery of offender management plans		March 2015		Offenders with substance misuse issues are provided with a holistic wrap around service that address their criminogenic needs to improve outcomes across health, employment, housing, and reduced reoffending behaviour

**Objective 3: Delivering a local response to local problems through a better understanding of offending behaviour and impact of interventions.**

Priority	Action	Progress measure	Responsibility Resource	Timescale	Progress	Outcome
3.1 Improve the identification of the most problematic offenders.	Review the current Integrated Offender Management (IOM) selection and de-selection process.	Standardised matrix and selection/de-selection process in place that addresses local priorities and the criminogenic				Improved knowledge and effective management of offenders resulting in a reduction in the reoffending rate of the

		needs of offenders				IOM cohort and improved public safety
3.2 Avoid duplication and loss of effectiveness in service delivery following the reform of offender management services	<p>New NPS and CRC to be represented on the SHP as statutory partners with accountability for the management of offenders within the community and the protection of the public</p> <p>Reducing Re-offending Task Group to take responsibility for management of the reducing reoffending strategy action plan</p> <p>SHP /HBC to be represented on Teeswide Single IOM Steering Group</p>	<p>Members are invited and are attending partnership meetings</p> <p>SHP are provided with regular progress and performance updates from NPS and CRC including PBR claims etc</p> <p>Reducing Re-offending group established supported by HBC Community Safety Team and Director of CRC (Chair)</p> <p>Safer Hartlepool to agree Single IOM terms of reference and Partnership involvement in the Teeswide single IOM group</p>				<p>The new NPS and CRC are integrated into local partnership arrangements resulting in improved pathways and management of offenders and reduced risk of harm to the public</p>
3.4 Improve understanding of the impact of interventions and benefits	Adopt a suite of indicators that adequately demonstrate the impact and progress in relation to multi-agency approaches to reducing reoffending					Improved understanding of the impact of interventions and benefits within the new landscape

# FINANCE AND POLICY COMMITTEE

13 October 2014



**Report of:** Assistant Chief Executive

**Subject:** NORTHGATE COMMUNITY FUND

## 1. TYPE OF DECISION

For information only.

## 2. PURPOSE OF REPORT

- 2.1 To inform the Finance and Policy Committee of the allocations made by the Northgate Community Forum.

## 3. BACKGROUND

- 3.1 A report was presented to the Finance and Policy Committee on 28<sup>th</sup> March 2014 which outlined the background to the establishment of the Northgate Community Fund.
- 3.2 The ICT contract, with Northgate, provided for the provision of a contribution to the local economy beyond a number of other commitments made which included significant job creation and reinvestment in the infrastructure and ICT services for the Council. There are a number of aspects to this which give an overall value, on an annual basis, which Northgate have committed to as part of the new contract. One of the commitments as part of the contract is the Northgate Community Fund of £40,000 per annum, £10,000 of which is match funding the Gus Robinson Foundation for scholarships through the Hartlepool College of Further Education (as already agreed by Finance and Policy Committee.)
- 3.3 The remaining £30,000 has been made available to the voluntary and community sector (VCS), the Council, other public sector partners and Northgate. The agreed aims of the Fund were agreed at Finance and Policy Committee and are to reduce the proportion of individuals, small businesses and charities without basic IT skills and increase the number of people accessing digital services.
- 3.4 The priorities which were established for the use of the fund were to be targeted towards:

- The cost of training courses to enhance core IT skills offered in the community via community groups.
- Those changes coming through as a result of the implementation of Universal Credit which may be support by both the investment in skills and access to equipment but which may also require the provision of access on line to book appointments and progress applications etc
- Establishing a network for community based digital champions to help promote on line service take up. Some members of the public will remain digitally excluded because they are unwilling to use and will need others to help them use on-line services.
- Establishing facilities to support the training of local people, schools and teachers to enhance digital skills.

3.5 The deadline for applications was Friday 27 June with a total of 7 applications received.

3.6 The applications have been considered by the Northgate Community Forum and the report considered is attached as **Appendix B** which includes details of the projects to be supported.

3.7 It was agreed to support the Red Dreams project only if the group were successful in achieving the other funding identified as part of the bid

3.8 For reference in the consideration of the Rifty Youth Project application Councillor C Akers Belcher did not take part in the discussion or decision

#### 4. **RECOMMENDATIONS**

4.1 To note:

- i) the allocations made by the Northgate Community Fund Forum, attached as **Appendix A**.
- ii) That the Red Dreams allocation will only be progressed if they are successful with other funding applications
- iii) that the balance of the fund will be rolled forward to next years allocation

#### 5. **BACKGROUND PAPERS**

Item 6.2 from Finance and Policy Committee on 28<sup>th</sup> March 2014  
Minutes from Finance and Policy Committee on 28<sup>th</sup> March 2014  
Northgate Community Fund Forum Report on 11<sup>th</sup> September 2014

#### 6. **CONTACT OFFICER**

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## 7.1 Appendix A

<b>Organisation</b>	<b>Cost of Project</b>	<b>Requested</b>	<b>Awarded</b>
Incontrol-Able	£5,003	£5,003	£5,003
Rifty Youth Project	£4,937	£4,937	£4,937
Hartlepool Deaf Centre	£1,400	£1,400	£1,400
West View Advice and Resource Centre	£12,414	£5,000	£5,000
Red Dreams	£28,272	£5,000	£5,000
Wharton Trust	£9,280	£2,600	£2,600
Hartlepool College of Further Education	£11,149	£5,000	£5,000

# **NORTHGATE COMMUNITY FUND FORUM**

**Thursday 11 September 2014**



**Report of:** Assistant Chief Executive

**Subject:** NORTHGATE COMMUNITY FUND ALLOCATION  
2014/15

## **1. PURPOSE OF REPORT**

- 1.1 To seek approval from the Northgate Community Fund Forum on the allocation of the Northgate Community Fund for 2014/15.

## **2. BACKGROUND**

- 2.1 A report was presented to the Finance and Policy Committee on 28<sup>th</sup> March 2014 which outlined the background to the establishment of the Northgate Community Fund.
- 2.2 The ICT contract, with Northgate, provided for the provision of a contribution to the local economy beyond a number of other commitments made which include significant job creation and reinvestment in the infrastructure and ICT services for the Council. There are a number of aspects to this which give an overall value, on an annual basis, which Northgate have committed to as part of the new contract. One of the commitments as part of the contract is the Northgate Community Fund of £40,000 per annum, £10,000 of which is match funding the Gus Robinson Foundation for scholarships through the Hartlepool College of Further Education (as already agreed by Finance and Policy Committee.)
- 2.2 The remaining £30,000 has been made available to the voluntary and community sector (VCS), the Council, other public sector partners and Northgate. The agreed aim of the Fund is to reduce the proportion of individuals, small businesses and charities without basic skills and increase the number of people accessing digital services.
- 2.3 The priorities which have been established for the use of this fund may vary over time. However, at this stage, the following form the key priorities with funding and activity to be targeted towards:
- The cost of training courses to enhance core IT skills offered in the community via community groups.
  - Those changes coming through as a result of the implementation of Universal Credit which may be support by both the investment in skills

and access to equipment but which may also require the provision of access on line to book appointments and progress applications etc

- Establishing a network for community based digital champions to help promote on line service take up. Some members of the public will remain digitally excluded because they are unwilling to use and will need others to help them use on-line services.
- Establishing facilities to support the training of local people, schools and teachers to enhance digital skills.

2.4 The deadline for applications was Friday 27 June with a total of 7 applications received.

2.5 All of the applications have been initially assessed by Officers of Northgate and the Council. The summaries below and recommendations are their agreed and joint summaries and recommendations. Hard copies of the applications are available from Kirsty Swanson if required.

### 3. APPLICATION DETAILS

#### 3.1 Incontrol-able

##### **Recommend Approve**

3.1.1 Incontrol-able are an established Disabled People's User led organisation (DPULO), based at the CIL, who actively consult with their members and disabled people in the community about issues that are important to them.

The proposed project is to loan tablets to blind and visually impaired people living in Hartlepool to enable them to access digital media within their homes and at selected venues within the community. The project will be overseen by a part time Co-coordinator competent in information technology and communication skills. The scheme will work in partnership with the local Blind Welfare Association, Hartlepool Borough Council and other bodies. Referrals would come from these agencies and via self referral. As a result, those with a sight problem will be able to readily access employment, social, leisure, health and other opportunities which will help them to improve their quality of life in a number of ways that they would be otherwise unable to do so.

3.1.2 Continuing support to users will be given in the form of 1:1 help from the coordinator in their own homes and in group sessions and individually at the Central Library/Blind Welfare Association. Over the course of the project at regular intervals there would be 'collective sessions' bringing all users together to hear of news, information and any developments, to share experiences and to encourage a mutually supportive culture.

3.1.3 The proposed project is based on the models of 'Social Prescription' and 'Conditions Management' – empowering people to look after themselves at



lower cost, but potentially making for savings through fewer visits to GP's and less medication due to maintained/improved emotional well being.

The service aims to increase capacity and uptake of people with sensory loss accessing digital media and online services to be able to access local information, social media and maintain, or form new relationships.

- 3.1.4 It is Incontrol-ables target to support up to 50 people over the term of the project which equates to providing support to 20% of the visually impaired population in Hartlepool which is envisaged to change the mind set of people with sensory loss who will begin to consider 'digital media' as an option to maintain/identify a method of communication. The project will promote choice, independence and control for individuals with visual impairments.
- 3.1.5 The role of the Project Co-coordinator will be to maintain accurate records, data and the impact of the service for people referring and to produce a report in both quantitative and qualitative evidence that can be shared with funders and stakeholders.
- 3.1.6 The Assistive Technology Act 1998 endorses and promotes the value of 'assistive technology devices' which greatly help to increase and improve the functional capabilities of people with disabilities, including those with a visual impairment. Limitations of existing 'specialist' equipment and analogue methods make communication and consultation with people with sensory loss difficult and the aim of this project is for people to accept digital media as the way forward as an option to maintain/identify a method of communication.
- 3.1.7 Social isolation is one of the key factors related to mental ill health for people with sensory loss and this is something this project is looking to address (Joint Strategic Needs Assessment 2012/13 (JSNA)).
- 3.1.8 The difference Incontrol-able are hoping to make is that people experiencing a visual impairment will become more independent, empowered, confident, self-managing and socially included. They will become aware of opportunities for example regarding work, leisure and education and be able to readily access these. They will have less reliance on health services for example, as they become more adept at being able to do things independently. In turn this will mean they are less anxious, stressed and isolated and able to take a more active role in everyday life. Having access to a 'suite' of mobile applications running on a 'tablet' provides people with no or little previous experience of technology a simple and safe means of connecting with, for example, family, friends, care providers and others. All of this goes an appreciable way in putting those with a visual impairment on an equal footing along non-impaired people.
- 3.1.9 The cost's associated with this project are as follows:

Facilitator Salary	£3,453
iPads/Tablets x 5	£1,250
Internet Units x 5 x 12 months	£125
Insurance	£175

**TOTAL** **£5,003**

### 3.2 Rifty Youth Project

#### Recommend Approve

- 3.2.1 The Rifty Youth Project was established in 2009 and is delivered twice a week from the Masefield Community Centre (Manor House) for young people aged between 8 and 18 years of age. Between 50 and 100 young people access the service per week and the project delivers a variety of recreational activities for young people to access but also simply provides a safe environment for young people to socialise. The project seeks to deliver awareness raising sessions, particularly focusing on risk taking behaviour such as alcohol, drugs and sexual health, delivers a Citizenship Programme and provides a Homework Club facility for young people to access.
- 3.2.2 The Rifty Youth Project is currently considering a specific IT project to assist with their current issue based work programme. Given that the project is located within the Manor West ward, a large proportion of which falls within the top 10% most disadvantaged nationally (IMD 2010), children and young people that are accessing the service and the Centre in which the project is based, are living in an area which has a broadly very poor employment, skills and health outlook. The Rifty are currently trying to build the capacity of their organisation in order to try and mitigate against the effects of these poverty factors, and would like to maximise the Northgate Community Fund opportunity to deliver the following:
- Build the skills of the children and young people and also volunteers
  - Provide flexible IT equipment and online facilities for children and young people to complete their homework supported by project volunteers
  - In conjunction with the Benefits Advice Worker currently based in the building one morning per week, provide use of the equipment obtained to the wider community who may wish to utilise the resources to complete jobs searches, complete online benefits and claimant forms or generally seek information, advice and guidance online.
- 3.2.3 The Masefield Road Community Building is a locally based facility which is currently hosting the services of the NHS, the Rifty Youth Project, Rift House Community Action Team (CAT) and Benefits and Advice Support, and it is felt that the IT project will further enhance the offer of the 'community hub'. This facility will facilitate the training of local volunteers and young people, whilst also providing access to vital IT and online equipment in order for local residents to access information about employment, education or training, or any other purpose deemed appropriate.

- 3.2.4 This project will enable 10 volunteers and 10 young people to access IT and internet safety training along with ensuring that 50 – 100 young people per week have access to IT equipment and online facilities for educational purposes.
- 3.2.5 The project will be aimed at alleviating the effects of child poverty on educational attainment, employment and skills in a priority ward, enhancing the offer of welfare and benefits advice from a local based community facility, creating local access to IT and internet provision.
- 3.2.6 Evidence will be collected in the form of attendance registers and satisfaction surveys to measure the success and usage of the facilities that this fund would allow the project to provide.
- 3.2.7 The costs associated with this project are as follows:

Laptops x 4	£2,000
iPads x 3	£957
Printer	£100
Internet Costs	£480
Training Provider	£1,400
<b>TOTAL</b>	<b>£4,937</b>

### 3.3 Hartlepool Deaf Centre

#### Recommend Approve

- 3.3.1 Hartlepool Deaf Centre promote the welfare of deaf, deafened and hearing impaired people in Hartlepool by providing general support, information, advice, advocacy, representation, social and recreational activities and support. Hartlepool Deaf Centre also lobbies for better Deaf access to local health and social services.
- 3.3.2 The project is looking to provide core IT skills to a select group of participants from a hard to reach group. To do this they will provide skills to members of the Deaf community which will include tuition in using a range of computer based applications and also communicating with Hartlepool Borough Council's Deaf Social Care Officer. Older members of the Deaf Community in particular struggle with using digital equipment and are unable to attend mainstream courses due to their hearing loss; this means they are excluded from engaging with online services.
- 3.3.3 A 10 week training course will be held for a total of 6 attendees, mainly aimed at the 50 plus age group as younger Deaf people tend to be more IT literate. Ongoing support will then be provided for computer access and support/assistance to help Deaf people to access online services, ultimately this will reduce social isolation.

3.3.5 The costs associated with this project are as follows:

Room Hire x 10 including Computer access	£250
2hrs IT Tuition Fees x 10	£400
2hrs BSL Interpreter Fees x 10	£750
<b>TOTAL</b>	<b>£1,400</b>

### 3.4 West View Advice and Resource Centre (WVARC)

#### Recommend Approve

- 3.4.1 Based in West View Community Centre and established in 1983 the main business of the WVARC is currently to offer welfare benefits advice and support to disadvantaged people within Hartlepool on issues such as debt, housing benefit, disability benefits and welfare rights. Services are offered via centre based appointments, outreach work and limited home visits.
- 3.4.2 The proposed project will involve WVARC working alongside the HAPEN Advice Network (<http://www.hapen.co.uk/>) to establish a series of IT and Digital Skills Workshops across four different locations in Hartlepool. The target audience for the project is 128 residents of which at least 25% will be female, 25% will be aged 16-25 years, 25% will be aged 50 plus and the remaining 25% across any demographic. Each workshop will run for 8 weeks for 2.5 hours per week and will be delivered by a tutor to be recruited by WVARC
- 3.4.3 The main aim of the workshops is to increase the confidence of clients using IT equipment and deliver basic IT training. Learn how to use Jobsearch and other recruitment websites, guidance on money management and safe use of the internet.
- 3.4.4 Upon completion of the programme clients will be encouraged to become 'Digital Mentors'. Through the HAPEN Advice network a Volunteer Induction Programme will be delivered and the aim of this is to promote further uptake of the services on offer to the local community.
- 3.4.5 The effectiveness of the programme will be measured via client feedback. Prior to the commencement of the programme a Rickter scale assessment would be carried out to ascertain each attendee's level of ability and confidence. This would be reviewed again at week 4 and again upon completion. Each attendee will be asked to complete an online survey for evaluation purposes. WVARC will work closely with Jobcentre Plus to obtain feedback from clients they have referred.

## 3.4.6 The costs associated with this project are:

Salary for tutor for 16 hours per week	£7,270
Stationery/consumables	£1,200
Accommodation	£2,400
Recruitment	£500
Travel	£444
Marketing & advertising	£300
Volunteer expenses	£300
<b>TOTAL</b>	<b>£12,414</b>
	(Requesting £5,000 from fund)

N.B. Funding had been awarded from the HAPEN Advice Network for the remaining balance.

3.5 **Red Dreams****Recommend Approve**

- 3.5.1 Red Dreams is a charity working with young people within the creative arts and media. They act as a resource for young people in Hartlepool and surrounding areas by promoting funding and encouragement of individuals or groups of young people within the arts, chiefly performing visual, media and written arts as a means of advancing their lives, developing their skills, capacities and capabilities and in the process enabling them to participate in society as independent, mature and responsible individuals.
- 3.5.2 The proposed project involves improving and enhancing the facilities in order to support, train and mentor local groups surrounding IT and digital literacy. They propose to deliver a number of workshops and training courses on basic IT skills to enhance day to day life. Such as social media, shopping, banking and some more complex skills such as digital editing for photography, music and film and Microsoft Office packages.
- 3.5.3 The workshops and training courses will be delivered via four 6 week training courses (one 6 hour day per week) with 8 attendees and the more advanced training would be delivered via six 1 day workshops for up to 12 people. A project manager would oversee the administration and learner development and the courses delivered by qualified and experienced tutors.
- 3.5.4 The outcomes of the programme will be measured using client feedback, prior, during and upon completion of the course. The number of attendees would be used to measure take-up. Feedback from the tutors would be used to measure the effectiveness of the course and to adjust accordingly to ensure the best possible outcomes for clients.
- 3.5.5 The proposed costs of the project are:

Staffing	£17,352
Running Costs	£6,920
Equipment	£4,000
<b>TOTAL</b>	<b>£28,272</b>
	(Requesting £5,000 from fund)

N.B. Funding had been awarded from the Durham Community Foundation for part of the remaining balance, approval expected mid September for the remaining balance.

### 3.6 Wharton Trust

#### Recommend Approve

#### 3.6.1 The Annexe supports individuals, groups and the wider community of Hartlepool by:

- Supporting people to access employment and training opportunities through their access to employment programme which incorporates a weekly UK Online session.
- Promoting healthier lifestyles amongst all ages including fitness club and public health advice. They are also a partner in the Teesside University “role emerging” scheme, placing Occupational Therapy students in non -hospital settings.
- Helping to alleviate poverty through the distribution of food which would otherwise go to landfill through the FareShare programme and working alongside Hartlepool Credit Union to promote fairer banking.
- Engaging children and young people in positive activities, including junior and senior youth clubs operating 6 sessions per week, and one to one intensive support with our most troubled children.

#### 3.6.2 The Wharton Trust is the only voluntary sector UK Online Centre Partner in Hartlepool; they are one of only two in the town, the other being the Central Library. (<http://www.ukonlinecentres.com/>) Residents are encouraged to sign up to the UK Online ‘Learn My Way’ Programme which covers information in the following themes:

- Health
- Jobs and Skills
- Maths
- Safety

#### 3.6.3 The proposed project will build on the current successful model of loaning out tablets to demonstrate the accessibility and responsiveness of mobile technology to access individually relevant information. The organisation proposes to purchase 8 further tablets for use in the centre and as part of future outreach activities. Staffing costs will be covered via the funding obtained via room hire charges.

3.6.4 The project aims to provide an additional 20,400 hours of access to IT for local clients. (50 hours per week x 8 tablets = 400hours/wk. x 51 weeks). Usage will be monitored via a sign in and out sheet to obtain an accurate figure. The success of the project will be monitored via in depth listening with clients on a regular basis to find out why they used the facilities, what difference it made to their lives and what they would do if the facility wasn't available.

3.6.5 Proposed costs for this project are:

8 x tablets	£2,600
Staff Time 10 hrs. per week	£5720
Wireless Access	£960
<b>TOTAL</b>	<b>£9280</b>
	(Requesting £2600 from fund)

N.B. Funding only requested for equipment.

### 3.7 Hartlepool College of Further Education

#### Recommend Approve

3.7.1 Hartlepool College is a local further education college based in the centre of Hartlepool. Many students are from wards which are the most deprived in England. The college is the main provider of apprenticeships in the town drawing employer support from the wider Tees Valley and County Durham. The college has been praised by Ofsted in successive visits for the work with employers and subsequent apprenticeship provision.

3.7.2 The proposed project involves the college working with Northgate to further develop the Northgate Academy within the college. This will be a dedicated resource for apprentice and professional training using the latest technology. The project will procure the smart board and tablets/laptops required for this. The resource will also be offered for meetings and master class sessions for teachers in the college and wider community. The project also aims to use the same technology for adults in the community who lack digital literacy skills. Flexible bite-size courses will be offered free of charge in a range of venues across Hartlepool. Upon completion students will be able to continue their learning independently by accessing a number of on-line modules.

3.7.3 It is expected the project will impact the following:

- 500 adult learners engaged in flexible-introductory level learning
- 150 adult learners engaged in second stage accredited training
- 100 teachers to use the facility for CPD in year 1
- 50 apprentices to have access to the facility in year 1

3.7.4 The costs associated with this project are:

Interactive Touchscreen x 1	£5699
Dell Laptops x 10	£5450

**TOTAL** **£11, 149**  
(Requesting £5,000 from fund)

N.B. Funding agreed by the Hartlepool College Executive Team for the remaining balance.

#### **4. CONCLUSIONS**

- 4.1 The applications received all meet the requirements of the scheme as it was agreed by Finance and Policy Committee and also the expectations of Northgate as part of their commitments to the Council and the Town.
- 4.2 The applications meet a broad range of needs and potentially disadvantaged or excluded groups and are therefore beneficial in up skilling and providing opportunities for a range of local people.
- 4.3 The equipment will have a life beyond these allocations and so can continue to be used in the community beyond the one year of funding provided by this scheme.

#### **5. RECOMMENDATIONS**

- 5.1 The Forum are requested to note the content of the report and approve the proposed allocations as detailed in Section 4 which equate to a total of £28,940.

#### **6. REASONS FOR RECOMMENDATIONS**

- 6.1 To allocate the funding available from the Northgate Community Fund for 2014/15.

#### **7. BACKGROUND PAPERS**

- 7.1 Item 6.2 from Finance and Policy Committee on 28<sup>th</sup> March 2014  
Minutes from Finance and Policy Committee on 28<sup>th</sup> March 2014

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# FINANCE AND POLICY COMMITTEE

13 October 2014



**Report of:** Corporate Management Team

**Subject:** CLAWBACK – THE DOMES, TEES ROAD SEATON  
CAREW HARTLEPOOL – RISK MANAGEMENT  
ARRANGEMENTS

**1. TYPE OF DECISION**

Non Key Decision – for information.

**2. PURPOSE OF REPORT**

- 2.1 In response to the Council resolution on 19<sup>th</sup> September 2014 to consider the risk management arrangements for any potential liabilities associated with the agreement signed in relation to the Sports Domes at Seaton Carew.

**3. BACKGROUND**

- 3.1 A number of reports relating to this issue have previously been considered by the Finance and Policy Committee and Council, as briefly summarised in the following paragraphs:

**3.2 Report to Finance and Policy Committee 28<sup>th</sup> March 2014**

- 3.3 The report reminded Members of the previous decision to release the restrictive covenant on land at Tees Road in order to facilitate the construction of 2 domes for recreational use. The cost of developing the domes was funded by the developer selling part of the site for residential development.

- 3.4 The report also reminded Members that the Council had negotiated a minimum compensation payment for the release of the covenant based on a proportion of the difference in value between recreational land and residential development land. This arrangement was covered by a Clawback Deed, which is a well established and normal legal practice for this type of arrangement. The release of the covenant was agreed subject to the payment of the agreed value. In order to facilitate the development and aid cash flow agreement was reached for either payment by the developer in instalments over a period of 15 years or if the development was sold the payment of a minimum agreed value or market value whichever was the highest.

- 3.5 The report advised Members that the current owner of the domes was negotiating the sale of the business to another developer who had plans for further investment in this facility. In order to facilitate this development the Council was asked to dispose of the clawback interest in the domes for a one off payment. Officers considered the value of the one off payment proposed and how this compared to the projected net income stream over a 15 year period with minimum staged payments. It was recommended to Members that taking account of risk and financial issues that disposal of the Council's interest in the domes for a one-off financial amount was the appropriate option as the one off payment will exceed the net present value of the project income stream and remove the inherent risks associated with annual payments over a 15 year period.
- 3.6 The report confirmed the potential for instalment payments had not been reflected in the current Term Financial Strategy (MTFS) as the timing of the first payments falls outside the period covered by the 2014/15 MTFS. In addition, the potential to now receive a one-off payment to purchase the Council's interest in the site is not included in the MTFS as this situation was not anticipated to arise when the MTFS was prepared.
- 3.7 Members were also advised that on the basis of Members approving the request to dispose of the Council's interest for a one-off payment a strategy for using this money would need to be developed. This strategy would need to consider the financial risks facing the Council, which were detailed in the MTFS report and include the achievement of capital receipts, including the development of Jackson's Landing and/or the onward sale of this land for development. The availability of this one off funding will help the Council address these risks.
- 3.8 In the event that Members wished to consider using an element of these resources for one off priorities it needed to be recognised that this would reduce the resource available to manage risk. Therefore, it was recommended by the Chief Finance Officer that the majority of funding was allocated to manage financial risks.
- 3.9 Whilst, not directly related to the request to dispose of the Council's interest, the development of the Domes will provide an increase in Business Rates and the Council will retain 49% of this increase under the Business Retention changes implemented in April 2013. Similarly, the associated housing developments at Seaton Carew will provide increased Council Tax income and New Homes Bonus payments in future years.
- 3.10 **Report to Council 3<sup>rd</sup> April 2014**
- 3.11 The report considered by the Finance and Policy Committee was then considered by Council. Council approved the proposal to allocate the majority of the clawback payment towards cash-backing the value of the existing Growing Places interest free loan secured to purchase the Jacksons Landing Site. Members were advised that it was not possible to provide the

final amount to be allocated towards this risk, as detailed negotiations had not been concluded and forecasting a figure would prejudice the Council's financial position. However, it was indicated that as soon as a figure is agreed detailed will be reported to Council.

- 3.12 It was also proposed that part of the clawback monies would be allocated to fund one-off initiatives covering:
- £34,000 for Free Swims during the 2014 Summer holidays;
  - £80,000 to fund 2 Enforcement Officer posts for 2 years;
  - £131,000 to match fund one-off funding provided by the Government for Highways Maintenance issues.

3.13 The above proposals were approved by Council.

3.14 **Council 3<sup>rd</sup> July 2014**

3.15 Council was advised that during the period February 2014 to April 2014 there had been one 'Special Urgency Decision' taken by the Finance and Policy Committee, which related to the Domes issues reported to Finance and Policy Committee on 28<sup>th</sup> March 2014 and then referred to Council on 3<sup>rd</sup> April 2014.

**4. Risk Management of Liabilities**

4.1 Potential liabilities fall into two categories – legal risks and financial risks. The measures to mitigate these issues are detailed in the following paragraphs.

**4.2 Legal Risks**

4.3 The arrangements implemented to originally release the restrictive covenant protected the Council's legal position by putting in a place a Clawback Deed which will secure a financial payment over an agreed period, or an earlier date if the property was sold within the agreed period.

4.4 The effectiveness of the Clawback Deed is demonstrated by the negotiations the current owner commenced with the Council when the opportunity to dispose of the domes arose, as this sale cannot proceed without the Council agreement and the payment of monies to secure this agreement.

**4.5 Financial Risks**

4.6 As is the case with any disposal there is a financial risk until legal contracts have been exchanged and payment has been received by the Council. As detailed in paragraph 3.5 officers had assessed the value of achieving a one-off payment compared to annual instalments over a 15 year period and recommended the one off instalment as the appropriate option.

- 4.7 The financial risk of using the one-off domes income has been managed by not spending monies until these have been received. Therefore, whilst the Council has made decisions on how these monies will be spent when they are received, these projects are not contractual commitments. Therefore, in the event that the domes monies are not received these projects will not be progressed.
- 4.8 The only exception is in relation to the summer 2014 free swims where a decision needed to be made to either not proceed with this initiative, or to identify alternative funding. The decision was reached that as a contingency this amount will need to be funded from the 2014/15 General Fund revenue budget outturn if the domes monies are not received.
- 4.9 The majority of the forecast domes monies are earmarked towards managing the repayment of the existing Growing Places interest free loan secured to purchase the Jackson's Landing site. The allocation of these monies, together with monies already allocated, would completely remove the financial risk if the site was not developed, or an onward sale not completed by August 2015, which is the date the Growing places loan needs to be repaid.
- 4.10 When the decision to purchase Jackson's landing was made Members were advised of the potential financial risks of the development being delayed beyond 2015. The financial risk mitigation put in place at that time earmarked one off resources to reduce the need for replacement Prudential Borrowing until the development could be complete. The forecast unbudgeted loan repayments cost in 2015/16 would be around £25,000 for the part- year and a full year cost of £50,000 from 2016/17.
- 4.11 The opportunity to potentially allocate the domes money will largely remove the risk of having to use Prudential Borrowing for Jackson's Landing if this is delayed beyond August 2015. This was not known when the decision to purchase Jackson's Landing was made. Therefore, on the basis of the domes monies being received the Council will be in a better position than forecast when the decision to buy Jackson's Landing was made. Ultimately, Officers are working towards achieving the development of the Jackson's Landing site and when this is complete this will remove this financial risk and secure the redevelopment of this area.

## **5 CONCLUSION**

- 5.1 The Council has effective risk management arrangements in place to manage a range of potential service and financial risks arising from the delivery of complex day-to-day services and one-off projects. These arrangements are based on identifying potential risks and the development of appropriate risk mitigation.
- 5.2 In terms of financial risks the arrangements are unpinned by robust budget management processes and the Council's multi-year strategic approach for managing budgets and reserves.

- 5.3 This report concentrates on potential risks in relation to the monies to be achieved from the domes. As indicated in the report proposals for using these monies once they are received have been approved. However, as these proposals are not contractual commitments there is no financial risk to the Council if the anticipated domes monies are not received.
- 5.4 The report highlights the linkages in relation to allocating the majority of the domes monies towards mitigating the risks of the Jacksons landing development being delayed beyond August 2015. These arrangements were approved after the original decision to purchase Jackson's Landing was made. Therefore, if the domes monies are not received the Council will have to manage the original forecast risk in relation to Jacksons Landing by using Prudential borrowing to fund the repayment of part of the Growing Places loan.
- 5.5 The original reports to the Finance and Policy Committee and Council reflected the professional advice of the Corporate Management Team (i.e. the Chief Executive, the Director of Regeneration and Neighbourhood Services, the Director of Child and Adult Services and the Assistant Chief Executive), the Chief Finance Officer and the Chief Solicitor. This advice is equally relevant to this report.
- 5.6 Clearly, the delay in the receipt of the one-off monies from the domes is frustrating. However, these issues have been reported openly, as far as practical within the constraints of not undermining the Council's negotiating position. In the event, and there is no suggestion at this stage that this will be the case, that the one-off payment is not received the Council will still be able to enforce the terms of the original Clawback deed i.e. the Council will receive annual instalment over a 15 year period, or a one-off payment upon sale of the domes.

## **6. RECOMMENDATIONS**

- 6.1 It is recommended that Members note the report.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 To enable Members to consider the risk management arrangements for any potential liabilities associated with the agreement signed in relation to the Sports Domes at Seaton Carew.

## **8. BACKGROUND PAPERS**

Finance and Policy Committee on 28<sup>th</sup> March 2014 – Item 8.  
Council on 3<sup>rd</sup> April 2014 and  
Council 3<sup>rd</sup> July 2014.

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